

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-THIRD CONGRESS, SECOND SESSION.

IN THREE PARTS, WITH AN INDEX.

VOLUME III.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1875.

CONGRESSIONAL RECORD

THE PROCEEDINGS AND DEBATES

OF THE HOUSE OF REPRESENTATIVES

IN THREE VOLUMES WITH AN INDEX

VOLUME III

WASHINGTON

GOVERNMENT PRINTING OFFICE

1893

CONGRESSIONAL RECORD AND APPENDIX.

FORTY-THIRD CONGRESS, SECOND SESSION.

PART II.

CONGRESSIONAL RECORD.

[From January 28, 1875, to February 23, 1875.]

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

CONFIDENTIAL - SECURITY INFORMATION

under the direction of the Secretary of the Interior, on the easterly side of said road nearest to and not more than twenty-five miles from the track of said road; and on the westerly side of said road, nearest to it, and not more than forty miles from the track of said road, to make up such deficiency.

SEC. 2. That all the provisions and requirements of the act of which this is amendatory are hereby extended to, and made applicable in, the construction of the said road, as provided in this act.

Mr. SHERMAN. I see that that contains a land grant.

Mr. SPRAGUE. I move that it be postponed. I was not aware that it was a land-grant bill.

Mr. MITCHELL. I hope it will not be postponed. That is simply reiterating the old act.

Mr. SHERMAN. If there is any land grant in this bill, it is a different bill from what the Senator from Rhode Island supposed.

Mr. SPRAGUE. We had no intention of giving any land grant.

Mr. SHERMAN. Let the bill be passed over until we can see the nature of it. The Senator from Oregon says it is not a land grant. It is a land grant on its face.

Mr. MITCHELL. This simply recites the old act which was a land grant.

Mr. SHERMAN. Go on with the next bill, and I will look into this.

The PRESIDENT *pro tempore*. The bill will be passed over, if there be no objection.

Mr. SPRAGUE. I move to recommit the bill to the Committee on Public Lands.

The motion was agreed to.

OREGON CENTRAL PACIFIC RAILROAD.

Mr. SPRAGUE. I now ask for the consideration of House bill No. 4162.

The bill (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon, was considered as in Committee of the Whole.

Mr. WRIGHT. I should like to inquire of the chairman what the "thereafter" refers to in the proviso to the second section—"within ten years thereafter." After what?

Mr. SPRAGUE. After the definite location of the road.

Mr. WRIGHT. The meaning is, then, that the road shall be completed within ten years after the definite location of the line?

Mr. SPRAGUE. That is it.

Mr. WRIGHT. Then there is a provision in a subsequent section that it shall be completed in three years, is there not?

Mr. SPRAGUE. Section 4 is that it shall be commenced within three years and finished in ten.

Mr. WRIGHT. One other inquiry I wish to make. It is whether this bill does not provide for a larger grant than is usual in these bills; whether heretofore we have been granting a strip of two hundred feet in width or only one hundred feet in width?

Mr. SPRAGUE. One hundred.

Mr. WRIGHT. This provides for two hundred, as I understand.

Mr. SPRAGUE. It is one hundred on each side.

Mr. WRIGHT. Will the Secretary be good enough to read that portion of the bill?

The Secretary read as follows:

A strip of land one hundred feet wide on each side of the central line of said road through the public lands.

Mr. WRIGHT. I move to strike out "one hundred" and insert "fifty."

Mr. SPRAGUE. That is never done in this legislation.

Mr. WRIGHT. That is the width provided for the right of way in all the States, and I am sure it is sufficient.

Mr. SPRAGUE. No; it is one hundred feet on each side.

Mr. WRIGHT. I move to strike out "one hundred" and insert "fifty," to test the sense of the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHWESTERN DISPUTED LANDS.

Mr. SPRAGUE. I ask now for the consideration of Senate bill No. 959.

The bill (S. No. 959) providing for the appointment of a commissioner to ascertain the right of subjects of Great Britain to lands in the territory which was the subject of the award of the Emperor of Germany under the treaties of 1846 and 1871 between the United States and Great Britain was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF JAMES SINCLAIR.

Mr. SPRAGUE. I ask for the consideration of Senate bill No. 940. The bill (S. No. 940) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased, was considered as in Committee of the Whole.

The first section grants the tract of land known as the Military Timber reservation, in Walla Walla County, Washington Territory,

containing six hundred and forty acres, situated partly in township 7 north, of range 36 east, and partly in township 7 north, of range 37 east, of the Willamette meridian; the west half of it to Mary Sinclair, widow of James Sinclair, deceased, and the east half to Mary Sinclair and the heirs of James Sinclair, deceased.

The second section requires the Secretary of War to ascertain or cause to be ascertained the value of the timber and wood cut and removed by order of the military authorities of the United States from the tract of land described in the first section while the same was occupied as a military reservation, and also the value of the use and occupation of the tract of land during the same period.

The Committee on Public Lands proposed to amend the bill in line 5, section 1, by striking out "640" acres and inserting "641.64 acres."

The amendment was agreed to.

Mr. BOUTWELL. I should like to know if there is any communication from the Department in regard to that bill. It has passed out of my mind.

Mr. SPRAGUE. We had it up at the last meeting but one of the committee. There is a written report on the subject.

Mr. BOUTWELL. Would it not be well to state the grounds on which the bill is based?

Mr. SHERMAN. The report had better be read.

The Secretary read the following report submitted by Mr. KELLY, from the Committee on Public Lands, on the 15th of January, 1875:

The Committee on Public Lands, to whom was referred the bill (S. No. 940) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased, report as follows:

James Sinclair, a white man, was born in Rupert's Land, British America, in the year 1811, and became a naturalized citizen of the United States, having declared his intention to become such in Saint Paul, Ramsey County, Minnesota, in October, 1849. He was married to Mary Campbell on the 30th day of April, 1848, and, emigrating to Oregon, arrived in that Territory on the 24th day of November, 1850.

About the middle of September, 1855, he settled on a tract of land, containing six hundred and forty acres, in Walla Walla Valley, Washington Territory, particularly described in notification of unsurveyed lands No. 2403, filed in the United States land office at Vancouver, Washington Territory, on the 30th day of November, 1855.

On this tract of land he erected a dwelling-house and several outhouses, and with his family commenced to reside on it some time toward the latter part of September, 1855. During the same month he took with him to his claim between five and six hundred head of cattle and fifteen or twenty head of horses. He resided on the tract of land not more than a month or two, when Indian hostilities commenced in that section of the country, and all the settlers, including Mr. Sinclair and his family, were removed from Walla Walla Valley by order of Nathan Olney, United States Indian agent, for the purpose of securing their safety from the attacks of the Indians. So hurried was their removal that Mr. Sinclair's cattle and horses were left behind on his claim, and with the exception of about fifty head of the former all were killed by the hostile Indians or taken for beef by the Oregon volunteers engaged in suppressing the insurrection. All the buildings on his land claim were destroyed during that war. On the 29th March, 1856, while on his way to look after his cattle, Mr. Sinclair was killed by the Indians at the cascades of the Columbia, leaving at the time of his death a widow and three children, who now ask that the title of the land upon which he settled may be confirmed to them.

A year or two after the death of Mr. Sinclair the military post of Fort Walla Walla was established four or five miles from where his land claim was located, and at the same time the Sinclair claim was selected and taken as a timber reservation, for the purpose of supplying the military post with timber and fuel. The timber was cut off and used by the United States troops long ago, and the land is now useless as a military reservation; and for this reason it was transferred to the control of the Secretary of the Interior, and authorized to be sold by virtue of two acts of Congress, approved February 24, 1871, and June 5, 1872.

The fourth section of the act of Congress approved September 27, 1850, commonly known as the Oregon donation land law, is as follows:

"And be it further enacted, That there shall be, and hereby is, granted to every white settler or occupant of the public lands, American half-breed Indians included, above the age of eighteen years, being citizens of the United States, or having made a declaration according to law of his intention to become a citizen, or who shall make such declaration on or before the 1st day of December, 1851, now residing in said Territory, or who shall become a resident thereof on or before the 1st day of December, 1850, and who shall have resided upon and cultivated the same for four consecutive years, and shall otherwise conform to the provisions of this act, the quantity of one-half section or three hundred and twenty acres of land, if a single man; and if a married man, or if he shall become married within one year from the 1st day of December, 1850, the quantity of one section or six hundred and forty acres, one-half to himself and the other half to his wife, to be held in her own right; and the surveyor-general shall designate the part inuring to the husband and that to the wife, and enter the same on the records of his office."

The eighth section of the same act is as follows:

"That upon the death of any settler, before the expiration of the four years' continued possession required by this act, all the rights of the deceased under this act shall descend to the heirs at law of such settler, including the widow, where one is left, in equal parts; and proof of the compliance with the conditions of this act up to the time of the death of such settler shall be sufficient to entitle them to the patent."

The notification No. 1403, dated the 9th day of November, 1855, and filed by James Sinclair in the United States land office at Vancouver on the 30th day of the same month, and certified as correct by William Stephens, the register of the land office at Walla Walla, is in due form of law. A copy of this notification is hereto annexed, marked A. The residence of Mr. Sinclair on the tract of land claimed by him is proven by the testimony of John Moar, George Taylor, H. M. Chase, James Boyes, Andrew D. Pamburn, William McBean, and others. The fact that the Sinclair claim was the same as that taken and occupied as a timber reservation by the United States military authorities is established by the testimony of John Moar, James Boyes, H. M. Chase, Mrs. Mary Sinclair, and others. It is also known, as a part of the history of that country, that the Walla Walla timber reservation was located upon the land claim of James Sinclair, deceased.

The death of Mr. Sinclair, on the 29th day of March, 1856, is also proved by a number of witnesses, having been killed on that day by hostile Indians at the cascades of the Columbia.

All these facts being proven by clear and indisputable testimony, there can be no doubt that by virtue of the eighth section of the act of September 27, 1850, the title to the land embraced in his notification became perfected in his heirs at law and his widow, Mary Sinclair.

The United States surveys of the public lands were not extended over that section of the country until after the location of the timber reservation by the military officers. As soon, however, as they were made, or shortly afterward, Mrs. Mary Sinclair made an effort in the United States land office in Washington Territory to

establish the title of the widow and heirs of James Sinclair to the land embraced within the limits of his notification. The register and receiver of the land office, however, declined to receive her proofs, because the claim was included within the boundaries of the military reserve. After the passage of the act of Congress of February 24, 1871, authorizing the transfer of the Walla Walla reservation to the control of the Secretary of the Interior, to be sold, Mrs. Sinclair again made an effort to establish the title of herself and children to the land in question, and again the register and receiver of the United States land office at Walla Walla declined to receive her evidence of title, for the reason that the act of Congress referred to directed the Secretary of the Interior to sell the land embraced in the military reservation to the highest bidder, at not less than \$1.25 per acre.

Inasmuch as it appears that the widow and heirs of Mr. Sinclair have done all they could to assert their rights in the premises, and those rights appear to be unquestioned and unquestionable to the land embraced in his notification, the committee recommend that the land included in what is known as the military timber reservation at Walla Walla, 641.64 acres, be granted to the widow and heirs of James Sinclair, as set forth in Senate bill 940.

Mr. KELLY. I ask to dispense with the reading of the copy of the notification of the Land Office which is attached to the report. It is not necessary to read it unless it is specially called for.

Mr. EDMUNDS. I move to strike out the second section of the bill. It does not seem to be necessary.

Mr. KELLY. I hope that will not be done, and I will state the reason why. This land occupied by James Sinclair in 1855, and upon which he settled and the title to which became perfected in him according to the eighth section of the donation act for Oregon, was taken by the United States military authorities after his title became perfected. They took it for a timber reservation; they cut off all the timber from it. Mrs. Sinclair was left a widow, with three little children perfectly helpless. She has tried to get possession of her land at the Land Office; and while no one questioned her right to it, the Land Office could not act in the premises because it was in the possession of the United States military authorities. This lady, once in affluent circumstances, has been for a number of years past reduced to great poverty, through the unfortunate death of her husband and the destruction of her property by hostile Indians, and the volunteers who went there to suppress that rebellion. There is no reason why, after all these losses, the United States having taken possession of her land claim, cut off all the timber, should now leave her, after twenty years' occupancy, simply the land, stripped of all the timber upon it; it would be extremely unjust; and I hope no one will vote for striking out the second section.

The PRESIDING OFFICER. (Mr. FERRY, of Michigan, in the chair.) The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday.

Mr. SPRAGUE. I ask the honorable Senator from New York to allow us to finish this bill. Let us have fifteen minutes for the business of the Committee on Public Lands.

Mr. CONKLING. The Senator wants me to yield for fifteen minutes. I do not think I can refuse that.

The PRESIDING OFFICER. The time of the Committee on Public Lands will be extended fifteen minutes, if there be no objection. The question is on the motion of the Senator from Vermont to strike out the second section of the pending bill.

Mr. EDMUNDS. I do not think under the circumstances which are disclosed in this case that we ought to assume the responsibility of undertaking to pay for the use and occupation of this piece of land during all the time that the United States have occupied it.

Mr. SPRAGUE. I will agree to the amendment.

Mr. EDMUNDS. I think the section had better be stricken out.

Mr. KELLY. While I will not oppose the amendment at the present time, I give notice that I shall hereafter introduce a bill to provide for this.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out the second section, in the following words:

SEC. 2. That the Secretary of War be, and he is hereby, authorized and required to ascertain, or cause to be ascertained, the value of the timber and wood cut and removed by order of the military authorities of the United States from the tract of land described in the first section of this act while the same was occupied as a military reservation; and also the value of the use and occupation of the said tract of land during the same period.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read:

A bill granting six hundred and forty-one and sixty-four hundredths acres of land to the widow and heirs of James Sinclair, deceased.

HOLY CROSS MISSION.

Mr. SPRAGUE. I ask now for the consideration of Senate bill No. 411.

The bill (S. No. 411) for the relief of the Holy Cross Mission, in the Territory of Dakota, was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments. The first amendment was after the word "Congress," in line 6 of section 1, to strike out the words "so much" and insert "one hundred and sixty acres;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to withdraw from sale or settlement, under the provisions of the pre-emption and homestead laws of Congress, one hundred and sixty acres of the public lands.

The amendment was agreed to.

The next amendment was in line 12 of the same section, after the words "and so forth," to insert "now occupied."

The amendment was agreed to.

The next amendment was at the end of the first section to insert the following:

Provided, That said land shall include all school and church buildings and the cemetery thereon occupied.

The amendment was agreed to.

The next amendment was in section 2, line 3, to strike out the word "transfer" and insert "grant;" in line 4, to strike out "said portions of sections of" and insert "aforesaid;" so as to make the section read:

SEC. 2. The Secretary of the Interior shall be further authorized to grant to the said Holy Cross Mission board the aforesaid land, for the sole and exclusive use of said Holy Cross Mission.

The amendment was agreed to.

The next amendment was to add to the second section the following proviso:

Provided, That the Secretary of the Interior shall report to Congress at its next session all claims conflicting with this grant.

Mr. SARGENT. I should like to inquire for information the meaning of that clause. I understand the Holy Cross Mission is in possession of this land. If there are any conflicting claims, it might be well enough for us to know their nature. If there are conflicting claims, we ought not by this legislation to decide adversely to the other parties, who perhaps have not been heard.

Mr. SPRAGUE. There are none.

Mr. SARGENT. Then what is meant by requiring the Secretary of the Interior to report all conflicting claims there may be to Congress?

Mr. SPRAGUE. This mission was established before the Indian titles were extinguished, and in the treaty it was not, as usual, expressly provided for. It is contemplated only to give them the land they actually occupy.

Mr. SARGENT. The proviso is either a useless provision or there are claims conflicting with this grant.

Mr. SPRAGUE. It was a mere safeguard in regard to the mission.

Mr. SARGENT. What is the safeguard worth provided the grant is made before we have a report of the other claims?

Mr. SPRAGUE. Let that proviso be stricken out.

Mr. SHERMAN. We ought not to divest other claimants of their rights.

Mr. SPRAGUE. This is intended to prevent any detriment to the rights of the mission.

Mr. SARGENT. If the committee are sure there are no conflicting claims, the proviso had better be stricken out.

Mr. SPRAGUE. The committee are sure of that.

Mr. SHERMAN. I move to insert in lieu of the proviso the following:

Provided, That this act shall not affect any *bona fide* claims to said lands or any portion thereof.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND ENTRIES WITHIN RAILROAD GRANTS.

Mr. SPRAGUE. I call for the consideration of the bill (H. R. No. 3250) to confirm pre-emption entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. SARGENT. That is a bill which we debated at great length the other day and came to no conclusion upon. The debate will certainly be renewed, and there are only a few minutes left.

Mr. SPRAGUE. Let it be postponed.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WRIGHT. Allow me to say one thing before that bill passes away. I am very well aware that we shall not be able to dispose of the bill in a few minutes remaining; but I trust we shall have an understanding that at the very earliest moment we shall have at least an opportunity to be heard upon the bill and present it to the Senate. The bill is in the charge of the Senator from Kansas, [Mr. HARVEY,] and the importance of disposing of it one way or the other is certainly very clear to every Senator on this floor. I cannot insist that it shall be proceeded with now because of the short time allotted; but I wish to take this occasion to say that at the very earliest moment I hope the Senator from Kansas (and I will second him most readily) will insist that the bill shall be called up.

Mr. BOUTWELL. I wish to say one thing in regard to the order of business. There are many matters reported from the same committee, which probably will not give rise to much debate, that I think ought to be considered before this bill is considered. It will give rise to great debate. When the committee is next called I shall feel it my duty to insist on the consideration of some other matters.

Mr. HARVEY. It is very evident that there has been a disposition from the beginning to give no chance for the consideration and

disposition of this bill. It is a very important bill. It is one in which many of my constituents are interested, and the constituents of many other Senators here. It is eminently just in its provisions, and I sincerely hope, as the Senator from Iowa says, that an early time will be fixed for the disposition of the bill. If it be in order, I move that the bill be made the special order for Monday at one o'clock.

The PRESIDING OFFICER. The Senator from Kansas moves that the bill be made the special order for Monday at one o'clock. Is there objection?

Mr. MORRILL, of Maine. We ought not to do that. We ought not to make special orders at this period in the session. That is impracticable.

The PRESIDING OFFICER. The time to which the morning hour was extended has expired.

Mr. HARVEY. I give notice that I will call up this bill on Monday, if I can get the floor.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. CONKLING. Mr. President, my own judgment of the fitness of things and of the value of time in this brief and fast-ebbing session, would not lead me into this so-called debate. Certainly no value placed by myself on any opinion of my own would move me to consume an hour now, with nothing before the Senate which discussion can affect. But when days and weeks have been devoted to serious and exciting topics, when many Senators have expressed their views at large,—sometimes with reiteration, and no sign of abatement can be seen, a time comes when silence may not have even the merit of staunching the flow of words. Like a piece on the stage, to borrow a favorite figure of the Senator from Ohio, [Mr. THURMAN,] the drama which entertains the Senate now must have its run; and the appearance of a tiresome actor may abridge the period which must elapse before the managers will try the public taste with something else.

The presidential campaign of 1876 has been formally opened. It has been opened in the Senate, and legislation waits. It has been opened with somewhat of dramatic effect, and much of sensational awfulness. The Senator from Ohio, the leader of the opposition, came in from the holiday vacation armed with a resolution of inquiry leveled at the President of the United States. Its terms were such as to imply that the Chief Magistrate had done something to forfeit the ancient usage of decorum which our fathers and their children were wont to observe when putting questions to the head of the executive department. Assuming that the brusqueness of the resolve was inadvertent, I suggested that it be changed to the customary form. The demeanor which this suggestion met, like a signal-gun, told us in an instant that we were to be charged all along the line. It was not in order to consider the resolution except by unanimous consent; but no Senator objected. Every supporter of the Administration was ready to vote for it on the spot. But immediate action, and immediate response to the inquiry, was not the end aimed at. Sensation and prejudice were sought, and so denunciation began, and days were worn out with accusations and assertions which time has already disproved. This was not the work of those who support the Administration. They waged no debate. They did expostulate against prejudice. The Senator from Ohio exclaimed yesterday that no one, while his resolution was pending, justified the acts at New Orleans. No; the majority waited for the facts while the Senator and his associates wasted days in assertion. When from Tuesday morning till Friday evening the Senate had been thus detained, the mover of the resolution proposed to postpone it until the succeeding Monday, that hindering declamation might still go on; and then it was that we on this side insisted that the resolution should be passed. Such procrastination, in a political maneuver, would have been maladroitness in us. It was harmless to our friends on the other side, because they have a press so facile, so convenient, so subserviently loyal to its party. Wherever newspapers raise hue and cry for the democracy it has been published that the republican majority of the Senate resisted the resolution, and strove to defer and stifle the inquiry. It has been said that fearing the truth, we defeated the resolution altogether—ardent admirers of the Senator do not yet believe that it has ever been adopted. Let me show you an example of the falsehoods which nourish the faith of those who assail and accuse Congress and all its works. Here in "The Daily Tribune" of Mobile, of January 7, 1875, is an editorial entitled "A Blushing Shame." It thus descants:

Mr. THURMAN deserves the thanks of the entire South for his manly conduct in pressing his resolution upon the Senate. He did all he could. His resolution was just and timely, but these qualities were the very ones that secured its defeat. The radicals will not permit inquiry which will develop their infamous plots and outrages. They prefer darkness, and darkness they intend to have, at the expense of every principle of honor and justice.

One of those who took part in prejudging the case, and condemning the President in advance, was the Senator from Delaware, [Mr. BAYARD.] Giving us much of weighty monition, he did not forget the

amendment to make the resolution conform to the custom in such cases. He said:

Mr. President, in my judgment the amendment proposed by the honorable Senator from New York to this resolution is quite out of place and unnecessary.

Proceeding, he alluded to the fact that his name had been mentioned among those connected with resolutions, which, asking questions of the President, had contained the words, "if in his judgment not incompatible with the public interest." Repudiating the reference thus made to him, the Senator proceeded to mention the supposed occasion, and to explain the use there of the usual words. He said, speaking of his resolution:

I was glad to have it accepted in any form, even with the entirely superfluous, and, as I thought then, improper addition which was put upon it. I made no objection to it. In that way alone the resolution, as amended by the Senator from New York, came before the Senate.

"Entirely superfluous and as I thought then improper addition"—that is very explicit, but the Senator was in error I think. It was the quaint confession of another public teacher that his fore-sight had never been so good as his hind-sight.

The foresight of the Senator on the 1st of March, 1873, could not have been as he now remembers it.

Here is the record of that day. I read:

Mr. BAYARD offered the following resolution: "Resolved, That the President be, and hereby is, requested to" inform the Senate whether any commissioned officer of the United States Army—

And so on—the remainder of the resolution need not be read.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CONKLING. I suggest to the Senator from Delaware that the resolution ought at least to conform to the usual form; and therefore I move to insert the words, "if in his judgment not incompatible with the public interests."

Mr. BAYARD. Certainly.

Mr. THURMAN. I should like to know what public interest this information can possibly be incompatible with.

Mr. CONKLING. I do not suppose it would be incompatible with any public interest; but we have adopted that form in all cases because we cannot judge whether it might or might not be.

Mr. BAYARD. Certainly; I agree with the Senator.—*Congressional Globe*, part 3, third session Forty-second Congress, 1872-73, page 2082.

It would seem then, that with attention called clearly to the point, the Senator fully agreed with me less than two years ago. Times change however and men change with them.

Returning now to the present occasion, we were not permitted to send the resolution to the President until after it had become notorious that a communication from him would anticipate our action if our inquiry was longer held back. An answer came promptly—a patriotic, frank, and able message, which lies on the table; but denunciation still goes on, under guise of a resolution offered by the Senator from Missouri, [Mr. SCHURZ,] which plainly declares on its face that its mover, and those acting with him, have no legislation to suggest touching Louisiana, but require the advice and instruction of one of the committees of the Senate to tell them what to do.

I say denunciation goes on. The honorable Senator from Ohio yesterday for four hours engaged the attention of the Senate. What was his speech? I mean no discourtesy when I say it was a carping criticism. A criticism of whom and of what? A criticism on law-breakers, on men moving about as walking monuments of the mercy and magnanimity of the American people, and ever blustering about their rights, and by deeds of violence keeping the South in unceasing turmoil? A criticism of acts which have tarnished the escutcheon of the nation, and affrighted humanity? No, sir; even the bloody revolt of the 14th of last September, when more than fifty men were shot down in New Orleans, received no word of reprehension. A criticism of the constituted authorities of the country, legislative, executive, and judicial. The honorable Senator began by reading an extract from a speech of his own made in 1871, in which he branded the acts of the national Congress. He continued by denouncing the acts of the President of the United States, of the State executive, and of the judiciary of the State and of the nation.

The Senator from Ohio is he above others, to whom the nation looks to know and to state, if not to originate, the policy of his party—to set forth what his party means to do, and what should be done. We heard him through a carefully elaborated speech. Did the Senate learn anything of the policy of the democratic party? Did we hear of any practical measure of legislation in respect of the southern question? Did the Senator from Ohio tell us what to do with the imbroglio in Louisiana? No, sir. There is a wide difference between a critic and an architect. It is easier to pull down than to build up. And the speech of the Senator confirms the belief that the policy of the democratic party upon this question, as upon the financial problem, and upon every great question, consists only in denouncing whatever is done by those charged with public affairs. The statesmanship and the policy of that party seems only to rise to the height of abusing its adversaries.

One passage, apparently a passage less studied than some others, in the speech of the honorable Senator, was pregnant with disclosure. He said in effect, I do not quote his words, "If such be the condition of the South it is time that the party which through the war and since the war has guided affairs should give way, and let another party come in." Ah, Mr. President, there is the key to the political secrets of the managers of the South and of the North ever since

fighting ceased. There is the clew which unravels the web; there is the gospel of party as whispered and muttered from the beginning of the effort to reconstruct the South. Make reconstruction a mis-carriage, refuse to aid it in good faith, thwart it, baffle it, make the worst of it, keep up unending agitation, disturb, foment, revolutionize, and the time will come when the country, wearied and worn with commotion, will accept anything for a change!

The honorable Senator from Pennsylvania [Mr. SCOTT] knows better than I do how true this is. Witness after witness before the committee of which he was chairman, explained it in detail. When fighting ceased, every man in the South could vote. The right of self-government and the ballot were as free and universal in every Southern State as in the Commonwealth of Massachusetts. No man was denied the right to vote, not even Jefferson Davis. Did they exercise it in good faith? No, sir. On the contrary social ostracism was brought to bear to deter men from accepting public office, and from aiding to raise again the fabric of government. The party, managed by those who had received the nation's forgiveness, refused to set candidates in the field in some instances; refused to vote for or against measures submitted to them; refused by every negative method to accept and help on the efforts of Congress to rebuild and rehabilitate the South; refused at all times cordial compliance with the new amendments of the Constitution and laws made to effectuate them; and now we are taunted by their leader on this floor with the partial success of their sulky and sinister designs. The plan was to abandon the beginnings of reconstruction of the Southern State governments to incompetent and unfit hands—the hope was that if the ignorant, the mercenary, and the unpopular, were left to act in local affairs under the new order of things, and paraded as the apostles of reconstruction and the representatives of the national legislation, the whole system would become odious, and would fail.

Such were the auspices under which reconstruction was launched, and the real obstacle it has encountered from the outset has been the deep-seated obstinacy of those who have sacrificed their own true interest, and the peace and prosperity of their States, to unquenched resentment and prejudice. Hatred of suffrage and equal rights for black men, has ruled the hour; had those who received the clemency of the nation accepted it in good faith, this Chamber would not resound to-day with the discussion which now proceeds.

The honorable Senator from Ohio has exhumed the election of 1872 and made that a background against which to set off the occurrence of three weeks ago in New Orleans. What have the two events to do with each other? Who planned the election in Louisiana of 1872? Who turned it into a disgraceful tangle of fraud and force? Warmoth. Who was Warmoth? The leader of the opposition to the national Administration—the charioteer of the grand combination troupe of liberals and democrats who attempted to carry Louisiana and enough other States to make Mr. Greeley President. And now the republican party is belabored with what Warmoth and his desperate accomplices did.

The election of 1872 in Louisiana was an organized fraud. Hear what was said of it by the committee of this body:

The testimony shows that leading and sagacious politicians of the State, who were acting with Warmoth, entertained the opinion before the election that Warmoth's control of the election machinery was equivalent to twenty thousand votes; and we are satisfied, by the testimony, that this opinion was well founded. We believe that had registration been accessible to all, and polling places been properly established, the result of the election would have been entirely different. And although we cannot approve of such a canvass as that made by the Lynch board, who seem to have acted upon the principle of "fighting the devil with fire," and circumventing fraud by fraud, and cannot say that Kellogg's government was elected, nevertheless we believe that Kellogg's government was defeated, and the popular voice reversed, by the fraudulent manipulation of the election.

If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that legislature, should be seated in the Senate in place of Kellogg. *But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of that State.*

Yes, sir, your committee believe that recognizing McEnery "would be recognizing a government based upon fraud, in defiance of the wishes and intentions of the voters of that State." And yet the honorable Senator from Ohio comes now to complain that McEnery was not installed under color of this detestable fraud, and was not recognized by the President. The result of that election was contested. It was suffocated by fraud, and the result beclouded in doubt. In every forum in which the result has been searched for, the decision has been against McEnery. The constitution of Louisiana provided modes in which the title of those claiming offices under the election could be tested. Some of these modes were applied. The question of Kellogg's election was repeatedly presented to the State courts of Louisiana. The decision in every instance was against McEnery. The question was presented to the House of Representatives of the United States, and the House decided against McEnery. The question was presented to the Senate of the United States, and the committee of the Senate, with only one dissent, decided against McEnery. The question was presented to the President of the United States; he decided it against McEnery; but he sent a message to Congress saying in effect, "I have made the best disposition I could of this vexed question; I invite you to reverse my judgment if you find the truth will warrant it;" and Congress by non-action and acquiescence affirmed the judgment of the President. Despite all these adjudications, defiance, revolution, broil festering to rebellion,

open refusal to submit to authority and law, goes on in Louisiana; and the Senator from Ohio comes with a special plea, and going back to the old jungle of the election of 1872, he galvanizes an effete question, and seeks to cloak or extenuate the unbridled lawlessness which has never desisted, and never been awed except by power.

The Senator made the customary onslaught on Judge Durell, a judge appointed, not by President Grant, but by President Lincoln. This judge made an order in New Orleans, the Senator says bad for a variety of reasons, one of which was that "it had no seal," as if the President in Washington knew whether the order had a seal or not. Before any such order was made, the President, through the proper law officer, had telegraphed to the marshal that the decrees of the Federal courts must be obeyed; and, says the astute if not charitable Senator, how came the President through the Department of Justice to send a telegram to Louisiana that the decrees of courts must be obeyed, before this order had been issued, and therefore, before it had been resisted? The Chief Magistrate of the United States has often answered the question. He answers it on the first page of his recent message which the Senator from Ohio must have studied, because he complains that he could not find in it everything he wanted. The President says:

To enable the court to inquire as to the truth of these allegations—

Referring to the suit then pending before Judge Durell—

a temporary restraining order was issued against the defendants, which was at once wholly disregarded and treated with contempt by those to whom it was directed.

The occurrence here stated, had preceded the telegram to which the Senator calls attention. Again, the President says that the orders to which reference has been made have been held to be illegal, but—while they are so held and considered, it is not to be forgotten that the mandates of his court had been contemptuously defied, and they were made while wild scenes of anarchy were sweeping away all restraint of law and order.

Whatever may be said or thought of those matters, it was only made known to me that process of the United States court was resisted.

There is the answer to the question, so unwarrantably suggestive as it was something wrong and hidden on the part of the President. There is a plain and adequate answer. The President, on notice of resistance of judicial process, telegraphed that the decrees of courts must be respected and obeyed. What else could he say; what else could be said in the presence of the facts by any Chief Magistrate who revered his oath of office?

Mr. President, this debate revolves on one pivot—an occurrence on the 4th of January in a room in a distant city. In a room in a hotel in the city of New Orleans—which hotel is leased this year to the governor, the lieutenant-governor, and the speaker, for public use—a transaction took place which has ostensibly incited all the speeches to which we have lately listened. Speaking of it, I say first, that no responsibility for the affair in New Orleans on the 4th of January, touches the President of the United States. No blame for what was done or said can be laid at his door. The first information he received was simultaneous with that of other citizens. The newspapers of the following day were his first informants. He had no expectation or apprehension in advance. If there were those in Washington, or nearer Washington than the limits of Louisiana, who had notice that revolution was to be attempted on the 4th of January, the President of the United States was not one of them. He therefore had made no provision for such a contingency, and no preparation for the tidings of the event. Nearly a fortnight previously, and on the 24th of December, the President had requested General Sheridan to make a tour of observation, not in Louisiana alone, but in the Southern States—several States were named, and all were included. No personal conference was held between the President and General Sheridan. The general was in Chicago, and the communication was in writing. It was forwarded to General Sherman, the General of the Army. In it was suggested a conference with General McDowell. The substance of the communication is this:

WAR DEPARTMENT,
Washington City, December 24, 1874.

General P. H. SHERIDAN,
Chicago, Ill.:

GENERAL: The President sent for me this morning, and desires me to say to you that he wishes you to visit the States of Louisiana and Mississippi, and especially New Orleans, in Louisiana, and Vicksburg and Jackson, in Mississippi, and ascertain for yourself, and for his information, the general condition of matters in those localities. You need not confine your visit to the States of Louisiana and Mississippi, and may extend your trip to other States, Alabama, &c., if you see proper; nor need you confine your visit, in the States of Louisiana and Mississippi, to the places named. What the President desires is to ascertain the true condition of affairs, and to receive such suggestions from you as you may deem advisable and judicious.

Permission was given to assume command, should he find it well at any time to do so.

There is the official statement, giving the truth and the whole truth of the mission on which General Sheridan was sent. The Senator from Delaware [Mr. BAYARD] referring to the presence of General Sheridan in Louisiana was pleased to utter this language:

In the midst of this excitement, in the midst of this blow at the very heart of popular government, who has he selected to preside over the affairs of that State? Lieutenant-General Philip Sheridan, sent by him to New Orleans secretly, not by public order known to the people.

Now observe:

He is sent down to drag the people of Louisiana into slavish, fearful, cringing, un-American obedience to his will and pleasure.

Such is the comment of a Senator on such an act of the Chief Magistrate, and of the Lieutenant-General of the Army. I commit to the record, and to the calm scrutiny of after times, the action of these officials, and the comment and statement of the Senator. Let the truth and the accusation stand side by side.

When General Sheridan was thus invited to visit the South the President had been compelled day after day to listen to wails of woe and entreaties for protection to which no man could be deaf, to which no Chief Magistrate would dare be indifferent. These cries for help did not relate to the election—that had passed. They did not concern the ambition of candidates; they concerned the lives, the homes, and the property of men, women, and children, who had never been false to their flag, and who, under the shadow of that flag, were hunted down as if they were wild beasts. These supplications summoned the Chief Magistrate to his feet; they summoned him to bestir himself, to inquire, to find out, to see to it that he kept the oath, sworn before the American people, which binds him to see that the laws are faithfully executed.

One of these warnings had reached him but three days before. It came from one who for twenty years had been a resident of Shreveport, for twenty-eight years a resident of the South. It came from a judicial officer, not appointed by the President, but appointed by the court; an officer who stated that he had read every word of his communication to the general commanding the department, and that the general confirmed it all. I will read some passages of this communication; it is dated December 16, 1874:

It is scarcely too much to say that the white voters of each parish north of Red River constituted an armed conspiracy, with the scarcely disguised purpose of carrying the election at all events—by threats, intimidation, and fraud, if possible, and by violence if necessary, all of which, first and last, were used freely.

The scheme here was to expel from the country the republican leaders, and then to frighten the negroes into acquiescence with their wishes; and this scheme was pursued to the end, with this modification, that after the arrival of troops the expelled leaders returned, but did not dare to go out of Shreveport, and did not dare to mingle freely with the people or to express publicly their sentiments.

The whites in all this portion of the State were united upon this programme almost to a man. This unanimity did not result all from choice, but so formidable had the organization become by August that even those who disapproved no longer dared to resist, even passively, and took shelter in the white party.

The Coushatta affair, occurring in the last days of July, and in the guilt of which we believe from our present knowledge not less than two hundred whites participated, more or less proximately, seemed to serve them as an incentive to closer union and more rigorous action. A very large number, scattered up and down the river from Shreveport to Natchitoches, seeking immunity from their guilt in the destruction of all law and public order, redoubled their efforts to terrorize the blacks and to annihilate all opposition.

Perhaps I cannot give you in few words a better idea of the ascendant arrogance and intolerance of the white leaders, than to say that the Shreveport Times newspaper—the leading exponent of the principles of the party in the State—boldly and unqualifiedly justified the Coushatta assassination on the sole ground of political necessity.

The orators of the party did substantially the same thing during the canvass, and the less prudent speak of it to this day as a good thing. Even Governor McEnery, in a speech in this place, as I am well informed, openly advocated the lynching of one of the republican leaders residing here, and a man of good character.

The whites are now driving the freedmen from their homes, naked and penniless, to endure the severities of winter as best they may. This very evening, and since I commenced this letter, a colored man, of honest and intelligent expression, comes in and tells me that last night about nine o'clock his employer, a white man, (well known to me,) by force (displaying a pistol and threatening to use it) put him and his wife and three helpless children out of their house to spend the night, as best they might, in the public highway, which they did under the open canopy of heaven; and what may be put down as a special aggravation of the offense is, that two of the children were ill and taking medicine, and one of them was so ill that it was not expected to survive. These people (turned out) were partners in the crop which they had raised on the lands of the man who turned them out, and the crop had not yet been divided, and is all in the possession of the land-owner who turned them out. This man had voted the republican ticket at the late election.

This is only one case in many coming to my knowledge daily. A few days ago complaint was made before me against seven white men in the adjoining parish of De Soto, charging them with conspiring to plunder, rob, and murder one poor defenseless old negro by the name of John Allston, and an extensive and full inquiry into the matter revealed the fact that the charge was well laid for they in fact not only plundered him and his family, but murdered the old man outright.

These people are systematically intimidated, brow-beaten, personally maltreated, cheated of their earnings, cheated of their suffrage, driven from their homes in penury to endure the inclemency of winter, and cheated of their rights to vindicate themselves before the courts. In simple truth they no longer have any rights which the whites voluntarily respect, or which they have themselves the means or ability to make them respect.

So numerous and wholesale are the offenses of the whites against these defenseless creatures, that I almost hesitate to name approximately the number of persons subject to arrest and punishment for aggravated violation of the enforcement and Ku-Klux acts, within fifty miles of this place. To be entirely safe, I will put it at two hundred and fifty.

Sir, it was when so called to make inquiry, that the President requested the Lieutenant-General to repair to the South and observe and report its condition. It was after such representations made not only by a United States commissioner, but by many citizens and officials, that it was determined to send a man not likely to be deceived to become an eye-witness of the situation.

Calling attention to the President's freedom from all privacy or relationship with the recent doings in New Orleans, I ask the Senate to consider how provident, discreet, and mild it was to send to a disturbed region a distinguished and trusted officer whose observation would be valuable, and whose presence might at the same time have a restraining influence on the lawless, and the violent.

Attempts have been made to adduce something unfavorable to the

President from the fact that a few soldiers have for some time been stationed in Louisiana. The presence of the small force quartered there, was twice lawful and twice right. It was right and lawful, first, because our slender military establishment must be somewhere; our soldiers must be stationed about in the States and Territories; and, wherever they are, their right is too clear to be questioned. But, again, troops had been sent to New Orleans on the 14th of September, on regular requisition from the governor, when organized revolt had seized the government and the archives of Louisiana, overpowered all State authority, and driven the officers of the State fugitives to an edifice within the sole jurisdiction of the United States.

The advent of a detachment of troops, had, it is true, curbed the career of the revolt; but New Orleans still remained a seething caldron of disorder, and to have ordered the soldiers away where they were not needed while yet the only half-stifled voice of revolution was audible, would have been a crime possible only with a President in actual connivance with violence and treason. Can it be seriously contended that since September the President should have ordered all troops to leave Louisiana?

What would George Washington have said to ordering troops away from New Orleans with the air murky with threatened outbreaks as Sheridan and all others have described it, and locating them in some other region where no pretense of need of their presence could be made? This question was presented to Washington, presented to him in less vivid colors, after four counties in Western Pennsylvania had resisted a tax on whisky. An inspector and a surveyor had been assaulted, some damage had been done to property, nothing so formidable had been done or threatened as was actually done in Louisiana, and Washington ordered out and marched into Pennsylvania fifteen thousand men, going into the field himself. Order was soon enforced. "The revolt was abandoned"—to employ a phrase current here when speaking of Louisiana,—the revolt was abandoned; there was an end of it, in all but lurking and muttered discontent. But still soldiers in great numbers continued to tread the soil of Pennsylvania embodied as an army. They were three months' men and their term of enlistment was near expiring at the time Washington wrote the words to which I shall ask you to listen. These soldiers had been called suddenly and unexpectedly from their homes, and every consideration save only the supreme public good, urged their return the moment actual violence and resistance ceased. All this was seen, and heard, and felt. What said Washington, then Chief Magistrate of the Republic? Alluding to the fact that a spirit of discontent still lurked in the State of Pennsylvania, alluding to the danger that it might again break out in breaches of the peace, addressing the two Houses of Congress, Washington said:

Had there been room for a persuasion that the laws were secure from obstruction; that the civil magistrate was able to bring to justice such of the most culpable, as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends of peace and good government were not in need of that aid and countenance, which they ought always to receive, and I trust ever will receive, against the vicious and turbulent, I should have caught with avidity the opportunity of restoring the militia to their families and homes. But succeeding intelligence has tended to manifest the necessity of what has been done; it being now confessed, by those who were not inclined to exaggerate the ill conduct of the insurgents, that their malevolence was not pointed merely to a particular law, but that a spirit inimical to all order has actuated many of the offenders. If the state of things had afforded reason for the continuance of my presence with the Army, it would not have been withheld; but, every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the seat of Government, leaving the chief command with the governor of Virginia.

Still, however, as it is probable that, in a commotion like the present, whatsoever may be the pretense, the purposes of mischief and revenge may not be laid aside; the stationing of a small force for a certain period in the four western counties of Pennsylvania, will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others who may have exposed themselves by an honorable attachment to them.—*Spark's Writings of Washington*, volume 12, pages 48 and 49.

There is an opinion of Washington of the propriety of continuing troops in the theater of a chastised revolt, after it is apparently over. It is easy to apply the opinion of Washington to the case in hand, a case much stronger than that which addressed itself to him.

President Grant thus states the present case in this particular:

Troops had been sent to the State—

I read from his message of the 13th instant—

under this requisition of the governor, and as other disturbances seemed imminent they were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State, and repress the continued violence which seemed inevitable the moment Federal support should be withdrawn.

It is to be remembered that in this instance the insurgents, to quell whom the troops were ordered to New Orleans, had never to the 4th of January, have never to this moment, laid down their own arms, or given up the arms which they seized from the State of Louisiana. I heard a Senator apply the words "pitiful plea," if I remember aright, to anything to be said touching this retention of arms, and the refusal to surrender them, by the insurgents of September 14. Nevertheless I remind the Senate that although the President on the 14th of September by proclamation called on the insurgents at New Orleans to disperse within five days, and to lay down their arms, and return to their homes, now after more than three months have elapsed, they stand still defying the national authority. Speaking upon information received from the Senator from Louisiana, [Mr. West,] I say

that "the State armstaken possession of by white-leaguers and not yet returned are 2 mountain howitzers, 624 Springfield breech-loading rifles, 301 Winchester rifles, 664 Enfield rifles, 93 Spencer carbines, and 1,590 bayonets. They are State arms, and those men carry them to-day, and are in rebellion against the Executive proclamation to lay them down."

Standing at the bar of the American people, a tribunal too great, too virtuous, too intelligent, too brave, to be meanly or passionately unjust, the Chief Magistrate needs no labored defense for leaving soldiers of the United States to remain in Louisiana, whither they had been so recently summoned to protect life and law against a plot so bloody and audacious, a plot surrendered in a spirit so implacable and defiant.

Want of knowledge, then, of the plans for the 4th of January, the circumstances explaining the presence of troops, and explaining the personal presence of General Sheridan, put the President beyond all privacy with the affair at the State-house. This full exoneration appears from the message on our table, and from the official documents which bear it out. But forty-eight hours before it came, the honorable Senator from Missouri, [Mr. SCHURZ,] telling us that he intended to speak with calmness and impartiality, informed the country that he already possessed all the information useful in forming a judgment, and then he proceeded to arraign and bitterly to reflect upon the President as the doer of the deed in Louisiana on the 4th of January—the deed, as the Senator from Missouri set it forth in the prismatic colors of fancy. Lest injustice be done to the Senator, I read from his speech:

Mr. SCHURZ. Mr. President, I beg the Senate to believe me when I say that I approach this subject in no partisan spirit.

I have formed my opinions with deliberation and impartiality, and I shall endeavor to express them in the calmest and most temperate language at my command

In the debates of last week it was frequently said that no expression of opinion upon that occurrence would be quite legitimate until an official report setting forth all the details of fact should be before us. I do not quite think so. All the important circumstances of the case have come to our knowledge through a multitude of concurrent statements, among them an elaborate dispatch of General Sheridan, statements from Mr. Kellogg and Mr. Wiltz, and numerous reports in the newspapers of the country, all agreeing upon the essential points. I believe the additional details which still can be furnished will not change the aspect of the case as to its real significance.

The Senator having thus qualified himself to speak at once as an expert, and as one too serene to be prejudiced, proceeded thus "to educate the country"—another Senator said the object of this debate was "to educate the country" and I judge it was in that view that it pleased the honorable Senator from Missouri to utter himself thus:

It is said that trouble was threatening between contending parties in Louisiana. Suppose that had been so; but that is not the question. The question is, where is the law from which the National Government, in case of threatening trouble in a State, derives its power to invade the legislative body of that State by armed force, and to drag out persons seated there as members that others may take their places? Were is that law, I ask? You will search the Constitution, you will search the statutes in vain.

And again:

We have an act before us indicating a spirit in our Government—

That is not the government of Louisiana—

In our Government which either ignores the Constitution and the laws, or so interprets them that they cease to be the safeguard of the independence of legislation and of the rights and liberties of our people. And that spirit shows itself in a shape more alarming still in the instrument the Executive has chosen to execute his behests.

Such, Mr. President, is "the calmest and most temperate language" of a Senator, who, standing on the ashes of human ambition, and placidly contemplating the shortcomings and backslidings of a nation which he tells us is "on the downward slope," feels himself called upon and fitted in advance of the evidence, to weigh in exact scales with unfettered hand the motives and the acts of others charged with great and onerous trusts. The meanest culprit charged with crime, be it petty or enormous, must be heard before he can be condemned, and a presumption of innocence acquits him till he is proven guilty; but for an American President, in the American Senate, there is neither hearing nor presumption. Such is the passion and remorselessness of party, such the bitterness of man!

Mr. President, General Sheridan is equally undeserving of praise or blame for the doings in New Orleans on the 4th of January. He was not even a spectator of the drama in any of its parts. He was, it is true, personally present in New Orleans, and at half after nine o'clock in the evening, hours after the affair had ended, he assumed the command which alone gave him any more control than any other wayfarer in the streets. He states this fact himself; but with that innate heroism which will be worn as one of the brightest trophies of the nation when his traducers are forgotten, he adds that he is willing to be held responsible for what others did to preserve the peace. He offered himself as a victim to a storm in which older men, not trained to arms alone, but to the law, had lost their feet. Not being however within the law of agency which enables a principal to affirm the act of his agent, Sheridan cannot, nor will the nation let him, make himself responsible for acts which he did not and could not do. He sent to his superior, not to us, or to the public, dispatches which have been widely misread and twisted from their meaning; but Sheridan has not yet to learn that one who stands as he does in the glare of the public eye, will be misunderstood and misrepresented.

When conflagration had swept the proudest city of the West; when homes, and stately edifices, and marble blocks, lay in the ashes of a fire which devoured iron and stone;—when relics and household gods, the cherished store of families, were exposed in the street, there was a dissatisfied minority impatient of the forms of law, who in that sea of woe and flame, followed their opportunity as the shark follows the ship. They did not seek the lives, but only the property of others. Sheridan, in command of the soldiers of the United States, made with their bayonets a cordon around the places of deposit. He fenced in the goods and chattels of citizens with Federal bayonets. He saved the property and kept the peace, but displeasure waited on him. The governor of Illinois decorated him with his censure in a special message. Men asked a grand jury to indict him, meaning to trail his plume in the degradation of judicial accusation. The press was shocked at the employment of soldiers at a fire—next to a Legislature, a fire is as bad a place for soldiers as can be. This was all very ominous, but Sheridan rose phoenix-like from the ashes, and the nation held him dearer than before. He was widely and bitterly condemned, and belied, for the responsibility he took, for the lives and the property he saved; he bided his time then, and the time came when those who stoned him would have gathered the stones again to build him a monument. Very likely he can wait for the truth to be known now. He has himself done nothing up to this time in New Orleans, save to assume command and retain it.

What he said to his superior officer, was not included in the approval telegraphed to him by the Secretary of War. I say this, measuring my statement; I say it while there still rings in my ears denunciation of the Administration because of the approving dispatches the Secretary of War returned to Sheridan. On the 6th of January the Secretary received from Sheridan this dispatch:

There is some excitement in the rotunda of the Saint Charles Hotel to-night upon the publication by the newspapers of my dispatch to you calling the secret armed organization "banditti." Give yourself no uneasiness. I see my way clear if you will only have confidence.

A man begirt on every side by difficulties and dangers, confronted by a public temper so malignant as to vent itself not only in violence, but in petty social affront—a man far from his superior, and misrepresented every hour the telegraph can work, fears that truthless dispatches fed out through the press may have unsettled the confidence of his chief, and so he telegraphs "if you will only have confidence. I see my way clear." On the spur of the moment the Secretary answers:

Your telegrams all received; the President and all of us have full confidence, and thoroughly approve your course.

There, an administrator less sagacious than the Secretary of War, a lawyer less astute, would have seen, when he came to read his dispatch deliberately, was a peg to hang an accusation on. "Approve your course." Might that not mean all the suggestions that Sheridan had made to his superior officer? To undeceive Sheridan and all others, if such could be deemed the meaning, that same day he reviews and revises his dispatch thus:

I telegraphed you hastily to-day answering your dispatch. You seem to fear that we have been misled by biased or partial statements of your acts.

I emphasize it "your acts." Not what you may have suggested to your superior officer; whether by written or oral conversation, but "your acts," are the words of the Secretary.

Be assured that the President and Cabinet confide in your wisdom and rest in the belief that all acts of yours—

Thus twice distinguishing, first between acts of Sheridan, and the acts of all others, and second distinguishing against everything of Sheridan's save only his acts—

rest in the belief that all acts of yours have been and will be judicious. This I intended to say in my brief telegram.

Much presumption of reason must be reversed, as much presumption of innocence has been violated throughout this discussion, in order to stretch these two dispatches of the Secretary of War so as to make them testify approval of mere suggestions by General Sheridan not of anything he purposed or meditated doing himself, but of expedients Congress or the President might see fit to adopt. These were impulsive informal remarks made in the freedom and confidence of personal intercourse—made by telegraph it is true, but no more amounting to acts of Sheridan, than if meeting the Secretary of War in the street the words had dropped from his lips. Sheridan did suggest impossible and violent modes of proceeding; and as a constitutional lawyer he could not obtain a diploma, and hardly the degree of L.L.D. from any chary college in the land. It has been charged upon him that he branded the people of Louisiana at large as "banditti." An impetuous governor of a Western State said, as he is reported, that Sheridan branded "every man in three States as a bandit." If he did so, he did wrong, he did grievous wrong, he was as violent and unjust as some Senators have been; but I cannot so read his dispatch. Let me read it aloud:

NEW ORLEANS, LOUISIANA, January 5, 1875.

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also

more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken, except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General, United States Army.

If Sheridan here calls banded murderers "banditti," what code has he offended? The dispatch applies the term to notorious malefactors, to men who murder, rob, and burn; and those who object are angry, and such Sheridan has offended. If there were in fact no such malefactors, he has described nobody, he has stigmatized nobody. If his words do hit existing persons, he may not be much of a soldier, but as a phrase-monger he cannot be despised. Rhetoricians, and word-hunters have reason to tremble for their laurels—Sheridan is a dangerous Richmond in the field. He may not be great in things, but he is clever in names. We have heard a good deal about blood curdling at this dispatch; I hope all this same blood curdled at the inhuman and dastardly massacres for whose despicable authors Sheridan has found a name.

The right of Sheridan has been challenged in this Chamber "to breathe the free air of a republic." Mr. President, that degenerate, apostate generation of Americans, which, knowing the services of General Sheridan, shall judge him "unfit to breathe the free air of a republic," ought to burn the memorials of our fathers by the common hangman, dance on the tomb at Mount Vernon, and fling down the obelisk on Bunker Hill. We have been reminded that "this cavalry officer" hewed his way to renown "with his bloody sword." I believe he did. His sword was red, not with the blood of the innocent and the unoffending, but with the blood of men in arms, men embodied under the uplifted banners of revolt, striving to dismember their native land, to perpetuate the crime and curse of slavery, to destroy the fairest fabric of free government that the world has ever seen. Sheridan's sword was not the sword of an assassin, stabbing the humble and the helpless, but the sword of a soldier fighting that free government might not perish from the earth.

These are not grateful reminiscences. I would gladly let by-gones be by-gones; but when the most illustrious soldiers of the Union are taunted with the deeds of valor which gave victory to us in our direst struggle, the retrospect is forced upon us. Sweeping denunciations, opprobrious imputations, continual disparagement of the national authorities, only stir and fan the smoldering embers of sectional hate. They will not pacify the South; they will not carry the next presidential election. They are dragon's teeth, and they grow into lawless vengeance. Here is a newspaper printed in Louisiana on the 16th of this month, eleven days after the Senate began to ring with these denunciations. Look at this reflex of the hard words we have heard:

Every country has had its patriot to rise up, with a Heaven-strengthened arm, and in freedom's cause strike down the petty tyrant oppressing it. To kill in self-protection is justifiable always. To rid the world of such a monster as Sheridan would be a deed for all the world to applaud. We don't mean for a midnight masked assassin to slay him, but for the people of New Orleans, of Louisiana, in the majesty of their might to rise up and shoot him down on the streets as they would a rabid dog, in the broad open day, with the sunlight of God's heaven shining down upon the act and growing brighter in approval. Texans will indorse the act, and indorse it with bayonets if need be.

Such are the fruits of violent counsels given out by men high in party confidence.

No, Mr. President, the praise and the blame of January 4th belong to the actors in the scenes it witnessed. And here, one would suppose, in this forum at least, discussion might pause; here, one would suppose the Senate might take leave of the baffled plot in the legislative hall. When Governor Kellogg is impeached or indicted; when General Emory or General De Trobriand is court-martialed or prosecuted; when the two men who accompanied General De Trobriand are sued or proceeded against, several grave questions will arise. The Senator from Ohio cried out yesterday "What excuse has Emory?" I do not know, Mr. President. I do not appear for General Emory. I am not his attorney of record, or his counsel, nor is he triable here. I do not come to champion, justify, or befriend, either of these persons. I do not appear to vindicate the President of the United States. He needs no vindication. He was a stranger to the whole proceeding. I do not appear to champion the republican party. The republican party had no part or lot in the affair. The remedies of those aggrieved are ample, and I cannot believe that the Legislature of Louisiana died of the attempt of a minority to capture it, or of the failure of that attempt. This was said in the democratic meeting in the city of New York. It was there asserted that the Legislature expired when five intruders were silenced and retired to seats assigned to other spectators. The announcement was received with applause; but I cannot accept it. Mr. George Ticknor Curtis, one of that radiant constellation which sheds the glad light of jurisprudence on the democratic party, is reported in the New York Times to have said:

I alluded at the commencement of my remarks to that fundamental principle which renders it utterly impossible for any external power of any nation whatever to interfere with the right of State members to hold their position and exercise their functions, and I affirm that when a single member, by any interference whatsoever other than an order of the body, is expelled from that body, its legal existence is destroyed because its authority is destroyed. [Applause.]

This view of the subject renders it the more consoling that no democratic member, and no man in the minority entitled to take part, was molested on the occasion. The members who were molested, belonged

to the majority; they were only imprisoned and assaulted, and clamored down, and shut out of their chamber; and we are not told that such violence takes the life of a Legislature.

It is no part of my purpose, I repeat, to vindicate Governor Kellogg. Much has been done in Louisiana, formerly and lately, on both sides, which I cannot approve. If my wish could prevail, iniquity, wherever found, would be chastised and eradicated. I speak only for common sense and common right. We have been compelled, in advance of the evidence, in advance of the truth, to hear the guilt or innocence of Kellogg and the rest argued as if the parties and the subject were all before us, and as if we had jurisdiction to try them. The questions have been presented with many disguises and distortions, it seems to me, and of some of these I mean to speak. For this purpose I have nothing to do with Mr. Kellogg, except that he was acting-governor of Louisiana. All the powers which the governor of that State possesses, all the prerogatives he wields, all the attributes wherewith he is endowed, Mr. Kellogg held. If there was latent defect or infirmity in his title to office, the fact is not an element of the case; it is wholly immaterial to the matter now in hand. Indeed I believe no Senator has denied this, unless denial can be found in the monotonous slurs with which allusion is made to the name of Kellogg. In the long special plea of yesterday, the Senator from Ohio, as he truly said repeating "a thrice told tale," floundering again through the dismal swamp of the old election of 1872, after all, did not, I think, challenge the fact that Kellogg in law held the instrumentalities, incarnated the authority, and wielded all the prerogatives of the governor of Louisiana. A few other facts are needful to the view I shall present, and although others have recited them, or most of them, I must recite them too.

The laws of Louisiana plainly prescribe who did, and who did not, constitute the legislative body which alone had power to organize. The statutes in express terms confined the power to those returned as elected; it was expressly denied to all others. Those holding certificates of election and enrolled by the secretary of state, and no others, could vote or act. By the constitution of Louisiana, contested elections must be decided according to law. They are remitted to the mode fixed by statute. By the constitution, the yeas and nays must be entered in the journal—I quote the language—"at the desire of any two members, on any question." So vital I may remind you is this provision, that it lives and speaks in all free constitutions. The law clearly fixed the mode, and the only mode, in which the act of organization could be done. I heard the honorable Senator from Missouri [Mr. BOGGS] argue the other day that the statutes of Louisiana were satisfied when the clerk of the former house had presented himself and called the roll. There, argued the Senator, the law stops, and there it is satisfied. I heard the Senator from Ohio yesterday also venture on an argument something like this. He spoke of those who "stick in the bark;" he said he would not speak of "pettifoggers," but only because it would not be civil. The same Senator referred to the fact that a committee of the Senate in reviewing the manifold provisions of one of the statutes of Louisiana, to which I have alluded, found provisions in it conflicting with the constitution of the State. Did the honorable Senator mean you to understand that the committee intimated that any provision now in question was repugnant to the constitution, or in any respect wanting in validity? The Senator could not have meant that. The fact is exactly opposite. Canvassing the whole statute to find its defects, the committee pointed out its flaws, and nowhere is there a doubt expressed of the binding force of the sections which control and define the mode of organizing the legislative houses. These are the only sections now involved, and the fact that the committee visited no criticism on these sections, is affirmative assertion of their force and validity.

I would treat with respect any man, who with the statutes of Louisiana before him, has the faith or the courage honestly to think these statutes require, as to the organization, and the function of the clerk, only that he should call the roll. But it is a chief canon of construction to read a statute in the light of the object for which it was made, in the light of the evil to be remedied, the danger to be averted. We know historically that this statute was made for this very case. It was enacted after just such an attempt in less degree had been made in the Legislature of that State. It was made on purpose, I repeat, to avoid and forbid such a stratagem and conspiracy as attempted to dominate the Legislature on the 4th of January.

The Senator from Ohio said that his colleague had omitted to read a provision of one of these statutes, a provision that it should not conflict with the constitution of the State of Louisiana. My honorable friend from Maine [Mr. MORRILL] with his usual wit remarked that "to omit such a provision would be rough on the constitution." One would think from the remarks of the Senator from Ohio that if the statute had not recited that it should not override the constitution, the constitution would have been overridden. So microscopic his examination, so great his refinement on sophistry, that the honorable Senator from Ohio solemnly bade us observe that this statute gazetted all the world that it really did not intend to trample down the constitution of Louisiana. Kind and considerate statute!

The statutes of Louisiana, after providing, first, that the names of all persons entitled to vote in the organization of the Legislature shall be enrolled by the secretary of state, after providing that no man, whoever he may be, unless he has been returned by the return-

ing board and his name inscribed on that roll, shall take part in the organization, by a supplemental act declares these words:

For the purpose of facilitating the organization of their respective bodies, the secretary of the senate and the chief clerk of the house of representatives shall hold over and continue in office from one term of the General Assembly to another, until their successors are duly elected and qualified.

So says our congressional statute, speaking of the House of Representatives of the United States. So says a statute passed after the turmoil of 1839 and more recent turmoils had warned us of the danger of unrestrained modes of organization; and all political parties, all the representatives of forty-six States and Territories, have bowed in obedience to the statute, no matter how high party spirit ran. Yet now comes the Senator from Ohio to tell us that a statute, equivalent in its terms, is satisfied by a destructive and impotent construction, which the ingenuity of no man, and no caucus however eager or desperate ever dared to suggest.

No, Mr. President, the statutes of Louisiana required the organization of that house to be made in one way, and permitted no other way known among men. It was so written; and persons not authorized, contestants, claimants, or not, were strangers without the semblance of right to intrude or take part. Such persons, five or fifty, acting in defiance of law, were an unlawful assembly; and if they occupied the place set apart for members returned, at the time when the law required organization to take place, and acting with a common intent, by turbulence, disorder, and fraud, prevented a lawful organization, they were breakers of the peace and rioters. Such persons, so acting, were trespassers and wrong-doers, at every step, banded together to commit a misdemeanor, and it was lawful for the proper authority to quiet or expel them. In such a case as I have supposed, this was the prerogative of the body whose privileges were invaded; it was, when the public peace was broken, also the right of the magistracy of the State, and of those lawfully summoned to aid.

Thus far I have affirmed nothing of what in fact took place in the instance before us. Let me now come to that. On the 4th of January, at noon, the hour and place appointed, came one hundred and two members of the Legislature of Louisiana returned as members of the house. Fifty-two were of one party; fifty of the other. Mr. Cousin, a returned member, did not come. He was kidnapped; he was abducted. He was abducted because he was a member. I use these words conscious of their import. I use them in the presence of all the testimony, from whatever quarter, which has been laid before us. I repeat that Mr. Cousin, a republican member of the Legislature, was kidnapped and abducted because he was a member. He was kidnapped by a trick which prostituted the forms of law to an unlawful purpose. He was arrested under pretense of embezzlement; under charge of having embezzled three dollars two years before. He was seized and carried by steamboat and otherwise into a distant locality; he was thrust into concealment in the hold of a steamboat; he was told that the whole purpose in seizing him was to prevent his being present at the organization of the Legislature. He was told that he should not see or speak to anybody; but that if he would be quiet till the Legislature had organized he should not be hurt; and finally when the Legislature had organized as was supposed, he was set free, the men who abducted him going with him to a magistrate, and one of them, Mr. Picayune Smith, signing a recognizance—a recognizance to answer to a charge that two years before, while collector of taxes, which he was for only two days, he had embezzled three dollars. In violation of constitutional right, in violation of parliamentary and legislative privilege, in derogation of the fundamental principles of our system of government, as a step in a conspiracy to dominate a Legislature, this man was arrested and prevented from going to his seat to utter the voice of the constituency which confessedly had elected and commissioned him to speak for it. Who has risen on the other side of the Chamber to denounce this act of lawlessness and baseness? I may not properly refer to the proceedings of the other House of Congress, but the newspapers inform us that a special committee has been raised to inquire whether a person invited to be a witness before a committee, a person who had testified and been discharged, could be sued for defamation of character, or prosecuted by a fellow-citizen. So sensitive, if we may believe the public journals, is the House of Representatives touching its privileges and the privilege of those protected by its aegis, that a special committee inquires whether a discharged witness may be prosecuted by a fellow-citizen. Here is a man not summoned as a witness, but elected to a legislature. The time has come for him to take his seat. The division between parties is so nearly equal, that not possibly, but probably his weight may make the scale kick the beam; and political conspirators, plotting the overthrow of law, kidnap him, carry him away to a remote place, hold him by force, for the avowed purpose of impairing the legislative force on one side, for the avowed purpose of controlling and stifling legislative action; and in the American Senate no democratic Senator rises to denounce or reprobate the proceeding. The Senate rings with denunciation, but it is all of those whose rights were trodden under the feet of violence and fraud.

The Senator from Ohio says that he has in the past told these people at the South they were doing wrong and they ought to stop. Yes, Mr. President, but precept and example must be thorough and consistent to be efficacious. James Buchanan disapproved of secession, but he said he did not know any way to prevent it or put it down, and that secessionists had great reason for what they did.

He said there was an idea that troops could act as a posse for a marshal to be sure, but in South Carolina the marshal had resigned, and therefore there was no marshal, and how could a posse act, and what could troops do without a marshal? The democracy of the North, some of them, said that secession was objectionable. Does any man believe that the people of the South would have waged a bloody issue had they been made to feel that the democracy of the North, uniting with the republicans of the North, would present one grim, undivided front, united to the bitter end in the purpose that the Republic should live and rebellion should die? Who believes this? Who believes that eight million people, an agricultural people, without skilled labor, without diversified industry, without factories, without rolling-mills, without resources, would have waged a bloody war against twenty-one million of united people possessing workshops, rolling-mills, factories, skilled labor, diversified industries, and all the means to conquer with beyond any people of any country or of any age? Who believes that men in the other House of Congress would have said, as more than one who hears me heard them say, that the confederate troops would be paid with coin from the Boston banks, and that they would water their horses in the Hudson and the Saint Lawrence? Who believes that such wild expectations would have led the South into the red sea of war, had it been known that the democracy of the North, as one man, wedded in solemn wedlock to the flag and the Government, would stand shoulder to shoulder till rebellion was trampled to the dust?

I know that Mr. Buchanan, and others, talked in a deprecating way about rebellion. I know that now democratic Senators with extenuating holiday and lady terms deprecate assassination. The Senator from Ohio speaks of inhuman butcheries and burnings as "homicides not authorized by law." Is that the terse vigor which will make desperadoes halt and quail? No, sir. If you would discountenance a desperate brutal man in acts of violence, you must not incite him by encouraging his passions, by exaggerating his grievances and inventing new ones for him, you must not picture in lurid colors his imaginary wrongs, you must not denounce the law he violates, and the authorities he defies, you must not tell him he is a victim of tyranny. When you have done all these things, it is of little avail to add that as a general rule you think sin is sinful. If violence in the South is to be rebuked and discouraged by those having the ear and the confidence of the agitators, it cannot be by clogging the wheels of lawful authority, by heaping opprobrium on all the ministers of law, by heaping maledictions on the laws of Congress, by insisting that whatever is wrong, and by stirring up strife, and inflaming all the discontent in the hearts of those who brood in baffled bitterness.

Let me return to the narrative.

Mr. Cousin, I say, did not appear. A man whose appearance resembled a member of the Legislature was shot in the street on the night of the 3d of January. His resemblance to a republican member, cost him his life. It seems to have been something such a case as that narrated by the count in "Charles O'Malley"—a noted duelist, who, as my friend from Illinois [Mr. LOGAN] said the other day, used to go gunning after other people. He wrote a letter one day to a friend at the breakfast-table and said, "I was out before breakfast this morning and shot a fellow in the knee, but he turned out to be the wrong man." [Laughter.] Somebody went out after tea and shot a man down in the street, but, although he looked like a republican member, it turned out to be the wrong man.

There came also Mr. Vigers, the clerk, with the roll made by the secretary of state, as required by law. The roll bore the names of one hundred and two persons, and bore the name of no other person who was present. This roll was conclusive; it was final. The fifty-two republicans had agreed on Mr. Hahn for speaker; the democrats on Mr. Wiltz. If the law had its course, Mr. Hahn must be chosen. The law not only required Mr. Vigers to call the roll—but to preside, and count and declare the votes of those on that roll. The presiding officer to be chosen, and the only one known to the law, was a speaker, and he must be elected by a majority of those on the roll and voting, being those returned as members. Suddenly, Mr. Wiltz having stationed himself within reach of Mr. Vigers, the clerk, a motion was made to declare Mr. Wiltz temporary speaker, an officer unknown to the law. Most of the accounts say that only the affirmative was put, not the negative; but this omission did not injure a void proceeding; and, amid a roar of voices, Mr. Wiltz, without waiting for the announcement of the vote, seized the chair and pushed Mr. Vigers from his place by force. Instantly another motion and a continued roar brought forth a temporary clerk, another officer without existence in law. A like proceeding produced a sergeant-at-arms, and a corps of deputies who had been foisted into the hall as bystanders.

"A whistle garrisoned the glen!"

Instantly these men displayed gilded and printed badges of office, and several of them were at once recognized as captains of armed bands which only three months before had shot down citizens and police, and seized the government and archives of the State. Protests were made, and disregarded. The yeas and nays were repeatedly demanded by more than the number required by the constitution, but they were refused and shouted down.

I stop here to remark upon a passage in the argument of the Senator from Ohio, [Mr. THURMAN.] The honorable Senator said that the yeas and nays could not be called pending the proceeding, because the

house was not organized, and he referred to what took place in the House of Representatives of the United States in 1839. The Journal of the House in 1839 shows expressly that no refusal of the yeas and nays ever took place save in one condition of facts. The presiding officer, before the roll was made (there being then no such statute as there is now and as there is in Louisiana,) there being no roll completed, said, "Without a roll, we cannot call the roll; without a list for yeas and nays, we cannot call the yeas and nays." And when on the 11th of January the roll had become substantially completed, the first demand for the yeas and nays was listened to, and the yeas and nays were ordered, says the Journal—I give its language—"by general consent." And yet because there was no statute requiring a roll to be made, because there was no roll in existence, because the very condition precedent, the very case which we have here in hand, was absent there, the Senator from Ohio cites that as a precedent to justify what was done in New Orleans, when the reason, the only reason given in 1839, shows conclusively the wantonness and usurpation of this Louisiana proceeding.

The Senator from Ohio reminded us of a legal maxim, *ignorantia non excusat legem*. I know the law does not excuse ignorance—it seems a hard rule, and yet it seems as hard for lawyers as for others. When listening to the law as laid down to us sometimes of late, I have been moved to doubt whether soldiers are likely to get wrong more than lawyers bred, in judging of legal right and wrong. Party prejudice, seems more blinding sometimes than ignorance—much learning seems yet to make men mad. My honorable friend from Ohio stated that the yeas and nays could not be called because the body was not a "house;" no organization having been effected; and yet he argues that at that moment of time, this inchoate body was "house" enough to pass upon the rights of members to sit, to overrule the statute, to import five men not on the roll and to seat them. I think that a body which is "house" enough to pass upon claims to seats, must be "house" enough to call the yeas and nays.

Mr. THURMAN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Ohio?

Mr. CONKLING. I beg my friend not to insist unless he thinks I misrepresent him.

Mr. THURMAN. You have done it.

Mr. CONKLING. Then of course I yield.

Mr. THURMAN. I was speaking of the house before the organization was completed, and speaking of it at that time, I said that there was no organized house to call the yeas and nays. I was not speaking of the house after the election of Wiltz as permanent speaker, for after that the yeas and nays were called whenever they were demanded.

Mr. CONKLING. Mr. President, the honorable Senator did maintain, and the facts and his argument required him to maintain, that the yeas and nays could not be ordered because the house was not so organized as to permit its being done, and in the same breath he did argue that at the same time, for it was the same time, it was lawful to seat men who had in my opinion no more right to act or vote than they had to take part in the deliberations of the Senate or the Supreme Court of the United States. The Senator facetiously referred to me to illustrate his argument. He said "Why the Senator from New York came here once and he had no credentials; and the honorable Senator from Maine [Mr. HAMLIN] moved that he be admitted, and the Senate said 'amen.' Yes, 'the Senate' said 'amen,' because there was a Senate to say 'amen,' and no statute stood in the way. In the case in Louisiana there was no 'house' to act or say 'amen'—no house according to the Senator that was even 'house' enough to call the yeas and nays, and a statute forbade any one to say 'amen.' The Senator from Ohio speaking of the Senator from New York said 'he was like the foolish virgin that had no oil in her cruse.' The Senator's scripture is as bad as his law. The woman with the cruse was a widow woman, and she always had oil—that was her strong point, [laughter;] and I say to the Senator 'Search the Scriptures,' 'Search the Scriptures.' If anything can regenerate your politics and correct your law, that will do it. [Laughter.]

Mr. President, under color of this illegal temporary organization, five or eight men were declared members who had and could have no more right to sit and vote at that time than they had to mingle in the government of a foreign State. Many of the members attempted to withdraw and escape; they were seized and made prisoners by badged jailers, and knives and pistols were brandished to compel them to submit. With the votes of those thus illegally and violently imported, and without the votes of the legal majority, Mr. Wiltz was next declared permanent speaker, and in like manner the whole organization was declared permanent.

I pause here a moment to count up results so far. The whole of this so-called organization styled "temporary," no matter how stood the vote, was void, and in defiance of law; but waive that for a moment; suppose it had been lawful to elect a temporary speaker; suppose it had been lawful to refuse and shout down the call for the yeas and nays; suppose it had been lawful to ignore the old clerk and his function, and to snatch it from him; suppose all this, and how can it be that Wiltz was elected? Who voted for and carried his election? Did the authorized members, and they only, vote? If so, we know the majority was against Wiltz. Did he receive a majority? If so, we know that persons voted who the law said should not

vote and whose votes were worse than void. In any aspect, the contrivance by which Wiltz seized the chair was just as void, just as much a color and a sham, as if he had assumed it by a wave of his hand. Here is one thing fixed: fifty men could not outvote fifty-two. To prove that they could, I think would dizzy the arithmetic even of the Senator from Ohio. My honorable friend from Vermont [Mr. EDMUNDS] reminds me that the fifty were democrats and that democrats are prolific in voting. [Laughter.]

The Senator from Delaware [Mr. BAYARD] thus confesses and avoids this point:

The Kellogg party may have been deceived as to their numbers, and outwitted by the defection in their own ranks, or by the superior parliamentary skill and knowledge of their opponents; the organization may have been perfectly regular or it may have been in some degree irregular and open to criticism; but it is certain that it was quiet, that it was peaceful, and unaccompanied by any threat or act of violence on the part of any conservative member. When I say that I mean that it was unaccompanied by any show of that "domestic violence" which is spoken of in the Constitution, which gives the President of the United States the right to interfere, and there was no pretext for the existence of anything capable of being termed "violence" on the part of the one hundred and one members of the Legislature so convened.

There is a statement of a great many things that might have been. The difficulty is that none of these things were. Kellogg, it turns out, was not deceived, or the Kellogg party, as to their numbers. They were not outwitted by defection. It is true that bribery, rank and brazen, was attempted, as is stated to us by Michael Hahn and fifty-one other members of the Legislature. It is true that money by thousands was offered to republican members in order that it might be fulfilled that there was defection in the Kellogg ranks. But the bribes were spurned; and the men to whom they were offered stood true. It was not domestic violence—well "domestic violence" is not the chief question—and, says the Senator in effect, Wiltz and the 102 were peaceable. Yes, they were peaceably conspiring as accomplices with five intruders; and with them they trampled law and right and peace under foot; but

"Their ways were ways of pleasantness, and all their paths were peace."

Again, what shadow of right had Wiltz and his confederates to assault and detain by force, and menace with deadly weapons, members who chose to leave the room? Was it not a bald breach of the peace and a breach of privilege? The honorable Senator from Ohio said yesterday that he would put a question to me. I put to him as a lawyer, as one who reveres the profession he adorns, the question whether it was not a breach of the peace, a violent infraction of law, by main force, even without deadly weapons, to imprison and restrain men who chose to rise, being members, and move from their seats beyond the limits of the room in which they were held? I know that a legislative "house" may by order compel the attendance of its members; but here there was no house. The "house" may compel the attendance of its members. Here there was no house, says the Senator from Ohio, no house with vigor enough to call the yeas and nays. No order had been made to send for members; and yet badged jailers, brandishing knives and pistols, *vi et armis*, in the language of the law, lay hold of members of the Legislature, make them captives, and by terror and physical duress compel them to submit.

Still further, was it not riotous, by turbulence and trick, by trampling law under foot, by introducing men not returned, by armed janissaries, by violence and deadly weapons, to prevent a lawful assembly, whether of a court, a legislature, or a common council, from organizing as the law required?

Let me complete the recital of facts.

Wiltz an ex-mayor, who might be supposed by De Trobriand and the two privates who afterward attended him, to know the duty of soldiers to act as a peace posse, on motion adopted by the body, appointed a committee to wait on the military and request their intervention. Here I quote from the memorial sent here by fifty-two members of the Legislature, including Michael Hahn, with whom my friend from Ohio [Mr. SHERMAN] and I served in the House of Representatives and we know him to be a man of candor and respectability:

About the time of the withdrawal of the republican members of the house, Mr. Wiltz gave or caused instructions to be given to the persons assuming to be sergeants-at-arms not to allow any one to pass out of or to enter the house. Great commotion at once ensued, and quite a number of knives and revolvers were drawn and displayed in a threatening manner. Most of the republican members had already left the room, amid great confusion, when Mr. Dupre, of New Orleans, (democratic member,) moved that the speaker be requested to call on the United States troops to preserve the peace of the house. The motion prevailed, and a committee, of which Mr. Dupre was appointed chairman, was appointed to wait on General De Trobriand, and request the interference of the United States troops to preserve the peace. In a short time the committee returned, accompanied by General De Trobriand and staff. Upon the appearance of General De Trobriand on the floor loud applause came from the democratic side of the house.

They called I say upon the troops of the United States, and requested their intervention. With this committee of five as ushers to bow them in, De Trobriand and his staff entered the legislative hall and the hall rang with democratic acclamations. Wiltz avowed the dependence of himself and his followers on military aid, and protested their inability to maintain themselves or maintain peace, and requested the general to quell bystanders, including the police. Here I refer to page 2 of the memorial sent up by the "conservative" members, that is the democrats:

In the mean while, during the proceedings in the house, an additional number of police, with a crowd of disorderly persons, entered the lobby and engaged in men-

acing altercation with the sergeant-at-arms and his ten assistants. Finding that the sergeants-at-arms were contending with the mob, the speaker endeavored to procure the attendance of additional sergeants-at-arms. About one o'clock p. m. the disturbance in the lobby grew serious and a conflict was imminent.

This memorial establishes out of the mouth of the democrats that turbulence occurred between the police and other persons, and a violent outbreak was imminent. This, General De Trobriand quelled, by speaking to those who knew and felt his power to enforce his words; and then the man holding the speaker's chair by fraud and usurpation, and standing on broken laws, in the name of Louisiana laid his thanks at the feet of an officer in his uniform, and the fullness thereof, with his sword by his side, which seems so profoundly to have impressed the honorable Senator from Missouri, [Mr. SCHURZ.]

When this was over, speaking in the presence of this body which could not call the yeas and nays, which had not vigor enough for that, but which had vigor enough to defy and trample upon the laws and the constitution of Louisiana,—this usurping speaker told De Trobriand that he thanked him because he had prevented bloodshed which was imminent. On this point I refer to page 4 of the memorial of Michael Hahn and his fifty-one colleagues:

General De Trobriand, in substance, (the committee being unable to get the exact words), asked Mr. Wiltz whether it was not possible for him to preserve order and keep the peace without calling upon him as a United States officer. Mr. Wiltz replied that it was impossible; that he had already instructed his sergeant-at-arms to do so. General De Trobriand then took action in the matter, and quiet was restored with little trouble. Mr. Wiltz then assured General De Trobriand that his coming had prevented bloodshed, and, as your committee is reliably informed, on motion, thanked him in the name of the General Assembly of Louisiana for his prompt response to the summons of the house, and the general retired.

Meanwhile, a majority of the legal members, fifty-two in number, when they could gain their freedom, repaired to the governor, and by written petition informed him that fraud and violence had taken possession of their hall, and called on him as the chief magistrate of the State to put them in possession and cause lawless intruders to desist. Thus notified and thus summoned, the governor requested aid, and the men he asked were soldiers. These men, to the number of three, went into the hall, and doing no violence, insisted that five men who had no right to vote or to prevent an organization should take their places among the spectators. General De Trobriand also insisted that fifty-two members of the house whose election the Senator from Ohio does not deny, fifty-two members who stood inscribed upon the roll, should be permitted to re-enter that hall of legislation. Why did General De Trobriand include that among his acts? Because by the order of Wiltz, abetted by the men over whom he presided, including the intruders, the armed janissaries with gilded lapels, shut the doors in the face of these fifty-two members when they sought to come in. Thus the majority were barred out by force; and it was De Trobriand who alone had the potency to compel the doors to be opened.

The honorable Senator from Ohio, with that naive and picturesque smile which sometimes lights up his face, turns I see to a friend as if he deemed this statement a romance. I beg to refer him to page 5 of the memorial of Michael Hahn and others, where he may read:

When the members returned to the hall, following General De Trobriand, at his request and under his protection, and attempted to follow him through the door, the sergeant-at-arms at the door, at the order of Mr. Wiltz, closed the door in their faces and forcibly prevented them from entering; and they were not allowed to enter until the attention of General De Trobriand was called to the fact; and at his order the republican members were admitted.

The five intruders were caused to take places among the bystanders. The honorable Senator talked about "the lobby." Pray what does he understand "the lobby" to have been? The room was all one room, as this is. The lobby was that place upon which the Senator's hand would rest were he to allow it to hang from the back of his chair. Nothing separated the lobby from the body of the hall but a frail railing, not such a one as stood here once, and which on the motion of the honorable Senator was removed, because his constituents hung upon it and talked so loud as to divert him from his senatorial meditations; not so firm a barrier as that, but as I am told by the Senator familiar with it, a frail, low railing making only a visible line of demarkation between one part and another part of one and the same room. I have read somewhere that these intruders were cast into the streets. No, Mr. President, they were retired as my friend before me would retire if in place of sitting where he does, he were to sit upon one of the sofas sometimes allotted to the most honored guests of the Senate.

This done, all members stood again where the law found them at first; a lawful organization could have been effected at once, but the vote would stand 52 to 50. There was the rub. In view of this fact, the fifty who had just been first the jailers of their colleagues, and then had shut them out, would not vote, would not stay while others voted, and so they went out; of course to break up a quorum and frustrate the law. But it was all peaceable revolution.

This is by no means the whole history even of that day. The senate of Louisiana was in existence, an organized body confessedly legal. It held over from the previous year, and all its officers were chosen and installed. It was ready to proceed to business. It was its duty to meet at the same hour with the house. It was the duty of all its members to be present. But every democratic senator absented himself—what for? Before the hour of meeting, and again after the democrats of the house withdrew, the democrats of the senate and of the house, were all in caucus together,—an odd proceeding considering the surroundings, and considering that there was no lawful joint work to

do. Some of the accounts inform us that these senators were privately assembled in a room near by while their associates were campaigning in the house, and that two hook and ladder companies, with scaling apparatus, were among the appliances of legislation provided by these peaceably assembled and now indignant "representatives of a sovereign State!" The President says he is credibly informed that these proceedings were part of a premeditated plan to wrest the State government from those who held it. Eye and ear witnesses relate that it was admitted while the scene was passing, that the democratic minority of Statesenators intended to organize a seceded senate, and join the minority-usurped house in recognizing as State officers the men who only three months before had led a bloody revolution in which many men had been shot down like dogs—a revolution waged under a proclamation issued by Penn, who had been the candidate for lieutenant-governor on the democratic ticket.

This conglomerated plot, this wretched conspiracy, set on foot by men whose very existence testifies to the laxity of law, is justified as a lawful and sacred proceeding. The honorable Senator from Ohio makes the acquisitions of a long life pay tribute to an effort to envelop it in a daze and glamour in which its ugly features may be hidden.

To what lawful interference and authority is such an affair subject? That is the question now presented to us.

We are asked to believe that such tumult and such disorder in any case, however clear or forcible, is above and beyond the power which may lay hands on all other disorders. The place being a legislative hall, and men duly returned being among the actors, law-breakers are secure from touch. They stand on holy ground. There, the feet of magistrates may not tread; there, a posse may not go; there, violence is in its sanctuary. The legal argument comes to this, because an attempt to test the case by all the particulars of fact which exactly measured its degree, involves minute examination of details beyond our reach. The question is one of jurisdiction. The jurisdictional elements are said to be the place and the official character of those concerned. The actors being in part members of a Legislature, and the matter in hand being the organization of a Legislature in a legislative hall, it is insisted that disorder is not, like disorder elsewhere, subject to discipline and restraint.

Orderly or disorderly, peaceable or riotous, such persons in such a place are "a law unto themselves." If knives and pistols are brandished, if men are imprisoned or assaulted, if physical duress is resorted to, if a majority is overthrown by fraud, by noise, by agility, by stratagem; in short, if law be openly trampled under foot, still the proceeding is beyond the reach of external authority. The chief magistrate of the State—a civil magistrate, cannot touch it; no one can touch it. The governor and citizens must stand by and play the part of spectators at a dog-fight, and the upper dog and the under dog must tear each other until they fight it out. If right and peace and law go down in the grapple, and the conflict spread, still the sworn guardians of the peace must look on impartially like judges at a horse-race or umpires at a prize-fight.

Mr. President, I do not believe this good morals, good law, good sense, or civilized reason. In discussing such a position, I dismiss the contested facts of a particular case. The question, I repeat, is one of jurisdiction, of right in the chief magistrate of a State, present at the locality, to interfere and suppress disorder in a legislative hall during an attempt to organize. The honorable Senator from Maryland [Mr. HAMILTON] puts an unreal case adroitly thus:

By what authority, I would ask that Senator, was the governor to aid in the organization of the Legislature any more than that soldiery he called upon and who did it? What, sir, has it come to this, I again ask that honorable Senator, that the governor of a State has a right to organize a Legislature, or to aid in the organization of a Legislature?

With a statement so perversely ingenious, it is hard to take issue. No one contends that a governor may organize or aid in organizing a Legislature. To so state the question is to use words to pervert ideas. The governor of a State has nothing to do with opening a court, with consecrating a bishop, with dedicating a church, with burying the dead; but if turbulence break out in a church, at a sepulcher, or in a court of justice, any civil magistrate has as much power to reduce it as if it broke out on a race-course, in a play-house, or a skating-rink. The civil authorities in free Switzerland have nothing to do with baptizing children; but the other day when children were baptized in Geneva and turbulence broke out, not only the civil authorities, but the military authorities, laid heavy hand upon it. In all these cases, the right of the civil magistrate must hinge, not on the place, not on the consequence of the personages guilty, but on the breach of the peace. A court is a temple of justice and of regulated liberty; so is a Legislature; both are public places. If peace reigns there, it is the public peace. If violence seizes upon them, the public peace is broken. A State prison is a public place. The State prison three miles from Lincoln in Nebraska is a public building of that State. A dispatch of the 11th of January published in the Chicago Tribune informs us that the convicts there refused to submit; disorder broke out; and, adds the dispatch, "Governor Furness has telegraphed to Omaha for United States troops and fifty soldiers are on the way." These soldiers were not present at Lincoln. The governor was not present. He could not act on view. No call had been made upon the President of the United States. There was no "domestic violence" in the language of the Senator from Delaware. The troops were not on

the spot "to act, as police," as democratic newspapers have just discovered that De Trobriand and his staff acted on the call of the usurping speaker. They were summoned from a distance of seventy miles in military array.

Mr. THURMAN. Will the Senator allow me to ask a question right there?

Mr. CONKLING. Yes, sir.

Mr. THURMAN. Does the Senator know of any law that authorized the governor of Nebraska to summon United States troops as a posse to put down an insurrection in the penitentiary, or that authorized the officer in command of the troops to obey any such summons?

Mr. CONKLING. I am glad the humanity of parties goes so far that even the convicts in the penitentiary of Nebraska are not without somebody to speak for them. [Laughter.] These oppressed citizens have been caught and caged, while others not so good run at large, but the difference of condition makes little difference with principles of law or with their application.

I will answer the Senator. Governor Furness in my opinion had no right to summon troops to reduce a tumult merely because the locus was a prison, rather than a palace or a Bridge of Sighs. No, sir, the fact that those concerned were convicts, did not enlarge the authority of the governor to appeal to military force. Governor Furness had no more right to summon soldiers to one scene of a breach of the peace than to another. This is evidently the opinion of the Senator from Ohio also. The right of Governor Kellogg to appeal to soldiers to stay lawless turbulence in a legislative hall, stands on the same ground as the right of Governor Furness to make the same appeal in respect of disorder in a prison. There is no legal distinction between the two cases.

Now, having answered the Senator, I have a question for him. Where has the Senator's constitutional sword been slumbering all the time since troops of the United States entered the State prison of Nebraska, and with their bayonets thrust down disturbers of the peace? We have heard no flourish of constitutional trumpets—not a note even from the corypheus of the band. There has not even been any curdling of blood, nor one faint spasm of constitutional virtue. A governor, of his own mere motion, with lightning for his messenger, causes troops of the United States to proceed seventy miles from their post and make one of the buildings of a "sovereign State" the theater of the submission they forcibly compelled, and not a resolution of inquiry is offered, not a word of disapproval is spoken by the sleepless watchers with the Constitution—the champions of State rights. Why is this? Convicts cannot vote. Convicts are poor material to make favorite or fashionable martyrs of. It would be hard to fire the public heart for them, albeit their case is the same in the sight of the Constitution. Hit them again—they have no friends; save sympathy and outcry for offenders too numerous and too daring to be punished—waste no words on vermin, who, all told, could not carry one primary meeting.

Mr. President, if there be a spot in any State, be it palace or hovel, exempt from visitation when a crime or breach of the peace occurs there, it is a spot not marked on the map, or so hidden or fenced about with physical barriers as to be inaccessible to ministers of law. The capitol building in a capital city, is not such a place.

It is argued on a separate ground that acts such as are reported from New Orleans, are not amenable to municipal law, because done pending the process of organizing a legislative body. To be sure, the statutes of Louisiana were defied; but for this the Senator from Maryland [Mr. HAMILTON] makes curt apology. His defense, if not logical, is all that logic can make. He dispenses with the statutes altogether; he says the law was not binding and might be defied. Why? Because it had been enacted; because it stood unreppealed and unchallenged! This is odd, but it is the Senator's reasoning. It was made, he says, by a previous Legislature. Of course it could not have been made by a future Legislature. The argument therefore is that because it was the law, it was not the law! The Senator says:

*If the organic law, which is supreme, prescribes a mode, that mode must be observed, but nothing besides. * * * Just here, having in my eye the honorable Senator from Louisiana, [Mr. WEST] who stated that if there was a legislative enactment prescribing how a future Legislature should be organized, it could not be legally organized unless it followed the forms thus prescribed. I deny the legal conclusion that the Senator would attribute to any such legislative enactment. Such enactments for precaution's sake may be passed as tending to preserve order, but they can have no legal binding power upon an incoming Legislature.*

This is the gospel of peace preached by the law-abiding Senator from Maryland in behalf of the lamb-like complainants whose champion he is. He does not contend for the right of a Legislature to repeal the acts of its predecessor. In this, as a general truth, all would agree. He does not content himself with insisting that one house may resist and undo what both houses, and the whole law-making power, have done. This would be violent and revolutionary, but still it would fall short of his need. The stress of his case pushes him yet further, and he asserts that a minority of members may, before the body is organized, before it has power to call the yeas and nays according to the Senator from Ohio, before it is a "house," defy and disregard the statute laws of the State. Even this enormous pretension, was too small for the occasion. The constitution of Louisiana remitted to the statute law the mode of settling contested seats, and ordained that the yeas and nays should be entered on the journal at the call of two members upon any question. This too was

trodden under foot; and all this wrong piled on wrong, is justified and glorified.

Mr. President, I ask the attention of the Senate to a high authority touching the position, the power, and the relations held by the clerk of the old house on the 4th of January, to show the nullity of the trick by which an unauthorized person usurped the province of propounding questions, and unlawful questions to the body. Here is the report of a famous case, the case of the *Commonwealth vs. Green and others*, heard and decided in Pennsylvania in 1839. It was a *quo warranto* to test the right of Ashbel Green and others to certain offices to which they had been elected by the General Assembly of the Presbyterian Church. My honorable friend from Ohio, though somewhat mixed about cruses of oil, and other leading cases reported in the Scriptures, will have some respect for this case, because Andrew Jackson, whom he venerates, was so moved by the dissensions it treats of, that when asked what troubled him most, General Jackson answered "The divisions in the Presbyterian Church!"

The wars of religion have been among the best fought, and most astutely contested—so have the litigations of religion. This case is an example. It was tried and argued by some of the ablest men of their time, and they gave it their best endeavors.

The questions involved were first tried before a jury. They were carried up and decided by the court in banc, when the court in banc had at its head Chief Justice Gibson, *clarem et venerabile nomen*.

This case (4 Wharton, page 531) holds: That the General Assembly of the Presbyterian Church was not a corporation, or a quasi corporation, and was not subject to the visitatorial powers of the court of chancery; but that it was vested with the attributes of legislation. Lord Coke said that no simile holds good in everything. A still older authority says, "no simile runs on all fours." But the Senate will see between the occurrence in Louisiana and the doings here reviewed, a striking similitude. I read from page 590:

The moderator, or in case of his absence another member appointed for the purpose, opens the next meeting; * * * he is directed to hold the chair until a new moderator be chosen.

I ask you to observe that the statute of Louisiana is more explicit than the language I now read, because here the provision does not contain the words "and qualified." But the moderator of the previous session is to hold his office until a new moderator is chosen. Now I read the occurrence out of which the contest arose:

Mr. Cleveland then moved that Dr. Beman, of the Presbytery of Troy, be moderator, or, as some of the witnesses say, that he take the chair—

Just as there has been a little doubt whether in the Louisiana affair the motion was for temporary chairman or temporary speaker—

The motion being seconded, the question was put by Mr. Cleveland, and was carried, as the witnesses for the relators say, by a large majority, and by this they mean that a large majority of voices voted in the affirmative. The question was reversed, and, as the same witnesses say, there were some voices coming from the southwest corner of the church who voted in the negative. This is denied by the respondents.

Dr. Beman, who was sitting in a pew the locality of which has been described to you—

I read from the charge of the judge—

stepped into the aisle, and called the house to order. A motion was then made that Dr. Mason and Mr. Gilbert be appointed clerks. There being no others put in nomination, the question was put by the moderator, Dr. Beman, in the affirmative and negative, and there was a majority of voices in their favor.

Dr. Beman then stated that the next business in order was the election of a moderator. A member nominated Dr. Fisher, and no other person being in nomination, the question was put affirmatively and negatively, and Dr. Fisher was elected by a large majority of voices. There was no negative votes on this nomination; several of the witnesses say he was unanimously elected.

Dr. Beman then announced the election of Dr. Fisher, as moderator, and said he should govern himself by the rules which might be hereafter adopted.

The case hinged on the validity or nullity of these proceedings, which are but the "counterfeit presentment" of what happened in New Orleans.

The judge charged the jury among other things in these words:

It is the opinion of the court that a member, although not an officer, is entitled to put a question to the house under such circumstances.

The Senate will observe that the judge charged the jury, in substance, that it was lawful to supersede the moderator who held over, and that another person might put a question, and that the vote on that question laid a foundation for an after-coming permanent organization. But what said the court in banc speaking through Chief Justice Gibson?

To all questions put by the established organ, it is the duty of every member to respond, or be counted with the greater number, because he is supposed to have assented beforehand to the process pre-established to ascertain the general will; but the rule of implied assent is certainly inapplicable to a measure which, when justifiable even by extreme necessity, is essentially revolutionary, and based on no pre-established process of ascertainment whatever.

To apply it to an extreme case of inorganic action, as was done here, might work the degradation of any presiding officer in our legislative halls. * * * For this reason, the choice of a moderator to supplant the officer in the chair, even if he were removable at the pleasure of the commissioners, would seem to have been unconstitutional.

But he was not removable by them, because he had not derived his office from them, nor was he answerable to them for the use of his power. He was not their moderator. He was the mechanical instrument of their organization; and till that was accomplished, they were subject to his rule—not he to theirs, * * * and the reason is that the decision of such questions as were prematurely passed here, is proper for the decision of the body when prepared for organic action, which it cannot be before it is fully constituted and under the presidency of its own moderator, the moderator of the preceding session being *functus officio*.

Many instances may doubtless be found among the minutes, of motions entertained previously; for our public bodies, whether legislative or judicial, secular or ecclesiastical, are too prone to forget the golden precept.—“Let all things be done decently and in order.” But these are merely instances of irregularity which have passed, *sub silentio*, and which cannot change a rule of positive enactment. * * * The title of the excused commissioners could be determined only by the action of the house, which could not be had before its organization was complete.

Changing the illustration to the case before us, this authority holds that it was unlawful for anybody but Vigers to propound a question before the organization was complete, and that all votes and all proceedings and results under the usurped function of any other person, were void, and to be held utterly for naught.

Mr. President, the five persons for whom and by whom these acts were committed are described as peaceable. They blocked the wheels of government; they dominated and frustrated a legislature; they strangled the cardinal principle of our system, the right of a majority to rule; they stopped the breath of representative life; but we are told it was all peaceable. The lion would have lain down with the lamb, if the swallowed lamb would only have lain down inside of the lion and agreed with him.

I heard the honorable Senator from Ohio who sits nearest me [Mr. SHERMAN] denounce and characterize the usurpation of Wiltz. I ask the Senate what act did Wiltz do in which every one of these five intruders did not aid and abet him? In trespass, and in misdemeanors, all are principals. These five men appointed and incited the badged jailers who imprisoned members, who with brandished knives and pistols compelled members to submit. I ask the honorable Senator from Ohio, who put to me a question yesterday, was there an affray there?

Mr. THURMAN. Does the Senator want an answer to his question to me. I have about half a dozen noted. I think I shall have to take another time.

Mr. CONKLING. My honorable friend from Ohio had one whole day. I might ask him—

“Insatiate archer, would not one suffice?”

Mr. THURMAN. I only wish to know when the Senator turns around and addresses me, as he has done half a dozen times since I have been in, whether he expects me to respond at once?

Mr. CONKLING. Mr. President, when I speak of the law, I turn to the Senator as a Mussulman turns toward Mecca. [Laughter.] I beg the honorable Senator to understand that I look to him only as I would look to the common law of England, the world's most copious volume of jurisprudence. [Laughter.]

I had ventured to inquire was there an affray there? Were there riotous doings there? Was there a breach of the peace there? What is the regulation size of a breach of the peace? What is the legal weight and measure of a breach of the peace? How many cubits high must it be? How many pennyweights must it weigh? Was there a breach of the peace there? I read from the memorial of the conservative members—not democratic members; there are no democrats or republicans any more. The honorable Senator from Ohio buried the republican party in oblivion yesterday by calling republicans “radicals;” and he put the democratic party out of fashion, because he always made obeisance to “the conservative party.” Here is the conservative memorial:

In the mean while, during the proceedings in the house, an additional number of police, with a crowd of disorderly persons, entered the lobby and engaged in menacing altercation with the sergeant-at-arms and his ten assistants. Finding that the sergeant-at-arms were contending with the mob, the speaker, etc.

Before these words, “mob” being one of them, die away, I inquire again, was there a breach of the peace in that room? Will it not do, as to muscular requirement, that men were seized, imprisoned, and menaced with deadly weapons, and terrorized by a turbulence and din until five of their assailants and captors repaired to the military for protection, and their usurping speaker declared himself and his janissaries and confederates helpless and afraid?

What is a riot? Here place comes in, not to exempt wrong-doers from liability, but to aid in defining and constituting their offense. That which in the fields, or even in the street, might not be a riot, may be an aggravated riot in a church, in a court-house, in a State-house—anywhere where public proceedings by law are required to take place.

The same thing is true of time, of the public temper, the state of the community, recent riots that have occurred, threats in the air, murmurs of disorder, such as Sheridan describes. Let me read:

During the few days in which I was in the city prior to the 4th of January, the general topic of conversation was the scenes of bloodshed that were liable to occur on that day, and I repeatedly heard threats of assassinating the governor, and regrets expressed that he was not killed on the 14th of September last; also threats of the assassination of republican members of the house, in order to secure the election of a democratic speaker.

Yes, sir, time and condition is of the very essence of the criterion by which to test the danger of turbulent proceedings. A match is a harmless thing. I light it here with a scratch, and its flame passes away in the air; but a match drawn in a powder-magazine may whirl all in a common ruin. So acts of violence in New Orleans are characterized and measured by the time, the temper, the situation; all these are the surrounding circumstances by the light of which the affair is to be judged. But regardless of time or place, what, I repeat, is a riot? A riot is a tumultuous disturbance of the public peace by three persons or more, aiding each other with common intent in an unlawful purpose, which they execute with turbulence. The pur-

pose need not be unlawful if so executed. The lines of such offenses have been clearly marked by high authorities. I take up at once three cases relating to breaches of the peace, one in a church, one in a theater, one in a political and legislative meeting—three cases in which the courts say that proceedings stopping far short of the fracas in New Orleans, were riotous, regardless of statutes—riotous by the common law, and indictable and punishable in “what was once free America”—I borrow again from the honorable Senator from Ohio. I refer first to 2 Campbell, page 358, the case of Clifford vs. Brandon. Clifford, a distinguished barrister, went to Covent Garden Theater. He with others took umbrage at the prices which there prevailed. He, with others, hissed the actors, hissed them to damn a play. My friend from Ohio, who treats us so often to similes and figures drawn from the stage, will understand how a play is “damned.” Mr. Clifford and others hissed the play and disturbed the spectators. Mr. Clifford and others were seized by a ticket agent—how he was uniformed does not appear. This functionary seized Clifford and others, violently removed them from the play-house, carried them through the streets, and imprisoned them. An action was brought for false imprisonment. The justification was that they were engaged in riotous proceedings. The case was heard before the court, and the judgment was delivered by Mansfield. I read first the syllabus of the case:

Yet if a number of persons having come to the theater with a predetermined purpose of interrupting the performance, for this purpose make a great noise and disturbance, so as to render the actors entirely inaudible, though without offering personal violence to any individual, or doing any injury to the house, they are, in point of law, guilty of a riot.

Mansfield says:

But if any body of men were to go to the theater with the settled intention of hissing an actor, or even of damning a piece, there can be no doubt that such a deliberate and preconcerted scheme would amount to a conspiracy, and that the persons concerned in it might be brought to punishment. If people endeavor to effect an object by tumult and disorder, they are guilty of a riot. It is not necessary, to constitute this crime, that personal violence should have been committed, or that a house should have been pulled in pieces. I am clearly of opinion that the scenes which have been described amount to a riot. How can it be said there was no terror? Would any of the jury allow their wives or daughters to go to the theater during these disturbances?

Here is a case from North Carolina, reported in 4 Devereux's Reports, where a man went to a religious meeting and made grimaces and laughed; and when his rights came to be tested the court was confronted by the constitution of North Carolina, which guarantees to all their own religion, free from the thews and fetters of sects, guarantees to all the right, in a way no matter how unique or grotesque, to worship their Maker by the signs and symbols and eccentricities which each may affect. The court, wrestling with the immunities which thus surrounded the case, said what I shall read. The indictment ended with the words, “against the form of the statute.” There was no statute punishing the offense, and the court said the culprit could be convicted at common law, although the indictment laid it as done against a statute. The court said that in North Carolina no statute punished such an offense, and then proceeded, speaking through Ruffin, chief justice:

The offense is not charged as a nuisance, but as a specific misdemeanor, in itself.

I think the indictment sufficient.

In the further view, that the exercise of religious worship calls together large multitudes, whose assembly is lawful, and a duty in a religious sense, and a public duty in the sense of the constitution, the disturbance of whom has an immediate tendency to bitter discords, the violent commotion of neighborhoods, and a breach of the peace, I also think the indictment sufficient. (The State vs. Henry N. Jasper, 10 North Carolina Reports, Devereux's Law, 324, 326.)

I now take up a case coming from the State of Massachusetts, the case of the Commonwealth vs. Hoxey, 16 Massachusetts Reports, 385:

The indictment set forth * * * that the defendant while the moderator was presiding in the meeting—

A town-meeting authorized by law—

and was receiving the votes for a selectman, with force and arms, intending as much as in him lay to prevent the choice of said selectman according to the will of the electors, and to interrupt the freedom of election, unlawfully and disorderly did openly declare that the old selectman should not be chosen, and attempted repeatedly to take from the box, which contained the ballots of the electors, the votes of the electors: and so the jurors say, &c.

The defendant pleaded guilty to the indictment, and moved in arrest of judgment; “because the said indictment purports to be founded upon a statute law of the Commonwealth; whereas there is no such statute in the State, making the facts set forth in the indictment an offense against the Commonwealth; and because the facts set forth in the indictment do not amount to an offense at common law.”

What did the court say?

The tendency of the defendant's conduct was to a breach of the peace, and to the prevention of elections, necessary to the orderly government of the town, and due management of its concerns for the year. It is true that the common law knows nothing perfectly agreeing with our municipal assemblies. But other meetings are well known and often held in England, the disturbance of which is punishable at common law, as a misdemeanor. In this Commonwealth, town-meetings are recognized in our constitution and laws: and the elections made and the business transacted by the citizens, at those meetings, lie at the foundation of our whole civil policy. If then there were no statute, prohibiting disorderly conduct at such meetings, an indictment for such conduct might be supported.

The criminal commissioners of England, commenting upon the case in 2 Campbell, say that Mansfield did not go far enough, that no violence is necessary, that the whole offense is made out when lawful proceedings are baffled, and disorder rules the hour.

Assuming that a breach of the peace occurred at the time in question, it was lawful for any magistrate to interpose and arrest it, ap-

prehend the actors, and take all needful precautions against its continuance and renewal. Precaution alone, opened a wide field. This was the right of any person, though a private citizen, holding a warrant for the apprehension of the offenders. It was the right of any officer or magistrate, or of those he summoned, without warrant, not only to quell the disturbance but to apprehend the disturbers. I might cite many authorities to this, but no better exposition of the law is needed than that given in a charge to a jury by Judge King after the Philadelphia riots in 1844—Judge King who thirty years ago was nominated for justice of the Supreme Court of the United States.

He says:

An unlawful assembly, such as I have described, may be dispersed by a magistrate whenever he finds a state of things existing, calling for interference in order to the preservation of the public peace. He is not required to postpone his action until the unlawful assembly ripens into an actual riot. For it is better to anticipate more dangerous results, by energetic intervention at the inception of a threatened breach of the peace, than by delay to permit the tumult to acquire such strength as to demand for its suppression those urgent measures which should be reserved for great extremities. The magistrate has not only the power to arrest offenders and bind them to their good behavior, or imprison them if they do not offer adequate bail, but he may authorize others to arrest them by a bare verbal command, without any other warrant; and all citizens present whom he may invoke to his aid, are bound promptly to respond to his requisition, and support him in maintaining the peace. And a magistrate, either present or called on such an occasion, who neglects or refuses to do his utmost for the suppression of such unlawful assemblies, subjects himself to an indictment and conviction for a criminal misdemeanor. When, however, an unlawful assembly assumes a more dangerous form, and becomes an actual riot, particularly when life or property is threatened by the insurgents, measures more decisive should be adopted. Citizens may, of their own authority, lawfully endeavor to suppress the riot, and for that purpose may even arm themselves, and whatever is honestly done by them in the execution of that object will be supported by the common law. In the great London riots of 1780, this matter was much misunderstood, as it clearly was with us, and a general persuasion prevailed that no indifferent person could interfere without the authority of a magistrate, in consequence of which much mischief was done, which might otherwise have been prevented.

Mr. SARGENT. If the Senator from New York will give way, unless he desires very much to proceed now, I will move that the Senate adjourn.

Mr. CONKLING. I have no doubt as to my right to give way and as to the propriety of my doing it, except my consciousness of the inadequacy of that which I am saying to warrant an expenditure by the Senate of any part of another day in hearing me.

Mr. BOUTWELL and others. We will judge of that.

Mr. CONKLING. And yet, of course, I do not wish to compel Senators to stay if their politeness may constrain them; and therefore I shall agree of course to whatever may be the disposition of the Senate.

Mr. SARGENT. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and eighteen minutes p. m.) the Senate adjourned.

IN SENATE.

FRIDAY, January 29, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. No. 3823) making appropriations for fortifications and other works of public defense for the fiscal year ending June 30, 1876; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting a letter of the Chief of Engineers relative to the purchase by the Engineer Department, in 1863, of land adjacent to the fort at Willet's Point, New York Harbor; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, communicating a protest of the officers of the Tenth Regiment of United States Cavalry, against the passage of the House bill to authorize the restoration of George A. Arnes to the rank of captain; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a report of the Secretary of War, transmitting, in obedience to law, a copy of the report of Colonel J. H. Simpson, Corps of Engineers, upon part of the third subdivision of the Mississippi route; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BOGY. I present a joint resolution of the Legislature of Missouri; which I ask to have read and printed.

The Secretary read the resolution, as follows:

OFFICE OF SECRETARY OF STATE,
City of Jefferson, Missouri.

I, Michael K. McGrath, secretary of state of the State of Missouri, do hereby certify that the annexed pages contain a true, complete, and full copy of a joint

and concurrent resolution of the General Assembly of the State of Missouri, entitled "Joint and concurrent resolution of the General Assembly of the State of Missouri concerning the recent occurrences in Louisiana," approved January 19, 1875, as appears by comparing the same with the original rolls of said resolution now on file, as the law directs, in this office.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at office this 25th day of January, A. D. 1875.

[L. S.]

MICHAEL K. McGRATH,
Secretary of State.

Joint and concurrent resolutions of the General Assembly of the State of Missouri concerning the recent occurrences in Louisiana.

Be it resolved by the house of representatives (the senate concurring therein) as follows:
First. That this General Assembly reaffirms the true republican doctrine set forth in the original constitutions of Virginia and Massachusetts, "that no free government or the blessings of liberty can be preserved to any people except by a frequent recurrence to fundamental principles."

Second. That one of those fundamental principles of free governments is that the Legislature of a State is the sole judge of the election and qualifications of its own members; and that the recent use of Federal troops to expel from the duly organized Legislature of Louisiana certain members thereof, on the pretext that they had been wrongfully admitted by that Legislature to their seats, is at once a violation of that principle, an outrage upon a helpless people, calculated to insult and bring into public odium the gallant Army of the United States intended for nobler purposes than that of upholding an effete local usurpation.

Third. That even if, as is alleged in palliation of the use of Federal troops in organizing a Legislature for Louisiana, there were irregularities in its first steps, neither the governor of the State nor any Federal officer had any right whatever to correct these irregularities or seat or unseat members of the Legislature at the point of the bayonet; and whatever evils might arise from such irregularities, they would be insignificant in comparison with a recognition of the centralizing doctrine that a President of the United States can decide who is governor of the State, and then lend the nation's troops to that governor to enforce his decisions as to who are members of its Legislature.

Fourth. That another fundamental principle of free government is that the military is, and in all cases and at all times ought to be, in strict subordination to the civil power; that the spectacle of the intervention by the President of the United States in local or State affairs, not in his capacity as a civil magistrate, through the writs of the courts, but as a military commander-in-chief through troops and vessels of war in time of peace, has become so frequent of late as to excite the apprehension of all lovers of constitutional liberty; and that it is the duty of Congress to enact without delay suitable laws to check the abuse of the military authority of the General Government.

Fifth. That while the recommendation of Lieutenant-General Sheridan that a designated class of people should be declared "banditti" and tried by courts-martial in time of peace is so absurd as to excite only the derision of every one in the least acquainted with the Constitution and laws of the country, yet such reckless and incendiary language from an officer charged with a delicate mission is abhorrent to the feelings of every friend of humanity and lover of constitutional liberty, and deserves and should receive a stern and prompt rebuke from his official superiors.

Sixth. That while we sincerely sympathize with the people of Louisiana in their unhappy condition, and are determined to make every legitimate effort to diminish their sufferings, we urge upon them to do no rash act, and to use only lawful and peaceable means to throw off the yoke of their bondage, looking hopefully forward to the time when, through the sense of justice of the whole people of the Union, they may be reinstated in their rights of self-government; that by such true, patient heroism they may do the whole country a great service in baffling the wicked schemes of all such as aim to worry and goad them into acts of violence, which may be used as pretexts for extending a like military despotism over adjoining States and eventually over the whole Union.

Seventh. That our Senators in the Congress of the United States are hereby instructed and our Representatives are requested to urge upon that body to exercise all its powers under the Constitution, without delay, to secure to the people of Louisiana the blessings of peace and prosperity under a republican form of government.

Eighth. That we appeal to the Legislatures of all our sister States to take appropriate action in relation to the recent events in Louisiana, with a view to preserve and increase harmony between the different sections of our common country, and protect our common liberties against the stealthy approach of absolutism through the use of military power in civil affairs.

Ninth. That the governor of the State is requested to transmit copies of these resolutions to the executives of the other States of the Union, to be laid before their respective Legislatures.

Tenth. That a copy of these resolutions be sent to each of our Senators and Representatives in the Congress of the United States.
Approved January 19, 1875.

Mr. BOGY. I move that the resolutions be laid on the table and printed.

The motion was agreed to.

Mr. SHERMAN. The resolutions recommend a revolutionary and unconstitutional proceeding. If that is the tone of the people of Missouri, it seems to me they had better study the Constitution of the United States. That is all I have to say.

Mr. DENNIS presented the petition of Julia M. Colbourne, of Baltimore, Maryland, administratrix of the estate of James Simpson, deceased, praying an extension of letters-patent for a valuable improvement in vessels for holding liquids; which was referred to the Committee on Patents.

Mr. WASHBURN presented a memorial of citizens of Cambridge, Massachusetts, remonstrating against the restoration of duties on tea and coffee, and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. LEWIS presented a memorial of citizens of Virginia, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. SCOTT. I present a petition of citizens of Pittsburgh and vicinity, praying that liberal appropriations be made for the improvement of the Ohio River and that the interest on the bonds of the Texas Pacific and the Northern Pacific Railroad Companies be guaranteed by the Government. This is a mixed petition. I move its reference to the Committee on Railroads.

The motion was agreed to.

Mr. SCOTT presented memorials of citizens of Johnstown, of Huntingdon County, and of Hollidaysburg, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee and praying a repeal of the law which reduced duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented a memorial of the Methodist church of Allston, Massachusetts, signed by the pastor and officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

He also presented the petition of J. J. Flournoy, of Georgia, asking an appropriation of money to aid such of the colored people as wish to remove to Liberia; which was referred to the Committee on Appropriations.

Mr. SCHURZ presented a resolution of the Legislature of Missouri, in favor of an appropriation for the improvement of the Gasconade River, in South Central Missouri; which was referred to the Committee on Commerce.

Mr. OGLESBY presented a memorial of 150 citizens of Decatur, Illinois, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

Mr. PRATT presented a petition of sundry members of the Seneca tribe of Indians, who co-operated with the American forces in the war of 1812, asking to be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. PRATT. I also present a petition of citizens of the District of Columbia, praying Congress to have the commission for this District continued for the term of one or more years, that they may fully complete their labors so well and economically begun. They say in reference to the bill and report of Senator MORRILL, reported to the Senate December 7, 1874, "for the better government of the District of Columbia," that they beg leave to suggest that it is too voluminous, creating too many boards and bureaus, multiplying offices, &c. They say:

We desire simplicity and economy in our District government. Finally, we believe the importance of the bill demands more time and consideration than it can receive at the present short session of Congress, especially in view of the multitude of bills and important business now on the tables of this Congress pressing for immediate passage; therefore we desire to have action on said bill and report deferred to a more appropriate season or session; and in no case do we desire any demoralizing District elections.

I move the reference of this petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. ALLISON presented a petition of the mayor and common council of the city of Dubuque, Iowa, and of the city of Dunleith, Illinois, and also of a large number of citizens of the States of Iowa and Illinois, asking that the authority of Congress be granted for the construction of a ponton-bridge across the Mississippi River between Dubuque, Iowa, and Dunleith, Illinois; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a memorial of citizens of Youngstown, Ohio, and a memorial of employes of the Grafton Iron Company, Grafton, Ohio, remonstrating against the restoration of the duty on tea and coffee, and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

He also presented the petition of Walter Wheatley, a citizen of Ohio, praying to be allowed a pension on account of services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. HAMILTON, of Maryland, presented a petition of citizens of Baltimore, Maryland, praying that aid be granted to the American Printing House for the Blind and the American University for the Blind; which was referred to the Committee on the District of Columbia.

Mr. SARGENT. I present the petition of about 1,200 citizens of the District of Columbia, asking for the passage of the amendment to the bill (S. No. 963) for the better government of the District of Columbia, which was submitted by myself, and in the same terms as the large petition which I presented yesterday. I move that this petition lie on the table to await action on that bill.

The motion was agreed to.

Mr. CLAYTON presented a petition of the members of the legal profession residing in the city of Little Rock, Arkansas, praying that Richard H. Johnson, Andrew I. Hutt, Silas F. Field, Samuel F. Dolley, and John I. McAlmont, sureties on the bond of John G. Halliburton, late marshal for the eastern district of the State of Arkansas, be relieved from liability on account of the judgment rendered against them by the district court of Arkansas on the 25th day of April, 1868, for the sum of \$5,620; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. NORWOOD, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 565) for the relief of Peters and Reed, naval contractors at the Norfolk navy-yard in the year 1860, reported it without amendment.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was referred the memorial of Levi P. Wright and Dennis

O'Neal & Co., praying an amendment of the act of June 20, 1874, entitled "An act for the government of the District of Columbia," so that they may receive pay for sweeping the streets, avenues, and alleys of the city of Washington the same as other ordinary municipal expenses are now paid, reported a bill (S. No. 1212) explanatory of the act passed June 20, 1874; which was read and passed to the second reading.

Mr. OGLESBY. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. No. 3732) granting a pension to O. G. Van Dusen, guardian of minor child of Reuben M. Pratt, to report it back and recommend its indefinite postponement, because a note from the Bureau of Pensions shows that since the bill was introduced in the House the pension has been granted by the Commissioner of Pensions.

The bill was postponed indefinitely.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of Mary B. Hook, widow of Colonel James H. Hook, late of the United States Army, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of George W. Coffin, late of Company I, Tenth Missouri Volunteer Cavalry, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Nathan Upham, a corporal in Company G, Eighty-fourth Regiment Indiana Volunteers, praying to be allowed a pension, submitted a report accompanied by a bill (S. No. 1213) granting a pension to Nathan Upham.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1241) restoring to the pension-roll the name of Joseph V. Cartwright, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3715) granting a pension to Sarah Bacon, of Frankfort, Kentucky, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 413) for the relief of Alice Aide, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Maria A. Rousseau, widow of Major-General Lovell H. Rousseau, praying for an increase of pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Samuel Adams, of Texas, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3277) granting a pension to Robert D. Jones, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late private Company D, Forty-ninth Regiment Illinois Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1722) granting a pension to Martha Wold, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3717) granting a pension to Sarah McAdams, reported it with an amendment.

Mr. WINDOM, from the Select Committee on Transportation Routes to the Sea-board, to whom was referred the bill (S. No. 1100) chartering the Forty-first Parallel Railroad Company of the United States of America, from Lake Erie to the Missouri River, and to limit the rates of freight thereon, asked to be discharged from its further consideration and that it be referred to the Committee on Railroads; which was agreed to.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was recommended the bill (S. No. 584) providing for the permanent location of the southern terminus of the Oregon Central Railroad, and to amend the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, asked to be discharged from its further consideration; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill

(S. No. 1194) granting right of way to the San Pete Railway Company, asked to be discharged from its further consideration and that it be referred to the Committee on Railroads; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1059) to incorporate the Dakota and Montana Railroad Company, asked to be discharged from its further consideration and that it be referred to the Committee on Railroads; which was agreed to.

He also, from the same committee, to whom was referred a petition of citizens of New York, praying further legislation in aid of homestead settlers upon the public lands, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of the Legislative Assembly of the Territory of Dakota, in favor of a grant of land to aid in the construction of a railroad from Yankton, in that Territory, to the Great National Park, by the way of the Black Hills, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of the Legislature of Dakota, asking a grant of lands to aid in the construction of railroads in that Territory, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of citizens of California, asking an amendment of the homestead law so as to enable settlers on the even numbered sections inside of railroad reservations to enter one hundred and sixty acres instead of but eighty acres, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of citizens of Dickinson County, Kansas, praying the passage of House bill No. 3281, amending an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Railroads, the bill being before that committee; which was agreed to.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3278) granting a pension to Margaret Beeler, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3723) granting a pension to Mary Logsdon, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3699) granting a pension to Lydia Simpson, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3191) granting a pension to Elizabeth Braunix, submitted an adverse report; which was ordered to be printed.

Mr. HAMILTON, of Texas. I suggest that the report is so made as to allow the petitioner to withdraw her papers from the files should she see proper.

The PRESIDENT *pro tempore*. It being a House bill, in the opinion of the Chair the bill must go back to the House, and leave must be asked there to withdraw the papers.

The bill was postponed indefinitely.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the petition of Hiram Bateman, late of Company I, Third Regiment Michigan Volunteers, praying to be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Mountjoy Browning, late of Company A, Missouri State Militia Cavalry Volunteers, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. HAMILTON, of Texas. I am also directed by the same committee, to whom was referred the bill (H. R. No. 360) granting a pension to Oliver C. Denslow, to report it back adversely, and move its indefinite postponement. A letter of the Commissioner of Pensions after the passage of this bill by the House shows that the pension asked for has been granted.

The bill was postponed indefinitely.

Mr. FERRY, of Connecticut, from the Committee on Patents, to whom was referred the bill (S. No. 40) for the relief of Andrew Dillman, of Illinois, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was recommitted the petition of Joshua H. Butterworth, praying for an extension of his patent on improvements in bank and safe locks, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of J. W. Caldwell, of Lewisburgh, West Virginia, praying such enactments as will confer upon him authority to construct a certain kind of railroad which he claims to have invented for the crossing

of streams under water, asked to be discharged from its further consideration; which was agreed to.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the petition of Anson Atwood, of Troy, New York, praying for an extension of his patent for railroad car wheels, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of A. S. Macomber, of Hamilton, New York, praying for the extension of letters-patent for straw and stalk cutters, asked to be discharged from its further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1214) for the relief of the Industrial Home School of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1215) to establish a post-route in Texas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

LANDS IN SANTA CRUZ VALLEY, ARIZONA.

The PRESIDENT *pro tempore*. If there be no resolutions, the Senate will proceed, under the order, to consider reports from the Committee on Private Land Claims.

Mr. THURMAN. The Senator from Missouri will take charge of that matter.

Mr. BOGY. I am authorized by the chairman of the Committee on Private Land Claims to ask the Senate to take up House bill No. 3584.

The bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona was considered as in Committee of the Whole.

The preamble recites that certain lands in Santa Cruz Valley, county of Pima, and Territory of Arizona, have for many years been occupied and possessed by persons of Mexican birth, who became citizens of the United States under the treaty of Guadalupe Hidalgo and the Gadsden treaty, and that they desire to secure patents for these lands in the small and irregular tracts in which they were originally taken up under Mexican authority and have been held and cultivated to the present time, and that they cannot do so under the existing land laws of the United States.

The bill therefore relinquishes all the right and title of the United States to the land embraced in sections 2, 11, and 14, and the east half of sections 3, 10, and 15, of township 14 south, range 13 east, Gila and Salt River meridian, in the county of Pima, Territory of Arizona, and grants the same to the person or persons who have been in the actual *bona fide* occupancy or possession of the land, by themselves or their ancestors or grantors, for twenty years next preceding the date of the passage of the act. It is made the duty of the register and the receiver of the United States land office for the district in which the land lies to hear and determine, subject to the approval of the Commissioner of the General Land Office, the rights of the parties claiming under the act; and for that purpose the register and the receiver are to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession.

Whenever it shall have been determined by the register and receiver, or on appeal by the Commissioner of the General Land Office or Secretary of the Interior, that any tract has been so occupied, it shall be the duty of the surveyor-general of the Territory to cause the claims to be surveyed in accordance with the lines of such occupancy, and to furnish approved plats of the same, upon the receipt and approval of which plats and the field-notes thereof by the Commissioner of the General Land Office patents shall issue as in other cases.

Any part or parts of the designated lands that are not shown to the satisfaction of the Commissioner of the General Land Office to have been so occupied for twenty years shall be held by him as open to settlement under the provisions of the pre-emption or homestead laws of the United States, and patents may be issued therefor for any number of acres not exceeding one hundred and sixty that parties complying with said legal provisions may desire to hold; but all existing occupants who have settled on those lands within a period of less than twenty years shall have the prior right to acquire the same under the homestead laws of the United States.

Mr. BOUTWELL. I should like to ask the Senator from Missouri whether the last section of that bill does not abolish all that is contemplated by the whole bill?

Mr. BOGY. No, sir. I will explain. These lands are not in legal subdivisions; they are not subject to entry; they are merely the little ground possessions, lots of from five and not to exceed fifty acres in the ancient Spanish and Mexican village of Pima. These lands are not a part of the public domain of the United States under the control of the Land Office, that can be entered at private entry, unless they be made so by special law. They have never been proclaimed to be in market and are not surveys in accordance with the surveys of the United States.

I will state, so that there may be no misunderstanding about this matter, that this old town in Arizona is a very ancient Spanish settlement. These people have been there perhaps a hundred years or more. They are generally very poor people, and are in the possession of the same property held by their forefathers for many genera-

tions. They thought they were protected amply by the treaty of Gaudalupe Hidalgo, and I presume they are by the principles of that treaty; but nevertheless they have no title which they can maintain in court in the event of a suit. When in possession they cannot be dispossessed by anybody, but they cannot assert their rights in court. The amount is indeed very small, and the bill is only to protect them in their ancient town-lots and out-lots; and in no case does the amount exceed fifty acres or less than five acres. The whole is of very little value.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJOURNMENT TILL MONDAY.

Mr. CAMERON. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet again on Monday at twelve o'clock.

Mr. SHERMAN. I call for the yeas and nays on that motion.

Mr. SARGENT. Is this in order under the call of committees? It had better go over until after the morning hour. It is taking up the time of the committee.

Mr. THURMAN. The Committee on Private Land Claims has not got through.

The PRESIDENT *pro tempore*. The Chair believes this motion has been generally entertained as a privileged question, but the Chair may be mistaken.

Mr. SHERMAN. Senators who are making speeches, or wish to make them, must remember that at this period of the session we cannot waste many Saturdays.

The PRESIDENT *pro tempore*. Upon this question the yeas and nays are requested.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 23; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boggy, Cameron, Clayton, Cooper, Davis, Dennis, Dorsey, Ferry of Connecticut, Flanagan, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Howe, Johnston, Jones, Kelly, McCreery, Merrimon, Mitchell, Norwood, Pease, Ransom, Robertson, Saulsbury, Spencer, and Thurman—31.

NAYS—Messrs. Alcorn, Boreman, Boutwell, Conkling, Cragin, Edmunds, Ferry, of Michigan, Frothinghuyse, Gilbert, Ingalls, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Scott, Sherman, Sprague, Wadleigh, Washburn, West, Windom, and Wright—23.

ABSENT—Messrs. Brownlow, Buckingham, Carpenter, Chandler, Conover, Fenton, Goldthwaite, Gordon, Hamlin, Lewis, Logan, Morrill of Maine, Sargent, Ramsey, Schurz, Stevenson, Stewart, Stockton, and Tipton—19.

So the motion was agreed to.

CREDENTIALS.

Mr. THURMAN. There is another bill from the Committee on Private Land Claims to be considered, and I very much fear that we may not get through with it before one o'clock. If we do not, and it will not be disagreeable to the Senator from New York, I will ask the Senate to give us ten minutes more, so that that bill may be completed. The Senator from Missouri will call the attention of the Senate to the bill.

Mr. BOGGY. I hope we may get through by one o'clock. I wish to call up Senate bill No. 423.

Mr. CONKLING. Pending the taking up of that bill I wish to present the credentials of a Senator-elect; and I will say that I shall not object to giving a few minutes to this committee.

The PRESIDENT *pro tempore*. The Chair will receive the credentials.

Mr. CONKLING presented the credentials of Hon. FRANCIS KERNAN, chosen by the Legislature of New York a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

Mr. BOGGY presented the credentials of Hon. FRANCIS MARION COCKRELL, chosen by the Legislature of Missouri a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

LANDS AT POINT SAN JOSÉ, CALIFORNIA.

Mr. BOGGY. I ask for the consideration of Senate bill No. 423.

The bill (S. No. 423) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights, was considered as in Committee of the Whole.

The preamble recites that by the act of Congress of July 1, 1870, relinquishing the right and title of the United States to the military reservation at Point San José, except the portion thereof now held as such reservation, the lands thereby relinquished were restored to parties who had been misled by the action of the Government in withdrawing its appeal from the decree of the board of land commissioners of the United States confirming the title of the city of San Francisco to lands embracing the reservation, and were in the *bona fide* possession thereof when the military authorities went into the occupancy thereof; and that the persons dispossessed by the military authorities of the portion so excepted in that act had in every respect the same equitable claims to the lands formerly occupied by them, and were excluded from the relief granted by the act solely because the lands are required for military purposes; and that the buildings and improvements erected by the former occupants of the lands within the present limits of the reservation are useful for the purposes of the Government, and their existence has saved a considerable expense

to the United States. It is therefore provided that the several persons, their heirs, grantees, assigns, or legal representatives, who, when the military authorities of the United States took possession and entered into the occupation of the lands above high-water mark within the present limits of the military reservation at Point San José, in the city of San Francisco, California, were in the *bona fide* possession of portions thereof, by themselves, their tenants, or agents, shall be compensated by the United States for the lands, and the improvements thereon, of which they were respectively deprived when the lands and improvements were taken possession of by the military authorities of the United States; which compensation shall be the value of the lands and the value of the improvements thereon at the time when the military occupation of said lands commenced. The Court of Claims is directed to ascertain and determine these values, and render judgment for compensation therefor in favor of the several persons, respectively, who were in the possession of the premises, or any part thereof, their heirs, grantees, assigns, or legal representatives.

Mr. EDMUNDS. I should like to hear the report of the committee read in this matter. I think I recognize an old affair. We have heard it before.

The PRESIDENT *pro tempore*. There is no report.

Mr. EDMUNDS. Then I should like to hear the bill explained.

Mr. SARGENT. With the consent of the Senator from Missouri, as this matter is familiar to me, I will make a brief statement of the facts.

The city of San Francisco, like all recognized Mexican towns in the State of California and elsewhere, claimed that it was a pueblo, a Mexican city, and as an incident thereto had a right to four square leagues of land. By our legislation and by the decision of the board of land commissioners and the Supreme Court, that has been recognized in a great many instances where certain preliminary facts which existed in the case of San Francisco were ascertained. The city of San Francisco making this claim laid it before the land commission which was organized under an act of Congress to determine whether Mexican land grants were valid and should be confirmed by the United States under the treaty of Guadalupe Hidalgo, or whether the claims were erroneous or were fraudulent. The decision of the board of land commissioners in this case was that while the city was not entitled to four leagues it was entitled to a certain quantity of land, which decision embraced the lands at Point San José, and which are referred to in this bill.

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. SARGENT. On account of the time that was taken up by the calling of the yeas and nays and the presenting of credentials and in accordance with the suggestion of the chairman of the committee, I ask that fifteen minutes be allowed.

Mr. EDMUNDS. Ten minutes was asked.

Mr. SARGENT. After the naming of ten minutes there were some credentials read which took about five minutes longer, and I think it is not asking too much on a bill of this importance to give us fifteen minutes.

Mr. EDMUNDS. No; I think we ought to have two hours.

The PRESIDENT *pro tempore*. The Chair hears no objection to postponing the special order for fifteen minutes.

Mr. FERRY, of Michigan. I want at this time to give a notice to the Senator from California. The Senator from Ohio objected on Wednesday to the extension of the time of the Post-Office Committee when I had the honor to have charge of its business. I am not disposed to interpose any objection now, but I want to give notice that I will insist on the practice that is now renewed since the objection was raised by the Senator from Ohio.

Mr. SARGENT. This I say was contested by the United States before the land commission, and the decision of the land commission was that the city was entitled under the treaty and under the laws of Mexico to a portion of land which embraced Point San José. An appeal was taken by the city on the ground that it should be entitled to four leagues, that that amount should be confirmed, and by the United States on the ground that the portion which was ascertained by the decision to be due the city ought not to be granted; that is to say, contesting the whole claim. Subsequently the United States withdrew its appeal, leaving, so far as it was concerned, the decision of the land commission to stand confirming these lands and others to the city of San Francisco. The city, however, prosecuted its claim. Ten years thereafter, when the matter was before the circuit court, for the first time in the history of the proceedings evidence was brought forward that a reservation of Point San José and adjacent lands had been made by President Fillmore for military purposes. There was no advertisement or proclamation of that reservation as is required by the law of 1841, fifth volume of Statutes, page 435. Nobody knew anything about it. It was discovered by hunting among the files of the War Department, and there is no doubt but that a reservation was ordered by the President; but the law was not complied with by making proclamation of it. In other words, there was no notice given to the citizens who had gone upon this land under the decision of the land commission, and the United States set up no title to it except their original resistance of any grant by Mexico to the city of San Francisco.

Mr. EDMUNDS. Under what title, may I ask the Senator, did these citizens enter?

Mr. SARGENT. Under the decision of the United States land commission and the withdrawal of the appeal of the United States by the United States authorities. The supreme court of California in two decisions decided that there was a perfect title to those lands, other lands being still litigated by the appeal of the city of San Francisco. There was a municipal ordinance passed giving these lands and others which had been confirmed to the occupants, relinquishing the right of the city to the actual occupants, who had made certain improvements and had shown by certain *bona fide* operations that they were entitled. That was subsequently confirmed by the Congress of the United States. I have a reference to the statute which I have no doubt the Senator himself will remember.

Mr. EDMUNDS. Will the Senator give me the date of the statute? Is it the act of 1870?

Mr. SARGENT. By the act of July 1, 1870, "all right and title of the United States to said reservation, except the portion thereof now held for military purposes." That reservation was important, and I will remark upon it in a moment. The United States recognized what was called the Van Ness ordinance of the city of San Francisco. During all this time, after the supreme court of the State had declared that there was a perfect title in the city, after the city had made the grant to the individuals, citizens of the United States, not knowing of any military reservation—there never having been any proclamation of it, it being hid away in the pigeon-holes of the War Office—bought these lands, one of another, made valuable improvements, but suddenly they were surprised by the fact, before which is undoubted, that this silent reservation had been made years ago.

Now, the purpose of this bill is to allow these parties, who thus certainly acted in perfect good faith, who knew of no reservation, the foundation of whose title rested upon the decision of the board of land commissioners, with jurisdiction for that purpose, fortified and sustained by the abandonment of the case by the United States Supreme Court, leaving that decision in full force—I say the purpose of this bill is to allow these parties to go to the Court of Claims in order that any damages which they may have sustained by their being forcibly deprived of these lands may be compensated to them.

There is one feature of merit in this matter to which I call the attention of the Senator from Vermont and of every other Senator who hears me. There were upon these lands erected by the people who thus possessed them, in perfect good faith, as they supposed under a legal title, valuable improvements in the way of dwelling-houses and barns and store-houses, which were necessary for the Government purposes, which have ever since been used by the Government without any compensation for them at all, from which these people were dispossessed. They were living there with their families, carrying on business in buildings adapted to their purposes and which the Government has since used. There were upon this reservation of Point San José manufacturing establishments, for instance, a large woolen-mill, and various important improvements of that kind where hundreds of thousands of dollars were invested. Congress did, on the substantiation of these facts, by a special act relinquish the title of the United States to those lands and that character of improvements. But with reference to the particular lands in question they did not relinquish the title. Why? Because the Government of the United States had a use for these buildings which had been put up by these parties, has occupied them ever since, and has held them in that way and still has use for them. I have no doubt that the Government of the United States has a use for that land and for these improvements; but I claim that it ought not to use them without making compensation to those who erected them.

I think there is a clear equity in this proposition: that it is equitable that we should afford this relief because the Government did not proclaim to the people of San Francisco and the country, as was required by law, that it made a military reservation; but this fact slept, and these persons were encouraged therefore to go on and make valuable improvements, pay large prices for land, and otherwise involve themselves in the difficulty which by the silence of the Government has overtaken them; and now it seems to me that they should be allowed to go into the Court of Claims and present the whole matter and let the Government make such compensation as that court shall think just. On account of the flight of time I will not prolong this explanation.

Mr. EDMUNDS. Mr. President—

Mr. BOGY. In order that the Senator from Vermont may have the entire case before him, let me state to him that there is another point in this matter. The title to this land may have been perfect under the prior government. In my opinion it was perfect under the prior government of Mexico. It has been used by the Government of the United States as a reservation for military purposes. It is therefore yet an unsettled matter whether the title is in the individuals, or whether the title of the reservation be perfect, because if the title was perfect from the prior government it was not competent for this Government to make it a reservation without proper compensation to the owners. They took possession of the land as public domain, and if it were public domain that would be all right; but if it be a private Mexican grant, protected by the treaty, no legislation would be necessary here, although legislation has been customary in many of these cases so as to facilitate the title to these ancient claims. In

many of the Mexican claims really no legislation is necessary whatever. That is to say, if the fee had passed by a proper mode of conveying from the Mexican government to these citizens of Mexico, this Government of course never intended to divest individuals of their rights. We have legislated upon all these Mexican claims because it was better for the parties that their rights should be definitely settled by our own laws. As the matter stands now it is a subject which may be litigated hereafter; and as the Government of the United States is making large and valuable improvements all the time on this reservation, these parties are willing to abandon everything, and have abandoned everything, provided they are paid for the improvements they put on the land in good faith at the time.

The whole object of this bill is to let these parties go before the Court of Claims, so that the real and honest value of these improvements may be ascertained. That is about the whole bill. The Committee on Private Land Claims reported the bill unanimously.

Mr. EDMUNDS. Mr. President, I think it rather extraordinary, considering the fact that this question has been before the Senate for several years and was the subject of a good deal of discussion and difficulty five years ago nearly, when the act of 1870 was passed, that we have not had a written report from the Committee on Private Land Claims which should have set out the facts upon which this legislation is sought for. And I think it rather extraordinary that we should have had no report, so far as I now know, or recommendation from any Department charged with protecting the interests of the United States in military reservations and other property, in which Congress could have some distinct statement on which it could act. If there be any such paper or report, I shall be very glad to hear it read; but I do not understand that there is.

Mr. SARGENT. The Committee on Military Affairs made a report at the second session of the Forty-second Congress, which I will send to the Senator.

Mr. BOGY. I made a written report in this case. I ask the clerk to look for the report among the papers.

Mr. EDMUNDS. I inquired, and was told that there was no written report. I remember that five years ago this subject was under discussion and that the Senate was overpersuaded—if I may be allowed to use such an expression—to enact the legislation that it then did and to give up to these citizens of San Francisco, if they were such, these inhabitants, claimants, all that reservation except the small part of it which was absolutely necessary for the defense of the city of San Francisco, and to be occupied by the United States for that purpose without any compensation at all. I remember that a good many of us thought that we were going a great way then, and according to the best of my recollection at that time we had the means of knowing that in point of law the title of the United States to this reservation was good. I think it will appear, although I only speak now from a vague recollection—the Senator from California perhaps knows—that the Supreme Court of the United States held that the proclamation of the President of the United States, or the order, as I should rather call it, was a valid document for the purpose of reserving this military reservation, and that the title of the city of San Francisco was not good and ours was.

The PRESIDENT *pro tempore*. The time allotted to the Committee on Private Land Claims having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 28th instant approved and signed the bill (S. No. 597) for the relief of William A. Griffin.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. SCHURZ on the 8th instant:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. CONKLING. Mr. President, in the observations I had the honor to submit to the Senate yesterday it was my intent to set forth plainly several incidents in the scene enacted in New Orleans on the 4th of this month.

First of all, however, I reminded you that the President of the United States was void of offense, free from complicity, a stranger to the whole proceeding, and unprepared for it until after it had passed.

I also stated facts showing that General Sheridan was not in command at the time, nor even a spectator of the affair in any of its parts.

I recited the laws of Louisiana, constitution and statutes, depositing certain powers exclusively with certain persons, and defining the mode, and the only mode of their exercise. I recited the flagrant acts of concerted lawlessness and violence by which those laws were trodden under foot. I marshaled facts showing that the attempt of the minority to capture one house of the Legislature of Louisiana by stratagem and force, was not a design complete in itself, but a step in a plan to revolutionize the State government and wrest it from those who held it.

When the adjournment occurred, the words of a court had been read in part, to inform us what a governor or civil magistrate present at the scene may do to quell public disorder. I refer once more to

those words, in the hope of impressing them on the Senate. Says the court, speaking of a civil magistrate, of all civil magistrates from the highest to the lowest, and the governor is the highest civil magistrate in a State:

He is not required to postpone his action until the unlawful assembly ripens into an actual riot. For it is better to anticipate more dangerous results, by energetic intervention at the inception of a threatened breach of the peace, than by delay to permit the tumult to acquire such strength as to demand for its suppression those urgent measures which should be reserved for great extremities. The magistrate has not only the power to arrest the offenders and bind them to their good behavior, or imprison them if they do not offer adequate bail, but he may authorize others to arrest them by a bare verbal command, without any other warrant; and all citizens present whom he may invoke to his aid, are bound promptly to respond to his requisition, and support him in maintaining the peace. And a magistrate, either present or called on such an occasion, who neglects or refuses to do his utmost for the suppression of such unlawful assemblies, subjects himself to an indictment and conviction for a criminal misdemeanor.

To the same effect I may cite 1 Russell on Crimes, pages 799, 801, 805.

In the light of such authorities, it will hardly be denied that if in truth a breach of the peace, larger or smaller in dimensions, was proceeding at the time and place in question, threatening to swell into greater proportions, the governor had a right to suppress and quell it, and to call others to his aid in doing so.

But the republican party, the President of the United States, and much of the residue of mankind, are threatened with destruction because those whom Governor Kellogg summoned, and those who responded, were soldiers, and soldiers of the United States—"hirelings" they were called. The Senator from Maryland [Mr. HAMILTON] said they were "hired," and withered them by adding that they received only "eight dollars a month." The words do not appear, I believe, in his printed speech; but they were among the liveliest he uttered.

"Hirelings!" But for such "hirelings" there might not now be a Senate Chamber to echo with the eloquence of the honorable Senator from Maryland. But for these "hirelings" we might not now "breathe the free air of a Republic." It is certain that, but for such "hirelings," we should not breathe the air of a free Republic. These "hirelings" have less place to rest their feet than the birds of the air or the beasts of the field. If they remain soldiers they must be somewhere, and wherever they are, south of Mason and Dixon's line, they come betwixt the wind and somebody's nobility. If they doff their knapsacks, and with honorable discharges in their pockets, and wearing the scars received on stricken fields, melt away into society and locate anywhere in one-half the Republic, they are loaded with opprobrium; they are stigmatized with the epithets of "carpet-bagger," "scalawag," "white nigger," and the like. Their lot is hard. They have earned these revilings in recent years. One political party never called soldiers "hirelings" until they were marshaled to trample down a rebellion which lifted its bloody hands to stab the Republic to the heart. It is a curious coincidence that hatred of soldiers blossomed out about the time they were hurrying to the burning battle-fields of the rebellion. It was not always so. The democratic party was once the soldiers' party and the war party. It applauded soldiers in former wars. It sighed for new wars, for Cuba, and for conquest. But this was in "what was once free America"—I quote the words of the Senator from Ohio; it was when slavery needed room to expand. The democratic party applauded soldiers when they dispersed Legislatures, when they thronged and overawed courts, and did other odious behests.

In 1814, when Andrew Jackson ordered a military guard over both houses of the Legislature of Louisiana, when the governor of that State stationed military guards at the doors and shut both houses out of their chambers, believing that Jackson wanted them shut out when in truth he wanted them shut in; when at the same time General Jackson put a *habeas corpus* in his pocket, and drove from his home and his court the judge who issued it, the democratic party glorified Jackson, and made him President.

When a democratic President, a democratic Secretary of War, and a military officer, at the point of the bayonet and the mouth of the cannon, on the 4th of July, 1856, dispersed and humiliated both houses of a Legislature, Congress and the country rang with democratic plaudits. This abominable proceeding fills a page in one of the most odious and revolting chapters in the history of human tyranny and wrong.

Many into whose faces I now look remember the events in Kansas, and the scoffs and taunts with which they were belittled and denied. When violence, intrusion, and outrage, carrying the banner of slavery, stalked high-headed in Kansas, trampling law and right and life under foot, did the democratic leaders and the democratic press apologize for ruffians and homicides? Did the predecessors of these Senators apologize for crime? Oh, no, they would have been as indignant as their successors are, had it been said that they apologized for bloodshed in Kansas. They only sought, as Senators do now, to laugh and sneer the subject out of court; they only sought to cover the naked truth with an eclipse of denunciation, ridicule, and denial. "Bleeding Kansas!"—have you forgotten how that mocking motto flew at the mast-head of democratic papers? "Bleeding Kansas" was the catch-word and by-word then, just as the "Southern outrage business," the "Southern outrage-mill" are now. Apology for crime and violence, Oh, no—Oh, no. Border ruffianism in Kansas was denied in this Chamber as southern ruffianism is denied now. It did not receive open, bald apology. The honorable Senator from

Ohio, skillful and practiced as he is, would not be so rank and bungling, however he might feel, as to make open apology for brutal violence in his followers. The coarsest instinct would revolt at this—the homage which vice pays to virtue would rebel against it. Gross indeed must be the sense which would not sicken with satiety at the naked indecency of apology for murder unshaded even by a phrase or a blush. Drapery in such cases, is essential to effect. In 1856 border ruffianism and its diabolical work in Kansas was not the subject of apology more than are White Leagues and masked riders now. Yet we cannot forget the tone of congressional discussions then, nor can we restrain the exclamation how history repeats itself!

Here is a cold record, the annals of Kansas, compiled after the din and horrors it narrates had passed away. Here, and in many another book, it stands recorded that the election preceding the crowning wrong to which I first referred, was controlled almost entirely by residents of Missouri who came into Kansas in large bodies, took possession of the polls, drove away the regularly appointed judges of election, set up others to betray liberty and right, elected to office persons who were not and never had been citizens of Kansas, and committed other atrocities the details of which are too disgusting to relate.

Says the author—

It is estimated that about five thousand Missourians, led on by men claiming respectability, and certainly occupying prominent positions, visited the Territory to take part in this nefarious transaction. The following extract is from the report of the congressional committee:

By an organized movement, which extended from Andrews County in the north, to Jasper County in the south, and as far eastward as Boone and Cole Counties, companies of men were arranged in regular parties, and sent into every council district in the Territory and into every representative district but one. The numbers were so distributed as to control the election in each district. They went to vote, and with the avowed intention to make Kansas a slave State. They were generally armed and equipped, carried with them their own provision and tents, and so marched into the Territory.

Another paragraph in the same report, which gives a detailed statement of the outrages committed at this election, carefully gathered from the examination of witnesses under oath, asserts:

The Missourians began to leave on the afternoon of the day of election, though some did not go home until the next morning.

In many cases when a wagon-load had voted, they immediately started for home. On their way home they said if Governor Reeder did not sanction the election they would hang him.

This unlawful interference has been continued in every important event in the history of the Territory. Every election has been controlled not by the actual settlers, but by citizens of Missouri; and, as a consequence, every officer in the Territory, from constables to legislators, except those appointed by the President, owe their positions to non-resident voters.—*History of Kansas*, by J. H. Gihon, pages 38 and 39.

Let me read two or three lines from a democratic newspaper of that day, the Brunswicker, a Missouri paper:

We learn, just as we go to press, that Reeder has refused to give certificates to four of the councilmen and thirteen members of the house. He has ordered an election to fill their places on the 23d of May. This infernal scoundrel will have to be hanged yet.

The Legislature of Kansas attempted to meet on the nation's birthday, to meet quietly in the two legislative halls, and Colonel Sumner, commanding squadrons of cavalry, commanding a detachment of artillery which trained its guns upon the doors, commanding men whose sabers and bayonets flashed in the sun, entered the building in which the Legislature had met, declared his act the most painful of his life, and then by force compelled the dispersal and degradation of the senate and the house of representatives. So thorough were the preparations, that Army surgeons attended and opened their cases of implements more ghastly than the soldiers' instruments of death.

On the 7th of January, 1857, the day on which the Legislature of Kansas again met, the United States marshal, with troops at his back, arrested seven members of the Legislature, and approbation covered him. On the 15th of July, 1857, Governor Walker, of Kansas, by proclamation ordered the citizens of Lawrence to desist from acting under their municipal charter, saying that if they did not obey he would use the troops of the United States to compel obedience. All this was the work of democrats, and to criticise it was treason to the party.

At a municipal election here in Washington on the 1st of June, 1857, under a democratic administration, United States marines from the navy-yard fired on a crowd, killing five and wounding seventeen; and we had not even "an investigation into the affairs of the District!"

On the 27th of March, 1859, Governor Cumming, of Utah, protested against United States troops surrounding the court-house during the session of the court; but the heart of a democratic administration beat no response.

In the autumn of 1861 General George B. McClellan, through General Banks, arrested as many as he could of the Legislature of Maryland, Maryland not being a State declared in insurrection; and the democratic party at the first opportunity strove to make McClellan President—President on a peace platform—a platform made by sticklers for the Constitution who hurled the whole constitutional armory at the national authorities then grappling with the rebellion, and assailed Mr. Lincoln with all their hurtling arrows and all their virulent vocabulary. The democratic party always was the keeper of the Constitution. The Constitution all through the war was in the charge of the democratic party North and South; and the northern wing and the southern wing vie with each other now, as they did

then, in the zeal with which they keep watch and ward over that sacred instrument!

In the spring of 1854 a man was arrested in Boston for the crime of being black. By the order of a democratic President the Army and Navy swarmed around the spot, and Federal bayonets were thicker than tipstaffs in the court. The district attorney felt called upon to apologize:

He desired to say that the United States soldiers were here in aid of the marshal to enable him to preserve order in this court and to execute the laws, and that they were summoned here as a part of the *posse comitatus*.

Artillery practice took place in Court Square during the trial, and an army with banners and nodding plumes of the United States, carried a slave from the court to the wharf, and a revenue-cutter and soldiers of the United States steamed with him out to sea.

John Brown was tried before a court of a sovereign State—a scowling court, corraled with Federal bayonets; and the gibbet on which he kissed a child and died, quaked with the tramp of Federal regiments and the rumble of Federal artillery.

Mr. President, the posterity which shall read unmoved the story of a record so crimsoned with blood, so stained with tears, will not be kindled to indignation at De Trobriand and his two companions accosting rioters and bidding them desist.

Yes, soldiers are hirelings; Senators are hirelings; a great body of the American people are hirelings; but men do not forfeit their citizenship or their rights by becoming hirelings, not even by becoming soldiers, especially if they remain true to their oath and their flag.

Soldiers are citizens. Military allegiance exempts soldiers from jury duty; it may exempt them from other duties in given cases; but their uniform does not deprive them of the immunities, the attributes, the rights, nor does it relieve them of the duties of other citizens. De Trobriand in his uniform, was none the less a citizen of the United States, none the less a citizen of Louisiana, if Louisiana be still, as it was for many years, his residence. Yet, it seems to be assumed, on one side of the Senate, that even if the exigency, in the presence of which Governor Kellogg stood, gave him the right as chief magistrate by verbal command to summon bystanders to quell disturbance, to arrest disturbers, and restore and maintain order, still no right permitted him to do what he did, because those he called to his aid, and who responded, were soldiers.

This distinction between citizens may not have been clear to Governor Kellogg and to those who obeyed his summons. Had they been lawyers and searched the books for such a distinction they might have lost the trail. Had they gone to the common law of England, the broadest page of jurisprudence, they would have found such a distinction conspicuously absent. Before most of them were born, the lord chief justice of England had denied and denounced such a distinction. To show this, I send to the Secretary "Wise on Riots," a book of high authority, and asked him to read the passages marked.

The Secretary read as follows:

DUTIES OF THE MILITARY.

The jealousy which has always been evinced in this country of any approach to military government, was probably the foundation of the erroneous notion in 1780, that soldiers were powerless without the authority of the civil magistrates; and the surprise expressed in 1832, at that part of Lord Chief Justice Tindal's charge which was specially directed to this subject, showed that the error was far from being extinguished. Mr. Justice Holroyd had indeed stated, in *Redford vs. Birley* 3 Starkie N. R., page 101; see also *Burdett vs. Abbott*, 4 Taunton, page 401, that the military were citizens no less than soldiers; and instances occurred in the Luddite disturbances of their acting alone, in accordance with what is unquestionably the law of this country; but never was it so clearly expounded as in the following extract from that charge:

"And whilst I am stating the obligation imposed by the law on every subject of the realm, I wish to observe, that the law acknowledges no distinction in this respect between the soldier and the private individual. The soldier is still a citizen, lying under the same obligation, and invested with the same authority, to preserve the peace of the kingdom as any other subject. If the one is bound to attend the call of the civil magistrate, so also is the soldier; if the one may interfere for that purpose when the occasion demands it, with all the requisition of the magistrate, so may the other too; if the one may employ arms for that purpose, where arms are necessary, the soldier may do the same. Undoubtedly, the same exercise of the discretion, which requires the private subject to act in subordination to and in aid of the magistrate, rather than upon his own authority, before recourse is had to arms, ought to operate in a still stronger degree with military force. But, where the danger is pressing and immediate; where a felony has actually been committed, or cannot otherwise be prevented; and from the circumstances of the case, no opportunity is offered of obtaining a requisition from the proper authorities—the military subjects of the king, like his civil subjects, not only may, but are bound to do their utmost, of their own authority, to prevent the perpetration of outrage, to put down riot and tumult, and to preserve the lives and property of the people." (Wise on Riots, 74, 75.)

Mr. CONKLING. There, Mr. President, is the utterance of a great judicial magistrate announcing that citizens, in the military service or not, as preservers of the peace, stand on the same footing; and for more than the lifetime of men now living, such a distinction as is now contended for, has had no existence in Great Britain. Had Kellogg and the soldiers he summoned made search in American law books, their effort would have been scarcely more productive. I send to the Secretary the charge given by Mr. Justice King in the noted case to which reference was made yesterday, and ask him to read the marked passage.

The Secretary read as follows:

Those who love law and order should not shrink or hesitate in striking an honest blow for their protection, when threatened by lawless violence. When such a timid and feeble spirit prevails, the days of the Republic are numbered. This general duty, this universal obligation, extends to the citizen soldiers who, in common with all other members of the community, are required to be assistants in the maintenance

of the public peace on the call of the civil magistrate. They are subject to the same penalties in case of neglect or refusal to appear, as any other citizen summoned by the sheriff. They do not, on such occasions, act in their technical character as military. When assembled, they are but part of the sheriff's posse, and act in subordination to, and in aid of, that officer, who is the true and responsible chief of all forces summoned under his authority. If the soldiers act in any manner not authorized by law, they are amenable for such acts, not to the military but the civil law. In brief, as to all rights and authorities, they stand on the same footing with the other citizens summoned by the sheriff, and composing with them a posse. (Wharton's Criminal Law, sec. 2936.)

Mr. CONKLING. I ask the Secretary to read also an extract from an opinion written on the 27th of May, 1854, by a democratic Attorney-General in reply to a letter from a democratic Secretary of War. The Secretary read as follows:

These considerations apply as well to the military as to the civil force employed; for the *posse comitatus* comprises every person in the district or county above the age of fifteen years, (Watson's Sheriff, 60,) whatever may be their occupation, whether civilians or not; and including the military of all denominations, militia, soldiers, marines, all of whom are alike bound to obey the commands of a sheriff or marshal. The fact that they are organized as military bodies, under the immediate command of their own officers, does not in anywise affect their legal character. They are still the *posse comitatus*. Opinion of Attorney-General Cushing of May 27, 1856, Opinions of Attorneys-General, volume 6, page 473.

Mr. CONKLING. Mr. President, loud outcry may scare forty million people with the fear that their liberties are in danger from an army of less than five-and-twenty thousand men, scattered in corporal's guards over a continent. This may be. It may be that the three men in blue pantaloons who in New Orleans the other day accosted intruders, trespassers, and wrong-doers, and bade them change their seats from one place in a room to another place in the same room, should have been three other men dressed in other pantaloons. It may be so. Mr. Stoughton, who, although a democrat, can speak like a patriot and a jurist as he is, says he thinks it would have been more strictly regular had Governor Kellogg first called upon soldiers of the State of Louisiana, and they proving inadequate, had called upon soldiers of the United States. It may be so, I do not deny it. As I said before, it is not my purpose to justify Governor Kellogg or those who did his bidding. I do not pronounce him or them right or wrong. It is fair, however, to remind you that if Kellogg needlessly invoked the aid of soldiers, he may have been misled by the action of the democratic assemblage, over which Mr. Wiltz presided. He may have been misled by the fact that with a presiding officer who was an ex-mayor of the city of New Orleans, and who might be supposed to understand something of municipal law, with democrats, or as the honorable Senator from Ohio now baptizes them "conservatives," present in large numbers, acting upon preconsidered deliberation, the troops of the United States had been sent for by committee, employed to quell riot, publicly thanked and cheered for their presence, and told they had prevented the effusion of blood. These proceedings were well calculated to familiarize and impress all with the idea that De Trobriand and his companions were fit men to keep the peace on the occasion. At all events the example tends to shield the soldiers from the charge of turpitude and conscious wrong. I fear Wiltz and his conservative confederates will continue to mislead soldiers. I see that after the occurrence in question, addressing the President of the United States, Wiltz concludes by saying:

And I urgently request and demand that they—

That is, the troops of the United States.

be ordered to restore the house to the position it occupied when they so interfered.

This conservative speaker, this type of the law-abiding spirit of the democratic party, this man who incarnates the inspiration around him, even now, after the great organs of the party have joined in a chorus of denunciation of military interference, sends up to the President a summons to march the military forces of the United States into a legislative hall and reseal him, Wiltz, that he may again trample on the laws and the constitution he has sworn to support.

I have said, and I repeat, that I am not trying the facts, in all their aggravations and mitigations, of the particular case before us. The evidence is not sufficiently here. I am looking only far enough to see whether the Senate and the country need go into paroxysms over the act of one State official, and of three other men enlisted or commissioned in the service of the United States. I am looking far enough to see whether it is really true that "since the separation of the Colonies from the mother country," never did the American people stand in the presence of a crisis so awful; I do not stop to quote the words of the Senator from Delaware, but I give the substance of one of his statements. I am inquiring far enough to see whether it is true that the pillars of the temple are about to crumble, that civil liberty is about to vanish, that the great Republic of the world is about to fold its tents like the Arabs and as silently steal away.

Mr. President, I have done with the one scene just enacted in the tragic drama of Louisiana. I turn to the history of that ill-fated State for the last few years, as a theme better worthy the thought of the Senate than the fracas in the legislative hall.

What is the excuse of the disturbers of Louisiana? What is the apology for the unending commotion in which she has been kept? The plea was made by the Senator from Ohio. It is that Kellogg was not in truth elected but was falsely counted in. Suppose he was, does that justify the nameless horrors which have stained the annals of Louisiana?

Other States have known deeper wrongs than these, but they did not

resort to the blade, the bullet, and the torch. New York has known deeper wrongs than these. It is an open secret now that in 1868 John T. Hoffman was falsely counted into the office of governor when the people had elected John A. Griswold. The count was falsified, by forgery, more than thirty thousand in two counties. This was known then, better known than it is now that Kellogg did not receive a majority of the votes of Louisiana in 1872. Who did it? The managers of the democratic party; and they seated in the Legislature, year after year, men whom the people had voted down. The same régime made the courts, and made them corrupt. They emitted forged naturalization papers by tens of thousands. They made the returning boards, and made them corrupt. They made the inspectors of election; and the inspectors polluted and debauched the ballot-box. They divided the chief city of the State by suddenly redistricting it on the eve of election in such wise as to bisect blocks and houses, so that men domiciled in the same house could vote and repeat in different election districts. Wielding usurped executive and legislative power, they plundered the treasury by the most colossal robbery of modern times. By such astounding means, a political party for years dominated a State of five million people, and held it by the throat. They made taxes, assessments, tributes, and exactions, the bribes and the penalties of political submission.

What did we do? Not ruthless violence. We did not scourge, kill, and burn. We did not butcher men, women, and children, by the light of their blazing homes. Finally, we did not seize the capital city of the State, barricade its streets, shoot down its police, and erect a reign of terror on the ruins of law. We persevered in peaceful remedies.

We asked Congress for a constitutional enactment to break the hold of organized violence and fraud on the ballot-box, that citizens might vote, and that their votes might be counted. How was our prayer received in this Chamber? How was it received elsewhere? We were loaded with imprecations and maledictions. We were blasted with constitutional anathemas. The whole body of the democracy in this Chamber heaped abuse upon us. Those who sat mute in these seats a day and a night, while they were pelted with a storm of monstrous and unjust accusation, have not forgotten the history or the cost of this legislation. We heard the same old argument to which we had listened during the war. Violation of the Constitution, military despotism, arbitrary power, State rights, centralization, and all the worn formula in which Lincoln and Grant, and the republican party have been railed at whenever treason, anarchy, or devilry has been put down. But nobody apologized, right out plain, for fraud and ballot-box stuffing. We all remember that nobody then, any more than now, in so many words justified thugs, repeaters, or forgers. Everything men could do to prevent the passage of the act was done, but we worried through, and for the first time in years New York had an election approaching fairness. A leading democratic paper called upon the populace to arm and "pitch the officers of the election into the river." Other like papers spoke in like strain, but rioters have a wholesome fear of the beak and claw of national power, and so they did not resort to force, and citizens were allowed to vote, and the votes were counted with an approach to fairness. Such were our modes of redress.

What has been the remedy of those deeming themselves similarly aggrieved in Louisiana? The right to vote has been as free there as in New York—I repeat again that every citizen of the South has had the right to vote, and all white men could vote freely. But, as sparks fly upward, discontent has run into violence, and Louisiana has been kept rocking, and sea-sick in the throes of unending revolution. Events have been directed by men as rash and insane in counsel as the maniacs roaring at the doors of the French Assembly, who, in the name of humanity, flooded France with blood, and, in the name of religion, would have dethroned the Monarch of the skies. Murder, persecution, and barbarous hate, have preyed upon the poor and the defenseless. All seasons have been seasons of terror; all localities have been the abodes of fear. Thirty-five hundred murders and woundings in eight years, says Sheridan, "for political sentiments!"

Search the annals of bigotry and intolerance, read the tearful story of "man's inhumanity to man," and where in modern times can you find an instance of such God-daring and man-hating malignity as this statement uncovers? Louisiana, including her chief city, has been for years a dark and bloody ground, from which victims by the thousand have been carried to the grave.

Finally, in September, under formal proclamation from Penn., who ran as the democratic candidate for lieutenant-governor, embodied revolution shot down citizens and police, and seized the government, archives, and property of the State.

That commerce and industry have languished in the midst of such commotion, that securities have lessened in value, as the Senator from Ohio says, that rents have depreciated, that commercial prostration has ensued, are matters of course; and I ask the Senator from Ohio, should his great State become for years the theater of lawless violence, with open defiers of the government holding bloody grapple for the mastery with the constituted authorities county by county, making life everywhere insecure, and making sloth the chief industry of the State, how long would it be before securities and property in Ohio would depreciate, how long before commercial and industrial prostration would ensue?

If commercial and industrial prostration were the only evil involved in this bloody business, recreant indeed would be that son of the great State which honors me with a seat upon this floor, who could be laggard in anything for the pacification of the South. Show me a mode to pacify the South, and, no matter what party opposes it, my vote it shall have. No party can live that stands in the way of the prosperity of the South. The republican party has not an aspiration, an attribute, a conviction, a prejudice, a prayer, which would not be outraged by hostility to anything which would really tranquilize the South.

But, Mr. President, bluster and revolution will not pacify the southern people; bloodshed will not make friends or make wealth; incessant denunciation of the civil authorities will not harmonize the South; exaggerating, fomenting, distorting every evil, real and imaginary, under which the discontented and the slothful are laboring, will bring no solid lasting advantage to the southern people, white or black. Had I the power to make my voice heard and believed in every southern community, with all the sincerity of my heart, wishing them nothing but good, I would say: "Build, mend, heal, sow, plant—in short, go to work; do not feel above honest toil, quit idling and wrangling over politics; let a fair day's wages for a fair day's work, and exact and equal rights for all, be the rule; dwell together in Christian charity, and all will soon be well."

No such gospel now prevails.

The honorable Senator from Ohio complains that the CONGRESSIONAL RECORD is a national police gazette. It should not be so; let us reform it altogether. Dismount masked riders, disarm banded marauders, disband White Leagues, disown all toleration of violence, discontinue the bloody assizes of the democratic party, and the CONGRESSIONAL RECORD will cease to be a national police gazette.

Mr. President, I have been speaking of history—the history of Louisiana. It is the statesman's task to turn history into philosophy and prophecy. The modes adopted in New York and Louisiana are widely unlike; there is a broad difference between them. Whence comes this difference? In what is it rooted? Four million black men are the great factor in the problem. When the fate of the nation trembled in the wavering balances of war, they struck no blow at the Republic; they stood by the flag; they prayed for it; they toiled for it; they fought for it. The American people said they should be free and be citizens; and the American people imbedded their will in the bulwarks of the Constitution. The nation forgave its enemies, and left the ballot and the right of self-government to them. But the same nation, at the same time, conferred the ballot and the right of self-government on those, who, galled by centuries of oppression, had still been true in the supreme hour, and had won their liberty and their citizenship on gory fields of battle. Congress did not do this. The people did it. The people in the States, speaking through their State Legislatures, put manhood, citizenship, the ballot, and equal rights for black men, into the Constitution.

There stand the amendments of freedom! The nation is for them; civilization is for them; humanity is for them; God is for them; and political parties and revolutionists shall not prevail against them. A great body of men in the land is not for them, but against them. A great body of men in the land will not submit to them. Social equality is no part of them, but hate and pride rebel against them. This is the moral rebellion of to-day. Drop it in good faith, man-like, and the South will be tranquil in half a year.

Mr. HOWE. In sixty days.

Mr. CONKLING. My friend from Wisconsin says "in sixty days." I believe so. The changed condition of society, the want of education, and other considerations, would for a time require more care and forbearance than other more settled and favored communities are obliged to observe; but a brief period, whether it be as my honorable friend suggests, sixty days, or longer—a brief period, improved in good faith, and good sense, and all will be well.

This is the issue for the South. I fear for awhile it will remain the issue. Those most concerned can untie the knot. If they are imprisoned in commotion and disorder, they carry the key to their own prison and can unlock it if they will, and when they will. Those who have their confidence can persuade them to do it. Here is the solution—an easy, honorable, effectual solution. It will not be brought about by stirring the smoldering flame that burns upon a charnel-stone. It will not be brought about by exasperating ancient animosities or reviving sectional schemes. It will not be gained by cloaking or denying the truth. It will not be wrought out by evasions and perversions, worse than apologies for wrong. It will come, when it does come, from an honest, manly acquiescence in the modes and the spirit of free majorities—the best system of government man has known,—although like everything human it is imperfect, like everything human it sometimes falls short of exact and perfect justice.

Mr. GORDON obtained the floor.

Mr. SCHURZ. Will the Senator from Georgia yield to me a single moment?

Mr. GORDON. Yes, sir.

Mr. SCHURZ. I do not rise for the purpose of speaking, but to ask permission to modify the resolution which is now under discussion. I will send it to the Chair as modified.

The PRESIDING OFFICER. (Mr. FERRY, of Michigan, in the chair.) The Senator from Missouri modifies his resolution. The Secretary will report the modification.

The Secretary read as follows:

Whereas any military interference by the officers or troops of the United States with the organization of a State Legislature or any of its proceedings is repugnant to the principles of constitutional government; and whereas the military interference of General De Trobriand, of the United States Army, and soldiers under his command, with the organization of the Louisiana Legislature on the 4th of January last was without warrant of law:

Be it resolved, etc.—

Mr. SCHURZ. I would simply add that the first section of this preamble is taken from the President's message, and that as to the section declaring unlawful the interference of General De Trobriand with the organization of the Louisiana Legislature, not a single Senator, not even the Senator from New York, has undertaken to assert that it was warranted by law. I hope, therefore, it will receive the unanimous assent of the Senate.

Mr. WEST. I would ask the permission of the Senator from Georgia, if he will allow me to interrupt him a few moments—

Mr. GORDON. Will the Senator be kind enough to let me know his object?

Mr. WEST. My object is, as I understand a majority of the Senate are not desirous that this debate should be continued to-day, to test the sense of the Senate on a proposition to go into executive session. If it would not inconvenience the Senator from Georgia, I would make that motion.

Mr. GORDON. It would inconvenience me. I expect to be called to New York in the early part of next week, and I prefer to say what I have got to say now.

Mr. WEST. Very well; I will not offer it, then.

Mr. GORDON. Mr. President, I am compelled to ask a hearing on this subject once more. In my recent remarks in the Senate *I did not denounce*, as has been so roundly asserted, either the Government of the United States, or the present Administration or any man connected with it. I made no allusion to President Grant, none to General Sheridan, none to recent events in Louisiana. And although in a representative republic I can conceive of no higher duty of a citizen than to defend the principles of his government and its administration when right, or, on the other hand, to criticise the latter when wrong, yet I abstained from all discussion of these, expressly stating my purpose to do so for reasons given at the time. I rose then simply to correct the erroneous impressions which prevailed here and to repel assaults made upon the southern people, and to express my abiding confidence that the spirit of animosity manifested in this debate was not the spirit of the northern people, soldiers or citizens. This, and only this. Apprehensions, however, expressed at the time, that the utterances of any southern man upon this floor would be misconstrued and misjudged, have been abundantly confirmed.

But, sir, no such violent demonstrations as we have witnessed, no such exhibitions of prejudice and of passion, however irritating under other circumstances, should swerve from the discharge of duty nor tempt an American Senator to descend from the height of this great argument, nor silence his confident appeals to reason and to the sense of justice of the American people.

What are the questions which we ought legitimately to discuss without passion or prejudice?

First. Was the recently dispersed Legislature of Louisiana a lawful body?

Second. Independent of the question of its legality or illegality, was the Constitution of the United States by that dispersion broken?

Involved in those is a third question, to which I shall give most of my time, namely, the general condition of the Southern States.

As to the legality of that body, I have heard but four objections urged:

First. That the clerk was prevented from propounding the question and deciding the result upon the election of speaker;

Second. That that question was propounded, and the result declared in the midst of great excitement and confusion;

Third. That the yeas and nays were not ordered and recorded upon the election of speaker; and

Fourth. That after the organization, five members who did not hold certificates of election were admitted to seats.

I believe I have stated the questions and the objections fully and fairly. Now, it has been repeatedly said that it was the duty of this clerk to propound the question and declare the result. When the Senator from New York [Mr. CONKLING] on yesterday announced that he intended to show that such was the duty of the clerk, I was prepared to see some other law produced than that which has been so often quoted. The only provisions of law so far as the duty of the clerk is concerned may be found in section 44, act 98, 1872, and are in these words:

That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of the said clerk and secretary to place the names of the representatives and senators elect so furnished upon the roll of the house and of the senate respectively, and those representatives and senators whose names are so placed by the clerk and secretary respectively, in accordance with the foregoing provision, and none other, shall be competent to organize the house of representatives or senate. Nothing in this act shall be construed to conflict with article 34 of the constitution.

It will be perceived that the duty of the clerk by this law was to ascertain by his record thus made the constituent elements of the Legislature, and not to preside and propound questions upon its

organization. He is not even required to call the roll, and, so far as this law is concerned, any member might have performed this duty, although this would have been at variance with parliamentary procedure. But, sir, there is not one word in this law which requires of the clerk any such duty as propounding questions. These are the provisions which may be found in all the other statutes upon this subject. If there be any other law, let it be produced. If not, we are forever precluded from urging this objection. Sir, I think I am safe in saying there is no such law, either statutory or fundamental, in the State of Louisiana.

The honorable Senator from New York [Mr. CONKLING] on yesterday cited the case of the Presbyterian General Assembly from the Pennsylvania courts, the Commonwealth vs. Green, 4 Wharton, pages 351 to 606. Sir, a thorough examination of that case will show that it is not analogous, except in the remotest degree, to the one under discussion here. With all due respect for the great legal abilities of the Senator from New York, I must express my surprise at his reliance upon a case so utterly at variance in its facts with those of the organization of this dispersed Louisiana Legislature.

In Louisiana, Mr. Billieu, a member, moved that Mr. Wiltz be made chairman, and, ignoring the clerk, put the question and declared it carried. In the Presbyterian General Assembly of Pennsylvania a member, Mr. Cleveland, moved that Dr. Beman be made the temporary chairman, and, ignoring the moderator, put the question and declared it carried. Thus far the two cases are analogous, but no further. The prime facts upon which hang the whole question of legality not only differ in the two cases, but are in direct conflict and utterly destroy the whole base of the Senator's argument. Now, sir, let us see.

In Louisiana, the clerk who was ignored by Billieu had no legal status whatever in that body save to place the names of members upon the roll. It is not pretended that there is any law, constitutional or statutory, which required him to preside and put motions and declare results.

But in Pennsylvania, the moderator whom Cleveland ignored is expressly made by the constitution of the church itself and by its laws the proper and only organ to preside during the organization and to put motions and declare results. One clause of the constitution of the church, article 2, defining the duties of moderator, says he shall "require the members * * * always to address the chair." In all questions he shall state "the object of the vote," and "shall then declare how the question is decided." In article 3 of the church constitution it is also prescribed "the moderator * * * shall be chosen from year to year, * * * and shall hold the chair until a new moderator is chosen."

Here, then, the law upon which the church rests and which prescribes the office of moderator, defines his duties and the time of holding office and declares that he and he only shall preside, except in his absence, when some one else may be called to the chair; and he and he only shall put motions and declare results. A motion therefore put and declared by any one else was clearly illegal, revolutionary, and void. Sir, where is the law in Louisiana or anywhere else requiring of a clerk any such duties, or conferring upon him any such powers? It does not exist. What becomes, then, of the Senator's argument? In this church case cited by the Senator from New York the chief justice, delivering the opinion of the court, says: "When the organization of the whole had proceeded to a certain point by the instrumentality of the moderator of the preceding session, who for that purpose was the constitutional organ," &c. In another place the court declare him "the established organ," &c. In still another, "he was the mechanical instrument of their organization, and till that was accomplished they were subject to his rule."

Now, sir, whenever the Senator from New York or the majority of the Senate produce any such law, or any law whatever, declaring it the duty of the clerk, and none other, to preside, to put motions, and declare results, then the country will agree that the act of Mr. Billieu in ignoring the clerk of the Louisiana Legislature was an illegal act; but not till then.

Article 22 of the constitution of Louisiana declares that the House shall choose its speaker and other officers; but how it shall choose them, whether *circa voce* or by ballot, whether by electing a temporary chairman, whether upon the motion of a member put by the clerk or by the member making it, is left entirely within the discretion of that body.

As to the second objection, I have only to say, that if putting a question and declaring a result in the midst of excitement and confusion be valid, it would destroy the legality of a large number of Legislatures in the United States.

The third objection is that the yeas and nays were not ordered and recorded upon the election of speaker. The honorable Senator from New Jersey [Mr. FRELINGHUYSEN] and the honorable Senator from Ohio [Mr. SHERMAN] have both labored long and ably to show that there was in this a palpable violation of law. There is no proof, so far as I have seen, that the call for the yeas and nays ever reached the ear of the propounder of the motion. If it did not, then in point of law it was really never made. But suppose the yeas and nays were called and that the call reached the ear of the mover of that resolution, and he by a wrong decision overruled this call and arbitrarily refused to put it, would that render illegal the organization of that body? If so, it places it within the power of any presiding

officer of a legislative assembly, by an unparliamentary, illegal, or unconstitutional ruling, to dissipate the legality of any body and resolve it into its original elements. That portion of the constitution of Louisiana recited by these honorable Senators which requires the yeas and nays to be recorded upon the journal at the desire of any two members does not, cannot by any rule of legal or parliamentary construction, refer to the election of officers, but it refers to legislative proceedings, to legislative action. This is the objection upon which Senators on the other side most rely. But it will be clearly seen, Mr. President, that it cannot apply to elections; for you cannot force the yeas and nays upon the choice of officers if there be more than one candidate. Mr. A may choose to vote for Mr. D, and Mr. B for X; so that the construction of any portion of the constitution which would render that clause inapplicable must of necessity be a wrong construction. This objection, then, falls to the ground also.

As to the fourth objection, that after the organization members were admitted to seats who held no certificates, it is sufficient to say that the body when organized had a perfect right to decide upon the qualifications, elections, and returns of its members, and no other power had this right. That body could go behind the returning board and take into consideration all the primary facts.

But we are told that if the organization, by the refusal to allow the clerk to put the motion was not in violation of law, it was inconsistent with settled precedent. That position, Mr. President, is as untenable as the other. In this very State of Louisiana the Legislature of 1868 must have been organized in a similar manner. If it be objected that there was no clerk holding over from a preceding Legislature to discharge that duty, then this objection is of itself a sufficient answer to the entire position, that the clerk must propound the question and declare the result. But we shall have use presently for a much higher precedent, one by whose force a Senator now holds his place on this floor. I refer to the Alabama contested-election case.

Now, sir, in order to test the validity of all these objections, let us group and contrast the facts of these two cases. The facts of the Alabama case are fresh in our memories. They stand adjudicated by the judgment of a majority of the Senate. They are recorded in its proceedings, and are recited in the speech of the honorable Senator from Indiana, [Mr. MORTON,] from which I shall quote.

What are those facts? In Alabama a republican body meet in a court-house, a place unknown to any former Legislature. In Louisiana a democratic or conservative body meet in the State-house.

In Alabama they are without any quorum of those who hold certificates according to law. In Louisiana they have largely more than a quorum of those who hold such certificates.

In Alabama they organize under officers unknown to the law, and in direct, open, palpable, acknowledged violation of the fundamental law of that State—the constitution of Alabama. In Louisiana they are organized, as I have shown, whatever may be said of irregularities, without any violation of law, and at least with greater conformity to constitutional requirement. Yet this Alabama republican Legislature, convening at a court-house with less than a quorum, with no clerk to call the roll, organized in absolute violation of the constitution of the State, is allowed to send its representative to this Chamber, and a majority receives him. In Louisiana a conservative body, organized certainly with greater conformity to law, with a quorum present, with the roll called by the clerk, is dispersed by the Army; and that same majority in this Chamber approve.

Mr. President, is it possible that the American people in the face of these facts will sustain the Senate in such a procedure?

Informalities! What did the Senator from Indiana say in the Alabama case? Then informalities were not at all of essence. Then the absence even of a quorum was not vital. Then the meeting in a place unknown to former Legislatures was not vital. Then the admission of members without certificates was not vital. Then a palpable violation of the constitution of the State of Alabama, as he acknowledges himself was the case, was not vital. That was a republican body. But now, in a conservative body, irregularities, excitement, and informalities, the admission of members without certificates, are so vital, that they justify the dispersion of a Legislature by the Army.

Does the Senator reply, as he did, that subsequent examination showed that those who held no certificates in Alabama were really elected? The reply is that subsequent investigation shows that those who were excluded in Louisiana were also really elected. How then, let me ask, is the reception of members without certificates by a republican Legislature a lawful procedure, while the very same act is, when done by conservatives, a gross fraud? How is a republican Legislature thus constituted competent to elect a United States Senator, while a conservative Legislature similarly constituted is to be regarded as a riotous mob?

The honorable Senator from Indiana was either right or wrong in the Alabama case. If he was right then, he is wrong now; for it is logically impossible that he can be right in both. If he was wrong in the Alabama case, then a Senator holds his place, to use the strong language employed by the Senator from Indiana, by a fraud and the body which sent him here was a mob. If he was right in the Alabama case, then unquestionably a lawful body in Louisiana has been dispersed by the United States Army and the Senator approves. Let him take either horn of the dilemma.

Sir, these conclusions are too logical to require argument. The facts are clear, pertinent, and overwhelming, and there is no escape from them.

Ah, sir, the Senator from New York [Mr. CONKLING] was right yesterday when he said that times change and men change with them. Let me paraphrase that a little, and apply it to the course pursued by that honorable Senator and the majority of this body in the cases of the republican Legislature of Alabama and the conservative Legislature of Louisiana. I mean no disrespect when I put it thus—party necessities change, and with them the majority changes its ideas of constitutional law. When party necessity requires it, a republican body, organized in acknowledged violation of the State constitution, is held constitutional enough to elect a Senator. When a conservative body is organized with certainly far less of irregularity it is held illegal, a fraud and a mob, to be dispersed by the Army.

Mr. President, the people of the United States have not lost all ideas of law and consistency and they will never sustain the Senate in a course in conflict with both.

It will be observed that I have made no comment upon the officers of the Army or their action; nor is it my purpose to do so now, for reasons of a peculiar character. But inasmuch as there seems to be an inflexible purpose to mistake all that I can say, I beg to reproduce as my present sentiments words uttered by me upon another occasion. I said:

I may as well express an opinion here which I have often expressed in private, and which I now repeat in this most public manner, namely, that had the questions which have so disturbed the country been left to the soldiers of the two armies after the surrender, we should have had less of ill-will between the sections.

It was my fortune, as the commander of one wing of the southern army at Appomattox, to be selected to confer with the general officers of the Federal Army as to the terms of surrender and parole. Let me state a fact which ought to be recorded as most honorable to the commanders of the successful army. In the long conference between us no word of exultation escaped the lips of these commanders; but, on the contrary, they avoided any semblance of exultation which might increase the grief of the defeated.

So careful were these officers, that they declined to speak of battles in which they had been successful, and with a consideration and deference which deeply impressed me, turned the conversation to engagements in which they themselves had been defeated.

The soldiers of both armies can but respect each other. Alike, they were honest, earnest, and true to their convictions. Alike, they endured the fatigue of the march, the privations of the camp, and the lonely bivouac of the picket. Alike, they felt the chagrin of defeat and the glory of victory; and together these soldiers would have united in writing the epitaph of the dead of both armies. "They fell in the discharge of duty."

To show the feeling of generous regard which pervades the whole body of confederate soldiers, I wish to have read the resolutions adopted by the survivors' association of confederates, held in Macon, Georgia.

The Secretary read as follows:

Resolved, That this association is not intended to keep alive the passions aroused by the late civil war, but for the purpose of perpetuating the memories of our fallen comrades in arms, who illustrated upon the battle-field, when opposed to those were at that time their foes, the heroism and fortitude of true American soldiers; and, further, to afford such aid and support as in our power lies to their widows and orphans.

Resolved, That we cordially greet all true northern men who fought against us in our late unfortunate struggle as foemen worthy of our steel, and award to them the same meed of praise that we claim for the confederate soldier.

Resolved, Adopting the motto, "United we stand, divided we fall," we long to see the day when all the brave men now living who wore the "blue" and the "gray" may be once more fully united in feeling and sentiment, and our whole country restored to peace and prosperity.

Mr. GORDON. As further evidence of the fact that I have not been mistaken in the spirit of the northern or southern people, soldiers or citizens, I beg to refer to another fact, which reflects honor upon both sections.

At the last confederate memorial service in the city of Montgomery, Alabama, a gallant confederate officer delivered an address, which was reproduced in the northern press. It chanced to fall under the eye of a northern woman, who caused to be sent to that confederate officer a beautiful goblet, with these words engraved upon it:

From a northern woman, widowed and bereft of her sons by the war, to Major Thomas G. Jones, of Montgomery, Alabama, as a token of appreciation of his manly and generous words in reference to the northern dead.

As further evidence of the fact that I did not misjudge when I said that the constant references in this debate to those who were here by the clemency of the Government and the bitter anathemas daily poured out against the southern people did not find an echo in the hearts of northern soldiers and citizens, and that such efforts would fail to fire the North with these dead passions and consolidate the people of that section for further oppression of the South, I beg to have read from the desk the letter of one who is the equal in all respects except in official position of any upon this floor—a man whom I never saw, but who is vouched for by a leading republican Senator here as a gentleman of the highest character. I ask the Clerk to read that portion which I have marked. This is one of very many letters of similar character which have reached me.

The Secretary read as follows:

I have read with interest your speech in the Senate of yesterday, as reported by the Associated Press, and I desire to thank you for the spirit and temper displayed in it. I do not wonder that you are indignant in view of what has been done and said. * * * I am very glad you were so guarded and temperate in your comments. * * * That you may understand that it is not from democrats

alone at the North that you are to expect sympathy and friendship for the South, I will mention that I was three years in the Union Army, was in three of the prisons of the South, and have always voted the republican ticket since that party was formed; yet I am indignant at what has been done in New Orleans this week, and I have seen much to condemn in the party with which I voted in its treatment of the South for several years, and I know that very many republicans feel as I do at this time on this entire subject.

As you said yesterday, the differences of the war are in the past. Divisions between citizens of our common country must be by other lines than those which separated us at Richmond and Petersburg, when we of the twenty-fourth army corps came to have such hearty respect for yourself as a soldier, and for the brave men whom you led so gallantly. Indeed I may say what I presume you know, that the old soldiers of the Union Army have a peculiar attachment to and confidence in those who stood over against them in the confederate army, and fought out their differences to the end.

I write this to you personally. I do not wish to be brought into any public political controversy. * * * I only speak as I do because I know that many republicans who were Union soldiers feel as I do on these questions, and I want you to understand this.

The true-hearted and sore-tried southerners who have borne themselves with patience and bravery under circumstances the most perplexing have the respect and warmest sympathy of many, very many, at the North who were opposed to them in the days of war, and are not at one with them in political questions.

Mr. GORDON. Once more. I shall now read the closing paragraph of a proclamation issued under circumstances not dissimilar to those which surround us now and which we are discussing—issued by one who in all the qualities that make up a great soldier, in efficiency, in ability, in courage, in devotion to his flag and his country, was the equal of any, and who without doubt was one of the knightliest soldiers of the Federal Army; one whose sword, while war lasted, was ever gleaming in the front of battle, but who when war was ended laid his untarnished blade on the altar of civil law. I refer to Major-General Winfield S. Hancock. I will read:

Solemnly impressed with these views the general announces that the great principles of American liberty are still the lawful inheritance of this people, and ever should be. The right of trial by jury, the habeas corpus, the liberty of the press, the freedom of speech, the natural rights of persons, and the rights of property, must be preserved.

These are words, sir, which ought to be stamped on the records of this land as they are on the hearts of that same people who to-day plead for a restoration of their civil government.

But to resume the argument. The second question is, whether the Constitution of the United States was broken in the dispersion of the Louisiana Legislature? It does not matter so far as this question is concerned whether that body was legal or illegal. It will not be seriously urged, I presume, that a condition of affairs existed at the time of that dispersion which could by any possibility bring the use of troops within the purview of the Federal Constitution. There is no word in all the length and breadth of that instrument which contemplates, even remotely, that the Federal Army or Federal authority shall decide upon the constituent elements of a Legislature; nor is it any excuse to say Kellogg ordered it. Kellogg had no more right to determine whether five men who were ejected were entitled to seats there than you had; nor had he any right to arrest one claiming to be a member. That body could just as lawfully, by the same instrumentality, have arrested him and ejected him and his subordinates and his courts from their positions. The constitution of Louisiana provides expressly for police regulations for keeping order, for the arrest of persons, for the compelling of attendance, and for the expulsion of members by its own powers and officers, and this prerogative belongs nowhere else. Nor does it strengthen the case to plead that the conservatives first asked the military to keep order in the galleries or to clear the galleries. The request by a body itself that order shall be kept in the galleries, or that the galleries shall be cleared by an outside force, certainly cannot logically be pleaded as an excuse for the invasion of that body and for an inquiry by the invading force into the rights of members, with power to disperse.

But I will not pursue this argument further.

These positions have not been met because they cannot be met. The Senator from New York, who has just taken his seat, spent much time in proving how small a difficulty might be regarded in law as a riot; but he failed to show either that there was a riot in the Louisiana Legislature, and, if there was, by what law such riot justified the Army or Kellogg in deciding who were and who were not entitled to seats in that body.

No other Senator on the other side of the Chamber, I think, has as yet come any nearer to the great constitutional question. When asked to point out the law which authorized that intervention, the reply is, "murders," "assassinations," "White Leagues," "opposition to the civil-rights bill." Such evasions of the true issue will not divert the American people from the startling fact that the law has been broken by those who, under the law, are made conservators of the law.

The honorable Senator from Ohio [Mr. SHERMAN] said the other day that in this government of the people by the people the majority must rule. I prefer to say that in this government of the people, the sovereignty of the people must express itself through a majority in accordance with law. Sir, the LAW is our greatest sovereign. An old English jurist, the greatest of them all, said that even "the king in his realm had two superiors, God and the laws." The people of Arragon said to their chosen monarch, "there is one between us and thee greater than thyself; it is the law." Our fathers said that no man, however exalted his position or meritorious his services, should ever transgress the law; and that its protection should extend forever, to remotest

generations, to themselves and their posterity, embracing the humblest and the vilest citizen of the land. And in every country, in every age, wherever justice is administered or freedom has a foothold, the law has been a restraint upon majorities, a protection to minorities; higher than sovereigns, stronger than armies—the sole axis of liberty.

Why, sir, what protection is there for the East against the populous West, or for the West against a combination of the East and Middle States, if the law is not arbiter? It will not do to say that in this enlightened age majorities will do no wrong. They will do wrong. The history of all popular governments that ever existed upon earth proves the truth of the assertion. You can just as easily break down the dikes and save Holland, as break down the barriers of the law and save liberty. No, sir; whenever the Constitution and the laws cease to protect, then in some mad hour lawless majorities, democrats as well as republicans, will trample the rights of minorities and liberty in the dust.

But if I were before ignorant as to the reply which I shall receive to this argument as to the value of law, the expressions which this debate has evoked have quite undeceived me. I shall be told that the South is a good field in which to talk of law; that the Senator from Georgia had better turn his attention there; that lawlessness, disorder, murder, and assassination exist there as organized institutions.

I understand that, and I accept the issue with all its responsibilities and fearful consequences to that ill-fated section. I accept it, and I stand or fall with my section by the record which I shall to-day make up from the evidence. I shall produce nothing that is not established on the testimony of witnesses whom no Senator will dare to impeach.

I say I accept the issue, although if I could be deterred by the misconception which has already been placed upon my utterances in the Senate, or by the flagrant, palpable, and willful misrepresentation of my words by the extreme press, I should be deterred. But, sir, I do not misapprehend this effort. There is no mistaking the spirit with which constant allusion is made upon this floor to men who sit here or sit somewhere else by the "clemency of the Government." I know very well that it is intended to silence my voice in its appeals for justice to the magnanimous heart of a great people. But, sir, this loud refrain, "traitors and rebels," will not drown the appeals for law and peace and self-government when addressed to an American audience.

I shall not dispute with Senators as to the courtesy of such allusions. We all have our ideas of courtesy and courage; and we are all entitled to them. I have no disposition to deprive any Senator of his right to display both as is most agreeable to himself. But I repeat, gentlemen differ in their estimates of courage as well as of courtesy. There is a courage which is calm, firm, dignified, and self-poised in the presence of danger and when men have arms in their hands. There is another courage which culminates when the antagonist is disarmed and deprived of the possibility of defense. There is a courage like that of Henry of Navarre, of Hoche, and of Hancock; and there is the courage of Falstaff, stabbing and insulting the body of the dead Hotspur.

But, sir, whatever may be thought of such allusions, I shall never so far forget, I trust, the courtesies which my own self-respect demands as to retaliate in kind.

This war cannot last forever. It has been now ten years since the last gun was fired in a conflict where brave Americans met, each solemnly impressed with the justice of his cause, and ready to give his life in obedience to his convictions. It was an honest difference of opinion; it was a conflict of theories of the Government we had inherited from our fathers. As to the purposes of the southern people in their movement, let me quote a paragraph from the utterances of one whose conservative course for the last three years has won the confidence of every section. I allude to Hon. L. Q. C. LAMAR, of Mississippi:

They certainly did not conspire or attempt to subvert your form of government or to destroy your Constitution or to depose your rulers. When their secession was consummated they left the United States the United States still, a great and powerful nation, with its extended sea-coast, its teeming population, its vast extent of territory, its mechanic arts, its commerce, its Constitution safe, its laws unobstructed, its administration unembarrassed, its magistracy, Federal, State, and local, with unimpaired authority. Do not say, then, that we attempted to overthrow your Government; for there it stood, after we left you, one of the greatest and most powerful nationalities upon the face of the earth.

There was no dispute between the two sections about the form of government. Devotion to the Constitution, to the principles of American freedom, was the fountain at which both sections drank in inspiration for the stupendous war which they maintained. And when that war closed with defeat for the South and victory for the North the controversy was closed also. The result of that victory has been to embody in the Constitution two great principles—the legal indissolubility of the American Union and the universality of human freedom on the American continent.

One other remark I wish to make in this connection. It is this: When this country shall be united and concord and confidence restored, and when a conflict with foreign powers shall come, that then some of those who now are badgered on this floor by some of the victors, will be found as near the front and spilling their blood as freely in the common defense and for the life of the Republic, as their insatiate judges.

But I have been betrayed into a digression. I have said that in making up the record as to the condition of the South I should introduce no witness whose integrity and truth would be impeached. I shall not attempt to answer the absurd charges of intimidation in dis-

tricts where both parties indorsed the same candidate, nor to reply to statements drawn from sources inaccessible to the public and from hearsay and rumor.

Mr. President, as a sample of some of the testimony which has been introduced, I refer you to evidence recently taken before a committee in the other end of the Capitol. A witness in the last few days appeared and testified that at Eufaula, Alabama, in the last campaign, I had made a speech in which I advised the democrats of Alabama to carry the election by force. There is the same amount of truth in that charge as in many others made against the South; and the facts are that I made no such speech anywhere. I was not within three hundred miles of Eufaula at the time, and have made no political speech in Alabama at any point for five years. Yet there stands the testimony.

Among the witnesses I introduce there will be no "Jack Browns," who run for office first upon one side and then upon the other, democrat in 1872 and republican in 1874, and always beaten on both. [Laughter.] I shall not introduce any witness who assigns as his reason for becoming a candidate for Congress the fact that he had failed at everything else and was obliged to have an office. I prefer a different class of witnesses and a different kind of testimony.

Georgia is stronger democratic than any of the Gulf States; and if the southern people are, as represented, such oppressors of the negroes and republicans, if, indeed, it be true that no man could live in the South and be a republican, if the whites had possession of their State governments, certainly there ought to exist in Georgia a reign of terror, of lawlessness, and of blood which, as the Senator from Indiana charges, I could not resist.

What is the condition of Georgia society? I ask to have read a telegram from a gentleman who is very well known here, who bears an honored name—a northern man who has voted the republican ticket since that party was organized, who has the confidence of the present Administration and but a few months ago held a position under it. He is a gentleman; and such have always found and will never fail to find hospitality beneath a southern roof as long as there is money left to extend it. The witness is Mr. W. C. Morrill, lately of Maine. I ask the Secretary to read his telegram.

The Secretary read as follows:

HON. JOHN B. GORDON,
United States Senator, Washington.

The treatment I have received from the people of Georgia during a residence of nine years has been more than kind, and better than I deserve.

W. C. MORRILL.

Mr. GORDON. I ask also to have read a telegram from the same gentleman, who was the Freedmen's Bureau agent, and ought to have some knowledge of the subject-matter of which he speaks. I wish the country to know what Mr. Morrill has to say of the treatment of negroes in the democratic State of Georgia.

The Secretary read as follows:

HON. JOHN B. GORDON,
Washington:

For the last four years my residence has been in the city, and during that time have had no reason to believe that the colored people have been treated different from any class of laborers. Prior to that time and while I was agent of the Freedmen's Bureau, I found very little if any bad treatment from former slaveholders, but all trouble that came to my knowledge almost invariably was from that class that never owned either land or slaves, but usually rented. I think you will find the above substantiated by nearly all the late intelligent agents of the Bureau.

W. C. MORRILL.

Mr. GORDON. I ask now to have read a telegram from the governor of my State as to the educational privileges of the two races in Georgia.

The Secretary read as follows:

HON. J. B. GORDON,
United States Senator, Washington:

No distinction between whites and blacks. Under our school laws the whites pay upon two hundred and sixty-six millions of property, the blacks upon six millions of property; of general taxes, about one-fiftieth paid by blacks; of poll-tax, about one-tenth paid by blacks. Over forty-two thousand colored children at public schools last year; about ninety-thousand white children.

JAMES M. SMITH.

Mr. GORDON. Now I ask to have some brief extracts read from a very long letter written by Mr. W. H. Savage, of New York, who has been teaching colored schools in Mississippi, Tennessee, Georgia, and Alabama for the last four years. I have selected a few passages which I will ask the Clerk to read. If any Senator desires to hear the whole letter, I should be glad to have it read.

The Secretary read as follows:

For the last few years I have been engaged in the work of educating the colored people.

An experience of over four years in the South (in Tennessee, Alabama, Mississippi, and Georgia) has taught me that the people of the South are able to lay aside little political differences in opinion and welcome a gentleman as such if he comes among them as an honest man, let him be from whatever section he may.

And I give it as my honest opinion that most of the so-called outrages are nothing more than occur in any other State from time to time, but here every lawless deed of any outcast and ruffian is distorted into enmity toward the Federal Government.

I have known many instances where villainous carpet-bag politicians have been allowed to leave the country with much less punishment than they merited; for all must know that the South is flooded with a class of men who followed the armies and have scattered themselves throughout the South—men who would not be re-

cognized in any respectable household of the North; and yet they complain that they are not welcomed into the families of people whose characters they malign most unscrupulously for selfish political ends.

Hastily,

W. H. SAVAGE,
Principal Excelsior Colored School, Griffin, Georgia.

Mr. GORDON. Other testimony from equally respectable republican sources could be introduced. But, sir, what is the use, when none but those who defame are believed; when your own republican committee, appointed by a republican Congress, is charged with making a *whitewashing* report? It cannot have been forgotten that General Grant himself made a tour of the Southern States since the war, and that he reported what he saw and heard. Yet even General Grant was charged with "*whitewashing*" the southern people. General Grant has not been in the South since, and all the information with reference to that section which has reached him or his subordinates, has come through those whose business and interest it has been to slander that people for the last nine years.

Mr. President, as illustrative of these times, I shall now read a paragraph from the history of Titus Oates and the great "popish plot," which, with change of dates and names, would fitly describe the present condition of the South. If you will substitute for Titus Oates the "carpet-bagger" and southern people for Catholics, you will have a perfect daguerreotype of southern society under the rule of adventurers.

Speaking of Titus Oates, the great prototype of the present carpet-bag declaimer upon southern outrages, the historian says:

He caused a written narrative of a conspiracy of the Jesuits to murder the king and subvert the Protestant religion to be drawn up and laid before the king.

The king saw they were monstrous falsehoods, and paid no attention to them. He then, says the historian—

Enlarged his fiction, and in September made a deposition before Sir Edmondbury Godfrey, a justice of the peace. He added to his story at various times; and the substance of it finally was that * * * the Jesuits were the authors of the great fire of 1666, and that they were then plotting to burn all the shipping in the Thames. At a given signal the Catholics were to rise and massacre all the Protestants in the kingdom.

Some color was lent to the suspicion by the death * * * of the magistrate before whom Oates's deposition had been taken. The body was carried to the grave with every demonstration of popular excitement. Sir Edmondbury Godfrey was styled a martyr to the Protestant cause. "The capital and the whole nation," says Macaulay, "went mad with hatred and fear. The penal laws, which had begun to lose something of their edge, were sharpened anew."

"Almost in a moment he was raised from beggary to wealth."

Just as the carpet-bagger has been in the South.

Says Roger North:

He walked about with his guards, assigned for fear of the papists murdering him.

Fit archetype of our political adventurer, seeking the guard of United States troops to protect his person; and, like our modern Titus Oates, he was, says the historian, "called, or most blasphemously called himself, the saviour of the nation."

We have many saviours among us. [Laughter.]

Whoever he pointed at was taken up and committed.

As in Alabama, as I shall presently prove upon the authority of a Federal official.

His example was imitated by a multitude of the most despicable wretches of London, one of whom swore that he had been offered canonization and £500 to murder the king.

How many assassination plots have our Tituses discovered? [Laughter.]

No lie was too gross to be believed against the Catholics, [the southerners.] No evidence was suffered to weigh in their favor. At last the utter improbability of Oates's story, his frequent self-contradictions, and his notoriously bad character, began to be considered.

A few more revelations of the characters of our Bullockes, Blodgetts, Kelloggs, and Ludelings will uncover the real character of our Oateses.

Sir, history will never record a truer story of the state of affairs at the South than that which is here given, except that where England had one Titus Oates the South has a hundred. Every negro and every republican killed in a broil is canonized as a modern Sir Godfrey, and a martyr to liberty and the faith.

Ah, Mr. President, is it any wonder that a people so circumstanced and so systematically slandered are restive? Bereft of all possibility of defense, disarmed, plundered, and powerless; every friend who defends or lifts the voice of sympathy in their fearful *crucifixion* denounced as a sympathizer with murderers and assassins! O, sir, is it any wonder they are restive? Is it not rather a source of unmingled surprise that they have not long since yielded their hope and madly followed the temptations of despair?

One more witness before I leave Georgia. I put the Senate upon notice that this witness is a white man, a democrat, and a southern man. But he can tell the truth notwithstanding. I am aware that the place of his birth, his color, and his politics discredit him very much in this Chamber, but I may as well remark here, in passing, that it is just as great a mistake to suppose that all the honesty and all the truth among us are concentrated in the adventurers in our midst, who have brought ruin to that section and carry strife wherever they go, as to suppose that these virtues were monopolized by him who brought ruin to paradise and carries strife wherever he goes. The witness I now propose is my neighbor and my friend, and

a gentleman of character; but as he is a democrat, in order to give him standing with the majority of the Senate, I prefer to have him indorsed by the present republican member of Congress from his district. [Laughter.]

The Secretary read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 25, 1875.

This is to certify that I know Colonel R. A. Alston, of Atlanta, Georgia, to be a gentleman of the highest character in every respect.

J. C. FREEMAN,
Member of Congress, Fifth District, Georgia.

Mr. GORDON. That is a good indorsement.

Here is his telegram in reference to the condition of two colored men who were tenants upon his place. I want this telegram read; for, while it refers to but two men, it shows the utter falsity of the charges that the negro is wronged even in the populous white sections of that democratic State.

The Secretary read as follows:

ATLANTA, GEORGIA, January 20, 1875.

General JOHN B. GORDON,
Senate Chamber, Washington, D. C.:

Lawrence had, 25th of last December, four fine mules, a buggy, carriage, two good wagons, six hundred bushels corn, three hundred bushels potatoes, fodder, hay, a thousand bearing fruit-trees, and cattle, hogs, and poultry, and five years' lease on the land. Bill Ezzard's condition was still better, having a fine Morgan buggy-horse in addition to mules, two thousand fruit-trees, cooking-stove, sewing-machine, and every comfort that any laboring man could desire. General Dodge, of Statistical Bureau, has been on my place and knows how they lived. In addition they have four muskets and shot-guns.

R. A. ALSTON.

Mr. GORDON. Sir, I know those colored men. Their treatment at the hands of the land-owner was but a sample of that accorded to the black race in the democratic State of Georgia and all over the South. If, as the Senator from New York has just declared, the record of the whites of Louisiana has been one of *God-daring and man-hating ferocity*, why in reason's name do not these hellish passions record themselves in blood in Georgia, which has been for years in democratic hands?

Great stress has been laid upon the outbreaks in Louisiana; but, sir, bloody as they have been, whatever the causes, the President himself seems to have been imposed upon in some particulars. Upon what other hypothesis are we to explain the statement in his message that all the Colfax "miscreants go unwhipped of justice," in the face of the fact that many were arrested, tried before Judge Woods of the circuit court, and five convicted; and that the very decision which the President quotes has undergone revision and reversal by Mr. Justice Bradley, of the Supreme Court?

Is it true that the murders in the South are perpetrated by democrats or white people solely? Let an official record speak. I hold in my hand the record of the one hundred and two murders committed in the last few years in the city of New Orleans, of which seventy-three were by radicals and twenty-nine by democrats, eight by black women, and one by a white woman. If anyone calls for it let it be read.

Mr. WEST. I would like to hear it.

Mr. GORDON. I have no objection to having it read, except that it will take time.

Mr. WEST. I do not insist, as it is very long. I will read it at my desk.

Mr. GORDON. I will send it to the Senator's desk. Here it is:

NEW ORLEANS, January 12, 1875.

Ex-Governor A. VOORHIES, New Orleans:

After perusal of the official dispatch of General P. H. Sheridan, calling the people of the parish of Orleans a set of bandits, I felt it my duty to give you a list of murderers committed to the parish prison during my administration as captain of the same, with their political status.

Charles Earle, white, radical, ex-policeman; John Garvey, white, radical, ex-policeman; Dido Baptiste, white, radical; Francis Martin, white, radical; Peter Lewis, colored, radical; Oscar Burns, white man; Beauregard Jamison, colored, radical; Bob West, colored, radical; Wm. Bradley, colored, radical; Austin Smith, white, radical, on the police force when committed murder; E. A. Giroux, white, radical; James O'Brien, white, radical, pardoned by Kellogg, now serving term for robbery; John Bennett, white, radical, on the police when he killed the man, now in State-house; Chas. Fossier, white, radical; J. P. Collins, white, radical, from Tangipahoa; Ed. West, white, radical; Samuel Barrett, white, radical, pardoned by Kellogg; B. F. Rivers, white, radical; George Hays, colored, radical; Richard Bell, colored, radical; John Jones, colored, radical; J. F. Domingues, white, radical; Jos. Perera, white, radical; W. Reed, white, radical; Jeremiah Fox, white, radical; Geo. Littlejohn, colored, radical; Thos. Murry, white, radical; James Gallagher, white, radical; J. M. Roach, white man; Joe May, alias Joe Neil, colored, radical; Timothy Hays, white man, Michael Aspill, white man; Peter Johnson, colored, radical; Peter Gore, colored, radical; Robt. Despercio, white man; H. M. Riddle, white man; Gabe Beebe, white man; Nelson Severin, colored, radical; Gust. McCarthy, colored, radical; Jordan Allen, colored, radical; Laura Harris, colored woman; Corinne Scott, colored woman; Maria Purcell, white woman; Ephraim Morris, colored, radical; John Garrett, white man; A. W. Kinchen, white, radical; M. Maloney, white man; Alex. Johnson, colored, radical; Anne Johnson, colored woman; W. R. Adams, white man; S. M. Williams, white man; Charity Jackson, colored woman; Andrew Camp, colored, radical; John Pierce, colored, radical; Jules James, colored, radical; Cecelia Mason, colored woman; Louis Kline, white, radical; Peter McWilliams, colored, radical; Bart Touro, white man; A. C. Billings, white, radical; Ed. Lee, colored, radical; Ed. Burns, white, radical; Alex. Newton, white, radical; Moses Harvey, colored, radical; Roman Marmogot, white man; Antonio Esquino, colored, radical; Norbert Collins, colored, radical; Emma Ferdinand, colored woman; M. Ambrovich, white; George Eugene, colored, radical; Francis Auffrey, alias Jordi, colored, radical; Thomas North, white man; William Burke, white man.

The above is a correct list to the 1st of December, 1874.

Yours, respectfully,

J. A. FREMAUX,
Captain Parish Prison.

The following list should have been published with the list of murderers committed to the parish prison while said prison was under the administration of Captain J. A. Fremaux. The accompanying list, through a press of business, was forgotten, and was not handed to the press at the time the other portion of the list was given.

W. H. BROWN.

Mike McNamara, white man; T. J. Newhouse, white, radical; Jesse Woods, colored, radical; Henry Hamilton, colored, radical; William Dennison, white man; John Martins, white man; John Lewis, white, radical; Hortense Hall, colored woman; Ed. Coleman, white man; William A. Miller, white man; Henry Miller, white man; Richard Barry, white man; Philip Smith, colored, radical; Guillaume Blessey, white, radical; Jacques Delmare, white, radical; Gus Butler, colored, radical; Lucy Scott, colored woman; Henry Pemberton, white man from Red River Parish; W. A. Dill, white, radical, from Natchitoches; A. M. Dupont, colored, radical; A. J. Hortaire, colored, radical; Louis Evergne, colored, radical; Anatole Jacquet, white man; James Clarke, white boy; Jules Magnon, white man; Cage Ferdinand, colored, radical; William Thomas, colored, radical; Richard Mass, colored, radical.

It has been charged, repeatedly charged, that law would not be executed by southern democrats. I wish to have read a telegram from the governor of Georgia, giving the official records of pardons and executions in Georgia under Bullock's republican and Smith's democratic administration.

The Secretary read as follows:

ATLANTA, GEORGIA, January 27, 1875.

JOHN B. GORDON,
United States Senator:

Two white men convicted of murder on circumstantial evidence and in penitentiary for life have been pardoned by me. I have commuted death penalty to imprisonment for life in four cases, two white and two colored. Ten negroes and six white persons have been executed during my administration for murder. During Governor Bullock's administration forty-six persons were pardoned for murder; the death penalty was commuted to imprisonment for life in eighteen cases, and two persons were executed for murder. The records do not specify color during Governor Bullock's administration. Whole number of pardons granted by Bullock for all offenses from July 4, 1868, to October 30, 1871, was four hundred and sixty-four whole pardons for all offenses. By myself from January 12, 1872, to present time forty-seven, a majority of those last negroes.

JAMES M. SMITH.

Thus it will be seen that under republican rule there were four hundred and sixty-four pardons issued to criminals, and under democratic rule for the same time forty-seven pardons were issued, mostly to negroes. Sixteen executions have taken place under democratic rule in Georgia, and for the same time under republican rule only two; although Bullock had the entire machinery of the courts in his hands, appointing all officers from chief justice to justice of the peace.

Let the list I hold in my hand be incorporated in my remarks. It is a record of thirty-one happy recipients of Kellogg's overwhelming executive clemency, by virtue of which these murderers, thieves, and rapers, were turned loose upon society:

Osman Ledoux, of Saint Landry, shooting into a dwelling house, and sentenced to six months; Jacob Haberlin, of Orleans, robbery; Sam Bowman, of East Baton Rouge, robbery, sentenced to twenty-eight years; William H. Page, of New Orleans, manslaughter, sentenced to two years; James Davis, of New Orleans, larceny, sentenced to eighteen months; James Hackett, of East Baton Rouge, manslaughter; Martin Caulfield and Merryman Caulfield, of East Feliciana, murder; Samuel Green, of Caddo, assault with intent to kill; Levi Hill, of Lafourche, larceny; Henry S. Utz, of Madison, attempting to bribe a witness; Louis Edward, of Iberville, theft; F. M. Henley, of Caddo, murder; Angelo Prudhomme, of Saint Landry, murder; Palmer Dickson and Hugh Dickson, of Bossier, shooting and killing Thomas C. Kirk; Reuben Red, murder; Isaac Sadler, of Claiborne, shooting a cow; Elijah Aubrey, of Claiborne, murder; Jacob Alexander, burglary; Dicey Roysden, of Webster, receiving stolen goods; William Brown, of Assumption, assault and battery; D. M. Broussard, of Lafayette, larceny; John Wallace, of Saint Landry, rape; Thomas McGuire, of Orleans, entering with intent to steal; George Williams, of Orleans, burglary; John J. McCort, of Orleans, burglary; Mary Williams, of Orleans, embezzlement; James O'Brien, of Orleans, manslaughter; Samuel Bell, of Bienville, murder; Edward A. Higgins, of Orleans, larceny; James H. Boler and Valentine Smith, concealing stolen property.

Mr. President, how long is our Titus Oates and his confederates to inflame the public mind with his marvelous stories of white conspiracies and of the killing of negroes for amusement in the face of these facts, which record his condemnation? In all the range of history, civilized or barbaric, where will you find such an infinitude of provocations as the southern people have had since the war? They have been the subjects of misconception and the victims of slanders, of rapine, of insult, and of bad government. Is it not true that these adventurers have plundered our treasuries, stolen our railroads, and burdened us with debt? Where is Bullock, the former carpet-bag governor of Georgia? A fugitive from justice in the Dominion of Canada. Where is Foster Blodgett, who was elected to the Senate in violation of law by a republican legislature, who, in charge of a railroad, the property of the State, which now pays regularly into the treasury \$300,000 per annum, stole or wasted not only its income, but run down its machinery and left it burdened with debt, and by numberless frauds enriched himself and his confederates? Where is he? Safe in the province of South Carolina. Where is Littlefield, of North Carolina?

Mr. PATTERSON. Will the Senator from Georgia allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. GORDON. I have no objection to answering a question.

Mr. PATTERSON. I do not propose to make a speech. I just want to ask the Senator a question.

Mr. GORDON. Go ahead.

Mr. PATTERSON. I understood the Senator to say that Mr.

Blodgett is safe in South Carolina. Now, if Mr. Blodgett is amenable to the laws of Georgia, they can get him, and why do they not send for him?

Mr. GORDON. I think the effort has been made; but I am not certain. I know the governor made requisition for Bullock; but he could not be found. As to Littlefield, I learn an effort was made to secure him, but he is still safe in Florida.

Mr. PATTERSON. I ask the Senator from Georgia if they ever made a requisition on the governor of South Carolina for Mr. Blodgett.

Mr. GORDON. Foster Blodgett did not dare to go back—

Mr. PATTERSON. Answer my question.

Mr. GORDON. If the Senator will give me time I will tell him what I know about it.

Mr. PATTERSON. You cannot answer it.

Mr. GORDON. I know that there was great anxiety to get Mr. Blodgett back to testify, but he has never returned to Georgia, and I think it was proposed to give him a passport back without arrest; but I am not sure about that.

Mr. PATTERSON. That is not the way to get a criminal from one State to another. If Georgia wants Mr. Blodgett, let them call on the governor of South Carolina for him.

Mr. GORDON. I did not give way for a speech.

Mr. PATTERSON. They can get him very quick.

Mr. GORDON. Mr. President, I simply state facts, so far as I know them. Blodgett had possession of the railroad belonging to Georgia. He retained most of its income, which under the management of a Senator upon the floor and his associates now amounts as rental to the sum of \$300,000 per annum. Blodgett left engines, cars, and track worn out, and an immense debt upon it, amounting, I think, with fraudulent contracts to at least half a million dollars. He left Georgia when Bullock left it.

Mr. SPRAGUE. I would like to ask the Senator from Georgia a question.

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield?

Mr. GORDON. Certainly.

Mr. SPRAGUE. What Senator in this Chamber is interested in the railroad now?

Mr. GORDON. I would rather not answer that question. The Senator knows to whom I refer. He is an honorable man, and the rental is regularly paid into the State treasury.

But, Mr. President, the interruptions have led me from my argument. Why stop to talk of Blodgett? What of others who are loudest in their denunciations of the South? What of Kellogg himself, the governor *par excellence*, around whom gathers all the power of the Executive and of the American Senate? He now holds place which your own committee declares was acquired by fraud, while he denounces as murderers the people whose lawful power he usurps, and opens the prison doors and deluges society with his pardoned criminals. What of Ludeling, his chief justice, the man on whose shoulders hangs the ermine of the highest judicial office in the State of Louisiana? Condemned, not by democrats, but by the highest judicial authority known to this Government, as guilty of a gross fraud and a breach of a sacred trust. What of Hawkins, his judge of the superior district court? Indicted, not at the instance of the conservatives of Louisiana, but of Ex-Governor Madison Wells, the president of the Kellogg returning board, and a true bill found by a grand jury for embezzlement. What of the returning board? Condemned by a republican committee of a republican Congress as guilty of the grossest frauds and of an outrage upon the rights of the voters of that State.

Mr. President, I will not run down the list any further. Suffice it to say that this is the class from which governors and legislators and judges and members of Congress are manufactured to order for a defenseless people.

Sir, these are terrible truths; but they stand adjudicated by the committee of this Senate, or by the highest judicial tribunal, or by the logic of recorded and undisputed facts.

I am speaking now of the bitter provocations to which the people of all the Southern States have been subjected, in view of which all fair-minded men will judge them.

I hold in my hand an account of the destruction of the Borun family in Mississippi—his house and his children burned, himself murdered, and his innocent, defenseless wife outraged—I must be pardoned for speaking plainly—by six negroes, and found dead after the atrocious deed. This crime, so shocking, which was almost unknown to that race until they were taught hostility to the whites, is becoming now so frequent that it would fill with frenzy the most stolid community upon earth.

I have a list of such cases well authenticated; but it is useless to produce it. Let me say, in justice to the negro, that the increasing frequency of these occurrences is due not so much to an in-bred brutality as to that which has been acquired by the cultivation of his worst passions. Let me not be misunderstood. I do not charge, nor do I believe, that even the bad men who assume to control his political conduct countenance such crimes. This however is true. An ignorant race, just emancipated from slavery, daily taught hatred to the southern whites and by appeals to color prejudices made audacious and aggressive in their hostility, will not long be restrained by considerations which move an enlightened and cultured race.

Ah, sir, is it just, in view of these terrible truths, which cannot be disproved, to judge a people assassins and murderers because of disturbances inevitable to such a situation? Is it just to condemn a great people—and I profess to belong to a great people, and no tinge of shame has ever yet mantled my cheek *because* I belong to that people—is it just, I ask, to condemn them upon these inevitable isolated outbreaks, however wrong or bloody; upon these fitful vents of passion, however extreme? I repeat, their provocations have been infinite. The black race arrayed against them by self-seeking political tricksters, slandered by those who claim to represent them, placed under the ban of a powerful Government, governed by men notoriously corrupt, robbed by adventurers supported by power, and goaded to madness by brutal license.

Mr. PEASE. Mr. President—

Mr. GORDON. Mr. President, the Senator from Mississippi occupied nearly a week pouring out the vials of his wrath upon the southern people. I hope I shall be allowed an hour to defend them.

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. GORDON. Excuse me; I would rather not.

The PRESIDENT *pro tempore*. The Senator from Georgia declines to yield, and he is entitled to the floor.

Mr. GORDON. Let me proceed. I have already shown by official records that, so far from all the murders in Louisiana being committed by white democrats, more than two-thirds in New Orleans were by republicans. I have further shown that wholesale pardons were issued by Kellogg. Also, how much more certainly the laws were enforced in Georgia under the rule of the people, whose every conceivable interest demands their enforcement, than under Bullock's administration. These facts were adduced from official records. I wish now to refer to the testimony of Mr. J. P. Southworth, who is the present special assistant attorney-general of the United States in Alabama, to prove that a white man in that much-abused State is as easily convicted as a negro; that the law is as readily enforced as in any portion of the United States; and that the facts drawn from this high official—a most respectable republican source—utterly explode the baseless fabrications or the ludicrous absurdities and phantoms with which our Alabama "Titus Oates" filled his imagination. Sir, what does this Federal official say? I take an extract from the telegraphic report:

He went to Alabama from Illinois in 1868 that he was and had always been a republican, and that he had spoken during the last campaign in Selma for the republican State ticket. He said that he thought he knew the general condition of the State as well as any one could; that his official and professional duties took him to all parts of it, and that there was no county in which a republican could not live and advocate political principles, even in an offensive manner, without molestation. He thought the effect of sending troops to the State was injurious to the people and the State, and there had been no time when they were needed, or when the country would not have been better without them.

When asked if negroes could vote if troops were not stationed there, he replied that he thought it made very little difference. The negroes would not vote any way if they were not massed by their leaders. The negroes had no interest in politics, and were simply used by men who could not remain in power but for the negro vote.

In the face of these facts, what becomes of "Titus Oates," with his monstrous tales of falsehood, his reports of democratic excesses and intimidations, his convulsions of terror at the prospect of his own martyrdom, and of the necessity for a guard to protect him from the democrats? Charity dictates that we should attribute these stories of our "Titus" in reference to democratic manias for blood and southern epidemics of murder to a diseased imagination or insane credulity rather than to atrocious invention.

Ah, Mr. President, these modern Titus Oateses all over the South, these instigators of race-conflicts, these authors of our woes, have prepared and fired their magazine filled with all the combustibles of alarm, and have discovered by its light a modern "popish plot"—"a new southern rebellion."

Of all the wild lunacies yet attributed to the South, none is comparable to this. A people utterly bankrupted by war and the subsequent ills of bad government, their Commonwealths prostrate and desolate, a people armless and powerless in the midst of four millions of recently emancipated slaves changed by unscrupulous tricksters from friends to foes; a people sick of war and strife and panting for peace and quiet, a people thus circumstanced on the eve of a new rebellion, and who voted overwhelmingly for Horace Greeley and have by confederate votes sent Andrew Johnson to the Senate!

[Laughter.]

The first scene of this "plot" I believe was laid in Louisiana.

What does Colonel Morrow say about the new rebellion?

I not only do not believe, but I am absolutely certain, that there will not be at any time in Louisiana any organized or authorized resistance to the General Government. If the expressions of the people are to be believed, and I do believe them—

Our virtuous Titus Oates is astounded at the credulity of this officer—

there is a very sincere desire to live quietly under the protection of the Constitution of the United States and enjoy the blessings of the National Government. But there is no disguising the fact, the protection afforded by the Federal Administration to the government of the present State executive is the cause of bitter personal and political feeling in the breasts of nineteen-twentieths of the white inhabitants of the State.

Now, who is Colonel Morrow? Is he also a whitewasher? General

Emory says he was selected because of his experience and the high confidence reposed in him. What does General Sherman say?

HEADQUARTERS OF THE ARMY,
Saint Louis, Missouri, January 4, 1875.

This paper is most respectfully forwarded to the Secretary of War, with a request that he submit it for the personal perusal of the President. I know of no officer of Colonel Morrow's rank who is better qualified to speak and write of matters like this, and his opinions are entitled to great consideration. I profess to have some knowledge of the people of that section, both white and black, from a long residence among them before the war and several visits since; but I shall not intrude my opinion in the confusion in which the subject is now enveloped.

W. T. SHERMAN,
General.

Is General Sherman also a "whitewasher." He developed a genius for war certainly equal to any officer in the Federal Army. Where is his superior? But General Sherman belongs to that class of soldiers whose courage is more conspicuous in battle than in debate. General Sherman also belongs to that class of soldiers who cease to fight when the fight is over, and prefers the restoration of concord to unending animosity.

General Sherman indorses Colonel Morrow's report, not only from his knowledge of that officer's competency and high character, but from his own personal knowledge of the people of Louisiana from long residence among them. Such was the opinion of General Grant when he saw for himself. Such is the opinion of the special assistant attorney-general of the United States in Alabama. Such is the opinion of the republican investigating committee sent to Louisiana, of Colonel Morrow, and of General William T. Sherman. Yet there are Senators, very few I hope, who still disbelieve any reports that are not stained all over with blood and rebellion. They did not believe General Grant in 1867; they do not believe their own committee; neither would they believe though one rose from the dead.

Mr. President, is there no higher and broader plain upon which we may consider this question? Are there no causes for the disturbances at the South other than those which lie upon the surface? Has the statesmanship of the country exhausted itself, when, denying the testimony from the high sources I have mentioned and giving credence only to the testimony of interested partisans, it proceeds to legislate upon the monstrous idea that the southern people are mad with an insane hatred of the black race and the still more insane disregard of every consideration which moves other men? Is no appeal to be made to reason and to the philosophy of human action?

Do the southern people differ so widely from the rest of mankind that the laws of action which apply to others are inapplicable to them? They have the same instincts of self-defense; the same love of self-government, of justice, of humanity, of peace, and of law; the same pride of race; the same devotion to liberty and detestation of tyranny which have marked the Anglo-Saxon race and crowned it with honor at every step of its progress and in every quarter of the globe. Sir, what does reason teach us? Are the southern people so blinded that they would seek to make an enemy of the negro, upon whose labor and good-will all their prosperity depends? Are they so lost to every impulse of humanity that they should seek to destroy a race to whose fidelity during the war, when an army was in their midst with freedom written upon its banners, they intrusted with perfect confidence their wives, their homes, and their children—a race which, faithful, docile, and law-abiding by nature, has only been made arrogant, aggressive, and lawless under the tutelage of bad men in their midst? Such assumptions are neither suggested by reason nor supported by fact.

Where, then, is the source of the wide-spread discontent at the South? Sir, the early history of this country ought to furnish an answer. Our fathers pleaded in justification of revolution the fact that the King of Great Britain had sent among them judges dependent upon his will, and swarms of men not interested in their welfare to hold the offices, to levy the taxes, to harass the people, and to eat out their substance. These oppressions are no less galling to us than they were to our fathers. It is not an answer to say that these men are subjects of the same Government. That was true in the case of the colonists. The Senator from Indiana [Mr. MORTON] says that we ought not to object; that the people of his State invite settlers from the East and from other sections, and give them offices. I presume the Senator waits, even if they are honest, until they secure a home and become domiciled, before he makes of them governors, judges, and members of Congress. But with all the Senator's hospitality and all the hospitality of Indiana—and I join him in paying the very highest tribute to his people—with all her hospitality, if that State should receive to her confidence and her homes such men as I have described, her folly would be equalled only by that of the man who, according to *Æsop*, warned the viper in his bosom only to receive its fangs.

But to return. Our fathers appealed to their English brethren, to their native "justice and magnanimity, and conjured them by the ties of a common kindred to disavow those usurpations;" but in vain. Shall the appeals of the people of Louisiana, by the same ties of kindred and to the sense of justice of the northern people, go unheeded? Sir, I do not believe it. I do not believe that the descendants of Adams, of Morris, of Franklin, of John Hancock, and of Putnam, will turn a deaf ear to the appeal of the descendants of Henry, of Jefferson, of Madison, of Lowndes, of Marion, and of Pinckney, who, in the hour of distress, rushed to their rescue with the cry, "The cause of Boston is the cause of all!"

But I am again reminded that there are those who hear me who cannot understand how one who but a few years ago embraced with every fiber of his nature and every throb of his heart the cause of his people and his section can now with equal earnestness plead for the peace and the unity of his whole country. They do not understand how once enemies, we should ever be friends. They do not understand how those who are truest to convictions may also be truest to plighted faith. Be it so. It is not to such I speak.

Now, sir, to return to an analysis of the causes which produce the anomalous condition of affairs in some of the Southern States. These States are governed by those who are not only strangers to our sympathies and hostile to our interests, but who are often corrupt. No more corrupt governments can be found upon earth. There is, sir, no greater truth, no more philosophic maxim—and the statesmanship which ignores it is simply empirical—than that the character of a government sensibly affects the character of the citizen. It is as natural for a good or bad government to produce a good or bad citizen by a law of human nature, as for peculiar soils to produce certain growths by a law of creation. You may prostrate the forest by a whirlwind or storm, but the same soil and climate will produce the same forest again. So you may excite civil commotion and sweep away a whole generation; but the same bad government will produce another generation like it. There is no interest, public or private, whether of property, of society, or of civilization, which government does not at some point touch and affect. When government is pure and just and righteously administered, private virtue is strengthened and the citizen is elevated; but when government becomes corrupt, when judicial frauds and official embezzlements become common; when public theft is galvanized into respectable thrift by the glitter of official station; when political integrity is banished from public place, and pollution is left, wherever government makes its track, then the foundations of society give way and all its conservative forces are dissolved. The same condition of public affairs would produce like turbulence in any State in this Union. Give to each State the government of Louisiana; a governor forced in office by such means, with judge and jury dependent upon his will, the highest judicial officers impeached for fraud or embezzlement, the voice of the people silenced by a returning board convicted of the grossest frauds, intelligence and virtue repressed and ignorance and vice crowned as administrators of law, offices filled with political adventurers; with such corruptions and such defiance of public sentiment, and how long would it be before we should witness throughout this land a scene of unbridled license, a perfect saturnalia of sin and shame and death.

But, sir, we have one hope left. Talleyrand said that he knew one who was wiser than Voltaire, had more understanding than Napoleon and all ministers, and that one was PUBLIC OPINION.

Sir, there is a great public opinion in these United States—an American sentiment which is the hope of Louisiana and the talisman of the South. And in the name of Louisiana and of a common inheritance of self-government, I appeal from the bar of the Senate to the bar of that American sentiment. It is higher than senates, more powerful than parties. It will not permit us longer to hold out hope to Louisiana only to doom her to death. It will not permit us longer to whisper in her ear the high-sounding words of self-government and of constitutional law, while these words mean to her but the pompous trappings which cover the dead body of a prostrate Commonwealth. It will not permit us to longer hold in vassalage a large body of our fellow-countrymen, who are vindicated by their own words and acts and by your republican committee, and who, when their trials and persecutions and wrongs are known, whatever may have been their mistakes, their follies, or their crimes, will stand vindicated before the bar of all the future, and of Him who shall judge us all, as furnishing an example of heroic endurance and of patient forbearance under wrong unparalleled in history and lustrous in despair.

But, sir, there is another general truth which ought not to be overlooked in discussing the unhappy condition of those States and the causes which produce it. It is this: That nothing but commotion, disorder, and blight can be the lot of any people whose rulers retain power by arraying race against race and labor against capital. He who protects labor against unjust laws and iniquitous exactions is a benefactor as well as a wise law-maker; but he who for the sake of office would poison the minds of the ignorant negro laborer against the land-owners of the country, has the temerity to fire a magazine over which eight millions of people are sleeping.

The effect of such a course with us is not only to disorganize the labor of the South, thus destroying its prosperity, but with this the market which the South hitherto furnished for the products of the East and the West. It not only makes financial success impossible with us, but it affects the financial condition of the whole country, for the South can no longer be the great consumer. These political intermeddlers are therefore indirectly contributing to the business stagnation of the whole country, stopping mills, paralyzing enterprise, and bringing starvation to the white laborer of the North, while they train the black laborer of the South in the art of keeping them in office.

Not only so; but they are thus exciting the bad passions of this black laborer and provoking a conflict too fearful to contemplate. Is it statesmanship to support such men in place and continue such policies by the whole influence and power of the Government? Such a conflict will never come in the South except through the agency of

the men who have no interest in the South except to grow rich from its offices.

These, Mr. President, are questions of the greatest moment and would tax the wisest statesmanship of this country or this age. This conflict of labor and capital is one full of danger. It filled Paris with fire and blood and terror. It appalls kings, shakes thrones, threatens the peace of nations and the stability of institutions.

I had desired to discuss this portion of the subject at much greater length, but the lateness of the hour forbids.

Mr. President, surely the Senate will not longer insist upon a policy toward the South so hostile to the material interests of the whole country and to the genius of representative government. Surely in the face of the overwhelming testimony of those who have most intimate knowledge of our condition and the least interest in misrepresenting us, and in view of the great political maxims familiar to all, which pour their floods of light upon the causes of all the disorders in our midst—surely the Senate will not fail to see these causes, nor insist upon retaining these men upon the transparent plea of "Titus Oates" that he has discovered a "plot" or new rebellion.

Whatever may be the action of the Senate, I do not doubt the verdict of the people. In the darkest hour of our distress I have never lost hope that the American people would, when the facts were known, no longer by the strong arm of power subject the South to the insatiate rapacity of her slanderers. I have steadfastly believed that the day would come when any man, wherever circumstances, education, and conviction may have placed him in the late war, who would raise his voice in the cause of honest government, of justice, of concord, and of unity, would crush through the thin wall of passion which has too long divided us and find a listening audience in every section of this great country.

And now I think I shall commit no sacrilege if I conclude what I have had to say in the words of Him, in obedience to whose mandate there is at the same time the highest statesmanship and the simplest justice, "As ye would that men should do to you, do ye also to them."

Mr. WEST. Mr. President—

Mr. LOGAN. If the Senator will give way, as it is getting late, I move that the Senate adjourn.

Mr. WEST. I will give way, with the understanding that I still have the floor on this question when it is next brought before the Senate.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and fifty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 30, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The SPEAKER. The House will come to order, and the Clerk will proceed to read the Journal of the last day's proceedings.

ORDER OF BUSINESS.

The Clerk began the reading of the Journal, but before concluding it,

Mr. WILSON, of Indiana, said: I move to suspend the reading of the Journal for the purpose of taking up for consideration at this time Senate bill No. 1204, in reference to the payment of interest on the 3.65 District bonds.

The SPEAKER. That requires unanimous consent.

Mr. RANDALL. I will object until I can be informed by the Chair whether immediately upon the disposition of the bill referred to the reading of the Journal will be resumed and proceeded with?

The SPEAKER. Undoubtedly, unless it is dispensed with.

Mr. HOLMAN. I call for the regular order of business.

Mr. WILSON, of Indiana. If the House will allow me to make a very brief statement, I would be glad to be heard.

Mr. HOLMAN. I would be very glad for my colleague [Mr. WILSON, of Indiana] to be heard, but I shall then insist upon the regular order of business being proceeded with.

The SPEAKER. The Chair desires in this connection, if the gentleman from Indiana [Mr. HOLMAN] does not object, to have read to the House a communication which was addressed to him semi-officially.

No objection was made.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January, 1875.

SIR: The Commissioners of the District feel it to be their duty to ask the concurrence of the House of Representatives to-day to the Senate bill No. 1204, for the payment of the interest on the 3.65 bonds, so called, which becomes due on the 1st proximo, and to the payment of which the faith of the United States is pledged, as specified in the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes." As we informed Congress by a communication of the 12th instant, a printed copy of which we inclose, the District treasury cannot furnish the money necessary to pay this interest, and that unless congressional appropriation be made for its payment, default

in the same must follow, the mischievous consequence of which will be readily appreciated by Congress. We therefore respectfully ask you to call the attention of the House to this subject during its session to-day. We have only to add that the interest on these 3.65 bonds was expressly excluded in our estimate of expenditures for the current fiscal year in our report of the 5th ultimo.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

The communication of the committee referred to is as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
January 11, 1875.

To the Speaker of the House of Representatives:

The commissioners of the District respectfully request that the attention of Congress may be called to the necessity of legislative provision for the payment of the interest on the bonds authorized to be issued by the act of Congress approved June 20, 1871, entitled "An act for the government of the District of Columbia, and for other purposes." These bonds are generally known as "3.65 bonds." The act of Congress above cited pledges the faith of the United States to the payment (by proper proportional appropriation and by taxation on property within the District) of the interest on said bonds as well as to the creation of a sinking fund for payment of the principal thereof at maturity.

The same act of Congress contemplates the ascertainment, through future legislation, of the proper proportion of the expense of the government of the District of Columbia, including interest on its funded debt, which should be borne by the District and by the United States respectively. This proportion has not yet been determined by the requisite legislation. Upon the funded debt of the District of Columbia, other than the 3.65 bonds, the interest, including that due January 1, 1875, has been paid or is in process of payment out of the revenues from taxes on property in the District.

At its last session Congress authorized an advance from the United States Treasury for the payment of interest on the funded debt of said District, due July 1, 1874, (the 3.65 bonds not then having been issued), but it was required that the sum thus advanced should be reimbursed to the Treasury of the United States from the treasury of the District; and this reimbursement has been made in full. The 3.65 bonds result in principal part from the funding of floating indebtedness of the late board of public works, which was created by an act of Congress, and whose operations were subject to congressional control, and to some extent were independent of interposition on the part of the municipal government of the District.

After payment from the treasury of the District of the current expense of the municipal government, and of the interest on the funded debt of the District other than the 3.65 bonds on private property will not afford sufficient revenue to pay any part of the interest on the 3.65 bonds, which falls due on February 1, 1875. It results, therefore, that either congressional appropriation for this interest must be made or that there must be default in the payment of interest to which the faith of the United States is pledged. If the requisite sum be appropriated by Congress, it is advisable that the interest should be paid in the Treasury of the United States and the coupons canceled there. According to law, these bonds are registered in the office of the Register of the United States Treasury. It might also be provided that such sum as may be appropriated for this purpose shall be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia, and of the interest on its funded debt.

The commissioners are advised by the board of audit that, in the opinion of that board, "provision should be made for the February interest on \$10,000,000 of the 3.65 bonds." The facts upon which this opinion is based are stated in a communication from the board of audit, hereto annexed.

For the semi-annual interest on \$10,000,000 of these bonds there would be required \$182,500.

The commissioners of the District therefore recommend the appropriation by Congress of \$182,500, or so much thereof as may be necessary, for the payment of interest on such bonds, due on February 1, 1875, the interest to be paid on surrender of the coupons to the Treasurer of the United States; and the sum thus paid to be considered and adjusted as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia, and toward the payment of the interest on the funded debt of the District.

We venture to call the attention of Congress to the suggestion in our report of the 5th ultimo, for the payment of the interest on the 3.65 bonds in gold, and to the report of the commissioners of the sinking fund, which accompanied our report, on the same subject.

Respectfully, &c.,

WM. DENNISON,
J. H. KETCHAM,
Commissioners District of Columbia.

OFFICE BOARD OF AUDIT,
COLUMBIA BUILDING, FOUR-AND-A-HALF STREET,
Washington, January 8, 1875.

GENTLEMEN: In answer to your letter of this date, we have to say that in our opinion provision should be made for the February interest on \$10,000,000 of the 3.65 bonds.

Our report of December 7 showed the issue of auditor's certificates to the amount of \$6,858,727.12, and claims pending \$3,147,787.48. Total, \$10,006,514.66.

Other claims have been presented and allowed, and, although the amount of \$10,000,000 has not yet been certified, when certified the owners of those based on old claims will be entitled to interest.

Very respectfully, your obedient servants,

R. W. TAYLER,
First Comptroller,
J. M. BRODHEAD,
Second Comptroller,
Board of Audit.

The Hon. COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

Mr. WILSON, of Indiana. I appeal to my colleague [Mr. HOLMAN] not to insist upon his objection to the consideration of this bill now, because it is a matter of very great consequence.

Mr. HOLMAN. My purpose at this time is to insist upon the regular order of business. After the reading of the Journal has been concluded and time has been given to examine the communication which has just been read, but which I do not now fully understand, it is possible some understanding may be reached upon the bill referred to. My impression now is that the bill referred to should not pass; that this Congress should not be held responsible for the debts im-

properly incurred by those having charge of the affairs of this District, or any portion of it.

Mr. WILSON, of Indiana. I think if my colleague [Mr. HOLMAN] will hear this bill read he will not object to it.

Mr. HOLMAN. We have all read the bill.

Mr. WILSON, of Indiana. I think it should be read now.

The SPEAKER. Does the gentleman ask that the bill be read?

Mr. WILSON, of Indiana. I do.

The SPEAKER. It will be read if there be no objection.

Mr. RANDALL. I understand that no rights will be lost by allowing the bill to be read.

The SPEAKER. Certainly not.

Mr. MAYNARD. If the gentleman from Indiana [Mr. HOLMAN] still intimates as he did a while ago that he would hear anything said, but after that would insist upon objecting to the consideration of this bill and will insist upon the reading of the Journal being resumed, then I must object to taking up any more time at present in this way. But if the gentleman will allow the bill to be considered at this time, I think it is eminently proper that that should be done, in view of all the facts surrounding us here in this House.

The point I wish to make is why do gentlemen want time consumed when it is going to be of no purpose.

The SPEAKER. It is the ordinary waiver of objection which oftentimes modifies the objection itself. The Chair entertains it in that way.

Mr. MAYNARD. I have no objection to that.

The SPEAKER. The bill will be read, objection being reserved.

The bill, which was read, provides that the sum of \$182,500, or so much thereof as may be necessary, be, and is thereby, appropriated for the payment of the interest on the bonds of the District of Columbia known as 3.65 bonds, due on February 1, 1875, issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; said interest to be paid by the Treasurer of the United States, or the assistant treasurer of the United States in New York, on surrender of the proper coupons; provided that the said sum thereby appropriated shall be considered and adjusted as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia, and toward the payment of the interest on the funded debt of the District.

The SPEAKER. The question is will the House give unanimous consent that this bill may be passed now in concurrence with the Senate.

Mr. HOLMAN. I must say that for the present I object to the bill.

Mr. RANDALL. I wish to make a statement, if the House will permit me. More than once it has been asserted on this side of the House that the proceedings the other day were not intended as against any appropriation bill. I now state—

Mr. CONGER. I object.

Mr. GARFIELD. Let the gentleman from Pennsylvania make his statement.

Mr. RANDALL. I am only running in the direction in which gentlemen perhaps may want to go.

Mr. GARFIELD. I hope the gentleman may be allowed to make his statement.

Mr. MAYNARD. I hold that the reading of the Journal cannot be interrupted in this way.

Mr. RANDALL. It is for the purpose of facilitating the transaction of the public business.

Mr. MAYNARD. I object.

Mr. RANDALL. I wish it to be noticed that the delay comes from the other side of the House.

The Clerk proceeded to read the Journal.

Mr. RANDALL. I make the point of order that the Clerk is not reading the Journal. I maintain that there are yeas and nays which the Clerk is not reading. I raise the point of order that it is the highest part of our privilege to have the yeas and nays read as an important portion of the Journal. I make the point, and would like to have the ruling of the Chair upon it.

The SPEAKER. Does the gentleman say the Clerk is not reading the Journal? Does he mean to imply that the Clerk is reading the Journal in a different way from that in which it is ordinarily read?

Mr. RANDALL. He is omitting to read the yeas and nays, which I demand as one member of the House shall be read as an important part of the Journal.

The SPEAKER. But the implication of the gentleman's point is that the Clerk was reading the Journal in a manner different from the ordinary mode.

Mr. RANDALL. I mean no disrespect to any one, but I make the point that the Clerk omits to read the yeas and nays, which is an important part of the Journal.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that upon the demand of any member it is his right to have the yeas and nays recorded in the Journal read on any given question.

Mr. MAYNARD. The names of members?

Mr. RANDALL. Yes.

Mr. MAYNARD. Why, Mr. Speaker, I venture to say there is no gentleman in the House, however long he has served or however often he has heard the Journal read, who has ever heard that done.

Mr. RANDALL. There seems to be one who wants it done now.

Mr. MAYNARD. I am perfectly willing to appeal to the recollection of our journal clerk, who in all these questions stands as fair and unbiased as a balance or a yard-stick—who has no other feeling than to decide the law as it is. I am perfectly willing to leave the matter to him. He never heard it done before, I venture to say.

Mr. HAWLEY, of Illinois. The gentleman from Pennsylvania, I understood, was anxious to proceed with the public business.

Mr. RANDALL. I am ready to do so; delay is from your side.

Mr. HAWLEY, of Illinois. This does not seem to show any such anxiety on the gentleman's part.

Mr. RANDALL. I will be frank; I have nothing to conceal. I want to prevent to-day the giving notice of any proposed change of the rules. That you can do on Monday without our help or against our opposition. But I wish to say you cannot do it to-day.

Mr. HALE, of Maine. You do not mean to take up all to-day with the reading of the Journal of Wednesday?

Mr. RANDALL. No matter when it is finished, I maintain even then I can make the motion that when the House adjourns it adjourn to meet on Monday next.

Mr. HALE, of Maine. Does the gentleman insist that the Clerk shall read the names of every person voting in the sixty-odd roll-calls?

Mr. RANDALL. Yes; and the absentees too.

Mr. HALE, of Maine. I want to know exactly what the gentleman insists on. Does he insist upon that?

Mr. RANDALL. I do; but I am willing to suspend it in order to take up any general legislation we can agree upon.

Mr. HAWLEY, of Illinois. And that is what the gentleman calls attending to the public business?

Mr. HALE, of Maine. It is not for that side to settle upon general legislation.

Mr. COX. How can you correct the Journal without reading the names of those who voted?

Mr. HALE, of Maine. It is evident from the intimation of the Chair that this has never been insisted upon before.

Mr. RANDALL. We are under the rules now.

Mr. CONGER. I call for order.

The SPEAKER. Gentlemen will take their seats, which is the best way to preserve order.

Mr. CONGER. I rise to a point of order.

Mr. RANDALL. There is one point of order pending.

Mr. GARFIELD. I desire to address the Chair on the point of order now pending.

In regard to the point of order made by the gentleman from Pennsylvania [Mr. RANDALL] that the list of yeas and nays should be read because it is a part of the proceedings of the House, it seems to me that two things should determine the settlement of that point of order; first, the written and printed rules of the House; and, second, what is the immemorial usage and custom of the House which becomes as much a part of the rules as though they were written—that is, the unwritten parliamentary law of the House.

Now, is it claimed that because these are a part of the proceedings of the House they therefore shall be read in the reading of the Journal? If so, then I answer that when I offer a bill, an appropriation bill for instance, and that bill is read in the House *in extenso* and passed, it should also be read in the reading of the Journal *in extenso* because it was a part of the proceeding at the Clerk's desk. If therefore the gentleman can claim that all that belongs to the proceedings of the House shall be read in the reading of the Journal, then I think it will carry us to the conclusion that everything read by the Clerk in the way of reading a bill, however long, however much involved, or however many hours soever it may take to read it, will have to be read on the demand of one member, when the Journal is read. On every roll-call of course the names are read to the House.

Mr. WILSON, of Iowa. Will the gentleman permit me a word right there?

Mr. GARFIELD. Yes, sir.

Mr. WILSON, of Iowa. There is this difference, that an appropriation bill is not written out in the Journal.

Mr. GARFIELD. That does not make any difference in regard to the point I am now arguing. The Journal is the journal of the proceedings of the House, and the gentleman would have a perfect right to make the point that a bill ought to be in the Journal because it was a part of the proceedings of the House. He might demand that the Journal should be so corrected that it should set forth, and that there should be read, everything that was in the nature of proceedings.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] on that point will observe—although the Chair does not desire to make a remark in advance—that as regards bills the rules provide a most emphatic mode of making a record in another direction. Bills are recorded in another form.

Mr. GARFIELD. The bill is recorded on the Journal only by title.

The SPEAKER. But the bill itself is recorded by engrossment.

Mr. GARFIELD. But what possible sense would there be in recording the yeas and nays unless we know on what proposition the yeas and nays were cast? And if that proposition was a bill read entire, why may I not demand not only that the Journal shall show that my name is recorded as voting for a bill, but that it shall also show what was the bill on which I voted?

The SPEAKER. That would be a good point provided the rules themselves did not provide how that is found out. All bills are on file. It is very easy to ascertain that.

Mr. GARFIELD. So are the yeas and nays on file.

Mr. CESSNA. I desire to make a parliamentary inquiry. In the hope of doing something to solve this difficulty, I submit to the Chair this question: Suppose the Journal were now read, and any gentleman on this side of the House should ask leave or attempt to give notice of a change of the rules, would not a single objection, on that side of the House, prevent any such notice from being given during this day?

The SPEAKER. The Chair will rule on that point if it comes up.

Mr. RANDALL. I will answer the gentleman.

The SPEAKER. That is a hypothetical point. The Chair never rules on hypothetical points.

Mr. RANDALL. I will answer the gentleman on that point. So far as the intention of this side of the House is concerned, I will frankly state the fact that we are trying to prevent—

Mr. CONGER. I object to the gentleman making any statement.

Mr. RANDALL. We shall try to prevent that notice being given, and in order to do so we shall interpose a motion to adjourn. We shall follow that by a motion that when the House adjourns to-day it be to meet on Tuesday; and we shall follow that by a motion that when the House adjourns to-day it be to meet on Wednesday. And you will accomplish nothing.

Mr. GARFIELD. That amounts to saying that there shall be no proceedings in this House except by the consent of the minority. That is what it means.

Mr. RANDALL. No, sir; it means just this: that we do not want any notice of a change of the rules to be given to-day, but we are ready to devote the day to appropriation bills.

Mr. CONGER. I rise to a point of order; that it is improper, when objection is made, to allow gentlemen to spend the time in threatening the House.

The SPEAKER. The point is well taken.

Mr. CONGER. I insist that the Chair shall prevent it, if possible.

Mr. COX. One word in reply to my colleague on the Committee on Rules, [Mr. GARFIELD.]

Mr. HYDE. I rise to a point of order. Is this debate proceeding by unanimous consent?

The SPEAKER. The Chair is hearing briefly each side on the point of order. That point is that the Clerk is bound to read, upon the demand of any member, the names on the lists of yeas and nays as recorded.

Mr. HYDE. If this debate is proceeding by unanimous consent, I object.

The SPEAKER. The Chair allows the debate to proceed briefly—not to transcend the usual bounds. It is the habit when a point of order is raised, if it be of one of magnitude, for the Chair to hear briefly the views of each side.

Mr. COX. With all respect to gentlemen who differ from me in opinion, I think there is an easy solution of this question.

Mr. CONGER. I rise to a point of order. The only manner, as I understand, in which this question can be raised at all is for a member to demand the reading of each list.

The SPEAKER. That is what gentlemen have done.

Mr. CONGER. A point of order has been made that the Clerk omitted something without saying what it was. Now I submit that the demand must be made by some gentleman for a particular thing before the point can be raised.

Mr. COX. I ask to have read the provision of the Constitution with respect to our Journal; and then I shall have but a single word to say.

The Clerk read as follows:

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Mr. COX. I think that this defines what a journal is—that the yeas and nays make a part of that journal. Now I ask the Clerk to read from page 121 of the Digest.

The Clerk read as follows:

"The Speaker shall examine and correct the Journal before it is read."—Rule 5. And every day after taking the chair, "on the appearance of a quorum, shall cause the Journal of the preceding day to be read."—Rule 1.

Mr. COX. Now, allow me to say to the other side of the House that the Committee on Rules had a meeting yesterday. I cannot state of course what occurred there; but we all know that under the rules notice can be given on Monday to change the rules; on Tuesday that matter can come up. What the nature of that change may be cannot be stated. One thing, however, is very sure, that gentlemen on the other side who want to proceed with the public business can bring up to-day an appropriation bill.

Mr. CONGER. I object to that kind of argument.

The SPEAKER. The Chair is only hearing gentlemen on points of order.

Mr. COX. The point of order is that we insist on having the Journal read, and until that is done nothing else is in order.

The SPEAKER. The gentleman must make a specific demand.

Mr. COX. I do make that demand on behalf of members of the House and in the name of the Constitution of my country.

Mr. CONGER. The gentleman is assuming Andy Johnson's province.

Mr. COX. If gentlemen are disposed to laugh at the Constitution, they can undertake to vote it down, which is a more solemn proceeding. They had some solemnity on that subject in the last election.

Mr. WILSON, of Iowa. Mr. Speaker, if any advantage could be had now, from a decision by you or by the House over the minority who have been obstructing the progress of business, I am prepared, after remaining here forty-six hours, to embrace that advantage. But, sir, we have to adopt our Journal every morning; and when any gentleman demands the reading of the names recorded on a call of the yeas and nays, to see whether he is recorded as he should be, or perhaps whether some other gentleman may be recorded who should not be recorded, I do not believe it is safe to refuse the demand. I do not think we lose anything in this war which is now being carried on by having those lists read, because every name, those voting and those not voting, can be read before Monday morning.

Mr. MAYNARD. I wish to make this further suggestion: We are always in danger of settling precedents with a view merely to their operation upon the particular emergency before us. Now, as I understand, it is demanded on behalf of my respected and respectable friends who have spoken on the other side that in the reading of the Journal the Clerk shall read every name on the list of yeas and nays—those who voted affirmatively, those who voted negatively, and those who failed to vote. We know the length of time that this would consume. For this particular occasion, it might perhaps answer a purpose one way or the other to do it or not to do it; but if we establish the precedent here and now that this must be done on the demand of any one member, then it may be done on every morning throughout the rest of this session, and hereafter indefinitely, unless the rule should be changed. Now, I submit whether it is wise, whether it is prudent, to put in the hands of any crotchety gentleman—and we sometimes have crotchety gentlemen in Congress—very few, I admit—

Mr. NEGLEY. I would use a stronger term than that.

Mr. MAYNARD. I submit whether it is wise to put in the hands of any gentleman the power to delay the public business by making such a demand, absolutely unheard of heretofore and absolutely without any benefit or advantage, so far as I can see.

Mr. BROMBERG. I would like to put one question to the gentleman from Tennessee. What is the object of this paragraph on page 122 of the Digest?

When a member's vote is incorrectly recorded, it is his right, on the next day, while the Journal is before the House for its approval, to have the Journal corrected accordingly. But it is not in order to change a correct record of a vote given under a misapprehension.

Mr. MAYNARD. If I may be permitted to respond to that question, I say that the practice under that rule has been, so far as I know, uniform and invariable.

Mr. BROMBERG. No matter about that. Will the gentleman answer this question: How can we know whether that entry has been correctly made unless the Journal is read?

Mr. MAYNARD. It never has been thus read. Gentlemen when they are incorrectly recorded find it out by reference to the RECORD, or if they choose by examining the Journal for themselves. They never will find it out by the reading of the Journal in the House, because we know as a matter of fact that nine times out of ten there are not two dozen gentlemen present during that reading. The reading of the Journal in the manner now demanded has never been done, and is absolutely without any necessity. None of the difficulties suggested by gentlemen on the other side have occurred.

Mr. BROMBERG. It is necessary that the practice should conform to the rule.

Mr. BUTLER, of Massachusetts. Mr. Speaker, everybody will agree, I take it, that I have insisted upon all that can be done to overcome the obstructions arising from our rules in the transaction of public business. But we have spent forty-six hours of legislative time in an undertaking which all of us now believe to be useless, because of the condition of our rules. But here, it seems to me, is a great constitutional privilege. The Constitution, for wise purposes, has provided that the names of each member voting shall at the demand of one-fifth of those present be called, and shall be recorded on the Journal. The rule is that the only time when the record of such a vote can be corrected, is when the Journal is being read.

Now, it is undoubtedly the right of any gentleman, if he chooses to do it, to call for the reading of every name, for that is the rule. That only admonishes us to change the rule on Monday when we get the power to do it. But we are also told by our friends upon the other side that if we do not read the Journal they will carry on what is known as "filibustering;" that they will do that to consume time. Now, I think the names on the Journal might as well be read by the Clerk as go through the process of calling the names in the other form. I think, therefore, that we had better obey the rules; show our obedience to the law, and if gentlemen on the other side choose to use the law for the purpose of consuming time and interrupting the public business, the responsibility is on them and not on us. They

have a right to do it under the rules. Let them do it, if they are willing to take the responsibility.

Mr. ELDREDGE. Mr. Speaker, it seems to me that the question before the House is one of more importance than a question of what may be the result of adhering to the rules. The Constitution has defined precisely what our Journal is, if you read it without passion and look at it for the purpose of ascertaining what its meaning is. The "Journal" has a well-settled, well-defined meaning, and we all know what it is. The Journal of to-day is precisely what is the Journal of every other day, or ought to be, an entry of the proceedings of the House required to be entered. By the Constitution and rules the yeas and nays must be entered upon the Journal when one-fifth of the members present demand them, and when that entry is made it becomes a part of the Journal and just as much so as any other entry made on the Journal, and when the Journal is made up the rules require that it shall be read. For what purpose? For the purpose of ascertaining whether the Journal contains a correct record of the proceedings.

That is the object of reading the Journal. It is important to every member that the Journal shall be correct, and the only opportunity that any member has of correcting that Journal is while it is being read; after that it passes into the history of the country; it determines the status of the member; it determines his record before the country and his constituents; and it is a thing of the utmost importance that it should be correct. The only time when it can be corrected being when it is read in the morning, it seems to me that gentlemen had better adhere to the law and to the rules, not because of any immediate result that may follow, but because the Constitution and rules require that this shall be done. The minority are not violating the law or the rules when they demand that the Journal shall be read.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. While the Journal is being read can anybody move to adjourn?

Several MEMBERS. Yes.

Mr. BUTLER, of Massachusetts. No; you cannot interrupt the reading of the Journal.

The SPEAKER. While the Journal is being read a motion to adjourn might be entertained, but not a dilatory motion to adjourn.

Mr. PARKER, of Missouri. Who is to decide whether the motion is dilatory or not?

The SPEAKER. The Chair decides that.

Mr. HALE, of Maine. I take it that there is really no question as to what the ruling of the Chair must be if insisted on by the other side, that a single member may have every single name upon the roll-calls for the last two days and of every absentee read. Now the other side object to this being dispensed with, and the gentleman from Pennsylvania [Mr. RANDALL] has given notice that he does it to prevent notice being entered to-day for an amendment to the rules.

Mr. RANDALL. That is so.

Mr. HALE, of Maine. Now, this side of the House does not deny that it proposes to enter notice to change the rules, but it proposes to change the rules under the rules, which prescribe that a day's notice shall be given in order that the proposed amendment may be examined and that every member may understand just what is to be brought before the House, and it is then proposed that the proper committee shall put the motion into form and present it to the House for its consideration. The other side object to this, and it should be understood that they are objecting to the rules being changed under the rules. I want that understood.

Mr. ELDREDGE. The gentleman is not discussing the point of order.

The SPEAKER. The Chair has heard the point of order discussed sufficiently, and will make his decision. The gentleman from Pennsylvania [Mr. RANDALL] demands that the record of the yeas and nays shall be read and objects to the Clerk proceeding with the reading of the Journal without the reading of the names. The Chair takes occasion to say that a point of this kind, coming up on a journal made up from the peculiar proceedings of the last legislative day, presents the question in the most extreme form. But the Chair has no doubt that one of the most sacred rights if a member demands it—and every member must recognize it if the vote be upon an important question upon which his record might affect his whole public life—one of the most important rights which a member can have is that of seeing that his name is correctly recorded upon the Journal. The yeas and nays are read for verification after the roll has been called. Then it is the right of any member to see whether that list so verified has been correctly recorded in the Journal. The Chair thinks it will be an extreme decision to say that that particular feature of the Journal should be excluded from being read in the hearing of the House, which is expressly provided in the Constitution of the United States shall be made a part of the Journal. The Chair has therefore no doubt that it is the right of any member to have all the names read.

Mr. RANDALL. I think it is time we had the regular order.

Mr. CONGER. I rise to a point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. CONGER. My point of order, which I stated once before, is that although the Chair has stated that the gentleman from Pennsylvania [Mr. RANDALL] made the point of order that all the names upon the roll-call should be read, the fact is that the gentleman from

Pennsylvania made the point of order that something had been omitted from the reading of the Journal, without making the specific formal declaration that all the names had not been read.

The SPEAKER. The Chair understood the gentleman from Pennsylvania to demand that all the names on the roll-call should be read.

Mr. HALE, of New York. I would ask if the House should adjourn pending the reading of the Journal, what Journal must be read on Monday?

The SPEAKER. The very Journal which records that fact. Of course if the House adjourned without the reading of this Journal, that is tantamount to reading it.

Mr. HALE, of New York. Then I move that the House adjourn.

Many MEMBERS. O, no! O, no!

Mr. HALE, of New York. Well, I will withdraw the motion for the present.

Mr. COBB, of Kansas. I desire to make a parliamentary inquiry. The gentleman from Pennsylvania stated that he demanded also the reading of the names of the absentees. Does the ruling of the Chair go so far as to include that?

The SPEAKER. On what ground would the gentleman from Kansas exclude it?

Mr. COBB, of Kansas. That it does not come within the scope of the provision requiring that the yeas and nays vote should be entered upon the Journal.

The SPEAKER. The rules especially require that the names of those not voting shall be recorded in the Journal. The Chair does not know on what ground he could exclude any part of the Journal from being read.

Mr. COBB, of Kansas. That is all I wish to know.

The SPEAKER. The Chair will read from the rule. It may be said of course that strictly that would not be called proceedings of the House; but "the House may judge what are and what are not proceedings."

Mr. MAYNARD. Would it be in order to ask for the regular order?

Mr. PENDLETON. I desire to make a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. PENDLETON. Is it necessary to have a quorum present while the Journal is being read?

The SPEAKER. It is. Any gentleman who thinks there is not a quorum present can raise that point of order, and the rule leaves the decision of it to the Chair.

Mr. PENDLETON. Would it be in order to have a call of the House to determine that?

The SPEAKER. It would not. The Chair must decide whether there is a quorum present or not. The Chair decides there is a quorum present now, and the Clerk will proceed with the reading of the Journal.

Accordingly (at twelve o'clock and forty-five minutes p. m.) the Clerk resumed the reading of the Journal.

After the reading of one of the lists of yeas and nays,

Mr. CLYMER said: I raise the point of order that the entire list of those not voting was not read by the Clerk.

The SPEAKER. By what does the gentleman judge?

Mr. CLYMER. By the RECORD.

The SPEAKER. The gentleman cannot correct the Journal by the RECORD.

The Clerk informs the Chair, however, that those not voting were not all marked on the list referred to by the gentleman, and therefore some of them were not read.

The Clerk resumed the reading of the Journal.

At one o'clock and fifteen minutes p. m. the reading was suspended to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona.

READING OF THE JOURNAL.

The Clerk resumed the reading of the Journal.

Mr. LOUGHRIDGE, (at one o'clock and thirty minutes p. m.) I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. RANDALL. I object.

The Clerk continued the reading of the Journal.

Mr. FORT, (at two o'clock p. m.) Mr. Speaker, I rise to a point of order. If it be obligatory upon the Clerk of the House to read all these yeas and nays lists in Wednesday's Journal, consuming hour after hour, I think it should be obligatory upon the members of the House to give their attention. I notice on the other side of the House, which demanded the reading of this Journal, but a single member who pays the slightest attention to what is going on.

Mr. RANDALL. That is no point of order; it is point no-point.

Mr. FORT. I demand at least that attention should be given to the reading of the Journal when it is called for.

Mr. LEACH. There is nobody on your side paying any attention to the reading.

Mr. FORT. If this reading is to be insisted on I suggest that the

Clerk and the single member on the other side who is listening to the reading shall retire to the Clerk's room, or some other private place, and go on with it while the other two hundred and ninety members proceed to the consideration of the public business.

The SPEAKER *pro tempore*, (Mr. NEGLEY in the chair.) The gentleman does not make any point of order which the Chair can receive. The Clerk continued the reading of the Journal.

Mr. HAZELTON, of Wisconsin, (at ten minutes after three o'clock p. m.) We cannot hear the reading of the Journal, there is so much disorder in the House.

Mr. BERRY. The object of reading the Journal is to enable members who were present to know whether they are recorded correctly or not upon the call of the yeas and nays. If the republican members on the other side desire to hold a caucus they should not hold it during the sessions of the House, but should go into their caucus-room and not bring their confusion into this Hall. I insist on the names being read so we can hear them.

Mr. CLEMENTS. The gentleman from Ohio is interrupting the discussion taking place in the aisles.

Mr. CREAMER. The members of the majority ought to preserve order.

Mr. FIELD. I can hear all the names distinctly as they are read, and any other member can do the same thing if he will listen.

Mr. BERRY. I call for order.

The SPEAKER *pro tempore*. Gentlemen will resume their seats and preserve order.

The Clerk continued the reading of the Journal.

At fifteen minutes after four o'clock,

Mr. ELDREDGE said: I think the Journal has been read long enough. I move that the House do now adjourn.

The SPEAKER *pro tempore*, (Mr. NEGLEY.) That motion is not in order without unanimous consent.

Mr. ELDREDGE. I desire to say that I do not make this motion for any purposes of delay, but in order to test the sense of the House whether we should not now adjourn.

Mr. BUTLER, of Massachusetts. I submit that no motion to adjourn can be allowed which would deprive members of the high constitutional privilege of having the Journal corrected; and you never can have it read for the purpose of being corrected if not to-day.

Mr. SPEER. The Speaker of the House ruled to-day that a motion to adjourn was in order during the reading of the Journal.

Mr. ELDREDGE. I make the motion in good faith. It is now after four o'clock on Saturday afternoon, and I think it is time that the House should adjourn.

The SPEAKER *pro tempore*. The Chair cannot entertain the motion of the gentleman from Wisconsin except by unanimous consent.

Mr. SPEER. That is directly in the face of the ruling of the Speaker this morning.

Mr. BUTLER, of Massachusetts. I demand the regular order.

The SPEAKER *pro tempore*. The present occupant of the Chair has never known an instance during the time he has been in Congress when the reading of the Journal was interrupted by a motion to adjourn.

Mr. ELDREDGE. I think the House has a right to adjourn if it think fit to do so.

Mr. SPEER. Would not an appeal from the ruling of the Chair be in order?

The SPEAKER *pro tempore*. The gentleman can appeal from the decision of the Chair if he desires to do so.

Mr. SPEER. I do appeal, then, from the decision of the Chair.

Mr. BUTLER, of Massachusetts. I rise to a point of order. It is that no appeal from the decision of the Chair on this question can be entertained. This is a question of privilege, and the Speaker has always held that on questions of privilege no appeal from the decision of the Chair can be entertained.

Mr. HOLMAN. Does the Chair rule that during the reading of Journal if a motion to adjourn is submitted it cannot be entertained? If there be any rule of the House to that effect, I never heard of it before.

The SPEAKER *pro tempore*. The House will come to order and the Clerk will resume the reading of the Journal.

Mr. SPEER. Does the Chair refuse to entertain my appeal from his decision?

The SPEAKER *pro tempore*. He does.

Mr. STORM. The Speaker of the House not three hours ago stated that he would entertain a motion to adjourn pending the reading of the Journal.

Mr. BUTLER of Massachusetts. The Speaker of the House stated no such thing.

The Clerk resumed the reading of the Journal.

Mr. HOLMAN. I respectfully appeal from the decision of the Chair.

Mr. SPEER. I have already appealed.

Several MEMBERS. Read! Read!

Mr. ELDREDGE. I made the motion to adjourn in perfect good faith, believing this House has been together long enough. It is now after four o'clock; and I submit the motion, not for the purpose of filibustering, but because, in consideration of the health of members and the condition of the House and all the circumstances surrounding us, I think that it is eminently proper.

Mr. FIELD. I object to debate.

Mr. ELDREDGE. I therefore make the motion that the House do now adjourn.

Mr. BUTLER, of Massachusetts. And I make the point of order that the motion to adjourn is not in order. The Speaker has decided that it is a high constitutional privilege, which we cannot override, that every member has a right to hear how he voted read from the Journal, that he may have the record of his vote corrected if necessary. Now, if I understand it, a motion to adjourn, if carried, would prevent any further reading of the record, and would take away from the member this great constitutional privilege. That being so, it cannot be in order to move to adjourn, while the Journal is being read; for if it is in order to move to adjourn, the Speaker has held over and over again that a motion to fix the time at which we will adjourn is of higher privilege than the motion to adjourn and would take its place. Therefore, when a gentleman moves to adjourn another gentleman may move to fix the time to which the House shall adjourn, and when that was voted on there would then come up again the motion to adjourn and the motion to fix the time to which the House would adjourn, and there would be no end of it. For if one motion to adjourn could be entertained, all those motions could be entertained.

Mr. ELDREDGE. In reply to the gentleman from Massachusetts, I have to say this: It does not matter what may be done so far as the motion that when the House adjourns it be to meet on some future day is concerned; but the Speaker has repeatedly held that nothing could be done to prevent the House exercising the right to adjourn. I do not care whether the House adjourns or not, so far as that is concerned, but we have the right to have the motion acted on by the House. It is now after four o'clock and the House has been in continuous session almost for the last three or four days, and I think if there ever was a time when the House from a regard to its own health and self-respect should adjourn it should do so now.

Mr. BUTLER, of Massachusetts. We will stop this reading of the Journal by unanimous consent.

Mr. FIELD. Will you agree to that?

Mr. BUTLER, of Massachusetts. Let us stop the reading of the Journal.

Mr. ELDREDGE. The adoption of the motion to adjourn will be practically a consent to stop the reading of the Journal.

Mr. BUTLER, of Massachusetts. If you will do that, we will agree to adjourn in fifteen minutes.

The SPEAKER. This morning, when the question was propounded whether, during the reading of the Journal, it was in order to move to adjourn, the Chair stated that during the reading of the Journal such a motion would be in order, but not as a dilatory motion. The question was then asked who was to decide whether the motion was dilatory or not, and the answer was of course that it would be for the Chair to decide the question. It would be an inconvenient thing for the Chair to decide that if every member of the House wanted to adjourn but one that one member could keep the House here. Of course the question must be considered like every question, left to discretion and considered reasonably. It is three and a half hours since a motion was made to adjourn, and the Chair would not feel justified in withholding from the House the right to adjourn if the House desired to adjourn.

Mr. WILSON, of Iowa. I move that the further reading of the Journal be dispensed with.

The SPEAKER. That would require unanimous consent.

Mr. WILSON, of Iowa. Well, I ask unanimous consent.

The SPEAKER. Is there objection?

Mr. RANDALL. There is.

Mr. MERRIAM. If we adjourn before the reading of the Journal is concluded, would there be any power to correct it afterward in case it needs correction?

The SPEAKER. If the House adjourns, that ends the reading of the Journal; and the Journal read when the House next meets would be that the House met and on motion of somebody it adjourned, and that would be all of it.

Mr. MERRIAM. And no question could be raised about correcting the Journal?

The SPEAKER. Not at all.

Mr. MERRIAM. That is all right.

Mr. BUTLER, of Massachusetts. Would it not be in order to move to suspend the rules, so as to have the Journal corrected?

The SPEAKER. Yes; it might, and it might delay the House if the gentleman seeking to correct the Journal could get a majority to second his motion; but if he could not, it would not delay the House.

Mr. HURLBUT. I am intensely anxious to see that I am correctly recorded on the last vote. Have I not a constitutional right to see how I am recorded on the last vote? I repeat, I am very anxious to know how I am recorded on that vote. Has the House any right to deprive me of the power to do so by adjourning?

The SPEAKER. The constitutional right of the gentleman is to have the power to see how that vote is recorded, but the right of a majority of the House to adjourn is superior to the right of any individual member.

Mr. HURLBUT. I do not think that is so, as one member of the House (pointing to Mr. RANDALL) has control of the House.

The question was on the motion of Mr. ELDREDGE.

Mr. ELDREDGE. On that motion I call for the yeas and nays.

The SPEAKER. The Chair requests the gentleman from Wisconsin not to insist on the vote being taken in that way. The Chair will appoint tellers, and names the gentleman from Massachusetts, Mr. BUTLER, and the gentleman from Wisconsin, Mr. ELDREDGE.

The House divided; and the tellers reported—ayes 53, noes 92. So the House refused to adjourn.

The Clerk then (at four o'clock and thirty minutes p. m.) resumed the reading of the Journal, but before concluding—

Mr. BUTLER, of Massachusetts. I ask that the reading of the Journal be suspended that I may move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rules, and referred as stated:

By Mr. ALBERT: The petition of Julia M. Colburn, administratrix, and Sophia E. Stimpson, for extension of a patent, to the Committee on Patents.

Also, the petition of citizens of Elk Ridge, Howard County, Maryland, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. BLAND: The petition of citizens of Phelps County, Missouri, of similar import, to the same committee.

By Mr. BROMBERG: The petition of citizens of Clarke and Marengo Counties, Alabama, for a post-route from Grove Hill to Nana-falia, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. BUNDY: The petition of employes of Grafton Iron Company, Ohio, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. CESSNA: The petition of Walter D. Plowden, for compensation for services to the Union Army as spy, &c., to the Committee on Military Affairs.

By Mr. CLYMER: The petition of citizens of Reading, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. COMINGO: Resolutions of the General Assembly of the State of Missouri, concerning recent occurrences in the State of Louisiana, to the Committee on the Judiciary.

By Mr. COX: The petition of John T. Beale for a pension, to the Committee on Invalid Pensions.

By Mr. HALE, of New York: Petitions of citizens of Clinton and Essex Counties, New York, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. HARMER: The petition of citizens of the fifth congressional district of Pennsylvania, of similar import, to the same committee.

By Mr. HARRIS, of Virginia: The petition of citizens of Page County, Virginia, of similar import, to the same committee.

Also, the petition of Shenandoah County, Virginia, of similar import, to the same committee.

By Mr. MAGEE: The petition of citizens of Newport, Perry County, Pennsylvania, of similar import, to the same committee.

By Mr. NIBLACK: The petition of Thomas H. Kyle and more than 100 others, that a pension be granted Drury C. Clark, late private Company F, First Indiana Heavy Artillery, to the Committee on Invalid Pensions.

Also, four memorials of citizens of Indiana, asking appropriations for the improvement of the Ohio River, to the Committee on Commerce.

By Mr. SMITH, of Pennsylvania: The remonstrance of importers, merchants, and dealers in coffee in the city of Baltimore against the proposed imposition of duty on coffee, to the Committee on Ways and Means.

Also, the petition of citizens of Marietta, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872, to the same committee.

By Mr. ALEXANDER H. STEPHENS: Memorial of James A. Adger & Co. and many others, of Charleston, South Carolina, in favor of the incorporation of the Eastern and Western Transportation Company, to the Committee on Railways and Canals.

By Mr. CHARLES A. STEVENS: Petition of the Methodist Episcopal church, Miller's Falls, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of citizens of Gill, Massachusetts, of similar import, to the same committee.

By Mr. STONE: Resolutions of the General Assembly of the State of Missouri, asking an appropriation to improve the Gasconade River, to the Committee on Commerce.

Also, resolutions of the General Assembly of Missouri, concerning the recent occurrences in Louisiana, to the select committee on that portion of the President's message relating to the condition of the South.

By Mr. WALDRON: The petition of Andrew Westcott and others, supervisors of Hillsdale County, Michigan, for correction of military record of William Butcher, to the Committee on Military Affairs.

By Mr. WHITEHEAD: The petition of citizens of Bedford County, Virginia, for the establishment of certain post-routes, to the Committee on the Post-Office and Post-Roads.

By Mr. WHITTHORNE: The petition of Bradshaw Grange, Patrons of Husbandry, Tennessee, for repeal of the tobacco tax, to the Committee on Ways and Means.

By Mr. WILLIAMS, of Massachusetts: The petition of H. O. Houghton and others, of Cambridge, Massachusetts, for the restoration of the 10 per cent. reduction of duties made in 1872, to the same committee.

IN SENATE.

MONDAY, February 1, 1875.

The VICE-PRESIDENT resumed the chair.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Hon. HENRY L. DAWES, chosen by the Legislature of Massachusetts a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of the Interior, communicating, in answer to a resolution of the Senate of March 19, 1874, information in relation to the number of Indians captured or killed by United States troops during the year 1873; which was ordered to lie on the table and be printed.

He also laid before the Senate the annual report of the Commissioner of Patents for the year ending December 31, 1874; which were referred to the Committee on Printing.

WRITS OF ERROR IN CRIMINAL CASES.

The VICE-PRESIDENT also laid before the Senate the amendment of the House of Representatives to the bill (S. No. 935) to provide for writs of error in certain criminal causes; which was read.

The VICE-PRESIDENT. The Chair would suggest that the bill lie on the table, as no member of the Judiciary Committee is present.

Mr. DAVIS. I move that it be referred to the Committee on the Judiciary.

Mr. ANTHONY. I was under the impression that the chairman of the Committee on the Judiciary desired to have the bill acted upon when he was present.

The VICE-PRESIDENT. The motion is to refer the amendment of the House of Representatives to the committee.

Mr. DAVIS. It can be reported back at any time.

Mr. ANTHONY. My impression was that he wanted to let it lie on the table, and that was the reason it had not been presented before. Perhaps it had better lie on the table until the chairman comes in.

Mr. DAVIS. I have no objection.

The VICE-PRESIDENT. The bill will lie on the table for the present.

PETITIONS AND MEMORIALS.

Mr. FERRY, of Michigan, presented a memorial of Dr. J. M. Morris and other citizens of Detroit, Michigan, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia, and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. SAULSBURY presented the petition of L. J. Draper, late assistant surgeon United States Navy, praying to be restored to his former rank and position in the Navy, from which he was dismissed by the Secretary of the Navy in 1865; which was referred to the Committee on Naval Affairs.

Mr. DAVIS presented a memorial of certain merchants and business men of Baltimore, Maryland, praying that no duty be levied on coffee; which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of members of the Weccacoe Legion, composed of soldiers and sailors who served in the war of the rebellion, and others, praying Congress to equalize the bounties of soldiers, seamen, and marines; which was referred to the Committee on Military Affairs.

He also presented memorials of citizens of Blair County, Pennsylvania, of McKeesport, Pennsylvania, of Pittsburgh, Pennsylvania, of Huntingdon County, Pennsylvania, and of Johnstown, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee, and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

Mr. DORSEY presented a petition of citizens of Western Arkansas living adjacent to the Indian Territory, asking the establishment of a territorial government in that Territory; which was referred to the Committee on Territories.

Mr. SHERMAN presented the petition of James L. Sherman, first lieutenant First Artillery, United States Army, praying to be reimbursed in the sum of \$1,429.04 on account of a deficiency in his com-

missary stores while acting as commissary of subsistence, occasioned by the dishonesty of his commissary-sergeant; which was referred to the Committee on Military Affairs.

Mr. JOHNSTON presented a memorial of citizens of Wythe County, Virginia, and a memorial of citizens of Page County, Virginia, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which were referred to the Committee on Finance.

Mr. BOGY presented a memorial of employes of the Maramack Iron Works, Missouri, remonstrating against the restoration of the duty on tea and coffee and praying a repeal of the law which reduced duties on certain foreign goods 10 per cent.; which was referred to the Committee on Finance.

Mr. DENNIS presented a petition of Bonsal & Co.; A. P. Woods & Co.; Maynard, Councilman & Co., and others, of the city of Baltimore, Maryland, praying the postponement of action in regard to the duty on coffee; which was referred to the Committee on Finance.

He also presented the petition of D. T. Chandler, of Baltimore, Maryland, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. HAMILTON, of Maryland, presented the memorial of the Maryland State Temperance Alliance, signed by its officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. CRAGIN presented the memorial of John Holroyd, praying compensation for certain inventions of his used by the United States Navy for gun-tackle block, &c.; which was referred to the Committee on Naval Affairs.

Mr. SARGENT. I present a petition of citizens of the District of Columbia; which I ask may be read at the Clerk's desk.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States:

We, the undersigned, citizens and tax-payers residing in the District of Columbia, respectfully petition your honorable bodies to pass the amendment to Senate bill No. 963 "for the better government of the District of Columbia" introduced in the Senate by Hon. A. A. SARGENT. We believe this bill provides a more practical, fairer, less expensive, and more equitable form of government than any yet proposed, and that it will be more satisfactory to, and meet the approval of, the greater majority of our citizens.

And your petitioners will ever pray, &c.

The petition was ordered to lie on the table.

Mr. WINDOM presented a petition of citizens of Lac-qui-Parle County, Minnesota, praying the establishment of a mail-route from Lac-qui-Parle village, in that county, via section 22, township 117, range 43, to Canby, in Yellow Medicine County, Minnesota; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL, of Maine, presented the memorial of David B. Swan, jr., and other citizens of the State of Maine, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. BOUTWELL. I present a memorial of a committee of the Massachusetts State Teachers' Association in behalf of the National Bureau of Education. I do not ask to have it read, but I desire to have it appear in the RECORD and lie on the table.

The memorial is as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned, respectfully state that, at the annual meeting of the Massachusetts State Teachers' Association, held in Worcester, Massachusetts, December 29, 1874, we were instructed by the unanimous vote of said association to memorialize your honorable body in behalf of the continuance and the liberal support of the National Bureau of Education.

We therefore respectfully represent—

1. That the intellectual, moral, and material welfare of the people of the United States depends entirely upon their general education.

2. That without such education the security of the Government and of liberty itself must always be in peril.

3. That it therefore becomes the duty of those who have the control of national affairs to do, within the limits of the Federal Constitution, whatever can be wisely done toward promoting the education of the people.

4. That one of the readiest and most effective means of accomplishing this end is the general diffusion of information on educational subjects.

5. That the information which has already been furnished by the national Bureau of Education has been of inestimable value to educators and to those who legislate on educational affairs; embracing, as it does, knowledge in regard to school systems established in the several States and in foreign countries; the various modes of organizing colleges, seminaries, normal schools, and educational institutions of every sort; and a vast variety of important facts relating to every department of education, among which are those which show the influence of education upon labor, crime, and pauperism.

6. That as no State can justly be expected to collate such information and freely disseminate it for the benefit of other States, it is evident that by the national authority alone can so useful and important an object be accomplished.

7. That while we do not ask for, but on the contrary should, if need be, protest against any interference on the part of Congress with the school systems of the several States, we, in behalf of the teachers of Massachusetts, do earnestly pray that the national Bureau of Education may be continued and may be so liberally supported as to enable it to perform its functions in the most comprehensive and efficient manner.

All of which is respectfully presented by—

DANIEL B. HAGAR,
JOHN D. PHILBRICK,
A. P. MARBLE,
CHARLES HAMMOND,
A. P. STONE.

Committee of the Massachusetts State Teachers' Association.

The memorial was ordered to lie on the table.

Mr. BOUTWELL also presented a memorial of the Methodist Episcopal church of South Walpole, Massachusetts, signed by the pastor and officers, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. LOGAN presented a petition signed by numerous citizen of Chicago, asking Congress to appropriate \$100,000 toward the improvement of the harbor of Charleston, South Carolina; which was referred to the Committee on Commerce.

Mr. LOGAN. I also present resolutions passed by the Board of Trade of Chicago, in reference to a bill introduced by myself for the establishment of a mint in Chicago. These resolutions were passed unanimously by the board of trade, and they pray that the bill be brought before the Senate and acted on. I move the reference of these resolutions to the Committee on Finance, which has charge of the bill.

The motion was agreed to.

Mr. STEVENSON presented the petition of J. M. Hawes, of Covington, Kentucky, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. SCHURZ presented a memorial signed by 75 iron-workers of Saint Louis, Missouri, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

He also presented a memorial of Rev. Henry Nice and others, of the State of Missouri, asking for the prohibition of the manufacture, importation, and sale of alcoholic liquors as a beverage in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. NORWOOD. I present resolutions passed by the General Assembly of the State of Georgia, in reference to the condition of affairs in Louisiana. I ask that they be read.

The Chief Clerk read the resolutions, as follows:

Resolutions of the General Assembly of the State of Georgia, relative to the Federal interference in the affairs of Louisiana.

Whereas under the original constitutional compact between the States of this Union each State is the equal of, and is entitled to all the rights and powers belonging to, each and every other State; and whereas all the States, including those which linked their fortunes with the southern confederacy, are upon terms of perfect equality, entitled to exercise, each for itself, the rights of States, including the right of local self-government, except so far as they may be restricted by the Constitution of the United States; and whereas it is a well-established principle that each branch of the legislative department of each State is the sole judge of the elections, returns, and qualifications of its own members, and has the right to establish its own rules for determining all questions growing out of all contested elections, there being no appeal from the decision of the house in such case; and whereas neither the executive of the State nor the Executive of the United States has the right, by the use of the military power, to interfere in or attempt to control the organization of the Legislature of a State, nor to interfere with the decisions of either branch of the State Legislature, nor has the President of the United States the right to use the military power of the Government, in any State, for any other purpose than the suppression of domestic violence, or the repulsion of invasion, and then only upon the proper application of the Legislature, or by the executive when the Legislature cannot be convened; and whereas we have noticed with alarm the authentic statement that these great principles of constitutional government have been violated by the use of a portion of the Army of the United States, which, under the direction of the President, has interfered with the organization of the house of representatives of the State of Louisiana, where the military assumed to judge of the election of its members, and at the point of the bayonet expelled such as the military commander adjudged not to be entitled to their seats:

Resolved, That neither the President of the United States nor the governor of said State had any right to interfere in the organization of the Legislature, or to assume to judge of the election of the members thereof; that the use of the military in the expulsion of such members by the bayonet was a palpable and dangerous usurpation of power by the President of the United States, and a violation of the rights and privileges of the State and people of Louisiana; that the attempt by the President to justify the act, in a message to the Congress of the United States, is sufficient to awaken the serious apprehension of the people of every State in the Union, inasmuch as the use made of the military in the State of Louisiana, if tolerated by popular sentiment, may ripen into a precedent, may be repeated at any time, in the organization of the Legislatures of any and all the States, and even the organization of the Congress of the United States; and that the result of such policy, if tolerated, places the civil government and the liberties of the people of each State at the feet of the President clothed with the power of a military dictator.

Resolved, That the question rises in importance above all party considerations, and threatens alike the liberties of all citizens of the United States, without regard to party affiliations, and we appeal to all good citizens throughout the Union to unite with us in entering, as we now do, our earnest and solemn protest against the act itself and the precedent sought to be established by it.

Resolved, That we condemn all lawlessness and violence; that we will faithfully support the Constitution of the United States and the laws enacted in conformity thereto, and that we advise all citizens of this and our sister States to render strict obedience to the laws, to resort to legal means alone for the redress of grievances, relying upon the popular sentiment of the States, fairly expressed, for a return, in the administration of the Government, to the principles of constitutional law.

Resolved, That we tender our sympathies to the oppressed people of Louisiana, and commend their moderation and forbearance, exhibited in the trying emergency through which they are now passing, trusting that they will have the courage still to forbear, resorting neither to force nor violence, but making a calm and dignified appeal to the people of the United States to break the shackles which bind them, and to deliver them from the hands of the dishonest adventurers who now tyrannize over them, and from the galling military despotism by which they are oppressed.

Resolved, That the Governor of this State be requested to send a copy of these resolutions to each of our Senators and Representatives in Congress, with the request that they lay them before their respective Houses, and to the executive of each State in the Union.

Approved January 23, 1875.

True copy. Attest:

JOHN W. MURPHY,
Secretary of the Senate.
J. L. SWEAT,
Clerk of the House of Representatives.

The resolutions were ordered to lie on the table and be printed.

Mr. MORTON. I present a memorial signed by Annie Wittenmyer, president of the Woman's National Christian Temperance Union, and Frances E. Willard, corresponding secretary of the same association, and by about 100,000 other persons. I will not ask to have all the names read, but I will ask the Secretary to read the memorial, as it is short.

The Chief Clerk read as follows:

To the honorable members of the Senate and House of Representatives of the United States of America, in Congress assembled:

We, the undersigned, members of the Woman's National Christian Temperance Union, and others, in view of the imbecility, insanity, pauperism, suffering, and crime resulting from the use of alcoholic drinks, pray your honorable body for such restrictive legislation as shall limit the importation, manufacture, and use of alcohol to the arts and to mechanical, chemical, and medical purposes in the District of Columbia and the Territories. And we will continue to pray.

ANNIE WITTENMYER,
and others.

Mr. MORTON. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

PENSIONS TO MEXICAN WAR SURVIVORS.

Mr. PRATT. I present a joint resolution of the General Assembly of the State of Indiana, on the subject of granting pensions to the surviving soldiers of the Mexican war. I ask that it be read, printed, and referred to the Committee on Pensions.

The Chief Clerk read as follows:

[Enrolled joint resolution No. 1.]

SENATE OF INDIANA.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all their influence to secure the passage of a law granting, without favor or discrimination, to those who served in the Mexican war for a period of sixty days or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives.

DAVID TURPIE,
Speaker of the House of Representatives.
LEONIDAS SEXTON,
President of the Senate.

Received, approved, and signed January 25, 1875.

THOMAS A. HENDRICKS,
Governor.

Mr. PRATT. The question of granting pensions to the surviving soldiers of the Mexican war has been before the country for some time, extensively discussed by the newspaper press throughout the country. It will be remembered that a convention was held in this city a year ago at which resolutions addressed to Congress on this subject were adopted, and numerous conventions have been held in the several States. Anticipating that this subject would come before Congress at this present session, I addressed a letter early in January to the Commissioner of Pensions for the purpose of obtaining from him information on the following points:

First, as to the number who served in that war, both of soldiers and sailors; second, an estimate of the probable number of survivors; third, an estimate of the probable number of widows of soldiers who served in that war. I have the answer of the Commissioner before me, dated January 6 of this year; and for the information of the Senate and of the country, I ask that this letter may be read by the Clerk at the present time. In this connection I wish to guard against any implication that the Committee on Pensions of this body have expressed any opinion on the subject. It has been before the committee and discussed several times, but they have not come to any resolution yet.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 6, 1875.

Sir: I have the honor to acknowledge the receipt of your letter of the 5th instant, requesting information touching service, &c., in the war with Mexico, and to answer as follows:

1. "As to the number who served in that war:" Soldiers, 73,266; sailors, 5,893; total, 79,159.

2. "An estimate of the probable number of survivors:" In February, 1874, an estimate was made by which it appeared that at that time there were 39,560 survivors. From this number a deduction of probably 10 per cent. should be made to determine the number who may survive at this time, namely: 39,560—3,956=35,604.

3. "An estimate of the probable number of widows:" In the former estimate, above referred to, the number of widows was fixed at 14,000. A like allowance for death in this class should be made: 14,000—1,400=12,600.

It is proper in this connection to repeat that these estimates, although made from the best attainable data, and after careful consideration, yet they cannot be relied upon as correct. The results are attained principally through comparison with the experience of the office in acts relating to other wars; but the conditions are not sufficiently analogous to justify entire reliance in them. They are believed to be approximately correct, yet a variance of a considerable amount would not occasion surprise.

Very respectfully,

JOS. LOCKEY,
Acting Commissioner.

Hon. D. D. PRATT,
Chairman Committee on Pensions, United States Senate.

The resolution was referred to the Committee on Pensions, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 393) granting a pension to Rosanna Quinn, reported it without amendment.

He also, from the same committee, to whom was referred the bill

(H. R. No. 3190) granting a pension to Harriet Leonard, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 851) granting pensions to certain soldiers and sailors of the war with Mexico, and the widows of deceased soldiers, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of William H. Oliver, praying to be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Paul Frank, late colonel of the Fifty-second New York Volunteers, praying to be allowed back pay and arrears of pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Mrs. Ann Atkinson, praying to be allowed a pension on account of services rendered by her husband, Henry Toler, as a soldier in the war of 1812, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of North Carolina, in favor of granting pensions to surviving Mexican war veterans, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Benjamin Fellows, of Hanover, New Hampshire, a soldier in the war of 1812, praying to be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Mrs. Rachel E. Turner, widow of James H. Turner, deceased, late adjutant of the Thirty-fourth Kentucky Volunteer Infantry, praying for arrears of pension, asked to be discharged from its further consideration; which was agreed to.

Mr. JOHNSTON, from the Committee on Patents, who were instructed by a resolution of the Senate to inquire whether the patent No. 31252 granted to J. J. McComb, of Liverpool, England, January 29, 1861, for improved cotton-bale tie, has been extended by the Commissioner of Patents, and, if so, upon what notice and whether any further legislation is necessary to provide for giving to those interested in opposing the extension of patents sufficient notice of the application for such extension, submitted a report thereon; which was ordered to be printed.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1173) to incorporate the Stockbridge Agricultural, Manufacturing, and Commercial Company of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2976) to define a legal day's work in certain cases, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1169) to aid the American Printing House for the Blind and University for the Blind in providing suitable buildings, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1141) to amend the act entitled "An act for the government of the District of Columbia and for other purposes," approved June 20, 1874, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1178) for the relief of certain creditors of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1177) to incorporate the Washington City and Suitland Railroad Company, reported it with an amendment.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the bill (S. No. 993) for the relief of Luther Hall, reported it without amendment.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (S. No. 340) granting a pension to George Baxter, only heir and minor child of Robert Baxter, late second lieutenant in the Tenth Regiment of Minnesota Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3729) granting a pension to Anne Eliza Brown, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 911) for the relief of Sarah Flannigan, widow of Lieutenant James W. Flannigan, Company C, Fifty-sixth Regiment Illinois Infantry Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1799) granting a pension to Angelica Hammond, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred additional papers in the case of Florilla Knight, praying for additional pension for herself and minor children, asked to be discharged from their further consideration; which was agreed to.

He also, from the Committee on Indian Affairs, reported a substitute for the bill (S. No. 729) to enable Indians in certain cases to enter public lands of the United States under the homestead law, and for other purposes; which was ordered to be printed.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana, reported it with an amendment and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Claude H. Masten, surviving partner of the firm of Le Vert & Masten, praying payment for the use of a private hospital occupied by officers of the United States Army in 1865, submitted a report, accompanied by a bill (S. No. 1216) for the relief of Octavia Le Vert and her children.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1101) to amend the act entitled "An act to incorporate the National Union Insurance Company of Washington," approved February 14, 1865, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4444) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts, reported it without amendment.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4447) to amend the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1170) to aid in the construction of the Southern Maryland Railroad, and for other purposes, reported adversely thereon, and recommended its indefinite postponement.

Mr. SARGENT. I ask that that bill go on the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. SCOTT. The Committee on Railroads, to whom was referred a large number of petitions from citizens of Kansas and Nebraska, praying for the passage of House bill No. 3281, to amend an act granting aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, have instructed me to report these petitions back, and move that they may lie on the table with the bill which was reported at the last session. They were inadvertently referred at this session.

The VICE-PRESIDENT. That order will be made, if there be no objection.

Mr. SCOTT. I am instructed by the Committee on Claims, to whom was referred the bill (S. No. 495) for the relief of Ann L. Bland, to submit an adverse report thereon, with a recommendation that the bill be indefinitely postponed. I make this report by instruction of the committee, and the Senator from North Carolina not now in his seat [Mr. MERRIMON] may perhaps desire the bill to go on the Calendar. It may go there for the present with the adverse report.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee, and the report will be printed.

Mr. SCOTT. The Committee on Claims, to whom was referred the petition of Eliza E. Hebert, a citizen of Louisiana, praying for compensation for property destroyed by the Union Army in 1863, have had the same under consideration, and instruct me to ask that the committee be discharged from the further consideration of the petition. There is a written report with this petition, which I ask may be printed, and in making it I am authorized by the committee to call the attention of the Senate to the question that is involved in it, as it is one of considerable interest to a very large number of claimants. The claim in this case was for quartermaster and commissary stores which, under the statute, could have been presented within the time fixed by law before the southern commissioners of claims. It was not so presented; and as a bill is now pending which involves the question whether Congress will extend the time within which these claims may be presented, the committee have determined that until the policy of Congress is settled on that question they will not entertain claims of that character before the committee. I move that this report be printed.

The motion was agreed to.

Mr. SCOTT. I am also instructed by the Committee on Claims, to whom was referred the bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873, to report the same back adversely. This report I make as the organ of the committee. It may be that the Senator from Alabama not now in his seat [Mr. GOLDTHWAITE] may wish to have the bill go on the Calendar. I am not certain whether he does or not.

Mr. BOGY. I am informed by the Senator from Alabama that he misunderstood the case. In his name I request that the Senator withdraw that report.

Mr. SCOTT. The Senator from Missouri is perhaps mistaken as to the case. The Senator from Alabama had another case in his charge in which he requested me to withhold the report. That report I have withheld.

Mr. BOGY. If this is the case of Armstrong, it is the case I allude to. The Senator from Alabama desires the report to be withheld.

Mr. SCOTT. Let the bill go on the Calendar.

Mr. BOGY. But not with an adverse report.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BOGY. The Senator from Alabama told me this morning that he had misunderstood the subject. I am familiar with the case.

Mr. SCOTT. I request that it go on the Calendar, and the Senator from Alabama can make his statement.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BOGY. I would say this: If it goes on the Calendar with the adverse report it would defeat the claim; and I am informed by the Senator from Alabama that he misunderstood the subject, and the vote which he gave in committee against the bill should be changed to the other side, and that will make a majority report in favor of the claim.

Mr. SCOTT. If the Senator from Missouri will permit me, it is my mistake which misled him. I now remember that I confounded the case about which the Senator from Alabama spoke to me and this case. This case was reported by the Senator from Maryland, [Mr. DENNIS], and it is to him I should have referred. He is not now in his seat; and that he may have the opportunity of saying whether he wishes it to go upon the Calendar, I will put it upon the Calendar for the present. The other case, in which the Senator from Alabama is interested, is withheld.

Mr. BOGY. Then the Armstrong case is also withheld.

Mr. SCOTT. No, sir; that bill goes on the Calendar.

Mr. BOGY. As adversely reported?

Mr. SCOTT. Yes, sir; adversely reported. That is the action of the committee. I cannot reverse it.

Mr. BOGY. That is the very case that I am authorized to speak of by the Senator from Alabama, and in which he said that he would join the majority in favor of reporting the claim favorably. Therefore I request that the report be withheld until he is in his seat.

Mr. SCOTT. There is evidently a misapprehension. Let the case go upon the Calendar; and if when the Senator from Alabama comes in he has that request to make, I will consider it and make such motion as will be agreeable to him.

Mr. BOGY. Very well.

Mr. GOLDTHWAITE subsequently said: The Senator from Pennsylvania made an adverse report this morning on a case that was passed on by a bare majority of the Committee on Claims. My object in rising now is to ask that the claim be recommitted to the Committee on Claims.

Mr. SCOTT. There was a misapprehension between myself and the Senator from Missouri about that bill a short time ago: and as the Senator from Alabama, who is a member of the committee, desires it to be recommitted, I join in that request. It is the bill (H. R. No. 2700) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873.

The VICE-PRESIDENT. It is moved that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

REPORT OF COMMISSIONER ON FISH AND FISHERIES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print five thousand copies of the report of the Commissioner on Fish and Fisheries for the years 1872 and 1873, have instructed me to report it back without amendment, to recommend its passage, and ask for its present consideration.

There being no objection, the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed five thousand additional copies of the report of the Commissioner on Fish and Fisheries for the years 1872 and 1873; one thousand copies thereof to be for the use of the Senate, three thousand for the use of the House of Representatives, and one thousand for the use of the Commissioner.

Mr. SHERMAN. I have no objection to the printing of these reports, but I hope they will all be distributed by the Commissioner and not by Congress.

Mr. ANTHONY. The cost of this printing will be less than \$500. We have been very chary in making reports in favor of printing extra copies of documents; but I think the investigation of Professor Baird upon the habits, nature, and propagation of fish have been of very great advantage.

Mr. SHERMAN. I have not the slightest objection to printing these copies, and not the slightest objection to Professor Baird distributing all of them. He ought to have the distribution of them, as he knows persons interested in the matter; but the practice of ordering documents for Congress to distribute, without any means given us to distribute them, I thought had been broken up at the last session.

Mr. ANTHONY. This will give us about fifteen copies apiece. I think the postage is only two or three cents a copy.

Mr. SHERMAN. Professor Baird is a much better man to distribute them. I think the resolution should be amended so as to give him the whole distribution. I will not personally vote for distributing any public documents whatever by members of Congress until some provision is made by law by which it can be done.

Mr. DAVIS. I hope the resolution will not be amended. This is a document that a great many of our people want. I have half a dozen applications now.

The VICE-PRESIDENT. Does the Senator from Ohio move an amendment to the resolution?

Mr. SHERMAN. I move that the whole number be distributed by the Commissioner. One thousand it seems are to be distributed by him. I appeal to the Senate whether it is worth while for us to provide for the distribution of public documents under the present condition of affairs. They may be distributed by the Commissioner when a proper appropriation is made for that purpose. There is no object in providing for the publication of documents to be distributed by us.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. It is proposed to amend the resolution so as to make it read:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed five thousand additional copies of the report of the Commissioner on Fish and Fisheries for the years 1872 and 1873, for the use of the Commissioner.

Mr. ANTHONY. I am entirely indifferent in this matter. If the copies are all printed for the use of the Commissioner, the Commissioner would undoubtedly give every Senator as many as he would receive under the original resolution; but the postage on the document is so small that I do not think it will be more than two or three cents, and the small number that would come to us would make the postage less than the trouble of sending to the Commissioner for them.

Mr. SHERMAN. As to this particular document, it is a matter of minor importance; but the principle ought to be preserved. If a Senator wants any for his constituents he can get them from Professor Baird. Professor Baird is devoting his life and time to this subject, and he is a good deal better man to distribute these documents than we are.

Mr. FERRY, of Michigan. The State which I have the honor in part to represent is largely interested in this question. If it is understood that the Commissioner is to hand over these reports to the Senators and allow them to distribute them, I have no objection to the amendment proposed by the Senator from Ohio. It seems to me it is just getting around to what is proposed by the chairman of the committee. Would it not be the most direct way to adopt the House resolution? The numbers are not very great, fifteen each as stated by some Senator, and certainly the postage on them cannot be a large amount. I have already many applications from my own State, as the Senator from West Virginia has said that he has from his, and I should be desirous of responding to the requests of my constituents. If it is to be left in the hands of the Commissioner himself, some will get more than their share, and perhaps States that are not particularly interested in this question. I represent a State that is largely interested, and therefore I would prefer and shall so vote to control myself the number that will be assigned to me.

Mr. DAVIS. I hope the usual number will be given to the Senators. I have now applications perhaps for six or eight. Those Senators who do not desire to send them out need not do it. I hope the resolution will pass as it came from the committee.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Ohio.

The amendment was rejected.

The resolution was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed the bill (S. No. 1204) for the payment of interest on 3.65 bonds of the District of Columbia, with an amendment, in which it requested the concurrence of the Senate.

THE 3.65 BONDS OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1204) for the payment of interest on the 3.65 bonds of the District of Columbia.

The amendment of the House was after the word "dollars," in line 4, to insert the words "in currency."

Mr. MORRILL, of Maine. I move that the Senate concur in the amendment.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1217) relating to practice in the supreme court of the District of Columbia; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1218) to incorporate the Grange National Benefit Life Association of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1219) to prohibit the manufacture, importation, and sale of alcoholic liquors as a beverage in the District of Columbia, and a bill (S. No. 1220) to prohibit the manufacture, importation, and sale of alcoholic liquors as a beverage in the several Territories of the United States; which were severally read twice by their titles.

Mr. WRIGHT. Both these bills I introduce at the request of friends having the matter at heart. I move that they be referred to the Committee on Finance and be printed.

The motion was agreed to.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1221) to divide the State of Michigan into three judicial districts and to establish the northern district of Michigan; which was read twice by title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1222) to authorize the trustees of the Young Men's Benevolent Association of Washington to sell and convey square numbered 272 in the city of Washington; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1223) to establish a post-road in the State of Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

WILLIAM P. ADAIR AND C. N. VANN.

Mr. BOGY. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be requested to furnish the Senate with full information as to the nature of the services rendered by William P. Adair and C. N. Vann, for which the sum of \$50,000 was paid to them out of the money belonging to the Osage Indians, and the authority by which said payment was made.

Mr. SARGENT. Let that resolution lie over.

The VICE-PRESIDENT. The resolution will lie over.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 30th of January, approved and signed the following acts:

An act (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855; and

An act (S. No. 448) for the relief of John T. Smith.

REGISTERED-LETTER SYSTEM.

Mr. DORSEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be directed to inquire into the nature and extent of the operations of the registered-letter system and its defects, if any exist, and to recommend such legislation as may be needed to attain greater security in the transmission of registered matter, to extend the usefulness of the system, and to procure accurate knowledge of its operations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 1204) for the payment of interest on 3.65 bonds of the District of Columbia; and it was thereupon signed by the Vice-President.

NATIONAL-BANK EXAMINERS.

Mr. SHERMAN. As there is a moment before the expiration of the morning hour, I ask the Senate to take up House bill No. 3825 in regard to the compensation of national-bank examiners, which on motion of the Committee on Finance was laid over the other day in order to have an amendment prepared. I move to take up that bill.

The motion was agreed to; and the consideration of the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners was resumed as in Committee of the Whole.

Mr. SHERMAN. The committee have reported an amendment which I now hold in my hand. Let it be read.

The VICE-PRESIDENT. The question is on the amendment first reported by the committee, to which the Senator from Pennsylvania [Mr. SCOTT] has since reported an amendment.

The CHIEF CLERK. The amendment to the amendment is to strike out all after the word "word," in line 5 of the amendment first reported, to and including the word "banks" in line 7, and insert at the end thereof—

And persons appointed to make examination of national banks in redemption cities shall receive such compensation as may be fixed by the Secretary of the Treasury upon the recommendation of the Comptroller of the Currency, and the same shall be assessed and paid in the manner hereinbefore provided.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

Mr. SCOTT. I move to amend the title so as to read: "A bill to amend section 5240 of the Revised Statutes of the United States."

The amendment was agreed to.

WRITS OF ERROR IN CRIMINAL CASES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. No. 935) to provide for writs of error in certain criminal causes.

Mr. EDMUNDS. I move that the bill be printed with the amendment, and recommitted to the Committee on the Judiciary. Since the bill passed some considerations touching some part of the bill itself have been suggested, which I think ought to be considered by the committee.

The motion was agreed to.

SELF-GOVERNMENT IN LOUISIANA.

The Senate resumed the consideration of the resolution submitted by Mr. SCHURZ on the 8th of January, as modified by him on the 29th of January so as to read:

Whereas any military interference by the officers or troops of the United States with the organization of a State Legislature or any of its proceedings is repugnant to the principles of constitutional government; and whereas the military interference of General De Trobriand, of the United States Army, and soldiers under his command, with the organization of the Louisiana Legislature, on the 4th of January last, was without warrant of law:

Be it resolved, That the Committee on the Judiciary be instructed to inquire what legislation by Congress is necessary to secure to the people of the State of Louisiana their rights of self-government under the Constitution, and to report with the least possible delay by bill or otherwise.

Mr. WEST. Mr. President, having already had one, though a brief, opportunity of addressing the Senate on the pending question, on which occasion I pointed out how the laws and the constitution of Louisiana had been violated in the pretended organization made under Mr. Wiltz on the 4th of last month, I feel some hesitation in again claiming the attention of the Senate, and must plead as an apology for so doing that I consider there are yet some features in the case that have not been examined and which it will be well to scrutinize. The views that I shall express to-day will therefore have at least the merit of novelty, and though I shall not be able altogether to avoid traveling in some of the sufficiently well-trodden paths of others who have preceded me, yet I can promise not to unnecessarily weary those who will honor me with their attention, to the positions that I shall assume.

I propose to show from some of the pages of the recent but apparently forgotten history of Louisiana, that had it been designed by the United States authorities to overthrow constitutional government in that State and to establish military despotism in its place, there have been other and earlier opportunities of doing so. After I have spread that page before you I shall proceed to an examination of a report of a recent superficial inquiry into the affairs of Louisiana, and shall endeavor to show that a document which is freely quoted by our opponents in this Chamber as completely confounding the views of republicans here, and as convincingly unanswerable, is simply a copy of a democratic White League brief that deals with propositions at variance with its own facts and presents conclusions without evidence to sustain them.

Mr. President, it is an axiom that "history repeats itself." Events that are transpiring in Louisiana to-day, and that have transpired in the past month, are not a repetition of history, but rather a continuation of an unbroken chronicle of outrage and of wrong ever since that State was admitted to the Union under reconstruction. I would ask the Senate to go back with me to an incident that occurred prior to the Administration of the present Chief Executive, in which the military authority was interposed under somewhat similar circumstances to those of the recent action that has been so elaborately discussed here.

In 1868 one universal scene of violence, murder, and killing prevailed throughout that State to such an extent that the State authorities deemed themselves powerless to suppress those disorders, and the governor of the State appealed under the Constitution to the Federal Government for its interposition. I read from the testimony taken in the Louisiana contested cases in 1868, in which the governor of that State—a governor whose title has never been questioned, and who met no opposition to his authority in consequence of any illegality or insufficiency of title—that governor, I say, addressed to the military representative of the United States in New Orleans this request:

GENERAL: The evidence is conclusive that the civil authorities in the parishes of Orleans, Jefferson, and Saint Bernard are unable to preserve order and protect the lives and property of the people.

The act of Congress prohibiting the organization of militia in this State strips me of all power to sustain them in the discharge of their duties, and I am compelled to appeal to you to take charge of the peace of these parishes and use your forces to that end.

If you respond favorably to my request, I will at once order the sheriffs and police forces to report to you for orders.

Very respectfully, your obedient servant,

H. C. WARMOTH,
Governor of Louisiana.

The general commanding, concluding very properly that such an appeal should be made to the Chief Executive, transmitted that appeal to Washington, and was replied to as follows:

WAR DEPARTMENT.
Washington, October 26, 1868.

Brevet Major-General L. H. ROUSSEAU,
Commanding Department of Louisiana, New Orleans:

Your dispatch of the 26th, forwarding a message from the governor of Louisiana, and asking instructions, has been received. You are authorized and expected to take such action as may be necessary to preserve the peace and good order, and to protect the lives and property of citizens.

J. M. SCHOFIELD,
Secretary of War.

General Rousseau, who was then in command, on the 28th day of October, 1868, issued this proclamation to the citizens of New Orleans:

HEADQUARTERS DEPARTMENT OF LOUISIANA,
(STATES OF LOUISIANA AND ARKANSAS.)
New Orleans, Louisiana, October 23, 1868.

To the people of New Orleans:

FELLOW-CITIZENS: I have received instructions from the authorities at Washington to take such action as may be necessary to preserve peace and good order, and to protect the lives and property of citizens.

So far the requisition upon the President of the United States and the action of those in authority under him was entirely legitimate. But the military commander saw proper to take certain action which is as completely a violation of the law in the case as we have had illustrated to us here in any action in the more recent case. It would seem that that military commander should have acted in co-operation with the State authorities; but he absolutely moved directly and without recognizing those authorities and reorganized the police board in the city of New Orleans, as the record shows. Here was a State then admitted to full recognition in the Federal Union, represented on this floor by two Senators and at the other end of the Capitol by its competent representation; and yet on the direction that the military authorities there should take such action as would preserve the peace, they to a certain extent superseded the government, and acted without its recognition and against its inclinations.

Now, sir, I shall recur to the charge made in the words of the Senator from Ohio, [Mr. THURMAN.] He said:

The great theme which now engages the American Senate is that great question of constitutional law, whether constitutional government shall be preserved in this land or military despotism take its place.

The specification of that charge has been furnished us through the information that his resolution elicited, and that specification is that General De Trobriand, acting at the request of Governor Kellogg—a request made in obedience to an appeal of fifty-two members, a majority of the Legislature then in the process of assembling, and upon the judgment of that governor that he had exhausted all the State resources at his command to suppress a then formidable movement of domestic violence—prostrated the civil institutions of that State to Federal military power, and imperiled the liberties of forty millions of people. It is nowhere admitted—on the contrary, it is emphatically denied—that this action emanated from the President of the United States, or that he can in any degree be held responsible for it; and in support of that proposition I want to recur to another page of Louisiana history, showing what the President of the United States is inclined to do when he is compelled to act and when he has the proper information at his command.

I told the Senate that I should recur to some incidents of Louisiana history that had apparently escaped their recollection. Do they remember that just precisely three years preceding the events that have created so much excitement and which have been the subject of this discussion—precisely to a day three years before these events transpired we had another event somewhat analogous in character, and the action had was entirely different? On the 4th of January, 1872, General De Trobriand, at the request of a democratic (so called) speaker of the house, came to his relief. On the 4th of January, 1872, a conspiracy, entered into in the Legislature of Louisiana by a minority of democrats, temporarily overthrew that house, and when their plans were foiled they appealed to the military to abolish and annihilate that house. The Legislature of Louisiana was in session on the 4th day of January, 1872. A minority of the house, having certain projects and plans, took occasion to secure the temporary control of the house by the very questionable measure which I will now recite to the Senate. At twelve o'clock on the 4th day of January, 1872, the governor of the State, the lieutenant-governor, four members of the senate, and eighteen members of the house, all of them opponents of the speaker and his combination—

Were arrested by United States deputy marshals on writs issued by United States Commissioner Woolfley, who was till recently a clerk or deputy under Marshal Packard, on the false and frivolous charge that they were conspiring to resist the execution of the laws of the United States.

While most of these members were absent at the custom-house, they were delayed by the commissioner, on the pretense that he had no blank bonds, and had sent for some. Having been detained for a considerable time, they were finally released, and returned to the State-house. When they returned they found that seven republicans had been unseated, and six democrats and custom-house republicans had been seated in their places, while one, the seat of Mr. Souer, of Avoyelles, was left vacant. This was done with only fifty-one members present, including the speaker.

The clerk of the house in this same document testifies:

On each question the same number of votes were cast, and there were during the transaction of all this business only fifty members present besides the speaker.

According to the constitution and practice of the house, fifty-two members were necessary for a quorum, there being one hundred and two actual members of the house of representatives.

You will see that on this earlier occasion a minority proceeded without authority of law to disorganize a Legislature of Louisiana. That movement was counteracted by the governor of the State issuing a proclamation that same afternoon reconvening the Legislature, getting a full quorum, expunging what had been done during the day, and unseating the members who had been guilty of this violation of the laws and the constitution. Then ensued a scene of confusion, complication, and disorder that put to the extreme test the powers of the executive of that State to maintain his position.

On the 5th of January, the following day, the governor of Louisiana telegraphed to me here in these words:

The condition of affairs is that of insurrection, and I want President Grant to instruct General Emory to use his whole force to assist me in suppressing it, and to answer me whether he will do so—either yes or no.

I did not regard that application as made in accordance with the Constitution, and I replied to the governor as follows:

Dispatch for President received this morning and forwarded. It occurs to me that you assume a false position in asking United States troops to suppress any insurrectionary or riotous movement until you have exhausted the power of the State; meanwhile the Federal troops should not molest you.

As I remember, no effectual applications were subsequently made by the governor of that State for any such military interference. But I will proceed and show who did make applications of that character, and how inconsistent those applications are with the position that the same gentlemen occupy at the present time. The democracy of the State, speaking through its authorized body, the executive political committee of the State, the democratic members of the bar of Louisiana, the democratic press, the democratic mass-meetings, the democratic judges upon the bench, besought the President to use the military power of the United States to disperse that Legislature. Judges T. Wharton Collins, of the seventh district court, William H. Cooley, of the sixth district court, and the judges of the second and fourth district courts appealed to the President of the United States to declare martial law and disperse that assemblage. The collector of the port of New Orleans, the relative and personal friend of the President, made a like appeal; the United States marshal made a similar appeal; the editor of the New Orleans Bee, the leading democratic organ, the expelled members of the Legislature, made a like appeal; the mayor of the city appealed. I repeat, the executive committee of the State central committee of the democratic party asked for the intervention of Federal troops to abolish and disperse a Legislature the legality of which there was no question about. The leading democratic paper in an article asked for martial law. The members of the bar of the city of New Orleans asked for martial law; the citizens in mass-meeting assembled, and Louis A. Wiltz as one of them, your outraged and violated speaker who now complains of the interposition of the Army of the United States, asked the President to interpose and expel members from the Legislature.

Let us contrast the difference between that occasion and this, both with respect to what I have stated and with respect to the information that was in the hands of the President, and the solicitation to which he was subjected. His political friends—the governor of the State, the judges on the bench, the democratic State central committee, the democrats generally in mass meeting assembled—appealed for the interposition of military authority. And what was the answer of the President of the United States? Because thoroughly informed (which he was not, nor were any pains taken to inform him of the recent action) of this situation, not yielding to the solicitation of either his political friends or his political adversaries, with telegrams incessantly pouring upon him to the number of fourteen, he makes but one answer, and the record of it should not be forgotten—

Troops cannot be used except under provisions of law

That was the answer of the President of the United States when he was asked to interfere, and he is in no way responsible that his subordinates have on a different occasion taken a different view of their duty. He knew what the circumstances were; that community laid them completely and clearly before him. He could not reconcile it to his sense of constitutional duty to interpose in the organization of a Legislature. Not only was that his view at that time, but there is abundant evidence in the message he has sent to us, and there is also corroborating evidence in the manner in which the officers on duty there construed his dispatches and their instructions, to show that the military interposed with extreme reluctance and only for the ultimate preservation of peace and good order. The President says in his message:

I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence.

I have no desire to have United States troops interfere in the domestic concerns of Louisiana or any other State.

On the 9th of December last Governor Kellogg telegraphed to me his apprehensions that the White League intended to make another attack upon the State-house, to which on the same day I made the following answer, since which no communication has been sent to him:

Your dispatch of this date just received. It is exceedingly unpalatable to use troops in anticipation of danger. Let the State authorities be right, and then proceed with their duties without apprehension of danger. If they are then molested, the question will be determined whether the United States is able to maintain law and order within its limits or not."

I have deplored the necessity which seemed to make it my duty under the Constitution and laws to direct such interference. I have always refused, except where it seemed to be my imperative duty, to act in such a manner under the Constitution and laws of the United States.

Now, if there is one officer more than another in Louisiana who is peculiarly obnoxious to our friends on the other side of this Chamber it is Major Lewis Merrill, the officer that a Senator here a few days ago without any warrant asserted was under arrest on the charge of arresting and handcuffing civilians. I protested against that charge at that time, because, although I could not refute it, I did not believe it was true; and the Senator did not have the information, but he asserted most positively that Major Merrill was under arrest. I desire to call the attention of the Senate to the disposition of that man, or rather to his conception of what his military duties are, and I will read briefly from his report:

The general purpose of having the troops stationed here, I take it, I correctly understand in believing it to be to maintain, first, as far as possible, by moral influence, and in the last extremity, if needful, by physical force, the supremacy of the civil law. I further suppose myself right in assuming that every officer charged with any duty in this disturbed country should carefully and steadily keep in view the fact that every power of moral suasion, and every influence toward a peaceful settlement of the disturbances, should be exhausted before he would be justified in even a show of physical force; that it is his duty, first and last, to make conspicuous the fact that the military are here only to sustain the law and to assist the proper officers in enforcing it; that the community is not in a state of war; and that in all respects the usual functions of the civil law are to be appealed to for protection before any rightful use of the military can be made.

As an earnest of that officer's disposition to in no case interpose the military arm of the Government in conflict with the civil authority, even when that civil authority was exerted against one of the members of his own force, one of the members who was active in his efforts to suppress violence, I will read from some of the telegrams which passed between Major Merrill and some of his subordinates. One of Major Merrill's officers was arrested by a process from one of the State courts. An attorney at law practicing in that court was employed to defend him. There were some preliminary examinations, and presently the question got into the hands of the grand jury. The attorney who was defending the officer telegraphed to Major Merrill, intimating that pending the issuance of the warrant under such an indictment the officer might make his escape. That same idea seems to have been suggested to the other military officers who were there in the immediate presence and neighborhood of that court, and they also intimated to their commander, then at Shreveport, that evasion of that writ might be had by flight or by force. Major Merrill replied:

Let the warrant be served and obeyed.

And in reporting to his more immediate commander at New Orleans, he said:

That grand jury have found indictment against Hodgson, and warrant will be served to-morrow morning. Have ordered positively that there shall be no evasion or interference with legal proceedings; that warrant must be answered quietly "without any evasion whatever."

Mr. President, after the instances we have had recounted to us in this Chamber of the safety and security with which this Government has tided along until now near the completion of a century, over the varied encroachments, if I may so express it, of the military upon the civil power; after the episode of Jackson in 1815, the arrest of a member of the Legislature, and the ignoring of a writ of *habeas corpus*; after the dispersion of the Kansas Legislature in 1856 by Federal authority; after the capture of the Maryland Legislature in 1861; after the assumption in 1863 of military control of a State in full fraternity in this Union; after the appeal by the democratic party and the democratic masses of Louisiana for Federal interposition and for the dispersion of a legal Legislature of that State in 1872, are we to be told that the pillars of constitutional liberty should tremble because under the orders of a governor of a State the military interposed and ejected from the Legislature some men that had no particle of title to be there? It is a mere sham pretension that such danger should be apprehended.

After five years of war, when the troops laid down their arms, this "imperious and ambitious" Caesar disbanded all his great hosts after having with a generosity that commanded the admiration of the world paroled the hostile forces; and adjuring them to the arts of peace bade them return to their homes and gave them assurance that they should not be molested. I should like to have read the terms of surrender just certified to me by the War Department, as between General Lee and General Grant.

The Chief Clerk read as follows:

APPOMATTOX COURT-HOUSE, VIRGINIA.
April 9, 1865.

GENERAL: In accordance with the substance of my letter to you of the 8th instant, I propose to receive the surrender of the army of Northern Virginia on the following terms, to wit: Rolls of all the officers and men to be made in duplicate, one copy to be given to an officer to be designated by me, the other to be retained by such officer or officers as you may designate. The officers to give their individual paroles not to take up arms against the Government of the United States until properly exchanged; and each company or regimental commander to sign a like parole for the men of their commands. The arms, artillery, and public property to be parked and stacked, and turned over to the officers appointed by me to receive them. This will not embrace the side-arms of the officers, nor their private horses or baggage. This done, each officer and man will be allowed to return to his home, not to be disturbed by United States authority so long as they observe their paroles and the laws in force where they may reside.

U. S. GRANT,
Lieutenant-General.

General R. E. LEE.

HEADQUARTERS ARMY NORTHERN VIRGINIA,
April 9, 1865.

GENERAL: I have received your letter of this date containing the terms of surrender of the army of Northern Virginia, as proposed by you. As they are substantially the same as those expressed in your letter of the 8th instant, they are accepted. I will proceed to designate the proper officers to carry the stipulations into effect.

R. E. LEE,
General.

Lieutenant-General U. S. GRANT.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 1, 1875.

Official copy.

E. D. TOWNSEND,
Adjutant-General.

Mr. WEST. All the history of General Grant's action, either as soldier or civilian, refutes even the supposition that he would ever seek by force to subvert the principles of constitutional government to a military despotism. The democracy needed some such sham as this to delude the judgment of the people in their reflection upon their late remissness. They knew that when the people came to reflect upon the possibility of the non-coercionists again obtaining power, they would shrink from such a consummation. A magnificent vista of coming power has dazzled the vision of some presidential aspirants; but they will find that the attempt to make the people of this country believe that the man who led the hosts of freedom is now seeking to throttle their liberties, is "the airiest bubble that ever filled" either "an empty head," or a head overcrowded with ambition.

I will digress now to say a few words in regard to an attack made upon the supreme court of my State. It has been stated that the personnel of that court was bad, and in support of that statement a decision has been cited of the Supreme Court of the United States recently rendered. That decision is not yet final, an application for a rehearing having been made by Mr. Reverdy Johnson and Judge Black on the ground, among others, that the court had misapprehended the facts of the case; and the presumption is that such eminent counsel would not apply for a rehearing in a case in which they had not been previously engaged unless there were reasonable grounds therefor. Under the circumstances, fair play and common decency would require that the decision should not be discussed in deliberative assemblies.

In much of the discussion in regard to Louisiana affairs the supreme bench of Louisiana has come in for a liberal share of reprehension. I want to show to the Senate who these men are that are so generally condemned here on *ex parte* testimony. To demonstrate how the chief justice of that State is regarded, in 1872 after he had been on the bench four years, and during the sitting of the democratic convention which nominated Colonel John McEnery for governor of the State, and in which convention he was a delegate, and the governor that was afterward nominated by that convention, McEnery, telegraphed to the chief justice of the State, Judge Ludeling, to know if he would accept the nomination of that convention for the office of governor. That honor was declined. Later the delegates from several parishes to the liberal convention which nominated Colonel Penn for governor met at Monroe during the session of the supreme court, and after consultation they asked the chief justice if he would accept the nomination for governor from that convention, and this honor also he declined. The facts in connection with the case decided by the Supreme Court of the United States were known to those delegates, as they lived in the neighborhood of the railroad which is the subject of that litigation, and among them were leading lawyers in that portion of the State. It is not amiss to state that in 1866 Judge Ludeling and some of his fellow-citizens purchased at a public sale the wreck of a railroad. Their title was attacked in the State courts, and both the district court and the supreme court of the State decided that their title was valid. Another suit was then filed in the circuit court of the United States attacking the sale. The circuit court decided in favor of the sale, and the Supreme Court has recently reversed that decision; but an application for a rehearing is still pending in that case as already stated.

An allusion has been made here to a dispatch sent by Colonel Casey, as if he knew or could foreshadow the opinion of the supreme court in its coming decision to be rendered on the returning-board case. Nobody but Colonel Casey is responsible for that dispatch. At the date of the dispatch he was not even acquainted with the members of the supreme court. The supreme court had refused to recognize the commission of Ogden as attorney-general, on the ground that it was issued in violation of law, having been issued before the canvass of the votes by either of the returning boards; and that probably was the basis of the conjecture on which Colonel Casey concluded that the supreme court of that State was in harmony with the republican party.

In answer to the attack of Senators on the personnel of the other members of that court, I shall be excused for stating briefly who those gentlemen are who, without a hearing, are being condemned and denounced here.

The chief justice is a native of Louisiana, a man who has spent his whole life in that State, and up to this time without blemish or the slightest suspicion of disrepute. Those two conventions were composed of his life-long fellow-citizens. Those men that except to his rulings now as chief justice of the supreme court were perfectly

willing and indeed anxious that he should become the chief executive of their party and of their people and of their State.

Mr. Justice Taliaferro is a native of Virginia; during many years parish judge under the constitution of 1812. In 1852 he was a member of the constitutional convention which met in that year. In 1861 he was elected as a Union man to the secession convention. He was one of seven of all the Union men elected to that convention who had the courage to refuse to sign the ordinance of secession. In 1868 he was elected to the constitutional convention, of which he was the president; and he was the democratic candidate for governor in 1868 in opposition to Governor Warmoth. He is now nearly seventy-seven years of age, and all his life he has borne an unblemished reputation.

Mr. Justice Howell is also a native of Louisiana. He was several times elected to the office of district judge before the war. In 1864 he was a delegate to the constitutional convention, and in 1864 he was appointed a justice of the supreme court, and in 1868 he was re-appointed to the same office. He also is regarded as a man of unimpeachable integrity.

Mr. Justice Morgan is a native of the State. During several years before the war he was judge of the second district court in New Orleans, and was afterward district attorney for the United States at New Orleans. He ranked among the foremost lawyers at the bar. Mr. Justice Wyly is a native of Tennessee, who had a large and lucrative practice in the country after the war, and in 1868 was elected district judge, and afterward appointed to the supreme court.

So all these attacks made upon the supreme court of Louisiana are made upon men who are known and have lived there their lifetimes; and because they have the independence to construe the law according to their consciences and their judgment and their oaths, they are subjected to denunciations unheard of elsewhere outside of Louisiana and certainly that ought not to be indulged in here.

Now, Mr. President, I will claim the attention of the members of the Senate to some of the proceedings had in the so-called investigation of the affairs of Louisiana, and the record of which proceedings is quoted here with such evident satisfaction by our friends on the other side of the Chamber.

In an official report which we have here, the committee state that they undertook no investigation of the election of 1872. They announced this, and that they would therefore first proceed to an examination of the acts of the returning board of the State in respect to the late election, and then to an inquiry in reference to the White League. That was the notice given out to the contending parties in issue before that committee as to the line and scope of their proceedings. That they departed from that line and that they extended that scope without fair notice to one of the contending parties will be made apparent as I proceed.

The committee in its report first takes exception to the composition of that board, and says that the law provides that it shall consist of five persons from all political parties, and asserts that it consisted at the opening of the last session of five republicans, and that one of them, General Longstreet, resigned, and a conservative was taken to fill the vacancy. Well, sir, a man is no longer a democrat in Louisiana unless he is willing to be a white-leagner. I hold the official report of that returning board here, and I will state the composition of that body:

That five persons, to be elected by the senate from all political parties, shall be the returning officers of all elections.

The board was elected in January, 1873.

At the time this election took place the party nomenclature of this State was republican, democrat, and liberal republican.

J. Madison Wells then represented the liberal republican party, T. C. Anderson the conservative party, James Longstreet, G. Casanave, and L. M. Kenner the republican party.

Until the final conclusion of the labors of that board J. Madison Wells, the liberal, T. C. Anderson, the conservative, and Oscar Arroyo the democrat constituted a majority of that board, and there were but two genuine republicans on it.

MR. PRATT. By whom was that board appointed?

MR. WEST. That board was elected by the senate of the Legislature. So, as I said in the outset, this report dealt with propositions at variance with its own facts; and then the committee proceed to say that they think the law as to the constitution of the board was not complied with because the democratic member on the last day of the session withdrew and left them, as they said, without a representative. I do not think that proposition is exactly sound; but I want to show what those gentlemen who take exception to that action did in a somewhat similar case when they were left in the vocative by some of the republican members of a board retiring a little earlier, in 1873. Another senate—because we run a double-headed machine down in Louisiana sometimes; sometimes a conflict between Federal and State authority, and sometimes a conflict between State authorities—a little earlier in 1873 a rump legislature that sat at one time in the upper story of an oyster-saloon in New Orleans elected a returning board to canvass the votes of that State. They elected Archibald Mitchell, B. R. Forman, S. M. Thomas, O. F. Hunsacker, and S. M. Todd; five men. What the politics of the first three are I cannot say in the confusion down there between conservatives, white-leaguers, and democrats. All I know is that they were not republicans; but the other two men, O. F. Hunsacker and S. M. Todd, had always been

classed as republicans, and had been elected as republicans to the senate. That board assumed to convene, and in less than twelve hours after it was created it presumed to count the votes of over six hundred polling-places in the State of Louisiana and to transmit them to the secretary of state as the true and lawful and correct result of the election just previously held. I say presumed to transmit them, because I hold in my hand a copy of the affidavit of two members of that board that they never signed that report; that they never examined or compiled those returns, and the whole foundation made by the Senate Committee on Privileges and Elections on the returns of the board of Louisiana, upon which the claim of Mr. McEnery is based, is proved here to have been a fraud and forgery, and the case is without foundation utterly. I will have that affidavit read so that it can be seen that the great returns which are so often claimed here as the basis for the legitimacy of the McEnery government are proved to have been forged or signed only by two members of the returning board; and the third democrat stands ready and does say to day that he never signed them. I will read the affidavit:

Sworn statement of Oscar F. Hunsaker, chairman of the fusion-Warmoth returning board, and Samuel M. Todd, a member of the same board. (See canvass of fusion returns published in Senate report, pages 81, 82, and 83, purporting to have been signed by Hunsaker and Todd.)

STATE OF LOUISIANA,
City of New Orleans:

This day personally appeared before me, William Grant, United States commissioner, Samuel M. Todd, and Oscar F. Hunsaker, residents of the State of Louisiana, who, being first duly sworn, depose and say: That they were members of the State senate of the State of Louisiana, sitting in the Mechanics' Institute on the 9th day of December, 1872; that afterward, to wit, on or about the 10th day of December, 1872, said deponents left the senate sitting at the Mechanics' Institute, and united with the assemblage known as the McEnery senate, sitting at Lyceum Hall, in the city hall building of the city of New Orleans; that the senate of the said McEnery assemblage proceeded to organize, and that on or about the date last named said senate proceeded to elect a returning board or board of canvassers, who were to correct, canvass, and compile the returns of election for State officers, presidential electors, &c., under the act approved by H. C. Warmoth November 20, 1872; and said deponents, to wit, S. M. Todd and O. F. Hunsaker, together with S. M. Thomas, B. M. Forman, and Archibald Mitchell, were elected as said board; that the said board proceeded to organize by the election of O. F. Hunsaker, one of said deponents, president thereof; that the said returns were then produced from trunks and carpet-bags in a small room, on an upper floor of the Saint Charles Hotel; that said returns were brought to said room by one O. D. Bragdon, who appeared to be in possession of the same; that said returns had been opened, compiled, and canvassed before they came into the possession of said deponents and the other members of the board; that although said deponents did carefully examine said returns and made themselves cognizant of the nature of the same and the mode and manner in which said returns were compiled, and the result sought to be shown, yet said deponents, neither jointly nor separately, nor in any way whatever, signed or authorized any person to sign for them the purported canvass of returns known in the congressional report on Louisiana affairs as the "Forman returns," dated December 11, 1872, by which returns it was made to appear that John McEnery was elected governor and that the fusion State ticket was elected; neither did they or either of them at any time consent or agree that said purported canvass was or is correct, or authorize the publication of the same in any manner whatsoever; that soon after the meeting of said board of canvassers above referred to one of said board to wit, S. M. Thomas, left the city, and if he ever resigned as a member of said returning board it was not known to either of said deponents, nor did said O. F. Hunsaker, as president of said board, ever at any time receive any indication or any communication of the resignation or withdrawal of said S. M. Thomas from the said board of canvassers; and that neither of said deponents ever met or participated in any canvass of returns after said S. M. Thomas left the city, nor did they ever complete the canvass of said returns, nor did they ever authorize any person or persons to do so for them. Said deponents further state that by the pretended canvass of said returns, as published without the consent of said deponents, the returns from the following parishes are shown to have been entirely thrown out, to wit: Saint Martin, Iberia, Terrebonne, Iberville, and Saint James; that the said parishes were and are well known to be largely republican, the two parishes of Saint James and Iberville alone giving more than 2,500 republican majority; that there was no sufficient proof or good reason why said parishes should have been omitted; that had the vote of said parishes been included in the publication of said purported returns, as of right it should have been, it would have added several thousand votes to the republican ticket; and deponents further say that a fair, proper, and correct canvass of said returns would have shown that William P. Kellogg was elected governor of Louisiana at the election held on the 4th of November, 1872, and said deponents verily believe that said William P. Kellogg was elected governor of the State of Louisiana by the actual votes cast at said election.

OSCAR F. HUNSAKER.
SAMUEL M. TODD.

It is not my intention to open that vexed question here now. I want to show how, when some members of that board were deficient to serve democratic purposes, and when they actually had but a minority of members available and present, some one forged the names of two of the members, and the third member to-day says that he never signed the returns.

Mr. SHERMAN. Is that the same as the De Feriet board?

Mr. WEST. That is the Forman board. When, as on this occasion, the only democrat that they claim they could rely on, retired from the performance of his functions on the returning board, this committee report that that invalidated the whole proceeding; but on another occasion, when they wanted to perfect proceedings, they did not stop about the absence of two or three members, but they took occasion to falsify the returns and to send up a record here to Congress that was an absolute forgery.

Now, exception is also taken to some of the proceedings of the board. This revision of their proceedings is technical. The committee say:

The law provided that in case of such violence, intimidation, or corruption at or near either poll, either during registration or election, as prevented a fair, free, peaceable, and full vote, the commissioners of election, if the occurrence was on election day, the supervisors of registration, if on the day of registration, should make a full, verified statement of the occurrence, and forward the same with and annexed to the returns.

In only a few instances were there any protests accompanying these returns.

That is to say, the revisers of the doings of the returning board take exception to the fact that according to their construction of the law the board departed from its true letter and exercised functions that were in no way devolved upon it by the law. Sir, had that board been held to a true letter of the law, the whole parish of Orleans, with its 13,000 democratic majority, would have been thrown out; and the democratic contestants before that board appealed to it to become a court of arbitration; and however it may be contrary to law, certainly the side who have been decided against are estopped from taking exception to it. I should like the Clerk to read what were the principles that guided the action of that board. Had they confined themselves to a strict observance of the law, there were only twelve polls in the city of New Orleans, that gave 13,000 democratic majority—whether legitimate or not I will not here state—where the law had been complied with, and the other one hundred and six could have been entirely thrown out. I should like the Clerk to read that.

The Chief Clerk read as follows:

When the returning officers entered on the discharge of their duties they first took up the parish of Orleans, in which there were one hundred and eighteen polling-places. There being the returns for candidates for a municipal government, two sheriffs, and a great number of minor offices to be canvassed, it was deemed important that the elected candidates should be inducted into office as soon as possible. Immediately on entering into the canvass of the votes in the parish of Orleans, it was discovered that the election had been exceedingly loosely conducted. In not probably a dozen polling-places in the city had all the formalities required by law been complied with. In but a very few cases had the list of voters been kept, or, if kept, returned to the board, and many of those returned had not been signed or sworn to. In many cases the statement of votes showing who had been voted for was not kept, or, if kept, not returned to the board; and in many cases the tally-sheets were not kept, and, if kept, not returned to the board; and in some cases nothing but the unsigned and unsworn-to tally-sheets were all that had been returned to the board. Under such circumstances, if the board should decide that a compliance with all the forms of law would be required to enable them to canvass and compile the votes, it was evident there had been no legal election in the parish of Orleans. The board then decided that if any of the formalities required by law had been complied with, even only a tally-sheet unsigned or sworn to, was returned to it by the supervisors of registration, they would, in the absence of any proof of fraud, intimidation or other illegal practice, canvass and compile the vote of such polling-place. Under this ruling of the board the canvass and compilation of the vote of the entire State proceeded. It became the duty of the board to carefully examine the returns from every polling-place in the State, over six hundred and fifty. This was done by the members of the board in person, and it occupied the board from eleven a. m. to four p. m., and from six to ten o'clock p. m. of almost every day for a month. During this period much time was taken up by counsel, who were almost every day raising questions and making motions. It is proper here to state that when the board entered on their labors, they permitted each of the political parties to be represented by counsel before the board, to make any suggestions or motions they might think proper, and this privilege was liberally availed of by counsel.

It was the opinion of the board that the forms of proceeding in regard to ascertaining whether the election had been affected by any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences pointed out in sections 3 and 26 of the election law, were merely directory, and that it was the duty of the board to inquire into any of those acts, when brought to their attention by any satisfactory evidence; the board was confirmed in this view of their duty by the precedent set by the acts of the returning board in 1870 and 1872, (the act of 1870 on the subject is the same as the present law,) and this seems to be the reasonable and proper construction of this law; this is part of the duty of the board in their work of canvassing the vote.

Mr. WEST. This inquiry as to the doings of that board, after contending that the board should be held to a strict construction of the law, proceeds to say: "In only a few instances were there any protests"—meaning protests according to law—"presented." The fact is that there were protests before that board from twenty-eight parishes, or one less than one-half of the entire parishes of the State. Protesting, making affidavits of riots, intimidation, or violence, is not a healthy business in some portions of Louisiana. An officer of the Army has been held up to censure because he, in his capacity as a citizen, interposed and made affidavits against five persons for a violation of a section of the civil-rights bill; and he states in his official report what actuated him to do it. "My name was appended to affidavit because any one else who signed it would have been killed, and not to constitute myself prosecutor, which I have not done."

The United States commissioner resident at Shreveport, when urged to a faithful discharge of his duty by this military officer, replied that it would be certain death for anybody to initiate such proceedings; and the committee says that reports were scarce and could not be had. That is what the committee says, but the board say that they had reports from twenty-eight parishes notwithstanding. The *gravamen* of the charge against this returning board is that they changed a return from twenty-nine majority democratic to a tie, and the principal efforts to establish that fact are directed to the four parishes of Bienville, Grant, De Soto, and Winn, and I may here, in passing, comment upon some alleged facts presented here by a Senator a few days ago, who prefaced his remarks by saying that he did not want to be interrupted and consequently corrected.

I heard a Senator here offer an admonition to his fellows not to take newspaper reports as a record of what was being done, not to draw a picture of society from newspaper reports; but the same Senator in order to establish a fact before the Senate chose to ignore official documents lying on his desk and under his eye and rely upon a newspaper for his facts, and he had to search very industriously to find that newspaper, because it was only in one newspaper that that error was committed. With the official report of this committee before him, with the report of the conservative members of that so-called Legislature, he chose to ignore them and to

avail himself of a typographical error made in one paper in this city in order to get thirteen votes for his candidate.

Mr. THURMAN. Who does the Senator allude to? I am not conscious of having referred to any newspaper.

Mr. WEST. I did refer to the Senator, and I will tell him why I referred to him.

Mr. THURMAN. To what newspaper did I refer? If I did so, I have forgotten it.

Mr. WEST. I did not say that the Senator quoted a newspaper, but I say he quoted a fact erroneously and accidentally misstated in that paper, in support of his proposition when an official document was on his desk—

Mr. THURMAN. What was it?

Mr. WEST. I will state. He said that there were 71 votes cast when Mr. Wiltz was elected. The report of this committee which I am now discussing says 58. The report of the conservative body says 58. These were before the Senator on his desk; but the morning Chronicle in this city, the day that happened, made a typographical error and gave blank credit for 14 votes by mistake. I do not know whether that is the identity of the Senator's information or not, but such are the facts.

Mr. THURMAN. I made no reference to the Chronicle, but I should be perfectly willing to take the Senator's statement if 58 is not a quorum and two over. But I had (and I will bring it into the Senate to show to the Senator but I will not interrupt him too much) precisely the statement which I read.

Mr. WEST. If I have not stated the Senator's position correctly he will pardon me, for the reason that I have not his remarks before me. I caught them by ear, and I know that he asserted, if he has not expunged it from his speech, that there were 71 votes cast that day.

This report alleges that a majority of 29 had been changed, and they took exception to the action in the cases of Bienville, Grant, De Soto, and Winn Parishes. I should like to have read from the official report of the returning board what was the action in those parishes, and to show that the board acted in strict conformity with the provisions of the law when it absolutely and positively excluded the count of those parishes from their returns. There was nothing transmitted to the Legislature. It was a mere ministerial act, in accordance with law that, being satisfied themselves that such violence and outrage existed in those parishes as vitiated the election, they had the right, and it was their sworn duty, to exclude those parishes from their count. I ask the Clerk to read what is said about these parishes in the report of the returning board.

The Chief Clerk read as follows:

BIENVILLE.

This parish was entirely rejected. The evidence showed that this parish adjoins the parish of Red River, in which the Coushatta murders took place, and that many of the persons who participated in those murders were from this parish; that soon after these murders, and before the 14th of September, 1874, the tax-collector of this parish was forced to resign by a committee of white-leaguers; that colored school-teachers were whipped and driven out of this parish; that the leading republican in this parish was advised, and acted on the advice, not to attempt to organize the party or to vote. There was not a republican vote cast in this parish. That the registration shows that 780 white and 442 colored voters were registered, and the pretended returns from this parish showed 770 votes and nearly the same number of white registered voters. The board was satisfied there was no fair, peaceable, or free election in this parish.

GRANT.

The vote of this parish was thrown out; the evidence satisfied us that the election was entirely irregular in this parish, and that intimidation prevailed at every poll in this parish. The direful effects of the Colfax massacre is so severely and generally felt in this parish, that it cannot be said there was a free, fair, and peaceable election at any poll in this parish. This parish is strongly republican.

DE SOTO.

Under the fourth head of objections to parishes or polling-places being canvassed and compiled, it was found that the supervisor of registration for the parish of De Soto had made no return of the election in this parish to the board. It is proper to remark that the first supervisor of registration appointed for this parish was one of the men murdered at the Coushatta massacre. There is no officer authorized to make the returns of election to the board except the supervisor of registration; it is to him that the list of voters and tally-sheets are to be delivered and by him transmitted to the board, as well as the statement of votes and condensed statement of the votes of the parish. Coming through him, the legal officer, it carries with it that all the other forms of law have been complied with, and leaves the board only to canvass and compile the votes. In this case the clerk of the court of that parish offered to produce to the board the duplicate statement of votes said to be furnished him by the commissioners of election, also tally-sheets; but in order to verify those documents as genuine, and such as ought to have been produced by the supervisor, it would be necessary for the board to go into evidence on the subject.

It was stated to the board, during the canvass and compilation of the votes, that the democratic counsels in attendance on the board had had the supervisor of registration of the parish of De Soto arrested and brought before United States Commissioner Craig, on the charge of concealing the returns of that parish from the board. It was also stated that the supervisor had the returns with him when brought before the commissioner, but that he was discharged by the commissioner on some compromise made with him by the democratic counsel. *There was no evidence before the board that a prostitute had the returns and was offering them for sale. Such thing was casually stated to the board, but not as evidence, and was not reduced to writing and was not considered by the board as anything more than a passing remark.* Not being a court of general jurisdiction, it was the opinion of the board that it could not verify an act on such documents, and declined to receive and act on them. The counsel for the democratic committee applied to the proper court for a *mandamus* to compel the board to receive such evidence of the election and canvass and compile the votes therefrom; but after pleadings and full arguments of counsel the court refused the *mandamus*. This decision of the court sustaining the position taken by the board, in other cases where the supervisor of registration had failed to make returns of any poll, held that the default could not be supplied,

and that if any party should be injured by it they would have their legal recourse, as the law is understood to afford ample relief in such cases.

Under the fifth head of the protests and objections, as above stated, comes the parish of Winn. The evidence showed that James P. Reidheimer, resident of that parish, had been appointed supervisor of registration for the parish by Governor Kellogg on the 7th day of August, 1874, but that by letter to Governor Kellogg he had resigned, or rather refused to accept the appointment, and had failed to qualify. Afterward Governor Kellogg appointed C. S. Randall to this office, who qualified and went forward to discharge the duties of the office. Upon applying for the papers and blanks which had been forwarded to Reidheimer when he was appointed, he refused to deliver them to Randall, who was then threatened with death if he did not leave the parish, whereupon he left the parish subsequently without any notice to Governor Kellogg. Reidheimer proceeded to make a registration under which the election was held, and he (Reidheimer) made return to the board of said election.

The board also had before them the certificate of the secretary of state, showing that C. S. Randall was the legally-appointed supervisor of the parish.

It was from this evidence the opinion of the board that there had been no legal registration of the voters of this parish, without which there could be no legal election, and that the unlawful act of Reidheimer in not turning over to Randall the books and blanks to enable him to make a legal registration, and the violent acts of the citizens in ordering Randall away from the parish on pain of death, made it the duty of the board to reject the pretended returns and vote of this parish.

Mr. WEST. I was calling attention to the fact that there were four parishes in dispute, or rather, the whole affair of the 4th of January last depended greatly upon what action might be had in reference to the elections in those parishes. In one of them, Bienville, the board threw out the returns because a republican was not allowed to vote in the whole parish. In Grant, a republican parish, and largely republican, the scenes of disorder were so great that this board could not find it their duty to admit that parish.

Mr. MORTON. Is that the parish in which Colfax was?

Mr. WEST. That is the parish in which Colfax is situated. In the parish of Winn, the legally appointed supervisor of registration was threatened with his life if he undertook to exercise the functions of his office, but the white-leaguers improvised a registrar, and he conducted the registration; and they asked the returning board to consider such returns as those!

In De Soto the registrar being satisfied that the whole proceedings were violent, and not being able to get any affidavits to substantiate his position, came down and met the returning board and the white-leaguers, and they endeavored to compel him to produce those returns, and he did not do it and the board had nothing before them. We remember with what unction our friends contended that those returns were in the hands of a woman of bad character and were offered for sale for a thousand dollars. The returning board say that there was no evidence of that kind. It was casually stated to the board, but was not offered as evidence and was not reduced to writing and was not considered by the board as anything more than a passing remark. If such was the case, the contending parties on the other side had ample opportunities to establish it, and they should not state it now unless they made the allegation good at that time.

Now, what does this committee show was done with these returns? They start out with the broad proposition that twenty-nine men were changed and they only show you by their report that four were changed. In the parish of Rapides three were changed according to the judgment of the returning board, and in the parish of Terre Bonne one was changed. So with all the scrutiny and investigation of this committee, starting out with the broad assertion that twenty-nine were changed, they only show you that four were changed. We come now to what this committee say upon the general subject of the general condition of affairs in the State, and they start out with this proposition:

Both parties agreed upon four parishes as samples of the condition of affairs, in that respect, in the State. Of these, owing to the impossibility of procuring witnesses from the locality in time, your committee were obliged to confine their especial examination to two parishes most accessible.

Then this investigation that went broadcast over the State of Louisiana, that presumes to give you an epitome of its condition, moral, political, and social, confined itself ultimately to two parishes, and the testimony does not show that they examined more than one. How were those who assumed the negative of the proposition which seems to have impregnated the whole action of this committee to know what parishes were examined? How were they to get their witnesses there to testify as to the facts? Is it any wonder, with such a proceeding as that, that they came to the conclusion that they were constrained to say that the intention charged is not borne out by the facts, that no general intimidation of republican voters is established? I can take you to a parish in that State where there is no intimidation, and it is possible that this committee selected those very parishes to examine. Intimidation in the State of Louisiana and throughout the South did not commence with the election of 1874. The echoes of the last gun fired at Appomattox had scarcely died upon the ear before this intimidation was practiced broadcast throughout the South, and it has continued to be up to the present day. I speak for my State. I show to the Senate the record that throughout its existence since the day of reconstruction there has been nothing but intimidation, proscription, murder, and violence practiced by the democrats of that State.

From 1866 to the present time there have been nine great butcheries or massacres for political reasons in the State of Louisiana. In 1866, in New Orleans, two hundred persons were killed, and one hundred and sixty were taken to the marine hospital, and the surgeon on duty at that time and the surgeon now on duty—the same man—has

asserted to the fact that after those wounded men were taken to that hospital the rioters formed a line in its rear and fired a volley into its chambers. Here is one of the volumes of the history of affairs in Louisiana. The history of violence in Louisiana is not to be learned in eight days. It lies here under my hand in eight volumes of testimony, every page telling of a life and every word upon every page counting for a drop of blood shed in the sacrifice of political opinions. What did the committee then say? I will read briefly their opinion of that horror:

There has been no occasion during our national history when a riot has occurred so destitute of justifiable cause, resulting in a massacre so inhuman and fiend-like as that which took place at New Orleans on the 30th of July last.

The massacre was begun and finished in midday; and such proofs of preparation were disclosed that we are constrained to say that an intention, existing somewhere, to disperse and to slaughter the members of the convention, and those persons, white and black, who were present and were friendly to its purposes, was mercilessly carried into effect.

No intimidation in Louisiana! And yet in the same year the Bossier Parish massacre took place, in which over three hundred were killed and wounded; the Saint Landry massacre, in which two hundred were killed and wounded; the Orleans massacres, in which sixty-three were killed and wounded; the Caddo massacre, in which forty-six were killed and wounded; the Jefferson massacre, in which forty-seven were killed and wounded; the Saint Bernard massacre, in which sixty-eight were killed and wounded. All these occurred in the one year, 1868.

Here is the experience of some of the officers of the Army of those practices. Here is an officer reporting about the massacre in Saint Bernard Parish. He says:

Practically there is no civil law in Saint Bernard Parish. A company of United States troops are now doing duty there, and their continued presence is necessary to protect from outrage men loyal to the Government, to prevent the murder of freed people, and to preserve general peace and tranquillity throughout the parish; and it is my opinion that the men now living in that parish who have recently committed murder with impunity will not be arraigned nor brought to justice except through the direct agency of military power.

I am, major, very respectfully, your obedient servant,

J. M. LEE,

First Lieutenant Thirty-ninth United States Infantry, A. A. I. G.

Brevet Major B. T. HUTCHINS, A. A. G.,

Bureau R., F., and A. L., New Orleans, Louisiana.

After speaking of sixty-one murders perpetrated between October 23 and November 21, 1868, he says:

In conclusion I desire to represent that upon entering on duty in this Bureau as acting assistant inspector general, on the 18th of September last, I thought it impossible that crimes so bloody and rioting could or would be perpetrated with so much impunity and wantonness by any people in a civilized country as those which have been brought to my attention, and which I have in many cases investigated. At first I thought the general reports and published accounts of the carnival of crime in this State were vastly exaggerated, but the plain, clear, and indisputable facts which have been developed, and the cumulative evidence which has been and can be brought forward at any time, carries the conviction to any honest and candid man that lawlessness, anarchy, and crime predominate in the State of Louisiana, subjecting the loyal and peaceable citizens of this State to a reign of terror which they cannot avert, and from which they cannot escape through any efforts of their own.

I am, major, very respectfully, your obedient servant,

J. M. LEE,

First Lieutenant Thirty-ninth Infantry, A. A. I. General.

Brevet Major B. T. HUTCHINS,

A. A. G. Bureau R., F., and A. L., New Orleans, Louisiana.

Now, sir, what was the effect upon the election of 1868 of such violence, and what were the violences that preceded the last election and what was the effect of them?

The day of election in 1868 was as peaceable and quiet an election day as ever occurred in this country. Yet in the parish of Orleans, where there were from 13,000 to 16,000 registered republican voters, the total vote cast for General Grant was only 270; in the parish of Bienville, out of 715 registered republican voters, 1 vote was cast for Grant; in the parish of Bossier, out of 1,895 registered republican voters, 1 vote was cast for Grant; in Caddo, out of 3,134 registered republican voters, 1 vote was cast for Grant; in Calcasieu, out of 245 republican voters, 9 votes were cast for Grant; in Claiborne, out of 1,293 republican voters, 2 votes were cast for Grant; in Morehouse, out of 1,330 registered republican voters, 1 vote was cast for Grant; in Sabine, out of 227 registered republican voters, 2 votes were cast for Grant; in Saint Bernard, out of 610 registered republican voters, 1 vote was cast for Grant; in Saint Landry, out of 3,641 registered republican voters, not one vote was cast for Grant; in Union, out of 872 registered republican voters, 1 vote was cast for Grant; in Saint Martin, out of 933 registered republican voters, 25 votes were cast for Grant; in Saint Helena, out of 569 registered republican voters, 136 votes were cast for Grant; in Avoyelles, out of 2,188 registered republican voters, 520 votes were cast for Grant; in Catahoula, out of 992 registered republican voters, 150 votes were cast for Grant; in Caldwell, out of 586 registered republican voters, 28 votes were cast for Grant; while in those banner democratic and White League parishes of De Soto, with 1,403 republican voters; Franklin, with 507 republican voters; Jackson, with 822 republican voters; Lafayette, with 897 republican voters; Vermilion, with 232 republican voters; and Washington, with 168 republican voters, not one solitary republican vote for Grant was cast in all those parishes. The net result of the democratic and White Camellia campaign of 1868 was that out of 36,278 republican votes in twenty-two parishes of the State, through intimidation, fear, and terrorism resulting from the massacres before enumerated, only 1,118 republican votes were allowed to be deposited for General Grant.

Sir, is it to be supposed that the massacre of Colfax had no effect in intimidating republicans in that part of the State, where one hundred men were slaughtered, and slaughtered simply because they were maintaining their right to their own political opinions? Had Coushatta, where six men were treacherously murdered, robbed, mutilated, and nameless outrages perpetrated upon their remains, until, as the testimony shows, they were so hacked to pieces that it was difficult to bury them, no influence in intimidating voters in Louisiana? Had the affair of the 14th of September, where some

fifty or sixty lives were sacrificed, no influence in intimidating voters in Louisiana? And yet your committee say that no general intimidation of republican voters was practiced in the State! Colfax, Coushatta, and the 14th of September did for the election of 1874 what Orleans, Bossier, and those up-river parishes did for the election of 1868, and that conclusion is irresistible.

The Shreveport Times of July 29 says:

There has been some red-handed work done in this parish that was necessary, but it was evidently done by cool, determined, and just men, who knew just how far to go; and we doubt not if the same kind of work is necessary it will be done.

We say again that we *fully, cordially approve* what the white men of Grant and Rapides did at Colfax; the white man who does not is a creature so base that he shames the worst class of his species. We say again we are going to carry the elections in this State next fall.

The man who dares even to dissent from the outrages perpetrated by miscreants in the murders at Colfax and the murders at Coushatta "is a creature so base that he shames the worst class of his species." Can you expect men to go before a committee and testify to the fact that violence and disorder exist in that State?

I should like to say a few words now, Mr. President, upon what this committee say about the general condition of affairs in the State of Louisiana. After first starting out with the proposition that they would not examine anything but the condition of affairs in two parishes, and when they only did examine one, they come to this conclusion:

The general condition of affairs in the State of Louisiana seems to be as follows: The conviction has been general among the whites, since 1872, that the Kellogg government was a usurpation.

I am aware that that is the conviction. How that conviction was created is well known. It commenced by a little coterie, a ring of political adventurers, in New Orleans, who undertook to manipulate the election machinery of that State, and who personally admit to-day that their operations were unsuccessful, and that they had palmed a fraud on the whole of the people. Suppose that conviction is among the white people of the State, only among the white democrats, even if it is universal among them, the colored people do not think so; and because that minority believe that the government is a usurpation, is that any reason or cause for characterizing it as such?

This conviction among them has been strengthened by the acts of the Kellogg Legislature abolishing existing courts and judges, and substituting others presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions; * * * by the abolition of courts with elective judges, and the substitution of other courts with judges appointed by Kellogg in evasion of the constitution of the State.

Mr. President, the question of Governor Kellogg's authority to do this has never been raised except by the political clique that I mentioned. The people generally have recognized those courts; the bar of New Orleans, which is almost universally democratic, has never taken exception to the act of the governor in that respect. The politicians have done it, but the law-abiding citizens have not.

"By enactments punishing criminally all persons who attempted to fill official positions unless returned by the returning board," all that is needed in certain parishes is to get eight or ten men with bowie-knives and they will remove any man they please, and without any title whatever take possession of his office. Are not laws necessary to protect a community against such an outrage as that?

By changes in the laws, centralizing in the governor every form of political control, including the supervision of the elections; by continuing the returning board, with absolute power over the returns of elections.

Mind you, Mr. President, this is an arraignment of what has been done under what is known as the Kellogg administration, and there is the assertion of the fact that the Kellogg administration is responsible for centralizing in the hands of the governor all political control in the supervision of elections, when the record is well known, and it has been shown here, that all the legislation that has been had by the Legislature under Governor Kellogg has been in the direction of liberalizing the election laws; and they are more liberal to-day than when he came into power. I have told you this was a democratic White League brief, and I think I will convince you of it before I get through—

By the extraordinary provisions enacted for the trial of titles and claims to office.

All these provisions were enacted by a preceding administration, and they were made necessary by the circumstances to which I have adverted. They were not enacted by the Kellogg government; and I may remark just here that I challenge any member on the opposition side of this Chamber to show any act of the Kellogg legislature to which he or the people of Louisiana can take reasonable exception—

By the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of State militia, subject to the command of the governor.

The police act of New Orleans was enacted in 1869, at a time when the militia laws of the United States, as applicable to that State, were in suspense. Congress, in July, 1867, suspended those laws with reference to Louisiana and renewed them in 1869; so that, whatever reason there might have been for the passage of such a law at that time to maintain the government, the denunciation of it does not apply nor pertain to the present government.

But it was not considered judicious to arm the militia there in that State at that time. It was neither lawful nor judicious. Subsequently it became lawful; but it never became judicious, because the

white-leaguers, who were sworn in by the governor of the State to protect its laws, to maintain its constitution inviolate, ignominiously laid down their arms at the first demand on them to do their duty. That is the kind of militia we had in New Orleans and in Louisiana.

By the creation in some places of monopolies in markets—

True, the Legislature of Louisiana, under the Kellogg administration, has passed an act with reference to markets. That act was proposed to them and solicited from them by the democratic administration in the city-hall of New Orleans. What was that legislation? Simply as the markets belonged to the city of New Orleans and as democrats were their lessees, it was due to those democrats to protect them in the value of their property by preventing the interposition of private markets within a reasonable distance. That is the monopoly of markets that is charged here upon the republicans; which was done to keep the democratic coffers of the city of New Orleans replete with revenue, and which is now taken exception to.

Gas making—

We have had a monopoly of gas oppressing us like the monopoly in this city. In the city of New Orleans we have had it for twenty-five years. It is an old democratic institution, belonging to some of our oldest and best. How, in the name of Heaven, is the Kellogg government responsible for what occurred thirty years before we ever thought of having such a government there?

Water-works—

Ditto for that; water-works belonging to the city of New Orleans, and the city administered by democratic officials, and yet the republicans are charged with having a monopoly of them!

Cleaning vaults and removing filth—

That is a business which we are perfectly willing to surrender to the other side.

Doing work as wharfingers—

I was surprised at that. There are twelve wharfingers holding position in New Orleans. They are every one of them democratic appointments, and they have a monopoly of the business. They have a monopoly of drawing their salary, four of them at \$1,800 a year, and eight of them at \$1,200.

Mr. SCOTT. And controlled by the State.

Mr. WEST. Yes, controlled by the city under the State; and they are democratic appointments, every one of them. That is one of the charges brought against the republicans.

By unlimited appropriations for the payment of militia expenses and for the payment of legislative warrants, vouchers, and checks issued during the years 1870 and 1872—

There was such a provision ingrafted upon an appropriation bill, as it passed the Legislature, and the governor could not veto that bill without stopping the whole wheels of government. He signed the bill, but he promptly, through his attorney-general, instituted proceedings and enjoined such action; and to-day I am informed that not one dollar has been drawn out of the treasury under such surreptitious proceedings.

By laws declaring that no persons in arrears for taxes after default published shall bring any suit in any court of the State or be allowed to be a witness in his own behalf—

That is one of the methods that has been resorted to to strangle the existence of republican government in that State. In the testimony taken in what is known as the investigation of Louisiana affairs, the secretary of one of the tax-resisting associations was put upon the stand in a room in this building and he testified to the existence of a league, not embracing all the people of Louisiana who were tax-payers, but thinking that nine-tenths of them would refuse to pay their taxes. There is the sworn testimony of the secretary of that league that they intended to resist by all constitutional means the payment of taxes. I do not blame them for that. I blame no man for resorting to constitutional means to assert his rights; but I maintain that we have the right also to resort to constitutional means to make him perform his duty.

Then, again, with reference to the financial condition of the State—

The securities of the State have fallen in two years from 70 or 80 to 25.

I scarcely wish to weary the Senate with all the circumstances under which the securities of the State of Louisiana have been scaled; but it is well known here, or if it is not remembered now I will remind the Senate that by an act of the Legislature at the last session, an act framed and originated in and solicited by the New Orleans Chamber of Commerce, (and when you say that you say by the leading democrats of the city,) the debt of the State of Louisiana has been scaled and there has been a consequent depreciation of its value. That is to say, a debt of 100, according to the constitutional amendment recently passed, is now only worth 60. Consequently there has been a decline from 100 to 60, a decline made in the interests of the people of Louisiana generally, whether property-holders or mere indirect tax-payers—a reduction that they asked for. Therefore the reduction of the debt or the depreciation of the value of that debt to at least that amount cannot be charged to the wrong-doing of the republicans. But they say it has gone down to 25. Ah, yes! and it will go down to zero if you keep up your strife. Keep up your revolts, your revolutions, your threatenings, your proscriptions, and

your violence and your bonds will go to protest, and Louisiana will have no place to lay her head in Wall street.

Then the securities of the city of New Orleans have fallen from 80 or 90 in two years to 30 or 40, as the committee state. There is another evidence of your violence and intimidation and the shrinking always arising from fields of strife and insecurity. But why was it so? Did the republicans have control of the city of New Orleans in the last two or three years? When the republican administration went out of power in the city of New Orleans her bonds and securities were worth 90 cents to a dollar; to-day they are worth but 30; and yet that is charged as one of the faults of the Kellogg government. That is one of the faults of the republican Legislature of Louisiana, who, coming to the relief of these very securities, has offered a constitutional amendment, which has been adopted by the people, that the debt of the city of New Orleans shall not be increased. Where is the responsibility there? It is with the democratic city administration and with that inherent spirit of bedevilment that infests that community that does not inspire confidence in its ability to keep its engagements. The governor in his last annual message calls attention to this fact. He says:

In the year that is just ended the receipts have been nearly equal to the expenses; the rate of State and city taxation has been largely reduced, and for the first time for many years not one dollar has been added to the public debt, which, on the contrary, has been considerably reduced.

"Taxation has been increased. Property cannot be sold for the taxes." That is so. Some property in New Orleans cannot be sold for the taxes, because there is year upon year, and sometimes five years of tax resistance to pay on it, and who wants property in that State when taxes encumber it? That is the fact. When you come to find out that property can be bought for taxes, it is because there are five years of tax resistance encumbering it. When the Kellogg administration was inaugurated, the taxes in the State were 21½ mills—two cents, and fifteen-hundredths. Now, by the act of this republican Legislature, ratified by the people of the State, the tax is 14½ mills. When the Kellogg administration went into power the city taxes were 30 mills. By the act of the Kellogg legislature, ratified by the people of New Orleans, the taxes have been reduced to 25 mills, and yet that government is charged with encumbering the people with taxation and increasing its burdens untold!

Mr. President, I must confess my indignation at the character of this report, that men who had the opportunity to have learned the true state of affairs, men who could not have failed to have known by all the history of the day of the acts of violence that have been perpetrated in that community for the last nine years, should tell you that life is secure there, and confine their inquiries to the stealing of a few chickens. In order to establish that fact, they even resort to the potent and reverend authority of a prelate of the church, a humane, considerate, and compassionate bishop, who, deaf to the outcry of his fellow-men, oppressed and done to death, lends a sympathetic ear to the cackle of a captured chicken or to the squeal of a purloined pig, and laments the destruction of the fat of the land and the wasting thereof. Lofty, dignified, and earnest investigation is that which turns away with indifference from the wail of thousands of human beings, and in solemn pomp weeps over the fate of a dead rooster. That is the way the outrages and the sacrifices and the murders are treated in my State. Chicken-thieves and pig-stealers! That is all the evidence they could find on the subject.

I have no desire, Mr. President, to detain the Senate longer with this category of evils and outrages. I always preface what I have to submit in regard to Louisiana by saying that it is an unpleasant necessity forced upon me; and with a few more remarks I will conclude. The committee directed their attention to the organization of a White League, and they say of it in New Orleans:

That league is an organization composed of different clubs, numbering in all between twenty-five and twenty-eight hundred.

To be sure, there is another party of white-leaguers throughout the State, but it must not under any circumstances "be confounded with the White League of the city of New Orleans."

Their objects and aims and purposes and organization are all the same. I do not think that either party would suffer much in reputation by being confounded with the other; but look at the pretext under which this committee wants you to believe that White League was organized:

Their purposes they declare to be simply protective.

There are one hundred and fifty thousand white people in the city of New Orleans and fifty thousand blacks. The white people are organizing; the committee certifying—

Nor, on the other hand, did it appear that there was any extensive secret league among the blacks of any kind.

Three white men organizing and providing themselves with arms to defend themselves against one black man! It is preposterous, Mr. President.

Now, we hear the question asked constantly on this floor why is not the civil law effective in the Southern States? If these murders are perpetrated, why do you not punish them? We have answered on one or two occasions and sufficiently, that the officers of the law in the prosecution of their duty have been foully murdered. But I will go to a more general review of the condition of the law and its administration in the Southern States. I would like to read to you

here what is said by a practitioner at the bar about the administration of justice in the Southern States generally. He says:

The laws of the States designed for the protection of life and property are not enforced with certainty, and in cases where they are violated by members of the democratic party for political purposes they are violated with impunity. Congressional investigations have made known to the world that secret oath-bound organizations exist throughout the Southern States; that their object is by force and violence to prevent the newly-enfranchised race from exercising the right of suffrage, and thus to deprive them of political power; that in the execution of their design the members of these secret organizations have committed crimes without number of a nature calculated to intimidate and terrify, and that they are as free from fear of punishment, or cause to fear, by the enforcement of the laws of the States in which the offenses were committed, as though they were wholly guiltless. So prevalent and powerful is the sympathy for those who commit these acts, that before it the law is insignificant and powerless. In the rarest instances has a grand jury preferred a bill of indictment against any of the perpetrators of these crimes, and in no instance that has come to our knowledge has a petit jury been found to return a verdict of guilty against the perpetrators of even the most unprovoked and cruel murder when committed upon the person of a republican for political reasons. In this country the law is sustained by public opinion, and public opinion is stronger than the law. Our fathers in the foundation of our system of government never realized that the day would come when the lives of American citizens could be taken unlawfully and in great numbers, and no witness to such deeds could be found to prefer a complaint, no sheriff to execute a warrant, and no sentiment in the community sufficiently strong to secure the condemnation of the offense or the punishment of the offenders. Yet this is the case in the Southern States to-day. A powerful press preserves silence as to the offense, or persistently misrepresents the circumstances under which it was committed, or, where concealment is no longer possible, boldly defends the act of the criminal. The character of the dead victim is maligned, and a deed of blood, horrible in its details, is exalted into an act of patriotism. Where, under the laws of the General Government, the United States courts have jurisdiction of the offense and succeed in arraigning the criminal, the more talented and influential members of the legal profession hasten to volunteer their services in his defense; and where bail is required for the appearance of the offender, the wealthy members of the community eagerly place their names upon the bond. Upon the trial it is simply impossible to secure, fairly and in the manner prescribed by law, twelve men who will decide impartially between the Government and the accused, and render a verdict in accordance with the law and the evidence. Those men who have sworn to murder when commanded by their secret organizations, and who were perhaps accessory to the commission of the offense, readily appear upon the witness-stand to prove that the prisoner was engaged in innocent occupation far from the place where the crime was committed. All the influence and power of the democratic party are exerted in the defense of the accused, and he may well view with indifference the efforts of those whose duty it is to secure the infliction of the penalty for the violation of the law. The criminal offenses over which the United States courts have jurisdiction are limited in their number; and the only restraint upon the commission of crimes of the nature indicated exercised by the Federal courts springs in most cases from the annoyance and expense of undergoing a form of trial, and not from the fear of conviction or its results. If in a rare instance a conviction should be had, the criminal, however heinous might be his offense, however much in violation of the laws of his country and of God, would find sympathy and comfort and support from the members of that party in whose cause he was required to suffer. With no sense of disgrace, no feeling of remorse, but with a mind imbued with the teachings of his democratic leaders, he would endure the penalty for his offense with the pride of a patriot and the fortitude of a martyr.

Such is the manner in which crimes of the greatest atrocity are treated at the South. Those who commit them have the warmest sympathy of the democratic party there, and the democrats of that region find sympathy, countenance, and support among the democrats here. If that is not apologizing for murder it is sympathizing with those who sympathize with those who commit it, and under that refinement of distinction apologists for those murders must take refuge.

I would like to say a few words with reference to the proscription, the ostracism that is practiced upon the republicans throughout the South in reference to their political opinions. In 1868 the democratic party of Louisiana issued an official circular from which I will quote an expression. Here it is, signed by the president of the State central committee and by four of his fellow-members, I presume the executive committee. Speaking about the resentment that should be entertained against white republicans, it says:

But in no case should you permit this resentment to go further than to withdraw from them all countenance, association, and patronage, and thwart every effort they may make to maintain a business and social foothold among us.

Republicans are to be thwarted in every way, not to be allowed to follow the ordinary pursuits of life. They are to be treated as pariahs and outcasts and not to be admitted within the sacred social circle. That was the gospel of peace that was promulgated in 1868, and it has been followed out bitterly and mercilessly up to the present hour. In the documents that were sent to us in the message of the President of the United States the same proscription was reiterated and reiterated over and over again, according to the excerpts that he sent us from the press throughout the State. In the city of New Orleans a merchant of high and honorable character and unblemished reputation who had the independence and the candor to come before this committee and to state in words, scarcely using the strong terms I have to-day, that he believed the action of the republicans of Louisiana since they last came into power has contributed to the interest of the people, became an outcast on the following day among his friends and acquaintances of fifty years. He was a leading banker presiding over an institution of a million dollars northern capital. He had been for several years president of the chamber of commerce; and because he had the independence and candor to go before that committee and to state that he believed that the evils of the hour were not altogether attributable to the republicans, he was made an outcast and an exile, and this cruel treatment brought him to death's door.

Sir, this report talks about republicans holding office in Louisiana. Is it a crime to hold office? Where are we to get the material of a republican party when you concentrate upon us a circle of fire that consumes every man within its limits? I assert it here to-day that

if any democrat in the State of Louisiana should accept with good faith, and with the intention of protecting and conserving the interests of his fellow-citizens, an appointment from Governor Kellogg, he would be a tabooed man, and he would be as an alien and a stranger among his neighbors.

Mr. President, it might be expected that I should say something about the causes of these political and social contentions in Louisiana, and that I should suggest some way of allaying them. To recount all these causes would weary your patience, even were I familiar with them all. The bitterness of past strife—the fall from affluence to poverty consequent upon that strife—the necessity to labor consequent upon that fall—contact with the cause of all this in the presence of the old slave now in many cases the dominating political instrument—changing channels of trade—failing crops and flooded fields—paralysis of capital—shrinking of investments in dismay from the insecurity engendered by strife and turbulence—greed of office whose emoluments are simply an imposition and an outrage upon an impoverished people—stimulating sympathies from northern allies, who in their partisan zeal encourage the employment of unlawful means to set aside the constitutional amendments and the reconstruction and insurrection laws of the United States—immunity from punishment for crimes—martyrdom and adulation for suffering under the hated law, however much deserved—serve to make up a comprehensive demoralization that saps and corrupts a civilization.

There are other evils. There are evils directly traceable and chargeable to the republican party. I will admit it. But when I am defending my house against the assaults of my mortal enemies on the outside, I have not time to reform the abuses existing within my doors. We have shown our intention, ay, we have shown our performances in the last few years to better and to remedy the condition of affairs. We have relaxed the stringency of laws; we have reduced taxation; we have yielded to all the demands for reform and good government; but they do not stop their murders, and until they do you must excuse us that we give more attention to the more serious matters that occupy us.

With respect to our political organism, it was created by the reconstruction acts as completely as would have been the case had the State neither previous political existence nor history. A new and a controlling element, an element without education, without experience, and naturally antagonistic politically to the intelligence and property and the wealth of the State, has been put in charge of that State. Could you expect anything else but disorder? You had no right to expect anything else, but your remedy for your disorder is not mine. You propose, as was proposed in 1861, to seek redress of your grievances outside of the law. I stand under the law, and I will do my manful best to retrieve them all, to rectify them all. By revolt, by violence, by murder, the democrats of Louisiana propose to get their wrongs redressed. I propose to do them fair and equal justice, to condemn corruption, to condemn wrong-doing, whether outside of or within the republican party; but if there is a party of thieves, which I deny, I will uphold the party of thieves against the party of murderers.

Mr. SARGENT. Mr. President—

Mr. MORRILL, of Vermont. I desire to occupy the attention of the Senate for about half an hour upon this subject, and if the Senator from California does not desire to go on now, I should like to occupy a short time of the Senate.

Mr. SARGENT. I will yield to the Senator from Vermont, of course, on condition that he concludes to-night. I am not feeling entirely well, and would prefer to go on in the morning. With the understanding that I shall have the floor to-morrow, I will yield to the Senator.

Mr. MORRILL, of Vermont. Mr. President, I regret to say that this prolonged discussion of Louisiana matters seems to have been conducted by our opponents in a purely partisan spirit, not for the purpose of ascertaining facts upon which legislation might be based, but there has been a heroic assumption of facts for the purpose of giving a base to party accusations. The paucity of the remedies proposed is made conspicuous by the extravagant enlargement of the evils so loudly denounced. The whole artillery of the opposition has been rolled into the field to give General Sheridan a raking fire, and it turns out that he was beyond their reach—not in command—and only held in reserve an epithet—an epithet pointed at an organized band not less fatal to civil and personal liberty than the Spanish Inquisition itself.

The peg upon which all this debate and "the fullness thereof" has hung, is the resolution of the Senator from Missouri, [Mr. SHURZ,] which suggested, as originally presented, no remedy for the ailments of Louisiana, but directs the Judiciary Committee to inquire what is necessary to be done. That committee cannot be expected to act until after the resolution shall pass this body, and no Senator appears willing to let it pass without encumbering it with commentary. The few days we have left of the present session, it appears to me, should be devoted to earnest business, and therefore I shall make my commentary very brief, and promise not to repeat it.

My friend, the Senator from Missouri, seems to argue that when both parties shall obtain an important share of the votes of colored men, both hoping for more, both will become equally their friends; or, if the colored men will divide and give their votes half and half to each party, that will be a most desirable panacea. This seems a hopeful remedy and would undoubtedly blot out resentment at about the same time that the political power of the colored men would be

blotted out; but exactly how this millennium is to be brought about, not being told, I do not quite comprehend. Of course, the colored men would be expected to make the first advances, and I wonder that the Senator did not tell the negroes to stop killing the democrats and let them have an equal chance to exercise the right of suffrage without let or hindrance! Then some respect, if not affection, might spring up, and until then I submit that a half and half division of the voters is very dubious.

The Senator also gives us some advice, but, as it appears to me, it is rather unfairly based upon the idea that nobody is in the wrong but the republican party; he does not even divide his censure half and half, but says to us, "Turn back, turn back in your dangerous course while it is yet time." There is little in the recent history of Louisiana matters that affords me any pleasure; but is it true that the chief responsibility for the events which have there most stained our history is chargeable to the republican party? Was the party responsible for the Penn rebellion; for the massacre of the 14th of September; for the Coushatta murders; for the wholesale assassinations at Vicksburg? Knowing as I do that in his heart the Senator from Missouri has not a drop of blood that throbs in sympathy with these atrocities, I wish he could have found it convenient in his dramatic language to have said to those southern democrats, even in a low tone of voice, "Turn back, turn back in your dangerous course while it is yet time." Republicans certainly are not called upon to assume any greater share of responsibility for military interference in Louisiana than has been assumed by the President in his recent message; and it is not too much to believe that this message would have been quite satisfactory to everybody but for the fact of a pending presidential election. Sir, read that message, and say if it is not modest and truthful. He did not order the interference and he does not "desire," he says, "to have United States troops interfere in the domestic concerns of Louisiana or any other State." Cannot the President be believed? I have not wanted the Senator from Missouri, whom our party has been proud to decorate, to leave us, and may I not say to him in all kindness, "Turn back, turn back while it is yet time!"

But there is just as little in the way of remedy proposed by any other opposition Senator. The Senator from Nebraska [Mr. Tipton] favors the resolution of the Senator from Missouri, in order that the Judiciary Committee "may look into the subject." If they have to wait until this debate ends, I fear it will be some time before they will "look," and when they look they will find, perhaps, but one kernel of wheat in two bushels of chaff.

The Senator from Maryland [Mr. Hamilton] proposes to leave all "free in their various localities to pursue the paths of life as to them it shall be deemed best and most judicious." That course would seem to be entirely satisfactory to the highest type of white-leaguers. What could be finer than to let them "pursue the paths of life as to them it shall be deemed best."

The Senator from Delaware, [Mr. Bayard,] who thinks General Sheridan "not fit to breathe the air of a free Republic," because he denounced the leaders of the White League as "banditti" and wanted them arrested and brought to trial, tenders his very quieting, loving remedy. He says, "Give these people a government they can love." Who shall prepare that prescription? I fear the Senator is asking the National Government to do too much. We might give them a republican form of government, but would they love it? There might be also some apprehension that to give them a government the friends of the Senator would all love could not be done without detriment to the Republic.

I do not intend in my brief remarks upon the present occasion to touch upon the points which have already been largely dwelt upon as to the election returns of Louisiana, nor as to the merits of any interference by the military authorities. Here are only the surface symptoms of the disease, which lies much deeper. Fully believing that the great underlying cause of all the political troubles in that State, as well as in some others, is a lack of any cordial acquiescence on the part of southern democrats in the recent amendments to the Constitution so far as they relate to colored citizens, I cannot fail to charge these troubles primarily upon the democratic party, and to give utterance to my convictions that there would be no use for the Army, or any part of it, in the South if the members of that party, without any mental reservations, were wholly loyal to the Constitution and were administering their own laws with strict impartiality.

Unlike other nations, either ancient or modern, the United States have not sought vengeance in relation to those lately in rebellion, but have pursued a policy of unparalleled clemency, by which in no case has the extreme penalty for the crime of treason been demanded or enforced. Jefferson Davis returns to his home in peace and security in any garb he pleases, but pitied by mankind, whose verdict is foreseen and cannot be escaped. The masses of men, officers included, who fought against the nation, upon laying down their arms, have all disabilities removed and return to the councils of the nation, where they are welcomed without reproach. Even one of the most obnoxious military raiders now raids after office-holders, and claims official favors from those whose destruction he so recently sought by day and by night. The country has been ready, Union men have always been ready, to kill the fatted calf upon the return of any of its wayward sons. All we ask when they come back is that they shall live in peace with brethren who have faithfully endured the heat and burden of the day all the time at home. Such has not been

the example of other nations. Great Britain slays those who revolt in India and banishes those who make the attempt in Ireland. Russia sends the captured nobility of Poland to perish in Siberia or to labor in her mines as never to be forgiven convicts. France shoots Marshal Ney as well as the communists. Spain has often made prisoners of rebels only to subject them to sudden death. Austria exacts the death penalty from Batthyany and from other Hungarian generals, who only surrendered to the superior power of Russia in a war where the sympathy of the world was on the side of the Hungarians. The fate of those who unsuccessfully resist any *de facto* governments in Mexico and in South America is nearly always dyed in blood. This recital would grow darker if we were to penetrate deeper into the history of the past; but what I have cited is enough. Notwithstanding this broad contrast between the course of the United States and that of any other nation in the treatment of the surviving participants of a rebellion, yet the republican party to which I belong has been stigmatized in this debate as moved by the passion of hate. Impartial history will not so pronounce its verdict. It may say that universal pardon and universal suffrage were offered too early, but it will never stamp the civil or military power, while wielded by a Union republican administration, as either cruel or tyrannical.

Some blunders may have been committed; they are the incidents of all human governments; but amid all the terrible conflict, and while smarting from many deplorable occurrences, the Union republican party has carried its banner so high, so free from stain, that its example will forever be quoted and commended throughout the civilized world wherever the rights of man are revered or acknowledged. But a party like this, deserving more of the respectful gratitude of the country and of true patriots than any other since the birth of the Constitution, is roughly criticised, the President assailed by an epithet which characterizes a Roman tyrant, and the Lieutenant-General of the Army denounced as a man "unfit to breathe the free air of a republic." This is not merely the line of debate of a single ill-tempered scold, but apparently the preconcerted hue and cry of the entire opposition. Surely such ebullitions of boiling-hot partisanship, I sincerely hope, will not long find permanent lodgment in the calm, sober judgment of any member of this body. Something beyond fanatic declamation where grave questions affecting the purity of the ballot-box, the republican character and peace of States, the security of life, is necessary to give proofs of the statesmanship of any one who holds a seat in the American Senate. The problem before us may have been underrated. I greatly fear it has been. If it has been, it is because we have overrated the democracy of the democratic party. But for myself, if I cannot bring any aid to its solution, I will strive not to contribute anything to its embarrassment.

There is, unfortunately, still a Mason and Dixon's line not wholly blotted out, and south of this line, more unfortunately, there is a very apparent repugnance of race on the part of white citizens against a tolerance of the citizenship of colored people. Accepting of them as subjects, they refuse them as fellow-citizens. Counting them to swell their Federal representation, they are hostile to their practical representation at the polls. While berating their incapacity for the proper exercise of suffrage, they offer too little evidence of a broad purpose to afford any universal means of education by which to overcome that incapacity. Greatly needed as they are in all branches of industry, yet who will affirm that these landless toilers anywhere enjoy the equal protection of the law? If the Constitution of the United States does not shield them, and the National Government shall be deaf to their cries, it seems to me they will have little cause to rejoice that their freedom was purchased at a price so great. The National Government has no desire to become the arbiter in contests among citizens of the same State, but, conceding the full rights of all, is it too much to ask that the rights of a part shall not be trampled upon by any other part?

This antagonism of races has been the fearful scourge of humanity, and the pages of history are scarred with the long-enduring contests among many nations. I have hoped that our own country might be exempt from such struggles; nor can I think they are justified by the mere hope of gaining a temporary ascendancy. The democratic party might more surely win that ascendancy, not only in the South but in the North, by a more generous policy of peace, of justice, and good-will. It is, I know, claimed that order reigns wherever this party is dominant. Thirty-thousand Poles in 1794 were butchered in cold blood at Warsaw, and after such Russian victories it has often been said "Order reigns in Warsaw." If order is claimed as a credit due to the democratic party wherever they control life, liberty, and property, and are in truth their brother's keeper, they should see to it that no brother's blood cries aloud for vengeance.

The Moors of Spain were after centuries of bloody persecution long ago exiled from their beautiful homes in Toledo, Granada, and other places; but who does not now see that it was a melancholy mistake for Spain? This expulsion of the thrifty and intelligent Moors was a fatal blow to the flourishing industries of Spain, from which she has hardly yet recovered. Poland, after being worn out with the wars of factions, was cruelly partitioned and the lion's share allotted to Russia, but there has been no fusion of the people, and the Poles have few rights save that of insurrection. Austria has her Hungarians, Great Britain her Irish, Prussia her Alsations, and they are all vexed by undying antagonisms in the application of uniform laws for their government. Prejudices of blood, differences of character and of religion, perpetually torment their rulers. Some of these differences belong to our situation, and they may be intensified by the further fact

that our colored citizens have just been emancipated from slavery; but with our free institutions I see not why we may not surmount all difficulties and escape any enduring agony of strife of races. It is a docile and warm-hearted race that we have to deal with. If we could only rise to the Christian plane, and do unto others as we would have them do unto us, the great question would be solved, and henceforth our march would be one of assured prosperity and worthy of the leading nation among the Republics of the New World.

Under these circumstances we have some right, it would seem, to demand the best efforts of men of all sections and of all parties to aid in a common effort to secure the peace and prosperity of the entire nation and of all its inhabitants. It is not a time when parties should seek to thrive at the expense of the country. The great principle embodied in our first declaration to the world of the equality of the rights of man has been bravely adhered to, and there is, I would fondly hope, no one here who would now retreat from the result. It is a proud fact in the diary of the nation. If in any States there are those who would diminish the value of the freedom which has been conferred upon colored men by a system and usage designed to perpetuate their inferiority and to keep them as a subject race, then, sir, they are entailing upon their localities the untold miseries of a conflict which may outlast the actors in the scenes of to-day, dwarfing all other questions as well as dwarfing the natural growth of States. But I shall be greatly pained to have the suspicion confirmed that it is the settled purpose of any large number of men to evade the great principles of the recent amendments to the Constitution. They are there, and there they will stand until the crack of doom. It is for the interest of all that tranquillity and fraternity, concession of just rights, protection of equal laws should everywhere prevail. The labor and the good-will of the colored race is essential to the continuance of the prosperity and wealth of the South. This cannot be had by the teachings which derive their potency from fear or from violence. This cannot be had while the active energies of the whole population are recklessly wasted in the angriest phase of politics, constantly breaking out in a war of races, instead of being applied to the development of the great natural resources of their native land. We had but the divided and reluctant support of the democratic party, I regret to say, in measures for the support of the Union; and are we to have no support at all from that party in measures calculated to give tranquillity and order to the reconstructed States?

In some quarters a new election has been proposed as a remedy for the turbulence in Louisiana; but that is an extreme medicine of the Constitution to which I am very reluctant to resort, and, if it were resorted to, without an ample guarantee that there should be a free, full, and fair election, it would very likely turn out a contemptible farce. I am convinced that the facts show Kellogg to be more entitled to the office of governor there than McEnery; but our opponents will accept of nothing less than the placing of McEnery in power, besmirched all over as he is with the organized election frauds. Certainly, we have no evidence that a new election would here be supported by democratic Senators, nor if they did support it, that they would consent to fix by law any provisions by which a guarantee would be afforded that a free and fair election should be had without regard to race or color.

In Louisiana, with the aid of the White League, they appear to have got the negro down and there they mean to hold him. To that I do not think we ought to consent. To that it would be a vital mistake of public policy and public morals if the people of Louisiana should consent.

As my contribution to the stock of remedies for the unfortunate condition of affairs in many southern localities, I would present the sixth commandment, "Thou shall not kill." And still further I would most earnestly urge an observance in good faith of the commandments of the Constitution as set forth in the thirteenth, fourteenth, and fifteenth amendments.

If our democratic friends would only aid us in bringing about an honest observance of these commandments, I am confident very little legislation would be required.

Mr. SARGENT. Mr. President—

Mr. EDMUNDS. Will the Senator from California yield for an executive session?

Mr. SARGENT. I will yield for that purpose.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

HOUSE BILL REFERRED.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Before putting that motion, the Chair begs permission to present a bill from the House of Representatives.

The bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel, at Fortress Monroe, Virginia, was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at four o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 1, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

Mr. FARWELL rose.

Mr. RANDALL. I call for the regular order of business.

The SPEAKER. The Chair does not know why that demand is made. The regular order of business on Monday morning is established by the rules, and cannot be changed even by unanimous consent.

Mr. RANDALL. I want that the morning hour shall be devoted to the introduction of bills and joint resolutions; that that order shall be immediately proceeded with.

The SPEAKER. The Chair knows of no instance, nor does the gentleman from Pennsylvania, in which that order has been departed from on Monday morning.

Mr. RANDALL. If it had to depend exclusively on the Speaker, I should have no fear of a violation of the rules.

The SPEAKER. It could not be otherwise. The order could not be interrupted; but the gentleman from Illinois [Mr. FARWELL] rises to present the credentials of a member-elect from the first congressional district of Illinois. If this gentleman be a member of the House he has the same right to vote as other members have, and has a right to be sworn in.

MEMBER SWORN IN.

Mr. FARWELL. I present the credentials of Barnard G. Caulfield, elected to serve for the unexpired term of my late colleague, John B. Rice, and ask that he be now sworn in.

The credentials were read; after which,

BARNARD G. CAULFIELD appeared and qualified by taking the oath prescribed by the act of July 2, 1862.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order during the morning hour is the calling of the States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of States and territorial Legislatures may be presented for printing and reference. The morning hour now begins at ten minutes past twelve o'clock.

Mr. BROMBERG. I rise to a point of order, and call for the regular order of business, for this reason: the Speaker has stated that he never rules upon hypothetical points. At the time we adjourned on Saturday the Speaker stated, as a part of his ruling upon the admissibility of the motion to adjourn, what the consequence of agreeing to that motion would be. That portion of the ruling was the mere dictum of the Speaker, not involved in the question. I call attention to Rule 56, which states that the first business in order after the reading of the Journal is the resumption of the consideration of the unfinished business of the preceding day in which the House may be engaged at the adjournment. The business pending when the House adjourned on Saturday was the reading of the Journal of Wednesday, which reading was not then finished. Rule 1 makes part of the business of the House the reading of the Journal, and the reading of the Journal is, therefore, a portion of the "business of the House which may come under the category of" unfinished.

The SPEAKER. The point which the gentleman makes is defective in two particulars. In the first place, if the reading of the Journal of Wednesday were the unfinished business, it could not come up until after the morning hour of Monday. In the next place, the adjournment cancels the reading of the Journal. The rule says that the Speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read. If the House adjourns, that closes that matter.

Mr. BROMBERG. In case the minority who are opposed to adjournment desire to correct the Journal, how can it be corrected?

The SPEAKER. By an appeal to the House. If the gentleman desires to correct any error in the Journal, he can bring the subject to the attention of the House.

Mr. BROMBERG. I desire to have a specific ruling upon the point I made while the present Speaker is in the chair.

The SPEAKER. The rule is so specific that there cannot be a doubt about it.

Mr. COX. Do I understand the Chair to rule that the adjournment cuts off the reading of the Journal?

The SPEAKER. Certainly; unqualifiedly.

Mr. COX. Does the Chair want a decision of the House on that?

The SPEAKER. That is for the gentleman from New York [Mr. COX] to suggest.

Mr. COX. I think it may be a matter of doubt.

The SPEAKER. If the gentleman from New York [Mr. COX] doubts the ruling of the Chair, he can appeal. The Chair does not say that he would not entertain the appeal, but he does say that he certainly could not regard an appeal upon that point as made in good faith; and for this reason—

Mr. COX. I did not want the Chair to lecture me; I only wanted the opinion of the Chair.

The SPEAKER. The Chair is not lecturing the gentleman at all.

Mr. COX. I rather think the Chair is right.

The SPEAKER. The rule says that the Speaker every day after taking the chair "on the appearance of a quorum shall cause the Journal of the preceding day to be read." That ends the matter.

Mr. BROMBERG. One moment, if the Chair pleases. Is not the reading of the Journal as much business as the consideration of bills?

The SPEAKER. It is the business of the day to which the Journal belongs. But the House may adjourn and cut it off, or during the last six days of the session the rules may be suspended so as to cut off the reading of the Journal, or it may be cut off by unanimous consent. If either of the latter modes should be adopted, it would leave the gentleman, if aggrieved, in the same position as did the adjournment of Saturday.

Mr. BUTLER, of Massachusetts, and others called for the regular order of business.

The SPEAKER. Bills and joint resolutions are now in order from the State of Maine.

AMENDMENT OF THE RULES.

Mr. HALE, of Maine. I introduce for reference to the Committee on Rules that which I send to the Clerk's desk.

The Clerk read as follows:

RULE — Whenever a question is pending before the House the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn. But the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless three-fourths of the members present shall second the demand: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That it shall not apply to any proposition to appropriate the money or credit or property of the United States, except the regular annual appropriation bills.

Mr. RANDALL. I rise to a point of order. My point of order is that this is neither a bill nor a joint resolution, and therefore is not allowable to be read and received during this morning hour of Monday. I call attention to Rule 130 upon that subject. Furthermore, I may state here that the Chair has stated over and over again on Monday morning, when propositions have been made to introduce resolutions on other matters, that they were not in order. And the Chair will recollect that this morning, in stating what was the order of business at the commencement of the morning hour, he did not state that even resolutions containing notices of amendments to the rules were in order. The Chair has ruled over and over again that not even by unanimous consent could such a proposition be entertained during the morning hour of Monday. I ask that, for the information of the Chair and the House, Rule 130 be read, and also the paragraph I have marked on page 145 of the Digest.

The SPEAKER. The Clerk will read as the gentleman from Pennsylvania desires.

The Clerk read as follows:

On every Monday it is made the duty of the Speaker to call the States and Territories—first for bills on leave for reference only, and without debate, and not to be brought back by motions to reconsider, at which time joint resolutions of State and territorial Legislatures may be introduced for reference and printing; then for resolutions, at which time bills on leave may be introduced, and all resolutions which shall give rise to debate shall lie over for discussion.—*Rule 130.*

Mr. RANDALL. Let the Clerk read the rest.

The Clerk read as follows:

And so also in regard to bills introduced at this time and giving rise to debate. Ever since the foregoing rule has been in its present form the Speaker has declined to entertain even a request for unanimous consent to transact any other business within the time prescribed for calls for bills on leave for reference.

Mr. RANDALL. The Chair will understand me to hold as a part of my point of order that when the hour has not been exhausted by bills, joint resolutions, and resolutions of State Legislatures, then House resolutions come up on the call of the States, beginning where the call left off; in this instance with the State of Alabama.

The SPEAKER. The point of order made by the gentleman from Pennsylvania, which rests upon a construction of the rules with absolute literalness, would not allow a joint resolution to be introduced on this call. The rule simply speaks of "bills on leave."

Mr. RANDALL. Well, it has always been held, the Speaker will permit me to say, that a joint resolution is in the nature of a bill.

The SPEAKER. But the rule of construction, as the gentleman himself admits, has varied from the literal text of the rule. The Speaker, in announcing the business for the morning hour of Monday, always includes joint resolutions.

Mr. RANDALL. But this is not a joint resolution.

The SPEAKER. The gentleman, however, rests upon the literal reading of the rule, and he himself admits, in making the point, that such literal reading is habitually violated.

Mr. RANDALL. I admit nothing.

The SPEAKER. Joint resolutions, the gentleman himself stated, are included under "bills."

Mr. HALE, of Maine. Let me call attention also to the fact that the gentleman himself stated on Saturday that he knew this could be done in this way on Monday, and that he did not propose to object to it.

The SPEAKER. The Chair does not desire to take any advantage from any admission of the gentleman.

Mr. RANDALL. I will answer that on Saturday I did so think; but upon a thorough examination of the rules I have changed my mind. I suppose that is allowable.

The SPEAKER. That is not a point of which the Chair takes cognizance at all. The Chair, however, begs to impress upon the gentleman from Pennsylvania that in contending for the literal enforcement of the rule, the gentleman in fact gives away his point, because he admits that joint resolutions, which are not named in the rule, are according to the universal practice received under this call.

Mr. RANDALL. Pardon me; I do not admit anything.

The SPEAKER. The gentleman stated that bills and joint resolutions were in order under this call. The Chair goes further, and observes that concurrent resolutions for printing have always been admitted under this call. Now, a resolution for printing is neither a bill nor a joint resolution; but under this call the admission of a resolution for printing has never been denied, because this seems to be the appropriate place, and, as the Chair might remark, the only certain place where such reference can be made; and as a reference to the Committee on Rules is a very important reference, it has always been held—the Chair thinks it has never been ruled otherwise—that this reference is in order under the present call. The Chair believes that during the present Congress, in which the gentleman from Pennsylvania himself has been a member of the Committee on Rules, in every case where the committee has undertaken to pass upon any proposition referred to it, it has been referred in the morning hour of Monday. Therefore the Chair cannot, upon the point of order raised by the gentleman, nullify and reverse the practice of the House.

Mr. RANDALL. Then, Mr. Speaker, in this decision you are acting outside of all the rules.

The SPEAKER. The Chair in his ruling proceeds upon precisely the same ground which the gentleman himself admits in conceding that a joint resolution may come in under this call.

Mr. COX. Mr. Speaker, suppose I do not admit that.

Mr. RANDALL. I say that the rule, not only in its literal construction, but in its spirit, confines the business of this hour to that which shall require the action of both branches of Congress, and that this proposed change of the rules does not require such action.

The SPEAKER. The Chair does not understand why the gentleman should make that point. The four gradations are bills, joint resolutions, concurrent resolutions, and references to the Committee on Rules. If the Chair should sustain the point of order raised by the gentleman from Pennsylvania, how would the gentleman suggest that a motion to amend the rules or notice of a proposed amendment of the rules could, under his construction, ever be given?

Mr. RANDALL. I will tell the Chair. The Speaker will find somewhere in the rules—I think this is it—that a notice is in order when any other motion can be entertained by the Chair.

The SPEAKER. But when any other motion can be.

Mr. RANDALL. They come in as new motions.

The SPEAKER. At what point would the motion be in order?

Mr. RANDALL. Whenever the House is not engaged with any other business.

The SPEAKER. How can the House be in session without being occupied with some business?

Mr. RANDALL. When we have gone to the final result on some business and the Chair is ready to recognize any other member in obedience to the rules for new business, but only then.

The SPEAKER. Then of course the moment any question is disposed of, even during the session of forty-six hours, when they had a number of dilatory motions, according to the gentleman from Pennsylvania, the moment one was disposed of a notice could be given.

Mr. RANDALL. Yes; if there was not a higher question of privilege being proceeded with.

The SPEAKER. That would depend on the ruling of the Chair how high it might be.

Mr. RANDALL. The Speaker has over and over again ruled that the three motions to which he alludes were of the highest privilege.

The SPEAKER. The Chair overrules the point of order.

Mr. RANDALL. The Chair will allow me to state with the greatest respect—

Several members called for the regular order.

Mr. BECK. I rise to a parliamentary inquiry. I have an important House resolution to offer when the State of Kentucky is called—will that be in order?

The SPEAKER. Not unless it relates to the rules.

Mr. BECK. Why not?

The SPEAKER. Because the usage of the House is against it.

Mr. BECK. Under what rule? What is the difference between my House resolution and the resolution of the gentleman from Maine? Mine relates to the safe-burglary business.

The SPEAKER. The gentleman has an opportunity to offer that, on the second call being reached, on a suspension of the rules.

Mr. BECK. The State of Kentucky has not been called in eight years a second time during the morning hour of Monday.

The SPEAKER. Does the State of Kentucky come after the State of Alabama?

Mr. BECK. The State of Kentucky has never been reached in eight years.

The SPEAKER. The gentleman from Kentucky does not require to be informed by the Chair why it has not been reached.

Mr. BECK. I know it is not the Chair's fault, but I think one House resolution is as good as another.

The SPEAKER. Bills and joint resolutions are still in order from the State of Maine.

Mr. RANDALL. The Clerk has omitted to read what I asked to have read.

The SPEAKER. To what does the gentleman refer?

Mr. RANDALL. I ask the Clerk to read what I have marked on page 149.

Mr. FIELD. I demand the regular order of business.

The SPEAKER. The gentleman from Pennsylvania desires to have read the following—

Mr. FIELD. I object; we have had enough of this.

The SPEAKER. The Chair will hear it.

The Clerk read as follows:

NOTICES.

In the case of a bill introduced by a motion for leave, "at least one day's notice shall be given of the motion in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made and the bill introduced, if leave is given, when resolutions are called for; such motion, or the bill when introduced, may be committed."—Rule 115.

"No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor."—Rule 145. [There is no authority given, as in the case of notices of bills, to file this notice with the Clerk. Consequently it can only be given in open House, and only at such time as any other independent motion can be made.]—Journal, 2, 25, page 536.

The SPEAKER. Reference has always been held to be notice, and notice of the best kind. The reading at the Clerk's desk is to bring it to the attention of the House, and no form of notice would be more absolute.

JOHN CHASE.

Mr. HENDEE introduced a bill (H. R. No. 4534) granting a pension to John Chase, of Essex, Vermont; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF THE REVISED STATUTES.

Mr. POLAND introduced a bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States; which was read a first and second time.

Mr. SPEER. Let that bill be read at length. I desire to hear it.

The bill was read at length, and was referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

FEES IN COURTS OF THE DISTRICT.

Mr. POLAND also introduced a bill (H. R. No. 4536) prescribing the fees of jurors and witnesses in courts of the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM CARRUTHERS.

Mr. STARKWEATHER introduced a bill (H. R. No. 4537) for the relief of William Carruthers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF SECTION 342 OF REVISED STATUTES.

Mr. ELLIS H. ROBERTS introduced a bill (H. R. No. 4538) to amend section 342 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REMOVAL OF OBSTRUCTIONS IN HUDSON AND EAST RIVERS.

Mr. ELLIS H. ROBERTS also presented a joint resolution of the Legislature of the State of New York, for the completion of the removal of obstructions in the Hudson and East Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

J. C. BEALES AND A. EXTER.

Mr. COX introduced a bill (H. R. No. 4539) for the relief of John Charles Beales and Anita Exter, citizens of the United States and residents of the city of New York; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ELISHA B. KNAPP.

Mr. SMITH, of New York, introduced a bill (H. R. No. 4540) for the relief of Elisha B. Knapp, of Wellsburgh, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAIL IN CRIMINAL CHARGES.

Mr. BASS introduced a bill (H. R. No. 4541) authorizing commissioners of the circuit courts to take bail pending examinations upon criminal charges; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZA ANN AND JOSEPH B. DA CAMARA.

Mr. SCUDDER, of New Jersey, introduced a bill (H. R. No. 4542) for the relief of Eliza Ann Da Camara and Joseph B. Da Camara, jr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WALTER HUNT.

Mr. SCUDDER, of New Jersey, also introduced a bill (H. R. No. 4543) authorizing the Commissioner of Patents to extend the patent

granted to Walter Hunt; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMENDMENT OF RULES.

Mr. CESSNA. I present the following resolution, and ask that it be referred to the Committee on the Rules. And I also give the notice required under the rules.

The Clerk read as follows:

Resolved, That the following be adopted as additional standing rules of the House: Rule 167. Whenever a question is pending before the House, the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn; which latter motion shall not be made more than once pending the consideration of the same bill or joint resolution. But at no time except during the last six days of the session shall the previous question on the engrossment and third reading of any bill or joint resolution be ordered during the first day of its consideration unless upon the vote taken to second the demand two-thirds shall have been found to have voted in favor thereof: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday. *And provided further*, That this rule shall not apply to any proposition to appropriate the money, credit, or property of the United States, except bills reported from the Committee on Appropriations for the support of the Government or some branch or officer thereof.

Rule 168. It shall be in order for the Judiciary Committee to report bills and joint resolutions of a public character at any time during Tuesdays and Thursdays: *Provided, however*, That this privilege shall not be so exercised as to interfere with the morning hour, nor with the consideration of regular appropriation bills, nor of the bills reported by the Committee on Ways and Means affecting the revenue, nor with special orders previously assigned.

Rule 169. It shall be in order for the House by a majority vote to dispense with the further reading and correction of the Journal at any time after thirty minutes shall have been spent in such reading and correction.

Mr. RANDALL. I raise the same point of order against this that I raised before.

The SPEAKER. The Chair is glad that the gentleman has raised the point of order, because he desires to call the attention of the House to what has an important bearing on this question.

The gentleman from Pennsylvania, [Mr. RANDALL,] if the Chair understood him correctly, maintains that this notice may be given at any time. He maintains that it may be given at any time by any member merely obtaining the floor. The Chair would regard such a construction of the rules as destructive of all the regular order of business of the House, because under such a ruling any member could at any time disturb the proceedings of the House, and there would be no end to the interruption of the business of the House.

Mr. RANDALL. It does not interrupt the business of the House at all.

The SPEAKER. If the gentleman from Pennsylvania means to imply that a member can at any time bring up a proposition like this, then it destroys the business of the House.

Mr. RANDALL. I propose to live under these rules.

The SPEAKER. The Chair understands that the rules give the right to any member at any time when one motion is disposed of and before another is taken up to submit a proposition to amend the rules.

Mr. RANDALL. He may do it at any time, if the Speaker recognizes him, when it is not against a privileged motion.

The SPEAKER. If one member may do that another member may do it, and every member may do it, and there could be no end to the interruption of the business of the House.

Mr. ELDREDGE. I desire, Mr. Speaker, to say a word upon this question, although my voice is so bad that I shall make myself heard with difficulty. It seems to me that it makes no difference whether the gentleman from Pennsylvania is bound to any particular time when such notice may be given. The important question is whether the notice given in the manner proposed by the gentleman from Maine [Mr. HALE] and the gentleman from Pennsylvania [Mr. CESSNA] is a legitimate notice. The only question is whether this is a proper time, and it seems to me that in no view of the case can it be so considered. This is a resolution of a character that has been invariably refused admittance under this call and under the rule under which we are acting.

The SPEAKER. The Chair does not want the question reargued. It has been argued once and decided, and there is no use in reopening it.

Mr. RANDALL. This is a new matter.

Mr. ELDREDGE. I understand the gentleman from Pennsylvania to call attention to the fact that a notice to amend the rules cannot be given under this call.

The SPEAKER. The gentleman made his point of order on the ground that a member under the rules has a right at any time to give notice of a motion to amend the rules. If that privilege were accorded it would destroy the business of the House.

Mr. ELDREDGE. With all due respect to the Chair, this side of the House ought not to be bound by the suggestion of the gentleman from Pennsylvania [Mr. RANDALL] of an absurd or improper time for giving this notice. The question, and the only one for the consideration of the House, is whether the time proposed and allowed by the Chair for giving such notice is a proper time. If it be, then we must submit, because the law requires us to submit; but if it be not the proper time, however absurd the time suggested may be, it does not change the effect of the rule in the slightest degree.

Mr. NIBLACK. I desire to make a suggestion in connection with this point. Are not the rules more strict against any interference with business during the morning hour on Monday than with any other business in the House?

The SPEAKER. The gentleman from Indiana will observe that although the point of order made by the gentleman from Pennsylvania [Mr. RANDALL] may seem to be just to some members, yet the Chair is making no new ruling. The gentleman asks the Chair to reverse the practice and rulings of the House for years past and to refuse to admit this notice for a change in the rules.

Mr. NIBLACK. I understood the Chair to say—

Mr. HURLBUT. I call for the regular order.

The SPEAKER. The Chair overrules the point of order.

Mr. RANDALL. From that decision of the Chair I take an appeal.

Mr. BUTLER, of Massachusetts. Can the call of the States for bills and joint resolutions be interrupted for that purpose?

The SPEAKER. Certainly.

Mr. BUTLER, of Massachusetts. All right.

The SPEAKER. The Chair would be glad if members would be in order. He does not know anything more important that can claim their attention than the question now pending. The Chair will state the point involved, but members must resume their seats. [Order being restored.] There is an appeal pending which must settle the practice of the House on this very important point; and if members will give their attention the Chair will submit the precise point upon which they are called upon to act. Rule 130 of the House lays down as the duty of the Speaker in the morning hour of Monday that "the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the Journal is read shall be referred without debate to their appropriate committees." If, as the Chair has before remarked, this rule is construed absolutely literally, it would exclude all joint resolutions. It has never been so construed, but has always been held to include joint resolutions. It has also been extended to concurrent resolutions for printing, for reference to the Committee on Printing.

Mr. ELDREDGE. May I ask the Chair right there if that is not in consequence of there being no objection?

The SPEAKER. A practice which has obtained for a long time without objection is one which the Chair would not feel justified in reversing on the demand of one member. However, it has grown up, it has become the invariable practice of the House. It has always been held that resolutions proposing amendments of the rules are admitted during the morning hour of Monday for reference to the Committee on Rules, on the ground that there seems to be no other time in which notice could be given without interrupting the business of the House by interjecting questions of privilege at all times. If you elevate the giving of notice to amend the rules into a question of privilege, and hold that any member may introduce a resolution to amend the rules at any time, it could be used for dilatory purposes more effectively than were the motions recently used for that purpose. Therefore the Chair cannot give a construction to the rules which would enlarge the number of privileged questions. The rulings of the Chair should always be to restrict privileged questions as much as possible. The very bane of legislation is the multiplying of privileged questions. Those questions should be restricted as narrowly as is consistent with justice; rules should be construed against them; presumption should be against them. The Chair has always so held and always so ruled.

The proper, easy, appropriate time for giving notice of proposed amendments of the rules, without interfering with the business of the House, without in any way disturbing the regular order, is in the morning hour of Monday, when they can be introduced for reference and printing. The reading at the Clerk's desk constitutes the most effective form of notice. The Chair therefore holds that this resolution is in order, and the gentleman from Pennsylvania [Mr. RANDALL] appeals from the decision of the Chair.

Mr. COX. One word. I have been trying for some time to obtain the attention of the Chair.

The SPEAKER. The Chair will hear the gentleman.

Mr. COX. I gather from what the Chair has said that his opinion is rather against his own ruling.

The SPEAKER. The Chair is not responsible for what the gentleman from New York [Mr. Cox] may gather.

Mr. COX. I will give my reasons for that.

Mr. KASSON. I must rise to a point of order. The Speaker was requested to state the question which we are now called to act upon without a reargument of the question. I desire the Chair to conclude his statement.

The SPEAKER. The Chair had about concluded his statement. It seemed to him that the orderly conduct of the business of the House required the Chair to maintain what he understood to be the usual practice of the House. The Chair could not feel justified in reversing that practice. Therefore he holds the resolution to be in order, from which decision the gentleman from Pennsylvania [Mr. RANDALL] appeals, and the gentleman from Iowa [Mr. WILSON] moves that the appeal lie upon the table.

Mr. RANDALL. I believe that Rule 2 requires that an appeal from the decision of the Chair shall be made by two members. I would ask the Chair what is the distinction between the usual practice in reference to resolutions for amendment of the rules and other House resolutions?

The SPEAKER. The difference is that usage applies to the one in the one direction and to the other in the opposite direction.

Mr. RANDALL. The Chair then admits that he bases his decision upon usage and not upon the rules.

The SPEAKER. Nine-tenths of the business of the House is based upon usage and not upon rules.

Mr. RANDALL. My effort is to break up a pernicious usage.

Mr. CONGER. I raise the point of order that this kind of argumentative appeal is not in order.

Mr. RANDALL. I admit that it hurts your cause.

Mr. CONGER. Our cause cannot be hurt by any such thing, but the business of the House is delayed.

Mr. NIBLACK. I ask for the reading of the resolution out of which this preliminary debate originated.

The resolution of Mr. CESSNA was again read.

The SPEAKER. The question is not whether the House will agree to the resolution, but whether it may be received and referred to the Committee on Rules.

Mr. NIBLACK. What does the Chair rule?

The SPEAKER. The Chair rules that in the morning hour of Monday a proposition to amend the rules may be introduced and referred; and that the reading of it in the hearing of the House constitutes notice of the most effective kind.

Mr. POTTER. Was this resolution offered during the first call of States?

The SPEAKER. It was.

Mr. RANDALL. I send to the Clerk's desk my appeal in writing. The Clerk read as follows:

The undersigned take an appeal from the decision of the Chair made this day which permits the reading of House resolutions to go to the Committee on Rules, to the exclusion of the business as provided for to be proceeded with in Rule 130.

SAMUEL J. RANDALL.
JAMES B. BECK.

The SPEAKER. The gentleman does not correctly state the appeal. The Chair has not ruled—

Mr. RANDALL. I made the appeal, and I state it as I wish to make it.

The SPEAKER. But the gentleman must appeal from the actual decision, not from a fancied decision.

Mr. RANDALL. I supposed that the Chair had just affirmed—

The SPEAKER. The Chair distinctly excluded what the gentleman has put in his appeal. The gentleman states in the appeal that the Chair has decided that House resolutions—that would include every House resolution—

Mr. RANDALL. No, sir; House resolutions to go to the Committee on Rules.

The SPEAKER. That shall go.

Mr. RANDALL. That is the way I understood you.

Mr. ELDREDGE. Is not this a House resolution? I so understood it.

Mr. RANDALL. I do not want to take any improper advantage whatever.

The SPEAKER. Then the gentleman intends in his appeal to say, "House resolutions intended for reference to the Committee on Rules." The gentleman's intention was right, but it was not clearly expressed, in the opinion of the Chair.

Mr. ELDREDGE. I call for the reading of the first proposition now pending.

Several members objected.

Mr. ELDREDGE. I simply want to know whether it is in the form of a resolve.

The SPEAKER. It begins—

Resolved, That the following be adopted as additional standing rules of the House.

Mr. ELDREDGE. I do not see how, even under the Chair's construction, a resolution or anything else can be received, except a bare notice.

Mr. CESSNA. This will be nothing else than a notice, unless it be adopted.

The SPEAKER. The gentleman from Pennsylvania presents his appeal in this form:

The undersigned takes an appeal from the decision of the Chair made this day which permits the reading of House resolutions intended for reference to the Committee on Rules to the exclusion of the business first provided for to be proceeded with in Rule 130.

Mr. RANDALL. I think that appeal requires the names of two members, and it is so signed.

Mr. GARFIELD. I deny that the signatures of members can be presented to their own statement of the Speaker's ruling. The ruling must be in his words, not theirs.

Several MEMBERS. Regular order!

Mr. RANDALL. You will have it.

The SPEAKER. This proceeding is going on with some irregularity. The gentleman from Wisconsin [Mr. ELDREDGE] made the point of order, and will state it.

Mr. ELDREDGE. The inquiry I made of the Chair was as to the form in which this proposition commenced.

The SPEAKER. But the original point of order on this second proposition to amend the rules was made, as the Chair understood, by the gentleman from Wisconsin.

Mr. ELDREDGE. I only argued the point, which was made by the gentleman from Pennsylvania, [Mr. RANDALL,] and in answer to the intimation of the Chair that the gentleman had suggested an absurd

or improper time for the giving of the notice, and that therefore it must be given at this time, I made the inquiry just now to ascertain whether this was a resolution or whether it was an absolute notice, and intended as such. If a notice, then I desire to raise the question whether—

The SPEAKER. This paper is presented in a very irregular way and in entirely unusual language. The Chair thinks upon a review of it that it is not competent to receive it.

Mr. RANDALL. Why not?

The SPEAKER. Because it puts into the mouth of the Chair a decision which he alone is competent to announce to the House. The Chair did not state that this was received to the exclusion of all business properly coming within this morning hour.

Mr. RANDALL. I say it was.

The SPEAKER. Exactly. The gentleman may say that *arguendo*; but neither the gentleman from Kentucky nor the gentleman from Pennsylvania—

Mr. COX. I rise to a point of order. I appeal from the decision which the Chair actually made.

The SPEAKER. What decision? This matter should come before the House regularly. The paper here presented is wholly unusual.

Mr. CONGER. I object to its reception.

Mr. HAWLEY, of Illinois. The Chair will allow me to suggest that the appeal does not correctly state the fact.

The SPEAKER. The gentleman will excuse the Chair for saying that on this point he does not need assistance from either side of the House.

Mr. HAWLEY, of Illinois. We have a right to have the decision of the Chair properly presented.

The SPEAKER. It is only the Chair that can so present it.

Mr. HAWLEY, of Illinois. Well, the Chair has taken the advice of everybody else this morning.

The SPEAKER. The Chair does not admit that he has taken advice at all; he has heard suggestions; and he would be glad to hear one from the gentleman from Illinois.

Mr. HAWLEY, of Illinois. Let me say then, by way of suggestion, that it is not true that at any time to-day the Chair has recognized the right of any gentleman to offer a resolution to the exclusion of bills. It ought to be stated, according to the truth, that these resolutions were offered upon the call of States for bills and resolutions. They were not offered to the exclusion of bills, but simply presented by members as they were called for the introduction of bills and resolutions, nothing else.

The SPEAKER. If the decision of the Chair is to be reduced to writing, the Chair prefers to do it himself. He will announce what he decides. The Chair decides that a resolution to amend the rules may be read and referred to the Committee on Rules during the first call of States in the morning hour of Monday, and that this constitutes notice, according to the usage of the House. From this decision the gentleman from Pennsylvania [Mr. RANDALL,] appeals; and the gentleman from Iowa [Mr. WILSON] moves to lay the appeal on the table.

Mr. RANDALL rose.

Many MEMBERS. Question! Question!

The SPEAKER. As many as are in favor of laying the appeal on the table will say "ay."

Mr. RANDALL. I do not withdraw that paper.

The SPEAKER. The Chair does not receive it; there is no necessity to receive it.

Mr. RANDALL. I submit an appeal is always in order.

Cries of "Regular order!" "Regular order!"

The SPEAKER. Of course an appeal is in order, but an appeal is in order only from what the Chair decides.

Mr. COX. And that is what I took.

The SPEAKER. And not from what the gentleman from Pennsylvania says the Chair decides.

Mr. RANDALL. I should like to say—

Cries of "Regular order!" "Regular order!"

The SPEAKER. The Chair will again read his decision. The Chair decides that a resolution to amend the rules may be read and referred to the Committee on the Rules during the first call of States in the morning hour of Monday, and that this constitutes notice according to the usage of the House.

Mr. RANDALL. And from that I appeal and revert to my original proposition before I was asked to change it by the Chair.

The SPEAKER. The proceeding of the gentleman from Pennsylvania is wholly irregular and not to be received at all.

Mr. RANDALL. Why?

The SPEAKER. The gentleman from Pennsylvania cannot send to the Clerk's desk a statement of what the Chair decides, as the Chair only has the right to say what he decides. This is the decision of the Chair.

Mr. FIELD. I call for the regular order. Let us have an end to the everlasting discussion on this subject.

Cries of "Regular order!" "Regular order!"

The SPEAKER. Gentlemen need not be impatient.

Mr. RANDALL. I understood the Chair to say, in addition, "when not objected to"—according to the usage of the House when not objected to.

The SPEAKER. No, the Chair did not say any such thing.

Mr. RANDALL. My object has been accomplished, and the decision is outside of the rule.

Cries of "Regular order!" "Regular order!"

Mr. ELDREDGE. I demand the yeas and nays on the motion to lay the appeal upon the table.

Mr. COX. I rise to make a point of order.

The SPEAKER. One is already pending, and only one point of order can be pending at a time.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 174, nays 84, not voting 32; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Curtis, Danford, Darvall, Dawes, Donnan, Duell, Dunnell, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harner, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampont, Lansing, Lawrence, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tynor, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whitehouse, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—174.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Huxton, Knapp, Lamar, Lamson, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—84.

NOT VOTING—Messrs. Barnum, Barry, Amos Clark, jr., Comingo, Crooko, Dobbins, Eames, Eden, Frye, Hersey, George F. Hoar, Hunter, Kendall, Killinger, Lawson, Marshall, McNulta, Mitchell, Nunn, Packer, Purman, Ransier, Sherwood, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, William A. Smith, Alexander H. Stephens, Charles R. Thomas, Townsend, Walls, and Wheeler—32.

So the appeal was laid on the table.

During the vote,

Mr. FORT stated that Mr. SHOEMAKER, of Pennsylvania, who was unavoidably absent from the House, would if present vote in the affirmative.

Mr. WARD, of New Jersey, stated that his colleague, Mr. CLARK, was absent on account of sickness.

Mr. TREMAIN stated that Mr. LAWSON, who was absent by reason of the death of a relative, would if present vote in the affirmative.

The vote was then announced as above recorded.

The SPEAKER. The decision of the Chair stands as the judgment of the House.

DISTRICT OF COLUMBIA BONDS.

Mr. GARFIELD. I move that the rules be suspended for the purpose of taking up and passing the bill (S. No. 1204) for the payment of interest on the 3.65 bonds of the District of Columbia.

The bill, which was read, provides that the sum of \$182,500, or so much thereof as may be necessary, be, and is thereby, appropriated for the payment of the interest on the bonds of the District of Columbia known as 3.65 bonds, due on February 1, 1875, issued under the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; said interest to be paid by the Treasurer of the United States, or the assistant treasurer of the United States in New York, on surrender of the proper coupons; provided that the said sum thereby appropriated shall be considered and adjusted as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia and toward the payment of the interest on the funded debt of the District.

Mr. RANDALL. I desire to ask the gentleman from Ohio [Mr. GARFIELD] if he will allow me to offer an amendment to insert the words "in currency" after the word "paid" wherever it occurs?

Mr. GARFIELD. If there were any doubt on that point I would allow the amendment to be offered. But the opinion of the Attorney-General is on record that it is payable in currency and nothing else. To admit the amendment, therefore, would only cause delay.

Mr. RANDALL. When these bonds were originally issued there was a controversy as to whether they were currency bonds or whether the interest was payable in gold. The Attorney-General, as I think very properly, decided that they were currency bonds. Now, here we have an opportunity to confirm that decision by Congress, by the mere insertion of the words "in currency;" and I do not know why we should not do it.

Mr. WILSON, of Indiana. I think the gentleman from Ohio should consent to have those words put in.

Mr. GARFIELD. The only trouble is the delay that would thereby be caused; otherwise I have no objection to the amendment.

Mr. RANDALL. I think the Attorney-General is clearly right.

Mr. CHIPMAN. The effect would be precisely the same.

Mr. RANDALL. This would show what construction Congress intended when it passed the bill.

Mr. CHIPMAN. The Secretary of the Treasury would not pay in gold under this bill.

Mr. LAWRENCE. Does the gentleman from Ohio propose to allow any discussion on the bill?

Mr. GARFIELD. No; because this is the day when the payment is due.

Mr. LAWRENCE. Then will the gentleman allow me to make an inquiry? Why has not some provision been made by law to collect from property in the District of Columbia the amount of taxes necessary to pay the proportion of interest which should be paid by the people of the District?

Mr. CHIPMAN. Because this Congress proposes to govern the District of Columbia, and does not give us a government of our own.

Mr. GARFIELD. In answer to my colleague, [Mr. LAWRENCE,] I will say that it is because Congress has made no law, as it should have done, to levy taxes in the District of Columbia. There is no tax levied in the District of Columbia for the next year, nor can there be until we pass a law for that purpose.

Mr. LAWRENCE. Is it proposed to pass such a law?

Mr. GARFIELD. There is a bill for that purpose pending in the other branch of Congress, and I suppose it will go through.

Mr. FORT. Why does the gentleman not incorporate it in this bill.

Mr. GARFIELD. It is not part of my duty to do so.

Mr. LAWRENCE. It would be just as easy to pass this bill with a provision attached for levying taxes in the District as to pass the bill in its present form. The result of this will be that the Government will have to pay the interest, and will never be reimbursed. I would vote for this bill with a provision requiring taxes to be levied on the property of the people of the District to pay their share of the taxes. I will not vote for it without. I predict now that this District debt will be thrown upon the Treasury, and that the property in the District will escape taxation to pay any part of it. But it shall not be so by any vote of mine. I would oppose all repudiation. I am unwilling the people of the District shall repudiate. I will not aid them to do so. It is wrong. I will not agree to tax my constituents to pay a debt which should in large part be paid by the people of the District.

Mr. WILSON, of Indiana. The gentlemen who are making the objection to this bill that it does not provide a mode of levying taxes in the District of Columbia must know that at the last session of Congress a special committee of the two Houses was appointed for the very purpose of draughting a bill for the government of this District. This bill they reported, and it embodies all the necessary machinery for levying taxes upon the District of Columbia.

Mr. FORT. We have heard of that for a long time; but I ask the gentleman why he does not come forward with his measure?

Mr. WILSON, of Indiana. That committee has made its report, and that bill is pending; and it is not my business any more than that of the gentleman from Illinois [Mr. FORT] to have that bill rushed through the House.

Mr. LAWRENCE. Why might not a provision be introduced into the bill to secure the collection of taxes in the District?

Mr. WILSON, of Indiana. I did not know of this bill until a few days ago; but this bill itself provides that the money which it appropriates shall be accounted for in making provision for the adjustment of these accounts as between the District of Columbia and the Government.

Mr. LAWRENCE. Which will never be done. Congress has already made advances on a promise of reimbursement, but there has been no reimbursement. I see no effort to secure any. Is this right? I think not. The property in this District is paying no tax. Is that right? I think not.

Mr. WILSON, of Indiana. The necessity for this bill is just this: Here is this interest maturing to-day; and unless this money is provided the credit of the District, and, so far as the Government is bound, the credit of the Government is put in jeopardy. And this bill is introduced, as I understand it, simply for the purpose of meeting this temporary emergency until the necessary legislation can be had.

Mr. FORT. As discussion is not to be allowed, I do not propose to make any speech upon this bill. But I desire to say that personal property is not taxed in this District, while personal property is taxed in my district, and my constituents are called upon to help to pay this money. They told us when this measure was passed that they would provide that personal property in this District should be taxed.

Mr. CHIPMAN. Who told you so?

Mr. FORT. The gentleman representing this District would never tell me so.

Mr. CHIPMAN. You have the power to do it and I have not.

Mr. FORT. No measure is brought forward here by the gentlemen who have this in hand which proposes to tax the personal property in this District. I say it is not right.

Mr. WILSON, of Indiana. I presume the gentleman from Illinois

does not wish to create an erroneous impression. The matter of providing for levying taxes in the District is as much in his hands as in those of any other gentleman on this floor.

Mr. FORT. I say this is the proper time and the proper place to put a halter on these people, and compel them to do what they promised to do.

Mr. GARFIELD. I will accept the amendment suggested by the gentleman from Pennsylvania [Mr. RANDALL] to insert the words "in currency."

Mr. FORT. Is it in order to move to refer this bill to the Committee of the Whole?

The SPEAKER. It is not, because the pending motion is to suspend the rules and pass the bill. It would go to the Committee of the Whole on a point of order, except for this motion.

Mr. FORT. There is where it ought to go, and I hope the motion to suspend the rules will be voted down.

The question was upon seconding the motion to suspend the rules. Tellers were ordered; and Mr. GARFIELD and Mr. HOLMAN were appointed.

The House divided; and the tellers reported that there were—ayes 114, noes 40.

So the motion was seconded.

Mr. FORT and Mr. SPEER called for the yeas and nays on suspending the rules, and passing the bill with the amendment indicated.

The yeas and nays were ordered.

The question was taken; and there were—ayes 163, nays 62, not voting 65; as follows:

YEAS—Messrs. Albert, Albright, Archer, Averill, Barber, Bass, Biery, Bradley, Bromberg, Buffinton, Bundy, Burchard, Burleigh, Benjamin F. Butler, Ro-erick R. Butler, Carpenter, Cason, Cessna, Caulfield, Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Cotton, Creamer, Crouse, Crutcheff, Curtis, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Eldredge, Farwell, Field, Foster, Freeman, Garfield, Glover, Gooch, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Houghton, Hubbell, Hunton, Hurlbut, Lyde, Hynes, Kasson, Kelley, Kellogg, Lamison, Lampont, Leach, Lewis, Holland, Lowe, Lowndes, Maynard, McCrary, Alexander S. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Ray, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Saylor, Schell, Scofield, Sener, Sessions, Shanks, Sheats, Sheldon, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Sprague, Standiford, Starkweather, Charles A. Stevens, St. John, Stone, Stowell, Straft, Strawbridge, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whitehouse, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—163.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barrere, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Caldwell, Cannon, John B. Clark, jr., Clements, Cook, Chittenden, Crossland, DeWitt, Durham, Finck, Fort, Giddings, Gunckel, Gunter, Henry R. Harris, John T. Harris, Hatcher, Havens, Hays, Hereford, Holman, Lawrence, Martin, McLean, Milliken, Mills, Neal, Nesmith, Hosea W. Parker, Phillips, Read, William R. Roberts, James C. Robinson, Milton Saylor, John Q. Smith, Southard, Spear, Storm, Vance, Whitehead, Whitthorne, Charles W. Willard, Willie, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—62.

NOT VOTING—Messrs. Barnum, Barry, Beck, Burrows, Cain, Chittenden, Amos Clark, jr., Clymer, Clinton L. Cobb, Comingo, Corwin, Cox, Crooke, Davis, Dobbins, Eden, Frye, Herndon, Hersey, George F. Hoar, Hoskins, Howe, Hunter, Kendall, Killinger, Knapp, Lamar, Lansing, Lawson, Loughridge, Luttrell, Lynch, Magee, Marshall, James W. McDill, Merriam, Mitchell, Morrison, Niblack, Nunn, Packer, Pierce, Potter, Purman, Randall, Rapier, Ross, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sherwood, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, William A. Smith, Snyder, Stanard, Alexander H. Stephens, Sypher, Townsend, Waddell, Walls, Wells, Wheeler, and Whiteley—65.

So (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

AMENDMENTS TO POST-OFFICE APPROPRIATION BILL.

Mr. PLATT, of New York. I am instructed by the Committee on the Post-Office and Post-Roads to move that the rules be suspended and the resolution adopted which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That when the bill making appropriations for the support of the Post-Office Department for the year ending June 30, 1876, shall be pending in the Committee of the Whole House it shall be in order to consider propositions to change existing laws as follows, namely:

First. Fixing salaries of postmasters and the mode of computing same.

Second. The manner of paying railroad companies for carrying mails, so as to authorize the Postmaster-General to pay the expenses of taking weights of mails on railroads out of appropriations for inland mail transportation.

Third. So as to allow the Postmaster-General hereafter to pay experts and others employed on the preparation and publication of post-route maps out of appropriations for preparing and publishing such maps.

Fourth. So as to regulate the manner of advertising proposals for mail lettings in certain States, and to repeal the law requiring all advertisements, notices, &c., to be published in three daily papers in the District of Columbia.

Fifth. Regulating the manner of keeping, in the Sixth Auditor's Office, accounts for expenditures for Post-Office Department.

Mr. NIBLACK. What is the effect of that portion of the resolution in regard to advertisements?

Mr. PLATT, of New York. That relates particularly to advertisements for mail lettings in the State of Maryland and District of Columbia, and is in the interest of economy.

Mr. SPEER. The proposed amendments are in the interest of economy?

Mr. PLATT, of New York. All of them.

Mr. GARFIELD. The same resolution was offered last Monday by the Committee on Appropriations and objected to.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended, and the resolution adopted.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President was communicated to the House by Mr. BABCOCK, his Private Secretary, who also informed the House that the President had approved and signed the following bills:

An act (H. R. No. 3006) authorizing the President to nominate Holmes Wikoff an assistant surgeon in the Navy;

An act (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island in the State of New York, a port of delivery;

An act (H. R. No. 4119) authorizing the Commissioner of the General Land Office to grant a patent for certain lands in the Territory of Arizona; and

An act (H. R. No. 4163) to provide an appropriation for continuing the construction of the post-office and custom-house at Saint Louis, Missouri.

POSTAGE ON DOCUMENTS.

Mr. FORT. I move that the rules be suspended, so that when House bill No. 4529, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, is under consideration in Committee of the Whole and in the House, it shall be in order to consider and adopt the following amendment, changing existing law as to the rate of postage on certain mailable matter, to wit:

That hereafter the postage on any public document mailed by the President, or head of any Executive Department, or member of Congress, or by any ex-member of Congress, within nine months after the expiration of his term of service, shall be two cents for each pound; and the term "public document" is hereby defined to be any publication printed by the order of Congress or by either House thereof. And when the words "public document" shall be written or printed thereon, or on the wrapper thereof, and the signature of any such person entitled to so send the same by mail shall be written thereunder, it shall be deemed a sufficient certificate *prima facie* of the character thereof.

Field and garden seeds furnished by the Department of Agriculture shall be transmitted by mail for the same postage charged on public documents, upon the certificate of any of the persons named in the next preceding section.

Mr. FORT. The object of that amendment is simply to permit public documents to be sent through the mails at the same rate as newspapers are now sent, by weight. I will state that the Agricultural Report will cost two cents for each volume. I modify the resolution, however, by inserting after the word "members" the words "and Delegates."

The SPEAKER. The resolution will be so modified.

The question was upon seconding the motion to suspend the rules.

Mr. GARFIELD. This, I believe, is the franking privilege in another form?

Mr. FORT. O, no; I object to debate; it is not any such thing.

Tellers were ordered on seconding the motion to suspend the rules; and Mr. GARFIELD and Mr. FORT were appointed.

The House divided; and the tellers reported ayes 86, noes not counted.

So the motion to suspend the rules was seconded.

The question recurred on the motion to suspend the rules.

Mr. SMITH, of Ohio. I call for the yeas and nays upon that motion.

The yeas and nays were not ordered, only fourteen members voting therefor.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the resolution was agreed to.

HYGEIA HOTEL, FORTRESS MONROE.

Mr. HAWLEY, of Connecticut. I move that the rules be suspended and the bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel, Fortress Monroe, Virginia, be passed.

The bill was read. It authorizes the Secretary of War to grant permission to Samuel A. Shoemaker, owner of the Hygeia Hotel, Fortress Monroe, Virginia, to enlarge the said hotel in such manner as may be compatible with the interests of the United States, on the conditions set forth in the joint resolution of the second session of the Fortieth Congress of the House of Representatives, No. 266.

Mr. HAWLEY, of Connecticut. The ground there belongs entirely to the United States, and—

Mr. BUTLER, of Massachusetts. Undoubtedly that is a fact; but did we not before the war give to the proprietors of this Hygeia Hotel the right to build a hotel there, and when the Merrimac came there, and it was necessary to tear down the hotel to aid the operations of the fort, did not the parties owning that hotel make a claim for \$30,000 against the Government, and is not that claim now pending because the hotel was torn down by order of General Dix? I for one do not want to allow them to build it up again and have it torn down again, and to have any further claim against the Government.

Mr. HAWLEY, of Connecticut. The whole ground belongs to the United States, and the United States allowed a hotel to be built there before the war for the convenience of the officers of the Government and of the public. That hotel was torn down during the war. Permission was obtained to re-erect the hotel near the old site, and a joint resolution passed the Fortieth Congress authorizing the proprietor

to "enlarge the said hotel in such a manner as may be compatible with the interests of the United States." And in that resolution it is—

Provided, That such enlargement, or any building hereafter erected by any person or persons upon the lands of the United States at Fortress Monroe, shall be at once removed, at the expense of the respective owners, whenever the Secretary of War shall deem such removal necessary, and no claim for damages shall be made upon the Government of the United States: *And provided further*, That the building so to be enlarged shall be subject to taxation under State and national authority the same as other property.

The rights of the Government are guarded to the utmost extent in this bill. It is permission simply to enlarge and improve the buildings, and grants the use of no more ground, the area now occupied being sufficient.

Mr. BUTLER, of Massachusetts. I ask the gentleman if it is not true that there is a claim pending against the Government for the tearing down of this hotel for military purposes during the war?

Mr. HAWLEY, of Connecticut. I am not familiar with that matter, but I understand from the gentleman that those who owned this hotel during the war do make some claim against the Government for damages in consequence of its destruction. I do not think, however, that that has any connection with this question. The convenience and comfort of the officers of the Government and of the public in general require that there shall be a hotel at this point.

Mr. GARFIELD. I drew the original joint resolution. I would ask if all this bill does is not to authorize the building to be extended?

Mr. HAWLEY, of Illinois. Yes, sir; it does not give the proprietor any more ground.

Mr. GARFIELD. Does this bill contain the same limitations that the joint resolution contained?

Mr. HAWLEY, of Connecticut. Precisely; it contains the same limitations that were contained in that joint resolution, which I hold in my hand.

Mr. GARFIELD. I drew that joint resolution myself, and if the gentleman has followed that, the bill is well guarded.

Mr. HAWLEY, of Connecticut. It is well guarded. The military authorities may order the building removed at any moment, without expense to the Government, and barring any claims for damages, and the property is left subject to State and Federal taxation.

Mr. BUTLER, of Massachusetts. Will the gentleman answer the question I asked him? Is there not a claim now made against the Government for the destruction of this hotel for military purposes during the war?

Mr. HAWLEY, of Connecticut. That is a matter of history. I am not as familiar with claims before Congress as some other gentlemen.

Mr. GARFIELD. No claim can arise under this bill.

The question was taken on the motion of Mr. HAWLEY, of Connecticut; and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

WESTERN JUDICIAL DISTRICT OF ARKANSAS.

Mr. SENER. I move to suspend the rules—

The SPEAKER. The gentleman from Virginia [Mr. SENER] asks unanimous consent that the bill (H. R. No. 3621) to abolish the western judicial district of Arkansas, which has been returned from the Senate with amendments, be referred to the Committee on the Expenditures of the Department of Justice, with leave to report at any time.

Mr. HYNES. I object.

Mr. SENER. I ask a vote on my motion to suspend the rules.

The SPEAKER. The Chair will entertain that motion hereafter.

RETAIL SALES OF LEAF-TOBACCO.

Mr. MAYNARD. I move to suspend the rules to introduce and have passed a bill to relieve the growth and production of tobacco.

The bill was read. It provides that any farmer or planter engaged in the growth and cultivation of tobacco may sell the same in the leaf and wholly unmanufactured, at the place of production only, at retail, directly to consumers, to an amount not exceeding fifty dollars annually, subject to such special rules and regulations as may be prescribed by the Commissioner of Internal Revenue; provided that such sales shall not be made within one mile of any city, town, or village containing one hundred inhabitants or more, or of any dealer who has paid a special tax for the sale of tobacco.

Mr. MAYNARD. Substantially this proposition has already been before the House and has been passed on two or three different occasions. In drawing the present bill, I have attempted to obviate certain objections which have heretofore been presented to the measure.

Mr. DAWES. Does the gentleman propose to put this through now or to have it referred?

Mr. MAYNARD. I propose to have it passed now. I move to suspend the rules and pass it.

Mr. DAWES. My friend from Tennessee should know from his former experience upon the Committee on Ways and Means how difficult it is to manage the affairs of that committee if their business is to be taken out of their hands in this way. I hope he will not undertake to do it. I would like at least to be heard upon this proposition.

Mr. MAYNARD. I do not think it proper to waste time in debating this measure after the repeated action of the House upon the subject.

Mr. DAWES. I do not think it well to waste time; I do not believe it would be wasting time to have the measure understood.

The question being taken on seconding the motion to suspend the rules,

The SPEAKER declared that the "ayes" appeared to prevail.

Mr. DAWES called for tellers.

Tellers were ordered; and Mr. MAYNARD and Mr. DAWES were appointed.

The House divided; and the tellers reported—ayes 79, noes 71.

So the motion to suspend the rules was seconded.

The question then recurring on agreeing to the motion,

Mr. DAWES called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 107, not voting 79; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Cain, Caldwell, Carpenter, Cason, John B. Clark, Jr., Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crutchfield, Danford, Davis, Durham, Finck, Fort, Freeman, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Hodges, Holman, Hunton, Hyde, Hynes, Knapp, Lamison, Leach, Lofland, Luttrell, Martin, Maynard, McLean, McNulta, Milliken, Mills, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Rainey, Randall, Ransier, Rapier, Read, Robbins, William R. Roberts, Sener, Sheats, Sloan, Sloss, Southard, Speer, Sprague, Storm, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Vance, Waddell, Wallace, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles G. Williams, Willie, and Woodworth—104.

NAYS—Messrs. Albright, Averill, Banning, Barber, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cannon, Cessna, Chittenden, Freeman Clarke, Conger, Corwin, Cotton, Dawes, Donnan, Duell, Dunnell, Eames, Foster, Garfield, Gooch, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, John W. Hazelton, E. Rockwood Hoar, Hooper, Hoskins, Houghton, Hubbell, Hurlbut, Kasson, Kelley, Kellogg, Lansing, Lawrence, Loughridge, Lowe, Lowndes, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Monroe, Moore, Myers, O'Neill, Orth, Packard, Page, Parsons, Pendleton, Phillips, Pierce, Pike, Thomas C. Platt, Pratt, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, Henry J. Scudder, Shanks, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Stanard, Starkweather, Charles A. Stevens, St. John, Stone, Strait, Thompson, Todd, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—107.

NOT VOTING—Messrs. Barnum, Barrere, Barry, Bass, Bundy, Caulfield, Amos Clark, Jr., Clayton, Coburn, Crooke, Crouse, Curtis, Darrall, DeWitt, Dobbins, Eden, Eldredge, Farwell, Field, Frye, Gunckel, Hagans, Havens, Hays, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Howe, Hunter, Kendall, Killinger, Lamar, Lamport, Lawson, Lewis, Magee, Marshall, McKee, Mitchell, Morey, Morrison, Negley, Niles, Nunn, Orr, Packer, Phelps, James H. Platt, Jr., Poland, Potter, Purman, James C. Robinson, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Standiford, Alexander H. Stephens, Stowell, Strawbridge, Swann, Taylor, Townsend, Walls, Wheeler, William Williams, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—79.

So (two-thirds not voting in the affirmative) the rules were not suspended.

During the roll-call,

Mr. HAZELTON, of Wisconsin, said: On this question I am paired with my colleague, Mr. ELDREDGE. If he were here he would vote in the affirmative, while I would vote in the negative.

The result of the vote was announced as above stated.

Mr. MAYNARD. I ask unanimous consent that this bill may be referred to the Committee on Ways and Means and ordered to be printed.

There being no objection, it was ordered accordingly.

AMENDMENT OF THE RULES.

Mr. BUTLER, of Massachusetts. I move to suspend the rules to adopt the following resolution:

Resolved, That the rules be so far suspended as to allow the Committee on Rules to report to the House at the present time, for consideration, amendment, and action, any new rules or changes of rules said committee may desire to report; and that during the consideration and discussion of any such report and amendments offered thereto the Speaker shall entertain no dilatory motion whatever, and that the discussion upon the rule and amendments thereto shall not exceed one hour, unless otherwise ordered by the House.

Mr. RANDALL. Is it not in order to suggest that the Committee on Rules have leave to meet first?

Mr. COX. That has to be referred.

Mr. RANDALL. I should like to have the rules first suspended to have the Committee on Rules meet.

The SPEAKER. The motion is to suspend all rules.

Mr. CESSNA. It is the same question already decided.

The SPEAKER. All the points of order which have been made heretofore have been made under the rules, but this proposes suspension of all rules.

Mr. RANDALL. Let us have the yeas and nays.

Mr. COX. Does not this require notice, as it is a change of the rules?

The SPEAKER. The proposition is to suspend the rules. It is a suspension of all rules.

Mr. RANDALL. It is rather sharp practice but within the line of the rules.

Mr. CESSNA. It is precisely the same question ruled upon by the Chair last Monday. There can be no doubt about the rule. It simply brings before the House for discussion and consideration a report of the Committee on Rules.

Mr. RANDALL. When will it be in order for the committee to meet?

The SPEAKER. Immediately. They can report their action of a previous meeting of which the gentleman from Pennsylvania may have possibly some knowledge.

The motion for a suspension of the rules has been seconded.

Mr. COX. I demand tellers.

Tellers were ordered; and Mr. COX, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported—ayes 147, noes 76.

The SPEAKER. Two-thirds have not voted in the affirmative.

Mr. RANDALL. I move to suspend the rules for the purpose of passing this resolution.

The SPEAKER. There seems to be a misapprehension about whether this was on seconding the motion to suspend the rules or on the suspension of the rules.

Mr. RANDALL. The Chair stated that there was a second, and this last vote was on the suspension of the rules, and two-thirds not having voted in favor thereof, the rules are not suspended.

The SPEAKER. Perhaps the Chair stated there was a second, but if members misunderstood the Chair they ought to have an opportunity to correct it.

Mr. CESSNA. I demand the yeas and nays on the suspension of the rules.

Mr. ELDREDGE. The Chair cannot substitute one motion for another upon which a vote has taken place.

The SPEAKER. There was a misunderstanding on the part of the House that they are voting on seconding the motion to suspend the rules and not upon a suspension of the rules. The tellers will again take their places.

Mr. BUTLER, of Massachusetts. We now demand the yeas and nays on a suspension of the rules.

The SPEAKER. The motion to suspend the rules has been seconded. The yeas and nays were ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had concurred in the amendment of the House to an act (S. No. 1204) for the payment of interest on the 3.65 bonds of the District of Columbia.

ENROLLED BILL.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they examined and found truly enrolled an act (S. No. 1204) for the payment of interest on 3.65 bonds of the District of Columbia; when the Speaker signed the same.

AMENDMENT OF THE RULES.

Mr. ELDREDGE. Let us have the motion of the gentleman from Massachusetts again read.

The motion of Mr. BUTLER, of Massachusetts, was again read.

The question was taken; and it was decided in the negative—yeas 169, nays 87, not voting 34; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Baas, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Danford, Darrell, Dawes, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hayes, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lansing, Lawrence, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—169.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, Milton Saylor, Schell, John G. Schumaker, Sener, Sloss, Southard, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—87.

NOT VOTING—Messrs. Barnum, Barry, Cessna, Chittenden, Amos Clark, Jr., Crooke, Curtis, DeWitt, Dobbins, Frye, Hersey, George F. Hoar, Hunter, Kendall, Killinger, Lamport, Lawson, Marshall, McNulta, Mitchell, Moore, Nunn, Packer, Purman, James C. Robinson, Sherwood, Lazarus D. Shoemaker, J. Ambler Smith, William A. Smith, Alexander H. Stephens, St. John, Townsend, Walls, and Wheeler—34.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

During the vote,

Mr. MOORE stated that he was paired with Mr. SMITH, of Vir-

ginia, who if present would vote in the negative, while he would vote in the affirmative.

Mr. TREMAIN stated that his colleague, Mr. LAWSON, was called away from the House by the death of his sister.

Mr. SHANKS stated that his colleague, Mr. HUNTER, on account of illness, was unable to be present in the House.

Mr. WARD, of New Jersey, stated that his colleague, Mr. CLARK, was absent on account of sickness.

Mr. WILLIAMS, of Wisconsin. I ask my name be called.

The Clerk called the name of Mr. WILLIAMS, of Wisconsin.

Mr. WILLIAMS, of Wisconsin. I vote in the affirmative.

Mr. RANDALL. Was the gentleman within the bar when the last name of the roll was called?

Mr. WILLIAMS, of Wisconsin. I was here during the entire roll-call.

The SPEAKER. The Chair assumes, as he puts the question, that every gentleman offering to vote does so on the assurance he was within the bar when the last name was called—that all gentlemen offering to vote were within the bar at that time.

Mr. RANDALL. I merely want to guard against any mistake.

The SPEAKER. Had the gentleman any information or belief that the gentleman from Wisconsin was not within the bar when the last name was called?

Mr. RANDALL. I made it irrespective of persons.

The SPEAKER. The Chair does not regard it as proper in any case, because the honor of every gentleman upon the floor must be regarded the same as that of the gentleman from Pennsylvania. The gentleman must not intimate the honor of the gentleman from Wisconsin is not equal to his own.

Mr. RANDALL. I made no intimation of any one, and I will not allow the Chair to endeavor to make me make any such intimation.

The SPEAKER. No; but the gentleman will observe that the form of putting the question is such that every gentleman offering to vote does so upon the assurance that he was within the bar before the last name on the roll was called.

Mr. RANDALL. As to that I will say—

The SPEAKER. The Chair will state his point, because it is an important one, and a misunderstanding of it might lead to very harsh feelings. If a gentleman, either from forgetfulness or from a more serious cause, should offer to vote when he had not been within the bar before the last name on the roll was called, and any member knew it, it would be that member's duty to state the fact. But the Chair cannot regard it as a right of any member to catechise a gentleman when he rises to vote as to whether he is performing his duties honorably.

Mr. RANDALL. Can we not have the privilege of calling the attention of a gentleman to the rule in case he may have voted under a misapprehension?

The SPEAKER. If the gentleman so calling the attention of the member voting has any ground for doing so.

Mr. RANDALL. I have a reasonable right to presume that the gentleman might have been absent if he did not answer when his name was called.

The SPEAKER. The Chair thinks not.

Mr. WILLIAMS, of Wisconsin, rose.

The SPEAKER. The Chair will hear the gentleman from Wisconsin.

Mr. WILLIAMS, of Wisconsin. I rise not because I think the gentleman from Pennsylvania [Mr. RANDALL] is capable of putting any imputation upon my veracity, but simply to say that at the moment my name was called gentlemen were making inquiries of me and my attention was diverted from the roll-call.

Several members called for the regular order.

The SPEAKER. The Chair will not permit the regular order to be called upon any gentleman's replying to an imputation on his word, so long as the chair is filled by its present occupant.

Mr. RANDALL. Do I understand the gentleman from Wisconsin [Mr. WILLIAMS] to reflect upon me in any particular?

Mr. WILLIAMS, of Wisconsin. I do not think it is necessary for me to reiterate what I have said.

The SPEAKER. This is a point which must never be raised on a member unless upon information.

Mr. WILLIAMS, of Wisconsin. Does the gentleman from Pennsylvania now cast the suspicion upon me that I was not in the House during the roll-call?

Mr. RANDALL. I have not done so at any time. And I will not permit the gentleman to reflect upon me either. I want him to understand that distinctly.

Mr. McNULTA. I wish to inquire whether, being in the lobby when the roll was called, I am entitled to vote?

The SPEAKER. If the gentleman was not within the bar when the last name on the roll was called he is not entitled to vote. Was the gentleman then in the Hall?

Mr. RANDALL. Now you see the propriety of my question.

The SPEAKER. But the gentleman from Illinois himself raises the question.

Mr. McNULTA. I am asking the question for information.

The SPEAKER. The gentleman is asking the question about himself.

Mr. McNULTA. I was outside the bar in the lobby.

The SPEAKER. That is sufficient to exclude the gentleman from voting.

Mr. RANDALL. Is it not the duty of the Chair to announce the result of the vote?

The SPEAKER. Yes, when members have voted.

The result of the vote was then announced as above recorded.

RELIEF OF SUFFERERS FROM GRASSHOPPERS.

Mr. COBB, of Kansas. I move that the rules be so suspended that I may introduce, and the House may pass, a bill to provide for the relief of persons suffering from the ravages of grasshoppers.

The bill was read. It authorizes the President of the United States to direct the issue, through the proper officers of the Army, temporarily, of supplies of food and disused Army clothing sufficient to prevent starvation and suffering and extreme want to any and all destitute and helpless persons living on the western frontier, who have been rendered so destitute and helpless by the ravages of grasshoppers during the summer last past, and to report to Congress such issue of food and clothing; and the bill appropriates the sum of \$150,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to carry out its provisions.

The second section provides that this act shall expire on the 1st day of September, 1875.

Mr. COBB, of Kansas. I ask the attention of the House while I say just a word on this bill. The subject of course every one is familiar with, but the question may be asked why this bill should not come through the regular appropriations committee. It is for this reason, that the Committee on Appropriations, as regards a bill of this kind, have not the right to report at any time.

And now, in connection with the bill, I ask to have read a communication addressed to me by General Ord, commander of the Department of the Platte, and who is also chairman of the State relief committee in the State of Nebraska.

Let me add, Mr. Speaker, that no one on this floor regrets the necessity which compels me to bring this measure before the House so much as myself. It is to the last degree offensive to my pride as one of the Representatives of this afflicted section of the country, and I am impelled to it now only because this relief, in my opinion, is the only means to save many of my people from the horrors of death by starvation and exposure. Private relief has been bounteous, but inadequate. The act of God alone could reduce us to this extremity.

The Clerk read as follows:

WASHINGTON, February 1, 1875.

SIR: In my position as commander of the Department of the Platte and chairman of the State aids working committee of Nebraska, I have satisfied myself that there is a famine prevailing in Western Nebraska and Kansas, and that probably thirty thousand persons and their animals are in danger of starving unless food be sent them speedily. I say probably, for I can only speak of Nebraska with certainty, having inspection reports of reliable officers from nearly every county devastated by the grasshoppers; and these officers, after reducing the applicants to the lowest number consistent with humanity, swearing applicants as to their means and striking from their lists all single men or others with resources convertible into food, compel our aid committee in Nebraska to issue supplies to 13,502 persons in thirty-seven counties. Two months since we issued to but nine thousand, but exhausted resources increased the number daily. I believe the distress is still greater in Kansas, because I learn that the grasshoppers, after destroying all in their way across Nebraska, settled on the then fair fields of Kansas, and destroyed all they could find as far west as Colorado.

The charity of thousands in our country, and the President by the issue of condemned clothing, aided by the liberality of the railroad companies, have so far fed and clothed the sufferers; but the question of seed is now upon them. Their teams are dying in large numbers; but if the Government will provide food for the absolutely destitute, all the available means of aid societies, State Legislatures, and Patrons of Husbandry can be used to obtain seed. This is as much as they can possibly do, for in Nebraska alone nearly three hundred thousand acres of land are plowed in the district which has been devastated. I inclose an abstract (marked A) of the issues (principally breadstuffs) made by the aid society for this month. This issue exhausts their funds.

I inclose also an abstract, (B,) which is General Remick's report of the names of the applicants for relief in one township, showing their resources in detail, to the truth of which statement each applicant was required to swear, and showing further how he struck from the list, as having resources convertible into food, eighteen out of the twenty-nine applicants. This rule of swearing applicants is now universally applied.

These people have been largely induced by donations of Government lands to settle where they now are, and have also been promised assistance in their distress if they would remain. With the mercury ranging below zero and their stock in a state of starvation, it is now impossible for them to leave, even were they so inclined. But their lands are valuable, the country healthy and productive, and with a little aid from the Government in this their hour of need they will gladly remain and become useful citizens.

I am, sir, very respectfully, your obedient servant,

E. O. C. ORD,

Brigadier-General, United States Army.

HON. STEPHEN A. COBB,
House of Representatives, Washington, D. C.

Mr. COBB, of Kansas. I ask also that a letter from the Commissioner of Agriculture in relation to this subject be read.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 26, 1875.

SIR: The promptness with which you desire that your letter of the 24th instant should be answered renders it impossible to give anything more than an approximate estimate of the extent and severity of the injuries inflicted by grasshoppers in the West. From a brief examination of our records I conclude—

First. That the area of this destructive visitation comprises a zone from two hundred to two hundred and twenty-five miles wide, extending from the settlements of Southern Dakota through Nebraska and Kansas over five hundred miles in length and inclining to the southeast. A few western counties of Iowa and

Minnesota also report injuries, but not to compare in severity with those of the country farther west. I am satisfied that the extent of territory visited by these insects in 1874 very considerably exceeds one hundred thousand square miles.

Second. The "grasshopper district" west of the Missouri embraces the mass of the population of the States of Kansas and Nebraska and of Southern Dakota, amounting to over half a million in 1870, with a large increment since. Including the counties east of the Missouri in Iowa and Minnesota, more or less affected by the plague, I think it not at all extravagant to assign three-quarters of a million as the approximate population of these districts.

Third. From returns received by the Commissioner of Agriculture, in Kansas it appears that cases of total destitution in fifty counties reported vary from forty to two thousand. Reports from counties not in this list, received by this Department, show injuries as severe as in any others. The average of such cases in the returns to the Commissioner from Kansas is five hundred and fifty-five in each county. These do not include cases of partial destitution, which in some counties are quite large, ranging from twenty-six to one thousand. The cases of total and partial destitution in these fifty counties amount to over forty thousand, while in other counties there are probably cases unreported sufficient to swell the aggregate to fifty thousand. In the more thickly populated counties of Nebraska and Dakota the number of such cases, of course, is smaller. Adding cases east of the Missouri, I do not think it out of the way to estimate the number of our people more or less severely affected by this pest at from seventy-five to one hundred thousand.

Very respectfully,

FREDK. WATTS,
Commissioner.

Hon. STEPHEN A. COBB,
House of Representatives.

Mr. DUNNELL. I hope if action is to be had upon this bill at the present time it will receive the favorable consideration of the House. The question was put on seconding the motion to suspend the rules, and no quorum voted.

Tellers were ordered; and Mr. COBB, of Kansas, and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported—ayes 122, noes 26. So the motion was seconded.

The question recurred on the motion to suspend the rules; and being put, there were—ayes 102, noes 31.

Mr. YOUNG, of Georgia. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 49, not voting 69; as follows:

YEAS—Messrs. Albert, Albright, Atkins, Averill, Barber, Barrere, Bass, Begole, Biery, Bland, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cessna, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Crounse, Crutcheild, Curtis, Darrall, Dawes, Donnan, Duell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Glover, Gooch, Hagans, Robert S. Hale, Harner, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, Hodges, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kelley, Lamar, Lansing, Lawrence, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Morrison, Myers, Negley, Nesmith, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sloss, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Speer, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tyner, Vance, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whitehouse, Whiteley, Wilber, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, and Woodworth—172.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Beck, Bell, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hulton, Knapp, Lamar, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sloss, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—85.

NOT VOTING—Messrs. Banning, Barnum, Barry, Berry, Bradley, Cason, Chittenden, Amos Clark, jr., Freeman Clarke, Cox, Crooke, Danford, DeWitt, Dobbins, Dunnell, Eden, Frye, Gunckel, Eugene Hale, John T. Harris, Hersey, George F. Hoar, Holman, Hooper, Hunter, Kasson, Kellogg, Kendall, Killinger, Knapp, Lamison, Lamport, Lawson, Leach, Luttrell, Magee, Marshall, McLean, Mitchell, Niblack, Nunn, Packer, Phelps, Poland, Purman, William R. Roberts, Schell, John G. Schumaker, Scofield, Sherwood, Lazarus D. Shoemaker, Sloan, Small, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Standiford, Alexander H. Stephens, Stone, Storm, Strawbridge, Townsend, Waldron, Walls, Wheeler, John M. S. Williams, and Ephraim K. Wilson—69.

So (two-thirds voting in favor thereof) the rules were suspended and the bill (H. R. No. 4544) was passed.

During the roll-call the following announcement was made:

Mr. SLOAN. I desire to state that I am paired upon this question with the gentleman from California, Mr. LUTTRELL. If he were here he would vote "no," while I would vote "ay."

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the concurrent resolutions of the House providing for the printing of additional copies of the report of the Commissioner of Fish and Fisheries for the years 1872 and 1873.

The message further announced that the Senate had passed a bill (H. R. No. 3825) to amend the national-bank act, and fixing the compensation of national-bank examiners, with amendments in which he was directed to ask the concurrence of the House of Representatives.

AMENDMENT OF THE RULES.

Mr. BECK. I move that the House do now adjourn.

Mr. BUTLER, of Massachusetts. I offer the resolution which I send to the Clerk's desk.

Mr. BECK. I desire to know if I cannot be heard here? I have moved that the House adjourn.

The SPEAKER. But the Chair recognized the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BECK. After I had made my motion distinctly.

The SPEAKER. The gentleman from Kentucky could not make the motion until he was recognized.

Mr. BECK. It is very hard for us to be recognized here.

Mr. RANDALL. We want the recognition to *chassé* over to this side of the House sometimes.

The SPEAKER. The resolution of the gentleman from Massachusetts will now be read.

The Clerk read the resolution, as follows:

Resolved, That the rules be so suspended that immediately after the reading of the Journal on Tuesday morning the Committee on Rules shall have leave to report such changes or amendments to the rules as they see fit, and during the consideration of such reports and any amendments thereto or any rule reported no dilatory motions whatever shall be entertained by the Speaker, and all debate shall cease thereon within one hour after such report shall be made.

The SPEAKER. The question is on suspending the rules and adopting the resolution, and pending that the gentleman from Kentucky moves that the House do now adjourn.

Mr. BECK. I did not make my motion pending the motion to suspend the rules; I made it before the gentleman from Massachusetts was seen. I withdraw the motion.

Mr. BUTLER, of Massachusetts. I take issue with the gentleman on the question of fact.

The SPEAKER. The gentleman from Kentucky [Mr. BECK] certainly will not—

Mr. ELDREDGE. If the gentleman from Kentucky withdraws his motion on that point I will renew it.

The SPEAKER. The gentleman from Kentucky stands on altogether too narrow a point.

Mr. ELDREDGE. There are others here who stand on a very narrow point, and perhaps "fiery billows await their fall below;" we will take the chances.

The SPEAKER. It is the right of a member to move to suspend the rules and submit a proposition, and it is then the right of any other member to move to adjourn.

Mr. ELDREDGE. We can see very well the effect of a motion to adjourn at one point of time and at another. I do not mean to impugn the decision of the Speaker, for I do not know anything about it, not having been here when the gentleman from Kentucky made his motion. But I move that the House now adjourn, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 160, not voting 45; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hulton, Knapp, Lamar, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sloss, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—85.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutcheild, Curtis, Danford, Darrall, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Robert S. Hale, Harner, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Houghton, Howe, Hubbell, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Lawrence, Lofland, Longbridge, Lowe, Lowndes, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William A. Smith, Swann, Townsend, Walls, and Wheeler—45.

NOT VOTING—Messrs. Barnum, Barry, Chittenden, Amos Clark, jr., Creamer, Crooke, Dawes, Dobbins, Eden, Frye, Garfield, Eugene Hale, Harrison, Hendee, Hersey, George F. Hoar, Hooper, Hunter, Hyde, Kendall, Killinger, Lamport, Lansing, Lawson, Leach, Lewis, Marshall, Martin, Merriam, Mitchell, Nunn, Packer, Phelps, Poland, Purman, Richmond, Sener, Sherwood, Lazarus D. Shoemaker, J. Ambler Smith, William A. Smith, Swann, Townsend, Walls, and Wheeler—45.

So the motion to adjourn was not agreed to. The SPEAKER. The question recurs upon seconding the motion to suspend the rules and adopt the resolution offered by the gentleman from Massachusetts.

Mr. GARFIELD. I would suggest to the gentleman to modify his resolution so that it will read "to-morrow morning" instead of "Tuesday morning," for the sake of certainty.

Mr. BUTLER, of Massachusetts. I will do so.

Mr. SPEER. Is it in order to change the phraseology of a resolution after the yeas and nays have been ordered upon it?

The SPEAKER. That has no effect on it whatever; and besides, the yeas and nays have not been ordered on this resolution.

Mr. SPEER. The House might not order the yeas and nays on a resolution modified.

The SPEAKER. The question is on seconding the motion to suspend the rules and adopt the resolution as modified.

The question being taken, upon a division there were—ayes 104, nays 62.

So the motion was seconded.

Mr. SPEER and Mr. RANDALL called for the yeas and nays on suspending the rules.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 89, not voting 28; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick B. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampport, Lansing, Lawrence, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheets, Sheldon, Sloan, Small, Smart, George L. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Straut, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—173.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sener, Sloss, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—89.

NOT VOTING—Messrs. Barnum, Barry, Bromberg, Carpenter, Cason, Chittenden, Amos Clark, Jr., Crooke, Dobbins, Eden, Frye, Hendee, Hersey, George F. Hoar, Hunter, Kendall, Killinger, Lawson, Marshall, Mitchell, Nunn, Packer, Phelps, Purman, Sherwood, Lazarus D. Shoemaker, J. Ambler Smith, William A. Smith, Townsend, Walls, and Wheeler—28.

So (two-thirds not voting in favor thereof) the resolution was not agreed to.

During the roll-call the following announcements were made:

Mr. DURHAM. I desire to state that the gentleman from Wisconsin, Mr. MITCHELL, who, if present, would vote "no," is paired on this question with the gentleman from Pennsylvania, Mr. TOWNSEND, who would vote "ay."

Mr. SHANKS. My colleague, Mr. HUNTER, is sick at his room and not able to be here. If present he would vote "ay."

Mr. CESSNA. My colleague, Mr. TOWNSEND, is confined to his bed by illness. If here he would vote "ay."

Mr. FORT. The gentleman from Pennsylvania, Mr. SHOEMAKER, is unavoidably absent.

Mr. WARD, of New Jersey. My colleague, Mr. CLARK, is detained at his residence in New Jersey on account of sickness. If present he would vote "ay."

Mr. EDEN, (after the roll call was concluded.) Being detained from the House by sickness in my family, I was not able to reach the Hall intine to vote upon this question. If present, I would have voted in the negative.

The result of the vote was announced as above stated.

Mr. CESSNA. I wish to correct the record of my vote on the former resolution offered by the gentleman from Massachusetts, [Mr. BUTLER.] I voted distinctly in the affirmative; but I am recorded as not voting.

RECESS.

Mr. GARFIELD. I move that the House take a recess until ten o'clock to-morrow morning.

Mr. BUTLER, of Massachusetts. That will continue Monday's session, I believe.

Mr. ELDREDGE. The committees ought to have time to meet in the morning.

Mr. MAYNARD. Mr. Speaker, if we take the recess now proposed, will the session when we meet again to-morrow be a continuation of to-day's session?

The SPEAKER. Undoubtedly, if the House takes a recess until ten o'clock to-morrow morning, it will be a continuation of Monday's session.

Mr. ELDREDGE. Of course the majority can do just as they please; but let us make the recess until twelve o'clock, and we still keep Monday running, so that the gentlemen on the other side can do just as much mischief as they may desire.

The question being put on the motion of Mr. GARFIELD—

The SPEAKER. In the opinion of the Chair the motion for a recess is agreed to.

Mr. ELDREDGE called for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I rise to a parliamentary inquiry. Would it be in order to move a call of the House to bring in absentees?

The SPEAKER. The Chair thinks not.

The question was taken; and there were—yeas 169, nays 83, not voting 38; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick B. Butler, Cain, Cannon, Cessna, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampport, Lansing, Lawrence, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, George L. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Straut, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—169.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, Southard, Speer, Standiford, Stone, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—83.

NOT VOTING—Messrs. Barnum, Barry, Bromberg, Carpenter, Cason, Chittenden, Amos Clark, Jr., Crooke, Dobbins, Frye, Hersey, George F. Hoar, Hunter, Kendall, Killinger, Lawson, Marshall, Mitchell, Nunn, Packard, Packer, Phelps, Pierce, Purman, John G. Schumaker, Henry J. Scudder, Sener, Sherwood, Sloss, J. Ambler Smith, William A. Smith, Alexander H. Stephens, Storm, Townsend, Walls, Wheeler, Charles W. Willard, and Wolfe—38.

So the motion for a recess was agreed to.

During the roll-call,

Mr. PACKARD said: On this question I am paired with my colleague, Mr. WOLFE, who if present would vote "no," while I would vote "ay."

The result of the vote was announced as above stated.

The House accordingly (at five o'clock and fifty minutes p. m.) took a recess until to-morrow morning at ten o'clock.

AFTER THE RECESS.

The SPEAKER, (ten o'clock a. m. Tuesday, February 2.) The recess having expired, the House resumes its session.

SOLDIERS OF THE WAR OF 1812.

Mr. HARRIS, of Virginia. I offer under a suspension of the rules a bill to repeal so much of the pension act of March 14, 1871, as requires proof of loyalty.

The bill, which was read, provides that so much of the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and to the widows of deceased soldiers," approved February 14, 1871, as excludes persons from the benefits of said act for disloyalty to the Government of the United States during the late rebellion be, and the same is hereby, repealed.

Mr. HARRIS, of Virginia. I move to suspend the rules and pass that bill at this time. It is strictly in accordance with the President's message. It has been already twice passed by this House.

Mr. HAZELTON, of Wisconsin. Let it be referred to the appropriate committee for report.

Mr. RUSK. This House has already passed the same provision twice, and it is now in the Senate.

Mr. HARRIS, of Virginia. It has passed with a number of other provisions which the Senate will not indorse. The Senate, however, indorse this provision. The President recommends it. I hope therefore it will now be passed by itself. I insist on my motion to suspend the rules and pass the bill.

The question recurred on seconding the motion to suspend the rules.

Mr. HARRIS, of Virginia, demanded tellers.

Tellers were ordered; and Mr. HARRIS, of Virginia, and Mr. O'NEILL were appointed.

The House divided; and the tellers reported—ayes 71, noes 77.

So the House refused to second the motion to suspend the rules.

AMENDMENT OF THE RULES.

Mr. BUTLER, of Massachusetts. I move to suspend the rules and pass the following resolution:

The Clerk read as follows:

Resolved, The rules be so suspended that the Committee on the Rules shall have leave to report forthwith such changes or amendments to the rules as they see fit; and during the consideration of such report and amendments thereto, or of the rule reported by the committee, no dilatory motions whatever shall be entertained by the Speaker.

Mr. SPEER. I make the point of order this is the third time that proposition in substance has been submitted during this one session of the House.

The SPEAKER. It has been changed in phraseology every time.

Mr. STORM. I do not think the gentleman from Massachusetts should be recognized so many times in the same session when other gentlemen who are present and desire to make motions are cut out.

Mr. BECK. It would seem he is the only member here who has any rights.

Mr. RANDALL. And his brain, too, seems to run only on one subject.

Mr. SPEER. The gentleman's proposition to suspend the rules has been twice voted down.

Mr. BUTLER, of Massachusetts. This has not been voted down.

Mr. SPEER. It is the same proposition in substance.

Mr. BUTLER, of Massachusetts. I have changed it.

Mr. RANDALL. I should like to have this side of the House know when the gentleman from Massachusetts will be through offering the same proposition so we can get in.

The SPEAKER. If the Chair is to answer the gentleman from Pennsylvania he will say that generally during this session, in proportion to the numbers of the side of the House to which the gentleman belongs, they have been recognized twice to the other side's once.

Mr. RANDALL. He has been recognized three times on the same proposition, and I want to know when we can be recognized once.

The SPEAKER. If the gentleman will take the time occupied by both sides during this session he will learn that the gentleman's side has had twice, so far as the Chair is concerned, that of the other side.

Mr. RANDALL. It is because we have had to defend this side against the encroachments of the other.

Mr. BUTLER, of Massachusetts. They had all last week, all day Saturday, and we had to sit two days and two nights here to accommodate them.

The SPEAKER. The journal clerk informs the Chair that the gentleman from Pennsylvania made twenty-five similar motions in the same day.

Mr. RANDALL. Yes, sir; but in a very good cause.

The SPEAKER. Then it does not lie in the gentleman's mouth to raise the question against the gentleman from Massachusetts for making three.

Mr. BECK. No gentleman on this floor then has a right to be heard until the gentleman from Massachusetts is through with all his motions. I will make that motion if in order.

The SPEAKER. The Chair thinks that remark is not called for by any proceeding on the part of the Chair toward the side of the House to which the gentleman from Kentucky belongs.

Mr. BECK. Three times already, one after the other, has the gentleman from Massachusetts made the same proposition.

The SPEAKER. More than twenty times, on the gentleman's side, has the same motion been made.

Mr. BECK. And three times I rose to make a motion to adjourn, and could neither be seen nor heard.

Mr. STORM. I am talking about motions in the discretion of the Speaker and not those which he is bound to entertain under the rules.

The SPEAKER. The motion to suspend the rules is of that character.

Mr. STORM. The motions made last week were dilatory motions, over which the Chair had no discretion.

The SPEAKER. The Chair does not go into any argument with gentlemen on the subject, but he does repel the idea, publicly before the country, that the minority of this House do not have the amplest and fullest protection for their rights; for in proportion to their numbers they have occupied twice the time that the majority have.

Mr. STORM. I do not complain on that point, but that the Chair has this morning again recognized the gentleman from Massachusetts on the proposition which he has twice offered before when other gentlemen were seeking the floor.

The SPEAKER. As it was his perfect right to do.

Mr. SPEER. It is the right of the Chair to recognize him, of course, but it is a discretion the Chair should exercise fairly toward all sides of the House.

The SPEAKER. The Chair has exercised it fairly.

Mr. RANDALL. I want to state—

The SPEAKER. The first gentleman recognized by the Chair this morning was a gentleman on that side.

Mr. RANDALL. I want to say that you had no power to prevent the recognition of my motions.

The motion of Mr. BUTLER, of Massachusetts, to suspend the rules was seconded.

The question was on suspending the rules and adopting the resolution.

Mr. STORM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. RANDALL. I move that the House adjourn.

The question being taken on the motion to adjourn, there were—

yeas 68, nays 85.

Mr. SPEER called for tellers.

Mr. HAZELTON, of Wisconsin. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken on the motion to adjourn; and there were—

yeas 88, nays 170, not voting 32; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morey, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sloss, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—88.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Killinger, Lampert, Lawrence, Loughbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—170.

NOT VOTING—Messrs. Barnum, Barry, Burchard, Amos Clark, Jr., Crooke, Curtis, Eames, Frye, Hersey, George F. Hoar, Hunter, Kasson, Kendall, Lamson, Lansing, Lawson, Lewis, Lofland, Marshall, Mitchell, Nesmith, Nunn, Packer, Phelps, Purman, Senor, Sherwood, J. Ambler Smith, William A. Smith, Stowell, Walls, and Wheeler—32.

So the House refused to adjourn.

The question was taken on suspending the rules and agreeing to the resolution of Mr. BUTLER, of Massachusetts; and there were—

yeas 177, nays 90, not voting 23; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lampert, Lansing, Lawrence, Lewis, Loughbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—177.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamson, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sener, Sloss, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—90.

NOT VOTING—Messrs. Barnum, Barry, Amos Clark, Jr., Crooke, Curtis, Frye, Hersey, George F. Hoar, Hunter, Kendall, Lawson, Lofland, Marshall, McKee, Mitchell, Nunn, Packer, Purman, Sherwood, J. Ambler Smith, William A. Smith, Walls, and Wheeler—23.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

During the call of the roll the following announcements were made:

Mr. TREMAIN. My colleague, Mr. LAWSON, is absent on account of the death of a relative.

Mr. HARRISON. My colleague, Mr. NUNN, has been called home on account of the dangerous illness of his daughter.

Mr. GUNCKEL. My colleague, Mr. SHERWOOD, is absent by leave of the House. If here he would vote "ay."

Mr. SHOEMAKER, of Pennsylvania. My colleague, Mr. PACKARD, is absent on account of sickness in his family. If here he would vote "ay."

Mr. KELLOGG. My colleague, Mr. BARNUM, is detained at home by sickness. I presume if he were here he would vote "no."

Mr. TYNER. My colleague, Mr. HUNTER, is lying very sick at his residence.

Mr. WARD, of New Jersey. I desire to state that my colleague, Mr. CLARK, is absent on account of sickness.

Mr. LOFLAND. Mr. Speaker, I was not in the Hall during the roll-call. Have I the right to vote?

The SPEAKER. The gentleman is not entitled to vote if he was not within the bar before the last name on the roll was called.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. It is the right of any member to vote when he is in the House, and I submit the question whether any rule can take away from him that constitutional right.

The SPEAKER. If there was any point in that inquiry the Chair could not entertain it now; but the Chair thinks there is no point in it. The ruling has been uniform.

Mr. BUTLER, of Massachusetts. I agree that that is the rule, but what I desire to know is whether any rule of the House can deprive a member of his constitutional right?

The SPEAKER. The Chair does not rule on the Constitution; he rules on the rules.

The result of the vote was then announced as above recorded.

Mr. RANDALL. Is it in order to move to suspend the rules so that we may proceed with the appropriation bills?

The SPEAKER. When the House desires to proceed to that business, the Chair will recognize the appropriate channel of the House.

Mr. GARFIELD. I move to suspend the rules and adopt the resolution to amend the rules which I send to the Clerk's desk and for the reading of which I ask.

Mr. RANDALL. Pending that motion, as it is near twelve o'clock, would it not be in order to make a motion to adjourn?

The SPEAKER. Does the gentleman desire to adjourn?

Mr. RANDALL. No, sir; but I desire that we shall adjourn so that the session of Tuesday shall commence.

The SPEAKER. A motion to adjourn is not debatable, and no reasons need be assigned therefor.

Mr. RANDALL. I do not make the motion.

The Clerk then read the resolution offered by Mr. GARFIELD, as follows:

Resolved, That the Rules of the House be amended by adding thereto the following:

RULE — Whenever a question is pending before the House the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn. But the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless three-fourths of the members present shall second the demand: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That it shall not apply to any proposition to appropriate the money, the credit, or other property of the United States, except the regular annual appropriation bills.

Mr. HALE, of Maine. I ask the gentleman to modify that rule by striking out "three-fourths" and inserting "two-thirds."

Mr. GARFIELD. I have no objection to modifying it in that way. In all other respects it is the rule that was agreed to by the Committee on the Rules.

Mr. RANDALL. By a majority of the Committee on Rules.

Mr. BUTLER, of Massachusetts. I ask the gentleman to modify it by striking out the proviso.

Mr. RANDALL. It is not in order to amend a proposition to suspend the rules.

Mr. CESSNA. I ask the gentleman from Ohio to allow me to offer an amendment to the proposed rule.

Mr. GARFIELD. I have no objection to having it read.

The SPEAKER. The gentleman from Pennsylvania [Mr. CESSNA] desires to have incorporated in the proposed rule an amendment. Does the gentleman from Ohio yield for that purpose?

Mr. GARFIELD. No, sir; I will not.

Mr. HALE, of Maine. Let us have the provision read which the gentleman from Massachusetts wishes to have stricken out.

Mr. ELDREDGE. How long are gentlemen on the other side to be permitted to keep up this filibustering?

Mr. BUTLER, of Massachusetts. The provision in the rule which I wish to strike out is this:

But the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless three-fourths of the members present shall second the demand.

Mr. GARFIELD. I decline to yield to let that be stricken out, and I call for a vote upon the resolution.

Mr. HALE, of Maine. I now ask that the resolution, as modified, be read.

The Clerk read as follows:

Resolved, That the rules of the House be amended by adding thereto the following:

RULE — Whenever a question is pending before the House the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn. But the previous question

on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless two-thirds of the members present shall second the demand: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That it shall not apply to any proposition to appropriate the money, the credit, or other property of the United States, except the regular annual appropriation bills.

Mr. BUTLER, of Massachusetts. Why, that would allow one-half of the time to filibustering.

Tellers were ordered upon seconding the motion to suspend the rules; and Mr. GARFIELD, and Mr. PARKER of New Hampshire, were appointed.

The House divided; and the tellers reported—ayes 98, noes 51.

So the motion was seconded.

The question recurred upon suspending the rules.

Mr. POTTER. If I understand the word "question," as used in that rule, the question would be on the different stages of the bill. It might as well arise on a motion to lay on the table as on the third reading.

The SPEAKER. Yes, it would.

Mr. YOUNG, of Georgia. On the motion to suspend the rules and adopt the resolution I ask for the yeas and nays.

The yeas and nays were ordered, forty-five members voting therefor.

The question was taken; and there were—yeas 153, nays 109, not voting 28; as follows:

YEAS—Messrs. Albert, Albright, Barber, Barrero, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cason, Chittenden, Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Curtis, Danford, Darr, H. Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Foster, Freeman, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harner, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hooper, Hoskins, Houghton, Howe, Hubbard, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Killinger, Lampart, Lansing, Lawrence, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orth, Packard, Page, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, Stowell, Straitt, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Tremain, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—153.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Averill, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Benjamin F. Butler, Roderick R. Butler, Caldwell, Caulfield, Cessna, John B. Clark, Jr., Clymer, Clinton L. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Field, Finck, Fort, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hays, Hereford, Herndon, Hodges, Holman, Hunton, Hynes, Knapp, Lamar, Lamison, Leach, Lofland, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sheats, Sloan, Sloss, George L. Smith, Snyder, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Todd, Vance, Waddell, Wallace, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—109.

NOT VOTING—Messrs. Barnum, Barry, Amos Clark, Jr., Crooke, Frye, Havens, Hersey, George F. Hoar, Hunter, Kendall, Lawson, Loughridge, Marshall, Mitchell, Nunn, Orr, Packer, Parsons, Purman, Sener, Sherwood, J. Ambler Smith, William A. Smith, St. John, Sypher, Walls, Wheeler, and White—28.

So (two-thirds not voting in favor thereof) the rules were not suspended.

Mr. KASSON. I offer the resolution which I send to the Clerk's desk, and move that the rules be suspended and the resolution adopted.

Mr. CONGER. I ask the gentleman to yield to me that I may introduce a bill for reference and printing.

The SPEAKER. The Chair cannot entertain that request; there are one hundred and fifty gentlemen present who desire the same privilege. The Clerk will read the resolution submitted by the gentleman from Iowa, [Mr. KASSON.]

The Clerk read as follows:

Resolved, That the rules be so far suspended as to allow the Committee on Rules to report to the House, for consideration and action at the present time, any new rules or changes of rules said committee may desire to report; and that during the consideration thereof the Speaker shall entertain no dilatory motions whatever, and that the discussion upon such rules and amendments thereto shall not exceed one hour, unless otherwise ordered by the House.

The motion to suspend the rules was seconded.

Mr. YOUNG, of Georgia. I call for the yeas and nays on suspending the rules and adopting the resolution.

Mr. ELDREDGE. How long is the other side going to filibuster in this way?

Mr. HAMILTON. It is now near twelve o'clock, and I think the House should adjourn.

Mr. ELDREDGE. It seems to me we had better close this day's proceedings.

Mr. HAMILTON, (at three minutes to twelve o'clock m.) I move that the House now adjourn.

Mr. BUTLER, of Massachusetts. I desire to make a parliamentary inquiry. When will the House meet again if we adjourn now?

The SPEAKER. On Wednesday at twelve o'clock, because the hour of twelve to-day will have passed before the call of the roll can be concluded.

Mr. SPEER. It is not twelve o'clock yet.

The SPEAKER. If the House should adjourn now, of course it would not meet again to-day.

The question was taken on the motion to adjourn, and it was not agreed to.

The SPEAKER. The question recurs upon the motion to suspend the rules and adopt the resolution submitted by the gentleman from Iowa, [Mr. KASSON,] upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 181, nays 90, not voting 19; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begele, Bierv, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessa, Chittenden, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lampert, Lansing, Lawrence, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Seander, Isaac W. Seudder, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Willer, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—181.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamson, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosca W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sener, Sloss, Southard, Speer, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—90.

NOT VOTING—Messrs. Barnum, Amos Clark, Jr., Crooke, Frye, Hersey, George F. Hoar, Hunter, Kendall, Lawson, Marshall, Mitchell, Nunn, Packer, Purman, Sherwood, J. Ambler Smith, William A. Smith, Walls, and Wheeler—19.

Before the result of the vote was announced,

Mr. HUNTER said: Mr. Speaker, I have been quite unwell, and I have just come from a sick-bed to this House. I would like to vote on this question if I got in in time under the rules. If I can vote, I will vote in the affirmative.

The SPEAKER. The rules do not permit the gentleman to vote unless he was within the bar when the last name on the roll was called.

Mr. HUNTER. I do not know whether I was or not. I was within the bar while the Clerk was reading this roll.

The SPEAKER. The gentleman has no right to vote, in the opinion of the Chair.

On the motion of the gentleman from Iowa [Mr. KASSON] that the rules be suspended and the resolution offered by him adopted, the yeas are 181, the nays 90. Two-thirds having voted in the affirmative, the rules are suspended and the resolution is adopted.

Mr. GARFIELD. I am instructed by the Committee on Rules to report the resolution which I send to the Clerk's desk.

The Clerk read the following:

Resolved, That the rules of the House be amended by adding thereto the following:

RULE —. Whenever a question is pending before the House the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn. But the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless three-fourths of the members present shall second the demand: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That it shall not apply to any proposition to appropriate the money, the credit, or other property of the United States, except the regular annual appropriation bills.

Mr. GARFIELD. The hour assigned for the discussion of this subject, I propose, after I have said a very few words, to parcel out in five minutes, if gentlemen desire to speak, so that all on both sides may have as reasonable a chance as the time will permit to express their opinion or offer their amendments. Before I yield to anybody, however, I desire to state a point or two touching the general character of the proposed rule I have reported.

Mr. COX. I rise to a point of order before it is too late. I understand this report purports to come from the Committee on Rules.

Mr. GARFIELD. I suppose the time for discussing this point of order will not come out of the hour allowed for considering this report of the Committee on Rules.

Mr. COX. I do not suppose it will.

The SPEAKER. It will not.

Mr. COX. There has been no meeting of the Committee on Rules that I know of since the notice given a few moments ago.

The SPEAKER. Do the rules require that there should have been a meeting. Is that the gentleman's point?

Mr. COX. I understand that the rule says that there shall be notice and that—

The SPEAKER. But the rules have been suspended.

Mr. COX. The point which I made, and I made it very intelligibly at first, was that there has been no meeting of the Committee on Rules to consider this question. Therefore this report cannot come from that committee.

The SPEAKER. But the obligation to hold a meeting was suspended by the House.

Mr. KASSON. I make the further point that under the order of the House the committee have the right to report any previous conclusion to which they may have arrived.

The SPEAKER. There can be no doubt about the right of the committee to make the report. The point made by the gentleman from New York [Mr. Cox] is a point which might be good under the rules; but the rules have been suspended for this very purpose.

Mr. ELDREDGE. But how can the committee make a report through any of its members without the order of the committee in a meeting called for some purpose?

The SPEAKER. There was a meeting of the Committee on Rules; and the committee authorized the reporting of this very rule.

Mr. COX. When was that?

The SPEAKER. And the rules have been suspended to enable the committee to make the report now.

Mr. NIBLACK. I believe this proposition was adopted in a caucus.

The SPEAKER. It was never in a caucus.

Mr. ELDREDGE. It was suggested by the Republican newspaper of yesterday, and *anathema maranatha* was pronounced against all who would not vote for it.

Mr. RANDALL. I rise to a point of order and ask to have read the rule showing how many of the committees of this House have the right to report at any time; because I understood the Speaker to say the other day that the Committee on Rules, by usage, have the right to report at any time.

The SPEAKER. What pertinence has that to the question under debate?

Mr. RANDALL. Well, it has pertinence to the course of this discussion heretofore.

The SPEAKER. But not to any point now before the House.

Mr. RANDALL. That may be; but I want it read now for the information of the Chair.

The SPEAKER. The Chair will rule upon the matter whenever it arises.

Mr. RANDALL. I want this read for the information of the Chair.

The SPEAKER. The Chair does not need the information; and besides the point is not before the House.

Mr. RANDALL. I would like to have this rule read.

The SPEAKER. It does not refer at all to anything before the House.

Mr. RANDALL. There is no harm then in reading it.

The SPEAKER. There may be no harm, if general consent be given to have it read.

Several members objected.

Mr. RANDALL. It is one of our rules.

Mr. KELLOGG. I rise to a parliamentary inquiry. Have not a majority of the Committee on Rules a right to report by agreement without any formal meeting of the committee?

The SPEAKER. There is no necessity for raising any point on this. The rules were suspended for the specific purpose of bringing this proposition before the House, and of course all points upon it are trivialities, and ought not to engage the attention of the House.

Mr. ELDREDGE. But as I understood the order of suspension it did not relate to past action of the committee; it provided that the committee might make a report. Now how can they make a report without having had a meeting?

The SPEAKER. If the gentleman from Wisconsin [Mr. ELDREDGE] will suspend a moment, he will soon see how the committee can make a report.

Mr. ELDREDGE. I can see how the power may be assumed; there is no question about the physical power.

Mr. RANDALL. I rise to a privileged question. When I asked as a member of the Committee on Rules to have a rule read for the information of the Chair and the House, I understood the Speaker to decline the request. If he is unwilling to receive information, I most respectfully ask to resign any further connection with the Committee on Rules.

The SPEAKER. That will be in order at some subsequent stage of proceeding; it is not in order now.

Mr. RANDALL. Well, sir, I want to do it with entire respect for the Speaker personally, and for the House.

The SPEAKER. It is not in order.

Mr. COX. Well, I will try to see whether I can make such a proposition in order, unless the crackling of thorns under a pot shall disturb me.

Mr. ELDREDGE. I rise to a question of order in reference to the conduct of the House. I insist that gentlemen when they arise in good faith to questions of order shall not be laughed at and sneered at so as to disturb the proceedings of the House.

Mr. SYPHER. We could not help laughing at the gentleman from Wisconsin.

Mr. ELDREDGE. The "poisoned chalice" will be returned to your lips.

The SPEAKER. The Chair will hear the gentleman from New York, [Mr. Cox.]

Mr. COX. I have had the honor to serve on the Committee on Rules for many years; and even during the war there were very few innovations upon the rules; we preserved them substantially intact amid all the temptations of that time.

A MEMBER. What is the point of order?

Mr. COX. I am going to make the point. I resign my position on that committee.

The SPEAKER. That is certainly not in order now. The gentleman may make that announcement for dramatic effect, but he knows that it is not in order now.

Mr. COX. I gave notice of it yesterday.

The SPEAKER. Nothing more irrelevant could possibly be obtruded upon the House.

Mr. COX. By what rule?

The SPEAKER. Nothing is more irrelevant.

Mr. COX. How does the Chair know that I did it for dramatic effect?

The SPEAKER. Because the gentleman knows it is out of order.

Mr. RANDALL. By what right do you claim to reflect on members?

The SPEAKER. It is absolutely out of order.

Mr. RANDALL. By what right do you claim to reflect on members?

The SPEAKER. The Chair is willing with the utmost liberality to hear all points of order, but he is not willing to have the proceedings interrupted in this way.

Mr. RANDALL. Why does the Chair use such language to members upon this floor?

Mr. McLEAN. How does the Chair know the gentleman from New York knows that he is out of order?

The SPEAKER. Because of the large experience and great intelligence of the gentleman from New York.

Mr. COX. That is a very doubtful compliment.

Mr. McLEAN. How does the Chair know he is not mistaken?

The SPEAKER. He knows he is not mistaken on that view of the matter.

Mr. GARFIELD. Mr. Speaker, I now resume the floor and propose to proceed with what I have to say, as soon as I can have the House reasonably still.

Mr. NIBLACK. I rise to a parliamentary inquiry.

The SPEAKER. The Chair recognizes the gentleman from Mississippi.

Mr. LAMAR. I rise to a parliamentary inquiry. I submit with the greatest respect whether the Speaker has the right to attribute a motive to a gentleman making a point of order to charge him with speaking for dramatic effect?

The SPEAKER. Possibly not; but when the Chair is accused in various directions with ruling unjustly and depriving gentlemen of the very rights which he is and has been so studiously anxious to preserve, the Chair may be pardoned for commenting with some freedom of language.

Mr. COX. I never have made any such insinuations against the present occupant of the chair.

Mr. LAMAR. Since I have been here I have treated the Chair with respect, and he has no right to make that point on me.

The SPEAKER. The Chair does not refer in the remotest degree to the gentleman from Mississippi, from whom he has received nothing but respect, but the Chair cannot believe any gentleman in the House, and especially gentlemen so thoroughly conversant with the rules as the gentleman from Pennsylvania and the gentleman from New York, could possibly believe in a proceeding under a suspension of the rules a motion to put in their resignations could be received as in order.

Mr. RANDALL. I say you have no right in any particular to question my motive or to reflect upon me.

The SPEAKER. The Chair has not done so.

Mr. RANDALL. I stand here in every respect as your peer.

The SPEAKER. The Chair cannot believe that the gentleman from Pennsylvania, unless he will so state to the House, considers it now in order to offer his resignation.

Mr. RANDALL. You have ruled my resignation out of order.

The SPEAKER. Do you believe it in order?

Mr. RANDALL. I did when I made it, but you ruled it out of order and therefore I cannot make it, but I wish to avail myself of the first opportunity to present it.

Mr. GARFIELD. Mr. Speaker, at last I suppose I have the floor.

Mr. NIBLACK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Ohio has the floor, but the Chair will hear the parliamentary inquiry.

Mr. NIBLACK. I wish to make a parliamentary inquiry in good faith, whether, under the resolution just adopted, debate may not be limited to less than an hour?

The SPEAKER. The Chair thinks not.

Mr. NIBLACK. In the present temper of the majority of the House any debate on this proposition would be a mere form—a mere farce.

Mr. GARFIELD. Mr. Speaker, I now call the attention of the

House to the character of the new rule proposed in this report. In the first place let me say the Committee on Rules was called together several days ago and at a full meeting gave the fullest consideration to this proposed rule. There were two things which the committee were desirous to secure. One was the preservation of that body of valuable experience and precedents which has accumulated during the last ninety years in this country and for many centuries in England, and to do nothing which would in any manner mar the harmony or injure the efficiency of that body of rules. That object the committee kept steadily in mind in draughting the proposed amendment. There was, however, an evil which they desired and which we believe will be corrected by the rule I have reported. So far as I know, the evil to which I refer does not exist in any legislative body of the United States save this House of Representatives. It has been ruled, from time immemorial, that, under the general parliamentary usage, two motions to adjourn cannot be made unless business has intervened. It has been ruled in this House for the last twenty years that after a motion to adjourn, a motion to adjourn to a specific day is new business. Therefore a member can move to adjourn, get the yeas and nays on that motion, and then superimpose on that a motion that when the House adjourns it adjourn to a certain day, and that latter motion being considered business; and thus the two motions may be repeated *ad infinitum*, or so long as one-fifth of the House are willing to demand the yeas and nays on these two dilatory motions.

Now, the experience of the last week has shown that a body of one-fifth of the House can say to the House that there is a class of public measures which not only shall not be voted on, but which shall not even be taken up for consideration—neither for debate, for amendment, nor for passage. And we have seen this illustrated in the attempt of the House to consider—not to pass, but to consider, to amend, to debate—the bill relating to civil rights of American citizens. The majority on this floor believe the House ought to consider that bill. They believe they ought to have brought it to the attention of the House earlier than they have done; but a minority of not one-third even have been able under the rule to which I have referred to say to this House, "You may take up an appropriation bill and pass it; you may do such things as we shall select and point out to you; but you shall not even consider any bill that we, the minority, do not consent to." This demand is intolerable, is revolutionary, and cannot be submitted to without dishonor.

But the work of the last four days in this House has demonstrated that our rules enable a small minority absolutely to block the progress of legislation. Instead of using the rules to protect their rights of debate, they have used them to take away the rights of the House itself. The Committee on Rules believe that such a power was never intended to be given for such a purpose.

Let me remark in passing that I do not at all find fault with the minority when they filibuster against an attempt to force them to a vote without debate. In my twelve years' experience in this House I have known many occasions on which the minority claimed the right to be heard when the majority were impatient and wanted to come to an immediate vote; and I have never known the minority fail when they filibustered to obtain a reasonable time for debate; I have never known them fail to get a hearing when they filibustered to obtain it.

Mr. ELDREDGE. I have known them to fail very often.

Mr. GARFIELD. And on that ground I have many times approved of the action of the democracy in demanding a chance for debate. Now, so far as I am concerned and I believe I speak for the Committee on the Rules—at least for three-fifths of that committee—I am unwilling, and I believe they are unwilling, to make any rule for the remainder of this session that they are not willing should stand as the rule of the House next session when this side passes into a minority.

Gentlemen have spoken here this morning about the chalice being commended to our own lips. If this be a chalice, we have deliberately fashioned it that it may be commended to our lips next session. For one, I hope the time will never come when I shall be ready to join in a movement to declare that this great deliberative body of the nation shall not deliberate. I hope the time may never come when party zeal shall so inflame or partisan spirit so misguide me that I shall approve that doctrine that one-fifth of the House may say to four-fifths you shall not even consider certain great matters of legislation, which you believe to be vitally important to the nation. I may join with others in insisting on our right to be heard and to prevent rash and hasty action—without deliberation; but I will never join, if I understand my own purposes and motives, in the kind of movement that has been made here during the last four days to prevent the consideration of a great public measure.

Mr. SOUTHARD. Will the gentleman permit me to ask him—

Mr. GARFIELD. Not at this time. The rule now reported also attempts to provide against a danger in another direction to which I shall refer a moment before closing. Many members have expressed the fear that if only the first four lines of this rule were adopted it would enable legislation of the character of claims and subsidies, and what are sometimes called jobs of various sorts, that are urged upon a legislative body to be passed without the requisite consideration. In order to prevent that the Committee on the Rules have added two provisos, or one proviso, the other one throwing its

balancing force upon the first, so that the limiting of the rule in regard to dilatory motions provided for here shall not apply at all to any bill granting the public credit, the public property, or the public money, the regular appropriation bills being excepted from that limitation.

Mr. STORM. Was not the Pacific Mail subsidy in a regular appropriation bill.

Mr. GARFIELD. Certainly.

Mr. STORM. How, then, could this rule have prevented that?

Mr. GARFIELD. But it required a two-thirds vote to suspend the rules to make the subsidy in order.

Mr. SPEER. Would not all bills referring claims to the Court of Claims, and such claims as the Chorpennig claim, and all bills of that class, have the benefit of this rule?

The SPEAKER. The Chair interposes an answer to the inquiry of the gentleman from Pennsylvania, [Mr. SPEER.] By no possibility could that class of bills have the benefit of this rule.

Mr. SPEER. I would be glad to have the Speaker state why, because that is my honest understanding of the rule.

The SPEAKER. Simply because such bills must go to the Committee of the Whole.

Mr. SPEER. On a point of order?

The SPEAKER. And the same point of order would exclude them from the benefit of this rule.

Mr. SPEER. But the Chair will observe that this class of bills do not contain appropriations; they only turn the claimant over to the Court of Claims for a decision on his claim.

The SPEAKER. They go to the Committee of the Whole by the construction now given to the rules at all events, and the Chair will give the assurance to the gentleman from Pennsylvania that they will do so in this House.

Mr. SPEER. I am very glad to have that assurance from the Chair.

Mr. ELDREDGE. I object to decisions in advance of the effect of this rule; they ought not to be made. When the point is presented the Chair can decide it.

The SPEAKER. The point was presented. The Chair is a member of the Committee on Rules and has a right to participate in the discussion.

Mr. RANDALL. Yes; on the floor.

Mr. DAWES. I wish to make a parliamentary inquiry. In answer to the question of the gentleman from Pennsylvania the Chair has stated that the class of bills to which he refers go to the Committee of the Whole and that therefore this rule would not apply to them. I desire to inquire what would be the application of the rule when they come back from the Committee of the Whole?

The SPEAKER. It would not apply to them.

Mr. DAWES. I would like to be certain about that.

Mr. GARFIELD. If there is any doubt about that, I have only to say that if gentlemen will prepare an amendment to the rule I will admit it.

The SPEAKER. The Chair will endeavor to elucidate the point. The rule governing the referring of bills to the Committee of the Whole reads thus:

All proceedings touching appropriations of money, and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in Committee of the Whole House.

Now, a bill referring a case to the Court of Claims is not specifically included in this rule, but this rule has been adopted during the occupancy of the chair by its present occupant, and he has ruled that bills referring claims to the Court of Claims, and which may ultimately by possibility become a charge upon the Treasury of the United States, are included under the rule; and he will so rule in regard to that class of bills under this rule.

Mr. DAWES. I have no doubt about the ruling of the Chair; but if a bill after it has been considered in the Committee of the Whole comes back to the House, how will it be then?

The SPEAKER. The Chair can answer the gentleman very distinctly, that in that case dilatory motions may be made on it. This rule expressly says that the rules shall not be changed in that respect.

Mr. GARFIELD. I will now yield to the gentleman from Maine [Mr. HALE] to offer an amendment.

Mr. HALE, of Maine, rose.

Mr. SPEER. I understand the gentleman from Indiana [Mr. WILSON] had prepared an amendment.

Mr. WILSON, of Indiana. The gentleman from Ohio will yield to me next.

Mr. NIBLACK. I wish to have the ear of the gentleman from Ohio before he yields the floor, if he will allow me.

Mr. GARFIELD. I have yielded to the gentleman from Maine.

Mr. NIBLACK. Allow me to ask a question only.

Mr. GARFIELD. O, certainly.

Mr. NIBLACK. Suppose this rule shall be adopted and a measure shall be called up in its regular order, and a motion to adjourn shall be voted down and a motion to fix the time for adjournment is also voted down; how can the House adjourn if a majority of the House desire to do so?

Mr. GARFIELD. After considering the measure for a while busi-

ness will have intervened and the motion will not be a dilatory motion. As the Speaker said the other day, it is within the discretion of the Speaker to determine whether the motion is dilatory or not.

Mr. NIBLACK. If after business has intervened we can go through these motions, what do you gain by the rule?

Mr. GARFIELD. We gain this: The motion cannot be repeated but once before the question has been taken by a vote on the measure. It is the same rule that now applies to motions to suspend the rules; only one motion to adjourn can be made.

Mr. NIBLACK. But suppose we cannot reach the question within the day, how are we to adjourn?

Mr. GARFIELD. If there is debate, the motion may be made.

The SPEAKER. The gentleman from Indiana is mistaken as to the point of this proposed rule; it rests upon the question of dilatory motions.

Mr. NIBLACK. But who is to decide what is a dilatory motion?

The SPEAKER. The Chair, of course.

Mr. NIBLACK. How?

The SPEAKER. The rules decide that.

Mr. NIBLACK. Then I understand that it will be in the discretion of the Chair to decide whether any motion is dilatory or not; and against that, for one, I protest now and always.

Mr. KASSON. Subject always to appeal to the House.

Mr. ELDREDGE. O, no; there is no chance for an appeal.

The SPEAKER. The gentleman from Indiana [Mr. NIBLACK] will observe that the decision of the Chair in that respect would be in the interest of the minority of the House.

Mr. ELDREDGE. Not necessarily. I suppose you might decide the other way.

Mr. NIBLACK. If the Chair should decide too much in the interest of the minority of the House, the majority would take him in charge for it, as we have already seen.

Mr. GARFIELD. I now yield to the gentleman from Maine [Mr. HALE] to offer an amendment.

Mr. HALE, of Maine. This rule provides, among other things, that the previous question on the engrossment and third reading of any bill or joint resolution "shall not be ordered during the first day of its consideration unless three-fourths of the members present shall second the demand." I move to amend by striking out "three-fourths" and inserting "two-thirds."

Mr. GARFIELD. I now yield to the gentleman from Iowa [Mr. KASSON] to offer another amendment.

Mr. KASSON. I wish to say that the amendment I propose to offer covers the ground suggested by the gentleman from Maine, [Mr. HALE.] I propose to strike out of the proposed rule all after the word "adjourn" in the fourth line, and substitute an amendment. To make my meaning more intelligible, I will state my object. As the rule now stands it will require three-fourths of the members present to second the demand for the previous question on the first day of the consideration of any subject in order to get rid of the right of dilatory motions. I desire to so amend the rule that dilatory motions shall stand as they now do in cases where the previous question is seconded in the ordinary manner on the day the bill is first presented for consideration. In other words, instead of requiring three-fourths or two-thirds to second the previous question the first day of consideration, I desire to leave the responsibility of dilatory motions where it now rests, with the minority, both in this House and in the next House.

The legitimate object of all dilatory motions, I take it, is understood on both sides of the House to be, first, to procure sufficient delay for debate, and second to secure the attendance of a full or reasonably full House. It is well known that one object feared in this House is that without this system of dilatory motions we might any day introduce a subject in a thin House and carry an obnoxious measure which would be defeated in a full House; or by the previous question you might cut off such opportunity for explanation or debate as would show the bad character of the proposed measure. Now, how shall we arrive at a result which will harmonize all those who seek to do business in a legitimate manner and with a fair showing toward members of the House and the country? I think the basis of it is given in this rule. First, as proposed by the committee it cuts off dilatory motions in all cases. Then with a "but" and with two provisos there are exceptions noted. Now instead of that "but" and the two provisos, I propose to provide three cases under which this rule shall not apply, and in such a way as to get rid of this new element in obtaining the previous question, and also to leave the majority free to order the previous question upon the first day, and then let the minority determine the necessity of insisting upon a fuller House or fuller debate, and if they deem it important to take the responsibility of making dilatory motions. I do not wander far from the provisions of the rule reported by the committee. I propose to amend the rule so that it will read:

Whenever a question is pending before the House the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn. This rule shall not be enforced on the first day of the consideration of a question in cases where the previous question shall have been seconded on that day, nor shall it apply to House resolutions offered in the morning hour of Monday, nor to any proposition to appropriate the money, credit, or property of the United States, except the regular annual appropriation bills.

It will be observed that I retain the two provisos reported by the Committee on Rules which leaves subject to dilatory motions all bills except the regular annual appropriation bills.

Mr. GARFIELD. I will yield to the gentleman from Massachusetts, who desires to offer an amendment.

Mr. BUTLER, of Massachusetts. I desire simply to move to strike out of the proposed rule these words:

But the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless three-fourths of the members present shall second the demand.

I will propose that amendment with the leave of the gentleman from Ohio, after other amendments are offered, and I will explain my reason.

Mr. GARFIELD. The gentleman from Indiana [Mr. WILSON] desires to offer an amendment.

Mr. RANDALL. There are two amendments already pending.

The SPEAKER. If objection is made, no more amendments can be entertained under the rules. The two amendments legitimately pending are the one offered by the gentleman from Maine [Mr. HALE] and the one offered by the gentleman from Iowa, [Mr. KASSON.]

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. Under what rule are these amendments not in order? Are we not acting under a suspension of the rules?

The SPEAKER. The suspension of the rules applied to bringing in the report from the Committee on Rules.

Mr. BUTLER, of Massachusetts. And it was to be considered under the suspension.

The SPEAKER. Have we no rules at all, according to the view of the gentleman from Massachusetts?

Mr. BUTLER, of Massachusetts. We have the ordinary parliamentary law—the common law of parliamentary proceedings.

The SPEAKER. The Chair has never been able to find out what that was.

Mr. BUTLER, of Massachusetts. I thought so.

Mr. RANDALL. I withdraw my objection to the reading of these proposed amendments.

Mr. WILSON, of Indiana. I desire to amend by adding to the proposition of the committee the following:

Nor shall it apply to any proposition to refer any claim to the Court of Claims.

Mr. NEGLEY. I object.

Mr. GARFIELD. I yield for a moment to the gentleman from Pennsylvania, [Mr. SPEER.]

Mr. SPEER. I ask the Clerk to read a further proviso which I desire to offer.

The Clerk read as follows:

And provided further, That this rule shall not apply to any bill, resolution, proposition, or motion introduced, made, or pending before its adoption.

Mr. CESSNA. I ask leave now to offer the amendments which I send to the desk.

The Clerk read as follows:

Insert after the word "adjourn" in the fourth line these words: "which latter motion shall not be entertained more than once on the same day pending the consideration of the same bill on joint resolution."

The SPEAKER. That refers to the motion to fix the day to which the House will adjourn.

Mr. CESSNA. Yes, sir. There is one other proposition which I ask the Clerk to read.

The Clerk read as follows:

Add at the end of the report of the committee the following:

It shall be in order for the Judiciary Committee to report bills and joint resolutions of a public character at any time during Thursdays: *Provided, however*, That this privilege shall not be so exercised as to interfere with the morning hour, nor with the consideration of regular appropriation bills, nor with bills reported by the Committee on Ways and Means affecting the revenue, nor with special orders previously assigned. It shall be in order for the House, by a majority vote, to dispense with the further reading and correction of the Journal at any time after thirty minutes shall have been spent in such reading and correction.

Mr. WILLARD, of Vermont. I rise to a question of order. Are these amendments all considered as pending?

The SPEAKER. They are now read for information merely. The Chair will rule upon them, if necessary, when they come up for consideration.

Mr. GARFIELD. I yield five minutes to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. Mr. Speaker, I do not profess to be thoroughly posted in parliamentary law, and I would not say a word now but for the fact that it has been assumed all through this discussion that these revolutionary measures had to be resorted to by the republican majority and the rules changed without even allowing the committee to meet in the way now about to be done, because of the falsely alleged illegal and revolutionary conduct on the part of the minority of this House. I deny that assumption, and the history of this Congress will bear me out in the denial. We have not since this Congress met interposed any objection to business. On the contrary, as the record shows and as the country knows, we have not even asked for general debate upon a single appropriation bill. For the purpose of facilitating business we aided in passing the legislative, executive, and judicial appropriation bill, the naval appropriation bill, and all others presented to us before the holidays, which we all know is unusually expeditious.

Mr. BUTLER, of Massachusetts. Except the Army appropriation bill.

Mr. BECK. The Army bill came up after the holidays; if I recollect right, however, that was postponed at the request of the gentleman managing it because the necessary information from the Departments and Bureaus was not before the House. There were no reports of Bureau officers before Congress to give us the information we required; and the bill was laid aside on the motion of the gentleman from New York, [Mr. WHEELER,] who had charge of it as the representative of the Committee on Appropriations.

Mr. BUTLER, of Massachusetts. On your objection.

Mr. BECK. My objection was made because the reports required by law were not here; and that was recognized by the gentleman managing the bill as a legitimate objection.

Sir, I assert that no man on this side of the House has spoken more than five minutes on any question since this session began, nor interposed a single dilatory motion upon any matter of public business, unless the civil-rights bill can be called such. Let me explain the reasons for the course pursued by us during the past week. Gentlemen can contradict me if I state the facts incorrectly. I want the country to understand them, and to decide whether we are justifiable in the course we have pursued.

The House will bear me out in saying that on last Tuesday morning the Committee on Banking and Currency had the floor, and the amendments to the Freedman's Bank bill, which were then under discussion, went over to Wednesday morning as unfinished business, having precedence over all else after the reading of the Journal. A special assignment was also made for Wednesday by order of the House, for the purpose of considering the post-office appropriation bill. These were the regular orders for Wednesday. An effort had been made on Monday to suspend the rules in order to bring up the civil-rights bill and other political measures. That effort had failed, thanks to the more conservative members of the republican party.

Irritated, doubtless, by the failure to whip in all the members of their party to the support of desperate measures, a caucus of the republican members of the House was held on Tuesday night in this Hall, as the papers announced; and on Wednesday morning the gentleman from Massachusetts [Mr. BUTLER] undertook to call up an old motion of his own to reconsider one of the measures that had been agreed upon in that caucus as most likely to produce disturbance and strife. Thus the Committee on Banking and Currency was to be taken from the floor, and the Committee on Appropriations was not to be allowed to proceed with the consideration of the special order. Doubtless the party lash was supposed to be sufficient to make all moderate republicans wince and submit to the dictation, which on the previous Monday they had shown a determination to resist. Consequently, as soon as the Journal was read on last Wednesday, the gentleman from Massachusetts [General BUTLER] made a motion to reconsider the vote whereby the civil-rights bill had been recommitted to the Committee on the Judiciary. That bill had been laid before the House on the 18th of December, 1873, and kept there under discussion until the 7th of January following, then recommitted to the Committee on the Judiciary because the House was unwilling to pass it—the gentleman from Massachusetts voting against the passage of his own measure by voting to recommit, and then quietly entering a motion to reconsider and allowing it to lie without being called up or acted on for over a year—then, Mr. Speaker, because eighteen of the members of his own party had voted against the revolutionary measures proposed by him on the previous Monday on his efforts to obtain a suspension of the rules, because we on this side of the House had successfully resisted him and his radical allies after he had allowed the civil-rights bill to lie for over a year, he flung it defiantly and almost insultingly before the House, and after a signal failure now seeks by revolutionary proceedings to induce the House to determine that the rules be so amended that all power of resistance be taken away from the minority.

When in the face of all the business of the House it was flung in here on last Monday morning, we of course did our best to resist it and defeat it. We did defeat it strictly under the rules of the House, and because we made this resistance we are now charged with attempting to break down the rules of the House and with impeding all legislation, when the fact is well known by our conduct and constant avowals that we were all the time in favor of proceeding with the regular legislative business of the House, and were only resisting an attempt of gentlemen on the other side of the House wrongfully to inject an obnoxious political measure at the dictation of a party caucus. The charges made do not justly lie against us, for I again assert, and want the country to know, that during the time this House has been in session we on this side of the House have never made a dilatory motion or sought to impede or in any way delay the business of the House. Not a member on this side, I repeat, has made a speech of more than five minutes. We not only have not obstructed the business of the country, but have continually avowed and proved our willingness to go on with business, only resisting—and that at the last moment, when failure to resist would have been cowardice—what was thrown in designedly as a fire-brand. The civil-rights bill was allowed to lie untouched for over a year, and now, after we had been in session for two months with only one month of the session remaining, it has been, as I have already stated, flung in here, and an attempt made to thrust all other business aside in

order to force it through—in order to insult us and cast odium on the republican members who on Monday week would not obey the order of the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. Speaker, my understanding has always been that two-thirds of this House could do anything. They can expel a member—the highest power possible; indeed they can expel all the members on this side of this House, and need give no reason for it. That is one of their powers. It is presumed, of course, they will not exercise it wrongfully. The minority have the inferior right under the rules, which have existed for nearly half a century, when any matter has been improperly sprung upon them, as this civil-rights bill has been, and especially after all its principles and its advocates have been rejected by the people as has been done at the polls last November, to resist it in the manner we have done, without being liable to the charges made against us. We differ from other countries in this: members of this House hold over after the party has been defeated at the polls and a majority of the opposite party elected. But after such an election as was had last fall, when the advocates of strife, hatred, and discord were repudiated by the people and all the principles of the legislation now proposed were discarded, we did think we had the right to resist the passage of this so-called civil-rights bill. And we did resist it. We were fully aware that on every Monday two-thirds of this House can suspend all rules. We could only delay action for a few days, if you were united in passing this most objectionable and as we think unconstitutional measure. Why, then, change the rules of the House? Why seek, in every particular, to destroy the rights of the minority? You have the power to suspend all rules and pass whatever measure you please. You have on every Monday the power of expulsion; you have absolute power to do as you see fit by a two-thirds vote, and all we have the power to do is to delay a little while until you determine whether we are to be overridden in all our efforts to preserve, as we conceive, the peace and order of society. To-day you can suspend the rules and accomplish what you desire without putting a general gag upon us, if you are united in desiring the passage of this bill. Why, then, proceed beyond that, and seek to destroy all our rights and power of resistance, if you have no other bad purposes to accomplish by securing our silence?

Now, Mr. Speaker, as my time is nearly exhausted, I should like to have the first page of Jefferson's Manual read by the Clerk. It is the law by which we are governed. It will only take a few minutes. It contains the true doctrine on this subject, and it will be well for the House to listen to it and understand it. The Clerk will please read what I have marked.

The Clerk read as follows:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with a majority of the House of Commons, than a neglect of, or a departure from, the rules of proceeding: that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power." So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.—2 *Hats*, 171, 172.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the Speaker, or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.—2 *Hats*, 149.

Before the reading was completed,

Mr. GARFIELD said: I yield to the gentleman from Massachusetts.

Mr. BECK. Let the Clerk finish the reading of the passage I have marked.

Mr. KASSON. The House of Commons have no such rules.

Mr. KELLOGG. I wish to call the attention of my friend from Kentucky to the fact that he is making a ten-minute speech now.

Mr. BUTLER, of Massachusetts. What becomes of my five minutes?

The reading was then completed.

Mr. BUTLER, of Massachusetts. I defer, Mr. Speaker, what I intended to say. That was excellent good doctrine against a kingly government and administration under a crown, but it does not apply to the power in the hands of an administration under the vote of the people. I have further to say no administration, no legislative body in the world has ever been cursed with the rules with which this House has been cursed. Where did they come from? They are the relics of the old slave power. They were made to protect that power, to prevent any discussion of abolition. I know whereof I affirm. They were made to throw the power of legislation into the hands of a few leading committees so that no resolution could be introduced and nothing discussed which was not in accordance with that power. And the correlative rule was introduced into the convention to nominate the President that it should be by a two-thirds vote, so that the South and the interest of slavery should control the nomination of the President. Therefore every President we had at the North always looked to the South, and every candidate too.

Passing from that, I agree that the rule submitted by the committee would be a good one if this were the first Monday of December, 1875.

A MEMBER. Eighteen hundred and seventy-four.

Mr. BUTLER, of Massachusetts. No, sir; 1875. But what are we about? We are making a change of rules for an exigency. We have got but twenty-six more legislative days of this Congress left. We have got nine appropriation bills to consider. We have not heard from the Committee on Ways and Means yet in regard to taxes and raising the revenue. Now, then, this rule as framed allows and legalizes filibustering. It allows it to go on one day; and being allowed to go on one day, every bill if the minority chooses can be held off one day. And upon what plea? Upon the plea that they ought to discuss bills. Why, sir, when I offered them, standing here, the opportunity to discuss the civil-rights bill, they chose to discuss it by making motions to adjourn and to adjourn over to a day certain, for over forty-six hours together, and never opened their mouths in any way except to object to hearing their own platform read which declared the equality of the rights of all men under the law.

Now, then, we are here in this exigency—with the country almost breaking into civil war, with White Leagues organized all over the South, with one State disorganized and held by bayonets alone—are we to give up one-half of the remaining time of this House to filibustering?

Mr. NIBLACK. I rise to a question of order.

Mr. BUTLER, of Massachusetts. If it does not come out of my time.

Mr. NIBLACK. I raise the point of order that the rule requires the gentleman to address the Chair. The gentleman is addressing the gallery.

Mr. BUTLER, of Massachusetts. I have the floor, and do not yield to the gentleman.

Mr. NIBLACK. I insist that under the rules the gentleman from Massachusetts must address the Chair and not the galleries.

Mr. ELDREDGE. The gentleman from Massachusetts is addressing the gallery only in order to give color to his speech.

Mr. BUTLER, of Massachusetts. I am aware, sir, that all this has been—

Mr. NIBLACK. Mr. Speaker, I insist that the rule shall be enforced.

The SPEAKER. What is the point made by the gentleman from Indiana?

Mr. NIBLACK. It is that the gentleman from Massachusetts does not address the Chair but the gallery. And I ask that the rule be enforced.

Mr. BUTLER, of Massachusetts, (having taken his place on the platform beside the Clerk's desk.) I believe I am now in order. [Applause in the galleries.]

The SPEAKER rapped to order, and said: It is a great abuse of the privileges of the House for those in the galleries to presume to show either applause or disapproval of anything on the floor.

Mr. COX. Mr. Speaker, it is for dramatic effect on the floor.

The SPEAKER. The Chair always rebukes what is for dramatic effect, whether in the gallery or on the floor.

Mr. NIBLACK. Is the gentleman from Massachusetts now within the rule?

The SPEAKER. The gentleman from Massachusetts can speak from his seat, or from the Clerk's desk.

Mr. BUTLER, of Massachusetts. I desire to be within every rule of the House.

Now, then, I say again that all this that we have seen here for forty-six hours, and for days besides that have been wasted, has been that in view of the present condition of the country the republican House of Representatives and the republican Congress might afford no remedy for that condition of things; and therefore I beseech the majority not to allow any filibustering under our form of rules. Therefore I move to strike this portion out.

Can you not trust each other? Can you not trust the majority of the House in this time of peril, in this exigency of the country; when we are warned by the gentleman from Kentucky that he would sit here till the 4th of March to filibuster rather than allow us to pass the civil-rights bill, or even to consider it? Are we now to be asked to give up one-half of all the time left us, out of courtesy, to the minority, which shows us nothing but their teeth?

Mr. TREMAIN. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. TREMAIN. Is it not also necessary, in order to legislate upon any southern question except the civil-rights bill, now before the House, that the amendment offered by the gentleman from Pennsylvania [Mr. CESSNA] or some kindred rule be adopted, so as to bring those measures before the House?

Mr. BUTLER, of Massachusetts. Clearly. And therefore I was about to ask gentlemen to consider the amendment offered by the gentleman from Pennsylvania, so that the House can pass a bill by which the President can be armed with power to preserve the peace of this country so long as he is in the executive chair.

Mr. TREMAIN. And let me ask further: Does not this whole contest lose its significance if we simply adopt this resolution, having no reference to new bills that may be introduced?

Mr. BUTLER, of Massachusetts. Clearly it does. We will have no way to get new bills before the House.

One thing further. We cannot prolong a session of the House during a long day, for the longer we make the day the further we postpone the call of the previous question on our bill. We cannot hasten legislation under this provision at all. If we undertake to sit out a long day, and one session is always a legislative day however long it is, why then we have only taken away one day more and fatigued ourselves for no advantage whatever. I pray you good and true men, who stand for the country, to stand together and release our hands which have been tied here, so that we cannot do anything for the benefit of our country, and to pass a rule that shall not be emasculated by such a provision as this.

Mr. TREMAIN. I desire to ask the gentleman a question. Is there any way in which we can reach that amendment except by voting down the previous question?

Mr. BUTLER, of Massachusetts. No, there is no other way; and as the rule will stop all debate at the end of an hour, let us vote down the previous question, and then each one of these amendments will come up and be voted on and the majority of the House can then do what they ought to do—pass such a rule as will enable us to carry forward the public business without having one-half of our time frittered away at the will of a minority who show that they are determined to delay.

Mr. GARFIELD. I now yield five minutes to the gentleman from New York, [Mr. COX,] my colleague on the Committee on the Rules.

Mr. COX. Mr. Speaker, I did intend to discuss this matter in the light of a conscientious member of the Committee on Rules, who has not been active in the contests of the past week; or in such a light as a just revision of the rules would reveal. But, sir, I have been rebuked by the Chair. Why? Only for being somewhat "dramatic" a moment ago in my resignation as one of the committee. I will remind the Speaker that there have been other dramatic performances here. These also should have been, sternly rebuked. Among them is this constant dramatic performance, call it farce or tragedy, from floor to gallery, just performed by the gentleman from Massachusetts, [Mr. BUTLER.] Where is his political or moral right to call this side of the House in question for being revolutionary? This side of the House represents two-thirds of the intelligence and voting power of this country. The gentleman who spoke last [Mr. BUTLER] knows it well.

Mr. RANDALL. And feels it well.

Mr. COX. But because I happened to make an appeal—which I thought proper for my humble self-respect—for refractory from the Committee on Rules, I was reminded by the Chair that I was doing it for "dramatic effect;" and yet the gentleman from Massachusetts [Mr. BUTLER] can leap into the Clerk's desk, assume his attitudes, and speak to the cheering and cheerful lazzaroni in the galleries, and be applauded to the echo by them, as he has been time and again under the present Speaker, and the accomplished Chair has nothing to say to him or the House on the subject of "dramatic effect!"

The SPEAKER. The gentleman from New York will observe that the rules specifically give the gentleman from Massachusetts the right to speak from the Clerk's desk if he chooses to do so.

Mr. BUTLER, of Massachusetts. I did not go the Clerk's desk at all until I was called to order.

Mr. COX. I am not finding fault with that.

The SPEAKER. The gentleman intimated that the gentleman from Massachusetts had done something not within the rules of the House.

Mr. COX. Well; it was not according to the "general usage" of the House. O, no!

The SPEAKER. No; but it is in accordance with a specific rule of the House.

Mr. COX. The last part of this dramatic performance of the gentleman had reference to our filibustering to prevent a certain class of business from passing. He meant, I suppose, southern matters as propounded by his judiciary committee. Suppose I show that when President Grant sent his message about Louisiana to the House on 25th February, two years ago, the Judiciary Committee, to which it was referred, and of which the gentleman was chairman, never took action during that whole session; what is left to the gentleman for grievance? Why, your own President charges, nay, insults you by charging you with dereliction of duty in this: that you failed to cure civil disorders South. When the President's message came here on the 25th February, I rose in my place and said that the non-action of the Committee on the Judiciary, which I wisely apprehended, would perpetuate usurpation in Louisiana. Has it not perpetuated usurpation and with it an unexampled cohort of evils? Who dare deny it? It is not, therefore, for the gentleman from Massachusetts to complain that the minority by any sort of dilatory movement obstructs the resuscitation of tranquillity South. Why should we obstruct any effort to relieve the impoverished and barrack-ridden populations of Louisiana and Mississippi? Why should we seek to renew the trials and horrors, the blood and waste of the terrible war of 1861-'65?

But the gentleman says, with "dramatic effect," that these rules, and I suppose the Constitution itself, were made by the "slave power."

Mr. BUTLER, of Massachusetts. By no means.

Mr. COX. They were administered at least in Charleston by the slave power in 1830, with the help of Caleb Cushing and another respectable gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. Undoubtedly the rules, but not the Constitution.

Mr. COX. Sir, were not the rules, if not the Constitution, adopted by what is called the slave power? Whence came these hitherto inviolable rules? They antedate the Constitution. They originated in a contest in England against prerogative, and were intended to save the people from the encroachments of the crown. If a Walpole were corrupting Parliament or a king were invading its privileges, they were intended to protect the Commons themselves from greed and aggression. If the crown threatened and arrested; if it attempted to overawe the fountain of supplies and the reservoir of liberties; if *Magna Charta* or the petition of right were invaded, then in came the rules of the Commons to save the realm from fraud, force, chicane, and absolutism. It mattered not whether the evil came from Mr. Speaker or a kingly Stuart, the parliamentary defiance met it!

These rules were intended to protect the minority. The majority can always protect themselves. The first page of our Digest, which I had marked to quote before my friend from Kentucky [Mr. BECK] had it read, means that the very object of all rules of a legislative quality are intended to save the minority from the ruthless and reckless audacity of the insolent majority. When they are abridged liberty is abridged, and tyranny supervenes.

And now you members of the other side, so effuse with senseless mirth to-day, with all your affected wisdom—just dropping and dropping into a little minority in the next Congress—for the sake of a temporary advantage on this abstract, dead, and inconsequential business of civil rights, propose to break down all these conservative checks and safeguards. No wonder it took a week to bring your own men up to the bad work. I think the majority here, if they sat till doomsday, should prevent the quackeries and extravagances connected with Federal legislation. To avert such excesses is the chief object of these rules. You would kill the rules to run riot till 1876 and ever after! It was a wise remark of some one that we ought to have more fencing or less quack advertising in medicine in this country. I am for more fences. I oppose all quackeries.

Mr. Speaker, these rules are venerable. They have stood the test of time. Over ninety years they have remained for our wise guidance. They have the paternity of the father of democracy himself. I mean Thomas Jefferson. They were framed in the interest of liberty and not of royalty. They were intended to avert all use of the wages of the people, not necessary for Government use. They are the checks against fraud and force. Jefferson himself introduced them to the newly risen Republic. He gave to them in his Manual the rationalia of their existence. When they are alleged to be the effluence of the "slave power," we can only laugh at the "dramatic" impotence of such allegations.

I may not know how to express here and now my full admiration of these rules, nor to assist decorously as one of the Committee on Rules in administering or interpreting them. I may or may not be entitled to the elegant and undeserved compliment bestowed upon me by the accomplished Speaker. But one thing is certain—that during all the time I have been in Congress, and I have been here during the best part of my life—and during the war, when the temptation was very strong to change the rules, I have stood steadfastly as on an adamant rock against all innovations. I believe on one occasion there is an exception. For that single innovation my friend from Pennsylvania [Mr. RANDALL] and myself have been often scolded on this side of the House. I do not believe that we deserved their reproaches. We acquiesced, a little sullenly, in the breaking down of the old rule, so wasteful of patience, time, and reason, which required a majority to second the motion to suspend the rules on our Monday abstractions. We did not make much of a contest on that point. We did what we thought was in the interest of the business of the House. I am not sorry that it has been done; for as we usher in the day of democratic jubilee and ascendancy in the next Congress, that rule at least will not impede the generous application of common sense to the hungry and thirsty business needs of South and North.

And now, Mr. Speaker, my time is ended. May I not say that even you would not be here in the next Congress if you had not been elected early in the spring? I state that for "dramatic effect." Men like yourself are at times elected irrespective of consequences and antecedents. They have such shrewd, cunning, able, prompt ways with gavel and mind. In that connection I had an idea to suggest. But I am trespassing upon your indulgence; I have already spoken beyond five minutes. I ask no favor!

The SPEAKER. The Chair directs the Clerk to read the following rule.

The Clerk read as follows:

Members may address the House or committee from the Clerk's desk, or from a place near the Speaker's chair.

Mr. GARFIELD. I now yield five minutes to the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCOFIELD. I deny that the purpose of framing the rules under which we are now acting was to protect the minority. The Constitution of the United States gives the President a veto, which closes all legislation unless we have two-thirds to oppose him. But it never gave to one-fifth of the members of this House the right to veto all legislation. The operation of the rules as now administered, with the construction that has grown up, gives to one-fifth of this

House the right to stop the passage of any bill whatever, appropriation bills or any other kind of legislation. Not only that, but it gives them a greater power; it gives the power to a less number than one-fifth; because although it takes one-fifth to order the call of the yeas and nays, a less number may continue to make these dilatory motions over and over again and to force a vote upon them, and thus consume the time of the House.

Now, what do we propose to do? Simply to provide that in the future that construction shall be placed upon the rules in certain cases which was designed by the men that made the rules. I deny, what the gentleman from Massachusetts [Mr. BUTLER] alleges, that the slave power ever designed any such construction to be placed on these rules. The right to move to adjourn and the right to fix the day to which the House shall adjourn were introduced in the rules because it was absolutely necessary that those motions should be privileged. And a minority of one-fifth of the House have taken advantage of that fact and this abuse has grown up.

Mr. BUTLER, of Massachusetts. Under the construction given by democratic Speakers.

Mr. SCOTFIELD. I say the purpose in framing these rules was simply to give the majority of the House an opportunity to adjourn and to fix the day to which they shall adjourn. And the abuse under the construction of that rule has grown up which gives to one-fifth of this House a practical veto upon all legislation. When the House adopted the rule that a motion to adjourn shall be privileged, and then the second rule to fix the day to which the House shall adjourn shall also be privileged, it was never designed to put it in the power of one-fifth of this House to veto all legislation. All we attempt to do now is to cut off the abuse which puts the power to legislate, or rather to obstruct legislation, in the hands of one-fifth of the members of this House.

In doing that, the Committee on Rules have been extremely cautious to preserve even that abuse of power in reference to any measure which involves a subsidy or any appropriation outside of the regular annual appropriation bills. The rule never should have been adopted in the first place. We have in this country thirty-seven State Legislatures. I presume there is not one of them that has not the power, at some period, to cut off filibustering and to secure action in some way or other, some kind of action upon all measures before it; at least such is the case in our State. So that when gentlemen talk to us about changing the rules for an emergency, they misapprehend the purpose of this proposed rule. The purpose of it is not to change the rule, but to prevent this great abuse whereby one-fifth of the House can obstruct all legislation.

Mr. GARFIELD. I now yield five minutes to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. Mr. Speaker, I do not know that I shall consume my five minutes; but I wish to give one or two reasons why in my judgment this House should not repeal the rule now under consideration. It was adopted, Mr. Speaker, by a majority of this House in view of great public interests, when that majority was calm and deliberate. It was a restraint which the majority deemed it necessary and important to put upon itself in order to prevent hasty, harsh, and precipitate action. It was then a part of the positive political morality of this House, as all rules are which a majority adopt for their own guidance and restraint. Such rules have always existed in all well-constructed parliamentary bodies, and are regarded as precautions which the majority is willing should be taken against its own errors. The one now proposed to be repealed is an old rule, and constitutes a part of the checks and balances of our system, dating away back and having not only the sanction, as the gentleman from Massachusetts [Mr. BUTLER] sneeringly remarked, of the "slave power," but the sanction of the anti-slave power for the last twelve or fifteen years, during which time it has been recognized and enforced by the republican party. This rule is now sought to be abrogated for the first time for a special object by the majority in this House when the power is about, through the action of the people, to slip from its grasp.

Sir, all parties are committed to this rule. The reason given for its repeal—given, I admit, with frankness and ingenuity—by the gentleman from Ohio [Mr. GARFIELD] and the gentleman from Pennsylvania [Mr. SCOTFIELD] is that a use is now being made of it which is intended to have and will have the inevitable effect of obstructing the pronounced will of the majority of this House as now constituted. Sir, this rule was an instrument put into the hands of the minority by the majority for that very purpose.

Mr. GARFIELD. Does the gentleman mean to say that it was the purpose of this rule that a minority should be able to prevent the consideration of any measure?

Mr. LAMAR. Yes, sir; it was adopted as a rule evidently for the object which it so directly tends to accomplish, and with reference to the end to which it is applicable. The power which a rule gives to a minority must be intended to be practically operative for that minority; and I contend that it is a healthful and salutary power whenever exercised by an opposition, as we have done in this case. It is not filibustering.

Mr. SCOTFIELD. I would like to ask the gentleman a question.

Mr. LAMAR. The gentleman will excuse me. If he will hear me I think I can convince him that in our action there has been no abuse of the rule.

Mr. SCOTFIELD. I hope the gentleman will allow me to ask him a question.

Several MEMBERS. O, no; there is not time.

Mr. TREMAIN. If the objection is on the score of want of time, I hope everybody will consent that we may have half an hour more for debate.

A MEMBER. The poisoned chalice will be commended to their lips.

Mr. LAMAR. I hope not, sir. I hope that when the democracy come into power in this House they will reinstate this ancient and time-honored rule, and observe its obligations as faithfully as they have always professed to observe the compromises of the Constitution.

Now, sir, let me resume (if the gentleman from Ohio will allow me to proceed) the argument I was presenting when interrupted. This rule, in the hands of a minority, cannot effect anything except legislative action more or less protracted. There is in every legislative body a power of final control, and in the contest between it and the checking forces in play the victory will always be gained by the holders of the actual power.

In the use which the minority have made of this rule there has been no irregularity—no departure from well-established parliamentary usage.

Here, sir, is the civil-rights bill. Let us speak plainly. Here is a bill that a portion of the majority of the House favor, and which a minority opposes. I do not believe that there is a majority in favor of its provisions as it now stands; but a body of extreme, dominating, resolute men, who are men of more will than the passive majority generally around them, are driving, by force of party organization, this measure through this House. Suppose we permitted that to be done; suppose we did not resort to these dilatory motions which the rules of this House allow us five days of the week to resort to; suppose we allowed that bill to come up "for consideration," as the gentleman from Ohio says, but, as he knows, for final action and passage; would it not be passed really through our agency and not yours? Would it not be passed by the non-action and connivance of this side? Would we not be held responsible, not only to our immediate constituency, but to that larger constituency, the majority of the people of the country, as developed in the late elections, for not having prevented the passage of a measure which, in the exercise of our constitutional and legitimate parliamentary rights, we might have prevented? A resort to these parliamentary tactics for such an object is not "filibustering;" it is the legitimate carrying out the will of the majority—I mean both the actual popular majority outside these walls and the technical majority in this House; it is carrying out and enforcing the will of the majority, as declared when that majority was cool and calm and lofty in its patriotism, providing a law to restrain itself when animated by passion and inflamed by irritating conflicts. It is the act of the majority through the minority.

[Here the hammer fell.]

Mr. GARFIELD. I yield five minutes to the gentleman from Maine, [Mr. BLAINE,] the chairman of the Committee on Rules.

Mr. LAMAR. One word further—

Mr. HAMILTON. I hope the gentleman from Mississippi [Mr. LAMAR] will be allowed to continue; he has been interrupted.

The SPEAKER *pro tempore*, (Mr. TYNER in the chair.) The Chair has been very liberal to the gentleman from Mississippi.

Mr. TREMAIN. Let the time for debate be extended thirty minutes.

Mr. LAMAR. Just one word in reply to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. GARFIELD. I will yield another minute.

Mr. LAMAR. I beg the pardon of the House for trespassing upon its indulgence. The gentleman from Massachusetts [Mr. BUTLER] says that this rule originated with the "slave power;" and he said it with that air of derision and scorn which is peculiar to himself and all his own. Ay, sir, this rule did so originate; for when it was adopted nearly all the States of this Union constituted a part of the "slave power" of this country. But, sir, let us admit that the slave power not originate it. What the gentleman charges as a reproach is an honor. Let it go forth to the world, if he will have it so, that when those men whom he denominates the "slave power" had the unquestioned ascendancy in this Government—when they exercised full and undisputed control, and had the power to carry their measures over minorities, and without regard to their rights, they voluntarily came forward and put a restraint upon that power, giving the minority the means to protect itself against oppressive measures. It was a great step when the principle was established that minorities should not oppress majorities; but it was a still higher advance when the further principle was established that majorities should not oppress minorities.

Mr. GARFIELD. The gentleman's time has expired, and I now yield to the chairman of the Committee on Rules.

Mr. LAMAR. One other word, sir. When that slave power was in a majority, when it had the ascendancy in this Government, it never received a rebuke from the gentleman from Massachusetts. He then was its advocate and most supple adulator, and never until it was prostrate was he its assailant.

Mr. GARFIELD. I am compelled to call the gentleman from Mississippi to order.

The SPEAKER *pro tempore*, (Mr. TYNER in the chair.) The gentleman's time has expired.

Mr. GARFIELD. I now yield for six minutes to the gentleman from Maine, [Mr. BLAINE,] chairman of the Committee on Rules.

Mr. BLAINE. Mr. Speaker, I do not think the gentleman from Mississippi has correctly stated the history of this rule as to its date or as to the proceedings which have been had under it. The rule which elevated the motion to adjourn to a fixed day above the motion simply to adjourn was not incorporated into the rules for fifty years after the Government was organized. Unless I am entirely mistaken the use of those two privileged motions for the purpose of what is now popularly known as "filibustering" never took place till 1854. And while I do not wish to give the slightest political tinge to a discussion upon the amendment of the rules, I beg to remind the gentleman from Mississippi, when he claims great magnanimity for the slave power, that the very origin of "filibustering" was on the Kansas-Nebraska bill, and it was resorted to by the minority to defeat what has gone into history as "a parliamentary fraud, by which a bill in the Committee of the Whole had its enacting clause struck out and when reported to the House was considered as before the House for action. It has gone into history as "a parliamentary fraud," and I measure my words when so describing it. Against that the minority called the yeas and nays one hundred and thirty-eight times. That was the origin, if I mistake not, of "filibustering." I should not have referred to it but for the remarks of the gentleman from Mississippi.

Mr. LAMAR rose.

Mr. BLAINE. I will hear the gentleman.

Mr. LAMAR. Filibustering, then, has a paternity I was not aware of.

Mr. BLAINE. I did not hear the gentleman.

Mr. LAMAR. I say it has a paternity and authorship I was not aware of.

Mr. BLAINE. I think I state the historical fact correctly.

Mr. COX. The Speaker will allow me a moment. Do I understand my friend that he refers to the motion to strike out the enacting clause in the Committee of the Whole so as to bring the bill into the House for the purpose of carrying it? At that time it was considered legitimate, but the rules have since been ordered so as to avoid any motion of that kind hereafter.

Mr. BLAINE. No; the gentleman is mistaken entirely. I am certain of this, but I do not wish to disturb the memory of the dead in order to bring up any unpleasant reminiscences for the living. I would not have made the slightest reference to it but for the claim of the gentleman from Mississippi, (and I am sure he would not state anything he did not think was correct,) which I have ventured to show is erroneous.

I came to the floor, however, to oppose the proposition of the gentleman from Massachusetts, [Mr. BUTLER,] He objects to that portion of this proposed new rule which gives to the minority one day's debate, and he proposes the majority of the House shall, without any delay whatever—that a majority of one shall without one moment's discussion, without an opportunity for a word of protest, without an opportunity for a line of amendment, without debate, without explanation, without consideration, force down the throats of the minority any measure which the majority may agree upon. For one I am opposed to that; and for one I desire to say that I would never consent while I am in the majority to support or to report a rule from the committee of which I am chairman that I would not be doubly willing to live under in the minority. I believe this process of "filibustering" is wholly and entirely vicious. I believe, moreover, that its origin, or rather its growth, came from the fact of a too frequent and arbitrary use of the previous question on important measures. In the ancient debates of the House, forty, fifty, or sixty years ago, the previous question was used sparingly. Deliberation was allowed. It has come to be used probably too promptly, too autocratically. This rule secures to the minority one day of debate upon any measure they may desire to debate. It is a privilege which I am not at all too sure they ever had before under the rules. The gentleman from Massachusetts, [Mr. DAWES,] chairman of the Committee on Ways and Means, reminds me, and I desire it to go on the record in this connection, that this is a proposition to secure to the minority, in the direction of liberality, the right to debate—a privilege, or rather the extension of a privilege, which they never had before; never, sir.

I am not at all sure the proposition of the gentleman from Iowa, [Mr. KASSON,] if I understand it, is not equally as effective as that proposed by the Committee on Rules. The Committee on Rules propose the previous question shall not be put unless three-fourths second it. The gentleman from Iowa proposes the previous question shall not be enforced, leaving the majority to second it but leaving also open to the minority the right to make such dilatory motions as will secure one day's debate.

The difference of the two would be this: that in the first place it would be absolute, subject to the possible objection of the gentleman from Massachusetts; that occasionally it might be used for purposes of obstruction.

Mr. NIBLACK. Will the gentleman allow me one word?

Mr. BLAINE. Certainly.

Mr. NIBLACK. Does it necessarily follow that there will be one day's debate? Is it not competent for the majority to lay aside for other business any measure that may be brought before the House?

Mr. BLAINE. When will it be picked up again if it is laid aside? Mr. NIBLACK. That is the suggestion I am making to the gentleman. Cannot the majority put the measure aside, and take it up next day?

Mr. BLAINE. I do not see how that could be done.

Mr. BUTLER, of Massachusetts. Suppose a bill is offered in the House and is under consideration, and that rule is enforced; must not that bill be debated on that day unless three-fourths desire to second the previous question?

Mr. BLAINE. Yes. But the gentleman from Massachusetts makes this error—and the House and the gentleman himself will recognize it in a moment—that the number of debated questions or the number of questions on which debate is desired during the entire session is very inconsiderable. I undertake to say that in one hundred cases in which the previous question is asked, it is seconded without a division over ninety times.

Mr. NIBLACK. Now let me make this inquiry. If the rules should be construed as the gentleman from Maine now construes it, would it not be in the power of one-fourth of the House by voting against the previous question to keep every matter over for one day for debate for that length of time, and thus cause a greater obstruction to business perhaps than can be offered under the present rules which gentlemen desire to abrogate?

Mr. BLAINE. Not at all. Suppose the Speaker in administering the rule says "The gentleman demands the previous question; is there a seconder? The previous question will be considered as seconded unless further count is demanded." That is the way it goes nine times out of ten. That is generally what happens except in regard only to questions that are partisan in their effect, or that involve important principles deserving mature consideration.

Mr. NIBLACK. Does this not give the power of obstruction to one-fourth of the House?

Mr. BLAINE. One-fifth have it now.

Mr. BUTLER, of Massachusetts. Why not take it away from both?

Mr. BLAINE. I have stated the objection I think to that.

Now, there is one other point to which the gentleman from Massachusetts has referred on which I also desire to make a remark. That is as to changing the rule by an amendment to this proposition so as to enable the Judiciary Committee to report at any time because of the peculiar exigencies of this session. The gentleman does not ground it upon the general rule of necessity, because he does not think if the first Monday of December, 1875, was reached there would be a demand for it then, but that we ought to have it now.

Now, I hold in my hand two resolutions, one of them appointing a committee to investigate affairs in the State of Mississippi and the other appointing a committee to investigate affairs in the State of Alabama, of one of which my friend from Michigan, Mr. CONGER, is chairman; General COBURN, of Indiana, being chairman of the other. Both these committees are ended with the power to report at any time.

Mr. BUTLER, of Massachusetts. To report what?

Mr. BLAINE. Anything they choose by way of remedy.

Mr. BUTLER, of Massachusetts. Any bill outside of Alabama or Mississippi?

Mr. CESSNA. I ask the gentleman from Maine to allow me to ask him two questions in reference to the amendment of which he now speaks.

Mr. BLAINE. In a moment. What I desire to say is that there does not exist a parliamentary exigency for conferring upon the Judiciary Committee that extraordinary power.

Mr. CESSNA. If the gentleman will allow me, I desire to make a statement. In the first place, the gentleman from Maine says that this proposition authorizes the Judiciary Committee to report at any time. That statement is too broad. I have limited their power to reporting on Tuesdays and Thursdays, and have confined it to particular bills. In the second place, I had not the idea in my mind at the time that it was for an emergency, but I believed that it was a privilege which the highest law committee of this House ought to have.

Mr. BLAINE. In answer to the gentleman from Pennsylvania, I will make a single suggestion. The probability is that under such a rule the committee would never be able to report at all, for its power to report on Tuesdays and Thursdays would be subject to any special order, and to going into Committee of the Whole on the appropriation bills or bills reported by the Committee on Ways and Means. At the same time I do not see any parliamentary exigency for it. And I am always opposed, and shall be on the floor as I have been in the chair opposed to enlarging the subjects and margin of privilege in the House.

[Here the hammer fell.]

Mr. GARFIELD. I now yield five minutes to the gentleman from Pennsylvania, [Mr. RANDALL,] a member of the Committee on Rules.

Mr. RANDALL. I have stood here resisting any change in the established rules of this House in the particular in which it is now attempted to change them. And why? Because, in the first place, it was designed to open the door of the Treasury to the scheme of every private corporation and individual who sought to apply it. Secondly, because it was for the purpose of letting in legislation to oppress the people of the South. It was to put the iron heel of your expiring power upon the head and body of this people. Moreover, in

doing it you have brought distress and want upon my own people. See how it works. You are interfering with the industries of the North, because you deprive them of their best customers for their manufactures. Since the war we have been deprived of our best customers. To-day the only natural, the only willing purchasers of goods manufactured in the North are the southern people, and so long as this crusade is made against the South, so long will they be unable to be the customers of northern industry, and that long you take from the people of the North the bread they might otherwise have eaten and the raiment they might otherwise have worn.

All along through this discussion I have told you, as one member on this floor, that we on this side of the House stood ready to go on with the legitimate business of the country. Instead of this legislation which you propose, prompted by the meanest passions and aimed to crush out a race, we have told you to come to your legitimate duties of legislation; pass your appropriation bills, reducing the amount as far as possible; revive the industry of the country; let us once again be a happy and a prosperous people throughout the length and breadth of this land, whether in the North or in the South. When, in the name of Heaven, is this crusade against the South to end? When will you get over your mean purposes against this people? They surrendered their arms as brave men at Appomattox Court House, and if the policy of General Sherman had run through your legislation from that time to this hour we should have had a people reposing in tranquillity and peace, the terror of all other nations.

Mr. GARFIELD. I now yield three minutes to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, it is with reluctance at the present stage of this discussion that I rise to occupy the floor, even for this brief time, in the presence of members who have had so much longer experience under these rules than I. I purpose not to discuss the theory or the philosophy of this amendment, but the practical application and embarrassments of the present rules. It is said that we have inherited from the House of Commons of England the custom which allows the noise and confusion constantly prevailing in this House. To my mind, sir, "it is a custom more honored in the breach than in the observance." Could any method be devised by which it might be prevented, either by the removal of the desks or the Speaker's refusing absolutely to allow business to proceed until all loud conversation had ceased, and prohibiting members from being called out of the Hall during the session of the House, it would be most desirable. But when the older members declare this to be impossible, and we see day after day the earnest efforts of an efficient Speaker thwarted in his endeavors to preserve order, it is not for me to insist that it is possible; but I do repeat, that it would be most desirable. Sir, when the report of a committee, the subject-matter of which they may have had under discussion for months, comes in here in the morning hour, a brief statement is made of its character and purport but it is impossible for such statement to be heard in all parts of the Hall.

There are leading members on this floor who do and who should shape and conduct legislation through this House; but their voices cannot penetrate throughout this area, and it is impossible with the closest attention to keep a connected run of the discussion. The previous question is sprung upon us and we have scarcely a moment for reflection. We younger members, and many of the older ones too, go to members of experience here and ask them what this means and how we shall vote; and I venture to say that in at least two cases out of five, unless they have some special interest or their attention has been particularly called to the matter, they cannot give you an intelligible statement of the question before the House but will tell you that the safer rule is to follow the chairman of the committee reporting the bill, or in other cases they will advise you if you are not certain as to the merits of the bill, to vote against it for safety. We follow their advice as a matter of party allegiance or personal despair. But, sir, is this legislation, or the action of a deliberative body? Are we not entitled to vote intelligently on important questions affecting the interests of the country, and perhaps our entire public record? How many read the RECORD the following morning to find that matters have passed the House on the day before of which they never heard!

Now, if one day's debate be allowed under this proposed amendment, we can read in the RECORD at eight o'clock the next morning what we did not hear upon the floor the day before. That will give us three hours to consider and reflect upon matters which it has taken our committees months to prepare, and we can vote with some intelligence on the merits of the question to be acted upon. I am not, sir, inveighing against the work of committees or intimating that they should not receive our highest confidence. The details of legislation could never be perfected in open session. But is it not a fact that some of the most carefully prepared and best considered work of committees is often marred or utterly ruined by this kind of uncertain action in the House?

A word now as to the objection made by the gentleman from Massachusetts, [Mr. BUTLER.] I feel its weight; but, sir, on these bills affecting the Southern States we do need firmness, we do need courage, and we do need wisdom; but we need with all these caution, and intelligent and careful deliberation. These questions, sir, run down to the very foundations of republican institutions. Who would consent to pass them under the operation of the previous question, the suspension of the rules, or without one day's discussion in the House.

If the object and end of human government be the protection of all its citizens, then it attains its sublimest height when it reaches down to protect the humblest of these. Justice to all, and especially to the lowly and the oppressed, is God in politics, looking after the falling sparrows.

Mr. GARFIELD. I now yield five minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. Mr. Speaker, I do not see the necessity of the extreme warmth which some gentlemen have displayed on this occasion. For one I have been satisfied since last Wednesday that in voting with the majority I was doing right. It seems to me that there were two things to be demonstrated: first the folly of the rules, and secondly the determination of the minority.

We have shown that a system of rules has slowly grown up here, under which it is quite impossible for a clear and large majority of the House to carry out its will, if resisted by a determined minority. Now, that was not the original intention of the rules. There was a time when the real-estate law of England was exceedingly simple. If one desired to convey the title to a piece of land, it was only necessary for the grantor to take the grantee upon the land and to declare him in possession thereof; and if the grantor chose to symbolize the delivery, by giving to the grantee a twig or piece of turf from the land—livery by turf and twig. But under the pretext of seeking to guard and more effectually convey the sacred title to land, the laws have so grown in miraculous complexity, that one now seeking to transfer a moderate area had often about as well surrender it without effort as to investigate the title and execute the necessary instruments of transfer.

And so with regard to the system of special pleading, with its declaration and answer, replication and rejoinder, rebutter and surrebutter, and the incident technicalities and delays whose rules filled volumes, that which was logically devised to eliminate falsehood and establish justice came to be almost a fatal bar to justice; and while New York wholly abolished the system, my own State enacted that the defendant may simply plead the general issue and give notice in plain language of his special defense.

Now, the rules of this House in regard to legislation have, in like manner, grown up into a great abuse. The rules do not provide that the majority may act after reasonable consideration and debate; but the construction insisted upon, when put into plain English, is that, if one-fifth of the House think the emergency justifies them in so doing, they may not only prevent the passage of any bill distasteful to them, but even prevent its very consideration. Now, I say that this rule, or this practical construction of the rules, should no longer be endured. Therefore I for one cheerfully labored here for forty-six hours to prove the folly of such rules and the power of a determined minority to obstruct all business. I am now willing to make the necessary change in our rules, and I believe the common sense of this House and of the country will sustain us in adopting the rule before us, with its additional guard over the just rights of the minority and its careful protection against the dangers of hasty legislation.

Mr. GARFIELD. In order to save the hour allowed for discussing this rule—

Mr. NIBLACK. I would like to ask the gentleman a question.

Mr. GARFIELD. If I can yield within the hour.

Mr. NIBLACK. What is the necessity of putting on the limitation of a half hour upon the reading of the Journal? Why not leave that off?

Mr. GARFIELD. That provision is not in. There are two amendments now pending, one offered by the gentleman from Maine [Mr. HALE] to have the previous question seconded by two-thirds instead of three-fourths of the members present; the other is by the gentleman from Iowa, [Mr. KASSON,] to allow the day for filibustering instead of for debate. The rule reported by the committee, as I understand it, will compel a day to be allowed for debate if one-third of the members shall desire it, while the proposition of the gentleman from Iowa would allow the day to be used for filibustering. Both forms or propositions may accomplish the general purpose, but I think the one proposed by the committee is better. There are several other amendments which gentlemen wish to submit to the House. But I feel compelled to test the sense of the House upon ordering the previous question upon the rule and the two amendments now pending. If the previous question shall not be sustained, then of course the rule will be open to further amendment. I therefore call the previous question on the proposed rule and pending amendments.

Mr. WILSON, of Indiana. I ask the gentleman to allow the amendment I have indicated to be considered as pending and to be voted upon. It is to prevent this new rule being applied to such claims as it is proposed to refer to the Court of Claims.

The SPEAKER. The Chair will say that this rule could not possibly be applied to those claims; they would fall under the same exception.

Mr. WILSON, of Iowa. I desire to make that absolutely certain, and not leave it to construction.

Mr. SPEER. That is a very important amendment.

Mr. BUTLER, of Massachusetts. Let us vote down the previous question.

Mr. TREMAIN. I hope the previous question will be voted down.

The SPEAKER. If the previous question shall be seconded and the main question ordered, the house will be brought to a conclusive

vote; first upon the amendment of the gentleman from Maine, [Mr. HALE,] then upon the amendment of the gentleman from Iowa, [Mr. KASSON,] and then upon the rule itself.

Mr. BUTLER, of Massachusetts. And will not allow any further amendment?

The SPEAKER. And will not allow any further amendment.

Mr. CESSNA. Would it not be in order for the gentleman from Ohio [Mr. GARFIELD] to call the previous question upon the two pending amendments; and then, after they have been disposed of, to allow two other amendments to be offered, and to call the previous question on them?

The SPEAKER. He could do so.

Mr. KELLOGG. I understood the amendment moved by the gentleman from Iowa [Mr. KASSON] to be offered as an amendment to the amendment moved by the gentleman from Maine, [Mr. HALE.] If so, does not the question first come on the amendment of the gentleman from Iowa?

The SPEAKER. That would make no difference in the result.

Mr. MAYNARD. I have not consumed much time in this discussion. I desire the Chair to inform me, and in informing me to inform the House, whether there is any mode of getting in any other amendment except to sustain the previous question on the pending amendments alone?

The SPEAKER. If the previous question is sustained, as moved by the gentleman from Ohio, [Mr. GARFIELD,] no further amendment can be offered.

Mr. GARFIELD. I hope the amendment of the gentleman from Indiana [Mr. WILSON] may be allowed to come in by general consent.

Mr. BUTLER, of Massachusetts. I object to admitting any particular amendment if others are not allowed to come in.

Mr. CESSNA. This has been arranged purposely—

Mr. BUTLER, of Massachusetts. To give one-fourth of this House all the power.

The SPEAKER. The pending motion of the gentleman from Ohio is for the previous question on the rule and the two pending amendments, one by the gentleman from Iowa and one by the gentleman from Maine.

Mr. KASSON. If it be in order, I will add to my amendment that of the gentleman from Indiana, [Mr. WILSON.]

Mr. BUTLER, of Massachusetts. I believe that cannot be done without unanimous consent.

The SPEAKER. The gentleman has a right to modify his amendment before the previous question is ordered. The Chair will state the effect of seconding the previous question. If it be now seconded, as moved by the gentleman from Ohio, the House must go clear through and vote finally on the main proposition. If, on the other hand, a majority wish to vote upon other amendments than those now pending, they can vote down the previous question as now moved, and then take it upon the amendments separately. The gentleman from Iowa [Mr. KASSON] modifies his amendment by adding these words, proposed in the amendment of the gentleman from Indiana: "nor shall it apply to any proposition to refer any claim to the Court of Claims."

The previous question is demanded upon the original motion and the two pending amendments. The gentleman from Ohio, Mr. GARFIELD, and the gentleman from Massachusetts, Mr. BUTLER, will act as tellers on seconding that demand.

The House divided; and the tellers reported ayes 111, noes 38.

So the previous question was seconded.

The SPEAKER. The main question will be considered as ordered, if there be no objection.

Mr. BUTLER, of Massachusetts. Let us have the yeas and nays on ordering the main question.

The yeas and nays were not ordered.

The main question was then ordered.

The SPEAKER. The Clerk will read the amendment of the gentleman from Iowa, [Mr. KASSON,] which although offered second must come first in order.

Mr. BUTLER, of Massachusetts. Why is the order of the amendments changed?

The SPEAKER. Because if this amendment of the gentleman from Iowa be adopted the other will be entirely displaced.

Mr. BUTLER, of Massachusetts. But we want a vote on the other amendment.

The SPEAKER. If this amendment be not adopted, then the other amendment will be voted upon. If this amendment be adopted, the other amendment has no relevancy.

Mr. CESSNA. I ask a division of the question on the amendment of the gentleman from Iowa. The first proposition is one in regard to which there may be dispute. The last proposition, being originally the amendment of the gentleman from Indiana, [Mr. WILSON,] is agreed to, I believe, by everybody. I therefore ask a division of the question upon the amendment.

The SPEAKER. That must be had by unanimous consent.

Mr. CESSNA. This is not a motion to strike out and insert; it is two separate propositions.

The SPEAKER. It is not the custom of the House to allow a division in such cases.

Mr. CESSNA. The amendment contains two distinct and separate propositions.

The SPEAKER. It might contain a dozen.

Mr. CESSNA. I know it; and, if so, we would have a right to a separate vote on each.

The SPEAKER. The Clerk will read the original proposition as proposed to be amended by the gentleman from Iowa.

The Clerk read as follows:

Whenever a question is pending before the House, the Speaker shall not entertain any question of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn; but this rule shall not be enforced on the first day of the consideration of the question in cases where the previous question shall have been seconded on that day, nor to House resolutions offered in the morning hour of Monday, nor to any proposition to appropriate the money, credit, or property of the United States except the regular annual appropriation bills, nor to any proposition to refer any claim to the Court of Claims.

The question being taken on the amendment of Mr. KASSON, it was not agreed to; there being ayes 43, noes not counted.

The SPEAKER. The question now recurs on the amendment of the gentleman from Maine [Mr. HALE] to strike out "three-fourths" and insert "two-thirds."

Mr. RANDALL. Is debate on that amendment in order?

The SPEAKER. No, sir.

Mr. RANDALL. I hope it will not be adopted.

The question being taken on agreeing to the amendment, there were ayes 128, noes not counted.

Mr. ELDREDGE and Mr. SPEER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 96, not voting 37; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lampport, Lansing, Lawrence, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McMill, MacDougall, McNulta, Monroe, Moore, Myers, Negley, Niles, O'Neill, Orth, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Reiney, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Isaac W. Scudder, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starnard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—157.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hutton, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, Schell, Henry J. Scudder, Sener, Speer, Standford, Stone, Storm, Swann, Thompson, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—96.

NOT VOTING—Messrs. Barnum, Barry, Amos Clark, jr., Freeman Clarke, Crooke, Frye, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hunter, Kendall, Lamson, Lawson, Marshall, Alexander S. McMill, McKee, Mitchell, Morey, Nunn, Orr, Packard, Packer, Purman, John G. Schumaker, Sessions, Sherwood, Sloss, J. Ambler Smith, William A. Smith, Southard, Alexander H. Stephens, Taylor, Walls, Wheeler, and Wolfe—37.

So the amendment was agreed to.

During the vote,

Mr. PACKARD stated that he was paired with his colleague, Mr. WOLFE, who would vote in the negative, while he would vote in the affirmative.

Mr. WARD, of New Jersey, stated that his colleague, Mr. CLARK, was absent on account of sickness.

Mr. SOUTHARD stated that he was paired with Mr. SHERWOOD, who would vote in the affirmative, while he would vote in the negative. Mr. HODGES stated that he was paired with Mr. SLOSS.

Mr. DAWES moved by unanimous consent to dispense with the reading of the names.

There was no objection, and it was so ordered.

The vote was then announced as above recorded.

Mr. HALE, of Maine, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question next recurred on the resolution as amended.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

Mr. WILSON, of Indiana. I ask unanimous consent that my amendment be added to the rules.

The SPEAKER. Is there unanimous consent to adding to the rules "nor bills referring claims to the Court of Claims?"

Mr. NEGLEY. I object positively.

The SPEAKER. The Chair states without any hesitation whatever that he will give that construction to the rule.

Mr. NEGLEY. I have constituents who have been deprived of

justice before this House for six years and I will not consent to any amendment of the rule which will still further keep them out.

The question was taken; and was decided in the affirmative—yeas 171, nays 85, not voting 34; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick B. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lampert, Lansing, Lawrence, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Monroe, Moore, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheets, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremaine, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—171.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Benjamin F. Butler, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamson, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, Milton Saylor, Schell, John G. Schumaker, Sener, Speer, Standiford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—85.

NOT VOTING—Messrs. Barnum, Barry, Amos Clark, Jr., Crooke, Danford, Frye, Garfield, Hersey, George F. Hoar, Hodges, Hunter, Kendall, Lawson, Marshall, McKee, Mitchell, Morey, Nesmith, Nunn, Packer, Pelham, Purman, James C. Robinson, Sessions, Sherwood, Sloss, George L. Smith, J. Ambler Smith, William A. Smith, Southard, Alexander H. Stephens, Walls, Wheeler, and Wolfe—34.

So the resolution, as amended, was adopted.

Mr. GUNCKEL stated that his colleague, Mr. SHERWOOD, who was absent on account of sickness, if present would vote in the affirmative.

The vote was then announced as above recorded.

Mr. GARFIELD moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. To exclude all question of the adoption of this resolution the Chair will state that it has been adopted by a two-thirds vote.

Mr. RANDALL. Does the Chair say it requires a two-thirds vote?

The SPEAKER. The Chair does not so state. Inasmuch as it has been carried by a two-thirds vote the Chair states that a majority vote was all that was required.

EXCUSED FROM COMMITTEE SERVICE.

Mr. RANDALL. Mr. Speaker, after fuller deliberation I am the more convinced I should insist on my request to be relieved from further service on the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania asks to be excused from further service on the Committee on Rules.

There was no objection, and it was ordered accordingly.

Mr. COX. I make the same request. I made the request yesterday with all respect to the Chair and to my comrades on the committee, and I make it now because of what has grown out of these scenes.

The SPEAKER. The gentleman from New York asks to be excused. Mr. SPEER. I think these gentlemen ought to give their reasons for asking to be excused in justice to this side of the House.

Mr. RANDALL. I believe it is a personal matter to myself, and nobody has a right to ask me for my reasons.

Mr. SPEER. I think it is due to this side of the House we should know the reasons for asking to be excused.

The SPEAKER. The question is not debatable. The Chair, however, will state that a member, unless he is serving on more than two committees, has not the parliamentary right to ask to be excused. But in this connection the Chair will have the following read from the report of the debate in the House on Saturday last.

The Clerk read as follows:

Mr. Cox. I think that this defines what a journal is—that the yeas and nays make a part of that journal. Now I ask the Clerk to read from page 121 of the Digest.

The Clerk read as follows:

"The Speaker shall examine and correct the Journal before it is read."—Rule 5. And every day after taking the chair, "on the appearance of a quorum, shall cause the Journal of the preceding day to be read."—Rule 1.

Mr. Cox. Now, allow me to say to the other side of the House that the Committee on Rules had a meeting yesterday. I cannot state of course what occurred there; but we all know that under the rules the notice can be given on Monday to change the rules; on Tuesday that matter can come up. What the nature of that change may be cannot be stated. One thing, however, is very sure, that gentlemen on the other side who want to proceed with the public business can bring up to-day an appropriation bill.

The SPEAKER. The gentleman from New York was the first who

referred in the House to the Committee on Rules having met, and he referred to the action of the committee, as the House will observe, as being a sufficient antecedent preparation for the introduction of the amendment to the rules. Yet the gentleman made the point of order himself that the rule could not be changed without notice.

Mr. COX. My reference to what was done by the committee was not in any sense to sanction it.

The SPEAKER. The Chair then misapprehended the remarks of the gentleman.

Mr. COX. That is all I have to say.

The SPEAKER. The gentleman from Pennsylvania, Mr. SPEER, objects to the resignation of his colleague, Mr. RANDALL, and of the gentleman from New York, Mr. COX, being received.

Mr. RANDALL. While I am very much obliged to the gentleman, I claim to exercise what I regard as a personal right.

The SPEAKER. Does the gentleman from Pennsylvania serve on more than two committees? The Chair does not at this moment remember how that is.

Mr. RANDALL. I am serving on four committees, and I want to relinquish one.

The SPEAKER. Then the gentleman has the right.

Mr. SPEER. I desire to state this: I do not object to my colleague or to the gentleman from New York being excused from service on the Committee on Rules; but I believe that their reason for resigning was that injustice had been done to this side of the House by the ruling of the Chair.

Mr. RANDALL. The reason is patent to every one.

Mr. SPEER. I therefore thought it due to their friends on the floor and to the country that their reason for seeking to be excused from further service on the committee should be stated.

The SPEAKER. Lest any misapprehension should occur out of this, the Chair desires to state that he does not in the slightest degree desire that the services of the gentleman from New York and the gentleman from Pennsylvania on the Committee on Rules should be retained against their own wish, although his associations with them on that committee have always been exceedingly agreeable. He will further say that the Committee on Rules, on Friday afternoon last, held a meeting which had been regularly summoned. It was then agreed by the majority—

Mr. RANDALL. Mr. Speaker, if the Chair alludes to what occurred in the committee, I have no objection; but I want also to have the privilege of making a statement if he should omit anything.

The SPEAKER. Certainly. It was then agreed on the part of the majority that the rule which has been reported and substantially adopted, with one amendment, should be reported.

Mr. COX. Under the protest of the minority.

The SPEAKER. The two gentlemen who have now tendered their resignation did not agree to the report. They simply separated in the best of temper, agreeing to disagree.

Mr. RANDALL. A great deal has occurred since then that never was dreamed of at that meeting of the committee.

The SPEAKER. That was all there was about it. If the gentleman from Pennsylvania thinks that anything occurred at the meeting of the committee different from what the Chair has stated, the Chair hopes the gentleman will give his version of it.

Mr. RANDALL. I will say this, that I think since that time the Chair has made a decision, outside of the rules, that he did not then contemplate.

The SPEAKER. If the gentleman from Pennsylvania is particularly advised as to what the Chair then contemplated, he will be in a position to state that.

Mr. RANDALL. I assumed that the Chair would have decided differently.

The SPEAKER. The gentleman had no right to assume anything as to any ruling the Chair would make; not the slightest.

Mr. RANDALL. It was a very free and full conference that was had at the meeting of the committee.

The SPEAKER. Nor, as the gentleman from Pennsylvania and the House will observe, has there been the slightest advantage taken of the reference yesterday morning. Nor has the action which has resulted in the adoption of the new rule been in any way connected with that reference—not in the slightest degree.

Mr. RANDALL. The rule requires one day's notice.

The SPEAKER. But all this has been done under a suspension of the rules.

Mr. RANDALL. The understanding in the committee was that after the notice was given they should report on Tuesday—but you have used your power to destroy Tuesday's session—so that one day should be allowed for the consideration of the rule. And in fact the Committee on Rules have not met since.

The SPEAKER. That was never intended. There was no sort of design to have the committee meet again.

Mr. GARFIELD. The committee completed its work at that meeting, the majority agreeing to the resolution and the minority disagreeing to it. There was no other meeting provided for. We always meet at the call of the Speaker.

The SPEAKER. The Chair hears no objection to excusing the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from New York [Mr. Cox] from service on the Committee on Rules. They are excused unanimously.

EXPENSES OF LOUISIANA COMMITTEE.

Mr. BUTLER, of Massachusetts. I rise to a question of privilege. I move to suspend the rules in order to enable me to offer a resolution appropriating a sum of money out of the contingent fund for the use of the committee in Louisiana.

Mr. HALE, of New York. I move that the House do now adjourn. The SPEAKER. The Clerk will read the resolution offered by the gentleman from Massachusetts.

The Clerk read as follows:

Resolved, That the rules be suspended and the following resolution adopted: *Resolved*, That the Sergeant-at-Arms be authorized to draw from the Clerk of the House, out of the contingent fund, the sum of \$9,000 for the use of the special committee authorized to inquire into affairs in Louisiana, of which Hon. GEORGE F. HOAR is chairman, and that the Sergeant-at-Arms file bills approved by the Committee on Accounts for such portions of said amount as shall be expended by said committee in said investigation.

Mr. DAWES. I would inquire of my colleague if he thinks that amount to be sufficient?

Mr. BUTLER, of Massachusetts. It will be sufficient, I think.

The SPEAKER. The pending question is upon the motion to adjourn.

Mr. KASSON. Pending that motion I move that when the House adjourns it adjourn to meet on Wednesday next.

The SPEAKER. That is exactly what it will do if it adjourns now.

Mr. KASSON. But this is Monday, sir.

Mr. GARFIELD. O, no; Tuesday has dropped out.

Mr. KASSON. Then I withdraw the motion.

The question was taken on the motion to adjourn, and it was not agreed to.

Mr. BUTLER, of Massachusetts. I rise to another privileged motion. I move that the House proceed to the business on the Speaker's table for the purpose of taking up the Senate civil-rights bill.

The SPEAKER. The question must first be taken on the gentleman's motion to suspend the rules and pass the bill making an appropriation for the payment of expenses of the Louisiana investigation. The question was put on seconding the motion to suspend the rules; and it was agreed to.

The question was then put on suspending the rules; and on a division there were—yeas 122, noes 29.

Mr. YOUNG, of Georgia. I call for the yeas and nays.

The yeas and nays were not ordered, only twelve members voting therefor.

Mr. YOUNG, of Georgia. I withdraw the call for a further count. So (two-thirds voting in favor thereof) the rules were suspended and the resolution was adopted.

Mr. HALE, of New York. I move that the House do now adjourn. The question was taken, and the motion was not agreed to.

VETO MESSAGE—ALEXANDER BURTON.

The SPEAKER laid before the House the following veto message of the President of the United States and accompanying letter:

To the House of Representatives:

I have the honor to return herewith House bill No. 4462, entitled "An act for the relief of Alexander Burtch," from which I withhold my approval for the reasons given in the accompanying letter of the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION,
January 30, 1875.

WAR DEPARTMENT,
Washington City, January 28, 1875.

Sir: I have the honor to return House bill No. 4462, for the relief of Alexander Burtch.

It appears from the records of this office that Alexander Burtch, Company H, First Indiana Artillery, enlisted July 24, 1861, for three years, re-enlisted as a veteran January 1, 1864, and deserted at Fort Gaines, Alabama, September 25, 1865, and was a deserter at large at date of muster out of his company, January 10, 1866.

This Department emphatically objects to this bill becoming a law upon the ground of its great injustice to every soldier who served honorably until his services were no longer required by the Government.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

To the President.

The message and accompanying letter were referred to the Committee on Military Affairs, and ordered to be printed.

POSTAL RIGHTS OF THE INSANE.

Mr. PLATT, of New York, by unanimous consent, presented a memorial in support of the bill for the protection of the postal rights of the inmates of insane asylums; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ALABAMA CLAIMS COMMISSION.

Mr. MERRIAM. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That when the miscellaneous appropriation bill shall be under consideration in Committee of the Whole, it shall be in order to consider the following amendment:

Insert at the end of section 5 of chapter 459 of the laws of the first session of the Forty-third Congress establishing the court of commissioners of Alabama claims the following:

Provided, That the aggregate sum paid to said counselor at law shall not exceed \$10,000 per annum.

The motion to suspend the rules was seconded.

The question was put on suspending the rules; and (two-thirds voting in favor thereof) the rules were suspended, and the resolution was adopted.

INSTRUCTOR OF TACTICS AT WEST POINT.

Mr. YOUNG, of Georgia. I am instructed by the Committee on Military Affairs to move that the rules be suspended so as to make it in order, when the House shall have under consideration the Military Academy bill in Committee of the Whole, to offer the following amendment:

That the assistant instructor of tactics commanding cadet companies shall receive the same pay and allowances as the assistant professors in the other branches of study at the National Military Academy.

I will state that this is the unanimous report of the committee.

Mr. HALE, of New York. I am opposed to fixing salaries in that way. Name the salary you propose to pay.

Mr. YOUNG, of Georgia. If I may be heard I will explain it.

The SPEAKER. It is not a proposition to pass a measure, but simply to make it in order in Committee of the Whole when the Military Academy bill is under consideration.

The motion to suspend the rules was seconded.

The question was then taken on suspending the rules; and (two-thirds voting in favor thereof) the rules were suspended, and the motion of Mr. YOUNG, of Georgia, was agreed to.

BOUNTY TO SOLDIERS.

Mr. WARD, of New Jersey. I move that the rules be suspended for the purpose of passing a bill granting bounty to the heirs of soldiers who enlisted in the service of the United States, during the war for the suppression of the rebellion, for a less period than one year, and who were killed or have died by reason of such services.

Mr. HALE, of New York. I move that the House do now adjourn.

The question was put, and on a division there were—yeas 77, noes 88. So the House refused to adjourn.

The SPEAKER. The bill which the gentleman from New Jersey proposes to pass will now be read.

The bill was read. It provides that the heirs of any soldier who was killed or died while in the military service of the United States in the line of duty in the war for the suppression of the rebellion, whose period of enlistment was for less than one year, or who shall have since died by reason of wounds received or disease contracted in such service, shall be entitled to receive the same bounty as if the said soldier had enlisted for three years; but the heirs so entitled are to be such only as are included in the first section of the act of July 11, 1862.

The bill further provides that nothing in it shall authorize the payment of bounty to the heirs of any soldier who has already received bounty from the Government of the United States.

Mr. SPEER. That bill is right as far as it goes; it does not go far enough.

Mr. DONNAN. Has that bill been authorized by the Committee on Military Affairs?

Mr. WARD, of New Jersey. It has not; it is introduced now for the first time. The whole sum covered by the bill will not exceed \$600,000.

Mr. GUNCKEL. It is only one clause of the general equalization bill. The Committee on Military Affairs have reported a bill to equalize the bounties of all soldiers.

Mr. DONNAN. This ought to be considered in connection with the soldiers' equalization bounty bill.

Mr. SPEER. It does not go far enough.

Mr. GUNCKEL. It does not go far enough; it is right enough as far as it goes.

The question was upon seconding the motion to suspend the rules and pass the bill.

The House divided; and there were—yeas 50, noes 53; no quorum voting.

Tellers were ordered; and Mr. WARD, of New Jersey, and Mr. STORM were appointed.

The House again divided; and the tellers reported that there were yeas 103, noes not counted.

So the motion was seconded.

The question was taken on suspending the rules; and upon a division there were—yeas 95, noes 44.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 4531) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

An act (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona; and

An act (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public

lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon.

BOUNTIES TO SOLDIERS.

The SPEAKER. The question is upon suspending the rules and passing the bill introduced by the gentleman from New Jersey, [Mr. WARD.] Upon the vote by tellers there were—ayes 95, noes 44.

Mr. LOUGHRIDGE. I call for the yeas and nays on that question. The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 35, noes 104.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. MILLS. Pending the motion to suspend the rules, I move that the House now adjourn.

Mr. NIBLACK. I make the point of order that the motion of the gentleman is dilatory, and should not be entertained by the Chair.

The SPEAKER. The Chair thinks the point of order made by the gentleman from Indiana [Mr. NIBLACK] is dilatory.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 106, noes 44.

Before the result of this vote was announced,

Mr. FIELD called for the yeas and nays on the motion to adjourn.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 22, noes 115; not one-fifth voting in the affirmative.

Before the result of this vote was announced,

Mr. BUTLER, of Massachusetts, called for tellers on ordering the yeas and nays.

Tellers were not ordered; there being 24 in the affirmative; not one-fifth of a quorum.

So the yeas and nays were not ordered.

The motion to adjourn was accordingly agreed to; and (at three o'clock and fifty-five minutes p. m. Tuesday) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BELL: The petition of citizens of Georgia, for a post-route from Jefferson to Buford, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. BOWEN: Two petitions of citizens of Wythe County, Virginia, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. BRADLEY: The petition of Raphael Hodges, of Michigan, that the pension laws be amended so as to allow increased pensions in cases of deafness, to the Committee on Invalid Pensions.

By Mr. BUNDY: Petitions of employes of Gallia and Richland Furnaces, Ohio, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. BURCHARD: The petition of citizens of Cordova, Illinois, that Congress provide for the survey of a route for the proposed canal from Hennepin to the Mississippi River, to terminate above the Rock Island Rapids, to the Committee on Railways and Canals.

By Mr. BUTLER, of Massachusetts: The petition of Lawrence W. Brown, of Newburyport, Massachusetts, for amendment of the act organizing the court of commissioners of Alabama claims, to the Committee on the Judiciary.

Also, the petition of R. A. Brennan, a tax-payer in the District of Columbia, to be relieved from oppressive taxation for special improvements, to the Committee on the District of Columbia.

Also, the memorial of L. Prang and others, of Boston, for a thorough revision of the Constitution of the United States, to the Committee on Revision of the Laws of the United States.

Also, the petition of citizens of Haverhill, Massachusetts, for payment to the heirs of Thomas H. Simmington of his unpaid claim for services as a spy in the late rebellion, to the Committee on Claims.

By Mr. CASON: Resolutions of the Legislature of Indiana, in favor of the passage of a law granting pensions to survivors of the Mexican war who served sixty days or more, to the Committee on Invalid Pensions.

By Mr. CARPENTER: The petition of Pierre G. Stoney and others, for the incorporation of the Eastern and Western Transportation Company, to the same committee.

By Mr. CESSNA: Remonstrance of citizens of Cambria County, Pennsylvania, against imposition of duties on tea and coffee, to the Committee on Ways and Means.

Also, the petition of the National Division of the Sons of Temperance of North America, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. CHAFFEE: The petition of citizens of Colorado, for an appropriation to defray the expenses of the provisional government of the Territory of Jefferson, now Colorado, to the Committee on the Territories.

By Mr. CHIPMAN: The petition of Samuel Ceas, of Washington, District of Columbia, for relief, to the Committee on the District of Columbia.

Also, the petition of Amos J. Gunning, for relief, to the Committee on Claims.

Also, the petition of John Briscoe and others, for the completion of the Washington monument, to the Select Committee on the Washington National Monument.

By Mr. COBB, of Kansas: Resolutions of the Legislature of Kansas, relating to school lands, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, opposing the extension of patents, to the Committee on Patents.

By Mr. COBURN: The petition of Margaret A. Northern, for a pension, to the Committee on Invalid Pensions.

By Mr. CONGER: Papers relating to the shipping commissioners' bill, to the Committee on Commerce.

By Mr. COX: Resolutions of the Legislature of New York, relative to the removal of obstructions in the East and Harlem Rivers at Hell Gate, to the Committee on Appropriations.

By Mr. CREAMER: Memorial of weiss-beer brewers of New York and Brooklyn, relative to tax on weiss-beer, to the Committee on Ways and Means.

By Mr. CROSSLAND: The petition of D. Hilman and 800 citizens of Trigg and Lyon Counties, Kentucky, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

By Mr. CRUTCHFIELD: The petition of Cummings, Doyle & Co. and Doyle & Co., of Nashville, Tennessee, for relief, to the Committee on War Claims.

By Mr. FIELD: The petition of William Deys, of Van Buren County, Michigan, for a pension, to the Committee on Invalid Pensions.

Also, papers relative to claim of John Haley, of Detroit, Michigan, for a pension, to the same committee.

By Mr. FREEMAN: The petition of John Smith, of Zebulon, Georgia, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, resolutions of the General Assembly of the State of Georgia, relative to the recent Federal interference in the affairs of the State of Louisiana, to the Committee on the Judiciary.

By Mr. GARFIELD: The petition of G. W. Everett and others, of Millersburgh, Ohio, that a pension be granted Bailey Donaldson, a soldier of the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Martha Hatfield and others, of the Woman's National Temperance Union of Oberlin, Ohio, for such legislation as shall limit the importation, manufacture, and use of alcohol to the arts and sciences and to mechanical, chemical, and medicinal purposes in the District of Columbia and in the Territories of the United States, to the Committee on the Judiciary.

By Mr. HALE, of New York: The petition of citizens of Wilmington, Essex County, New York, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. HARMER: Petition of engineers, machinists, and sugar-boilers employed in the West Indies and South America, praying for a modification of the act of Congress approved June 20, 1874, imposing a tax of five dollars on passports issued by the State Department, to the Committee on Foreign Affairs.

By Mr. HARRIS, of Massachusetts: The petition of A. E. Shepard and others, of Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HARRIS, of Georgia: Resolutions of the General Assembly of the State of Georgia, relative to the recent Federal interference in the affairs of the State of Louisiana, to the Committee on the Judiciary.

By Mr. HAVENS: The petition of Louis Hembree, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to the claim for a pension of the heirs of Peter S. Roberts, to the same committee.

By Mr. E. R. HOAR: The petition of the Methodist Episcopal church of South Walpole, Massachusetts, of similar import, to the same committee.

By Mr. HOUGHTON: Memorial of citizens of Ventura County, California, relative to setting aside the patent for the Rio de Santa Clara land grant, to the Committee on Indian Affairs.

By Mr. HUBBELL: The petition of citizens of Marquette County, Michigan, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. KELLEY: Petitions of citizens of Schuylkill County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and for the passage of the currency bill submitted by the Hon. W. D. KELLEY providing for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

Also, petitions of citizens of Philadelphia and of Johnstown, Pennsylvania, of similar import, to the same committee.

By Mr. KILLINGER: The petition of citizens of Schuylkill County, Pennsylvania, of similar import, to the same committee.

By Mr. LUTTRELL: The petition of J. G. Wickersham and 200 others, of Petaluma, California, for an appropriation to improve Petaluma Creek, to the Committee on Commerce.

By Mr. McCRARY: Papers relating to the claim of Elizabeth Southerland, for a pension, to the Committee on Invalid Pensions.

By Mr. MYERS: The petition of Charles Iahraus, late private Com-

pany B, Seventy-second Pennsylvania Volunteers, for increase of pension, to the Committee on Invalid Pensions.

By Mr. NEGLEY: Petitions of citizens of Pittsburgh, Sharon, Shippingport, East Deer, Connellsville, Pennsylvania, and others, for the improvement of the Ohio River from Cairo to Pittsburgh, to the Committee on Commerce.

Also, the petition of citizens of Pittsburgh, McKeesport, and Nobles-town, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. NIBLACK: Resolutions of the Board of Industry of Cannelton, Indiana, in favor of the improvement of the Ohio River, to the Committee on Commerce.

Also, petitions of citizens of Indiana and West Virginia, of similar import, to the same committee.

By Mr. O'NEILL: Memorial of Captain C. H. Wells, United States Navy, relative to accepting the cross of the Legion of Honor conferred upon him by the President of the French Republic, to the Committee on Foreign Affairs.

By Mr. PHILLIPS: The petition of James McDonald, of Leavenworth, Kansas, for a pension, to the Committee on Invalid Pensions.

Also, the protest of the Cherokee Indians, against the establishment of a territorial government of the United States over them, to the Committee on the Territories.

By Mr. RUSK: The petition of Jacob Wiedemann, guardian of Leopold Schmidt, for pension and bounty, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Ohio: The petition of Joseph Haskell and 55 attorneys, of Cincinnati, Ohio, to increase the compensation of the criers of the courts of the United States in the several States, to the Committee on the Judiciary.

By Mr. SCUDDER, of New York: Resolutions of the Legislature of the State of New York, asking for a modification in the plan of improvement of the Kill von Kull, to the Committee on Commerce.

Also, the petition of the New York State Temperance Society, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. SMITH, of New York: The petition of Smith H. Hildreth, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Elisha B. Knapp, for a pension, to the same committee.

Also, petitions of citizens of Elmira and Andover, New York, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SPEER: Petitions of citizens of Hollidaysburgh and Dudley, Pennsylvania, of similar import, to the same committee.

By Mr. STEPHENS, of Georgia: The petition of Charles R. Stone and Mary A. Danforth, executors of Jacob Danforth, deceased, late of Augusta, Georgia, praying relief from a judgment of confiscation in the district court of the United States at Louisville, Kentucky, to the Committee on the Judiciary.

By Mr. STRAWBRIDGE: The petition of citizens of Montour County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. THOMPSON: The petition of Robert B. Maxwell, of Butler County, Pennsylvania, for bounty, to the Committee on Military Affairs.

Also, petitions of Allegheny City and Mahoning, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. WADDELL: The petition of John R. Royall, keeper of the United States light-house at Cape Lookout, North Carolina, in 1861, and of Joseph Royall and Abner P. Guthrie, assistant keepers, to be compensated for their services, to the Committee on Claims.

By Mr. WARD, of Illinois: The petition of Winborn Lawson and others, for the incorporation of the Eastern and Western Transportation Company, to the Committee on Railways and Canals.

By Mr. WARD, of New Jersey: The petition of George W. Hunt, administrator of Walter Hunt, for extension of letters patent for improvement in paper collars, to the Committee on Patents.

Also, the petition of Eliza Ann and Joseph B. Da Camara, for relief, to the Committee on War Claims.

By Mr. WELLS: The petition of Collins Haskell and others, iron-workers of Saint Louis, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. —: The petition of colored citizens of Mississippi, that a portion of the territory of the United States be set apart for homes for the colored race, to the Committee on Education and Labor.

By Mr. WOODWORTH: The petition of C. H. Andrews and 36 others, of Youngstown, Ohio, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

Also, the petition of 146 citizens of Columbiana County, Ohio, for such legislation as will prevent the evils resulting from gambling and intemperance within the jurisdiction of the United States, to the Committee on the Judiciary.

IN SENATE.

TUESDAY, February 2, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. CAMERON presented the credentials of Hon. William A. Wallace, chosen by the Legislature of Pennsylvania a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. HAMILTON, of Maryland, presented the petition of A. W. Davis & Co., and other citizens of Washington, in favor of the erection of the Corcoran Square market-house, and praying the passage of the bill in reference to the same; which was referred to the Committee on the District of Columbia.

Mr. HAMLIN presented a memorial of the Reform Club of Biddeford, Maine, signed by its officers and chaplain, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN. I present a memorial of citizens of Glassborough, New Jersey, remonstrating against the restoration of duties on tea and coffee or any revival of internal taxes; and praying for the repeal of the 10 per cent. reduction of duties on certain foreign goods made by the act of June 6, 1872, which is declared to be alike injurious to the people and to the public Treasury. I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. FENTON presented a memorial of citizens of Andover, New York; a memorial of a large number of workmen of Geddes; and a memorial numerously signed by citizens of Au Sable Forks, New York, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which were referred to the Committee on Finance.

He also presented a memorial of the pastor and officers of the Methodist church of Monson, Massachusetts, asking for the prohibition of the manufacture, importation, and sale of alcoholic liquors as a beverage in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

He also presented resolutions of the Ontario County Agricultural Society of New York, signed by H. Stone, corresponding secretary, remonstrating against the ratification of the treaty with Canada known as the "reciprocity treaty;" which was referred to the Committee on Foreign Relations.

Mr. FENTON. I present also two concurrent resolutions of the New York Legislature, the first referring to the removal of obstructions at Hell Gate in the harbor of New York. I do not know but that these resolutions have been presented by my colleague. If they have not been—and the Secretary will remember how that is—I shall be glad to have them both read at the desk. The first relates to the removal of obstructions in Harlem and East Rivers, New York; the second refers to the projected mode of improving the Kill von Kull between New York and New Jersey. If these resolutions have not been already read at the Secretary's desk, I ask to have them read.

The VICE-PRESIDENT. The Chair is informed that they have been read.

The resolutions were referred to the Committee on Commerce.

Mr. MORTON. I present a memorial signed by the board of regents of the American Printing House for the Blind and the American University for the Blind. This memorial is designed to set before the Senate the claims of the blind to an advanced education similar to that recently provided for deaf mutes. I move that this memorial be referred to the Committee on Education and Labor, and I ask the attention of the chairman of that committee to it, as it is important in its character.

The motion was agreed to.

Mr. SCOTT presented memorials of citizens of Bethlehem, of Philadelphia, and of Allegheny County, Pennsylvania, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which were referred to the Committee on Finance.

Mr. CLAYTON. I present the memorial of Hon. Joseph Brooks, of Arkansas. It is short, and I ask to have it read.

The Chief Clerk read as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your petitioner, Joseph Brooks, would respectfully represent that at the general election held on the 5th day of November, 1872, he was duly and legally elected governor of Arkansas for the term of four years from the first Monday in January, 1873.

That he was, in all respects, eligible to said office, has taken the necessary and proper oath of office, and duly qualified as such governor.

He would further represent that the government of said State has been usurped by force and fraud, and the same is now held by armed force by certain usurpers, to the exclusion of the lawful and recognized constitution of said State and the officers elected to administer the same.

He herewith refers to the testimony taken and proceedings had before the select

committee appointed by the House of Representatives on Arkansas affairs, and makes the same part hereof.

He asks that the lawful government be recognized, and such action taken by your honorable body as will protect constitutional government in said State.

JOSEPH BROOKS.

WASHINGTON, D. C., February 2, 1875.

Mr. CLAYTON. I move that this memorial be printed and referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HITCHCOCK presented a resolution of the Legislature of Nebraska, in favor of the establishment of a branch mint at the city of Omaha, in that State; which was referred to the Committee on Finance.

Mr. WASHBURN presented a petition of citizens of Shelburne Falls, Massachusetts, praying the establishment of a mail-route from Buckland to Ashfield, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER presented the petition of Eber Ward and other citizens of Detroit, Michigan, praying for an appropriation to extend the breakwater at Marquette, Michigan; which was referred to the Committee on Commerce.

He also presented a memorial of Rev. L. R. Fiske, and other citizens of the State of Michigan, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and the Territories of the United States; which was referred to the Committee on Finance.

Mr. INGALLS presented a memorial signed by a large number of settlers on the Black Bob Indian reservation, in Johnson County, Kansas, protesting against the passage of the bill (S. No. 456) for the sale of the Black Bob Indian lands, in the State of Kansas; which was ordered to lie on the table.

Mr. PRATT presented the petition of Gilbert M. Fitch, a private in Company A, First New York Light Artillery, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented a memorial of the Centenary Methodist Episcopal church of Boston, Massachusetts, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. BOUTWELL presented a memorial of A. E. Shepard and other citizens of South Walpole, Massachusetts, asking for the prohibition of the manufacture, importation, and sale of alcoholic beverages in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

Mr. NORWOOD presented the memorial of Messrs. William D. Porter, James Adger & Co., Campbell, Wylie & Co., Archibald McLeish, Vulcan Iron Works, John C. Wallonee, president of the Carolina Lumber Manufacturing Company, and other prominent citizens of Charleston, South Carolina, praying that the Eastern and Western Transportation Company be incorporated; which was referred to the Select Committee on Transportation Routes to the Seaboard.

Mr. HAMILTON, of Texas. I present the memorial of the convention of the Cherokee Indians, remonstrating against the establishment by Congress of a territorial government over them. As it is a matter of some importance, and as it is a short memorial, though there are a large number of signers to it, I ask that the memorial be read, printed, and referred to the Committee on Indian Affairs.

Mr. INGALLS. I would suggest that the Committee on the Judiciary has that subject already in charge, and the memorial had better take that direction.

Mr. HAMILTON, of Texas. I have no objection to that.

Mr. EDMUNDS. I hope this memorial will not be sent to the Committee on the Judiciary. The territorial subject, as distinguished from the judicial one, is an entirely separate matter, and I think it ought to go to the Committee on Indian Affairs. It is impossible, as the Senate will see, for the Judiciary Committee to find time enough to hear, try, and determine every question that relates to the Indians, and every other; and out of commiseration to the committee, as well as out of respect to what ought to be done in the Senate, it is impossible, saying nothing about the mere technical propriety of it, for us to consider so many subjects as we already have before us.

Mr. INGALLS. I understood the Committee on the Judiciary had the subject in charge.

Mr. EDMUNDS. We have only the judicial question before us.

Mr. HAMILTON, of Texas. It occurred to me that the Committee on Territories would be the proper committee for it to go to, because the Committee on Territories have that matter in charge, as I understand; but the party who handed me the memorial asked that it might be referred to the Committee on Indian Affairs.

Mr. INGALLS. I have no objection.

The VICE-PRESIDENT. The Senator from Texas asks that the memorial be read.

The Chief Clerk read as follows:

Protest of the Cherokees against the establishment by Congress of a territorial government of the United States over them.

To the Congress of the United States:

The undersigned, citizens of the Cherokee Nation, resident in the Indian Territory, respectfully represent: That they have learned with profound astonishment and grief that the honorable board of Indian peace commissioners, represented by Messrs. Clinton B. Fisk, C. S. Hammond, B. R. Roberts, and J. D. Lang, (the chairman

thereof being, as we understand, treasurer of the Atlantic and Pacific Railroad Company, which claims large contingent land grants in our country,) have on their return to the seat of government of the United States reported that there exists an immediate necessity, on account of the frequency of crime, for the organization of a territorial form of government over the people of this Territory, and that such action by Congress would receive "the hearty indorsement of a great majority of the inhabitants of the Territory." It is not necessary for your petitioners to inquire into the means by which the honorable commissioners arrived at this astonishing conclusion, but we may be permitted respectfully to enter our solemn protest against its justness. It is true that crime to some extent exists among us—where does it not exist!—and it is also true that sometimes offenders escape the penalty of the law; but we affirm without fear of successful contradiction that the one or the other is not of more frequent occurrence in any of the nations or tribes of the Indian Territory than in any State or Territory of the United States that, like our country, has been subjected to the calamities and demoralization attending the late war among your people. We respectfully deny that there is any considerable number of Indians in any tribe resident in the Territory who desire the establishment of such a government by Congress over the people thereof. There are perhaps a few misled or deluded individuals or persons subsidized and corrupted by the Atlantic and Pacific and other railroad interests, against which we have been compelled from year to year to fight for our property right in our lands and for our very national existence, who may or do desire such a government; but they form no considerable portion of the intelligence or otherwise of the people of the Territory. You are respectfully referred to the many protests and remonstrances emanating from time to time from the several national councils of the Territory or from their respective duly-authorized delegates, and to those of the general council of the Indian Territory; all of which have been heretofore laid before you as the true exponents of the sentiments of the people of this Territory upon this subject, and as the only legitimate source of information upon which you can justly base your action toward us, especially in a question so grave and important, one in which the honor of your Government is involved, and upon which the weal of the Indians for all time to come depends.

We therefore respectfully but earnestly protest against any legislation by your honorable bodies that will directly or emphatically impair or destroy any right, national or individual, that your Government has so often, by solemn treaties, pledged its honor to guarantee unto us. We have not resorted to the usual means by which nations defend their rights, but we have and do rely upon the justness of our cause, upon the honor, faith, and integrity of yourselves and other departments of your Government, and upon the providence and protection of that God who is your master as well as ours.

Respectfully, your obedient servants.

The memorial was referred to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. CHANDLER, from the Committee on Commerce, reported a bill (S. No. 1224) to abolish the consulate at Amoor River and establish a consulate at Vladivostock, Russia; which was read and passed to a second reading.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the petition of J. M. Irwin, praying to be reimbursed moneys paid for two pieces of property purchased by him near Memphis, Tennessee, sold by United States authorities for direct taxes, asked to be discharged from its further consideration; which was agreed to.

Mr. WRIGHT. The Committee on Civil Service and Retrenchment, to whom was referred the bill (S. No. 1183) to provide for the reduction of salaries for the time therein named, have had the same under consideration and instructed me to report it back and recommend its passage; and I give notice that when the committee is called I shall deem it my duty to urge the passage of this bill.

Mr. FENTON, from the Committee on Finance, to whom was referred a resolution of the Legislature of North Carolina in favor of the repeal of the tax on tobacco, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of North Carolina in favor of refunding the direct taxes levied upon lands in that State in 1865, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of North Carolina in favor of the repeal or modification of the revenue laws, asked to be discharged from its further consideration; which was agreed to.

Mr. SHERMAN, from the Committee on Finance, reported a substitute for the bill (H. R. No. 2878) to amend the twenty-fifth section of the coinage act of 1873; which was ordered to be printed.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1222) to authorize the trustees of the Free Young Men's Benevolent Association to sell and convey square numbered 272, in the city of Washington, reported it without amendment.

He also, from the same committee, to whom was referred a communication from the officers of the National Association for the Relief of Destitute Colored Women, transmitting the eleventh annual report of that association and praying an appropriation of \$10,000 for their use for the current year, recommended that the appropriation be made, and asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1011) for the relief of Asa J. Merron, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of John Fisk, setting forth that he is the original inventor of the so-called ram for harbor defense and praying that the same rights and benefits may be granted him as to the person who claimed to be the inventor of the Monitor, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 1165) to protect each State of the Union against invasion, and for other purposes, to report the same back, and ask that the committee be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

Mr. CLAYTON. When this bill was introduced I moved that reference; but the Senator from Vermont, [Mr. EDMUNDS,] who was doubtless misled by the title of the bill, suggested that it go to the Committee on Military Affairs. I desire to say that, while the bill is very imperfect in its provisions, I think the Committee on the Judiciary when they consider the matter will see the necessity of providing some legislation to prevent the existence of an evil which is of frequent occurrence of late and very threatening.

Mr. EDMUNDS. I moved that the bill be referred to the Committee on Military Affairs because it appeared to me it was properly a matter for military consideration and not a matter of judicial consideration.

Mr. LOGAN. It is a bill in reference to the jurisdiction of certain courts, one which I am certain should go to the Law Committee of the Senate; and that is the reason why I suggested that reference.

The motion was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4459) for the relief of the heirs of Alfred Fry, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1167) for the relief of Robertson Topp and William L. Vance, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3271) for the relief of Stephen M. Honeycutt, reported it without amendment.

PRINTING OF SURVEYS, ETC.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, have directed me to report it back and recommend its passage. I ask the present consideration of the bill, as it is quite important that it should pass now.

The Chief Clerk read the bill.

Mr. EDMUNDS. What does that mean?

Mr. MORRILL, of Maine. It amends this act in two particulars. I will read the act.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. EDMUNDS. I reserve the right to object until I know what it means.

Mr. MORRILL, of Maine. The act reads:

For engraving and printing the plates illustrating the report of the geographical and geological explorations and surveys west of the one-hundredth meridian, to be published in quarto form, the printing and binding to be done at the Government Printing Office, twenty-five thousand thousand.

This act proposes to strike out the word "thousand" and insert "dollars," so as to meet the purpose of the act. It is a mistake in printing. That is the first amendment. The second is that it limits the number of reports to two thousand.

Mr. EDMUNDS. What is the number limited by law now?

Mr. MORRILL, of Maine. There is no limit.

Mr. EDMUNDS. How much will it cost?

Mr. MORRILL, of Maine. The appropriation is \$25,000. The presumption is that it will cost that. I do not know; I am not able to say.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? Does the Senator from Vermont object?

Mr. EDMUNDS. No, sir; I do not object, although I think I ought to.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends the act of June 23, 1874, by adding to the clause of the act relating to the engraving and printing of the plates illustrating the report of the geographical and geological explorations and surveys west of the one-hundredth meridian the following words: "And that two thousand copies of the report shall be printed by the Congressional Printer," after substituting the word "dollars" in lieu of the concluding word of the clause.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHANGE OF REFERENCE OF A BILL.

Mr. WRIGHT. Yesterday I had the honor to introduce a bill (S. No. 1218) to incorporate the Grange National Benefit Life Association of the United States, an incorporation in this District, which was referred on my motion to the Committee on the Judiciary. I move that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

BILL RECOMMENDED.

On motion of Mr. ANTHONY, it was

Ordered, That the bill (S. No. 1053) to amend chapter 7 of title 33 of the Revised Statutes be recommitted to the Committee on Commerce.

OFFICERS IN MISSISSIPPI.

Mr. ALCORN. I ask that the resolution which I introduced on the 20th of January, calling for information from the Attorney-General, be taken from the table and referred to the Committee on the Judiciary.

Mr. EDMUNDS. What is the resolution?

Mr. ALCORN. It is a resolution asking information in regard to certain district attorneys and marshals. I ask that the Committee on the Judiciary may look into the matter.

Mr. EDMUNDS. I have no objection.

The resolution was referred to the Committee on the Judiciary, as follows:

Resolved, That the Attorney-General be requested to submit to the Senate the report of Clinton Rice, esq., who was commissioned by him under letter of authority dated February 24, 1874, to proceed to the State of Mississippi and investigate certain charges preferred against Mr. Felix Brannigan, United States attorney for the southern district of that State, and also against Mr. Leroy S. Brown, United States marshal for the same district; and that the said Attorney-General be requested to submit also a copy of all correspondence touching said investigation and report with his opinion thereon.

INDISPOSITION OF MR. SARGENT.

Mr. MORRILL, of Maine. I have received a letter from the Senator from California, [Mr. SARGENT,] who has the floor at one o'clock on the regular order of business at that hour, informing me that he has been taken suddenly ill, so that it will not be possible for him to be in the Senate at that time. I take occasion to make this statement now for the information of Senators who may desire to speak upon that subject.

BILLS INTRODUCED.

Mr. WASHBURN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1225) to amend an act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, anno Domini 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. NORWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1226) to afford relief in the judicial courts to Robert Erwin; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1227) granting a pension to Josefa Perez, of Mesilla, New Mexico; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1228) to establish certain post-routes in the State of Arkansas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. FERRY, of Connecticut, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1229) to amend so much of the Revised Statutes of the United States approved June 22, 1874, as relates to the Patent Office, patents, and copyrights; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1230) to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

GAMBLING HOUSES IN THE DISTRICT OF COLUMBIA.

Mr. SHERMAN. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to inquire and report whether there is now in force any adequate legislation under which the authorities of the District of Columbia are empowered to prosecute and suppress notorious gambling establishments, and if there is not such legislation to report a bill to confer such powers.

I desire to say that I introduce this resolution because I have read in the daily journals of the past week several accounts of what I should call most gross and scandalous cases of violation of the law of every State of the Union. I do not know anything about the laws of the District of Columbia, whether they punish such offenses or not. They are a public scandal.

The resolution was considered by unanimous consent, and agreed to.

WILLIAM P. ADAIR AND C. N. VANN.

Mr. BOGY. I move to take up the resolution which I offered yesterday, calling upon the Secretary of the Interior for certain information.

The VICE-PRESIDENT. The Senator from Missouri asks that the resolution submitted by him yesterday be now taken up for consideration. The Chair hears no objection.

Mr. BOGY. I will state that the object of the resolution which I introduced yesterday was merely to obtain information from the Secretary of the Interior in relation to the payment of a sum of money to certain parties here out of the money belonging to the Osage Indians. The resolution is simply one of inquiry. It met with oppo-

sition yesterday, but I cannot see why it should be opposed. The information is certainly very important. In looking over the report of the Commissioner of Indian Affairs, I see in the account stated of the money belonging to the Osage Indians that the sum of \$50,000 was paid to two parties, naming them, William P. Adair and C. N. Vann, for services as attorneys. The sum being large and for such work as service as attorneys, I am anxious to know, as a member of the Committee on Indian Affairs, the reason why this money was paid. Certainly the sum is very large. We pay to the President of the United States \$50,000 a year, and that is objected to by a very large number of people of this country because it is too large. Senators on this floor have a pay of \$5,000 a year, and that is objected to by a very large number of people in this country because the pay is too large; and why these persons, who are merely lobbyists, if I may use that expression, should receive the large sum of \$50,000 as attorneys for attending to the business of the Osages before this Government I am really astonished. Yet it may be all right; it may be all proper. I am not here to prejudge the case. I am only astounded at the large amount being paid for such services, and I would like to know, and I think the country would like to know, why this money was paid. It was paid to these parties out of a fund belonging to the Indians, arising from the sale of their lands, and the very law authorizing the sale of these lands stipulates that the money shall be accumulated as a fund upon which the Indians are to receive annually 5 per cent. Here is a diversion of this fund to the amount of \$50,000, and my resolution has nothing in the world in view but information. I do not wish to prejudge the Secretary of the Interior or the Commissioner of Indian Affairs. Certainly they must have information to justify them in paying this large sum of money. But whatever may be the facts of the case, let us know those facts. I think it is due to the Secretary of the Interior that we should know them.

Since the introduction of my resolution, I observe this very same thing is noticed in the papers of New York. It is due to the Secretary that he should have an opportunity to explain. It may be that this thing is all right. Certainly I am not here to say that it is not all right; but let the resolution be passed and the information be obtained from the Secretary of the Interior. Certainly it is a very large fee, one which should secure the services of the very best attorney in this country for one year. I hope the resolution will be adopted.

Mr. SHERMAN. I should like to have the resolution read.
The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be requested to furnish the Senate with full information as to the nature of the services rendered by William P. Adair and C. N. Vann, for which the sum of \$50,000 was paid to them out of the money belonging to the Osage Indians, and the authority by which said payment was made.

The resolution was agreed to.

INTERNAL COMMERCE.

Mr. WINDOM. I offer a preamble and resolution, and ask that they be read, printed, and laid on the table.

The Chief Clerk read as follows:

Whereas the power to regulate commerce among the several States conferred upon Congress by the Constitution includes the power to aid and facilitate commerce by the employment of such means as may be appropriate and plainly adapted to that end; and Congress may therefore, in its discretion, provide for the improvement or creation of such channels or highways of commerce as will in its judgment afford the cheapest and best facilities for the interchange of commodities between different States of the Union; and whereas it is believed that the thorough and systematic improvement of the Mississippi River, including the construction of an adequate channel at its mouth, the connection of the Mississippi River with the lakes by means of the Fox and Wisconsin improvement and the Hennepin Canal, the speedy completion of the improvements between Lakes Superior and Huron and Lakes Huron and Erie, the thorough and systematic improvements of the Ohio and Kansas Rivers, and of the Tennessee River, are works of great national importance and of immediate and pressing necessity, which, when completed, will reduce the cost of transportation, and thereby diminish the burdens now borne by the industrial interests of the country: Therefore,

Resolved, That in addition to the usual and necessary appropriations made in the river and harbor bill for works already under the charge of the Government, including the Missouri River, the Committee on Commerce be instructed to insert in said bill such sums as in their judgment (having due regard to the recommendations of the Chief of Engineers, and of the commissioners appointed upon the improvement of the mouth of the Mississippi) can be judiciously and economically expended during the next fiscal year upon the improvements above indicated, looking to their speedy completion and the wants of our rapidly increasing internal commerce.

Mr. WINDOM. I give notice that I will at an early day ask the indulgence of the Senate for the consideration of the resolution, and also to submit some remarks on the subject. I move that it lie on the table and be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4545) to provide for the relief of persons suffering from the ravages of grasshoppers; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 1st instant, signed the act (S. No. 1204) for the payment of interest on 3.65 bonds of the District of Columbia.

CATTARAUGUS AND ALLEGANY INDIAN RESERVATIONS.

The VICE-PRESIDENT. If there are no further resolutions, the Chair will call on the Committee on Indian Affairs for business.

Mr. INGALLS. I move that the Senate now proceed to the consideration of House bill No. 3080.

The motion was agreed to; and the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, was considered as in Committee of the Whole.

Mr. HAMILTON, of Texas. The hour of one o'clock is near at hand, and I do not think it is possible to pass this bill through in that time. The committee have other bills that will go through without debate. I want to look a little into this. I have not been able to see the report. When was it reported?

Mr. INGALLS. On the 27th of January. It is the intention of the committee to ask an extension of one hour for the purpose of considering business from this committee.

Mr. HAMILTON, of Texas. It is a very important measure. It involves principles that will apply perhaps to all the Indian reservations in the Union. It is a matter of more importance in my judgment than a great many gentlemen suppose. It is the beginning of the disruption and breaking up of the tribes. I think when the Senate comes to consider the matter in the light in which it can be shown up, the bill will not be passed. I ask the acting chairman of the committee to let it go over for the present.

Mr. INGALLS. The Senator from Texas evidently misapprehends the object and purpose of this bill. It is one of very great importance to the people of the western part of the State of New York, and does not involve any of the consequences to which he alludes. I think that upon proper presentation of the question the Senate will see that the bill ought to pass. I will now ask unanimous consent of the Senate that the Committee on Indian Affairs may have an hour from one o'clock for the purpose of considering bills on the Calendar reported by them.

The VICE-PRESIDENT. The Senator from Kansas asks that the Committee on Indian Affairs be allowed one hour after one o'clock to consider bills reported by that committee.

Mr. MORRILL, of Vermont. Does not that require unanimous consent?

The VICE-PRESIDENT. It does.

Mr. INGALLS. Before the Senator from Vermont objects, I beg leave to state that the Senator from California, [Mr. SARGENT,] who expected to occupy the floor this morning on the pending resolution offered by the Senator from Missouri, [Mr. SCHURZ,] as I understand, is not ready to speak, and therefore there is no obstacle in the business of the Senate that would prevent that permission from being extended to the committee.

The VICE-PRESIDENT. The motion requires unanimous consent. Is there objection? The Chair hears none. The bill called up on the motion of the Senator from Kansas is before the Senate as in Committee of the Whole.

The bill was read.

The first amendment reported by the Committee on Indian Affairs was in section 4, to strike out the proviso commencing in line 5, in the following words:

Provided, nevertheless, That this act shall not be construed to ratify or confirm leases which, according to the laws or customs of said Seneca Nation, are invalid.

The amendment was agreed to.

The next amendment was to insert at the end of section 4 the following:

And in case the said lessors and lessees or occupants cannot agree upon the amount of said rents to be paid by any lessee or occupant, then the said Indians in council shall choose a person, and the said lessee or occupant shall choose a person, and if those so chosen cannot agree upon said rents, then the said referees shall choose a person, and the amount agreed upon by said referees, or a majority of them, shall be the amount of the rent to be paid by the said lessee or occupant.

The amendment was agreed to; there being on a division—ayes 26, noes 12.

Mr. MCCREERY. Mr. President, as the bill reported by the committee makes a radical change in the established policy of this Government in its relations to the Indian tribes, it is worth while to pause long enough to see whether it meets the considerate approval of the Senate.

It has always been held that the Indians have only a possessory title, which is inalienable except to the Government of the United States, and that all leases or conveyances to individuals or to associations were void. The Government has constituted itself the guardian of the red man, and is bound in law, as well as in morals and humanity, to see that his rights are protected against the injustice and the craft of all the world besides; and while it has despoiled its ward whenever convenience or necessity required it, this trust has been guarded to this hour with scrupulous fidelity, and no white man has been allowed under any pretense whatever to acquire right or title to lands within the Indian territory. Can the guardian, then, in the exercise of a sound discretion, authorize the ward, even by his own act, to dispossess himself of his inheritance?

The second section of the bill confirms all leases heretofore granted, and authorizes other leases for railroad purposes. The third section empowers three commissioners, to be appointed by the President, to

assign discretionary boundaries to six villages which may be leased. The fourth section authorizes any Indian rightfully possessed of any land in any of these villages to lease it to any person whatever, and as there is no limit to the lease, it is equal to passing a fee-simple title. And the eighth section gives the Federal and State courts jurisdiction to try causes arising under this legislation.

This is a small reservation, and the title is not and never was in the Government of the United States. There are on this reservation about three thousand Seneca Indians, who have been in peaceful possession for ninety-nine years. They have a civil polity of their own. Their government is administered without ostentation; and even those who are seeking to transfer the jurisdiction have failed as far as I know to indicate a single case where injustice or oppression has been dealt out to any one. They voluntarily entered a community whose laws and customs were different from their own, and if they do not like them their departure might be a smaller calamity than a civil revolution. It can be stated that this bill has been introduced in utter disregard of the wishes of those who are most deeply interested. Three thousand educated, sober, industrious people, even if they are Indians, should have a voice in a measure which may result in their dispersion or their extermination. The protection of the Anglo-Saxon is a fearful and frightful thing to those who are compelled to intrust themselves to his mercy. His guardianship is equal to a possession of the entire estate. And amid the wreck and ruin of the Indian race, amid the broken and violated pledges and treaties which have amused and beguiled it in its downward course, let the map of America show one spot, small as it may be, where good faith has been maintained for ninety-nine years and where in God's name it should be maintained and upheld to the end.

Mr. HAMILTON, of Texas. Mr. President, I have a memorial here, and I ask that the protest adopted by the Seneca Nation in council against the passage of this bill be read.

The Chief Clerk read as follows:

To the Senate of the United States:

We, the president, councilors, and people of the Seneca Nation of Indians, do most respectfully and earnestly protest against the passage of House bill No. 3080, "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases," now pending before your honorable body. And we appeal to the treaties existing between the United States of America and the Senecas, and insist that under their terms we should be protected against any legislation which deprives us of any part of the lands so guaranteed to us. And we would further state, as to the existing leases referred to in said House bill No. 3080, they never had any validity, and it was so understood by all parties to them when they were executed; all leases of Indian lands were prohibited by the laws of the State of New York, (see laws 1813, 1821, and 1845;) and these leases were made void in law and equity by the United States laws for 1834, sections 11 and 12; and more, such leases were prohibited by the laws, customs, and usages of the Seneca tribe and nation; and it was so distinctly understood, by the parties who applied to the councilors of the nation to ratify them, that the councilors had no such power or authority; yet this bill proposes to make valid not only those acts forbidden by the statutes of the United States, but also forbidden by the laws of the State of New York, and in violation of the rights, customs, laws, and usages of the Seneca Nation who own the land so affected, and by so doing force upon this nation these void, forbidden, and worthless leases and compel them to carry them into effect, and to that extent deprive said nation of their lands, in violation of treaty stipulations.

And your petitioners would further state, as to the powers conferred in said House bill No. 3080, in relation to leases hereafter to be made, that the Seneca Nation holds all of said lands in tribal or national capacity; that their lands have not been allotted or divided; all the right any individual Indian has therein is confined to possession; that to confer the right of leasing upon individuals would work injustice among our people. That such an act would compel Indians to go into the courts of the United States, or of the State of New York, to obtain possession of their lands if a white man disputed it, as those tribunals would have sole jurisdiction to try all questions of right to your petitioners' land, and thus our courts would be legislated out of jurisdiction to try actions concerning the possession of their own lands.

Given in national council at the court-house on the Cattaraugus reservation, June 3, 1874.

WILLIAM NEPHEW,
President.

Names of the councilors, Seneca Nation of Indians: George Dennis, William Krouse, Isaac Halfoun, Wallace Halfoun, Peter Snow, Casler Redeye, Peter Sundown, William Redeye, John Jack, Henry Huffpur, Andrew John, Jr., Adam Pierce, Hiram Dennis, Joseph Jemerson, Samuel Jemerson.

CEPHAS TWO GUNS,
Clerk for the Seneca Nation of Indians.

Mr. HAMILTON, of Texas. It seems to me, Mr. President, that the Senate should listen to a protest of this sort by the entire Seneca Nation, based on the laws of the United States and on the treaties of the United States, which are paramount, I undertake to say, to the claims of any railroad corporation, it makes no difference where it may be. This bill is asked for some railroad companies, to guarantee to them concessions that they have squeezed out of the Indians under one form or another—nobody knows how—which were temporary, too, as the Indians understood. I have been conferring with one of the agents of the tribe, and they understand that these leases made by them are of a temporary character, ground leases, and that the lands are to be returned to them with the improvements upon them at the termination of the leases. You come in here now and ask the Government of the United States to enact a law to compel them to surrender these lands to the parties who hold the leases and who are now living upon them. They have not divided their lands. Under their treaties with the United States they are living upon their lands in common, enjoying the rights and benefits, as they suppose, guaranteed to them by the treaty.

As I said a while ago, this is only a beginning; it is an entering-wedge. The Seneca tribe is not very large; it is surrounded by a

dense population in a very important section of the country, who doubtless want that territory in order to construct other roads through it; and this bill, I think, provides for as many railroad companies invading that territory as may choose to invade it. They are given the right of way through it in any direction; and then they are given the right to condemn so much property as is necessary to make a village around every depot in the territory.

Mr. President, if an Indian reservation, under the stipulations of a treaty with the Government of the United States, is not sacred from railroad corporations, what is sacred? Where will they go next? What will they take? If the Congress of the United States cannot resist demands of that sort upon the wards of the nation, you had better take the territory from them, kick them off, give it to the white people, and let the Indians go on the plains and depredate for a living. That is what it will come to. I do not believe that with all the treaties you can pile up here, with the Indians now in possession of the territory west of the Arkansas, it will be possible to stay the organization of a territorial government there within the next twelve months. It is pressed on all hands by the press of the country, by dispatches from here, by some of the committees, and by the officers of the Government. The whole Interior Department is engaged in the scheme.

Mr. President, I for one will stand in my place here and insist that it is public plunder; it is nothing else. The country is not needed for the use of the white man. It is not necessary for his use. It is not necessary for the commerce of the country. It is not necessary for anything except a raid; or more than one raid, if you please. That is at the bottom of it; and it is at the bottom of this. Nobody but a railroad corporation has ever asked this thing, and if I had time to turn to the treaties, which I have not here and cannot put my fingers on just now, I believe I could show that these Indians are protected under solemn treaties with the Government of the United States. It has leaked out that the State government of New York has enacted some laws in regard to these leases and in regard to the management of the territory there, but in the courts of the country they cannot enforce them. The State government has not the right to make laws that will bear on the Indians, and hence they come to the Congress of the United States to do it. Will Congress do it? If it is a foregone conclusion, if that is the intention, all we now can do is to enter a protest against it, and I do enter my protest most solemnly.

Mr. INGALLS. Mr. President, I profess that I have been very profoundly impressed by the arguments made by the Senator from Kentucky and the Senator from Texas upon this bill. I respectfully submit that both of them are based upon an entire misapprehension of the principles involved and the object that is here sought to be accomplished. It is not necessary at this time to attempt to discuss the entire Indian policy of this Government. In no sense whatever is that question here under consideration, and none of the objections that have been urged by the Senators who have spoken upon this bill can be properly urged against it when it is once properly and fairly understood.

The Seneca Nation is a remnant of what was known as the Six Nations who originally occupied a portion of the territory now situated in the western part of the State of New York. There are now to-day twenty-seven or twenty-eight hundred of them left, situated upon two reservations, one of them known as the Allegany or Cornplanter reservation, and the other as the Cattaraugus reservation. Upon the former are about eight hundred Indians, and upon the latter the rest of what is now the Seneca Nation.

The Allegany reservation is a tract of land forty miles in length and one mile in width, lying along the banks of the Allegany River. It is crossed by three railroads, the Erie, the Atlantic and the Great Western, and the Rochester and State Line. The two former railroads, the Erie, and the Atlantic and Great Western, intersect at a point on the Allegany reservation, where a town has been located that is known by the name of Salamanca, and has a population of between two and three thousand people. These railroad corporations entered upon this reservation with the consent of the Seneca Nation first thereto obtained. The condemnation money was agreed upon between them, and the amount has been fully paid into the treasury of the Seneca Nation. A certain number of the nation, endowed with the attributes of their white brothers to a certain extent, understanding that at the point where these railroads intersect a town of some magnitude would probably grow up, obtained, under the customs and with the consent of the council of the Seneca Nation, the right to lease the land where that town is now located and did so to a great number of people and to the railroad corporations. Upon this town site improvements have been made to the extent of perhaps a million and a half of dollars; and also along the line of these different railroads other points have grown up, including the villages of Vandalia, Carrollton, Great Valley, West Salamanca, and Red House, embracing an aggregate population of fifteen hundred or two thousand persons more.

This bill does not in any sense propose to divest the Seneca Nation or Indians of the Seneca Nation of their right to these lands. It does not propose to deprive them either of their title as a tribe nor of the individual rights which they have acquired under the tribe by reason of the leases granted to them by the council. It simply proposes that the leases which have been made by these Indians them-

selves, by their own consent, shall be ratified and confirmed, and held to be valid and binding upon the parties who have voluntarily made these contracts.

Now, if the sentimentality or the philanthropy of the Senator from Texas or the Senator from Kentucky can find any objection to a course like that, if it can be pointed out, I for one should certainly be gratified, and I have no doubt the Senate would be very much instructed.

Mr. BOUTWELL. I should like to ask the Senator from Kansas whether, at the time these leases or arrangements were made between the Indians and the railway companies, and, as it appears from the reading of the bill, private parties, it was not known that the Indians had no legal right to make these arrangements?

Mr. INGALLS. I beg the Senator's pardon. There is a history about this reservation that is of great antiquity and of no inconsiderable interest.

Mr. BOUTWELL. Let me ask the question then more directly, whether there was any legal right in the Indians to make these arrangements, or leases, or whatever they were?

Mr. INGALLS. I will state to the Senator that the lands covered by the Cattaraugus and Allegany reservations differ from that covered by most Indian reservations in this, that while in most Indian reservations the fee, or what is known as the pre-emption title, rests ultimately in the Government of the United States, in this instance the title, or fee, or pre-emption right rests in a corporation known as the Ogden Company; but the title of the Ogden Company is entirely subordinate to the possessory right or the right of occupancy in the Seneca Nation of Indians so long as they shall survive. There is no limitation whatever upon the power of the Seneca Nation to provide for the lease of these lands, or for the temporary use and occupation of these lands, either to individuals of the tribe or to other lessees. Do I answer the Senator?

Mr. BOUTWELL. If that be so, what is the need of legislation confirming these leases?

Mr. INGALLS. I will state to the Senator what the need is. It is because the State of New York, through her tribunals, has determined that legislative action heretofore had by that State attempting to confirm and ratify these leases was invalid from the fact that Congress alone has jurisdiction over Indian affairs.

Mr. BOUTWELL. Now, then, let me ask whether, with this historical explanation and statement, it does not appear that all these proceedings were invalid as being without authority of law or contrary to law? Is not that the conclusion to which the Senator himself arrives when he comes here and asks Congress by its act to ratify that which, having been done, the courts of the State of New York have said there was no authority for doing?

Mr. INGALLS. My understanding is, not that these leases were illegal, not that they were unlawful, but that they were in one sense outside of the law, there being under existing statutes or treaties no authority under and by virtue of which they could be made. Congress is asked not to do an illegal or an unlawful act, but simply to ratify acts that have been performed by the consent of the Indians themselves. There is not upon either of these reservations at the present time a single white person against the consent or without the knowledge of the Indians. They are all there with the consent of the Indians. They are in no sense whatever trespassers or invaders.

Mr. BOUTWELL. But is it not also true that at the time these people went there the Indians legally were incompetent to give consent, and therefore that consent, whether given or not, is of no value legally considered?

Mr. INGALLS. About that I suppose there cannot be much difference of opinion between the Senator and myself. That the Indians may not at that time have been legally competent to contract I am not prepared to say; but they did assume to contract; they entered into contracts with the railroad corporations and with the white settlers who now occupy these towns to the number of between three and four thousand; and all that is asked of Congress is to declare that those contracts to that extent are valid, and to provide further for a forum in which differences upon this subject may be litigated and adjudicated.

Therefore, Mr. President, I say that the argument which is advanced by the Senator from Kentucky and by the Senator from Texas on this subject is entirely without foundation, because there is no attempt whatever to deprive these Indians of their rights, either as a tribe or as individuals, but simply to enable these contracts to be held, ratified, and confirmed as binding upon the parties who voluntarily made them. I should like to inquire if there is any law that would render a contract binding upon a white man and at the same time declare the Indian at liberty to violate it whenever he pleased?

Mr. PRATT. I wish to inquire of the Senator from Kansas who is raising any question about the validity of the leases to the railroad companies and to individuals and where the necessity of this legislation at this time, unless the title of the lessees be brought in question?

Mr. INGALLS. The Senator's question is very pertinent. It arises upon this ground: The railroad corporations have constructed their lines and laid their tracks through this reservation; the towns that I have named have been constructed along the line and at the intersection of these roads; improvements to the amount of over \$1,000,000 have been made under these leases. These leases have been held by

the courts of New York to be without authority. The courts of that State having determined that the Legislature of New York was not competent to act upon this subject, jurisdiction having been ceded to the General Government, the courts themselves have held that they have no authority to act when disputes arise between the lessor and the lessee. It is the fact in all these transactions, of course, that disputes are continually liable to arise. As the Senator knows, between landlord and tenant it is necessary often to have jurisdiction for the action of forcible entry and detainer. When a lease terminates or when a tenant refuses to pay his rent, it is necessary to have some tribunal where that claim can be enforced. But as the law now stands, when these difficulties arise, there is no forum where these questions can be adjudicated. Therefore these men who, trusting in the good faith of the Indians, relying upon the contracts they made, have gone upon these reservations, invested their money, and made improvements to the amount of millions of dollars, are entirely at the mercy or caprice of the Indians or of white men who may desire to obtain the property heretofore held by other lessees.

Mr. HAMILTON, of Texas. Allow me to ask the Senator a question.

Mr. INGALLS. I wish to have a moment longer to answer one other objection urged by the Senator from Indiana. It is frequently necessary that policies of insurance should be issued upon the property that has been placed on these reservations under these contracts, and the Senator is aware that so long as the title to the property upon which these improvements stand is in dispute insurance companies refuse to issue policies of insurance. Therefore the whole business of that country is entirely interrupted and suspended and practically destroyed; not because these parties themselves are trying to avoid or abrogate the contracts, but because there is no forum in which these questions can be determined. I yield now to the Senator from Texas.

Mr. HAMILTON, of Texas. I wanted to ask the Senator whether it appears that any of these tenants have been ejected by the Indians. I do not learn that from the bill, and I have not been able to learn it from any quarter.

Mr. INGALLS. They have a very original and novel and forcible method of trying actions of ejectment and forcible entry and detainer in that country. When a tenant refuses to pay his rent, the common method is for the citizens in the vicinity to gather together to the number of one or two hundred and proceed *en masse* to the domicile of the party who refuses to pay the sum that is due; they enter; if he refuses to pay his rent they set his furniture out of doors in the street and quietly notify him that if he returns more forcible measures will be resorted to. They then put the subsequent party in possession, and he is retained there by the same force.

Mr. HAMILTON, of Texas. The Senator remarked that the lessees had paid the whole amount of the rent and that it went into the treasury of the Seneca Nation. I want to ask him if they paid for the whole term of the lease—

Mr. INGALLS. I referred to the railroad corporations.

Mr. HAMILTON, of Texas. Or whether they paid a rent annually.

Mr. INGALLS. I referred to the railroad corporations. The Senator understands that a right of way is purchased or secured by the payment of a certain specified sum which secures the right so long as the railroad company shall occupy the land for the purposes for which it was condemned. The Senator will observe that there is no allegation whatever made by any Indians or by the Seneca Nation of Indians that these contracts have not been fairly and squarely lived up to and observed.

Mr. PRATT. At that point, will my friend from Kansas allow me to ask another question?

Mr. INGALLS. Certainly.

Mr. PRATT. I understand him to say that the leases under which the railroad companies and other parties claim were made by the Seneca Nation of Indians.

Mr. INGALLS. I did not state exactly that, but I will hear the rest of the Senator's question.

Mr. PRATT. If that be so, I beg to understand what is the meaning of the protest that we have heard read from the Clerk's desk this morning from this nation of Indians, protesting against this legislation which confirms these leases?

Mr. INGALLS. I will state to the Senator that, as I understand it, Seneca Nation, as I mentioned in the beginning of my remarks, at the present time occupy two reservations, the Allegany or Cornplanter, and the Cattaraugus; the Indians residing on the Cattaraugus reservation understanding that the property on the Allegany reservation would ultimately become more valuable, some of them came down to the Allegany reservation, and before these improvements were made, or before they had become as valuable as they are now, they secured what may be called concessions or individual rights from the council at the very points where these towns now exist. They then proceeded to sublet to other lessees, and they are now in the enjoyment of very considerable revenues and income from the thrift that they exercised in the initiation of these proceedings. These protests, as I understand, in reply to the Senator from Indiana, come very largely from Indians who live upon the Cattaraugus reservation, and who are a little dissatisfied and discontented that their friends who have obtained concessions on the Allegany reservation

are in the enjoyment of so much larger income from them than they themselves are. And in this connection further I would state that the Seneca Indians do not belong, as the Senator from Kentucky would have us believe, to the painted and moccasined and blanketed race. By contact with civilization for the last hundred years they have developed into a very reputable manhood; they wear the garb and adopt the customs of civilization; they live in houses; they cultivate farms; they carry on all the avocations of civilized life; and I have on my desk at the present time a petition that is signed by members of that nation, representing a very great majority of all that portion living upon the Allegany reservation, assenting to the principles involved in this bill.

Sir, the measure that is proposed by the committee is so equitable and so just, and is so little amenable to any of the objections urged against it by any Senator who has spoken, that I trust there may be no further objection to its passage.

Mr. HAMILTON, of Texas. I desire to say a word in answer to the remarks of the Senator from Kansas. I asked him the question whether it appeared that any of these parties had been ejected from their premises. He answered me that they had a very summary process of ejecting men, but he did not say it had ever been applied.

Mr. INGALLS. If I omitted that portion of my answer, it was inadvertent, and I will state to the Senator, so that he may have no objection to urge on that score, that that condition of things exists, and that that method has been repeatedly resorted to.

Mr. HAMILTON, of Texas. I did not know the fact, and I wanted to inquire as to it. The representative of the tribe here denies it. He says that so far as he knows it never has been done in any case, but they do want to resume their rights over the land as soon as the leases expire; that they understood that each lease was in the nature of a ground-rent simply, and whatever improvements were put upon the land would come back to them at the end of the lease, and that then they would be able to lease it out annually and get in a revenue for their support.

Mr. INGALLS. Does the Senator from Texas intend to have it understood here that the representatives of that nation have claimed to him that they allowed the railroad corporations to go through that land with the understanding that the railroads were to revert to them, with all their improvements?

Mr. HAMILTON, of Texas. I did not say that.

Mr. INGALLS. I supposed not.

Mr. HAMILTON, of Texas. I was speaking simply about the villages, the town lots around the stations of the railroads. As to the arrangement made with the railroads themselves, I have no idea that that was legal either.

Mr. FENTON. My friend from Texas is mistaken also in regard to the lessees in the village of Salamanca and the other villages referred to in the bill. The lessees have generally occupied these lands with the expectation of continuing or having their leases renewed. Indeed, more than twenty years ago the Legislature of the State of New York assumed to confirm the contracts or leases made by the Indians to individuals and to railroad corporations, and under this supposed authority parties have entered upon these lands and have made permanent improvements. It has not been expected by the Indians, nor by these white people, that these improvements would revert to the Indians.

While I am on the floor, if my friend from Texas will allow me, I will say that this bill simply proposes to confirm what the Indians themselves have done. There would have been no application to the Congress of the United States nor any difficulty in regard to them in any way I suppose, if the authority exercised by the State of New York had not been interrupted by a decision of the Supreme Court of the United States six or seven years ago. Hence these parties in interest, these white people who have settled upon or occupied some of these lands under leases from the Indians and paying them the amount agreed upon annually, come here and ask Congress to confirm these leases.

Mr. President, I will not occupy the time of the Senate in making an argument in favor of this bill. I simply state that there is a public necessity for some action upon the part of Congress, in that the Legislature of the State of New York has not jurisdiction in the case. It is not intended to do any injury to the Indians. I do not believe that there are any white people upon these lands, or around about them, or in the whole State of New York, that want to disturb the Indians in their present rights or privileges. I do not believe there is any serious objection to the bill, and therefore trust to a favorable vote of the Senate.

Mr. HAMILTON, of Texas. I have listened with attention to everything that has been said by the Senator from New York and the Senator from Kansas on this bill; but the question returns, why it is that legislation is sought here to ratify contracts made between individuals and these Seneca Indians. A great many of these contracts have been made by individual Indians; that is what the representative of the nation tells me here. I inquired how it happened. I said, "Have you divided the land?" "No," he replied; "the land is held in common, but we have a regulation by which, when a man selects a place and settles upon it and improves it, it is yielded up to his own management and control." The agent who is here is the lessor in perhaps twenty or thirty cases; some of his leases, he says, have expired, and the parties want to renew them, and he will not renew. They seek

legislation here, as he thinks, to compel him to renew his leases, because they have made valuable improvements upon them. Whether that be so or not I do not know; but I appeal to lawyers here and ask them, because I am not a lawyer myself, whether the Government of the United States or the State authorities would compel a minor to ratify his contracts and hold them good in the courts of the country. We have always regarded the Indians as minors, as wards of the nation, incapable of coping with the shrewdness and intelligence of the white men around them; and where they have been inveigled into contracts shall we insist on their enforcement? The Senator from Kansas remarked a while ago that some of the most intelligent among them came down into the reservation and procured the control over certain tracts of country in anticipation of the cessions which would be laid off there. Evidently those men were in the interest of the railroad companies; they found out what was going on; they were in "the ring;" and they went down there and secured leases, and then sublet them to parties who are now in possession of them. I beg to say to the Senator from New York that the people who once occupied very large districts of country in the central part of the State of New York, and as they supposed owned them, had a valid title, leased out their lands for terms of years, longer or shorter; and what was their experience? How much of that land went back to the patroons who owned it originally? It was absolutely taken from them by the lessees, body and soul. They never got any of it, as I understand.

Mr. FENTON. I do not know of any such case as my friend from Texas refers to. I know in the six or seven reservations in the State of New York there has been no trenching upon the lands without the consent of the Indians; nor have they at any time found fault, that I know of.

Mr. HAMILTON, of Texas. I was not alluding to the Indian reservations, I was alluding to Van Rensselaers and other persons who obtained grants of land under the Crown of Great Britain or from the Dutch in early times, and whose lands have passed from them, having been taken by the parties that leased them, and that hold them to-day, as I understand. I happened to be in New York when that question was very rife and disturbed the State, when there was a lease war. Now if white men of great wealth, of great eminence in the country, whose descendants are numerous and powerful, cannot protect themselves against a crowd of men who hold in defiance of law, what do you suppose the Indians will do? I believe if this bill passes these Indians will be deprived of the last acre of land that they own in that territory. That is my judgment.

Mr. INGALLS. They do not own a foot of land in either reservation. Therefore they cannot be deprived of what they do not own. They have merely the possessory right of occupancy.

Mr. HAMILTON, of Texas. That is a good right; it is a good title under the Government of the United States as long as they occupy it.

Mr. INGALLS. Certainly.

Mr. HAMILTON, of Texas. But this is a step in the direction of kicking them off it. That is the point I make.

Mr. INGALLS. I wish the Senator would point out that particular portion of the bill whose result will be, as he declares, the kicking off the Indians from these reservations.

Mr. HAMILTON, of Texas. I simply mean to say that where a railroad company can invade a sacred reservation of this sort and get the rights that this bill proposes to give them now, they will find no difficulty in getting just exactly whatever they ask at the hands of Congress.

Mr. INGALLS. Railroad companies went on there, as the Senator well knows, with the consent of the Indians, and have paid them the price agreed on.

Mr. HAMILTON, of Texas. I answer that the Indians are minors, and ought to be protected against encroachments on the part of railroad companies; and if they are not protected, the Government simply abandons them; that is all.

Mr. INGALLS. When the Senator uses the term "invasion," he is entirely outside of the record.

Mr. BOGY. Mr. President, I think that the object of this bill, as well as the effect of it, has been very much misunderstood. As a member of the Committee on Indian Affairs, I paid some attention to it and examined it with some care. The object is not in any way to affect the tribal organizations of the tribe who occupy these reservations, nor will the effect of the bill be so at all. The whole object of the bill is simply to enable these Indians in their tribal organization to make leases which may be considered legal and binding. Because it has been decided by the courts that the State of New York could not confer such authority, the parties are compelled to come to this tribunal for the authority.

Mr. BAYARD. May I ask the Senator from Missouri a question? If, as he says, this bill is not intended to disintegrate the tribal organization of these poor people, why is it that in the fourth section it is provided that any Indian may lease land lying within the limits of the villages which according to the laws and customs of the nation he is in rightful possession of, which enables that Indian individually to make leases for the land which is to-day properly subject to the tribal control and tribal organization? If you allow the individual to emancipate himself from the tribal organization, you necessarily disintegrate that organization entirely; and I ask the honorable Senator how can he say that this bill does not strike at the very root of the tribal organization when it allows an individual

Indian to lease his lands without regard to the laws of that organization?

Mr. BOGY. I will answer the Senator, although it is not in the line of the argument I intended to present, and as I meant to be brief, it is some disturbance; but I will answer. I think the very terms of the clause protect the Indians:

And from and after the passage of this act any Indian may lease lands lying within the limits of either of said villages of which, according to the laws or customs of said nation—

Recognizing the laws and customs of the nation—he is in rightful possession.

Not as a mere trespasser; but if any Indians are in possession of any town lots in any of these villages, which possession is in accordance with the laws and customs of the tribe which are the common law of that people, they may lease them. As I understand it, if any one Indian be in possession of any of these town lots, which possession is in accordance with the laws and customs of the Indians, an individual right is thereby acquired by that Indian which he can transfer by the way of a lease; but, mind you, sir, this individual right is confined to villages and does not apply to the extended reservation. It is confined to town lots in the villages of which possession has been acquired in accordance with the laws and customs of that tribe, which are the common law of that tribe and binding on them. It says:

Of which, according to the laws and customs of the nation, he is in rightful possession, or to the possession of which he is rightfully entitled, to any person or persons whatsoever, any laws of the United States to the contrary notwithstanding.

The law of the United States referred to here is simply this, which in my estimation does not at all apply, as I could demonstrate if time was allowed to me, to a reservation of this character at all. The law is meant to apply to those reservations in the West that are created by statute law contemporary with the settlement of the Indians on them, and not intended for a reservation of this kind, which dates back prior to the formation of this Government. But let that be as it may, it is not presented as a point in this controversy.

But, sir, I go further. Pursuing the line of argument which the Senator from Delaware has indicated, I would say that it would be better for Indians situated as these are that the tribal organization was at an early day done away with. I will go as far, and perhaps from circumstances attending my early experience I might be disposed to go further, than any Senator on this floor in favor of protecting the Indians; but at the same time I draw a very wide distinction between the wild Indians of the West, what are called the blanket Indians, and those Indians who are now in the midst of old, populous States, already far advanced in civilization. It would be a God's blessing to these Indians if they could at an early day be absorbed in the white and superior civilization surrounding them. It is their misfortune that they are keeping up a tribal organization in the midst of the people of the State of New York. While it may be a blessing to the Indian in the wild woods and mountains and valleys of the West, where the white man's government has not extended and cannot for the time being be extended, to maintain a sort of government which he calls a tribal government—while it may be a blessing to him there because he has no other means of protection, no other means of having any government at all, and as some government is better than none, it might be well to maintain the tribal organization; yet Indians situated as the Seneca Nation are—who are advanced in civilization, who have no longer the habits of the wild Indian, who are dressed like the civilized man, many of whom do not even speak their own native language and speak nothing but the English language—ought not to continue to be deprived of citizenship. A line of demarkation exists between them and the white people of New York which is entirely to their detriment, and it would be a good deal better if they were absorbed in some equitable mode in that mass of white civilization which inhabits the State of New York.

I make these remarks in answer to the argument suggested by the Senator from Delaware. I had not intended to argue this point at all; but I am profoundly convinced that it would be better for these Indians, as it would be infinitely better for the Indians on the Indian Territory west of my State and of Arkansas, that they should at an early day be embraced within the influences and the power and the protection which this Government affords, and their tribal organization done away with entirely. The day has come, it is upon us now, when the Indians occupying the territory immediately adjoining my own State and the State of Arkansas and south of Kansas should be organized into a government. It ought to be done at this very session. I know that some of those Indians object to it; I know that many white men among them object to it for selfish purposes; but for their own great good, for their future hereafter, so they may be redeemed from destruction at an early day, it would be a great deal better for them if they were organized into a government—the white man's government.

These two reservations are in the midst of a State having five millions of people. The Allegany reservation is forty miles in length and one mile in width; and as to the Cattaraugus reservation I do not remember its length, but it contains some twenty thousand acres. Here are together about fifty thousand acres of land in the possession of less than three thousand Indians, and of that land to-day there are not two thousand acres in cultivation. Of that whole fifty thousand

acres of land, as fine land as there is in the State of New York, there are not two thousand acres in cultivation.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The extended morning hour has expired, and the Senate resumes the consideration of the special order, which is the resolution proposed by the Senator from Missouri.

Mr. ALLISON. I ask unanimous consent of the Senate to complete this bill. It will not take much longer, I think.

The PRESIDING OFFICER. Is there objection?

Mr. HAMILTON, of Texas. I object.

Mr. FENTON. Let the vote be taken.

Mr. INGALLS. If the Senator from Texas objects, I move—

Mr. HAMILTON, of Texas. I make no objection.

The PRESIDING OFFICER. The Chair hears no objection. The bill will be continued before the Senate as in Committee of the Whole.

Mr. BOGY. I said at the beginning of my remarks that it was not the object, nor would it be the effect, of this bill to destroy the tribal organization, saying at the same time, understanding the subject as I do, that with my views it would be better for those Indians if the tribal organization was at an early day done away with. But this is not the object of the bill, nor will the bill have that effect. The second section says:

That all leases heretofore made, by or with the authority of said Seneca Nation, of lands within said reservations to railroad corporations, are hereby ratified and confirmed.

Leases made by whom? Leases made by the nation as a tribe, respecting the organization, legalizing their acts, ratifying their acts, not going in opposition to what they have done, but ratifying it, thereby legalizing the very tribal organization itself. And why should we do this? The reason is simply this: These two reservations are in the way of the railroads tending from the East to the West. One of them is forty miles in length. Of the other I do not remember the length, but, although not quite so long, nevertheless it is a reservation having some twenty thousand acres. On these reservations towns have sprung up. On the Allegany reservation there is the large town of Salamanca, having about three thousand population, the towns of Great Valley, Carrolton, Vandalia, Red House, and other villages and towns; and depots have been built there by the railroads that have passed over these lands. These towns of course are occupied principally by white men; but because the title to these lots is uncertain, no improvements of any character can be made. Yet nobody is in possession of any of these lots except by a kind of legal possession; that is, the Indians who formerly occupied these towns, and who were in possession of these lots as their homes, have sublet them, and the object of this bill in the second section is to ratify this subletting of town lots in the different villages; and I cannot see why it should not be done. Is it the true way to maintain a wall there between the people of the Atlantic sea-board and the West by an Indian reservation a mile in width intercepting the West? It seems to me a most absurd idea; and if it were true that it would affect a few hundred Indians, I say it would be better for the great public good that their rights should yield to the great and more important right. There is no doubt about that. There are but eight hundred Indians upon the Allegany reservation, containing upward of twenty-five thousand acres of land, there being less than a thousand acres under cultivation on that reservation. They have allowed these railroads to penetrate their land; they have allowed these people to go to these towns; but they are not competent to give the proper title, and the whole object of this bill is to legalize what they themselves have voluntarily done.

I am not aware that the council of the tribe inhabiting the Cattaraugus and Allegany reservations has as a council objected to this bill. A few individual Indians have, because they have gone to me; but I am not aware that the council of the Seneca Indians belonging to either of these reservations has at any time objected to this bill. I do not think the protest which was put in by the gentleman from Texas is a protest from the Indians as a tribe. I do not so understand it. I think I saw the protest before. I could not hear it very well from my seat, but I presume it is the same document which I saw, and I think it is a protest alone by a few individuals belonging to the tribes. The tribe as a tribe is in favor of this bill, and it is greatly to their interest.

These Indians now are neither hunters nor farmers. They are living from hand to mouth upon an immense domain producing very little, doing very little, and are in a very inferior condition. It is for their benefit that these towns should spring up on their reservation, for they will advance in a higher civilization. It would be for their benefit if the right of citizenship were conferred upon them as soon as possible; and it would be for their benefit if the tribal organization was taken away from them as soon as possible. There is no question about that.

I heard the remarks of my eloquent friend from Kentucky [Mr. McCREERY] with a great deal of pleasure, and I am very glad to find that others besides myself are friends of the Indian on this floor. I hail his assistance in this matter with a great deal of pleasure indeed; but his argument applies to reservations made for what we call in the West "blanket Indians." It applies to reservations set apart by the Government as temporary homes for the wild Indians of the prairies, and not for Indians like the Senecas who are somewhat advanced in civilization. The law prohibits the entrance of a white man on the res-

ervation of the wild Indian, and why? He is supposed to be a barbarian. He is supposed not to understand the language of the country. He is supposed to have nothing in common with the white man, and therefore calls for the protection of the Government. That has been the theory of the Government. I am very sorry to say that the protection we have afforded to him has been very fatal to him; but I would say, however hard the administration of the Government has been on Indians, the intention of the Government from its very earliest days was paternal and was intended to be kind to the Indians. The object has never been carried out in good faith by the agents of the law. The intention has always been to protect the wild Indians of the prairies. For those wild Indians of the prairies the only protection is to keep away the white man; but that argument does not apply to the Indians residing in the State of New York. That argument does not apply to the Indians residing on the reservations west of the State of Arkansas. Some of these men have come here and received fees as lawyers as large as the best lawyer in this Senate ever had. I introduced a resolution yesterday, which was passed to-day, calling upon the Secretary of the Interior for information as to why a fee of \$50,000 was paid to one of these lawyers who resides on one of the reservations in the West. It shows that that fellow could take care of himself, I think, and that it is not well to call him a ward of the Government. I think he can take care of himself. In other words, I think it is very hard for us to take care of ourselves and to take care of him. I think the Indian has the advantage, and I think in that very transaction we required guardianship more than he did. So it is with these Seneca Indians. A short time ago a person who occupied the head of the Bureau of Indian Affairs was an Indian from this very tribe, Colonel Parker, a man of education, a man of intelligence, and a man of decided ability. He was an Indian belonging to this very Seneca tribe, coming from one of these reservations, having been born and reared among them. Those of the Seneca Indians who have come here are as intelligent as white men are, and they can take care of themselves.

But let that be as it may, the intention of this bill is not to affect the tribal organization at all. It is to authorize them to yield to the wants of the day, to the march of improvement in building up railroads and building up towns, manufactories, and all those things which follow the trail of the white man's civilization. It is not to compel them to do it, but to enable their council to do it. It is not to compel them, I repeat, but to authorize their council as a council to lease these lands. Not to sell them, but merely to make leases, that railroads may penetrate these reservations, that towns may be built; and why should it not be done? The only doubt I have had on this subject at all has been as to the power of the Federal Government to authorize them to do it; but that is no question for me to discuss here. The Supreme Court, in 5 Wallace, indicates that the power is in the Federal Government, and acting on that dictum of the Supreme Court this bill is presented to Congress.

Mr. President, after a careful examination of this bill in its different sections I can see no objection to it whatever. I think it is due to the people of Western New York, it is due to the spirit of the age, it is due to the men who are building your railroads and your towns, that these reservations shall be thrown open and not be kept there isolated spots, surrounded with a sort of Chinese wall, impenetrable to the white man and to civilization. I would make the same argument—and I hope to have an opportunity of making it some of these days—in relation to the vast territory—rich in everything, rich in soil, rich in minerals, delightful in climate—immediately west of the State of Arkansas, a territory of upward of thirty million acres of land, which is occupied by some sixty or seventy thousand Indians, who are there in a state of half civilization, without any ambition or life in them.

I have examined this bill with some care. Although it does not relate to my section, yet I do believe it is a proper bill and should be passed, and that it does not take anything from these Indians whatever.

Mr. ALLISON rose.

Mr. PRATT. Before my friend from Iowa takes the floor, I would be glad to offer an amendment, to come in at the close of the second section of the bill, which will remove some objections in my own mind and in the minds of others.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. At the end of the second section of the bill it is proposed to insert:

Provided, however, That all leases now made, or hereafter to be made, pursuant to this act, shall be subject for their validity to the approval of the Secretary of the Interior.

Mr. ALLISON. I would suggest to the Senator from Indiana that that amendment had better be made at the end of the fourth section, if it is made.

Mr. President, this bill is comprehended within a very small compass. Several years ago a number of railways desiring to traverse the State of New York were obliged to cross this Indian reservation, and pass along it for some distance, it running in the Allegany Valley. In doing this they procured the right of way. In addition to this, towns along the reservation at various points sprang up; and under a mistaken notion of the law, the Legislature of the State of New York authorized, or rather ratified, leases made by the Seneca tribe to people who sought to build up these towns. The Supreme Court of the United States decided, I believe, some years ago, that the State of New York had no authority to ratify these leases, and

that there was no power except in the United States to ratify them. Now, the people on these reservations, in these villages, have made large improvements, and the only object of this bill is to authorize the leasing of grounds within these villages. Perhaps the whole authority does not extend over one thousand acres of the vast area belonging to the Seneca Nation. That is all there is in this bill. It simply authorizes the people who have gone on there under a mistaken notion of the law to have all the improvements they have made there confirmed by the action of Congress, so far as it has authority to ratify them; and whatever questions of dispute may arise, either under this law or any provision made between the Indians and these settlers, shall be adjudicated in the United States courts. That is all there is of this provision. It does not disturb the tribal relation of these Indians at all. It does not propose to interfere with any right that they have not voluntarily surrendered or made agreement with reference to.

I do not think there is very much in the statement made by the Senator from Kentucky, that these Indians are wards of the nation, and that therefore they cannot make bargains. The United States makes contracts every day with the Indian tribes as tribes. We have legislated over and over again with reference to the Indian tribes as affecting railroad corporations, authorizing them to give their consent for the construction of railways within their territory. There are now, I believe, in the Indian Territory five different railways by the consent of the confederated Indian tribes in the Territory, under the authority of the laws of the United States. So there is nothing in these objections; but the only question now is whether the white people who have made contracts with these Indians, supposing they had authority to make these contracts, shall be deprived of their property and the improvements they have made in these towns or villages, or whether the Congress of the United States, so far as it can lawfully, shall give authority and recognition to these contracts. That is all there is in this case.

Mr. MORRILL, of Vermont. May I ask the Senator from Iowa a question? Is it not also true that these Indians, or part of these same Indians, are deprived of any power whatever to collect the amount that is due them in consequence of the decision of the courts?

Mr. ALLISON. At this time?

Mr. MORRILL, of Vermont. Yes.

Mr. ALLISON. It is. As a matter of course no Indian, nor the Seneca tribe of Indians, can enforce any of these contracts in the State of New York, by a decision of the Supreme Court of the United States. Therefore both parties are remediless unless there is some authority conferred by act of Congress.

Mr. HAMILTON, of Texas. I desire to ask the Senator from Iowa a question. Are the Indians complaining here that they cannot collect their rents? Is that the basis of the idea of the Senator or of the bill?

Mr. ALLISON. I do not know that the Indians are complaining that they cannot collect their rents; but I know there is no power to enforce their rents. There are, I know, some objections made to this bill by certain men belonging to the Seneca tribe. I do not know that there is any formal objection to this bill made by the Seneca tribe of Indians. I have no such knowledge; there may be some.

Mr. BAYARD. Here, I understand, is a protest which has been presented and read at the desk.

Mr. ALLISON. They object to certain provisions of this bill, if the Senator from Delaware will allow me. A portion of the Seneca tribe complain that certain Indians had allotted to them particular tracts of land in former years, and that those particular tracts of land have become valuable by means of a railway traversing their reservation and by means of these villages; and therefore now, inasmuch as these leases are about to expire, they ask that the benefit of these leases should go to the tribe and not to individual Indians who had these lands allotted to them in former years. But the committee, in examining this question, found from the admission of the Indians themselves that the tribe, which had authority to allot lands in severalty, did allot these lands to individual members of the tribe; and although in some instances they had made considerable sums of money thereby, we thought it was not fair to compel the Indians who had these allotments to surrender these lands to the tribe again.

Mr. BAYARD. At least if they do surrender they surrender in accordance with the laws and customs of their own people. If the allotment was originally made to these parties and the question be whether a usufructuary lease under this organization shall at the end return the improvement to the individual Indian or return it to the tribal organization to which it belongs, that is a matter to be settled entirely by the laws and customs of the organization existing at the time of the lease. There is no doubt about that.

Mr. INGALLS. Will the Senator allow me to read one single sentence on that point from the report of the superintendent and agent of these Indians?

Mr. BAYARD. Certainly. Anything which will throw light on this measure I shall be glad to hear.

Mr. INGALLS. The agent, Mr. D. Sherman, in his report to the Hon. Edward P. Smith, Commissioner of Indian Affairs, speaking of the village of Salamanca, on the Allegany reservation, which is the principal settlement, says:

This village is situate at the junction of the Erie Railway with the Atlantic and Great Western Railroad; is wholly on the reservation, and numbers over two thousand inhabitants, who occupy the lands either under leases made by the Seneca Nation

of Indians, or under leases made by individual Indians, approved by the council of the Seneca Nation, and most of them confirmed by laws of the State of New York. Among the leases first named are those given to the railroad companies for right of way and railroad buildings at Salamanca. The courts of New York have adjudged all these leases void. Since the making of these leases, which were supposed to be valid, \$1,000,000 or more have been expended on the leased property in the erection of railroad buildings, dwelling-houses, stores, churches, school-houses, and other buildings. The people of Salamanca are entitled to some relief by the legislation of Congress.

I read this extract for the purpose of showing to the Senator from Delaware that these leases have been made in accordance with the laws and customs of the council of the Seneca Nation, but have been declared to be invalid by the courts of the State of New York; and therefore legislation by Congress is necessary, that body alone having jurisdiction over the relations of Indians with white men.

Mr. THURMAN. Invalid for want of the assent of the United States?

Mr. INGALLS. That is my understanding.

Mr. BAYARD. Mr. President, for one I must express my sense of obligation to the Senator from Kentucky for arresting the passage of this bill and placing the facts and the principles contained in this proposed measure before the Senate and the country. With whom are we dealing by this law? Certainly with those who are at a great disadvantage. We are dealing with the helpless remnant of a race that is fast fading away, and fading away more through the vices of civilization and the injustice of the American people than from any other cause. I do not propose to be a preacher of morality here; but I must say that, according to my ideas of equity, there is a stain upon the people and the Government of my country, not confined to this generation but in generations that have passed away, in their treatment of the Indian people. I do not propose to be unjust because it is simply inconvenient to be just. I do not propose with a strong hand to wipe out what remains of property and legal rights to these people because loss or inconvenience may happen to the practical progress, as it is termed, of civilization even in so busy and rich a State as New York. Here is this poor remnant of a once powerful and warlike people, comprising now about two thousand souls—men, women, and children. They have a little reservation of land about forty miles long by half a mile or three-quarters wide, which has always been their own, which never did belong by any conveyance or grant either to the Government of the United States or to the State of New York, within whose limit the land lies.

Mr. FENTON. Will the Senator from Delaware allow me to interrupt him?

Mr. BAYARD. I will yield directly. So that when leases were sought to be made by these Indians as individuals or by right of their tribal organization to citizens of New York under the authority of statutes of the State of New York, the Supreme Court of the United States declared such leases to be invalid and such conveyances absolutely void.

I have finished the sentence. I will yield to the Senator now.

Mr. FENTON. I think my friend from Delaware is in error in regard to the number of Indians upon this reservation.

Mr. BAYARD. That is a very trifling matter. Perhaps the fewer they are and the more helpless they are the greater is the duty imposed upon us of strictly protecting them in their rights.

Mr. FENTON. The fact is that there are about eight or nine hundred on one reservation.

Mr. BAYARD. Let it be so. If there are but eight or nine hundred it imposes the more upon us the strict and just duty that their feebleness shall not be the measure of our justice.

This people have a tribal organization. That organization gives to them a certain polity of their own. They have tribunals of justice and equity, according to their own rights. I understand that one of their judges, recognized as a fair and honorable man, has appeared before this committee in defense of his people and in opposition to this measure. Their customs and their laws are not idle forms; they are practical and efficient for their purposes. The question is whether, when they come in collision with the greater power that surrounds them, might shall be right; whether justice shall be sustained as between the strong and the weak.

It is perfectly plain, Mr. President, to all who have even given slight attention to the progress of this Indian question, that the sole avenue by which these people can be expected to pass from savagery and barbarism to comparative civilization will be through agriculture and pastoral pursuits. For manufactures, for science, for abstract study and disquisition, they may have a latent capacity never yet developed; but certainly your first and strongest hope is that they shall be taught the rewards of peace and patient labor in agriculture and in pastoral pursuits. That is what these people have followed; that is what they have proved themselves capable of prosecuting with benefit to themselves and others; and it seems to me that the intent and object of this bill in every feature of its provisions is to take away from them that permanent tenure of land which alone can be the basis of their possible civilization and advancement. The lands of their reservation are fertile, their farms valuable and well cultivated, and the envious eye of their white neighbor has fallen upon them, and he seeks to deprive them of their possessions by indirection or pretense of public improvement, in modes of which their present owners are not capable, but at their cost. Now, sir, whatever may be the inconvenience of continuing these Indian reservations where they now are,

it is not, in my opinion, to be weighed for one instant against the duty which justice imposes of maintaining them there, in what their own will and the laws of the land existing since they were brought in contact with the white people have declared to be their rights.

This bill proposes to give to three commissioners, not members of the tribe, not appointed with the consent of the tribe but against the consent of the tribe, the power to locate villages and township lines, and they are to be entirely arbitrary lines extended far or near from the present nuclei of their habitations, at the discretion of these commissioners, in whose choice the Indian has no voice, over whose action the Indian has no control. When the honorable Senator from Missouri said just now that the intent of this bill was not to destroy the tribal organization, I pointed out to him that this bill permitted for the first time (in violation of the laws of the United States, in violation of the policy of the United States, in violation of all the customs and laws of these Indians) an individual Indian to act independently and perhaps adversely to the will of the tribal organization, and to lease any land in his possession as he sees fit, provided he happens to have possession of it at the time of the passage of this bill. But, says the honorable Senator, such leases are confined to the limits of the villages. Yes, but the limits of the villages are to be decided by these three commissioners. First, you say this individual Indian shall have the power to lease his lands anywhere within the village bounds within certain township lines, and then you give to others the power to say just where those township lines shall extend; which means that they can extend to any locality or even throughout the entire reservation. Therefore it is perfectly evident that this is a direct, sweeping measure for the destruction of the tribal organization of these Indians.

Mr. President, I am not prepared nor competent to speak of the advantage or otherwise to this remnant of a once proud people of destroying their tribal organization. I only know this, that if they are divided, if they are separated, if they are freed from all the influences of tribal organization, the date of their absolute disappearance as a distinct people in the lists of the human family will be covered by a very few years. The one chance they have as a people to live out and fulfill any destiny is that they shall be permitted to maintain their tribal organization. This bill sweeps away that possibility. It takes from them their lands, and, by taking from them their lands, takes from them the only two pursuits by which they can hope to advance upon the plane of civilization. Is it a just measure? Is it a wise measure? Does it behoove the honor, or the mercy, or the magnanimity of the American people thus to deal with a people who have no voice, Senators, to answer for themselves on either floor of Congress? They are not voters. They have not this lever and privilege of suffrage which would enable them to send representatives to this floor; they have none; and therefore it seems to me that in dealing not only with those who are absent, but entirely unrepresented, especial care, especial consideration, should mark the action of a Government like ours toward them.

But, Mr. President, suppose they were represented, grant that they had every opportunity here to be heard, and grant still that their rights, whatever they may be, are subject to the will and pleasure absolutely of the Government of the United States; even the House of Representatives in dealing with this matter sought to exercise some restraint upon those white men who had deliberately, in defiance of the laws of the United States and in defiance of the laws of the State of New York, in defiance of the decisions of the courts of New York and of the Supreme Court of the United States, chosen still to run their risk and make their bargains and settlements among these people, relying only upon the customs and laws of the nation itself and the protection they afforded. They have here provided that not only shall all "unexpired leases of land situated within the limits of said villages when established as before provided,"—by these three commissioners nominated by the President—"in which Indians, or said Seneca Nation, or persons claiming under them, are the lessors, shall be binding upon the parties thereto." But the committee of the Senate have stricken out what seems to me to be so plain, so essential, so reasonable a proviso, that I must express my astonishment. The House bill provided—

That this act shall not be construed to ratify or confirm leases which, according to the laws or customs of said Seneca Nation, are invalid.

This committee—and I believe that was concurred in lately by a vote of the Senate in Committee of the Whole—have stricken out that limitation; so that leases in direct violation and disregard of the laws or customs of the Seneca Nation, not only in defiance of the laws of the United States and the laws of the State of New York, but in defiance of the laws or customs of the Seneca Nation, made against the policy and the interests of those people, are to be validated and confirmed. There is by this act a complete, wholesale, sweeping reversal of the policy of the Government of the United States, as expressed through its legislation in regard to this Indian subject.

Mr. President, my lot in life has not brought me into personal contact with the Indian people; and I am well aware that in those States which have until lately been occupied by the Indian tribes, or in which they still linger in what are termed in law reservations, but which in fact are mere localities where they are suffered sometimes to live without molestation, the feeling against them is so strong as to overcome all suggestions of treating an Indian as though he were a

fellow-man entitled to the same principles of justice that we ask for each other. I see it too much, sir; I hear it expressed in private conversation; I hear it constantly from the officers of the Army who have been brought in contact with them and finding them with all the vices of savagery, treachery, bloodthirstiness—all of which in my opinion are chiefly due to the bad faith of Government agents toward them. I have heard it almost as an apothegm among officers of the Army that "the only good Indians had bullets through their heads;" and I have heard sometimes from gentlemen from the Western States, the far West, where they are brought into contact with these people and where the Indian possessions block the pathway of their material progress, very much the same sentiments.

Their reservations have been invaded; their lands have been taken from them against their wish, without law and against law, and the effect of this measure, it seems to me, is indirectly, if not directly, to do again this very thing. Sir, after what we have heard from the Senator from Kentucky, with what we have heard read from the desk in the protest of the president, the councilors, and the people of the Seneca tribe of Indians, made in their national councils, against this bill, I cannot give my vote in favor of any such measure; and I trust that before the debate closes some motion will be made (and by none could it be made more fitly than by my friend from Kentucky) to have this bill recommitted until we can have some expression of the free voice of this Indian tribe in regard to a measure that it seems to me may scatter their organization to the four winds of heaven and deprive them even of a nominal existence as a tribe of Indians.

Mr. McCREERY. I submit the following motion:

That the bill be recommitted to the Committee on Indian Affairs with instructions that no further proceedings be taken in relation to the subject-matter of the bill until the Secretary of the Interior shall have caused a fair and full expression of opinion of the Seneca tribe of Indians to be obtained and reported by him to the Senate.

Mr. THURMAN. Mr. President, there are two sides to almost every question, and there are two sides to this. There are fifteen hundred or two thousand people in the village of Salamanca; a very nice, beautiful, thriving village on the Indian reservation called the Allegany reservation. There is property there to the value of millions. That property, or the value of that property, has been created with the assent of the Indians, by the labor and the capital of white men; and I do not suppose that any one here will ever be ready to allow the fifteen hundred white settlers of Salamanca to be turned out of their homes. That would hardly be a measure to be taken in the name of humanity. Nor do I suppose that the Congress of the United States will see one of the greatest thoroughfares through this country, the Erie and the Atlantic and Great Western Railway, torn up. That is not a thing that can be tolerated. That something is to be done, everybody must admit. The only question is what shall it be; and the only difficulty in settling that question is to learn precisely what are the facts.

On the Allegany reservation there are eight hundred persons who are called here Indians. Well, sir, I have been on that reservation frequently, and I say to my friends who have great sympathies for the poor Indian that their sympathy is bestowed a great deal more on white people than on red people, and of these eight hundred it would trouble any one to find a pure Indian, or one who has not more white blood than red blood in his veins; but these people have rights, and their rights are to be respected, and they are not to be oppressed. But let us see what their rights are and what the rights of the United States are.

The United States have maintained the doctrine from the first—originally for selfish purposes perhaps, afterward for humanitarian as well as selfish purposes—that the Indian tribes should not be permitted to alienate their lands without the consent of the United States. With the consent of the United States they may alienate. If, for instance, Congress had forty years ago passed a law that the Seneca tribe of Indians might alienate their lands, every one of these leases, if properly executed according to the laws of that nation, would be a proper lease to-day. The only thing that has stood in the way is that we have not given our consent to that alienation; and now the only question is whether, under the circumstances of the case, we ought not to give our consent so as to act retrospectively, and whether we ought to give consent for the future. It is not a question about our general policy with the Indians. So far as the Indians on these reservations are concerned—take the Allegany reservation, for instance—so far as the eight hundred Indians on that reservation are concerned, they are fifty times richer to-day than they were before a railroad was made on their reservation. They have more employment, more wealth, more civilization, are better clad, have better food ten times over than they had before the railroads were made.

Well, sir, is the fact that they have a tribal organization any reason why the improvement of that country shall utterly stop, why highways through it shall be broken up, why towns shall not grow there at all, why it shall be what it once was, a mere fishing and hunting ground? No one will say that. But at the same time we are bound in some way to protect the white men who have gone on that reservation with the assent of the Indians, and under the authority of the State of New York, and made leases which were considered to be valid by everybody who made them. Although we are bound

in some way to see that monstrous injustice is not done by confiscating their property, it is a grave question how far we shall go in permitting leases to be granted hereafter, under what limitations they ought to be permitted, and how far we shall extend the jurisdiction of our own courts and the courts of the State of New York over that reservation. Those are very grave questions indeed.

I for one would like very well to see every one of these so-called Indians become citizens of the United States, and let their tribal organization cease. It would be the best thing for the country and for them; by far the best thing for them, in my judgment; but so long as they do retain their tribal organization, and we are to exercise a guardianship over them, it seems to me we must take more care than is taken in this bill how we allow them to alienate their possessions.

If this bill become a law, any Indian having a possession there may alienate it by lease for ninety-nine years, renewable forever; in other words, grant an inalienable fee, and it requires no great sagacity to see that in a very short time a majority of them would have alienated their property.

Mr. BOGY. The individual authority the Senator speaks of is confined to town lots in the villages.

Mr. THURMAN. Yes; but there are about thirty thousand acres of land in that Indian reservation. These villages are all in the thirty thousand acres of land. Thirty thousand acres of land are about seven miles by six miles square, or would be if put in the form of a parallelogram.

Mr. INGALLS. The reservation is forty miles long and one mile wide.

Mr. THURMAN. Very well; the six villages might take up the greater part of that under this commission, and if they did not it would be the entering-wedge for the rest of it to be put in precisely the same category; and therefore it is very easy to see that unless you put some restriction upon this alienation, unless you put some safeguard upon it, those eight hundred persons—though not all of them, for some of them are very intelligent and worthy men and quite as intelligent as white men—would alienate all their rights there, and then it would give rise to a good deal of trouble, because it is contended on the part of the president and councilors of the tribe that no Indian has any individual rights which he can alienate; that he is simply allowed possessory rights at the will of the council of the tribe. But if we treat them as possessory rights which will enable them to alienate them, and alienate them for a long time, and bring them into our own courts to decide, infinite trouble and litigation may grow out of it.

We want on this subject more information than we have. I was in hopes that we should find a report accompanying this bill which would show the precise state of the case. As the bill is, with this unlimited power to alienate by the future confirming of leases, although made even contrary to the laws and customs of the tribe, I cannot vote for it; but if a proper bill were made confirming the right of way to these railways, granted to them by the Indians for a good consideration, confirming the leases made pursuant to the laws and customs of the tribe, or with the tacit assent of the tribe to the white men who have expended their money there, I would consent to it—that is, so far as I could give the consent of the United States to act retrospectively, I would do so—and let it have the same effect in the future which I have indicated. While I will do justice to the Indian, I will not do injustice to the white man.

My friend from New York [Mr. FENTON] suggests to me to offer an amendment limiting these leases. This is such a subject that I could not at my desk prepare hastily such an amendment as I think should pass. I think those who are promoting the bill will do best to let it be recommitted, and the committee, having heard the objections that have been made to it, can remodel it and bring it in in such wise as perhaps to meet the approbation of the entire Senate.

Mr. MORRILL, of Maine. To obviate the difficulty that the honorable Senator from Ohio seems to have, I would move, if it be in order now, on page 3, line 5, section 5, after the word "within," to insert "the present limits of;" so as to read "within the present limits of said villages."

The PRESIDING OFFICER. The Chair would remind the Senator that the pending motion is to recommit.

Mr. THURMAN. I do not know whether these villages—the Senator from New York can probably tell—have any definite boundaries now or not. I know Salamanca is a very nice, thriving village; I have been there frequently; but I do not know whether it has any definite village boundaries.

Mr. FENTON. There are no definite bounds to the villages; they are very compact. The authority is given to the commissioners to fix boundaries.

Mr. MORRILL, of Maine. They are necessarily limited by the improvements and occupation.

Mr. FENTON. I suppose they do not occupy in all over a thousand acres.

Mr. MORRILL, of Maine. I hold myself to be as jealous of the rights of Indians, here and elsewhere in the country, as anybody in the country, and I am as solicitous on all occasions to protect their interests. My attention has been called to the provisions of this bill, and I was in committee when it was considered and gave my assent to its being reported to the Senate upon the conviction that it was a proper thing to do; that it did not, in any just sense, impair the inter-

ests or rights of the Indians here, and was not of bad example in any way. I understand that the facts all lie in a very narrow compass.

These Indians occupy a territory of forty miles long and about one mile broad—thirty-five or forty thousand acres of land. From time to time they have leased, perhaps, in all, about one-fortieth of the entire possession. That is an important fact which should be taken into consideration in acting upon this subject. One-fortieth have they leased. Now, for what purpose? If for purposes which are inimical to the best interests of the Indians, we should not sanction those leases; but the committee are satisfied that it was not so. In those villages have sprung up industries, mechanical arts, manufactures, and the like; and another thing, three railroads have passed through. All of these are beneficial, all are agencies in the right direction, agencies of civilization; and they occupy so inconsiderable a portion of the lands, the broad acres of these people, as not to infringe at all upon the pursuits which these Indians are following. Regarding it in that way, the committee came to the conclusion that as the Indians themselves had thought this was for their best interests, as they were solicitous of inviting these civilizing interests into their midst, if they did not complain—I mean the body of the Indians—it would not seem to us that there was any injustice likely to be done.

These are the general facts. What took place? Under the rules and regulations of the Indians lands could only be leased absolutely and unqualifiedly by the council or nation. Many of these leases are by the council or nation. Others, however, are by individuals; but in every instance they are by individuals who had a separate allotment. So the leases stand in this way, either by the council or nation, and in the majority of cases they are directly from the council or from individuals who had had allotments of land made to them and which they were occupying in their own right. Now, what does this bill propose to do? This bill proposes simply to step in and say that these leases are valid and may be maintained in the courts. That is all there is of the bill. Can anybody see any injustice to the Indians? Is there any malign policy in this bill? Does anybody suppose that any contagion is to go out from these villages if they are kept within their limits, to the advancement and progress of these Indians? The villages, keep in mind, only occupy about one-fortieth of the entire possessions; and so far as this bill is concerned they cannot go beyond.

Where is the morality of this bill, if there is any in it? It is of course that unless a contract has been made absolutely injurious to the Indians it should be kept. The committee are satisfied that it is not prejudicial to their interests, nor is it subversive of the civilization which we hope for them in the future. These are the simple facts in the case as I understand them and these are all the principles that are involved.

My honorable friend from Delaware has said something about the injustice of this. I sympathize very much with him in his regard for the Indian. A great deal of injustice has been done in American history in regard to this race undoubtedly, and we have but little sympathy and too little care in regard to Indian affairs. They are literally our "poor relations," and we care very little for them. We follow them from one extremity to another, indifferent as to their fate. None of that, however, is in this bill. It is just in the narrow compass which I have stated. Contracts of lease have been made leasing a fractional portion of a Territory ample in all respects to all the avocations of these Indians, beneficial, as the committee believe, to their interest; and the only question now is whether the Congress of the United States will sanction the leases, which sanction the courts of New York have said it requires in order to make them valid contracts. In good faith, in good conscience, and in harmony with the interests of the Indians, the committee believe that Congress ought to pass this bill. There was only one interest that by any contingency, it was apprehended, could be affected by this bill, and that was the resulting interest of a company of gentlemen who have succeeded to the right of pre-emption; that is, the right which will inure to somebody when the possessory right of the Indians is done away; but that is altogether in the remote future, and I believe those gentlemen have ceased to believe that their interests will be affected by it, as by no possibility could they be.

I think that is about all there is of this case, and I do not believe there ought to be the slightest apprehension in the Senate as to passing the bill as it comes from the committee.

Mr. HAMILTON, of Texas. I move to amend the motion made by the Senator from Kentucky by sending the bill to the Committee on the Judiciary. The Committee on Indian Affairs has reported on the equities of the case, no doubt, but I should like to hear the law of the case myself.

Mr. WADLEIGH. Mr. President, about twenty years ago I obtained some landed interest in Western New York, close by this Alleghany reservation, belonging to the Seneca Nation, and for some ten years after that I had occasion to know something about the village of Salamanca and about the Seneca tribe of Indians in the State of New York. I remember that eighteen years ago I walked from about Salamanca down to Little Valley, across what is now the village of Salamanca, but it was then a barren waste, upon all of which there was only one single house, and that one poverty-stricken. Soon after that railroads were built there. At the intersection of these railroads it became desirable to locate settlements of white people. Those men went to the Legislature of New York and procured what they

believed and what the Indians believed to be binding enactments. Under those enactments leases were made, under which leases there has been built in that place where eighteen years ago there was but a single house a village that is supposed to contain some three or four thousand inhabitants. There are living there, in houses built by themselves from the product of their lives of labor, mechanics, farmers, carrying on industrial interests and benefiting these very Indians who are now seeking to obtain the advantage of them.

Mr. President, it was found some time ago, through a decision of the courts, that the acts of the State of New York were invalid and that the leases made under them were invalid. Now, some of these Indians come here and resist the passage of a law of the United States, without which the leases are invalid, which will simply validate those leases, fair leases, fair contracts which they made for their own benefit. They seek to annul the title which they voluntarily gave to the white people who went there and settled and who have built up thriving villages on that reservation. That, Mr. President, is unjust, and I claim that we should do justice here to men of our own race without, as I think, committing injustice upon another race.

Why, what will be the result if we do not pass this law giving the consent of the United States to these fair contracts? It is this: Suppose that there is there from New England or from New York or from anywhere in the United States a man who has invested the products of a life-long industry with a house and a little land, the only title to which he holds under one of these very leases; he dies to-day; it is necessary for the interests of his widow and his children to sell that property, so that they can live upon its proceeds; and it will not bring one dollar, because there was no legal title to it in him and there will be none in his estate. You beggar these laboring men if you do not pass this bill.

I hope that the Senate of the United States will not be governed by sickly sentimentality and be deterred by it from doing justice to the laboring men who have built up these thriving villages where there was but a few years ago a barren waste. These Indians, as I know myself, do not need the sympathy of anybody in this Chamber. As I believe, there is not in the State of New York a community, according to its numbers, more opulent than that of the Seneca tribe. I know that years ago they had houses, they had lands, they had flocks, they had herds, they had property to a greater extent than any of the communities about them; and it is not necessary either to talk about another raid. There are but very few if any pure-blooded Indians among them. They have been mixed with the whites. Originally the Romans of the Indian races, as we know the Six Nations were, by their intermixture of white blood they have become capable of coping with any nation so far as bargaining and so far as trade is concerned. There is no need of any sympathy on their account. In view of the fact that they made voluntarily these contracts, which have been for their benefit as well as the benefit of the white people who have gone there, and in view of the fact that unless the consent of the United States is given to validate these contracts you will beggar these communities who have built up these villages, I am in favor of the passage of this bill.

Mr. PRATT. Before the vote is taken on the pending motion to recommit this bill with instructions, I wish to call the attention of the Senate to the amendment which I have offered, which it seems to me removes all objection. That amendment is that all leases which have heretofore been made or shall hereafter be made by this tribe of Indians shall for their validity be subject to the approval of the Secretary of the Interior, who for this purpose is constituted their guardian. If that amendment is ingrafted upon the bill, it seems to me there can be no danger in passing this measure. I am satisfied that it is a measure of justice.

What are those two reservations? Who are the parties? How did it come about? As I understand it, the right of these Indians in the reservations in question depends upon treaties made with the United States, they being the one party and the United States the other. The right of these Indians is that of simple occupancy during their existence as a tribe, the fee remaining in the United States. Now, then, it would be a very unwise policy indeed to tie this tribe up, deny them all power to sell or make leases of these lands or any portion of them during their existence as a tribe. It seems that without authority they have made leases to corporations and to individuals, and it is because of the legal invalidity of these leases as adjudicated by the Supreme Court of the United States that this measure is now brought before Congress.

The policy of this Government has been not to allow the tribes inhabiting reservations to make sales to any other party except the United States themselves. This heretofore has been accomplished by treaty, in which their right of occupancy has been extinguished and the reservation then becomes a part of the public domain. But, certainly, there being only two parties to the contract which has resulted in the reservation, if the Indians of the one party see proper to lease or to sell, then, undoubtedly, the consent of the United States validates the title which has been made. I have not heard any impeachment of the justice of the leases which have been made; but still, for greater caution, I have thought it proper to offer the amendment referring the whole question to the Secretary of the Interior to ascertain whether the leases were just, and if so to approve them.

It is obvious that Congress is in no condition to inquire into the particulars of every lease that has been executed by this tribe to cor-

porations and to individuals. That matter must of necessity be referred to some tribunal, and I know of no more appropriate one than the Department of the Interior. If these leases shall pass muster with him, I do not see any occasion whatever to refer this matter back to the Committee on Indian Affairs, or refer it, as proposed, to the Committee on the Judiciary. Therefore I hope that the resolution to recommit the bill will be voted down, and that my amendment will be adopted; and in my judgment it will make this measure entirely proper.

Mr. INGALLS. I hope we may have a vote on the pending proposition at the present time.

The PRESIDING OFFICER. The Senator from Kentucky has moved to recommit the bill to the Committee on Indian Affairs, with instructions. The Senator from Texas moves to amend the motion by referring it to the Committee on the Judiciary. The question is on the amendment of the Senator from Texas.

Mr. BOGY. I hope the bill will not be committed to the Committee on the Judiciary, and that it will not be recommitted to the Committee on Indian Affairs. I am perfectly satisfied that the rights of the Indians are well guarded and well protected in the bill, and that there is not a word in it which can affect the tribal organization of this tribe of Indians. The bill, I think, is well guarded and well protected; and while I am up I would also object to the amendment offered by the Senator from Indiana. I do not think the Secretary of the Interior is the proper person to judge of the propriety of any of these leases. I think the council is much more competent; and the whole object of this bill is to legalize the acts of the council heretofore and to authorize them hereafter to lease this property; but in the villages, where persons have been in occupation for many years without a lease from the council, an occupation which had its origin in the usages and customs of those people, it is proposed that those persons being thus in possession shall have the right to lease those lands. That is all the bill intends to do, all that it purports to do. There is not a word in the bill that can justly be construed as militating against the rights of the Indians or the power of the council of the Indians. Their usages, their customs, and their laws are all maintained and respected. The great object is simply to induce these men to yield to the wants of the present day, in permitting railroads to traverse these reservations, in allowing towns to be laid out for depots and other improvements that necessarily follow the building of railroads; and as far as the Indians are concerned, it is conferring on them a great benefit.

I see no reason why the bill should be recommitted. It strikes me as being entirely proper in its provisions. Even in the event of a controversy as to the amount of rent hereafter, it is guarded. If the parties do not agree as to what should be the rent of any of the lots hereafter or now occupied, not by a written law, but in accordance with the customs of the Indians, that is referred to the council of the Indians, and the council appoints a referee and the lessee appoints one, and the two decide, or if they cannot agree they appoint a third party. Everything appears to be well guarded and well considered.

Now, in answer to the argument advanced by the Senator from Ohio, that this bill should be recommitted so as to limit the power of leasing, I would also object to that. There should be no limit at all. The right should be given to the Indians without limit to lease these lands for any term of years which they may think proper. Great towns will spring up on these two large reservations. They necessarily will grow. Large improvements will be made, costing immense sums of money; and there should be no limit to the power to lease. In fixing no such limit, you take away from them no power, you respect their rights, you preserve their rights, you establish them in the right to make these leases. The Indians cannot pass a fee. Why? Because they do not own the fee. The fee in this case is not in the United States, as was stated by the Senator from Indiana; the fee of these two reservations is vested in a company composed of individuals who at first objected to this bill before the Committee on Indian Affairs—raised an objection to it and fought it for a long time; but when the bill was understood by them they yielded their opposition.

I say once more that all the arguments, as well as all the sympathies, which are applicable to the Indians of the plains, to the Indians of the wilderness, to the Indians of the great West, are not at all applicable to Indians on reservations within the old settled States. On the contrary, the very reverse is true. I say once more it would be a great blessing to these Indians if their reservation was in an equitable way annihilated as soon as possible, respecting their rights, preserving their individual rights in a spirit of equity, but the sooner that their tribal organization disappears and that from being mere Indians they be elevated to the high position of American citizens, so much the better for them.

One of the Senators spoke of the large farms on these reservations. There are no large farms on these reservations. On one of the reservations, that which is forty miles in length, there are not over a thousand acres in cultivation perhaps, and that cultivation is very imperfect. Why? These men are neither Indians with the manly virtues of the Indians of the prairies and the plains, nor are they American citizens. They are dwarfed down to nothing, and have no ambition, no energy, no right to vote, no privileges. They are not citizens and they are not Indians. They are an isolated little tribe surrounded with civilization, and yet debarred by law from participating in the

white man's civilized Government. It is sympathy misapplied and to the detriment of these very people. The idea of sustaining a people or a nation in our midst, so that they may hereafter fulfill their destiny, is an impossibility, and it should not be tolerated. Let them identify themselves with the destiny of the American people and participate and partake with us in that great destiny, and the sooner they do it the better for them. Sir, there is no hope for the American Indian unless he becomes an American citizen, marching along with the American people not as an Indian but as an American citizen. We are attempting in our legislation to enable the African race to march with us hand in hand in fulfilling this destiny, not as a negro race but as American citizens; and why should we make a distinction of the Indian?

Sir, I repeat that this bill is well protected, is well guarded, taking from the Indian no right, conferring on the council all power that is necessary, protecting their rights, only enabling them through their tribal organization, speaking through their council, to yield to the requirements of the day and the age; nothing more.

Mr. HAGER. Mr. President, I am not very familiar with the history of the Seneca Nation, or with the treaties between the United States and that tribe, or with the reservations that are alluded to in this bill; but during this debate I have examined the bill before the Senate, and I have very serious doubts whether it be, as the Senator from Missouri has just stated, sufficiently guarded. The measure before the Senate is not in the interests of the Indians, nor do they appear here to ask this legislation; on the contrary, they appear here protesting against it.

Mr. BOGY. Will the Senator allow me one word?

Mr. HAGER. I will yield the floor in a few minutes, as I have but little to say.

The PRESIDING OFFICER. The Senator from California declines to yield.

Mr. HAGER. The Senator is so far distant from me that I can scarcely hear him; but I will listen to the Senator if he has any question to ask.

Mr. BOGY. I think the Senator from California is mistaken. As a question of fact, this tribe of Indians are not protesting against any such thing. The council has never protested. Individual Indians have, but a great majority of these Indians are in favor of this bill. That is the information before the committee.

Mr. HAGER. I merely undertook to state what was asserted by the Senator from Texas, if I understood him correctly. I have not examined the case, and do not speak from personal knowledge. It has been stated that the Indians had sent a memorial to the Senate protesting against this bill.

Mr. BOGY. I will state to the Senator from California that that is a mistake.

The PRESIDING OFFICER. Senators will observe Rule 3, and address the Chair. The order of business cannot be observed unless the rule be adhered to.

Mr. HAGER. I was merely stating in reply that I understood the Senator from Texas to say that the Seneca Nation were here protesting against this legislation. I do not undertake to state it of my own knowledge.

Mr. BOGY. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri?

Mr. HAGER. Yes, sir.

Mr. BOGY. I think the Senator from Texas made that statement, and I have no doubt the Senator from Texas believed the statement to be true. But according to the information that has come to me it is a protest of individual Indians, and the council has not protested. This I know I can say, that although this bill has been before the committee for a long time and has met with much opposition, the council as a council never has protested against its passage before that committee. Individuals have, I admit, but not the council as an organized body. I know the Senator from Texas made the statement, and I will repeat again, for fear he might misunderstand me, that I am perfectly satisfied he made it believing it to be correct. If I am wrong, I am ready to be corrected.

Mr. HAMILTON, of Texas. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Texas?

Mr. HAGER. Yes, sir.

Mr. HAMILTON, of Texas. Will the Clerk return to me the protest that I sent to the desk to be read this morning. I stated that the delegate who is here representing the tribe has stated to me—Andrew John—that this is the protest of the whole nation, as he understands it.

Mr. BOGY. We had this Andrew John before us; but there is no evidence that he ever presented an official protest from the tribe. He is represented to be a man of wealth, and somewhat of a speculator himself.

Mr. HAGER. I would ask that the Secretary read what I send to the desk.

The Chief Clerk read as follows:

To the Senate of the United States:

We, the president, councilors, and people of the Seneca Nation of Indians, do most respectfully and earnestly protest against the passage of House bill No. 3080, "An act to authorize the Seneca Nation of New York Indians to lease lands

within the Cattaraugus and Allegany reservations, and to confirm existing leases," now pending before your honorable body. And we appeal to the treaties existing between the United States of America and the Senecas, and insist that under their terms we should be protected against any legislation which deprives us of any part of the lands so guaranteed to us. And we would further state, as to the existing leases referred to in said House bill No. 3080, they never had any validity, and it was so understood by all parties to them when they were executed. All leases of Indian lands were prohibited by the laws of the State of New York, (see laws 1813, 1821, and 1845;) and these leases were made void in law and equity by the United States laws for 1834, sections 11 and 12; and more, such leases were prohibited by the laws, customs, and usages of the Seneca tribe and nation; and it was so distinctly understood by the parties who applied to the councilors of the nation to ratify them, that the councilors had no such power or authority. Yet this bill proposes to make valid not only those acts forbidden by the statutes of the United States, but also forbidden by the laws of the State of New York, and in violation of the rights, customs, laws, and usages of the Seneca Nation, who own the land so affected, and by so doing force upon this nation these void, forbidden, and worthless leases, and compel them to carry them into effect, and to that extent deprive said nation of their lands, in violation of treaty stipulations.

And your petitioners would further state, as to the powers conferred in said House bill No. 3080 in relation to leases hereafter to be made, that the Seneca Nation holds all of said lands in tribal or national capacity; that their lands have not been allotted or divided; all the right any individual Indian has therein is confined to possession; that to confer the right of leasing upon individuals would work injustice among our people; that such an act would compel Indians to go into the courts of the United States or of the State of New York to obtain possession of their lands if a white man disputed it, as those tribunals would have sole jurisdiction to try all questions of right to your petitioners' land, and thus our courts would be legislated out of jurisdiction to try actions concerning the possession of their own lands.

Given in national council at the court-house on the Cattaraugus reservation June 3, 1874.

WILLIAM NEPHEW,
President.

Names of the councilors, Seneca Nation of Indians: George Dennis, William Krouse, Isaac Halftown, Wallace Halftown, Peter Snow, Casler Redeye, Peter Sundown, William Redeye, John Jack, Henry Huppur, Andrew John, Jr., Adam Pierce, Hiram Dennis, Joseph Jemerson, Samuel Jemerson.

CEPHAS TWO GUNS,
Clerk for the Seneca Nation of Indians.

Mr. BOGY. That was an individual protest of these Indians.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. HAGER. That is the document to which I alluded. I believe it bears upon its face language sufficient to justify the phrase "protest on behalf of the Indian nation." Therefore, I repeat again, that the Seneca Nation have not appealed to Congress for legislation in behalf of the interests which they are supposed to be possessed of and which this bill affects.

In looking at this measure I find that in the second section it provides substantially for the ratification and confirmation of certain railroad leases which have been made by the Seneca Nation. I find in the fourth section—

That all unexpired leases of land situated within the limits of said villages, when established as provided in another section, shall be binding upon the parties thereto.

The committee propose an amendment; that the following proviso be stricken out, namely:

Provided, nevertheless, That this act shall not be construed to ratify or confirm leases which according to the laws and customs of said Seneca Nation are invalid.

The only saving clause in this bill has been stricken out by the report of the committee, and I believe that amendment, as proposed, was adopted this morning in the Senate. The bill, as it came to us from the House, had this provision, excepting from it those leases which were invalid according to the laws and customs of the Seneca Nation. In striking out this paragraph, every lease that may have been made will come in under the operations of this bill, whether made in a legal way or made in an illegal way. I do not know to what extent that nation has been in the habit of legislating, or to what extent they can legislate by law; but it certainly seems from the clauses in this bill that they have been in the habit of taking some action in some way by exercising control over their own interests.

The scope of the bill in other respects is that the President of the United States shall appoint three commissioners, whose duty it shall be to survey, locate, and establish boundaries to certain villages that are named.

Including therein, as far as practicable, all lands now occupied by white settlers and such other lands as in their opinion may be reasonably required for the purposes of such villages.

There is a power that is unlimited. They may take in any lands that may be occupied by white settlers, or any which in their opinion may be reasonably required for the purposes of such villages. Then further on in section 4 the Indians who may be entitled to the possession of any of that land may lease it, and the nation may lease such as the Indians are not individually entitled to possession of. There is a power, in other words, to dispose of the whole lands of the Seneca Nation by an interpretation that may be put upon this bill. It may be all right; but I do not think it is calculated to protect the interests of the Indians.

Then subsequently the laws of the State of New York are extended over them, and they are subject to appear in the courts of that State and litigate matters in regard to rents and in regard to their possessions and lands; that is, you impose upon them these burdens, that they must necessarily go into the courts of justice with their lawyers, with their witnesses, and be subjected to all the expense that may be necessary to protect their rights if this bill shall go into operation. In my opinion it will amount to a confiscation or rather a sequestration of the entire lands of that nation.

It may be true, as was said by the Senator from New Hampshire,

that they are so advanced in civilization that they are able to cope with men of our own race. I would prefer to follow the suggestion made by the Senator from Ohio, that they be admitted as citizens. If they are partly white, if they are intelligent, as it has been said, why not? Are they not equal in capacity to many that we have already admitted as citizens? Being only a small tribe, advanced in civilization and conforming to the habits of our race, why not at once admit them to citizenship and then leave them to the laws of New York for protection as citizens of the United States?

It seems to me that it would be better to send this bill, as has been proposed, to the Judiciary Committee, in order that we may have the advice of that committee upon the legal effect of it, and at the same time so far as it has any relation to the situation of this nation with the Government itself under existing treaties.

Mr. STOCKTON. Mr. President, I have listened in common with the rest of the Senate with much pleasure and satisfaction to the eloquent debate that has sprung up on this bill, and have been trying to get some information on the subject which might guide my vote. But I confess that I am astonished that no one seems to me to have answered this question: Why should the Congress of the United States by law interfere with such relations and such titles as exist between the Government of the United States and the Seneca tribe of Indians by treaty? Why should they validate invalid leases or invalid conveyances, decided to be so by the Supreme Court, as I understand? Why interfere by law with the Indians, whose title comes to them by the Government by treaty, more than interfere with any conveyance between any other individuals, white persons or persons of the same race in this country? I have heard no reason given for it. I have not heard a suggestion where that power comes from. If it be necessary for the benefit of these railroad companies, if it be necessary for the march of improvement that this small remnant shall be wiped out, you have precedent enough to do it by the strong hand of power; but let it be done so, and so done we do not set a precedent which this bill will set; and that is, when invalid things are done, invalid under the laws of New York, invalid under the tribal rules of the Seneca tribe, invalid by the laws of the United States, and in defiance of your own treaty, that we shall pass an act of Congress to validate them. That is the proposition, as I understand it.

Mr. President, I should not have risen at this stage of the debate to have said even so much—it seemed to me it was too plain to be necessary for me to say it to the Senate—but for the proposition of the Senator from Indiana to refer this question to the Secretary of the Interior. He is to validate or invalidate the treaties of the United States and the titles of the Indians arising under them. The Committee on Indian Affairs in this body, in my humble judgment, would be insulted by such a proposition. I am no member of that committee, but I do not propose, whether a member or not a member of the committee, to see their duties and their business and their prerogative referred to the Secretary of the Interior if I can prevent it. The Congress of the United States cannot say "we cannot pass this bill, we will not pass this bill," but we will say that "the Secretary of the Interior may pass this bill if he chooses," for that is the proposition. Our laws require the sanction of the President of the United States, but not of the Secretary of the Interior. I think the worst of all propositions that have been presented in this debate is a reference of this question to the Secretary of the Interior. I am satisfied that this question can be met, and properly met, by proper legislation. I am perfectly willing to adopt the suggestions made by the distinguished Senator from Missouri and my friend from Ohio, that there may be good reasons why something should be done in this matter. I have no doubt something can be done that is legal, and something can be done that is proper, and something can be done that will be satisfactory; but when a protest comes from the Indians concerned, I care not whether it comes from the representatives here on the spot of this tribe or whether it comes in proper form or not—we know not their forms—when they come and say, "the title you have guaranteed to us you are now preparing to destroy yourselves;" when they say, "this title which your courts have guaranteed to us you are trying to destroy yourselves"—weak, helpless, poor, as my friend from Delaware has represented them, we have a right to stop and ask this committee to have this bill recommitted to them, and examine that question for themselves, and see if the march of improvement cannot be allowed to have its way without setting such a precedent as this would be in the history of our legislation.

It is an attempt to set a precedent which will break down all the titles in this country. Their title is as sacred as your title. I care not what it is, I enter with no man into a debate, with the information I have now, as to whether their title is a mere use or whether the title is in the tribe or in the individual Indians. They assert it to be in the tribe. Have they not a right to have that question investigated before we act on this bill? But no matter where it is, it is a treaty title; it is a title they got from us, and a title that we have no right against the judgment of our own Supreme Court to send to the Secretary of the Interior to determine.

The PRESIDING OFFICER. The question is on the amendment of the motion to recommit, to insert "Committee on the Judiciary" in place of "Committee on Indian Affairs."

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the motion to recommit to the Committee on Indian Affairs with instructions.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Indiana [Mr. PRATT] to insert at the end of the second section:

Provided, however, That all leases now made or hereafter to be made pursuant to this act shall be subject for their validity to the approval of the Secretary of the Interior.

The amendment was rejected.

Mr. HAGER. I move to reconsider the vote by which the Senate adopted the recommendation of the committee, in section 4 striking out the words commencing in line 5, section 4—

Provided, nevertheless, That this act shall not be construed to ratify or confirm leases, &c.

The PRESIDING OFFICER. That may be reached by non-concurring when the bill is reported to the Senate.

Mr. HAGER. Very well.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question will be taken on the amendments severally. The first amendment will be read.

The CHIEF CLERK. The first amendment is in section 4 to strike out, commencing in line 5, the proviso:

Provided, nevertheless, That this act shall not be construed to ratify or confirm leases which according to the laws or customs of said Seneca Nation are invalid.

Mr. HAGER. I will merely say that I voted for the amendment before inasmuch as it was the recommendation of the committee, without understanding it; but on examination of the bill I think the clause should be retained, and I hope the Senate will not agree to the amendment.

Mr. BAYARD. I understand the effect of the motion now made by the Senator from California will be to leave the section as the House committee left it and as it came to the Senate.

Mr. HAGER. That is what I propose.

The PRESIDING OFFICER. The question is on concurring in the amendment.

Mr. WADLEIGH. Let me say a single word in regard to the amendment of the Senator from California. When the men who have built up the village of Salamanca come here and ask for bread, the Senator from California proposes to give them a stone. The titles of the men who built their village under contracts with these Indians, which both parties believed to be valid and binding, by which both supposed themselves to be bound, are to be made subject by the amendment of the Senator from California to the customs of the Seneca Nation. What kind of a title is that? What man who lives there can know that he has any title at all if his title is subject to the customs of a band of Indians, customs unknown to their neighbors, customs only to be proved by themselves, customs indefinite, uncertain, and which nobody can ascertain about until they are disclosed in a court of justice by the testimony of those persons who alone can know them, and who belong to this Indian tribe?

Mr. BAYARD. Did not the parties themselves take these lands and make these improvements subject to these very customs? Did not they enter into the very contract under which these people went into possession? And ought they object now to recognizing customs which they thoroughly understood were part of their agreement when made?

Mr. FENTON. One word. The leases made with some of the individual Indians were not taken before the council for confirmation. Hence the importance of striking out this proviso, because according to the laws and customs of the Seneca Nation in some cases the leases entered into with the white people by individual Indians are invalid.

Mr. WADLEIGH. The Senator from New York has answered the question of the Senator from Delaware, and I will simply say in closing that it seems to me perfectly absurd that the people who have built the town of Salamanca should come here asking the United States to consent to the title which they have gained by these contracts, by these leases, to give them a title subject simply to the customs of the Seneca Nation, which they can know nothing about and which are only to be proved by the Indians themselves, who can thus invalidate all the leases which they have made.

Mr. BAYARD. I merely want to say that a friend near me has suggested that the position of the honorable Senator amounts to this: It is suffering one Indian to cheat the tribe, and then allowing him to take advantage by this law of his own wrong!

Mr. WADLEIGH. No, sir; these Indians have made certain leases, and both parties to those leases supposed them to be good, and both parties have gone on under them and have profited by them. Now, when it is proposed to confirm those leases, the Senator from California proposes to confirm them how? As they were made? As the parties agreed? As they supposed under the laws of New York they had a right to agree? No, not that, but according to certain customs of the Seneca Nation which do not probably appear in the leases themselves, and so the leases may be invalidated by evidence from the Seneca Indians as to what the customs of the Seneca Indians have been before.

Mr. BOGY. One word. The object we had in striking out this portion of the bill was not to make a vague, uncertain, undefined custom invalidate a written lease. The object of the bill is only to ratify a lease. A lease means a written instrument; and if there be any such thing as a custom or a usage among these Indians, which is

a thing very hard to ascertain, that custom or usage should not invalidate a lease which they themselves had made by their council. The only object is to ratify that lease.

Mr. BAYARD. Contrary to their laws or customs?

Mr. BOGY. The laws of Indians are not written laws. They are mere customs. There is an actual positive lease made to A B, and on the faith of which he has built a good house and made large improvements—a lease made by the council, for at that time nobody else could make one. There may possibly be a custom, there may be a law among those Indians which is not a written law, that might impair and affect this lease. The object is merely to ratify the lease and do away with the custom, no matter what it may be.

Mr. HAGER. The Senator from New Hampshire is mistaken in the assertion that this is my amendment. It is not any amendment of mine. It is a provision contained in the original bill as it came from the House of Representatives, and which the Senate has stricken out. My purpose is to restore that provision. It is not therefore an amendment originating with me. The bill as originally drawn contained the provision, and in that respect it corresponds with the other portions of the bill. If that provision be stricken out, for the same reason the same provision twice repeated in section 2 should also be stricken out. That says "that all leases heretofore made by or with the authority of said Seneca Nation"—substantially the same provision that is here stricken out—"of lands within said reservations to railroad corporations are hereby ratified and confirmed." Then it proceeds further, "And said Seneca Nation may, in accordance with their laws and form of government, lease lands within said reservations for railroad purposes;" and again, "Said Seneca Nation may, in accordance with their laws and form of government," &c.; so that section 2 has twice repeated the same clause that has been stricken out in section 4, which is a limitation to some extent in that section, as follows:

That this act shall not be construed to ratify or confirm leases which according to the laws or customs of said Seneca Nation are invalid.

If there is anything in the argument that has been urged in favor of striking out this provision, for the same reason the same provision twice repeated should be stricken out in section 2. But, as I said, it was intended to make the bill uniform in all its provisions and limitations. It is in conformity with section 2. As the bill stands it has a purpose in view to allow the ratification of leases that have been made according to the customs of the nation that are valid, that are according to the custom of the nation, and nothing more. By striking out this provision you open the door for the admission of all kinds of leases, valid or invalid.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was rejected.

Mr. McCREERY. The proviso is now left in the bill.

The PRESIDING OFFICER. The proviso is left in the bill.

Mr. INGALLS. I think there is a misapprehension in the statement made by the Chair as to the effect of the last vote. My understanding was that the Senate agreed to the amendment reported from the Committee of the Whole striking out that proviso.

Mr. SHERMAN. The effect of the vote is undoubtedly to leave the proviso in.

The PRESIDING OFFICER. That is the effect.

Mr. SHERMAN. The Senate disagreed to the committee's amendment.

Mr. INGALLS. The Senator from California moved that the Senate disagree to the amendment, as I understood.

The PRESIDING OFFICER. The question was on concurring in the amendment made as in Committee of the Whole. The Chair suggested to the Senator from California that on that motion he would be able to take the sense of the Senate. That was the suggestion of the Chair, but the question was on concurring in the amendment made as in Committee of the Whole in the ordinary form.

Mr. INGALLS. Then the question should be again submitted, because it was misunderstood by the Senate.

Mr. BOGY. I voted wrong. I thought the question was on the amendment of the Senator from California.

Mr. FENTON. Will the Chair state the effect of the vote before he puts the question again?

The PRESIDING OFFICER. The Chair will repeat the question; which is on concurring in the amendment made as in Committee of the Whole.

Mr. BAYARD. Was not the question already decided by the Chair and by the vote of the Senate?

The PRESIDING OFFICER. The Chair stated the result of the vote; but Senators then said that they voted under a misapprehension. Under that view of the case, the Chair would feel warranted in putting the question. Does the Senator object?

Mr. BAYARD. No, sir.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The question being put, there were on a division—ayes 19, noes 17; no quorum voting.

Mr. INGALLS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS. On this question I am paired with the Senator from

Louisiana, [Mr. WEST.] If he were here he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Boggy, Boutwell, Cameron, Chandler, Clayton, Conkling, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Kelly, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Patterson, Pratt, Scott, Spencer, Tipton, Wadleigh, Washburn, and Wright—29.

NAYS—Messrs. Bayard, Boreman, Cooper, Gilbert, Hager, Hamilton of Texas, McCreery, Merrimon, Norwood, Oglesby, Ransom, Robertson, Saulsbury, Sherman, Stevenson, and Stockton—16.

ABSENT—Messrs. Alcorn, Brownlow, Buckingham, Carpenter, Conover, Cragin, Davis, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Howe, Johnston, Jones, Lewis, Morton, Pease, Ramsey, Sargent, Schurz, Sprague, Stewart, Thurman, West, and Windom—23.

So the amendment was concurred in.

The PRESIDING OFFICER. The next amendment made as in Committee of the Whole will be read.

The Chief Clerk read the following words, to be added to the fourth section:

And in case the said lessors and lessees or occupants cannot agree upon the amount of said rents to be paid by any lessee or occupant, then the said Indians in council shall choose a person, and the said lessee or occupant shall choose a person, and if those so chosen cannot agree upon said rents, then the said referees shall choose a person, and the amount agreed upon by said referees, or a majority of them, shall be the amount of the rent to be paid by the said lessee or occupant.

Mr. SCOTT. The discussion upon this bill has satisfied me that the purpose of it is right and that it ought to pass, and I am therefore a friend to the purpose of the bill; but I ask attention to this fourth section for one moment, because I think the amendment proposed to it requires further amendment. The first clause of the section applies to unexpired leases; the second clause applies to leases to be made in the future. Upon the unexpired leases there are occupants. Then comes the language of the amendment, which provides in effect that both as to the unexpired leases and as to the leases to be made in the future, where the individual Indian cannot agree with the lessee or occupant, then a tribunal provided for is to be called in to fix the amount of the rent. Now, if the Indian cannot in the future agree with any lessee as to the rent that ought to be paid, there ought to be no lease; and therefore the amendment ought to be so altered as to apply only to unexpired leases upon the lands embraced in which there are occupants. I therefore move to amend it to conform to that idea, and I have written into the amendment such words as will produce that effect. I send them to the Clerk, and move to amend in that way.

Mr. INGALLS. I will say that I have advised with the Senator from Pennsylvania, and am familiar with the terms of his amendment, and I think it is just, and that it should be adopted by the Senate.

The PRESIDING OFFICER. It will be agreed to, if there be no objection.

Mr. BOGGY. I do not consent to it. As I understand the phraseology of the bill, necessarily the mode provided for the ascertainment of the rent has reference alone to those leases which have been made heretofore. It cannot be otherwise, because in leasing in the future it is a question of contract. It cannot apply by any possibility, and was not intended to apply to anything but leases that are already *in esse*. In leases to be made hereafter, as a matter of course, the amount is to be regulated by the contract which is to be made; and this cannot apply to leases in the future by my construction, and therefore the modification suggested seems entirely unnecessary.

Mr. SCOTT. But the difficulty is that the language does apply to leases to be made in the future, and if the Senator will have it read he will see that it does.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to amend the amendment made as in Committee of the Whole so as to read:

And in case the lessors and occupants under former leases cannot agree upon the amount of rents to be paid, then the said Indians in council shall choose a person, and the said occupant shall choose a person, and if those so chosen cannot agree upon said rents, then the said referees shall choose a person, and the amount agreed upon by said referees, or a majority of them, shall be the amount of the rent to be paid by said occupant.

Mr. BOGGY. That is the bill now according to my construction.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. McCREERY, and Mr. HAMILTON of Texas, called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. STEVENSON. On this question I am paired with the Senator from Arkansas, [Mr. DORSEY.] If he were here he would vote "yea," and I should vote "nay."

Mr. SAULSBURY. I was requested by the Senator from West Virginia [Mr. DAVIS] to state when his name was called that he was paired with the Senator from Louisiana, [Mr. WEST.] If he were here the Senator from West Virginia would vote "nay," and the Senator from Louisiana would vote "yea."

The question being taken by yeas and nays, resulted—yeas 29, nays 17; as follows:

YEAS—Messrs. Allison, Anthony, Boggy, Boreman, Cameron, Chandler, Clayton, Conkling, Fenton, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Harvey, Hitchcock, Ingalls, Kelly, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Patterson, Pratt, Scott, Spencer, Tipton, Wadleigh, Washburn, and Wright—29.

NAYS—Messrs. Alcorn, Bayard, Boutwell, Cooper, Dennis, Frelinghuysen, Hager, Hamilton of Texas, McCreery, Merrimon, Norwood, Oglesby, Ransom, Robertson, Saulsbury, Sherman, and Stockton—17.

ABSENT—Messrs. Brownlow, Buckingham, Carpenter, Conover, Cragin, Davis, Dorsey, Edmunds, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Howe, Johnston, Jones, Lewis, Morton, Pease, Ramsey, Sargent, Schurz, Sprague, Stevenson, Stewart, Thurman, West, and Windom—27.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona; and

A bill (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon.

GRASSHOPPER RAVAGES.

The bill (H. R. No. 4545) to provide for the relief of persons suffering from the ravages of grasshoppers was read the first time by its title.

Mr. INGALLS. I prefer that that bill be not referred to a committee, but lie on the table with the design on my part to call it up to-morrow morning for immediate action.

The PRESIDING OFFICER. The bill will lie on the table.

EXECUTIVE SESSION.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL, of Vermont. I desire to give notice that I will to-morrow or next day call up the resolution of the State of Vermont in relation to the reciprocity treaty with Canada for the purpose of submitting some remarks, unless some more important business shall be before the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

Mr. McCREERY. I ask the Senator from Maine if he will give me leave to put a bill on its passage, which will require but a moment?

Mr. HAMLIN. I want to be courteous, but I want an executive session, and I hope my friend from Kentucky will allow me to submit my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at four o'clock and forty-five minutes p. m.) the Senate adjourned.

IN SENATE.

WEDNESDAY, February 3, 1875.

Prayer by Rev. HENRY T. ARNOLD, of Providence, Rhode Island. The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT signed the following enrolled bills heretofore signed by the Speaker of the House of Representatives:

A bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona; and

A bill (H. R. No. 4162) granting the right of way and depot grounds to the Oregon Central Pacific Railway Company through the public lands of the United States from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Acting Secretary of the Treasury, in answer to a resolution of the Senate of December 18, 1873, in relation to the number of bales of cotton seized under orders from that Department after the close of the war; which was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Coleman Cole, principal chief of the Choctaw Nation, asking the fulfillment of certain treaty obligations by the United States under the treaty of 1855; which was referred to the Committee on Indian Affairs.

He also presented a petition of George S. Smith and others, praying an amendment to the Constitution to prohibit the importation, manufacture, and sale of liquors; which was referred to the Committee on Finance.

He also presented the petition of Mrs. W. L. Cardwell and other

females, praying for an amendment to the Constitution granting the right of suffrage to women under certain conditions; which was referred to the Committee on the Judiciary.

Mr. JOHNSTON presented a memorial of a large number of citizens of Richmond, Virginia, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

Mr. SAULSBURY presented a petition of John E. Herrel and others, citizens of the District of Columbia, brickmakers, praying Congress to take such action as will avert the financial calamity now threatening the District; which was referred to the Committee on the District of Columbia.

Mr. FRELINGHUYSEN presented a memorial of citizens of Oxford, New Jersey, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. CAMERON presented memorials of citizens of Philadelphia, containing 770 names of men and women, operatives in manufacturing, remonstrating against the restoration of the duty on tea and coffee and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

He also presented memorials of employes of the Edge Hill Iron Company, Pennsylvania; of citizens of Montrose, Susquehanna County; of citizens of Philadelphia, and of citizens of Schuylkill County, Pennsylvania, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which were referred to the Committee on Finance.

Mr. DORSEY presented a petition of citizens of Jefferson County, Arkansas, and a petition of citizens of Fort Smith, Arkansas, praying the passage of the bill (S. No. 570) to organize the Territory of Oklahoma, and for the better protection of the Indian tribes therein, and for other purposes; which were referred to the Committee on Territories.

Mr. RAMSEY presented resolutions of the Legislature of Minnesota, in favor of a preliminary survey of a route for a canal from the navigable waters of the Saint Croix River to connect them with bay Superior; which were referred to the Committee on Commerce.

Mr. BOREMAN presented additional papers in the case of James Dix, asking payment for services rendered during the late war; which were referred to the Committee on Claims.

Mr. THURMAN presented a memorial of sundry citizens of Richland County, Ohio, remonstrating against the restoration of the duty on tea and coffee and praying a repeal of the law which reduced duties on certain foreign goods 10 per cent.; which was referred to the Committee on Finance.

Mr. SCOTT presented a memorial of citizens of Erie, Pennsylvania, remonstrating against the restoration of duties on tea and coffee or any revival of internal taxes and praying for the repeal of the 10 per cent. reduction of duties on certain foreign goods made by the act of June 6, 1872; which was referred to the Committee on Finance.

Mr. ALCORN presented the petition of David J. Browne, of Hinds County, Mississippi, praying indemnity for certain cotton destroyed or taken during the late war; which was referred to the Committee on Claims.

Mr. SHERMAN presented a memorial of workmen of Gallia Furnace, Ohio, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. INGALLS. I present concurrent resolutions of the Legislature of the State of Kansas opposing the extension of patents. I ask that they be read.

The Chief Clerk read as follows:

House concurrent resolution No. 26, opposing the extension of patents.

Whereas experience has shown that the patent laws of the United States result in many instances in establishing practical monopolies of many very important articles; and whereas we believe that our present laws afford ample protection to the inventor: Therefore,

Resolved by the house of representatives, (the senate concurring.) That our Senators in Congress be instructed, and our Representatives be requested, to oppose the extension of any or all patents beyond the time now fixed by law.

Passed the house January 27, 1875.

HENRY BOOTH,
Chief Clerk.

Concurred in by the senate January 28, 1875.

JOHN H. FOLKS,
Secretary of Senate.

I, Tom H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original house concurrent resolution No. 26, filed in my office January 28, A. D. 1875.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of State. Done at Topeka this 29th day of January, A. D. 1875.

[L. S.] TOM H. CAVANAUGH,
Secretary of State.

The resolutions were ordered to lie on the table and be printed.
Mr. INGALLS. I also present concurrent resolutions of the Legislature of Kansas, in relation to school sections of land in Indian reservations in that State.

The Chief Clerk read as follows:

House concurrent resolution No. 10.

Whereas by the act of admission of Kansas into the Union, section 3, public lands are guaranteed to the State of Kansas for school purposes, as follows, to wit: Sections numbered 16 and 36 in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools; and whereas the General Government has disposed of the tract of land known as the Cherokee neutral lands in Kansas by patent in fee-simple to the Cherokee Nation of Indians; and whereas the sixty-nine sections numbered 16 and 36 were not reserved to the State of Kansas in accordance with the provisions of the act of admission of Kansas: Therefore,

Be it resolved, That we call the attention of our Senators and Members in Congress to this matter, and earnestly request that they procure the passage of an act granting sixty-nine sections of public lands to the State of Kansas for school purposes, in lieu of the said lands sold as above: *Provided*, That but two sections shall be selected in any one congressional township.

Resolved, That the secretary of state be, and is hereby, instructed to furnish our Senators and Members of Congress with a copy of this resolution.

I hereby certify the above house concurrent resolution passed the house January 18, 1875.

HENRY BOOTH,
Chief Clerk.

Concurred in by Senate January 19, 1875.

JOHN H. FOLKS,
Secretary.

I, Tom H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original house concurrent resolution, as the same appears on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of State.

Done at Topeka this 22d day of January, A. D. 1875.

TOM H. CAVANAUGH,
Secretary of State.

The resolutions were referred to the Committee on Public Lands, and ordered to be printed.

Mr. FENTON. I present a petition signed by over 1,100 tax-payers of the District of Columbia, who ask the passage of the amendment to the bill (S. No. 963) for the better government of the District of Columbia, introduced in the Senate by Hon. A. A. SARGENT. They say that they believe this bill provides a more practical, fairer, less expensive, and more equitable form of government than any yet proposed, and that it will be more satisfactory to, and meet the approval of, the greater majority of the citizens of the District of Columbia. I suppose the petition ought to lie on the table, the bill having been reported.

The VICE-PRESIDENT. The petition will lie on the table.

Mr. HARVEY presented the petition of a large number of citizens of Kansas, praying the passage of the bill (H. R. No. 3281) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864; which was ordered to lie on the table.

Mr. LOGAN presented a resolution adopted at a meeting of citizens of Chicago, Illinois, praying the establishment of a branch mint at that city; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was recommitted the bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Navy Register, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3362) for the relief of Mrs. Sarah B. Forest, widow of Lieutenant Dulaney A. Forest, late of the United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3658) for the relief of William J. Coite, reported it without amendment, the committee adopting the House report on the bill.

He also, from the same committee, to whom was referred the bill (S. No. 928) for the relief of David Huestis, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. CRAGIN. I am also directed by the same committee, to whom was referred the bill (H. R. No. 3743) to reimburse the city of Boston for certain expenses incurred in the improvement of Chelsea street (formerly Charlestown) in connection with the United States navy-yard, to ask to be discharged from its further consideration, and that it be referred to the Committee on Appropriations. The Committee on Naval Affairs recommend the bill.

The VICE-PRESIDENT. That order will be made.

Mr. STEVENSON, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1014) to amend the act entitled "An act regulating proceedings in criminal cases, and for other purposes," approved March 3, 1865, reported it with an amendment.

Mr. MORRILL, of Maine, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 585) for the relief of Oliver Moses, Frank O. Moses, Galen C. Moses, Charles Owen, and Robert P. Manson, all of Bath, and George Wedge, of Richmond, Maine, owners of the ship John Carver, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1231) to establish certain post-routes in Arkansas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1232) to amend an act entitled "An act for the creation of a court for the adjudication and disposition of certain money received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, anno Domini 1871, between the United States of America and the Queen of Great Britain," which was read twice by its title.

Mr. EDMUNDS. I wish to say that I introduce the bill at the request of a person interested in the subject to which the bill refers, and express no opinion whatever in reference to the merits of the proposition. I move that it be referred to the Committee on the Judiciary, and printed.

The motion was agreed to.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1233) construing an act for the relief of the Mobile and Girard Railroad of Alabama; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1234) authorizing the retirement of Colonel W. H. Emory, with rank and pay of brigadier-general; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1235) to remove the disabilities of R. H. Logan, of Roanoke County, Virginia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1236) to amend the act authorizing the appointment of shipping commissioners, and for other purposes; which was read twice by its title.

Mr. SCOTT. I introduce this bill at the request of those interested in the subject, without committing myself to its support. I move that it be referred to the Committee on Commerce, and printed.

The motion was agreed to.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1237) to amend section 3342 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1238) to provide for the more rapid transmission of the letter mail; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1239) to establish certain post-routes in Arkansas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

AFFAIRS IN ARKANSAS.

Mr. CLAYTON. I offer the following resolution, and ask for its present consideration:

Resolved, That the President be, and he is hereby, requested to communicate to the Senate such information as he has in his possession, not inconsistent with the public interest and not heretofore transmitted, respecting affairs in Arkansas, together with such recommendations as he may deem proper in reference thereto.

Mr. ANTHONY. I wish the Senator would make that resolution conform to the usual formula, "if not in his judgment incompatible with the public interest."

Mr. CLAYTON. That is there.

Mr. ANTHONY. No; it says "if not inconsistent with the public interest." The established formula ever since I have been here is "if in his judgment not incompatible with the public interest."

Mr. CLAYTON. I agree to that. I think it is very proper. I ask that the resolution be so modified.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. JOHNSTON. I wish the last part of the resolution to be read again.

The Chief Clerk read as follows:

With such recommendations as he may deem proper in reference thereto.

Mr. JOHNSTON. Is it usual in a resolution asking for information to request the President for a recommendation?

Mr. CLAYTON. It is certainly not unusual. I will not say it is usual.

Mr. SAULSBURY. I suppose if the President has any recommendations to make to the Senate, he will do so without an invitation on the

part of the Senate. I think that is a new precedent to be established.

Mr. JOHNSTON. Unless the latter part of the resolution is stricken out, I shall object to the present consideration of the resolution.

Mr. CLAYTON. I have no objection to its being stricken out.

The VICE-PRESIDENT. The Senator from Arkansas consents to the modification of the resolution by striking out the portion calling for the recommendation of the President. It will be so modified, and the question is on the resolution as modified.

The resolution was agreed to.

REPORTING DEBATES.

Mr. ANTHONY. I offer the following resolution for reference:

Resolved, That the contract with D. F. Murphy for reporting the proceedings and debates of the Senate be continued until further order, the payments for such service to be according to law. And all the control and authority reserved to the Committee on Printing by the existing contract are hereby retained to said committee on behalf of the Senate.

The resolution was referred to the Committee on Printing.

VISIT OF THE KING OF THE HAWAIIAN ISLANDS.

Mr. CAMERON. I ask the Senate to take up and consider the bill from the House for the purpose of paying the expenses of the King of Hawaii.

Mr. PRATT. I object on account of the morning business. This morning the Committee on Pensions is to be called in pursuance of the order of the Senate. I fear this bill may lead to a discussion.

Mr. CAMERON. I think this bill cannot lead to discussion. It cannot occupy five minutes; or if it does, I will let it take its regular order. Besides that, it has been reported by the Committee on Foreign Relations, which has had no turn yet.

Mr. PRATT. I withdraw the objection. I understand the bill will not lead to discussion.

Mr. CAMERON. I move to take up the bill for consideration.

The motion was agreed to; and the bill (H. R. No. 4441) in regard to the visit of His Majesty the King of the Hawaiian Islands was considered as in Committee of the Whole.

The bill appropriates \$25,000 to defray the expenses attending the visit of His Majesty the King of the Hawaiian Islands and suite in the United States; the same, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State, and on vouchers to be filed in the Treasury Department, and a statement thereof to be reported to Congress by the Secretary of State.

Mr. DAVIS. Twenty-five thousand dollars appears to be a large sum for this purpose. I should like to hear some explanation of it. If it is necessary to appropriate that amount, very well; but I am inclined to move to reduce the amount unless there be some explanation.

Mr. CAMERON. The bill only says that a sum not more than \$25,000, or so much thereof as may be necessary, shall be appropriated. Whatever sum is really necessary has been expended already by the Secretary of State, and I believe it is nothing like that sum, and does not approach it. Still, whatever is not used for the purpose will be returned into the Treasury. This bill has come from the House of Representatives, where it was properly considered. When the Chinese ambassadors came here \$50,000 was appropriated and \$24,000 used. This bill is in accordance with custom.

Mr. DAVIS. I believe the visit of his majesty to the capital was perhaps ten or fifteen days, and at this rate it would be from \$1,000 to \$2,000 a day during his stay here. I should like to ask the Senator from Pennsylvania if he thinks this \$25,000 will be required, or how much of it will be required?

Mr. CAMERON. The Senator from West Virginia ought to know that I cannot give him the items. The King of the Hawaiian Islands was here as our guest. It is but creditable to ourselves that we properly entertained him. I think it has not cost anything like that sum of money, but I have sufficient confidence in the gentleman who now fills the State Department to know that he has not spent and will not expend a cent more than is necessary. Besides, the expenses for the entertainment of the king began on the day he landed in this country. It was so with the commission that came here some years ago from China. Again, when the commission came here from Japan, the same course was pursued. It has always been the custom. So it was years ago, when La Fayette came here; the Government paid his expenses all the time he was in the United States. It is right that it should be so. I do not think the Senator from West Virginia, liberal gentleman as he is, would take the trouble of asking that we postpone this bill until we can pick up the items. It is hardly necessary that we should do as the State of New York once did with one of her canal commissioners, when she made him present a detailed bill in which there happened to be an item of three eleven-penny bits for mending his breeches. That is too small business, I am sure, for this great Government.

Mr. DAVIS. I did not catch all that the Senator from Pennsylvania said, but I did hear enough to believe that these expenses should be paid. I have no doubt about that, and I agree with him in his confidence in the Secretary of State and in the belief that no more will be spent than is necessary; but the amount appeared to me large, and therefore I thought I would call the Senator's own attention to it.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GRASSHOPPER RAVAGES.

The VICE-PRESIDENT laid before the Senate the bill (H. R. No. 4545) to provide for the relief of persons suffering from the ravages of grasshoppers; which was read the second time by its title.

Mr. HITCHCOCK. I ask that that bill be put on its passage.

Mr. SHERMAN. Let it be referred.

Mr. HITCHCOCK. A bill of the same nature has been considered by the Committee on Military Affairs of the Senate and reported favorably some time ago. This is a House bill; and if it is to be passed at all, it should be passed promptly. I presume the Committee on Military Affairs will be quite willing to indorse this bill and as willing now as at any other time.

Mr. SHERMAN. I think it had better be referred. It will make but very little delay.

Mr. HITCHCOCK. I hope there will be unanimous consent to acting on the bill now.

The VICE-PRESIDENT. The Senator from Ohio objects. The question is on the motion to refer the bill to the Committee on Military Affairs.

The motion was agreed to.

BUSINESS OF COMMITTEE ON PENSIONS.

Mr. McCREERY. I move to take up Senate bill No. 679, relative to the Arkansas boundary line.

Mr. PRATT. I shall have to object to that.

The VICE-PRESIDENT. By the order adopted the Committee on Pensions have the unexpired portion of the morning hour.

SARAH SUMMERVILLE.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 2218.

The motion was agreed to; and the bill (H. R. No. 2218) granting a pension to Sarah Summerville was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Summerville, widow of Alexander S. Summerville, deputy provost marshal for the eleventh district of Illinois.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM D. BOYD.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1275.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The bill will be regarded as taken up without putting the question on the motion, unless objection be made.

The bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky, was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William D. Boyd, who was a private in Company E, First Regiment of Kentucky Capitol Guards, and who did service in the war against the rebellion, and lost an arm in the service; the pension to date from the 11th of March, 1865, when he was mustered out of service.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE HOLMES.

Mr. PRATT. I ask now for the consideration of House bill No. 1947.

The bill (H. R. No. 1947) granting a pension to George Holmes, was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Holmes, late a private in the Seventh Maine Battery, at eight dollars a month, dating from the passage of the act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM H. BLAIR.

Mr. PRATT. I move to take up House bill No. 3193.

The bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868, was considered as in Committee of the Whole. It repeals the act granting a pension to William H. Blair, late a private in Company G of the Twelfth Regiment of Maine Volunteers, approved July 27, 1868.

Mr. HAMLIN. Why is that?

Mr. PRATT. I will state to the Senate briefly the reason. The Pension Office, having reason to suspect that fraud had been committed on the Government in the passage of this act, sent a special agent to the town where Blair lives, who took testimony and reported to the Pension Office that Blair and his attorney had been guilty of fraud, had imposed upon Congress and induced the passage of the law when he was entitled to no relief. That is the nature of the case. There is a report which sets out the evidence.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM D. MORRISON.

Mr. PRATT. I now ask the Senate to proceed to the consideration of House bill No. 1953.

The bill (H. R. No. 1953) granting a pension to William D. Morrison,

late captain of Company D, Seventh Regiment Maryland Volunteer Infantry, was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William D. Morrison, late captain of Company D of the Seventh Regiment Maryland Volunteer Infantry, and to pay him a pension from and after the passage of the act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES BURRIS.

Mr. PRATT. I now call up House bill No. 3691.

The bill (H. R. No. 3691) granting a pension to James Burris was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Burris, late a private in Thirty-second Regiment of Colored Troops.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HANNAH B. EATON.

Mr. SHERMAN. I ask the Senator why he has passed over the order of business, No. 746, on page 14 of the Calendar? It is an ordinary pension case reported favorably.

Mr. PRATT. I had omitted to mark that. I will call it up. It is House bill No. 2673.

The bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Hannah B. Eaton, with pension at the same rate previously paid to her, to date from the 4th day of December, 1872, the day on which her name was dropped from the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SAMUEL HENDERSON.

Mr. PRATT. I ask for the consideration of House bill No. 1820.

The bill (H. R. No. 1820) granting a pension to Samuel Henderson was considered as in Committee of the Whole.

The Secretary of the Interior is by the bill directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Henderson, late a private in Company G of the One hundred and second Regiment of Ohio Volunteers, and to pay him a pension from the passage of the act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARGARET C. WELLS.

Mr. PRATT. I now ask for the consideration of Senate bill No. 1070.

The bill (S. No. 1070) granting a pension to Margaret C. Wells was read the second time, and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret C. Wells, widow of James G. L. Wells, late of Company A, Eleventh (afterward Company I, Second) Regiment Missouri State Militia Cavalry, and for paying her a pension from and after the passage of the act for herself and minor children under sixteen years of age.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ABBY A. DIKE.

Mr. PRATT. I call up next House bill No. 3728.

The bill (H. R. No. 3728) granting a pension to Abby A. Dike was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Abby A. Dike, widow of John H. Dike, late a captain of Company L, Sixth Regiment Massachusetts State Troops.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LOUISA THOMAS.

Mr. PRATT. I now ask for the consideration of House bill No. 3707.

The bill (H. R. No. 3707) granting a pension to Louisa Thomas was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa Thomas, widow of Cyrus Thomas, late private in Company E, One hundred and seventy-sixth Regiment Ohio Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HUGH WALLACE.

Mr. PRATT. I now ask for the consideration of House bill No. 366.

The bill (H. R. No. 366) granting a pension to Hugh Wallace was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hugh Wallace, late a private in Company F, Forty sixth Regiment Missouri Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time and passed.

TETER WOLFGONG.

Mr. PRATT. I now ask to take up House bill No. 3700. In that case the committee reported the bill with an amendment.

The bill (H. R. No. 3700) granting a pension to Teter Wolfgong was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name Teter Wolfgong, late a private in Company E of the Second Battalion, Eighteenth Regiment United States Infantry, at the rate of eight dollars a month.

The Committee on Pensions reported the bill with an amendment, which was in line 6 to change the word "Wolfgong" to "Wolfgong."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

The title was amended so as to read "A bill granting a pension to Teter Wolfgong."

WILLIAM IRA MAYFIELD.

Mr. PRATT. I now ask for the consideration of Senate bill No. 836.

The bill (S. No. 836) granting a pension to William Ira Mayfield was considered as in Committee of the Whole. It directs the name of William Ira Mayfield, who was a private in the Ninth Regiment of Oregon Militia Volunteers, to be placed upon the pension-roll of the United States, at the rate of twenty-one dollars per month, on account of wounds received by him in battle against the Rogue River Indians, in the State of Oregon, on the 31st day of October, 1855.

The Committee on Pensions reported an amendment, after the word "pension-roll," in line 5, to strike out the words "of the United States, at the rate of twenty-one dollars per month, on account of wounds received by him in battle against the Rogue River Indians, in the State of Oregon, on the 31st day of October, 1855," and to insert in lieu thereof:

Subject to the provisions and limitations of the pension laws, to take effect from the passage of this act.

So as to read:

That the name of William Ira Mayfield, who was a private in the Ninth Regiment of Oregon Militia Volunteers, be placed upon the pension-roll, subject to the provisions and limitations of the pension laws, to take effect from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. BOTTGAR.

Mr. PRATT. The next case is House bill No. 3008.

The bill (H. R. No. 3008) granting a pension to John J. Bottgar was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John J. Bottgar, late a private in Company C, Sixteenth Regiment Iowa Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES R. BORLAND.

Mr. PRATT. The next case is House bill No. 2949.

The bill (H. R. No. 2949) granting a pension to James R. Borland was considered as in Committee of the Whole. It proposes for placing the name of James R. Borland, of Bureau County, Illinois, on the roll of invalid pensioners at the rate of eight dollars a month, the pension to commence on the day of his discharge from the United States service.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELI PERSONS.

Mr. PRATT. I now ask for the consideration of House bill No. 3275.

The bill (H. R. No. 3275) granting a pension to Eli Persons was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eli Persons, late a private in Company K, Seventy-third Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN W. WRIGHT.

Mr. PRATT. The next case is House bill No. 2674.

The bill (H. R. No. 2674) granting a pension to John W. Wright, now at the national military asylum near Dayton, Ohio, was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Wright, late a private in Company E, Seventeenth Kentucky Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM WILLIAMS.

Mr. PRATT. The next is Senate bill No. 1154.

The bill (S. No. 1154) granting a pension to William Williams was read the second time, and considered as in Committee of the Whole. It directs the placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Williams, late captain of Company A, First Battalion of Cavalry Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. DRAKE.

Mr. PRATT. The next case is House bill No. 3681.

The bill (H. R. No. 3681) granting a pension to William M. Drake was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William M. Drake, late private in Company D, Eighty-second Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EMILY PHILLIPS.

Mr. PRATT. I now ask for the consideration of House bill No. 1438.

The bill (H. R. No. 1438) granting a pension to Emily Phillips was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Phillips, widow of Martin Phillips, late a corporal of Company H, Fifty-sixth Ohio Volunteer Infantry, upon evidence already furnished the Commissioner of Pensions in her claim, No. 196451.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN FINK.

Mr. PRATT. I ask the Senate to proceed to the consideration of House bill No. 3722.

The bill (H. R. No. 3722) granting a pension to John Fink was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Fink, late a private in Company G of the First Regiment Potomac Home Brigade Maryland Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MINOR HEIRS OF JOHN H. EVANS.

Mr. PRATT. The next bill I move to take up is House bill No. 2254.

The bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans was considered as in Committee of the Whole.

It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor heirs of John H. Evans, deceased, late a private in Company A, Third Regiment of Tennessee Cavalry; payment to commence from and after the passage of the act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEWIS HINELY.

Mr. PRATT. I move to take up House bill No. 2352.

The bill (H. R. No. 2352) granting a pension to Lewis Hinely was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lewis Hinely, late of Company E, Twelfth Regiment Pennsylvania Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BELINDA CRAIG.

Mr. PRATT. The next case is House bill No. 3697.

The bill (H. R. No. 3697) granting a pension to Belinda Craig was considered as in Committee of the Whole. It proposes to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Belinda Craig, widow of William T. Craig, late private in the Nineteenth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RACHAEL W. PHILLIPS.

Mr. PRATT. I now move to take up House bill No. 3273.

The bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips, was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachael W. Phillips, widow of Gilbert Phillips, late a private in Company D, Thirty-eighth Regiment Wisconsin Volunteers, transferred to Company A, Twentieth Regiment Veteran Reserve Corps.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN HENDRIE.

Mr. PRATT. I ask the Senate to take up for consideration House bill No. 2901.

The bill (H. R. No. 2901) granting a pension to John Hendrie was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Hendrie, late a private in Company B, Seventeenth Regiment of United States Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Alice Roper.

Mr. PRATT. The next case I desire to take up is House bill No. 3702.

The bill (H. R. No. 3702) granting a pension to Alice Roper was considered as in Committee of the Whole. It provides for placing upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alice Roper, widow of Samuel Roper, late captain of Company K, Fifty-sixth Illinois Infantry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Lydia A. Church.

Mr. PRATT. I move to take up Senate bill No. 1205.

The bill (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church, was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Church, minor daughter of Nathaniel G. Church, a private in Company E, Third Regiment of Maine Volunteers, and to pay her a pension from the time of its suspension, November 16, 1867, until she arrives at the age of sixteen years.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

J. W. Caldwell.

Mr. PRATT. I move to take up Senate bill No. 1080.

The bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana, was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. W. Caldwell, late a private in Company E, Seventy-fourth Regiment Indiana Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Martha Wold.

Mr. PRATT. The next case is House bill No. 1722.

The bill (H. R. No. 1722) granting a pension to Martha Wold was considered as in Committee of the Whole. It proposes to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Martha Wold, mother of Engebert Wold, late a private in Company A, Thirty-sixth Regiment Illinois Volunteer Infantry, deceased.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Eunice Wilson.

Mr. PRATT. The next case is House bill No. 3708.

The bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late private Company D, Forty-ninth Regiment Illinois Volunteers, was considered as in Committee of the Whole. It proposes to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eunice Wilson, mother of John C. Wilson, late a private Company D, Forty-ninth Regiment Illinois Volunteers, and to allow her a pension, to commence from the date of the death of her son.

The Committee on Pensions proposed to amend the bill by striking out in line 9, after the word "the," the words "death of her said son," and inserting "passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

Robert D. Jones.

Mr. PRATT. The next case is House bill No. 3277.

The bill (H. R. No. 3277) granting a pension to Robert D. Jones was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert D. Jones, late a private in Company B, Third Regiment of Pennsylvania Reserves.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Sarah McAdams.

Mr. PRATT. I now ask for the consideration of House bill No. 3717.

The bill (H. R. No. 3717) granting a pension to Sarah McAdams was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah McAdams, widow of Samuel G. McAdams, late captain in the One hun-

dred and thirty-fifth Regiment Illinois Volunteers, and to pay her a pension from and after the passage of the act.

The Committee on Pensions reported an amendment to add to the bill the words:

At the rate of eight dollars per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

Nathan Upham.

Mr. PRATT. I ask for the consideration of Senate bill No. 1213.

The bill (S. No. 1213) granting a pension to Nathan Upham was read the second time, and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Nathan Upham, a corporal in Company G, Eighty-fourth Regiment Indiana Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Margaret Beeler.

Mr. PRATT. The next case is House bill No. 3278.

The bill (H. R. No. 3278) granting a pension to Margaret Beeler was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Beeler, widow of Peter Beeler, late a private in Company A, Twelfth Regiment Tennessee Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Theron W. Hanks.

Mr. PRATT. There are two cases which have been reported favorably by the Committee on Pensions that are not upon the printed Calendar. The first is House bill No. 3682. I ask that it be taken up.

The bill (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery, was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theron W. Hanks, a private of the Third Minnesota Battery.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Rosanna Quinn.

Mr. PRATT. I now ask for the consideration of House bill No. 393.

The bill (H. R. No. 393) granting a pension to Rosanna Quinn was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosanna Quinn, mother of Francis P. Quinn, late sergeant-major of the Ninety-sixth Regiment Illinois Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Esther M. Shubrick.

Mr. PRATT. I now ask the Senate to proceed to the consideration of the bill (S. No. 853) granting an increase of pension to Esther M. Shubrick, widow of Edward R. Shubrick, deceased, late captain in the United States Navy. The bill was reported adversely, and upon the motion of some Senator the bill, with the adverse report, was placed upon the Calendar. I now move the indefinite postponement of the bill.

The motion was agreed to.

Mary Logsdon.

Mr. PRATT. I ask the Senate to proceed to the consideration of House bill No. 3723.

The bill (H. R. No. 3723) granting a pension to Mary Logsdon was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Logsdon, widow of Joseph Logsdon, late private Company K, Second Regiment Maryland Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mary S. Prince.

Mr. PRATT. I ask the Senate to proceed to the consideration of the bill (H. R. No. 1234) granting a pension to Mary S. Prince. I wish to say that in that case the majority of the committee came to the conclusion that the bill should be indefinitely postponed, and made an adverse report; and upon the motion of some Senator whose name I do not recollect, the bill, with the adverse report, was placed upon the Calendar. I move now that the bill be indefinitely postponed.

The motion was agreed to.

Bernard Sailer.

Mr. PRATT. I move that the bill (H. R. No. 3689) granting a pension to Bernard Sailer be indefinitely postponed.

The motion was agreed to.

JANET SCOTT WEST.

Mr. PRATT. I call up the bill (S. No. 601) granting a pension to Mrs. Janet Scott West, widow of Cato C. West, deceased. In that case there was an adverse report; but the bill was placed upon the Calendar on the motion of my friend from Louisiana, I believe.

Mr. WEST. Yes, sir. What does the Senator now propose?

Mr. PRATT. My motion is to indefinitely postpone the bill.

Mr. WEST. I agree to that. It is one of a series of cases. The bill was postponed indefinitely.

ELIZABETH B. DYER.

Mr. PRATT. The next case I call up is the bill (H. R. No. 3716) granting a pension to Elizabeth B. Dyer. In that case I move that the bill be indefinitely postponed.

Mr. SHERMAN. I ask the Senator to take up the adverse report on page 18 of the Calendar. I think an amendment can be made to obviate the objection.

Mr. PRATT. The Senator can have that taken up as soon as I get through with the cases that I have marked.

Mr. SHERMAN. Very well.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana to postpone indefinitely the bill (H. R. No. 3716) granting an increase of pension to Elizabeth B. Dyer.

Mr. SCHURZ. I think my colleague has some knowledge of that matter.

Mr. MORTON. I should like to have the bill read.

The PRESIDING OFFICER. The bill will be read at length.

The bill was read. It directs to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army, and to pay her a pension at the rate of fifty dollars per month from and after the passage of the act.

Mr. MORTON. What is the motion of my colleague in reference to that bill?

Mr. PRATT. The motion is to indefinitely postpone the bill. Mrs. Dyer is now in receipt of a pension at the Pension Office, as I understand, at the rate of thirty dollars a month. The proposition is to increase that pension to fifty dollars a month. The Committee on Pensions have uniformly ruled against an increase of this class of pensioners from thirty dollars to fifty dollars a month. The question has been in numerous cases before us at the present session, and we have uniformly reported against an increase.

Mr. MORTON. This is the widow of an old and very faithful officer, who rendered long and valuable service, and she is left, I am told, in indigent circumstances with a family to support, and no adequate means for their support. Fifty dollars a month would be but \$600 a year; and from my knowledge of the case and the representations that have been made to me, I should be glad to see the bill passed. I think the application for this increase of pension has great merit.

Mr. PRATT. I can state briefly the reasons which governed the committee. In the first place, however, I will say that they had applications of this character before them at the present session of the widow of Colonel William Dulany, of the widow of Commander Shirk, of the widow of Rear-Admiral Lanman, of the widow of General Rousseau, of the widow of General Bache, of the widow of Rear-Admiral Winslow, of the widow of General John Harris, late lieutenant-colonel of the Marine Corps, and of Mrs. H. Louise Gates, widow of General William Gates; and wherever the committee have acted upon these cases, and they have upon most of them, they have felt constrained to make adverse reports, and I will give the Senate briefly the reasons which governed the committee in their action.

By correspondence with the Pension Office it was ascertained that the widows of officers of the grade of brigadier and major generals now drawing pensions amount to fifty-three in number. This statement which I hold in my hand was made out nearly a year since. It may have been increased somewhat since. Of these, thirty-nine get but thirty dollars per month, the sum allowed by general law, and fourteen get fifty dollars a month under special acts of Congress.

On the 17th of December last the Commissioner reported three in addition, making those widows who have been favored by special legislation seventeen in number. The general rule of course every Senator is familiar with, and that provides that every commissioned officer of the Army, Navy, or Marine Corps shall receive such and only such pension as is provided for the rank he held at the time he received the injury.

First. Lieutenant-colonel for total disability, thirty dollars; captain, and all officers of higher rank, commanders, surgeons, paymasters, chief-engineers in the naval service, thirty dollars per month.

Second. Major, twenty-five dollars per month; captain, twenty dollars; first lieutenant, seventeen dollars; second lieutenant, fifteen dollars; and in the fifth class the pension is eight dollars per month.

I have before me some interesting statements that I should be glad to go into the RECORD for the information of the Senate and for the information of the country. I have in the first place here a list of invalid pensioners of the grade of brigadier and major general now drawing pensions. These are fourteen in number, and there is no pension that exceeds thirty dollars a month, although some of them have lost an arm some a leg. One was shot through the lungs; I

refer to General Shields. He received his injury in the Mexican war. General Fairchild, late governor of Wisconsin, is one upon the roll drawing a pension at the rate of thirty dollars a month. He lost an arm in the service. Here is the list:

List of invalid pensioners of the grade of brigadier and major general now drawing pensions.

Certificate number.	Name of pensioner.	Rank.	Rate of pension.
65018	Brown, Egbert B.	Brigadier-general	\$30 00
71035	Baxter, Henry	Lieut. col. and brigadier-general	22 50
84564	Curtis, Martin N.	Brigadier-general	26 66½
161050	Campbell, Charles F.	Brigadier-general	30 00
50337	Fairchild, Lucius	Brigadier-general	30 00
65627	Gresham, Walter D.	Brigadier-general	30 00
36161	Hamilton, Schuyler	Brigadier-general	30 00
72075	Paine, Halbert E.	Brigadier-general	30 00
79874	Stanard, George J.	Brigadier-general	30 00
9023	Shield, James	Major-general	30 00
121578	Van Cleve, Horatio	Brigadier-general	15 00
55839	Weber, Max	Brigadier-general	30 00
109492	Ward, William T.	Major-general	10 00
77658	Willech, August	Brigadier-general	30 00

I have here the list to which I referred a little while ago, which I will send to the Clerk's desk directly, and ask that it may be incorporated in the RECORD. It is a list of pensioners, widows, &c., of the grade of brigadier and major general, now drawing pensions of thirty dollars per month and upward:

List of pensioners, widows, &c., of the grade of brigadier and major general now drawing pensions of thirty dollars and upward per month.

Certificate number.	Name of pensioner.	Name of officer.	Rank of officer.	Rate of pension per month.
2349	Burbeck, Lucy E.	Henry	Brigadier-general	\$50
150246	Baker, Jane	Lafayette C.	Brigadier-general	30
68180	Bidwell, Emily B.	Daniel D.	Brigadier-general	50
27614	Buford, Pattie D.	John	Major-general	30
46968	Burnham, Seleder	Hiram	Brigadier-general	30
327	Buck, Hephsebeth	Jno. Swift	Brigadier-general	30
79251	Bayard, Jane A.	George D.	Brigadier-general	30
74057	Crocker, Charlotte D.	Marcellus M.	Brigadier-general	30
4736	Cooper, Jane W.	James	Brigadier-general	30
22533	Champlin, Mary E.	Stephen G.	Brigadier-general	30
68706	De Russey, Helen A.	Rene A.	Brigadier-general	30
120623	Gates, H. Louisa	William	Brigadier-general	*32
761	Hackleman, Sarah	Pleasant A.	Brigadier-general	50
39353	Hays, Anna A.	Alexander	Brigadier-general	50
41052	Jackson, Patey	James P.	Brigadier-general	32
3292	Jackson, Angeline	Conrad Fayer	Brigadier-general	30
147057	Kearny, minors of	Philip	Brigadier-general	30
1357	Kearny, Mary	Stephen W.	Bvt. maj. general	30
785	Lander, Jean M.	Frederick W.	Brigadier-general	30
1009	Larned, Maria H.	Benjamin F.	Brigadier-general	32
142335	McKean, Sarah P.	Thomas J.	Brigadier-general	30
126159	Miller, Elizabeth J.	John	Brigadier-general	30
144860	Mower, Betsey A.	Joseph A.	Col. and brig. gen.	30
15727	Mansfield, Louisa M.	Joseph R. T.	Major-general	30
109469	McCook, minors of	Daniel	Brigadier-general	30
1253	Plummer, Frances M.	Joseph B.	Brigadier-general	50
88618	Perry, Almira M.	Hiram G.	Major-general	50
904	Richardson, Frances F.	Israel B.	Major-general	50
379	Reno, Mary C.	Jesse L.	Major-general	30
45378	Rice, Louisa M.	Samuel A.	Brigadier-general	134
121625	Rousseau, Maria A.	Lovell H.	Brigadier-general	30
84503	Rice, Josephine	James C.	Brigadier-general	30
83850	Russell, Alida C.	David A.	Brigadier-general	30
381	Rodman, Sally	Isaac P.	Brigadier-general	32
61489	Schimmelfinny, Sophia	Alexander	Brigadier-general	*32
80648	Smyth, Amanda M.	Thomas A.	Brigadier-general	32
5407	Smith, Annie M.	Perisfer F.	Bvt. maj. general	50
2169	Sumner, Hannah W.	Edwin V.	Major-general	30
533	Stephens, Margaret L.	Isaac T.	Brigadier-general	50
108938	Taylor, Mary R.	George W.	Brigadier-general	30
1248	Van Ness, Julia A.	Eugene	Act. P. M. General	30
161538	Wallace, Martha	W. H. L.	Brigadier-general	50
58834	Wood, Ann M.	Robert C.	Surgeon-General	50
.....	Wheelock, Lucy	Charles	Brigadier-general	30
.....	Worth, Margaret L.	William I.	Major-general	50
.....	Brown, Pamela	Jacob	Major-general	50
96505	Blenker, Elise	Louis	Brigadier-general	30
30508	Jameson, Julia A.	Charles D.	Brigadier-general	30
5419	Reilly, Arabella	Bennett	Major-general	50
157338	Ripley, Sarah	James W.	Brigadier-general	30
49289	Strong, Margaret	George C.	Major-general	30
8309	Tompkins, Ellen H.	Daniel D.	Ass. Q. M. General	30
7329	Whiting, Eliza	Henry	Brigadier-general	30

* One child.

† Two children.

As I said before, this list embraces fifty-three names; but Congress has at various times intervened and by special legislation singled out, during the last few years, seventeen of this number and exalted their pensions from thirty to fifty dollars.

When this matter was under consideration in the committee I was directed to report to the Senate the reasons which controlled our action in the case then before us. I refer to the case of the widow of Commander Shirk, a very strong case and a case in which, if the feelings of the committee had been allowed to control them, they would most willingly have given to her, as the relic of a very gallant officer, the fifty dollars a month that she asked. With the permission of the Senate I will read a few extracts from that report, made by myself, and which sets forth the reasons much better than I would be able to do now:

For the purposes of this case we assume all to be true which is stated in the memorial and evidence, and the question is should the pension of his widow—

The widow of Commander Shirk—

be increased to fifty dollars per month. The general rule, as long since fixed by Congress, is that "the pension for total disability for lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant-commanding, and master commanding in the naval service," shall be thirty dollars per month.

That is the general rule.

That would have been the extent of the pension which Commander Shirk could have received for total disability incurred while in the service and in line of duty, had he applied for one.

The same rule which fixed his pension for total disability fixes his widow's at thirty dollars per month, when it is established that his death was in consequence of any wound, injury, or disability incurred in the service. She recognized this rule in her application for a pension, claimed and obtained the benefit of it—

This reasoning applies precisely to the case of the widow of General Dyer—

and of the other rule established for minor children under sixteen years of age. She has obtained, therefore, all the advantages which the general law has provided for cases like hers, and is in the receipt of the highest rate of pension which the policy of the law allows; but she claims that her case is an exceptional one and should be taken from under the operation of the general rule, and the logic of her memorial is that her husband's services were of that extraordinary merit as to justify his widow in laying claim to a higher pension than of legal right belongs to widows of officers of the highest grade in the military and naval service.

She does not complain that her husband did not receive a just compensation for his rank and merits while living, and yet he received no more than other officers of equal rank. The logic which demands a distinction between widows in the matter of pensions, when their husbands were of the same rank, should, to be consistent, demand that his pay while living should be increased by the supposed excess of his merits over other officers. In other words, if Mrs. Shirk is entitled on the score of the superior merits of her husband to a superior pension, then the law, to be equal, should have distinguished him while living by giving him greater compensation than other officers of the same rank received, and, having failed to do that, Congress should make up the deficiency to his widow.

Congress has in eighteen instances—

I said awhile ago seventeen instances. One pension has expired, I discover—

by special legislation, distinguished between widows of officers ranking as brigadier and major general.

On March 2, 1874, the Commissioner of Pensions furnished the committee a list of pensioners, widows, &c., of the grade of brigadier and major generals, then drawing pensions of thirty dollars and upward per month. There were fourteen cases where the pensions were fifty dollars, while the remaining thirty-nine drew but thirty dollars per month, except in a few cases where there was a minor child. To those fourteen cases a few more were added by Congress at the last session—

The number now I believe is seventeen—

The pressure is constant, and the argument is made stronger by every exception added. These are appealed to as precedents, and Congress is asked, "Why distinguish this widow from that, and allow the one fifty dollars while the other gets but thirty dollars?"

While widows have been thus distinguished by special legislation, it is curious to observe that of fourteen cases of invalid pensioners, of the grade of brigadier and major generals, now drawing pensions, there is not one whose pension exceeds thirty dollars per month, although General Shields was shot through the lungs, and General Fairchild lost an arm, and General Paine a leg, and although that list embraces such names as Generals Willich, Vancleve, Gresham, Curtis, and the others named above.

Mrs. Shirk, as we have shown, is in the present receipt of a pension, as widow, of \$30 per month. That sum is the extent of what her husband, if living, could have received as an invalid pensioner, although totally disabled. She gets as much as any brigadier or major general is now getting in the way of a pension, no matter how badly disabled. Her present pension is as high as the widow of any naval officer now on the roll is drawing, with the single exception of Mrs. Farragut; she gets all that was promised by the law when her husband entered the naval service, and when she became his wife. She gets what other widows of military and naval officers have got and were content with, until they became apprised that discriminations are made by special legislation. She gets what the cool judgment of Congress established as a just rule of compensation when undisturbed by solicitation, and all that Congress would to-day probably establish as a rule applicable to all. She gets all that the Government can afford to pay, in view of the fact that our pension system costs the country \$30,000,000 annually, a sum forty years since in excess of all its annual expenses.

Besides, it is apparent that every act of special legislation altering the general rule, invites fresh applications to Congress, and, as precedents multiply, the difficulty increases of resisting these appeals.

Congress should do one of two things; put a stop to this special legislation, which savors of favoritism, and is generally the result of personal solicitation, or increase, by general law, the pensions to widows of officers of high rank.

The committee for these reasons feel constrained to recommend the indefinite postponement of the bill.

Now, Mr. President, this report, a part of which I have read, embraces the views of the Committee on Pensions. I am not able to add anything to what this report contains. If the reasons set forth here are not sufficient to prevail in this case, then of course the bill will pass over the protest of the committee. But I cannot distinguish the case of Mrs. Dyer from the others which have been before this Congress, some of which I have enumerated. If we pass this bill we must pass bills in all other like cases, because the same reasons exist in all of them.

The PRESIDING OFFICER. The question is, Will the Senate concur in the report of the committee and indefinitely postpone the bill?

Mr. MORTON. Mr. President, one word. I understand the policy to which my colleague refers, and I understand the difficulties in the way of what he calls special legislation; but still, if he refers to a number of cases, some eighteen, in which this has been done, I doubt whether among the eighteen there is one more meritorious than this application upon the part of Mrs. Dyer. Her husband was an ordnance officer, and I am told of rare ability, and rendered very great service for a number of years in that capacity, especially during the war. He was a man who devoted himself entirely to his profession, and relied entirely upon his official salary. That salary, as we know, was barely sufficient to maintain his family in this city, where he was stationed for a number of years in charge of the Ordnance Department. His death has left his family penniless, an interesting family of daughters who are with no means of support. Three hundred and sixty dollars a year, the present pension, as we can well understand, is a mere pittance; and \$600, the amount asked for, would be a very small amount in the way of supporting a family for one year. It would be much easier for the nation to bear the increase of this pension than for that family to struggle along without it. It seems to me it presents a fair case for the exercise of the magnanimity of Congress to extend this pension from \$360 a year to \$600. The case is where an officer has devoted his whole life to his profession and to the service of his country, who has sought for nothing outside of it—a man of excellent character, a man of excellent habits, and of high qualifications. He is dead. His salary is taken from his family, and the question is, how are they to live? They cannot live on \$600, but that goes further than \$360. It seems to me that the nation can better afford to pay this increase of pension than let this go at \$360.

Mr. PRATT. I would ask my colleague whether there are not upon the pension-rolls, numbered by the thousand, the widows of private soldiers who died in the service of their country, who left their families in want, and in whose behalf the same argument might be urged that is urged in behalf of Mrs. Dyer, except that their deceased husbands were not so conspicuous in the service? But they gave all they had, they gave their lives to their country, and that country pays their widows but eight dollars a month and two dollars for each minor child. When we commence increasing pensions, I submit we should begin at the lowest end.

In relation to the merits of General Dyer, I have not one word to say in opposition to the commendation of my colleague. I believe it is deserved; and if he was not paid by the Government a sufficient compensation for his services during his lifetime, certainly I would be willing to vote for any bill to compensate his estate; but what I protest against is breaking in upon the harmony of our pension system and distinguishing between widows of officers of the same rank. We have a general rule, established when Congress was in its cool, deliberative mood. Congress then said that the condition of our financial affairs would not justify the nation in paying a higher rate for total disability than thirty dollars a month to the invalid soldier, or in case of his death to his widow. The trouble with this special legislation is that it creates a great deal of heart-burning on the part of other widows of officers of the same rank who cannot afford to come here and press their claims for increased pension. They say, "If it is just in this particular case to give fifty dollars a month, it is equally just in our case;" and, sir, we are troubled every session of Congress with applications of this character to increase the pensions from thirty dollars to fifty dollars a month. But why stop at fifty dollars? Why not put it at one hundred dollars? Upon what principle do you fix upon any particular sum, when you depart from the rule established by law?

Mr. MORRILL, of Maine. Will the Senator allow me to ask him a question? There is a report in this case, I see. Upon what ground was a pension allowed this lady?

Mr. PRATT. On account of the death of her husband from disability incurred in the service, as I understand.

Mr. MORRILL, of Maine. What was that disability?

Mr. PRATT. I do not know the character of the disability. I understand she had no difficulty in getting a pension at the Pension Bureau at the rate of thirty dollars a month.

Mr. OGLESBY. The committee did not allow it. She got it from the Pension Bureau.

Mr. SHERMAN. Under general law?

Mr. PRATT. She is getting a pension of thirty dollars a month under general law.

Mr. MORRILL, of Maine. That arises under what circumstances? In what cases does the law allow thirty dollars a month?

Mr. PRATT. It allows it to the widow where the officer above the rank of lieutenant-colonel has lost his life in the service of the United States and in the line of duty, or to the officer himself when he has been wounded or injured or contracted a disease in the service, causing total disability.

Mr. MORRILL, of Maine. It is a case of total disability, I suppose, and a question of rank?

Mr. PRATT. Yes, sir; a question of rank and of total disability. Mr. MORRILL, of Maine. Do you understand this was a case of wearing out in the public service or a case of actual disability incurred in the field of battle?

Mr. PRATT. I do not remember the exact age of General Dyer at

the time of his death. I have an impression, however, that he had arrived pretty near the term of three-score and ten years. He may have been somewhat short of that.

Mr. MORRILL, of Maine. He was a lieutenant in 1837 it seems by the report.

Mr. PRATT. I have not the report before me.

Mr. MORRILL, of Maine. Mr. President, there may be some circumstances attending this case which would make it an exception, but I do not think that is apparent by anything which has been said or by anything which appears on record. That the rule fixed by the committee is a wholesome one I cannot doubt; and that the circumstances of the country at the present time are such that we ought to adhere to it is scarcely a matter of choice. It is as clear as anything to my mind that if this case and a few others go up to fifty dollars a month, they will all go up to fifty dollars. There is a case in my own State which I should feel constrained, if the Senate were to pass this bill, to propose to the generosity, or as my honorable friend near me [Mr. MORTON] suggested, the magnanimity of Congress to consider. I can scarcely conceive a more meritorious case. I do not care to state the circumstances, but I cannot conceive of anything in this case so far as my knowledge of General Dyer and his general history goes which is not true of almost every man, or every widow, who is drawing a pension of thirty dollars a month under the general policy of the law. We are not to sit here and exercise our personal magnanimity in these cases. It turns on what we are to do to all classes of persons similarly situated. And the fact, as it may be, that this lady has not the competency that she ought to have, is not a consideration which can control us in our legislation. However agreeable it might be to us to be magnanimous to this lady, there is a public policy in the question which has been so well and so forcibly stated by the honorable Senator from Indiana over the way [Mr. PRATT] which we cannot disregard, it seems to me, and particularly in the present state of the finances of the country. It is more a question of policy; that is, the policy which ought to bind us in this class of cases. A discrimination now in favor of this widow, so far as I know and believe, would be an envious discrimination against scores of other persons equally meritorious. I know the merits of General Dyer, and I know also the merits of a great many other officers equally meritorious. I am not aware that General Dyer was wounded upon the field of battle. Such were the circumstances attending the latter period of his life that I do not think he was called into the field at all during the war. I make no comment upon that. I know he was a meritorious officer. That may be said of very many. My honorable friend near me [Mr. MORTON] asks, "Who is to support this woman? The \$360 a year will not support her; where is she to get support?" That is not the question to be asked us. We are not the directors of an asylum for indigent persons. So that persons get what they merit on a general system, which is in this country more generous than in any country in the world, they must be content with that. It seems to me therefore that we ought to concur with the report of the committee.

Mr. MORRILL, of Vermont. I desire to know whether the hour of the Pension Committee has not expired. It seems to me it is a very long hour.

The PRESIDING OFFICER. (Mr. INGALLS.) The Chair will state that there has been no extension of time granted to the Committee on Pensions. The action of the Senate has been by unanimous consent, no objection having been urged to the desires of the Senator from Indiana.

Mr. MORRILL, of Vermont. If the question can be taken without further debate, I will not object, but I desire to submit some remarks if it be agreeable to the Senate in accordance with the notice I gave yesterday, and I should like the floor for that purpose.

Mr. MORTON. I ask my colleague if he has any objection to letting this case be passed over for the present?

The PRESIDING OFFICER. The question is on postponing the bill indefinitely.

Mr. HAMILTON, of Texas. I desire to offer an amendment before that question is put. I have not been able to lay my hand on a copy of the bill—

The PRESIDING OFFICER. The Chair understands that a motion to postpone indefinitely takes precedence of a motion to amend.

Mr. MORRILL, of Vermont. If I have a right to do so, I will claim the floor. I object to the further consideration of the business of the Pension Committee for to-day.

Mr. PRATT. I hope my friend from Vermont will give way for a moment.

Mr. MORRILL, of Vermont. It will evidently give rise to much more debate.

Mr. PRATT. The matter has been debated now, but the debate will have to be all gone over again if we pass it by to-day.

Mr. MORRILL, of Vermont. If the question could be taken, I would not object; but the Senator's colleague desires the bill postponed and I discover that it will be debated at considerable length.

Mr. PRATT. Does my colleague wish to submit further remarks on the bill?

Mr. MORTON. I would be glad to have the case passed over for the present. Perhaps I may present something new in regard to it.

The PRESIDING OFFICER. The question is on the indefinite postponement of the bill.

Mr. MORRILL, of Vermont. I move that it lie on the table for the present.

The PRESIDING OFFICER. The Senator from Vermont moves that the bill lie on the table.

The motion was not agreed to.

Mr. SHERMAN. I suppose the bill is really up by unanimous consent.

The PRESIDING OFFICER. The Chair so understands.

Mr. SHERMAN. The Senator from Vermont now objecting, that is sufficient.

Mr. MORRILL, of Vermont. I object to the further consideration of the business of this committee this morning.

The PRESIDING OFFICER. There being neither unfinished business nor a special order for this morning, it is the understanding of the Chair that some disposition must be made of the bill now pending.

Mr. MORRILL, of Vermont. Then I move to lay it on the table.

The PRESIDING OFFICER. That motion has been submitted to the Senate and rejected. The question recurs on agreeing to the report of the committee for the indefinite postponement of the bill.

The PRESIDING OFFICER put the question.

Mr. BOGY. Before that motion is put I wish to state that I hope the bill will not be postponed indefinitely. I know General Dyer well, and I may say from his youth up to his manhood and to the day of his death; and there was not in the Army a more faithful, vigilant, and self-sacrificing officer. I think this is an extraordinary case. General Dyer at the beginning of the war was a man of fine health and ripened intellect. He sacrificed that health in the arduous discharge of his duties.

Mr. OGLESBY. I ask the Senator from Missouri if he will give way to me for one moment to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Missouri yield for that purpose?

Mr. BOGY. Yes, sir.

Mr. OGLESBY. The President of the Senate submitted the question to the Senate, Shall the report of the Committee on Pensions, that the pending bill be indefinitely postponed, be adopted or not? The Chair submitted the question to a vote. The affirmative vote was received; the negative vote was being taken; and now, pending the announcement of the result of that vote, a vote already passed, a vote already taken, the Senator from Missouri rises to address the Senate upon a subject which has passed out, it seems to me, of the control of the Senate either by an affirmative or negative disposition of it. I rise to ask the Chair, then, how the Senator from Missouri can occupy the floor on this question when a vote has been taken upon it?

The PRESIDING OFFICER. No vote can be considered as taken until the result has been announced by the Chair. The result not having been announced, the Chair recognized the Senator from Missouri who now has the floor.

Mr. BOGY. I will detain the Senate but a very short time. I believe this to be a very meritorious case, and that the widow of General Dyer is entitled to the compensation which she asks at our hands. General Dyer was an officer of the Army, most faithful, most active, and I think sacrificed his life to the discharge of his duties. I have in my hands a letter which I will ask the Secretary to read, which will explain exactly the circumstances under which he took charge of the armory at Springfield in 1861.

The PRESIDING OFFICER. The letter will be read if there is no objection.

Mr. SCOTT. Before that letter is read, and for the purpose of a proper understanding in the Senate for the future, I would ask the attention of the Chair to a point of order which I wish to make. I ask for the reconsideration of the ruling, as I am aware of the purpose for which the Senator from Vermont wishes the floor. Under the ruling of the Chair the Committee on Pensions can, notwithstanding the order is confined to one hour, take all day until its business is disposed of, and if not disposed of to-day the business of the Committee on Pensions would be the unfinished business of to-morrow, and so on, and if they have business enough their business may run through the rest of the session as the unfinished business of each day.

The PRESIDING OFFICER. Should the Senate adjourn pending, the consideration of a bill, that bill would come up as unfinished business the next day.

Mr. SCOTT. The point I make is that the Senate having made the order that each committee shall have the balance of the morning hour, when the morning hour expires it is in the power of any Senator to claim the floor for the purpose of bringing before the Senate other business; that the hour cannot be prolonged so as to run into the next day as unfinished business.

The PRESIDING OFFICER. The Chair's understanding of the matter is that at the expiration of the morning hour no Senator took the floor, no Senator objected, and that the bill now pending was under consideration by unanimous consent. A question was pending, and it must be disposed of by some action of the Senate.

Mr. MORRILL, of Vermont. I remind the Chair that I rose and objected to the further consideration of the bill, and as it was a few minutes past the hour, I supposed I had a right to object; but I will move to postpone this and all prior orders for the purpose of taking up the question on which I desire to address the Senate, as it is obvious this discussion will last all day.

The PRESIDING OFFICER. The Chair will be compelled to hold

that the motion of the Senator from Vermont is not now in order, the Senator from Missouri having been upon the floor which he yielded temporarily to the Senator from Pennsylvania for a specific purpose. The Senator from Missouri is entitled to the floor.

Mr. BOGY. I ask for the reading of the letter which I send to the Chair.

The Chief Clerk proceeded to read the letter.

Mr. MORRILL, of Vermont. If the Senator from Missouri does not desire to go on further with this bill now, I should like to make the motion I made before.

Mr. BOGY. I have no disposition to interfere with the Senator from Vermont. Any disposition that can be made so as not to lose our place on the docket, I have no objection to.

Mr. MORRILL, of Vermont. I move to postpone this and all prior orders for the purpose of taking up the resolutions of the Legislature of Vermont in relation to the reciprocity treaty with Canada.

The motion was agreed to.

BUSINESS OF COMMITTEE ON CLAIMS.

Mr. SCOTT. I ask the Senator from Vermont to yield until I can give notice in reference to the business of the next committee that will be called. The Committee on Claims is the one which will next be called, and there are on the Calendar some thirty-five or forty bills reported from that committee. I deem it due both to those interested in the bills and to the Senators who may feel an interest in advocating or opposing them to give notice that either at the termination of the remarks of the Senator from Vermont or, if that be found to conflict with others, to-morrow morning, I shall ask additional time for the Committee on Claims to hear and dispose of the large number of bills on the Calendar reported by them.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy; in which it requested the concurrence of the Senate.

THE FARRAGUT STATUE.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to communicate to the Senate a copy of the contract made for the statue of Admiral Farragut, and any papers in relation thereto.

BILL RECOMMENDED.

On motion of Mr. ALLISON, it was

Ordered, That the bill (H. R. No. 3274) granting a pension to John S. Corlett be recommended to the Committee on Pensions.

RECIPROCITY TREATY WITH CANADA.

Mr. MORRILL, of Vermont. Mr. President, I am quite aware that any one who undertakes to discuss this grave matter of the reciprocity treaty with the Canadas ought to feel some confidence that he can shed some little light upon the subject; but I am ready to confess that I expect the chief interest in the subject will be in the change made from the topic that has so long been under discussion in the Senate. I ask the Secretary to read the two first resolutions of the Legislature of the State of Vermont.

The Chief Clerk read as follows:

Resolved by the senate and house of representatives, That, having an intelligent regard for the best interests of Vermont, as well as the whole country, it is the duty of our Senators and Representatives in Congress to use their influence against the consummation of any treaty relating to reciprocity in trade with the Dominion of Canada, and to insist that the subject of trade and commercial intercourse with Canada, as well as with all other foreign countries, is not a proper matter of treaty stipulation, but belongs to Congress, and should be wisely regulated by judicious legislation.

Resolved, That in common with the Canadian people we earnestly desire and hope for the early completion of the ship-canal connecting the waters of the Saint Lawrence and Hudson Rivers with Lake Champlain, as forming an important line of communication between the great cities on the Atlantic sea-board and the grain and lumber regions of Canada and the Northwest, and in this work we invite the co-operation respectively of the governments of the Dominion of Canada and the United States.

Mr. MORRILL, of Vermont. These resolutions being public resolutions, and the proposal for the treaty with the Canadian Dominion having been made public, or the injunction of secrecy removed from it and from all the papers in relation thereto, I feel that I shall not transcend the proprieties of the occasion in discussing the proposal for a reciprocity treaty with Canada. I shall in the first part of my remarks refer to the effects that such a treaty would have upon the question of annexation, then to the fact that we have no revenue to spare, to the effect that it will have upon our national power if we should agree to a treaty that would bind us to keep the peace for twenty-four years. Then I shall endeavor to discuss the constitutional question, so far as it relates to the right of Congress "to regulate commerce with foreign nations and among the several States and with the Indian tribes," and the power of the President and Senate to interfere with the prerogative of the House of Representatives to originate revenue bills. I shall then refer to the effect it will have upon the agricultural interests of this country, the fisheries, manufactures, and smuggling; and from all of these points I hope to be able to show that the treaty would be a very bad bargain.

The abrogated reciprocity treaty with Great Britain, relating to her Canadian dominions, having proved profitable to our northern

neighbors and unprofitable to us, it is not wonderful that they should seek in some form an early renewal of its advantageous conditions, nor is it wonderful that we should scan fresh proposals from that quarter with distrust.

The Dominion government maintained during the last session of Congress a confidential embassy at Washington to manufacture or to create a public opinion at our Capitol, through diligent diplomacy and diligent use of the public press, in favor of a new reciprocity treaty; and with so much success that the project, with all the features of its Canadian parentage and British baptism, was at length submitted by the President, as the public have been informed, to the Senate for its advice. It was sent, like the first treaty of Washington, not for our consent, but only for our advice, whether favorable or unfavorable.

It was a high gratification to observe, while examining the details of the proposed treaty and its exclusively foreign origin, that the Secretary of State only formally delivered it to the President and left it without a word of official commendation, as though he was glad to be rid of an unprofitable ceremony. The President of the United States, bound as he is by national and diplomatic comity to treat communications from foreign nations with dignified respect, transmitted the proposal to the Senate, manifesting no marked partiality for the measure, but, while earnestly asking for the opinion of the Senate, frankly declared that he was not himself prepared to say anything respecting its merits. For myself, not being able to find merits, I shall say something upon its demerits, and attempt to show that for what we are to grant there is no adequate compensation in any of the provisions tendered, and that their character, though much confused, cannot be hidden by being huddled together in the form of a treaty.

While considering any new reciprocity proposals the effect of the old treaty should be constantly borne in mind. Our exports to Canada in 1855 were \$20,828,676, but in twelve years under the operation of "reciprocity," or in 1866, they had fallen to \$15,243,834—showing a positive decrease of over \$5,000,000. Yet the exports of Canada to the United States during the same time, which were in 1855 only \$12,182,314, had increased in 1866 to \$46,199,470. The gross inequality therefore was enormous. We furnished to them in twelve years under the treaty a free market for Canadian products to the amount of \$239,000,000, but in return the Canadas only gave a free market to American products to the extent of \$124,000,000. When the treaty began the balance of trade was eight millions annually in our favor, and at the end the balance to be paid in specie was thirty millions in one year against us. That was a reciprocity which cannot be dwelt upon with composure, or that we can afford to have repeated.

ANNEXATION.

One of the collateral questions that will at the outset obtrude itself in the discussion of this treaty is that of the future annexation of the entire country on our northern border. That it would be in many of its aspects—civil, military, and financial—convenient, is not to be doubted. The large sums now mutually expended for defense against future possible border collisions and for parallel lines of revenue offices would be wholly saved and serve to augment the amount which each and every man of the respective countries could retain from the products of his own labor. Rogues would find no sanctuary by fleeing across a boundary line. There would be little risk in trusting a people, where branches of our own race and language are dominant, to mingle and co-operate in our system of self-government, and we are by no means "so near of kin that we can never be united." Local liberty and local organization would be preserved. But the advantages to them would be infinitely superior to all that would ever accrue to us. The constable would take the place of their standing army. The fear of becoming the American cock-pit in case of a war with Great Britain would be dispelled, and the Canadas would not only enjoy complete reciprocity, but would be our latest and youngest pets, to whom the most liberal national appropriations for all needful improvements would not be refused. Their forests and unoccupied fields, their mines and vacant mill privileges, would attract the captains of industry and tempt the capital of our whole people. Even the smallest of our States would furnish effective re-enforcements. The deposits in the savings-banks of Rhode Island alone are nearly equal to the entire banking capital of the whole Canadian dominion.

Our own territory, however, is sufficiently large to hold all the population of a first-rate power among nations, including the accretions of future centuries, and we have a soil and climate so broad and various as to furnish all the chief products required by the most advanced civilization. Any future territorial additions would add little to our felicity and nothing to our prosperity or security; and yet no one can be entirely deaf to the voice of political prophets or deny that manifest destiny persists in pointing out with an unmoving finger that one flag must ultimately cover and protect all Americans who speak the same language, and whose highest development possibly awaits that crowning event. The remote and varied interests of the different parts of the British possessions, sundered as they are by magnificent distances, by unexplored wildernesses, by mountains, and by oceans, lakes, and rivers, or in winter by seas of ice, will forever prompt a closer American combination. But American statesmen, unlike those of the European continent, should do nothing to force or unduly hasten such a combination, and certainly should do nothing

to absolutely bar or retard it by a losing and paltry substitute for it in the form of a reciprocity treaty. Patriotism requires that we should study the most exalted interests of our own people, and these interests would be jeopardized, as it seems to me, and certainly the collateral question of annexation indefinitely postponed, by treating the Canadian Dominion with more favor than we treat any other foreign dominion. Nor does it belong to us to allay the discontents of any outlying provinces of Great Britain by remitting duties which they now rightfully pay and by throwing both the burden and discontent upon our own people.

It is now said, as it was in 1844, "make the reciprocity treaty, and Canadian annexation is only a question of time." That might be proclaimed with equal fluency, and with the added force of some possible grains of truth, in the negative form, by saying "no treaty, and annexation is only a question of time;" but our Republic, having the vantage-ground of absolute independence, should stand on its own self-respect and yield nothing in advance to vague hints of a doubtful future nuptial ceremony. The idea that annexation would be the logical sequence of reciprocity is not only absurd, but has been thoroughly exploded by our past experience as a weak delusion, and as flickering as the *aurora borealis*, which vanishes with the first streak of morning light. Canadians are not yet republicans, and very feebly yearn for their own national independence. Their devotion to royalty—of which we do not complain—is strong, because it is afar off, and is only less than their loyalty to the pursuit of gain. What more do they desire, now having a cheap market from which to buy, than a dear market in which to sell, or than such relations with the United States as will secure greater commercial prosperity without any of the incidents and responsibilities of annexation? It is clearly the greed of trade which now prompts our neighbors, who evidently are not inspired by the ambition which makes men dare to be masters of their own fate.

Good farming lands within the boundaries of the United States sell now for more than twice as much per acre as land of equal fertility not half a mile distant in the Canadian dominion. If the chief industries of the Canadas could be made more profitable, real estate there, improved and unimproved, would quickly advance in value, and the Canadas would not only escape the danger of depopulation from the emigration now going on of their own people, but a much larger proportion of the foreign immigrants landing at Quebec would be retained instead of swiftly crossing to the United States.

These results they might secure, and all at our cost, by the proposed treaty; the loftier their flight the more humble our own. But our experience under the abrogated treaty, confessedly too favorable to the Canadians and most onerous to the people of the United States, shows that, so far as they are concerned, such a treaty does not warm the affections nor increase the respect of the colder regions of the north, where it was only a gainful bargain adroitly interpreted, and had neither power to create nor to perpetuate an era of good-will as the precursor of annexation. It was rather like the feast of Barmecide in the Arabian Nights, where the visitor was put off with calling for exquisite viands that never appeared, and with the solitary honor of the company of the host. Annexation may have been on the bill of fare and called for, but it did not appear, and we had the cool and hungry honor of treating with a distinguished host.

From 1861 to 1865, notwithstanding the supposed genial influence generated by reciprocity in the hour of its supremest strength and fruition, Canadian amity was truly "a peace which passeth all understanding;" and there was hardly any greater malevolence exhibited toward the United States than that so offensively displayed by the ruling spirits of the Canadian Dominion.

They coldly calculated the profit and loss of planting thorns in our bleeding sides, and saw with exultation both the South and the North each grow weaker by loss of blood. They vainly hoped our growth and greatness would be curbed and our glories dimmed. Not that they most hated the North, but that they hated the Union, and would love us better in smaller and broken parcels.

Let us not be deceived by the present commercial caresses of our Canadian friends. They seek to extinguish the memory of former injuries, not by benefits they are to confer, but possibly by the favors they are to receive. They seem to think we ought to discover that annexation is but a little way off from reciprocity; but this bait is growing stale, and has strongly scented the old trap. The ass, we are told, did not overtake the bundle of hay fastened to the end of the pole in his front, though with longing eyes he tugged and toiled for speedy "annexation." Reciprocity, formerly a word of deceitful sweetness, has turned out a bitter-sweet, the smart from which leaves no relish for a second taste. The song of the siren may have betrayed us once, but there is no power to charm in its "damnable iteration."

THE TREATY TO BIND US TWENTY-FOUR YEARS.

The proposed treaty, if made, is to endure for twenty-one years, and then can only be terminated after three years' notice. It is therefore to endure solidly, happen what may, peace or war, twenty-four years as the very shortest time of irrevocable validity. Sudden and wholly unforeseen events have more than once within the last decade brought us to the very brink of war with nations of formidable power, and who can guarantee twenty-four years of uninterrupted peace? In the dulllest and most quiet quarter of the globe such a guarantee would be reckoned a hazardous risk, and cannot be other-

wise in our own fast-going and many-sided country. Our neighbors, the governments of Mexico and of South America, seem to be based upon volcanic foundations, and are subject to the explosions and periodical disturbances of war and revolutions. China and Japan, as the first step in a higher civilization, seek scientific instruction in the most destructive art of war. Russia, with oriental ambition, is pushing, ever pushing eastward across the plains of Asia, and also impatiently waiting for a golden opportunity to seize the Golden Horn of the Bosphorus; and the Sultan, that sick man of the East, is watching his alert and suspiciously independent Khedive of Egypt. In France the empire, the monarchy, and the republic by turns throttle each other, and the army, as in the days of the Caesars, may ultimately fling the sword into the balance. Bismarck is dodging the bulls of the Pope and the balls of assassins, but ready at a moment's notice to snatch any tempting provinces left out over night in the cold, and equally ready to summon Germany to play the rubber game with France. The new republic of Spain, after bravely fighting for freedom, readily accepts a monarchy, if it be Alfonso with an "f," while Cuba wages a cruel war under any flag that covers slavery. The Pope is trying to extend his spiritual dictatorship as some compensation for the loss of temporal power. Denmark, Belgium, Holland, and Luxembourg, stand trembling as they behold their natural enemies hovering above them and only waiting a fit occasion to swoop them up as hawks clutch their frightened prey.

Surely the outlook is one of disquietude, and it is highly improbable that an era of perpetual peace has yet dawned. All of our experience, early and late, shows that in time of war an increased revenue is a vital measure of success. The embarrassments of 1861, in consequence of the then existing reciprocity treaty of 1854, were of an aggravated character. Large sources of revenue were placed beyond our reach, the hands of legislators were partially palsied, and no American statesman should again consent to impose such an evil-engendering treaty upon Congress and the American people. The recent upheavals and the present unsatisfactory condition of affairs in Europe indicate, as some of their most astute statesmen have announced, further national struggles of a grave character, and if they come, we shall not want to be shackled and bound by any such entangling alliances as are most absurdly called reciprocity treaties. Intending nothing but peace, we should yet scorn to give bonds that under no provocations shall there be war. Our position should be strong enough to maintain peace and neutrality, and so strong as to defy aggression. We cannot afford to be accounted as a useless friend or a contemptible enemy.

Hampered by the proposed treaty, should any great emergency suddenly confront us, we could only escape from impotency by its violent abrogation, even at the hazard of a war with whomsoever it might concern, and thus force at great cost by conquest a possible destiny, which, if it is to come, had better come spontaneously with good-will and without price. Independent, the Canadian Dominion would not be any cause of distrust; it would have no foreign quarrels to espouse; but as a dependency of Great Britain it becomes the seat of a cordon of military outposts, a bristling perpetual menace.

Should we accept of this reciprocity treaty, while it might insure the aggrandizement of others, our own power as a nation, whether for peace or war, for defense or offense, would become less effective, less formidable. Our sinews of war would be cut in advance. The treaty, like the first approach of disease, may not easily be fully comprehended, although the remedy is plainly in our own hands; but at the next stage everybody will practically comprehend the evil, while the remedy will be out of our reach for twenty-four years. I frankly own that I could not willingly consent to see my country embarrassed by such engagements for twenty-four hours, and much less for twenty-four years.

Compacts between nations, like bargains between individuals, are made upon no other principles than that of sharp-sighted and fully-enlightened self-interest. When they are supposed to be advantageous they are made, or, if otherwise, they are avoided. Circumstances place it out of the power of the Canadas to offer equivalents for the privileges they seek. They can offer nothing better and will accept of nothing worse. Reciprocal privileges in the markets of the respective countries would be as unequal as are the capabilities of New York and Quebec, or as unequal as would be a reciprocity of pasturage by which the fields and prairies of the United States should be turned into commons with those of Canada. The authors of such husbandry, or of such a bargain, would most appropriately be fed on thistles—Canada thistles.

CONSTITUTIONAL OBJECTIONS.

But if the commercial and political considerations were in our favor instead of being stubbornly otherwise, the paramount and determinate objection to the proposed reciprocity treaty is imbedded in the constitution of our country, and if a barrier is found there even to a good treaty, it certainly should be all sufficient against a bad one.

My colleague [Mr. EDMUNDS] upon a former occasion referred to the treaty of 1794 with Great Britain, commonly called the Jay treaty, as though that was a precedent for reciprocity treaties; but I deny that that treaty bears even the remotest relation to reciprocity treaties. It required the legislative action of the House, as have many other treaties, and the House very properly conceded it, but only after a very serious and prolonged struggle. Does any one believe that the House would have consented to the treaty if it had gone

so far as to trench upon the power of the House to originate revenue bills and the power of Congress to regulate commerce or to prescribe the articles upon which duties should or should not be levied? Where the treaty-making power has jurisdiction the House must assent, but where it has not, such assent should not be asked.

No, Mr. President, the Senate of the United States has never advised and consented to but one reciprocity treaty, and that was the quickly terminated treaty of 1854.

The proposed treaty assumes the principle of regulating commerce and of radically changing our tariff system of raising revenue, so far as it respects the imports from a foreign nation, and what may be properly done by treaty with one nation may be done with all. The first article of section 8 of the Constitution provides that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." This certainly takes the subject of regulating commerce away from the treaty-making power and lodges it exclusively with Congress, where it is to be controlled without let or hindrance forever. This power of Congress cannot be suspended for one day, and certainly not for twenty-four years. Even if this provision of the Constitution had been omitted, it would be an inexpedient, if not dangerous, exercise of power, under a republican form of government, for the President and the Senate alone to undertake to regulate the collection or non-collection of revenue by treaty. The consent for the time of a placable House of Representatives would be a cunning expedient, but it would neither change nor blot out a single sentence of the Constitution; and such consent, if obtained, so far from having any binding force upon a succeeding House, would have no more value than would the consent of our Chief Justice, or of the man in the moon. To such treaties as are lawful the advice and consent of the House is unnecessary, and to such as are unlawful its consent lends nothing but impotency. It might be as fairly contended that the States may participate in the power of Congress to regulate commerce as to claim that the treaty-making power may participate. The power is exclusive. Story, in his great work on the Constitution, declares:

Full power to regulate a particular subject implies the whole power, and leaves no residuum; and a grant of the whole to one is incompatible with a grant to another of a part. (Volume 2, page 8.)

And again he says:

A power given by the Constitution cannot be construed to authorize a destruction of other powers given in the same instrument. It must be construed therefore in subordination to it; and cannot supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope; and no one embraces a right to annihilate any other. (Volume 2, page 376.)

Another authoritative commentator (Mr. Duer) on the Constitution, in relation to the treaty-making power says it "must be construed in subordination to the Constitution, and however in its operation it may qualify, it cannot supersede, or interfere, with any of its fundamental provisions, nor can it ever be so interpreted as to destroy other powers granted by that instrument." This is no new doctrine, but it seems as clearly stated as it is decisive of the question.

Treaties made under the authority of the United States are the supreme law of the land, anything in the constitution or laws of any State notwithstanding; but mark, it is not written notwithstanding the Constitution or laws of the United States. It was foreseen that conflicts might arise with State constitutions and laws in force prior to 1789, but it was not intended to make the treaty-making power supreme over Congress and above the Constitution itself. There was no unlimited or despotic power given to the President—two-thirds of the Senate present concurring. The authority to make treaties is general but necessarily limited by exceptions or by all parts of the Constitution which disposes of power elsewhere. The treaty-making power cannot exercise legislative power any more than judicial or executive. These powers have been all confided to other and different hands. The power to make treaties with foreign nations does not include the power to lay taxes or to borrow money, which no more fully and distinctively belong to Congress than the power to regulate commerce. If the treaty-making power cannot lay taxes or duties, it cannot repeal or modify taxes or duties, nor make a treaty by which it may ever become unlawful for Congress to lay taxes or duties at any time and in any form sanctioned by the Constitution. Reciprocity treaties pretending to regulate commerce can no more be the supreme law of the land than were the ship-money proclamations of Charles I, because there is no authority given to make them. The power of Congress is paramount and exclusive, and cannot be set aside by any claim in behalf of the omnipotence of a treaty.

Section 7 of the same article of the Constitution, already referred to, declares that "all bills for raising revenue shall originate in the House of Representatives." This is a privilege of the people older than Hampden, and a privilege made prominent in our Constitution, but reciprocity treaties would abridge and curtail this fundamental privilege of the Representatives of the people. In all of our history duties on imports have been our chief source of revenue—except in extraordinary exigencies our sole reliance; and if tariffs by a treaty can be established, modified, or repealed, or fixed and made unchangeable for a generation, they can be so fixed forever, and the power of the House to originate revenue bills would be practically reduced to a mere shadow. If dutiable articles can be made free, the same power can make free articles dutiable. One of the dearest principles of republican government, cherished as a bulwark of liberty,

should not thus be fatally undermined. The power belongs not to one House only, but to every House of Representatives in perpetuity—to the present and also to the future; and the treaty-making power should not attempt to take it away by usurpation nor by absorption. Though the present House should give its consent to such a treaty, it could not even bind itself, and far less any succeeding House. The power lives in the Constitution, far above the reach of any suicidal assault, and can neither be abdicated by the House nor subverted by any other branch of the Government, but must remain forever as potential as any other vital part of the Constitution.

True, the reciprocity treaty of 1854, pitilessly terminated as it was by congressional direction at the earliest practicable day, is still preserved, in spite of its repulsive memories, as a precedent; but a bad precedent, solitary and alone, does not expunge a single line of the Constitution, and the precedent stands only as a scarecrow in the field to prevent one of the gravest blunders in our diplomacy from being repeated. An unlawful act cannot be legalized by an old precedent nor by a new repetition. There are much better precedents against such treaties, and notably that made by the Senate from its own enlightened self-prompted action in 1844 and 1845, against the Zoll-Verein treaty negotiated by Mr. Wheaton, which, upon the report made by Mr. Choate, of Massachusetts, whose high authority no one in this body will be likely to dispute, and reiterated by Mr. Archer, of Virginia, (who after fifteen years of distinguished service in the House was made chairman of the Committee on Foreign Relations of the Senate upon his first entrance here,) was rejected by a very large majority of the Senate, and not by a party vote, but for such cogent reasons as the following, and I quote from this report:

That the committee, then, are not prepared to sanction so large an innovation on the ancient and uniform practice in respect of the department of Government by which duties on imports shall be imposed; that the Constitution in express terms delegates the power to Congress to regulate commerce and impose duties, and to no others; and that the control of trade and the functions of taxing belong without abridgment or participation to Congress.

If these were sound doctrines of the ablest of American statesmen thirty years ago in a fertile era of illustrious men, they have not become obsolete, but are equally sound and worthy of all acceptance to-day. There has been no change in any portion of the Constitution affecting this question, and any change of the oldest and best interpretation of the Constitution cannot, as it seems to me, be logically attempted, or if attempted, cannot fail to be fraught with mischief to the spirit as well as to the machinery of our form of government.

The paramount object aimed at in the Zoll-Verein treaty was to obtain the admission into Germany of American tobacco at a duty of not over two and a half cents per pound; and it is a significant commentary upon so-called reciprocity treaties that the laboriously obtained stipulations of Mr. Wheaton, at the price of numberless concessions to be made by us, were secured through our minister, Mr. Mann, in less than two years, or in 1846, without any equivalent whatever on the part of the United States. If reciprocity with a nation of Europe was wholly inadmissible, it must be equally inadmissible with the Canadas.

There is a further inextricable complication involved in a treaty of reciprocity. "The most favored nation clause," so called, has been inserted in nearly all of our treaties, and this clause is singularly enough repeated in article 4 of the present proposals, as follows:

For the term mentioned in article 13 no other or higher duty shall be imposed in the United States upon other articles not enumerated in said schedules the growth, produce, or manufacture of Canada, or in Canada upon such other articles the growth, produce, or manufacture of the United States, than are respectively imposed upon like articles the growth, produce, or manufacture of Great Britain or of any other country.

This certainly would interdict any more reciprocity treaties; but the same provision, in a form to include everything, exists in our treaties with other nations, and forbids the grant of any favors to one that are not at once freely granted to every other nation. It is not merely what the soundest American policy requires us to do, but our honor is pledged not to treat one nation in time of peace with more favor than any other. This provision having long existed in our treaties with Great Britain, Lord Aberdeen, at the first rumor of Wheaton's negotiation of the Zoll-Verein treaty in 1844, notified our minister in London, Mr. Everett, that Great Britain would claim an equal relaxation of duties in their favor, and Mr. Everett admitted the propriety of the claim, provided it was accompanied by the same equivalents. To this Lord Aberdeen responded that he conceived that, by the convention of July 3, 1815, we should be bound to admit British fabrics, on paying the same duties as the German, without any such conditions on their part.

An examination will show that Lord Aberdeen was not wrong in his construction of the terms referred to, which are nothing less than a positive negation of the right to impose higher or other duties upon British fabrics than upon any other, without any reservations as to conditions or equivalents. We have pledged the good faith of the nation in numerous treaties with foreign nations not to grant any exclusive favors of this character. Great Britain, having herself objected to such a German treaty, should be the last to propose one, and it is likely that Bismarck would be less exacting than Lord Aberdeen, or that other nations would quietly slumber over what they might fairly regard as an infraction of treaty stipulations? Surely our State and Treasury Departments, if the proposed treaty should be

consummated, would have a lively time in shielding themselves from the reclamations of Russia for all duties paid on iron and hemp, and of Buenos Ayres for any duties paid on wool, as well as similar reclamations of many other governments.

In the interpretation of the Constitution and of treaties I regret that I bring no technical skill, and have only that confidence in my argument which is derived from an honest purpose to give to our language its plain and obvious meaning and which appears to me most in harmony with free institutions.

But there are other considerations involved, such as the fisheries, canals, and reciprocal free-trade, which merely raise the questions of equivalents or of trade; and when it comes to these, any one of us may be presumed to be enough of a Yankee to know whether he is offered a good or bad bargain.

THE FISHERIES.

There is an ancient and fish-like smell about the new propositions which play an important part, and if accepted they are to supersede those agreed upon in 1871, which are to run ten years and then only to terminate after two years' notice. The question of the fisheries has long been a useful factor to Great Britain in many of their negotiations with us. By the 1783 treaty of peace we were to have all the fishing privileges we had enjoyed as colonies. In the treaty of peace in 1815 nothing was said to change the old compact; but as an after thought, in 1818 it was claimed that the treaty of 1783 was extinguished by the war of 1812, and we then appeared to have yielded our right to the fisheries within three miles of the provincial shores. This line has been the fruitful cause of irritation as well as of many petty collisions, sometimes threatening collisions of greater magnitude, and has been the spouting fountain of annoyances and preposterous pretensions.

By the treaty of 1871 we not only gave a consideration of much greater value for the right to fish within this magical line, but we agreed to pay any additional difference in money which a board of fish commissioners should decide, as referees, to be equitable. It was not enough that we gave them our inshore fishing-grounds for theirs, although the quantity of fish caught on our shores might be equal and the value double; it was not enough that they might catch their mackerel with our bait—not elsewhere to be had; it was not enough that we opened our markets free to their fish and thus surrendered duties upon \$2,503,934, (upon which they paid duties in 1871,) amounting to a half million dollars; but we are to be frightened out of our wits and concede reciprocity lest the fish commissioners make an extravagant award against us. The case has been from time to time adroitly managed and greatly magnified. The menace of the naval squadron was tried prior to the treaty of 1854—the armed police of the seas was tried in 1866—and now softer diplomacy is resorted to as more politic; but we should not forget that whenever appealed to in all the issues of the past, the God of battles and the goddess of justice have most often shown favor to the American contestants. The value of our fish markets alone, including the markets for fresh fish, being worth five times more than all the profit we receive in return, the fact cannot be concealed from the referees, and I would not damage our side of the case by an unwarranted doubt as to its merits or as to the tribunal.

The admission of American fishing vessels to all the privileges accorded to British vessels was beneficial to the people of the Provinces, who largely profited by furnishing supplies, and was not injurious to their fisheries, which steadily increased in value. When the former treaty was terminated, the Canadian government resorted to a system of licenses charging fifty cents per ton upon our vessels engaged in the inshore fisheries. The small value of the privilege was soon disclosed when only 354 of our 1,400 fishing vessels were found to take out a license on these terms. The next year the license was raised to one dollar per ton, and the number licensed fell off to 281. The license was again doubled, when at two dollars in 1868 only 56 were taken out, and but 25 in 1869. No more than one-fourth of our vessels wanted the privilege at any price, and at two dollars per ton it was hardly accepted by any. This shows that the actual value of the inshore fisheries, when estimated by our fishermen in dollars and cents, was the merest trifle, and its great importance appears to be almost wholly in its being ever present as the old sore of former treaties for which some new plaster is always demanded.

As a nursery for bold and hardy seamen the fisheries were long appreciated by us, and they have lost nothing yet in the estimation of British or French statesmen. At the time we repealed our bounty system the French were paying and still pay four dollars per ton bounty for all the tonnage engaged in their fisheries, and the Canadas at once put on the armor we threw off by offering a bounty to all the provincial tonnage so employed. They are ambitious to increase their commercial marine and they could do much in that direction—so cheap is their labor and ship-timber—if we should only consent to furnish employment or purchasers for their shipping when built. According to the Canadian Mercantile Annual, as a maritime nation Canada already holds the fourth rank among the nations of the world, having a tonnage almost equal to France, and only ranking decidedly below Great Britain and the United States. They are not only ready to invade our canals, rivers, and lakes, but they would extend and clinch the compact for a reciprocity in the fisheries for the longest possible term, as that will diminish the number of our vessels employed and increase those of Canada. Under the former

reciprocity treaty their exports to the United States of fish very largely increased, or nearly doubled, while our tonnage engaged in the cod-fisheries in 1854, amounting to 102,194 tons, dwindled at the close of 1866 down to 42,796 tons, or a loss of over one-half, uncompensated for by any considerable improvement in the distant mackerel fisheries. From this low state, in consequence of harassing and perpetual annoyances, equal in olden time to provocations of actual war, our fishermen have not even yet been able to recover. I am very clearly of the opinion that strict equity would require the payment to us of a large balance by the Dominion government on the question of the fisheries; and so long as they have our markets free, so long will the vocation of our fishermen be imperiled and their numbers year by year be diminished.

CANALS.

It might be expected that some one of the inducements offered by the Dominion government in their proposals for a reciprocity treaty would at least include privileges of equal value with those they demand in return, but it will be difficult to find any of this character; and among the enormously one-sided stipulations which challenges notice is that of the navigation of lakes, rivers, and canals. They offer to us the navigation of the Saint Lawrence River, the Welland and other Saint Lawrence canals, and also to build the Caughnawaga Canal, twenty-nine and a half miles long, in the course of six years; all of which we are to have the use of—for that portion of the year of course when they are not ice-bound—by paying such tolls as they choose to impose.

But in return, and always as a mere equivalent, they demand the unrestricted use of Lake Champlain and of the much larger Lake Michigan, together with the right to navigate the Red River. That such privileges on the lakes, especially on Lake Michigan, would prove unfortunate concessions and detrimental to our shipping interests is quite apparent. Beyond all this they expect the States of Michigan and New York to accord to them, in like manner, the use of the Sault Saint Marie, Saint Clair Flats, Whitehall, and the Erie Canals, over five hundred miles in length, in exchange for less than one hundred miles.

Again, unless the Whitehall Canal shall be enlarged and deepened, and its use granted to the lower waters of the Hudson—a most important concession of itself—Canada reserves the right to suspend the use of the Caughnawaga Canal. Whether the State of New York would assume this burden, and build up a formidable rival to their own canals and railroads, at an expense possibly of more than the whole cost of all the Canadian canals, is at least problematical. To us the Caughnawaga Canal would be convenient, but to the Canadas it is almost indispensable as a means of getting their timber and agricultural products to our markets. The transparent cheapness of the offer appears when it is remembered that the construction of the Caughnawaga was a settled question of their domestic policy at the time of the union of the provinces. Their canals are now kept in repair mainly by tolls received from us. The transportation of American property through the Welland Canal in 1869 was nearly three times greater than of Canadian property, as follows:

	Tons.
From American to American ports.....	688,700
From American to Canadian ports.....	215,857
	904,557
From Canadian to Canadian ports.....	195,407
From Canadian to American ports.....	134,935
	330,342

It would be wonderful indeed were they to reject the income thus derived from us upon their canals, and it is probable they will be open forever to all who will pay as they go. "The law is open to every one;" "so," said Horne Tooke, "is the London tavern." In the absence of any treaty, why should the Canadas exclude from their canals the through business from American to American ports, touching no interests which it does not promote, and the business from whence has come and always must come the bulk of the tolls required for their support? The London tavern is not supported in that way.

It is possible at the end of six years that the Dominion may find it inconvenient or impracticable to deepen the Saint Lawrence Canals or to build the Caughnawaga, or that they may require twice six years for their completion. The treaty meanwhile is operative; and will they not all the time have enjoyed its fruits? True, we may then exclude them from the Erie and Whitehall Canals and the Hudson River, but would not that be a lame conclusion? They now levy an export duty on logs, and there is nothing in the new proposals which prevents its continuance or even an increase on logs or any other articles. Export duties may be resorted to by the Canadas at any time, but to us they are forbidden. They run no risk of export duties, but we do. Are we not likely to be checkmated?

It is not, however, discreditable to us as a nation of forty-two millions of people, with railroads nearly equal in extent to those of all the rest of the world, that we should look to dependencies of Great Britain for such improvements in the artificial courses of water transportations as the obvious necessities of our country require? Our safest policy is to build, not to borrow, nor to pay rentals or tolls to foreigners, subject to be turned adrift at any moment. The revenue that we must surrender in a single year by the admission of Canadian

products as proposed free of duties, or the profits we should transfer from our own people to the pockets of our neighbors, would enlarge or build adequate canals, and make us, as to inland water communications, independent forever. Able as we are to stand alone, let us decline to lean upon weaker neighbors, who lean themselves upon somebody else. We willingly allow them to use our railroads and cars for the transit of their foreign exports and imports to and from New York, Boston, Portland, and other places, and the business is not unprofitable to our thoroughfares. We might refuse this, but have no such intention unless the suspicion proves true that it is the great thoroughfare of illicit trade. We envy the prosperity of no other country, and are content with our own.

LOSS OF REVENUE.

If we waive the all-controlling constitutional, as well as other manifold objections, to this embryonic reciprocity treaty, it is of some consequence to consider whether or not we have a surplus revenue of twenty million dollars which we can annually forego for the next twenty-four years, or whether we can afford to supply its place by an increase of other taxes, direct or indirect, or by a re-enactment of the income tax, or by a renewal of the duties on tea and coffee. It is unlikely that we hanker after either alternative, and either would be a melancholy equivalent for what seems to be a reciprocity with the tracks all pointing one way. Instead of a surplus to be carelessly extinguished, we have in 1874 a deficiency in the sinking fund of \$26,800,217.16, not to be provided for except by a further sweeping reduction of national expenditures. It is altogether improbable that Congress or the people will forget what is due to a solemn pledge of the public faith which requires the absolute annual payment of 1 per cent. of the public debt.

Of course the amount of imports from the Canadas at present being largely subject to duties, affords no basis for an estimate of the amount which would come in if wholly free, and the statement scattered last year broadcast over the country by the British negotiators of the trade between the respective countries was based upon very unreliable public documents. By our account the exports of lard in 1873 were 4,057,280 pounds, but by the Canadian count only 1,257,230 pounds had been received. By our account our exports of tea were 454,579 pounds, but by the Canadian account they had received 5,183,499 pounds. The value of arguments based upon such data is not great. If the proposed treaty could be regarded in any of its various aspects as beneficial to our whole country, it is too apparent that now we are not in any condition to abandon annually the millions of revenue which would be lost by its adoption; but I shall attempt to show that it deserves to be rejected, not only for the reason that it cannot be beneficial, but because it would be an insufferably bad bargain as a whole or in any of its complicated parts.

The Canadian Dominion, under their reciprocity proposals, will be called upon to surrender very little revenue, or, according to their own estimate, not more than \$4,000,000. Is it possible that this can be considered an equal bargain for the surrender on our part, when the treaty gets into full working order, of twenty millions? Curiously enough most of the articles in schedule A of the new proposition, embracing the great bulk of agricultural productions, are now free under the Canadian tariff. But if they were not free the Canadas would lose no more revenue by making them free than the maritime provinces lose by making fish free, as they do not buy these productions, but always have a surplus to sell. The Canadas might have some difficulty even in making up their small loss of revenue, but our deficiency can only be supplied in the inconvenient way already indicated, or by the severe imposition of heavier taxation. Canada may well afford to give up four millions of revenue on imports if her people are to gain many times that amount in the increased price of their exports. For what they gain they could afford to bear additional taxation, but we could not, as our Government would not only lose much revenue, but our people would suffer still greater losses.

The proposed reciprocity treaty offers nothing new or no attractions to our Southern States. The staple products of the South which are to be admitted into the Canadian Dominion free of duty, if the treaty should be ratified, are already free under their present tariff laws, and will from their nature so remain. The products referred to are hemp, cotton, tobacco unmanufactured, rosin, tar, turpentine.

The direct interests of the Southern States therefore will remain practically in the same relative condition, treaty or no treaty, and these products have been nominally included in the proposition as so much padding costing nothing. This cheap stuffing obtained from the existing free list of the Dominion, and used with the profuseness of French milliners, forms no inconsiderable portion of the offer tendered to us, and might be very well offset by a kindred tender of a selection from our own existing free list with equal generosity and just as little sacrifice.

The manufactures enumerated, however, are chiefly of the same class with those springing up all through the Southern States and would seriously interfere there with new and profitable branches of industry of the highest merit which ought not to encounter any such discouragements. Moreover, the Southern States have more interest in the general prosperity of the country than any other section. When the nation moves onward with health and vigor, it never fails to embrace all its members in its arms. But the proposed treaty is not

only remarkable for what it includes but for what it excludes. It may not be difficult to discover why some articles were left out. Undoubtedly some Canadian products require protection, and these are of course shielded from reciprocity.

The proposed treaty contains all the articles included in the treaty of 1854, and also many articles of manufactures. They are described as "of the growth, produce, or manufacture of the respective countries," and among them will be found agricultural implements, boots and shoes of leather, cotton grain-bags, denims, jeans, drillings, plaids, and cottonades, cabinet furniture, carriages, coal, iron, (bar, hoop, pig, puddled, rod, sheet, or scrap,) nails, spikes, leather, rags of all kind, salt, tweeds of wool, manufactures of wood.

AGRICULTURAL COMPETITION.

Then we have a long list of the products of the farm, among which are the following: Animals of all kinds, breadstuffs of all kinds, broom-corn, butter, cheese, flour, flax, (unmanufactured,) fruits, (green or dried,) grain of all kinds, hay, hemp, hides, horns, lard, lime, malt, meats, (fresh, smoked, or salted,) pelts, pease, plants, petroleum, poultry, rice, shrubs, seeds, straw, tallow, tobacco, vegetables, wool.

The interesting question to farmers is what they would have to meet and how much. I have only authentic data as to the products of the Canadian Dominion as late as 1860, and these I derive from Mr. Derby's report, made in 1867. Of course in ten or fifteen years their population and products have increased. I give the following table:

	United States.	Canada.	Nova Scotia.
Population.....	31,738,821	2,501,888	230,699
Horses.....	7,257,000	725,744	28,789
Cattle.....	28,751,315	2,375,937	156,357
Sheep.....	23,298,807	2,517,781	252,180
Swine.....	35,960,691	1,278,699	51,533
Corn, bushels.....	827,624,528	2,624,100	37,475
Wheat, bushels.....	170,176,027	28,213,760	297,157
Oats, bushels.....	172,089,035	45,634,806	1,384,437
Berley, bushels.....	15,825,898	3,692,021	196,097
Potatoes, bushels.....	157,659,000	39,506,359	1,986,769
Butter, pounds.....	450,672,052	52,705,854	3,613,880

From this table it will be seen that the Canadas, representing 8 per cent. of the population of the United States, produce more than their proportion of horses, cattle, and sheep; twice its proportion of wheat; three times its proportion of oats and barley; an average of butter, but less of swine and corn. It is plain that agriculture has engaged the major part of their activities, and, if they cannot be said to be our rivals, their products are so large as to offer considerable and constantly increasing competition.

When the former treaty of 1854 was made, our whole country was comparatively free of debt; we were doing business on a sound currency, and were ready for any race with equals; but now, although the national debt is so adjusted as to be carried with but little inconvenience, the States, counties, cities, and towns are still heavily burdened by indebtedness incurred during the late war as well as by the continuance of the war made paper legal-tender; and therefore for some years to come the cost of production will be, as it has been, so exceptionally increased as to place us at an obvious disadvantage with neighbors who have yet had no such untoward incidents in their history. We cannot at present afford to produce horses, cattle, and sheep, wheat, peas, oats, butter, and potatoes at the bottom prices of Canadian markets; nor can we at present venture to accept of the unrestricted competition to which we are invited, even in the manufactures of iron, wood, wool, cotton, and leather, with neighbors where all the labor and most of the raw materials are to be had at far less cost than in the United States, and with neighbors, too, as exempt from taxation as they are from many of the costly improvements and institutions demanded by the people of a large republic and by an enterprising and enlightened age.

Our markets are sustained by forty-two millions of people, beyond all question the largest consumers *per capita* in the world, and the Canadian markets are sustained by less than four millions of people, loosely strung across a broad continent in an elongated and disjointed belt scarcely more than fifty miles wide, and like our own frontiersmen of early times having limited wants and no luxurious habits. Their markets are few and relatively inferior—offering no advantages to us, while our markets are so many, extensive, and accessible, that they may be always reckoned for nearly all commodities at least 25 per cent. better than those across the border. According to the report of J. N. Larned in 1871, made in compliance with a resolution of Congress, the difference is much greater. From numerous details as to the prices of provisions, groceries, &c., he gives the following results:

Mean ratio of prices in Ontario to prices in New York, 1 to 1.58.
Mean ratio of prices in New Brunswick to prices in Maine, 1 to 1.42.
Mean ratio of prices in the city of Quebec to prices in New York, 1 to 1.43.

The same authority gives the results as to wages of mechanics and farm-laborers, as follows:

Mean ratio of wages in Ontario to wages in New York, 1 to 1.65.
Mean ratio of wages in New Brunswick to wages in Maine, 1 to 1.78.
Mean ratio of wages in the city of Quebec to wages in New York, 1 to 2.38.

These indisputable facts disclose the reason why our markets are so eagerly sought after. Few droves or car-loads of American horses, cattle, sheep, hogs, or poultry seek purchasers at Kingston, Toronto, Montreal or Quebec, or at any other of their military posts; but though subject to moderate duties, they come—not standing upon the order of their coming—from every quarter of the Canadas, by land and by water, to the United States, all clamorous for higher prices. The difference in wages is the widest of all.

The magnitude of the stake they are striving for may be understood from the fact that the year after the termination of the former reciprocity treaty the assessed values of the property of the province of Ontario alone fell off \$23,000,000. That deficiency they want restored.

The territory of British American possessions, encircling almost one-fourth of the globe, and extending from the latitude of forty-five degrees north to the open polar sea, is superficially greater than even that of the United States. Much of it, however, must remain *terra incognita*, or only frequented by the hunter and trapper, and here and there by that hardy class known as frontiersmen, but it nevertheless offers immense facilities for expansion in grain-growing and stock-raising, for which it greatly needs an outlet less remote than the markets of the Old World.

Geographical barriers must forever compel the people of British Columbia, Manitoba, Saskatchewan, New Brunswick, Nova Scotia, Newfoundland, and even Labrador, to seek and to prefer commercial relations with the United States, with or without reciprocity, and it is plain that an unrestricted access to our markets by the people of these provinces, as well as by those within the fertile Canadian basin drained by the great lakes, would rapidly augment their agricultural productions for export, stimulate their labor, and immensely increase the value of their landed estates, which, with all their personal property included, is now less than the aggregate wealth of Massachusetts. They would, however, all grow fat and "lard the lean earth" at our expense. For this result the equivalents offered to us, instead of being very large and very solid, are very thin, disputable, and wholly unsatisfactory.

The effect of all this upon our own land and its products would be reversed, as may be readily foreseen, and would be equal in the aggregate, but, being more widely distributed than their gain, the percentage of individual loss would be less than their individual gain. The price of beef or of wheat might rise in Montreal 10, 15, or 20 per cent., but the fall would be somewhat less in Chicago or Milwaukee or New York. The surplus products of the Canadian Dominion flung upon our markets by shorter and cheaper transportation than from the Western States could not fail to sensibly diminish the values and products of agricultural industries throughout the United States. When no more than ten thousand beeves are wanted, thrust an additional thousand upon the market and the whole will sell for no more than would the ten thousand, leaving but nine parts of the sum received to the owners of the ten thousand. Of course it could not be supposed that any influx here of Canadian products would bring down prices squarely to the present Canadian level, because equal freedom of markets would tend to raise prices there, to create an equilibrium, and that is what Canadians are for; they know when our markets are united with theirs and all are open and free, that prices, like liquids, will rise to the same height in the nozzle as in the pot itself; but consumers here would be only benefited by just the amount of injury inflicted upon our agricultural producers. Agriculturists have been wont to encourage manufactures because that policy adds to the number of consumers of their products and correspondingly diminishes competitors among themselves. But how long could farmers be expected to sustain a tariff upon manufactures if all their own products are to be exceptionally exposed to a northern blast of free trade? After such an exposure, any harmonious policy as to a tariff even for revenue would be indefinitely foreclosed. Protection that does not protect farmers will not long be likely to protect anybody.

But it would degrade the issue to suppose that only a question of tariffs is involved. Immigrants to the United States number annually over three hundred thousand, but the Canadas receive only a much smaller number, and of these the largest share barely pass through the Canadas and eventually find their way into the United States. Beyond this there is a constant stream of their native population flowing from all the provinces into our territory. Less profit in wages here or more profit there would reverse the current. It would not be wise for us to favor any policy that would diminish the present advantages of our country in the general estimation of mankind, or that would turn the stream of immigrants away from our shores. We want America for those who mean to be Americans and not for those who think they are somebody else.

GREAT BRITAIN STANDS IN THE WAY.

Great Britain could not be expected to make such a treaty without receiving from her colonies the same privileges granted to us. Whatever is made free of duty to us must also be made duty free to Great Britain. Ostensibly the Canadian colonists are to be nursed, but the nourishment will most likely add solely to the bulk of paternal Englishmen. A wolf, it is said, suckled Romulus and Remus, but there is no such a fable concerning the British lion. We got no exclusive favors by the reciprocity treaty of 1854, and we are promised none now.

Colonies were once planted to get gold or to get rid of convicts, but they are now only maintained to secure a monopoly of trade. Russia once claimed a monopoly of all the trade of the Northern Pacific; Portugal that of Asia, and England now expects every man in her colonies to do his duty by increasing British home trade. All colonies are perpetual minors, from whom it is regarded as no robbery for imperial mothers to intercept their earnings, if only a frugal subsistence remains. The British restrictive navigation laws as to colonies were rigidly enforced down to 1846, and it will be found that this proposed treaty was fore-ordained to enable Canada to buy more of Great Britain and to sell more to the United States, or to buy cheap and sell dear.

If, therefore, we accept of such a treaty, it must be borne in mind that we should enter the race for the markets of Canada as much with Great Britain as with Canada herself. This part of the arrangement does not appear on the face of the treaty, but crops out in the declaration made by the British commissioners to our Secretary of State. Mr. Brown makes no secret of the fact that our Secretary was at once formally notified "that any articles made free in Canada under agreement with any foreign country must be made free to Great Britain."

The net result of what we are to get by making Canadian products and manufactures free in our ports is to have an opportunity to compete with Great Britain and dislodge her foot-hold, if we can, in Canadian markets. The products of agriculture under the Canadian tariff are already mainly free to all nations and will so remain. All such products Canada has to sell, and really buys of nobody. The question, therefore, as to our exports to Canada would be practically limited to manufactures. Of these our imports from Great Britain, though necessarily charged with heavy duties, are larger than those she sends to any other country, and it is not likely that she much dreads to meet any rival, or that she would be in much danger of being supplanted by us in the markets of her own colonies. British statesmen, speaking through a late speech of the Queen, it is very certain feel no apprehension on that point.

MANUFACTURES.

Canada has only recently adopted the policy of protection, and her manufactures, though growing rapidly, are in their infancy. It is reasonable to suppose that some of the articles enumerated in the proposed treaty might be profitably exported from the United States to the dominion, if it were not for the back-door to be left open for the entrance of the same articles on the same terms from Great Britain. If we can manufacture cheaper than the country with which they claim to be so happily connected, then the treaty might be of some advantage to us, but not otherwise. It is sufficiently apparent that with a removal of all duties we could not now compete with Great Britain here at home, and, if not, how could we drive her out of the Canadas? The lower priced labor, cheaper raw materials, and lighter taxation might soon even force the removal of the capital and industry of many American establishments to the other side of Canada line, if they should not be deterred by the cheaper capital and still poorer paid labor of Great Britain herself. The chance with Canada alone would not be very inviting, but with Great Britain in reserve it would be the baldest mockery. The manufacturers of Great Britain have the discipline of a regular army, while those of America are but militia, superb in material and only deficient in the drill which must be acquired by long experience.

But while the Canadas would in the end be ground between the upper and nether millstone, or between American and British manufactures, they might easily increase their exports in many directions. Slate they send to us in considerable quantities, though we require 35 per cent. duty to be paid. Remove this duty, as proposed by the new treaty, and few of our slate quarries could be worked without a heavy reduction of the price of labor. The admission of timber and lumber wrought and unwrought means that by the cheaper labor of Canada, and their system of export duties, no more would come in unwrought; and how broad the definition would be as to what might be included, who shall tell? Granite, marble, and building-stone form another group to come in wrought or unwrought. In building the practice is to send orders to quarries for dimension blocks hewn and fitted, ready to be placed at once into any structure. Is it not likely that all the different quarries of the dominion would at once be set at work? Red sandstone, grindstones, marble, and even granite could not here be cut and wrought, except by convict labor, as cheaply as it is now done by common Canadian and Nova Scotia stone-cutters. Coarse cotton goods and tweeds of wool, and iron and steel, and boots and shoes would soon find a new Lowell, a new Pittsburgh, and a new Lynn far away from the stars and stripes. In Canada what we term fancy cassimeres are quite as often known and described as tweeds. The phrase "tweeds of wool" includes a wide class of goods, hitherto yielding little profit to further and uncertain competition. Boots and shoes are now almost wholly made by machinery which, marvelous in all its parts as it is, can be cheaply transferred to Canada and soon worked even by unskilled and alien hands. Machinery knows no allegiance, and works as cheerfully in one place as another. Is it not manifest that the proposed treaty should not receive any favor? Is it not in fact a hook baited with a red rag?

There will be a lurking ambiguity in the practical interpretation of such a treaty, and our experience teaches us to beware of ambiguities in any treaties, especially with Great Britain or with the Can-

adas. The articles proposed in the schedules to be admitted free are to be the growth, produce, or manufacture of the Dominion of Canada. The question will arise, to what and how far does this apply? Raw materials, if sent to us, must be of Canadian growth or produce; but may not manufactures be wholly or in part of foreign materials? If so, boots and shoes may be made of foreign leather, and yet be called manufactures of Canada. English yarns might be woven into cloth, either of cotton or wool, and thus become Canadian manufactures. They might first send all of their wool here to market, and then send whatever they choose to call tweeds, wholly made of foreign low-priced wools, and would they not pass for Canadian manufactures? Would ready-made clothing need to be made of any other than British cloth? English, Russia, or Swedes iron and steel could hardly be distinguished from Canadian iron; and if it could be, when made into rails, nails, spikes, axes, scythes, plows, hoes, shovels, or spades, they would all be called Canadian manufactures. Screws made of English wire, and nails of English nail-plate, would claim reciprocity privileges. Marble, in blocks or slabs, from Italy as well as from Canada, when wrought into monuments, mantels, or anything else, could not be denied the claim as Canadian manufactures. Castings made of Scotch pig-iron, or any other, in the form of stoves, ranges, hollow-ware, or machinery, would be held to be thoroughly Canadian. Manufactures advanced a single stage, receiving the last finishing touch, might thereby obtain the guild of Canada. Suppose any of these articles to have the proper Canadian stamp and label upon them, how would any fraud be detected or punished? The frauds will be perpetrated, if perpetrated at all, as they are very likely to be, by Canadians. Can we send there to detect or punish them?

Our revenue laws, sitting too lightly upon the consciences of our own people, have never bound the consciences of Canadians, and their reverence would not be much intensified by a reciprocity treaty. Thin partitions would divide free from dutiable merchandise. Custom-house oaths are elastic the world over; and who could tell, except the men who swear, whether agricultural tools, grain-bags, tweeds, and locomotives were manufactured wholly or in part in the Canadian Dominion or elsewhere? The Canadian field of smugglers, always prolific and abounding in skillful artists, would be made to bring forth a hundred-fold of its present ill-gotten profits. The distributing points of illicit trade in the Canadas would no longer be confined to their present legally-established ports of free trade, Gaspé and Sault Sainte Marie, nor to places on the boundary line where such practices have long been winked at; but the smuggler's art would be studied by everybody and everywhere gratefully patronized.

In all the diversified complications of this proposed treaty, a careful scrutiny will show that not one of the provisions standing stark alone could be accepted on its merits. Some would prove disastrous to our interests, and the best are palpably unequal; but it is certain that the character of the whole is not improved by the multiplicity of its parts, and equally certain that if any one of its parts would prove disastrous, that fact should turn the scale against the treaty.

Treaties are merely bargains between sovereignties, where the people for the most part are unrepresented, and the only legitimate mode of changing tariff laws is for the legislative authority to decide from time to time what articles of commerce shall or shall not be subject to duties, without the restraint of any side bargains with foreign powers.

After a full examination of the proposed treaty, the conclusion would seem to be unavoidable that, so long as the Canadas are bound to consult the interests and supremacy of the imperial government, it is and will be impossible for them to offer any terms of reciprocity which can be to the advantage of the United States to accept. Doing the best that can be done, yet the reciprocity with the Canadas which suits Great Britain would not suit us, or, if it suited us, could not suit Great Britain. It is an unequal commercial triangle which cannot be squared. We can do nothing for the Canadas that we are not ready to do for the world at large.

The proposals now offered, whether relating to our future commercial thrift or to the problems of higher concern to statesmen, are delusive and wholly inadmissible. We have no revenue to part with, and if we had, could not afford to squander gifts of vastly greater magnitude than all we are to receive in return. Our farmers feel a profound interest in the Government they support, and they expect the Government to reciprocate that interest by more regard than is to be extended to the farmers of any other country, who have nothing at stake but the profits and loss of trade; and our manufacturers do not wish to meet Great Britain when they are nominally invited to meet the Canadas, or to live with Leah for twenty-four years when they only love Rachel. Our national patrimony should not be shared with the Canadas so long as they cling to greater expectations from other foreign relations. The sternest dictates of prudence require us to stand by the ancient usage of the Senate—denying all authority to make reciprocity treaties, whether favorable or unfavorable, and especially to decline all diplomatic arrangements by which our own people are to be despoiled for the benefit of British subjects and at the expense of the Constitution.

Mr. HAMLIN. I move that the Senate now proceed to the consideration of executive business.

Mr. SCOTT. I ask the Senator to withdraw that motion.

The PRESIDING OFFICER. Does the Senator from Maine withdraw his motion?

Mr. HAMLIN. I do for the present.

Mr. SCOTT. I gave notice that at the termination of the remarks of the Senator from Vermont I should ask that the rest of the day be devoted to the consideration of bills from the Committee on Claims.

Several SENATORS. It is too late.

Mr. SCOTT. If it be, however, the desire of the Senator from Maine that we should now have an executive session, I forego my request, but will endeavor to secure additional time to-morrow for the purpose of considering those bills.

EXECUTIVE SESSION.

Mr. HAMLIN. I renew the motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and thirty-seven minutes, p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 3, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk began the reading of the Journal of Monday, but before concluding,

Mr. GARFIELD said: I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. RANDALL. I object.

The Clerk resumed and concluded the reading of the Journal.

MARY L. WOOLSEY.

Mr. SCOTFIELD. On behalf of the Committee on Naval Affairs, I ask unanimous consent for the consideration at this time of the bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy.

The bill was read. It provides that the proper accounting officer of the Treasury, in adjusting the amount due Melancthon B. Woolsey, deceased, late a commodore in the Navy, shall, in consideration of the devotion of the deceased to his public duties, which resulted in his death at Pensacola, Florida, on the 2d day of October, 1874, pay to Mrs. Mary L. Woolsey, widow of deceased, the amount of pay to which he would have been entitled if he had survived and remained in the public service to the end of the present fiscal year, out of any money appropriated for the pay of the officers of the Navy.

Mr. SCOTFIELD. On behalf of the Naval Committee I move to amend by inserting after the word "service," in line 11, the words "on waiting orders."

There being no objection, the amendment was agreed to; and the bill, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

BLACK RIVER, OHIO.

Mr. MONROE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to communicate to this House any additional report of the survey of the harbor of Black River, Ohio, which may have been made to his Department, and any additional information which may be in his possession in regard to the completion of work and improvements at that place.

JOHN HENDERSON.

Mr. SPEER. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 3208) for the relief of John Henderson, and that the bill be now passed.

The bill was read, as follows:

Whereas there is due and unpaid to John Henderson for mail service on route No. 2541, in Pennsylvania, for the quarter ended June 30, 1864, the sum of \$47.88: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to John Henderson the sum of \$47.88, the amount due him for mail service on route No. 2541, for the quarter ended June 30, 1864, on satisfactory evidence that the same is justly due.

Mr. SPEER. I desire to say that the bill has been unanimously reported from the Committee on Claims.

Several MEMBERS. All right; let it pass.

Mr. PELHAM. I object.

Mr. SPEER. Will the gentleman waive his objection to allow a letter from the Postmaster-General to be read?

Mr. PELHAM. No, sir.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I demand the regular order, and call up the unfinished business.

Mr. PAGE. I ask unanimous consent—

Mr. DURHAM. I object to any further proceeding by unanimous consent, as there is not proper regard given to our side of the House.

REPORT ON ELECTION OF PRESIDENT, ETC.

Mr. DONNAN, from the Committee on Printing, reported back,

without amendment, the following resolution; which was read, considered, and agreed to:

Resolved, That five thousand copies of the report or the Committee on Elections on the joint resolution proposing an amendment to the Constitution of the United States in respect of the election of President and Vice-President be printed for the use of the House.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to call up the Senate amendments to the legislative, executive, and judicial appropriation bill.

The SPEAKER. The regular order is demanded.

Mr. DAWES. I ask to have referred to the Committee on Ways and Means a bill from the Senate in relation to a tariff commission.

Mr. COTTON. Several of us desire to have bills referred.

The SPEAKER. The Chair would be glad to accommodate every gentleman on the floor; but he must enforce the regular order, which is demanded. It is—

Mr. CONGER. I ask permission that gentlemen may this morning present bills for reference or printing. Monday was otherwise occupied; and there are bills that ought to be printed for the consideration of committees. I have one to present myself.

The SPEAKER. The quickest way to do that, if consent be given, is to call the States.

Mr. CONGER. Then let us have a call of the States.

The SPEAKER. Is there objection to a call of the States for bills on leave? If there be none, the Chair will resume the call where it was left off.

Mr. BUTLER, of Massachusetts. I want the call to begin at the beginning.

Mr. RANDALL. I object to a call of the States; and I would like to state why. The gentleman from Ohio, [Mr. GARFIELD,] wishes to bring up an appropriation bill, which we can dispose of between now and one o'clock. I desire that that business may be proceeded with.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] objects, and the House resumes the consideration of the motion of the gentleman from Massachusetts—

Mr. CONGER. I ask unanimous consent to have a bill printed.

The SPEAKER. Objection is made.

Mr. CONGER. The gentleman from Pennsylvania objected to the call of the States.

The SPEAKER. But the gentleman from Massachusetts demands the regular order. Therefore the Chair must enforce it.

Mr. BUTLER, of Massachusetts. I must insist upon the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Massachusetts to reconsider the vote by which the House recommitted the civil-rights bill to the Judiciary Committee.

Mr. RANDALL. I withdraw objection because I cannot reach my object.

The SPEAKER. If there be no objection the Chair will call the States for bills.

Mr. BUTLER, of Massachusetts. I object.

CIVIL-RIGHTS BILL.

The SPEAKER. The question is, will the House reconsider the vote by which it recommitted the civil-rights bill to the Judiciary Committee.

Mr. DAWES. I ask my colleague to allow me, by unanimous consent, to take from the Speaker's table Senate bill concerning a tariff commission, for reference to the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts. I should be glad to do so, but I have so many gentlemen appealing to me, I cannot yield to one without yielding to all. If my colleague were the only one I would be glad to yield to him, but I cannot yield to all.

Mr. DAWES. The gentleman from Massachusetts will be obliged to yield on this question at one o'clock.

Mr. BUTLER, of Massachusetts. When I am obliged to do so, of course I will give it up.

Mr. ELDRIDGE. I believe the yeas and nays have been ordered on this question.

The SPEAKER. The Chair presumes if they have not been they will be.

Mr. COX. Then to be sure of it I demand the yeas and nays.

The SPEAKER. The question is will the House consider the motion to reconsider the vote by which the civil-rights bill was referred to the Judiciary Committee; and on that motion the yeas and nays have been ordered.

The question was taken; and it was decided in the affirmative—yeas 148, nays 91, not voting 51; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cessna, Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Curtis, Danford, Darrell, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lansing, Lawrence, Loughridge, Lowe, Lynch, Martin, McCrary, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pellham, Pendleton, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Henry J. Scudder, Sessions, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher

Y. Thomas, Thompson, Todd, Tremain, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Woodworth—148.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, Durham, Eden, Eldredge, Finck, Giddings, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Magee, Milliken, Mills, Morrison, Neal, Niblack, Hosca W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, Sener, Sloss, Southard, Spear, Standiford, Alexander H. Stephens, Stone, Storm, Strait, Thornburgh, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—91.

NOT VOTING—Messrs. Barnum, Barry, Bass, Chittenden, Amos Clark, Jr., Clinton L. Cobb, Crooke, DeWitt, Farwell, Freeman, Frye, Glover, Hagans, Robert S. Hale, Havens, Hersey, George F. Hoar, Hunter, Kendall, Killinger, Lampport, Lawson, Lewis, Marshall, Maynard, Alexander S. McDill, McLean, Merriam, Mitchell, Nesmith, Nunn, O'Brien, Packard, Phelps, Purman, Ransier, John G. Schumaker, Scofield, Isaac W. Scudder, Shanks, Sheets, Sherwood, J. Ambler Smith, William A. Smith, St. John, Swann, Townsend, Tyner, Walls, Wheeler, William Williams, and Jeremiah M. Wilson—51.

So the House agreed to consider the motion.

During the vote,

Mr. FARWELL stated that he was paired with Mr. MITCHELL.

Mr. SLOAN said: I desire to state that my colleague from Georgia, Mr. FREEMAN, is detained at home by sickness, and is not able to be here. If he were, I do not know how he would vote.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion to reconsider the vote by which the House recommitted the civil-rights bill to the Judiciary Committee.

Mr. ROBBINS demanded the yeas and nays.

The yeas and nays were ordered.

Mr. CESSNA. I rise to a parliamentary inquiry. What will be the effect of the motion if carried?

The SPEAKER. The question will then recur on the motion to recommit.

Mr. CESSNA. If that is voted down, then the bill will be before the House.

The question was taken; and it was decided in the affirmative—yeas 150, nays 93, not voting 47; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crouse, Crutchfield, Curtis, Danford, Dawes, Dobbins, Duell, Dunnell, Eames, Field, Fort, Foster, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampport, Lansing, Lawrence, Lewis, Loughridge, Lowe, Lynch, Martin, McCrary, James W. McDill, MacDougall, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Parker, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Henry J. Scudder, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—150.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosca W. Parker, Perry, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, Sener, Sloss, Southard, Spear, Standiford, Alexander H. Stephens, Stone, Storm, Strait, Swann, Thornburgh, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—93.

NOT VOTING—Messrs. Barnum, Barry, Bass, Blount, Carpenter, Chittenden, Amos Clark, Jr., Cox, Crooke, Darrall, Donnan, Farwell, Freeman, Frye, Garfield, Hagans, Hathorn, Havens, Hersey, George F. Hoar, Kendall, Killinger, Lawson, Marshall, Maynard, Alexander S. McDill, McKee, Mitchell, Nunn, Pellham, Phelps, James H. Platt, Jr., Purman, Ransier, John G. Schumaker, Scofield, Isaac W. Scudder, Sheets, Sherwood, J. Ambler Smith, William A. Smith, St. John, Thompson, Walls, Wheeler, Wilber, and Ephraim K. Wilson—47.

So the House agreed to reconsider the vote by which the bill was recommitted to the Committee on the Judiciary.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois, rose.

The SPEAKER. The hour of one o'clock having arrived, the Chair directs a special order made for that hour to be read.

Mr. DAWES. The gentleman from Illinois [Mr. HAWLEY] I think will allow me to ask that the bill from the Senate to provide for the revision of the laws for the collection of customs duties be referred to the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts. I object.

The SPEAKER. The Clerk will read the special order.

The Clerk read as follows:

Resolved, That the rules be suspended so as to permit the Committee on Railways and Canals now to report House bill No. 145, for the construction of a canal connecting the waters of Lake Michigan and of the Illinois, the Mississippi, and the Rock Rivers; and that said bill be made a special order for consideration in the House on Wednesday, the 3d day of February next, at one o'clock p. m., to the exclusion of all other orders.

Mr. HAWLEY, of Illinois. I desire, Mr. Speaker, to say in connection with this bill that when it was made a special order I had supposed that other privileged questions would by this time have been out of the way so that it could be reached without any difficulty. It so happens, however, that the bill in charge of the gentleman from Massachusetts [Mr. BUTLER] still has the floor. I do not desire to antagonize that bill with the bill to which the order of the House just read refers. Therefore I move that the bill set as a special order for one o'clock to-day be postponed until one o'clock one week from to-day.

Mr. DAWES. If that can be done so that the bill shall take its chances of consideration on that day, I will not object. But I shall object to its being made a special order, to the exclusion of all other orders, a week from to-day.

Mr. HAWLEY, of Illinois. I ask the gentleman from Massachusetts [Mr. DAWES] whether he desires that I shall now press this against the civil-rights bill?

Mr. DAWES. I do not. It is the last thing I should desire to have this bill pressed against the civil-rights bill; but it does not follow that I can consent that a week from to-day all other orders shall be set aside for the consideration of this bill.

Mr. CESSNA. I desire to submit an inquiry to the Chair.

Mr. DAWES. Allow me a word further. I will state plainly this: All of the appropriation bills now untouched must be disposed of within that time; and a tax and tariff bill, if considered at all, must be considered within that time; and the necessities of the Government in that respect do not permit me to consent to any such arrangement as the gentleman from Illinois proposes.

The SPEAKER. The Chair will suggest to the gentleman from Massachusetts [Mr. DAWES] that the bill is entitled absolutely to this day.

Mr. DAWES. I understand that; but it is not entitled absolutely to this day week; and it is to that I object.

The SPEAKER. But it is entitled to one day, whether this week or next.

Mr. CESSNA. The inquiry I desire to submit is this: If the motion of the gentleman from Illinois [Mr. HAWLEY] shall prevail, may not the question of consideration be raised so as to give the gentleman from Massachusetts the opportunity to bring up the business of the Committee on Ways and Means?

The SPEAKER. It is too late to raise the question of consideration to-day; because that question must be raised at the very initial stage. The bill is actually before the House to the exclusion of all other orders whatever, unless an arrangement be made about it.

Mr. BUTLER, of Massachusetts. It will be in no worse condition next Wednesday than it is to-day.

Mr. DAWES. I will not object to the proposed arrangement, provided the bill does not stand in the way of appropriation bills, or reports from the Committee on Ways and Means.

The SPEAKER. The Chair understands the gentleman from Illinois [Mr. HAWLEY] in moving a postponement until a week from to-day to ask that the bill shall not be prejudiced; that it shall stand then just as it does to-day.

Mr. DAWES. I have no objection to that if the gentleman from Illinois will consent to yield to appropriation bills and reports from the Committee on Ways and Means one week from to-day.

Mr. HAWLEY, of Illinois. I am willing to agree that the bill shall come up immediately after the bill in charge of the gentleman from Massachusetts [Mr. BUTLER] is disposed of.

Mr. DAWES. There will not be the same objection to that arrangement. A week from to-day the bills to which I have referred will be pressing more than they are to-day.

The SPEAKER. The gentleman from Illinois asks now that the bill of which he has charge shall come up immediately after the bill in charge of the gentleman from Massachusetts [Mr. BUTLER] shall be disposed of.

Mr. GARFIELD. I ask that by unanimous consent Saturday be assigned for the consideration of the bill in charge of the gentleman from Illinois.

Mr. SPEER. I object.

Mr. BURCHARD. Can the question of the consideration of this be raised at this time?

The SPEAKER. It could have been raised when the Chair announced the special order. But the rule is very plain that if any discussion be allowed, it is then too late to raise the question, because when discussion takes place the bill is then being considered.

Mr. BURCHARD. The question is now whether it shall be considered in preference to the civil-rights bill. Cannot an arrangement be made by which it shall be considered after the civil-rights bill is disposed of?

Mr. DAWES. I do not object at all to this bill and the civil-rights bill changing places.

Mr. SPEER. I do object to that.

Mr. BUTLER, of Massachusetts. If I can make that motion, I move that the special order be postponed, to come up, with all its present advantages, immediately after the civil-rights bill is disposed of.

Mr. HAWLEY, of Illinois. I desire that it shall come up at the same hour on the day after the civil-rights bill is passed.

Mr. BUTLER, of Massachusetts. All right.

The SPEAKER. The Chair understands the gentleman from Illinois to ask that his bill in relation to the Hennepin Canal shall be

postponed until the day succeeding that on which the civil-rights bill shall be disposed of.

Mr. HAWLEY, of Illinois. I desire that it shall have a day after the civil-rights bill be disposed of.

The SPEAKER. The Chair understands the gentleman to ask that it be postponed until one o'clock on the day after the civil-rights bill is disposed of.

Mr. HAWLEY, of Illinois. I want it taken up immediately after the civil-rights bill is disposed of.

Mr. SPEER. Does not the request of the gentleman from Illinois [Mr. HAWLEY] require unanimous consent?

The SPEAKER. Not on a motion to postpone.

Mr. RANDALL. It does not require unanimous consent for a motion to be submitted to postpone to a day certain.

The SPEAKER. Certainly not.

Mr. GARFIELD. I object to the bill having the same rights, if postponed to some other day, as it has now unless appropriation bills are excepted.

Mr. BUTLER, of Massachusetts. It would take as much time now anyhow.

Mr. CESSNA. It is a question for a majority of the House to determine.

The SPEAKER. It is the right of the gentleman from Illinois to have the bill considered now at one o'clock, and the gentleman only wishes to accommodate the House by yielding for the discussion of the other proposition, the civil-rights bill.

Mr. GARFIELD. Can the question of consideration be raised when the bill comes up on the day to which it is postponed? If so, I will withdraw my objection.

Mr. RANDALL. I desire to say that a motion to postpone until after the consideration of the civil-rights bill throws the Hennepin Canal bill out of sight.

The SPEAKER. The motion is to postpone the consideration of the canal bill until after the civil-rights bill is disposed of.

Mr. DAWES. It cannot be postponed for one week or for one day, with all the advantages that it has now, except by unanimous consent.

The SPEAKER. It can be called up now at one o'clock.

Mr. DAWES. So I understand.

Mr. KELLOGG. I desire to inquire if that bill takes precedence of all special orders made prior to that time?

The SPEAKER. It does for this day which the House has now reached; the order is absolute.

Mr. KELLOGG. That was not my understanding when the order was made, or I should have objected, most certainly.

Mr. BUTLER, of Massachusetts. I am anxious to have this canal bill retain its place, if it can be done properly, and I desire to ask a question of the Speaker in order to know exactly how it can be postponed until after the civil-rights bill is disposed of and retain its present rights, which seems to be but fair.

The SPEAKER. There is one mode in which it can be done, and that is to postpone it and enter a motion to reconsider the vote by which it was postponed. That will give the majority of the House the control of its business, which the Chair has very frequently remarked should always be done under the rules.

Mr. RANDALL. Cannot the House postpone it to this day week?

The SPEAKER. That would require unanimous consent; but if the House postpones the canal bill until after the disposition of the civil-rights bill, and then a motion is entered to reconsider the vote so postponing it or the House refuses to lay on the table a motion to reconsider, it would be up for consideration whenever it was called up, after the civil-rights bill was disposed of, and it would then remain before the House until disposed of.

Mr. DAWES. To the exclusion of all other orders?

Mr. SPEAKER. Certainly.

Mr. GARFIELD. Could a majority lay the bill on the table at that time when it came up?

The SPEAKER. Certainly. The real position is this: The House seems to misapprehend the position of the business, and especially those who have taken part in the discussion. The gentleman from Illinois [Mr. HAWLEY] has absolutely got possession of the floor. Gentlemen seem to think he is asking a favor. The Chair understands him to be endeavoring to accommodate other business. He can go forward with his bill now if he chooses. The gentleman has absolute direction of the business of the House for to-day.

Mr. SPEER. Why does he not go on with his bill then?

Mr. CAULFIELD. For one I object to changing the order of business. I think that the measure my colleague has in charge is far more important to the people of the West than the civil-rights bill, and I insist, therefore, that the order of the day be preserved; otherwise it may jeopardize the bill. I repeat that I insist that the order be carried out.

Mr. CESSNA. I desire to say to my friend on the other side of the House that he will jeopardize this canal bill a great deal more by insisting upon the House going on with it now.

The question was upon the motion of Mr. HAWLEY, of Illinois, to postpone the consideration of the canal bill until the day after the civil-rights bill is disposed of.

The question was put; and on a division there were ayes 92, noes not counted.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CESSNA. Is a motion to lay this bill on the table in order pending the motion to postpone?

Mr. BUTLER, of Massachusetts. Do not make that motion.

Mr. CESSNA. I am tempted to do it by the course pursued by gentlemen on the other side.

Mr. SPEER. Would the effect of that motion be to kill the Hennepin Canal bill?

The SPEAKER. The effect of the motion is not to do that; what the effect of the action of the House would be the Chair cannot tell.

The question was taken on the motion to postpone; and there were—yeas 144, nays 92, not voting 54; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Curtis, Danford, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Kasson, Kelley, Kellogg, Lampert, Lansing, Lawrence, Lewis, Loughbridge, Lowe, Lynch, Martin, McCrary, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, Charles A. Stevens, Stowell, Strait, Strawbridge, Sypher, Taylor, Todd, Tremaine, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—144.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hutton, Knapp, Lamar, Lamson, Leach, Lofland, Lowndes, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, Schell, Sener, Sheets, Sloss, Southard, Speer, Standford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—92.

NOT VOTING—Messrs. Archer, Barnum, Barry, Chittenden, Amos Clark, Jr., Freeman Clarke, Clinton L. Cobb, Crooke, Darrall, Dawes, Farwell, Freeman, Frye, Havens, Hersey, George F. Hoar, Howe, Hyde, Hynes, Kendall, Killinger, Lawson, Marshall, Maynard, Alexander S. McDill, Mitchell, Nunn, Orth, Packer, Pelham, Poland, Putnam, Ransier, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sherwood, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Stanard, St. John, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Walls, Wheeler, Whitehead, and Jeremiah M. Wilson—54.

So the motion to postpone was agreed to.

Some time subsequently,

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the House postponed the further consideration of the Hennepin Canal bill until the day after the civil-rights bill had been disposed of.

The SPEAKER. The motion to reconsider will be entered upon the Journal.

CIVIL-RIGHTS BILL.

The House resumed the consideration of the civil-rights bill.

Mr. BUTLER, of Massachusetts. I now withdraw the motion to recommit the bill to the Committee on the Judiciary.

The SPEAKER. The question recurs, Shall this bill be engrossed and read a third time?

Mr. BUTLER, of Massachusetts. I desire to make a parliamentary inquiry, whether under the rule the previous question can be ordered to-day?

The SPEAKER. It can be by a two-thirds vote.

Mr. BUTLER, of Massachusetts. Well, we despair of that slightly. I desire to state to the House first the course which I propose this bill shall take. As instructed by the Committee on the Judiciary, I propose to yield for a motion to substitute for this bill the provisions of the Senate bill on the same subject. I am instructed by the committee then to yield to an amendment to be moved by the gentleman from Alabama, [Mr. WHITE.] I will then yield to a motion to amend the bill by striking out all relating to schools. I do this in order that all shades of republican opinion may be voted upon.

Mr. ELDREDGE. I rise to a parliamentary inquiry. The gentleman from Massachusetts [Mr. BUTLER] has given notice that he intends to yield to a motion to substitute the Senate bill for this bill. Can he take the Senate bill and substitute it for this?

The SPEAKER. Not the Senate bill.

Mr. BUTLER, of Massachusetts. Not the Senate bill *eo nomine*, but the provisions of the Senate bill.

Mr. RANDALL. The language of it.

Mr. BUTLER, of Massachusetts. Certainly.

The SPEAKER. It would not disturb the Senate bill which is upon the Speaker's table.

Mr. BUTLER, of Massachusetts. I now yield to the gentleman from Pennsylvania, [Mr. CESSNA.]

Mr. CESSNA. I move to substitute for the bill under consideration that which I send to the Clerk's desk, and which, I will say, is substantially the bill as it passed the Senate—the same language as the Senate bill.

The Clerk read as follows:

That all citizens and other persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages,

facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation; and of cemeteries so supported, and also the institutions known as agricultural colleges endowed by the United States, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any entitled to its benefits, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of \$500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or shall be imprisoned not more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party. And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States with powers of arresting and imprisoning or bailing offender against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States or territorial court as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than \$1,000.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

Mr. SPEER. Did the Chair state that this amendment is the text of the Senate bill word for word?

The SPEAKER. The Chair stated that the gentleman from Pennsylvania [Mr. CESSNA] so stated.

Mr. SPEER. That is an error; it is not the Senate bill word for word.

Mr. CESSNA. In order that there may be no misapprehension on this subject, I will state again that this amendment is the identical language of the bill as it finally passed the Senate, and is now upon the Speaker's table. The reason why it differs, as it does slightly, from the printed bill now in the hands of gentlemen of the House is that the bill as it finally passed the Senate has never been printed, to my knowledge; at least I have never been able to obtain a copy. The last printed copy is the bill as reported by the Judiciary Committee of the Senate; and after that report the bill was altered in some particulars. I have followed the bill as it finally passed the Senate, and of course have omitted all language which, though in the bill as reported to the Senate, was finally struck out by the action of that body. The bill I offer as a substitute embodies the precise language agreed to by the Senate in its final action upon the bill.

The SPEAKER. In what respect does the gentleman from Pennsylvania [Mr. SPEER] think that this amendment differs from the text of the Senate bill?

Mr. SPEER. One difference is that in section 3, on page 6, there are six or eight lines of the Senate bill struck out.

Mr. CESSNA. Those six or eight lines have been omitted and the phraseology has been altered in other parts for the reason that in those respects the printed bill as reported by the Judiciary Committee of the Senate, and as the gentleman now has it in his hands, was changed by the action of the Senate. I will state again that my amendment is not only substantially, but it is without any alteration, the bill as finally passed by the Senate.

Mr. SPEER. That may be, but the bill printed as having come from the Senate is not the bill just read from the Clerk's desk.

The SPEAKER. There ought not to be any dispute about a question of fact like this. The Chair holds in hand the original Senate bill; and the comparison can be made, if any gentleman desires it.

Mr. BUTLER, of Massachusetts. I now yield to the gentleman from Alabama [Mr. WHITE] that he may offer a substitute.

Mr. SPEER. Did not the Chair direct the reading of the bill as passed by the Senate?

The SPEAKER. No, sir.

Mr. SPEER. I understood the Chair to say that the bill as passed by the Senate would be read.

The SPEAKER. The Chair was about to send the manuscript of the bill of the Senate to the gentleman from Pennsylvania that he might solve for himself his own doubts. The amendment about to be read is that of the gentleman from Alabama, [Mr. WHITE.]

Mr. CESSNA. The printed bill in the hands of my colleague [Mr. SPEER] does not purport to be the bill as it finally passed the Senate.

Mr. BUTLER, of Massachusetts. Has not the gentleman from Pennsylvania [Mr. CESSNA] the right to offer such an amendment as he pleases without asking the consent of his colleague?

Mr. SPEER. I do not question my colleague's right in that respect; but when he states that this amendment is the text of the bill as passed by the Senate I want the House to know that it is not the text of the Senate bill as printed and on our tables.

Mr. BUTLER, of Massachusetts. The House never will know that, because it is not so.

Mr. SPEER. Then the gentleman's colleague on the Judiciary Committee should not have stated it to be so.

The SPEAKER. The gentleman from Pennsylvania [Mr. SPEER] has before him the manuscript bill from the Senate and also the printed copy. He can compare the two for himself, and no doubt the House will take his word as to the fact.

Mr. BUTLER, of Massachusetts. Certainly, when he gets through.

The SPEAKER. The gentleman from Alabama [Mr. WHITE] offers as a substitute for the substitute that which the Clerk will now read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude: *Provided,* That nothing in this act shall be construed to require mixed accommodations, (by sitting together,) facilities, and privileges at inns, in public conveyances on land or water, theaters, or other places of public amusement, for persons of different race or color, nor to prohibit separate accommodations, facilities, and privileges at inns, in public conveyances on land or water, theaters, or other places of public amusement; such separate accommodations, facilities, and privileges being equal in equipment and kind for persons of every race and color, regardless of any previous condition of servitude: *And provided further,* That nothing in this act shall be construed to require mixed common schools and public institutions of learning and benevolence for persons of different race or color, nor to prohibit separate common schools for different races or colors, provided the facilities, duration of term, and equipments of such common schools and public institutions for both races in the town, city, school district, or other topographical division shall be equal in facilities and equipments for both races for the purposes for which such institutions are established.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit the sum of \$500 to the person aggrieved thereby, to be recovered in action of debt, with full costs: *Provided,* That no action shall be maintainable under the provisions of this act when equal but separate accommodations, advantages, facilities, or privileges are provided for and are not denied to the party complaining of the violation of this act: *And provided further,* That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred.

SEC. 3. That the district and circuit courts of the United States shall have cognizance of all violations of the provisions of this act, and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party.

SEC. 4. That no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction, be fined not more than \$1,000.

SEC. 5. That all cases arising under the provisions of this act shall be reviewable by the Supreme Court of the United States, without regard to the amount in controversy, in the same manner as now provided by law for the review of other causes in said court.

Mr. BUTLER, of Massachusetts. I now yield to the gentleman from Connecticut, [Mr. KELLOGG,] who desires to move an amendment to perfect the text of the House bill.

Mr. KELLOGG. I move to amend the bill reported from the Judiciary Committee by striking out all of the first section after the word "amusement." This amendment in effect strikes out all in reference to public schools.

The SPEAKER. The amendment is in order and will take precedence of the two substitutes pending.

Mr. MONROE. I desire to ask the gentleman from Connecticut whether his amendment will not strike out certain words which refer not merely to the subject of schools but to all the preceding portion of the section?

Mr. KELLOGG. In the bill as I have it there is nothing in regard to schools after the word "amusement."

Mr. MONROE. The clause beginning with the word "subject," in line 9, refers not only to schools but to the foregoing portion of the section. I think the gentleman strikes out more than he intends.

Mr. KELLOGG. I think it leaves all that is necessary, with the other sections of the bill.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Strike out all after the word "amusement," in the seventh line, as follows: And also all common schools and public institutions of learning or benevolence supported in whole or in part by general taxation, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color regardless of any previous condition of servitude: *Provided,* If any State or the proper authorities in any city, having the control of common schools or

other public institutions of learning aforesaid, shall establish and maintain separate schools and institutions giving equal educational advantages in all respects for different classes of persons entitled to attend such schools and institutions, that shall be a sufficient compliance with the provisions of this section so far as they relate to schools and institutions of learning.

Mr. KELLOGG. I had the wrong copy of the bill put into my hands; but I will make my amendment by excepting the words in the ninth line, beginning with the word "subject" and ending with the word "servitude" in the twelfth line.

Mr. MAYNARD. Those words should be retained.

Mr. KELLOGG. Of course.

Mr. POTTER. But, Mr. Speaker, this is an amendment to the substitute reported by the Judiciary Committee and not to the original bill.

Mr. BUTLER, of Massachusetts. I now enter a motion to recommend the bill. The hour for the consideration of this bill I think was two o'clock when we began with these amendments. I propose to have the debate run all of to-day and to call the previous question at one o'clock to-morrow morning, allowing the House to sit as long as it will to hear debate to-day and one hour of debate in the morning, dividing that time equally between the friends and opponents of the measure.

Mr. RANDALL. Fix a later hour to-morrow.

Mr. BUTLER, of Massachusetts. No; we have had this under consideration long enough.

Mr. RANDALL. We are only getting it under consideration.

Mr. BUTLER, of Massachusetts. I know there has been no consideration, but we have had it so long where it ought to have been considered I do not think we should take any more time on it.

Mr. GARFIELD. Certainly not at this stage of the session.

Mr. BUTLER, of Massachusetts. I propose to yield the next hour to the gentleman from Ohio, [Mr. FINCK,] my colleague on the committee.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by General BABCOCK, his Private Secretary.

The SPEAKER. The Chair lays before the House the following message of the President of the United States:

The Clerk read as follows:

To the Senate and House of Representatives:

I have the honor to lay before Congress a communication from the Secretary of War, relative to the action taken in issuing certain supplies to the suffering people in Kansas and Nebraska in consequence of the drought and grasshopper plague, and respectfully request such action may be approved.

U. S. GRANT.

EXECUTIVE MANSION, February 3, 1875.

The message and accompanying documents were referred to the Committee on Military Affairs, and ordered to be printed.

CIVIL-RIGHTS BILL.

Mr. BUTLER, of Massachusetts. I wish to give notice that all the amendments will be found in the CONGRESSIONAL RECORD to-morrow morning.

Mr. STORM. Does the gentleman from Massachusetts propose to allow any other amendments to be offered at this stage?

Mr. BUTLER, of Massachusetts. I do not; I may when I am convinced they ought to come in, but they cannot come in now under the rules.

Mr. HALE, of New York. I wish to offer an amendment which will be applicable in case the amendment of the gentleman from Connecticut shall fail. If that fail, I shall ask a vote on my amendment.

The Clerk read as follows:

Add to the end of section 2 the following:

And provided no person shall be liable to any penalty provided by this section for any act performed in relation to the control or conduct of schools or of the exclusion from the same of any person where such act is in conformity to the laws of the State in which the same is committed prior to the expiration of the term of three months after the final adjournment or termination of the session of the Legislature of such State; which adjournment and termination may occur next after the approval of this act.

Mr. CESSNA. The gentleman might as well admit that amendment.

Mr. BUTLER, of Massachusetts. Not now.

Mr. CONGER. I ask the gentleman to admit, at the proper time, an amendment to include agricultural colleges provided for by grants of the United States.

Mr. BUTLER, of Massachusetts. If the first is carried, it will carry that in; if not, you shall have an opportunity to move it.

Mr. CESSNA. Very well.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I do not rise to debate the principles of this bill. It has been so far considered before the country, and so long under discussion that it seems to me, on my part, I should not be able to add anything to what has been heretofore said. Of the justice of the principles of the bill I can have no doubt. I cannot understand how there can be a class of American citizens, entitled to all the privileges and immunities of American citizens, who can be, or ought to be, deprived of any privilege or immunity or right that appertains to any American citizens.

It seems to me wholly illogical, as I know it to be wholly unjust and wrong. The colored men are either American citizens or they are not. The Constitution, for good or for evil, for right or for wrong, has made them American citizens; and the moment they were clothed

with that attribute of citizenship they stood on a political and legal equality with every other citizen, be he whom he may. And I repel and repudiate the idea that there is any intention by the provisions of any one of these bills to make any social equality. That is simply an argument to the prejudice.

Social equality is not effected or affected by law. It can only come from the voluntary will of each person. Each man can in spite of the law, and does in spite of the law, choose his own associates.

But it is said we put them into the cars. The men that are put into the cars and the women that are put into the cars I trust are not my associates. There are many white men and white women whom I should prefer not to associate with who have a right to ride in the cars. That is not a question of society at all; it is a question of a common right in a public conveyance.

And so in regard to places of amusement, in regard to theaters. I do not understand that a theater is a social gathering. I do not understand that men gather there for society, except the society they choose to make each for himself. So in regard to inns. Inns or taverns are for all classes of people; and every man, high and low, rich and poor, learned or ignorant, clean or dirty, has a right to go into an inn and have such accommodations exactly as he will pay for, and no other and no different; and there can be no discrimination made in that regard by law. Nor is there association in meeting a man in an inn. I am not obliged to speak to any man or associate with him if I meet him at an inn. I am not obliged to associate with any man that I meet at the table of a railroad refreshment-room. This whole argument to prejudice I desire once for all to repudiate. I put this question upon a strict basis of right. This question will clear itself, make itself entirely right, if it can be let alone and taken out of the dominion of politics.

Mr. LAWRENCE. Will the gentleman allow me to make an inquiry there?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. LAWRENCE. This bill, as I understand it, adopts as to public inns precisely the rule of the common law.

Mr. BUTLER, of Massachusetts. Not only as to public inns, but in every other of its provisions the bill adopts precisely the rule of the common law.

Mr. LAWRENCE. And the bill is necessary because the common law has been changed by local statutes.

Mr. BUTLER, of Massachusetts. The bill is necessary because there is an illogical, unjust, ungentlemanly, and foolish prejudice upon this matter. There is not a white man at the South that would not associate with the negro—all that is required by this bill—if that negro were his servant. He would eat with him, suckle from her, play with her or him as children, be together with them in every way, provided they were slaves. There never has been an objection to such an association. But the moment that you elevate this black man to citizenship from a slave, then immediately he becomes offensive. That is why I say that this prejudice is foolish, unjust, illogical, and ungentlemanly.

But I have said that I did not intend to discuss the general principles of this bill. They are before the House and before the country.

Mr. NIBLACK. Will the gentleman yield to me for a question?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. NIBLACK. I desire to ask the gentleman a question about the penalties of this bill. If I remember correctly, the penalty, if a person is found responsible for damages at all under this bill, cannot be less than \$500. Now, if a colored man or any other person is injured, according to the provisions of this bill, only to the extent of ten dollars, why should the person who has injured him be made responsible for \$500 damages? These citizens of African descent and all others being on a footing of perfect equality, why not make the person who injures another under this bill individually responsible just in the amount of damages sustained, no more no less, as in all other cases? Why make this an exceptional case? If there is this right at the common law, why not leave it to the common law?

Mr. BUTLER, of Massachusetts. The question is a fair one.

Mr. NIBLACK. I think so.

Mr. BUTLER, of Massachusetts. It is a fair question and requires a fair answer; and I will answer the gentleman. If I agree to that, will he agree to vote for the bill?

Mr. NIBLACK. That is not the question. If the gentleman agrees to my proposition, and that shall be recognized as the law, there will be no necessity for this bill; and it is claimed by very good lawyers that there is no necessity for it; that there is a remedy for all this without the civil-rights bill. And while we are discussing what we ought to do, might we not consider what is the law already? I think that is a fair proposition and I make it in good faith, and not with a desire to embarrass the gentleman by any questions on my part. I am against this bill for many reasons; because it gives the Federal courts jurisdiction in State matters and for other reasons, which I need not now state.

Mr. BUTLER, of Massachusetts. Now the gentleman has answered his own question. He says if we do not put any penalty in this bill, then it will be simply what is the law now, and there will be no need of passing the bill.

Mr. NIBLACK. If they have the right of action under the common law for any injury done to them, then of course they have a right to recover for any damages sustained, no more and no less, and what is the necessity of this bill? Why take away from the

court and jury in such a case all discretion as to the amount of damage sustained?

Mr. BUTLER, of Massachusetts. Precisely. Now I say the gentleman has answered his own question himself. It is the law now that a negro has a right to go to a public inn and be entertained, and if they refuse to entertain him he can sue for damages; but owing to the fact that a class of persons in this country have taken away his wages from generations to generations, he does not have the means to carry on a suit, and as we have given him these rights it becomes our duty to give him the means of enforcing those rights, and we put in this penalty because there are portions of the country where there is not any law which can be enforced in favor of a colored man.

Mr. NIBLACK. Then I understand that the gentleman is unwilling to trust the courts of the country for the assertion of the rights of the people, and that is the reason why he wants to institute this extraordinary machinery for the purpose of overriding the laws of the various States to do what cannot be done under State laws.

Mr. BUTLER, of Massachusetts. Now let me answer the other question. We go to the United States courts for two reasons. In the first place we hear that in certain portions of our country, under our flag, the judges of the local courts have to run away by night in order to save their lives from assassination, and we do not think that a judge so situated is in a proper condition to judge between a man who has nothing but his civil rights and the men who refuse him those rights. Therefore we put the case in the United States courts where the man is likely to get justice; and what objection, may I ask, has the gentleman from Indiana to having all these cases of wrong-doing carried into the courts of his country recognized by the laws of his country?

Mr. NIBLACK. The gentleman knows that it is five times as expensive to litigate in the Federal courts as it is to litigate in the State courts, and to require a poor man to go into the Federal courts is often to deny him the opportunity to get justice.

Mr. BUTLER, of Massachusetts. Permit me. We make it the duty by this bill of the district attorneys to see that the penalties provided for in this statute are enforced.

Mr. NIBLACK. And you pay them for it.

Now one word further. If the State courts will not guarantee the rights of the citizens of the United States, ought we not in some way to take away from the States the right of self-government and say that self-government is a failure? Would not that be the fair way to meet the question?

Mr. BUTLER, of Massachusetts. If the gentleman asks me as a legislator if it is not best to take away the right of self-government, I shall answer that I do not think that would be good legislation; but what I am trying to do is to so restrain the bad men down there that the good men may exercise the right of self-government.

Mr. NIBLACK. But if the bad men are in the majority?

Mr. BUTLER, of Massachusetts. The majority of whom? The majority of the lawless; the majority of the banditti; of the horse-thieves; of the men who murder at night and ride at night in uniform?

Mr. NIBLACK. If the bad men are so dominant over the good men that we cannot have self-government, then we ought to declare that self-government is a failure.

Mr. BUTLER, of Massachusetts. If bad men are in the majority; if murderers, lawless men, banditti; if horse-thieves are in the majority—men who ride at night in uniform and murder negroes—I think that if the State courts are powerless to punish, jurisdiction should be given to the Federal courts.

In answer to the gentleman from Indiana, [Mr. NIBLACK,] I say that there is not self-government there; that there is an attempt on the part of the minority to govern. In order to prevent that, we desire this and kindred measures shall be passed.

But, sir, I do not propose to pursue this discussion further, for I have promised to yield to the gentleman from Mississippi, [Mr. LYNCH.]

Mr. NIBLACK. I do think this is a very important question.

Mr. BUTLER, of Massachusetts. I cannot yield the gentleman my whole hour.

Mr. MCLEAN. Does the gentleman call the people in the South horse-thieves and murderers?

Mr. BUTLER, of Massachusetts. O, no; I said a minority.

Mr. MCLEAN. You said so.

Mr. BUTLER, of Massachusetts. I said the minority, not the majority. There are as good men in the South as there are in the North.

Mr. MCLEAN. You are the only murderer I know of on this floor; you murdered a man in New Orleans.

Mr. BUTLER, of Massachusetts. By no means. My only object is that the South may get rid of these murderers and those who justify them. I am against both those classes. I now yield to the gentleman from Mississippi, [Mr. LYNCH.]

Mr. LYNCH. Mr. Speaker, in the discussion of this question—

Mr. BUTLER, of Massachusetts. Pardon me. I did not hear a muttered exclamation that was made. I am now told that the gentleman who interrupted me [Mr. MCLEAN] said that I was the only murderer he knew of on this floor. Is that parliamentary or proper language?

The SPEAKER. The Chair did not hear the remark made.

Mr. RANDALL. Something has intervened; the gentleman has no right to call him to order now.

Mr. BUTLER, of Massachusetts. I did not hear it.

Mr. McLEAN. I believe it.

Mr. BUTLER, of Massachusetts. I understand that he now repeats it. Sir, I have treated with studied courtesy every gentleman on this floor, and especially on the other side. But the day has gone past when that sort of improper, ungentlemanly, unpolished, and ruffianly language will ever disturb anybody. I now yield to the gentleman from Mississippi, [Mr. LYNCH.]

Mr. LAMAR. I ask if the language of the gentleman from Massachusetts [Mr. BUTLER] is parliamentary?

Mr. BUTLER, of Massachusetts. I have applied it to nobody. I said the day has gone past when that kind of language would disturb anybody.

Mr. RANDALL. It does not amount to shucks; let it go.

Mr. BUTLER, of Massachusetts. You are right.

Mr. LAMAR. I withdraw my point. I made it in the interest of good order. I think now that order will be promoted by letting it pass.

Mr. RANDALL. O, yes; we know the source.

Mr. McLEAN. I understood the gentleman from Massachusetts [Mr. BUTLER] to denounce the southern people as murderers, horse-thieves, and assassins, and I do not think I misunderstood his language. If I did misunderstand his language, I retract my remarks. But I think the report will show that he made that assertion against the southern people.

The SPEAKER. The Chair thinks the gentleman misapprehended what was said.

Mr. McLEAN. If I did, then I retract what I said; if I did not, then I do not retract anything.

Mr. BUTLER, of Massachusetts. Could it be possible for any man on this floor to understand me as saying that all the people of the South were murderers or horse-thieves?

Mr. McLEAN. A majority of them, you said.

Mr. BUTLER, of Massachusetts. Not a majority, for I said the minority, the horse-thieves and assassins, were attempting to rule the majority.

Mr. DEWITT. The gentleman said that the majority were powerful enough to rule the judge on the bench.

Mr. WILLIAMS, of Massachusetts. He did not say any such thing.

Mr. BUTLER, of Massachusetts. Why does the gentleman from New York [Mr. DEWITT] interfere with any man's quarrel?

Mr. DEWITT. I do not interfere with any man's quarrel; but I know what you said.

The SPEAKER. The Chair requests that gentlemen in the aisles will resume their seats. The reporter will write out that portion of his notes.

While the notes were being written out,

Mr. NIBLACK said: I think it would be best that this matter should be allowed to drop.

The SPEAKER. The Chair thinks that the production of the words actually used by the two gentlemen will best conduce to a settlement of the matter. While the reporter is writing out his notes of what was said, the Chair will lay before the House sundry executive communications.

REPORT OF COMMISSIONER OF PATENTS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Commissioner of Patents, transmitting, in compliance with section 9 of the patent laws, his report for the year ending December 31, 1874; which was referred to the Committee on Patents, and ordered to be printed.

HARBOR OF SAINT JOSEPH, MICHIGAN.

The SPEAKER also laid before the House a communication from the Secretary of War, in answer to a resolution of the House of January 21, 1875, in relation to the present condition of the harbor of Saint Joseph, Michigan, and an estimate of the amount required for its improvement; which was referred to the Committee on Commerce.

SURVEYS FOR INTERNAL IMPROVEMENTS.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting, in compliance with the act of June 28, 1874, a report upon the examination and survey of the San Joaquin River, California, and Yam Hill River, Oregon; which was referred to the Committee on Commerce.

The SPEAKER also laid before the House a communication from the Secretary of War, in reference to the absence from appropriation bill of the item for expenses of surveys and reconnaissances in the military divisions and departments; which was referred to the Committee on Appropriations, and ordered to be printed.

PORT AT WILLET'S POINT NEW YORK.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the purchase, in 1833, by the Engineer's Department, of land adjacent to the fort at Willet's Point, New York Harbor, with draught of a bill to confirm the purchase of said land; which was referred to the Committee on Commerce, and ordered to be printed.

MICHAEL FAUST.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the claim of Michael Faust, for grading, &c., streets in the vicinity of Indianapolis arsenal; which was referred to the Committee on Appropriations.

EXPENSES OF SIOUX DELEGATION.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriation to defray the expenses of the delegation of Sioux Indians visiting Washington; which was referred to the Committee on Appropriations.

GEORGE A. ARMES.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to a petition of the officers of the Tenth Cavalry, protesting against the passage of House bill No. 3949, to authorize the restoration of George A. Armes to the rank of captain; which was referred to the Committee on Military Affairs.

IMPROVEMENT OF HARBORS IN MICHIGAN.

The SPEAKER also laid before the House a communication from the Secretary of War, in answer to a resolution of the House of January 22, 1875, in relation to the improvement of the harbors of Charlevoix and Monastigue, Michigan; which was referred to the Committee on Commerce.

LOSS OF CLOTHING BY UNITED STATES SOLDIERS.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to clothing lost by certain United States soldiers in their efforts to extinguish the fire which occurred at Fort Sanders, Wyoming Territory, April 23, 1873; which was referred to the Committee on Military Affairs, and ordered to be printed.

BREAKWATER AT BUFFALO HARBOR.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to House bill No. 4147 for the relief of Daniel E. Bailey for work done by him upon the Government breakwater at Buffalo Harbor in 1873; which was referred to the Committee on Claims.

RETIRED OFFICERS OF THE ARMY.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the effect House bill No. 2093, as amended in the Senate, will have upon him and other retired officers; which was referred to the Committee on Military Affairs, and ordered to be printed.

MILITIA FORCE OF THE UNITED STATES.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting, in compliance with the act of March 2, 1863, an abstract of the militia force of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

INDIAN RIGHTS TO HUNT.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, submitting an amendment to the Indian appropriation bill for an appropriation to extinguish rights to hunt under treaty of April 29, 1868, with the Sioux Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

ACCIDENTAL DESTRUCTION OF TREASURY NOTES, ETC.

The SPEAKER also laid before the House a communication from the Acting Secretary of the Treasury, in answer to a resolution of the House in relation to the destruction of a large amount of Treasury notes and national-bank notes in the late accident on the Baltimore and Potomac Railroad near Benning's Station; which was referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

Mr. SENNER. I ask the Chair respectfully whether we cannot now proceed with the regular order. There are a good many gentlemen who want to speak; and these executive communications will keep, I suppose.

The SPEAKER. The Chair is only presenting these to occupy the time while the discussion upon which the point of order has been raised is being written out.

Mr. SENNER. I think all sides will agree to waive the point and let us have the discussion proceed.

Mr. RANDALL. O, no; let us have the language.

ROBERTS BREECH-LOADING MUSKET.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to House bill No. 3875, directing the manufacture at the Springfield armory of the Roberts breech-loading musket and carbine; which was referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF CRISFIELD AND OTHER HARBORS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to surveys and examinations of the harbors of Crisfield and Leonardtown, Maryland, and Little Kanawha River at Wyandotte, and Twelve Pole River, West Virginia; which was referred to the Committee on Commerce.

DEDUCTIONS FROM PAY OF MAIL-CONTRACTORS.

The SPEAKER also laid before the House a letter from the Postmaster-General, in compliance with the act of June 8, 1872, with a report of all fines imposed upon and deductions made from the pay of contractors for transporting the mails of the United States for the

year ending June 30, 1874; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INDIAN DEPREDACTIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, claims for Indian depredations of John Richards, sr., and others; which was referred to the Committee on Indian Affairs, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI OPPOSITE SAINT LOUIS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the improvement of the channel of the Mississippi River opposite Saint Louis; which was referred to the Committee on Commerce.

IMPROVEMENT OF HOLSTON AND TENNESSEE RIVERS.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of December 22, 1874, in relation to the improvement for navigation of the Holston and Tennessee Rivers; which was referred to the Committee on Commerce.

MAJOR GENERAL DON CARLOS BUELL.

The Speaker also laid before the House a letter from the Secretary of War, transmitting, in compliance of the act of June 5, 1872, a report upon the operations of the Army under the command of Major General Don Carlos Buell, United States Volunteers, in Kentucky and Tennessee; which was referred to the Committee on Military Affairs, subject to an order to print.

PRIVILEGE OF THE FLOOR.

Mr. DAWES. I ask for the reading of the one hundred and thirty-fourth rule.

The Clerk read as follows:

OF ADMISSION ON THE FLOOR.

134. No person except members of the Senate, their Secretary, heads of Departments, the President's Private Secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress—March 15, 1867—shall be admitted within the Hall of the House of Representatives—March 19, 1860—or any of the rooms upon the same floor or leading to the same—March 2, 1865; provided that ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House; and no persons except those herein specified shall at any time be admitted to the floor of the House.—March 15, 1867.

Mr. DAWES. I have asked to have this read at the request of the Doorkeeper.

Mr. SENER. No such rule has been enforced since I have been here.

The SPEAKER. It is made the duty of the Doorkeeper by another rule to enforce this one.

CIVIL-RIGHTS BILL.

Mr. CONGER. I would make the point there has been no compliance with the rule that the words shall be taken down at the Clerk's desk.

The SPEAKER. The Chair wishes the words to be read in the interest of peace.

Mr. CONGER. I object to the reading.

The SPEAKER. Several gentlemen made the assertion that the gentleman from Massachusetts made a declaration which was the cause of offense.

Mr. CONGER. I do not think it as important what the gentleman said as that we should proceed with the public business.

The SPEAKER. If the gentleman from Massachusetts, who is on the floor, desires to have it read, the Chair will direct the Clerk to read the words taken down by the reporters.

Mr. BUTLER, of Massachusetts. I think they had better be read. The Clerk then read extracts from the foregoing report.

The SPEAKER. The remark of the gentleman from Texas [Mr. McLEAN] the Chair did not hear, or he would have called him to order. The remark of the gentleman from Massachusetts was not a transgression of the rule.

Mr. McLEAN. The Clerk has not read the whole of it. Read the subsequent remarks.

The SPEAKER. The Clerk has read what immediately preceded the remark of the gentleman from Texas.

Mr. STORM. The gentleman from Texas said if the gentleman from Massachusetts did not say so—

The SPEAKER. No point can be raised upon it. It is too late for that. But the gentleman from Texas evidently misapprehended the remark of the gentleman from Massachusetts.

Mr. McLEAN. I said that if I had misunderstood him I retracted.

The SPEAKER. The gentleman therefore, in thinking that the gentleman from Massachusetts said "the majority," was evidently mistaken. The ear of a single member is much more apt to be mistaken than the ears of the reporters, whose duty it is to listen; so that in such cases it is always well to refer to the report of the RECORD.

Mr. McLEAN. I desire also to say that I addressed the remark to the gentleman himself, and not to the House.

The SPEAKER. The gentleman from Texas had no right to do that.

Mr. McLEAN. I understand that.

The SPEAKER. And if the Chair had heard the remark he would have called the gentleman to order. The Chair was not giving his attention at the time or he would have called the gentleman to order.

Mr. BUTLER, of Massachusetts. I think now as the remark which I did not hear has gone into the RECORD I should be permitted to state, if the gentleman said I was a murderer because I hanged a man at New Orleans, that so far from taking offense I glory in it, and the trouble has been that I did not hang more than I did.

A MEMBER. That is right.

Mr. BROWN. I desire to say one word.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Kentucky, [Mr. BROWN?]

Mr. BROWN. Many years ago in England—

Mr. BUTLER, of Massachusetts. I yield to the gentleman from Mississippi, [Mr. LYNCH.]

Mr. BROWN. I ask but one moment.

Mr. FIELD. I call for the regular order.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] is on the floor and has the right to say to whom he yields. Does he decline to yield to the gentleman from Kentucky, [Mr. BROWN?]

Mr. BUTLER, of Massachusetts. I yield to the gentleman from Mississippi [Mr. LYNCH] the remainder of my hour.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1213) granting a pension to Nathan Upham;

A bill (S. No. 1205) restoring to the pension-rolls the name of Lydia A. Church, minor daughter of Nathaniel G. Church;

A bill (S. No. 1154) granting a pension to William Williams;

A bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;

A bill (S. No. 1070) granting a pension to Margaret C. Wells; and

A bill (S. No. 836) granting a pension to William Ira Mayfield.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. No. 3717) granting a pension to Sarah McAdams;

A bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late private Company D, Forty-ninth Regiment Illinois Volunteers;

A bill (H. R. No. 3700) granting a pension to Teter Wolgong; and

A bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 366) granting a pension to Hugh Wallace;

A bill (H. R. No. 393) granting a pension to Rosanna Quin;

A bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;

A bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;

A bill (H. R. No. 1722) granting a pension to Martha Wold;

A bill (H. R. No. 1820) granting a pension to Samuel Henderson;

A bill (H. R. No. 1947) granting a pension to George Holmes;

A bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;

A bill (H. R. No. 2218) granting a pension to Sarah Summerville;

A bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;

A bill (H. R. No. 2352) granting a pension to Lewis Hinely;

A bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll;

A bill (H. R. No. 2674) granting a pension to John W. Wright, now at the national military asylum near Dayton, Ohio;

A bill (H. R. No. 2901) granting a pension to John Hendrie;

A bill (H. R. No. 2949) granting a pension to James R. Borland;

A bill (H. R. No. 3003) granting a pension to John J. Bottgar;

A bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;

A bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;

A bill (H. R. No. 3275) granting a pension to Eli Persons;

A bill (H. R. No. 3277) granting a pension to Robert D. Jones;

A bill (H. R. No. 3278) granting a pension to Margaret Beele;

A bill (H. R. No. 3681) granting a pension to William M. Drake;

A bill (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery;

A bill (H. R. No. 3691) granting a pension to James Burris;

A bill (H. R. No. 3697) granting a pension to Belinda Craig;

A bill (H. R. No. 3702) granting a pension to Alice Roper;

A bill (H. R. No. 3707) granting a pension to Louisa Thomas;

A bill (H. R. No. 3722) granting a pension to John Fink;

A bill (H. R. No. 3723) granting a pension to Mary Logsdon;

A bill (H. R. No. 3723) granting a pension to Abby A. Dike; and
A bill (H. R. No. 4443) in regard to the visit of His Majesty the King of the Hawaiian Islands.

CIVIL-RIGHTS BILL.

The House resumed the consideration of the bill (H. R. No. 796) to protect all persons in their civil and legal rights.

Mr. LYNCH. Mr. Speaker, I hope that nothing in my remarks will have a tendency to intensify any unpleasant feeling. I was not particularly anxious to take part in this debate, nor would I have done so but for the fact that this bill, or rather the Senate bill, has created a good deal of discussion both in and outside of the Halls of Congress.

Mr. LAMAR. I rise to a parliamentary inquiry, and I am indebted to the courtesy of my colleague for the privilege of doing so. I wish to know if the language of the Speaker in his ruling that the language of the gentleman from Massachusetts [Mr. BUTLER] was parliamentary applied to the epithets which he used in reference to the gentleman from Texas on this floor. I wish to know if that language was parliamentary, and if a member on this floor can be allowed to use such language even in recrimination?

The SPEAKER. The language to which the Chair referred in his ruling was the language read at the Clerk's desk and which immediately preceded the language of the gentleman from Texas. The other language used by the gentleman from Massachusetts of course the gentleman from Massachusetts himself would know was unparliamentary.

Mr. BUTLER, of Massachusetts. It would have been if I had applied it to any member. What I said was this: I said the time has gone past when any such ruffianly language will move anybody, using another epithet. It was a general characterization of such remarks and did not apply to the particular member. Under what rule can you rule that such language is out of order?

The SPEAKER. Certainly the fact that one member uses language, however unparliamentary, toward another, as the gentleman from Texas did toward the gentleman from Massachusetts, cannot be held under the rules to justify unparliamentary language in return.

Mr. BUTLER, of Massachusetts. Clearly not; but I have a right to characterize that language as I please, provided I do not characterize the language of an individual member.

Mr. LAMAR. That is the point I make. I wish to know if a member on this floor has a right to characterize the language used by another as "ruffianly and ungentlemanly?" And I make the point from no other motive than that of regulating the decorum and propriety of debate here. I have no other purpose.

The SPEAKER. Recriminatory remarks are unparliamentary, because the rules proceed upon the fact that if one member transgresses the rules to the injury of another, the House will take cognizance of the case.

Mr. BUTLER, of Massachusetts. What gentleman on the other side of the House called the gentleman from Texas to order?

Mr. LAMAR. I did not hear him or I should have done so.

The SPEAKER. The Chair states that he would have called the gentleman to order if he had heard his language.

Mr. McKEE. I call for the regular order.

Mr. GLOVER. May I not inquire who was the gentleman on the republican side of the House who called the gentleman from Massachusetts to order?

The SPEAKER. The Chair, however, must not be understood as saying that under very severe provocation a member making recriminatory remarks would be held to as strict account as the one who gave the provocation. That would only be allowing that members of Congress had not human nature.

Mr. McLEAN. Who does the Chair understand gave the provocation?

The SPEAKER. The Chair thinks that the gentleman from Texas, under a misapprehension of what the gentleman from Massachusetts had said, gave a severe provocation, as he will admit.

Mr. CRITTENDEN. Did not the gentleman from Texas withdraw that language?

Mr. McLEAN. I did.

Mr. STORM. Is there anything before the House?

The SPEAKER. There is really nothing before the House.

Mr. McLEAN. I rise to a privileged question. Has the gentleman from Massachusetts withdrawn his remarks? I have withdrawn mine and I desire to know if he has withdrawn his?

The SPEAKER. The Chair is not informed as to what the gentleman from Massachusetts has done.

Mr. STORM. I call for the regular order. This thing has gone far enough and I object to its further continuance.

The SPEAKER. The gentleman from Mississippi [Mr. LYNCH] is entitled to the floor and cannot be interrupted.

Mr. LYNCH. Mr. Speaker, I was not particularly anxious to take part in this debate, and would not have done so but for the fact that this bill has created a great deal of discussion both in and outside of the halls of Congress. In order to answer successfully the arguments that have been made against the bill, I deem it necessary, if my time will allow me to do so, to discuss the question from three standpoints—legal, social, and political. I confess, Mr. Speaker, that it is with hesitancy that I shall attempt to make a few remarks upon the legal question involved; not that I entertain any doubts as to the

constitutionality of the pending bill, but because that branch of the subject has been so ably, successfully, and satisfactorily discussed by other gentlemen who have spoken in the affirmative of the question. The importance of the subject, however, is my apology to the House for submitting a few remarks upon this point in addition to what has already been said.

CONSTITUTIONALITY OF THE BILL.

It is a fact well known by those who are at all familiar with the history of our Government that the great question of State rights—absolute State sovereignty as understood by the Calhoun school of politicians—has been a continuous source of political agitation for a great many years. In fact, for a number of years anterior to the rebellion this was the chief topic of political discussion. It continued to agitate the public mind from year to year and from time to time until the question was finally settled upon the field of battle. The war, however, did not result in the recognition of what may be called a centralized government, nor did it result in the destruction of the independent functions of the several States, except in certain particulars. But it did result in the recognition, and I hope the acceptance, of what may be called a medium between these two extremes; and this medium position or liberal policy has been incorporated in the Federal Constitution through the recent amendments to that instrument. But many of our constitutional lawyers of to-day are men who received their legal and political training during the discussion of the great question of State rights and under the tutorship of those who were identified with the Calhoun school of impracticable State rights theorists; they having been taught to believe that the Constitution as it was justified the construction they placed upon it, and this impression having been so indelibly and unalterably fixed upon their minds that recent changes, alterations, and amendments have failed to bring about a corresponding change in their construction of the Constitution. In fact, they seem to forget that the Constitution as it is is not in every respect the Constitution as it was.

We have a practical illustration of the correctness of this assertion in the person of the distinguished gentleman from Georgia [Mr. STEPHENS] and I believe my colleague who sits near me [Mr. LAMAR] and others who agree with them in their construction of the Constitution. But believing as I do that the Constitution as a whole should be so construed as to carry out the intention of the framers of the recent amendments, it will not be surprising to the House and to the country when I assert that it is impossible for me to agree with those who so construe the Constitution as to arrive at the erroneous conclusion that the pending bill is in violation of that instrument. It is not my purpose, however, to give the House simply the benefit of my own opinion upon the question, but to endeavor to show to your satisfaction, if possible, that the construction which I place upon the Constitution is precisely in accordance with that placed upon it by the highest judicial tribunal in the land, the Supreme Court of the United States. And this brings us to the celebrated Slaughter-house cases. But before referring to the decision of the court in detail, I will take this occasion to remark that, for the purposes of this debate at least, I accept as correct the theory that Congress cannot constitutionally pass any law unless it has expressed constitutional grant of power to do so; that the constitutional right of Congress to pass a law must not be implied, but expressed; and that in the absence of such expressed constitutional grant of power the right does not exist. In other words—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I repeat, that for the purposes of this debate at least, I accept as correct this theory. After having read over the decision of the court in these Slaughter-house cases several times very carefully, I have been brought very forcibly to this conclusion: that so far as this decision refers to the question of civil rights—the kind of civil rights referred to in this bill—it means this and nothing more: that whatever right or power a State may have had prior to the ratification of the fourteenth amendment it still has, except in certain particulars. In other words, the fourteenth amendment was not intended, in the opinion of the court, to confer upon the Federal Government additional powers in general terms, but only in certain particulars. What are those particulars wherein the fourteenth amendment confers upon the Federal Government powers which it did not have before? The right to prevent distinctions and discriminations between the citizens of the United States and of the several States whenever such distinctions and discriminations are made on account of race, color, or previous condition of servitude; and that distinctions and discriminations made upon any other ground than these are not prohibited by the fourteenth amendment. As the discrimination referred to in the Slaughter-house cases was not made upon either of these grounds, it did not come within the constitutional prohibition. As the pending bill refers only to such discriminations as are made on account of race, color, or previous condition of servitude, it necessarily follows that the bill is in harmony with the Constitution as construed by the Supreme Court.

I will now ask the Clerk to read the following extract from the decision upon which the legal gentlemen on the other side of the House have chiefly relied to sustain them in the assertion that the court has virtually decided the pending bill to be unconstitutional.

The Clerk read as follows:

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

Mr. LYNCH. If the court had said nothing more on the question of civil rights, then there would probably be some force in the argument. But after explaining at length why the case before it did not come within the constitutional prohibition, the court says:

Having shown that the privileges and immunities relied on in the argument are those which belong to citizens of the States as such, and that they are left to the State government for security and protection, and not by this article placed under the special care of the Federal Government, we may hold ourselves excused from defining the privileges and immunities of citizens of the United States which no State can abridge until some case involving those privileges may make it necessary to do so.

But there are some democrats, and if I am not mistaken the gentleman from Georgia [Mr. STEPHENS] is one among the number, who are willing to admit that the recent amendments to the Constitution guarantee to the colored citizens all of the rights, privileges, and immunities that are enjoyed by white citizens. But they say that it is the province of the several States, and not that of the Federal Government, to enforce these constitutional guarantees. This is the most important point in the whole argument. Upon its decision this bill must stand or fall. We will now suppose that the constitutional guarantee of equal rights is conceded, which is an important concession for those calling themselves Jeffersonian democrats to make. The question that now presents itself is, has the Federal Government the constitutional right to enforce by suitable and appropriate legislation the guarantees herein referred to? Gentlemen on the other side of the House answer the question in the negative; but the Supreme Court answers the question in the following unmistakable language:

Nor shall any State deny to any person within its jurisdiction the equal protection of the laws. In the light of the history of these amendments and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the States where the newly emancipated negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.

If, however, the States did not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation. We doubt very much whether any action of a State not directed by way of discrimination against the negroes as a class, or on account of their race, will ever be held to come within the purview of this provision.

It will be seen from the above that the constitutional right of Congress to pass this bill is fully conceded by the Supreme Court. But before leaving this subject, I desire to call attention to a short legal argument that was made by a distinguished lawyer in the other end of the Capitol (if it is parliamentary to do so) when the bill was under consideration before that body:

Mr. CARPENTER. Mr. President, as I shall vote against this bill in its present form, I wish to state very briefly why I shall do so. Without discussing other provisions of the bill, one makes it impossible for me to vote for it, and that is the provision in regard to State juries. I know of no more power in the Government of the United States to determine the component elements of a State jury than of a State bench or of a State Legislature. I can see no argument which shows the powers of this Government to organize State juries that does not apply to State Legislatures; a power which, in my judgment, is clearly not conferred upon this Government. I cannot vote for a bill as an entirety which contains even one provision which I deem unconstitutional. For that reason I shall vote against this bill.

The Clerk will now read the fourth section of the bill; the section referred to by the distinguished Wisconsin Senator.

The Clerk read as follows:

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as juror in any court, national or State, by reason of race, color, or previous condition of servitude; and any office or other persons charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the reason above named shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than \$1,000 nor more than \$5,000.

Mr. LYNCH. The position assumed by the eminent lawyer is so unreasonable, untenable, and illogical that it would have surprised me had it been taken by an ordinary village lawyer of inferior acquirements. There is nothing in this section that will justify the assertion that it contemplates regulating State juries. It simply contemplates carrying into effect the constitutional prohibition against distinctions on account of race or color.

There is also a constitutional prohibition against religious proscription. Let us suppose that another section conferred the power on Congress to enforce the provisions of that article by appropriate legislation; then suppose a State should pass a law disqualifying from voting, holding office, or serving on juries all persons who may be identified with a certain religious denomination; would the distinguished Wisconsin Senator then contend that Congress would have no right to pass a law prohibiting this discrimination, in the face of the constitutional prohibition and the right conferred upon Congress to enforce it by appropriate legislation? I contend that any provision in the constitution or laws of any State that is in conflict with the

Constitution of the United States is absolutely null and void; for the Constitution itself declares that—

This Constitution and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Constitution further declares that—

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, * * * nor deny to any person within its jurisdiction the equal protection of the laws.

And that—

The Congress shall have power to enforce this article by appropriate legislation.

As the Supreme Court has decided that the above constitutional provision was intended to confer upon Congress the power to prevent distinctions and discriminations when made on account of race or color, I contend that the power of Congress in this respect is applicable to every office under the constitution and laws of any State. Some may think that this is extraordinary power; but such is not the case. For any State can, without violating the fourteenth or fifteenth amendments and the provisions of this bill, prohibit any one from voting, holding office, or serving on juries in their respective States, who cannot read and write, or who does not own a certain amount of property, or who shall not have resided in the State for a certain number of months, days, or years. The only thing these amendments prevents them from doing in this respect is making the color of a person or the race with which any person may be identified a ground of disqualification from the enjoyment of any of these privileges. The question seems to me to be so clear that further argument is unnecessary.

CIVIL RIGHTS AND SOCIAL EQUALITY.

I will now endeavor to answer the arguments of those who have been contending that the passage of this bill is an effort to bring about social equality between the races. That the passage of this bill can in any manner affect the social status of any one seems to me to be absurd and ridiculous. I have never believed for a moment that social equality could be brought about even between persons of the same race. I have always believed that social distinctions existed among white people the same as among colored people. But those who contend that the passage of this bill will have a tendency to bring about social equality between the races virtually and substantially admit that there are no social distinctions among white people whatever, but that all white persons, regardless of their moral character, are the social equals of each other; for if by conferring upon colored people the same rights and privileges that are now exercised and enjoyed by whites indiscriminately will result in bringing about social equality between the races, then the same process of reasoning must necessarily bring us to the conclusion that there are no social distinctions among whites, because all white persons, regardless of their social standing, are permitted to enjoy these rights. See then how unreasonable, unjust, and false is the assertion that social equality is involved in this legislation. I cannot believe that gentlemen on the other side of the House mean what they say when they admit as they do, that the immoral, the ignorant and the degraded of their own race are the social equals of themselves, and their families. If they do, then I can only assure them that they do not put as high an estimate upon their own social standing as respectable and intelligent colored people place upon theirs; for there are hundreds and thousands of white people of both sexes whom I know to be the social inferiors of respectable and intelligent colored people. I can then assure that portion of my democratic friends on the other side of the House whom I regard as my social inferiors that if at any time I should meet any one of you at a hotel and occupy a seat at the same table with you, or the same seat in a car with you, do not think that I have thereby accepted you as my social equal. Not at all. But if any one should attempt to discriminate against you for no other reason than because you are identified with a particular race or religious sect, I would regard it as an outrage; as a violation of the principles of republicanism; and I would be in favor of protecting you in the exercise and enjoyment of your rights by suitable and appropriate legislation.

No, Mr. Speaker, it is not social rights that we desire. We have enough of that already. What we ask is protection in the enjoyment of public rights. Rights which are or should be accorded to every citizen alike. Under our present system of race distinctions a white woman of a questionable social standing, yea, I may say, of an admitted immoral character, can go to any public place or upon any public conveyance and be the recipient of the same treatment, the same courtesy, and the same respect that is usually accorded to the most refined and virtuous; but let an intelligent, modest, refined colored lady present herself and ask that the same privileges be accorded to her that have just been accorded to her social inferior of the white race, and in nine cases out of ten, except in certain portions of the country, she will not only be refused, but insulted for making the request.

Mr. Speaker, I ask the members of this House in all candor, is this right? I appeal to your sensitive feelings as husbands, fathers, and brothers, is this just? You who have affectionate companions, attractive daughters, and loving sisters, is this just? If you have any of the ingredients of manhood in your composition you will an-

swer the question most emphatically, No! What a sad commentary upon our system of government, our religion, and our civilization! Think of it for a moment; here am I, a member of your honorable body, representing one of the largest and wealthiest districts in the State of Mississippi, and possibly in the South; a district composed of persons of different races, religions, and nationalities; and yet, when I leave my home to come to the capital of the nation, to take part in the deliberations of the House and to participate with you in making laws for the government of this great Republic, in coming through the God-forsaken States of Kentucky and Tennessee, if I come by the way of Louisville or Chattanooga, I am treated, not as an American citizen, but as a brute. Forced to occupy a filthy smoking-car both night and day, with drunkards, gamblers, and criminals; and for what? Not that I am unable or unwilling to pay my way; not that I am obnoxious in my personal appearance or disrespectful in my conduct; but simply because I happen to be of a darker complexion. If this treatment was confined to persons of our own sex we could possibly afford to endure it. But such is not the case. Our wives and our daughters, our sisters and our mothers, are subjected to the same insults and to the same uncivilized treatment. You may ask why we do not institute civil suits in the State courts. What a farce! Talk about instituting a civil-rights suit in the State courts of Kentucky, for instance, where the decision of the judge is virtually rendered before he enters the court-house, and the verdict of the jury substantially rendered before it is impaneled. The only moments of my life when I am necessarily compelled to question my loyalty to my Government or my devotion to the flag of my country is when I read of outrages having been committed upon innocent colored people and the perpetrators go unwhipped of justice, and when I leave my home to go traveling.

Mr. Speaker, if this unjust discrimination is to be longer tolerated by the American people, which I do not, cannot, and will not believe until I am forced to do so, then I can only say with sorrow and regret that our boasted civilization is a fraud; our republican institutions a failure; our social system a disgrace; and our religion a complete hypocrisy. But I have an abiding confidence—(though I must confess that that confidence was seriously shaken a little over two months ago)—but still I have an abiding confidence in the patriotism of this people, in their devotion to the cause of human rights, and in the stability of our republican institutions. I hope that I will not be deceived. I love the land that gave me birth; I love the Stars and Stripes. This country is where I intend to live, where I expect to die. To preserve the honor of the national flag and to maintain perpetually the Union of the States hundreds, and I may say thousands, of noble, brave, and true-hearted colored men have fought, bled, and died. And now, Mr. Speaker, I ask, can it be possible that that flag under which they fought is to be a shield and a protection to all races and classes of persons except the colored race? God forbid!

THE SCHOOL CLAUSE.

The enemies of this bill have been trying very hard to create the impression that it is the object of its advocates to bring about a compulsory system of mixed schools. It is not my intention at this time to enter into a discussion of the question as to the propriety or impropriety of mixed schools; as to whether or not such a system is essential to destroy race distinctions and break down race prejudices. I will leave these questions to be discussed by those who have given the subject a more thorough consideration. The question that now presents itself to our minds is, what will be the effect of this legislation on the public-school system of the country, and more especially in the South? It is to this question that I now propose to speak. I regard this school clause as the most harmless provision in the bill. If it were true that the passage of this bill with the school clause in it would tolerate the existence of none but a system of mixed free schools, then I would question very seriously the propriety of retaining such a clause; but such is not the case. If I understand the bill correctly, (and I think I do,) it simply confers upon all citizens, or rather recognizes the right which has already been conferred upon all citizens, to send their children to any public free school that is supported in whole or in part by taxation, the exercise of the right to remain a matter of option as it now is—nothing compulsory about it. That the passage of this bill can result in breaking up the public-school system in any State is absurd. The men who make these reckless assertions are very well aware of the fact, or else they are guilty of unpardonable ignorance, that every right and privilege that is enumerated in this bill has already been conferred upon all citizens alike in at least one-half of the States of this Union by State legislation. In every Southern State where the republican party is in power a civil-rights bill is in force that is more severe in its penalties than are the penalties in this bill. We find mixed-school clauses in some of their State constitutions. If, then, the passage of this bill, which does not confer upon the colored people of such States any rights that they do not possess already, will result in breaking up the public-school system in their respective States, why is it that State legislation has not broken them up? This proves very conclusively, I think, that there is nothing in the argument whatever, and that the school clause is the most harmless provision in the bill. My opinion is that the passage of this bill just as it passed the Senate will bring about mixed schools practically only in localities where one or the other of the two races is small in numbers, and that in

localities where both races are large in numbers separate schools and separate institutions of learning will continue to exist, for a number of years at least.

I now ask the Clerk to read the following editorial, which appeared in a democratic paper in my own State when the bill was under discussion in the Senate. This is from the Jackson Clarion, the leading conservative paper in the State, the editor of which is known to be a moderate, reasonable, and sensible man.

The Clerk read as follows:

THE CIVIL-RIGHTS BILL AND OUR PUBLIC-SCHOOL SYSTEM.

The question has been asked what effect will the civil-rights bill have on the public-school system of our State if it should become a law? Our opinion is that it will have none at all. The provisions of the bill do not necessarily break up the separate-school system, unless the people interested choose that they shall do so; and there is no reason to believe that the colored people of this State are dissatisfied with the system as it is, or that they are not content to let well enough alone. As a people, they have not shown a disposition to thrust themselves where they are not wanted, or rather had no right to go. While they have been naturally tenacious of their newly acquired privileges, their general conduct will bear them witness that they have shown consideration for the feelings of the whites.

The race line in politics never would have been drawn if opposition had not been made to their enjoyment of equal privileges in the Government and under the laws after they were emancipated.

As to our public-school system, so far as it bears upon the races, we have heard no complaint whatever. It is not asserted that it is operated more advantageously to the whites than to the blacks. Its benefits are shared alike by all; and we do not believe the colored people, if left to the guidance of their own judgments, will consent to jeopardize these benefits in a vain attempt to acquire something better.

Mr. LYNCH. The question may be asked, however, if the colored people in a majority of the States are entitled by State legislation to all of the rights and privileges enumerated in this bill, and if they will not insist upon mixing the children in the public schools in all localities, what is the necessity of retaining this clause? The reasons are numerous, but I will only mention a few of them. In the first place, it is contrary to our system of government to discriminate by law between persons on account of their race, their color, their religion, or the place of their birth. It is just as wrong and just as contrary to republicanism to provide by law for the education of children who may be identified with a certain race in separate schools to themselves, as to provide by law for the education of children who may be identified with a certain religious denomination in separate schools to themselves. The duty of the law-maker is to know no race, no color, no religion, no nationality, except to prevent distinctions on any of these grounds, so far as the law is concerned.

The colored people in asking the passage of this bill just as it passed the Senate do not thereby admit that their children can be better educated in white than in colored schools; nor that white teachers because they are white are better qualified to teach than colored ones. But they recognize the fact that the distinction when made and tolerated by law is an unjust and odious proscription; that you make their color a ground of objection, and consequently a crime. This is what we most earnestly protest against. Let us confer upon all citizens, then, the rights to which they are entitled under the Constitution; and then if they choose to have their children educated in separate schools, as they do in my own State, then both races will be satisfied, because they will know that the separation is their own voluntary act and not legislative compulsion.

Another reason why the school clause ought to be retained is because the negro question ought to be removed from the politics of the country. It has been a disturbing element in the country ever since the Declaration of Independence, and it will continue to be so long as the colored man is denied any right or privilege that is enjoyed by the white man. Pass this bill as it passed the Senate, and there will be nothing more for the colored people to ask or expect in the way of civil rights. Equal rights having been made an accomplished fact, opposition to the exercise thereof will gradually pass away, and the everlasting negro question will then be removed from the politics of the country for the first time since the existence of the Government. Let us, then, be just as well as generous. Let us confer upon the colored citizens equal rights, and, my word for it, they will exercise their rights with moderation and with wise discretion.

CIVIL RIGHTS FROM A POLITICAL STAND-POINT.

I now come to the most important part of my subject—civil rights from a political stand-point. In discussing this branch of the subject, I do not deem it necessary to make any appeal to the republican members whatever in behalf of this bill. It is presumed, and correctly, too, I hope, that every republican member of the House will vote for this bill. The country expects it, the colored people ask it, the republican party promised it, and justice demands it. It is not necessary therefore for me to appeal to republicans in behalf of a measure that they are known to be in favor of.

But it has been suggested that it is not necessary for me to make an appeal to the democratic, conservative, or liberal republican members in behalf of this measure; that they will go against it to a man. This may be true, but I prefer to judge them by their acts. I will not condemn them in advance. But I desire to call the attention of the democratic members of the House to one or two things in connection with the history of their organization. Your party went before the country in 1872 with a pledge that it would protect the colored people in all of their rights and privileges under the Constitution, and to convince them of your sincerity you nominated as your standard-bearer one who had proved himself to be

their life-long friend and advocate. But the colored people did not believe that you were sincere, and consequently did not trust you. As the promise was made unconditionally, however, their refusal to trust you does not relieve you from the performance of the promise. Think for a moment what the effect of your votes upon this bill will be. If you vote in favor of this measure, which will be nothing more than redeeming the promises made by you in 1872, it will convince the colored people that they were mistaken when they supposed that you made the promise for no other purpose than to deceive them. But if you should vote against this bill, which I am afraid you intend to do, you will thereby convince them that they were not mistaken when they supposed that you made the promise for no other purpose than to deceive them. It can have no other effect than to increase their suspicion, strengthen their doubts, and intensify their devotion to the republican party. It will demonstrate to the country and to the world that you attempted in 1872 to obtain power under false pretenses. I once heard a very eminent lawyer make the remark that the crime of obtaining money or goods under false pretenses is in his opinion the next crime to murder. I ask the democratic and conservative members of the House will you, by voting against this bill, convict yourselves of attempting in 1872 to obtain power under false pretenses?

I will take this occasion to say to my democratic friends, that I do not wish to be understood as endeavoring to convey the idea that all of the prominent men who were identified with the so-called liberal movement in 1872 were actuated by improper motives, that they made promises which they never intended to redeem. Far from it. I confess, Mr. Speaker, that some of the best and most steadfast friends the colored people in this country have ever had were identified with that movement. Even the man whom you selected, from necessity and not from choice, as your standard-bearer on that occasion is one whose memory will ever live in the hearts of the colored people of this country as one of their best, their strongest, and most consistent friends. They will ever cherish his memory, in consequence of his life-long devotion to the cause of liberty, humanity, and justice—for his earnest, continuous, persistent, and consistent advocacy of what he was pleased to term manhood suffrage. In voting against him so unanimously as the colored voters did, it was not because they questioned his honesty, or his devotion to the cause of equal rights, but they recognized the fact that he made the same mistake that many of our great men have made—he allowed his ambition to control his better judgment. While the colored voters would have cheerfully supported him for the Presidency under different circumstances, they could not give their votes to elevate him to that position through such a questionable channel as that selected by him in 1872. But since he has passed away, they are willing to remember only his virtues and to forget his faults. I might refer to several other illustrious names that were identified with that movement and whose fidelity to the cause of civil rights can never be questioned, but time will not allow me to do so.

I will now refer to some of the unfortunate remarks that were made by some gentlemen on the other side of the House during the last session—especially those made by the gentleman from North Carolina [Mr. ROBBINS] and those made by the gentleman from Virginia, [Mr. HARRIS.] These two gentlemen are evidently strong believers in the exploded theory of white superiority and negro inferiority. But in order to show what a difference of opinion exists among men, with regard to man's superiority over man, it gives me pleasure to assure those two gentlemen that if at any time either of them should become so generous as to admit that I, for instance, am his equal, I would certainly regard it as anything else but complimentary to myself. This may be regarded as a little selfish, but as all of us are selfish to some extent, I must confess that I am no exception to the general rule. The gentleman from North Carolina admits, ironically, that the colored people, even when in bondage and ignorance, could equal, if not excel, the whites in some things—dancing, singing, and eloquence, for instance. We will admit, for the sake of the argument, that in this the gentleman is correct, and will ask the question, Why is it that the colored people could equal the whites in these respects, while in bondage and ignorance, but not in others? The answer is an easy one: You could not prevent them from dancing unless you kept them continually tied; you could not prevent them from singing unless you kept them continually gagged; you could not prevent them from being eloquent unless you deprived them of the power of speech; but you could and did prevent them from becoming educated for fear that they would equal you in every other respect; for no educated people can be held in bondage. If the argument proves anything, therefore, it is only this: That if the colored people while in bondage and ignorance could equal the whites in these respects, give them their freedom and allow them to become educated and they will equal the whites in every other respect. At any rate I cannot see how any reasonable man can object to giving them an opportunity to do so if they can. It does not become southern white men, in my opinion, to boast about the ignorance of the colored people, when you know that their ignorance is the result of the enforcement of your unjust laws. Any one would suppose, from the style and the manner of the gentleman from North Carolina, that the white man's government of the State from which he comes is one of the best States in the Union for white men to live in at least. But I will ask the Clerk to read, for the information of that

gentleman, the following article from a democratic paper in my own State.

The Clerk read as follows:

The following from the Charlotte Democrat is a hard hit: "The Legislature of Mississippi has just elected a negro to represent that State in the United States Senate. The white men who recently moved from Cabarrus County, North Carolina, to Mississippi, to better their condition, will please report the situation and say which they like best, white rule in North Carolina or black rule in Mississippi."

We do not see the point of the joke. The "white men who moved from Cabarrus will doubtless report" that they have not realized, and do not expect to, any serious inconvenience from the election of Bruce. It is better to be endured than the inconvenience of eking out a starveling existence in a worn-out State like North Carolina. Besides, when we look to the executive offices of the two States we will find that the governor of North Carolina claims to be as staunch a republican as his excellency of Mississippi. And then contrast the financial condition of the two States. There is poor old North Carolina burdened with a debt of \$30,000,000, with interest accumulating so rapidly that she is unable to pay it much less the principal. The debt of Mississippi, on the other hand, is but three millions, and with her wonderful recuperative powers it can be wiped out in a few years by the economical management solemnly promised by those in charge of her State government.

The men "who moved from Cabarrus" will "look upon this picture, and on this," and conclude that they have bettered their condition, notwithstanding affairs are not entirely as they would have them. A warm welcome to them.

Mr. LYNCH. So far as the gentleman from Virginia is concerned, the gentleman who so far forgot himself as to be disrespectful to one of his fellow-members, I have only this remark to make: Having served in the Legislature of my own State several years, where I had the privilege of meeting some of the best, the ablest, and I may add, the bitterest democrats in the State, it gives me pleasure to be able to say, that with all of their bitterness upon political questions, they never failed to preserve and maintain that degree of dignity, self-respect, and parliamentary decorum which always characterized intelligent legislators and well-bred gentlemen. Take, for instance, my eloquent and distinguished colleague [Mr. LAMAR] on the other side of the House, and I venture to assert that he will never declare upon this floor or elsewhere that he is only addressing white men. No, sir; Mississippians do not send such men to Congress, nor even to their State Legislature. For if they did, it would not only be a sad and serious reflection upon their intelligence, but it would be a humiliating disgrace to the State.

Such sentiments as those uttered by the gentleman from North Carolina and the gentleman from Virginia are certainly calculated to do the southern white people a great deal more harm than it is possible for them to do the colored people. In consequence of which I can say to those two gentlemen, that I know of no stronger rebuke than the language of the Saviour of the world when praying for its persecutors:

Father, forgive them; for they know not what they do.

THE SOUTH NOT OPPOSED TO CIVIL RIGHTS.

The opposition to civil rights in the South is not so general or intense as a great many would have the country believe. It is a mistaken idea that all of the white people in the South outside of the republican party are bitterly opposed to this bill. In my own State, and especially in my own district, the democrats as a rule are indifferent as to its fate. It is true they would not vote for it, but they reason from this stand-point: The civil-rights bill does not confer upon the colored people of Mississippi any rights that they are not entitled to already under the constitution and laws of the State. We certainly have no objection, then, to allowing the colored people in other States to enjoy the same rights that they are entitled to in our own State. To illustrate this point more forcibly, I ask the Clerk to read the following article from the ablest conservative paper in the State, a paper, however, that is opposed to the White League. This article was published when the civil-rights bill was under discussion in the Senate last winter.

The Clerk read as follows:

A civil-rights bill is before the Senate. As we have civil-rights here in Mississippi and elsewhere in the South, we do not understand why southern representatives should concern themselves about applying the measure to other portions of the country; or what practical interest we have in the question. On the 29th, Senator NORWOOD, of Georgia, one of the mediocrities to whom expediency has assigned a place for which he is unfitted, delivered himself of a weak and driveling speech on the subject in which he did what he was able to keep alive sectional strife and the prejudices of race. We will venture to say that his colleague, General GORDON, who was a true soldier when the war was raging, will not be drawn into the mischievous controversy which demagogues from both sections, and especially latter-day fire-eaters who have become intensely enraged since the surrender, take delight in carrying on.

Mr. LYNCH. What is true of Mississippi in this respect is true of nearly every State where a civil-rights bill is in force. In proof of this, I ask the Clerk to read the following remarks made by the present democratic governor of Arkansas during his candidacy for that office:

The Clerk read as follows:

But I hear it whispered round and about that the Southern States, and Arkansas among them, are to be overhauled by Congress this winter, and in some way reconstructed, because the colored man has no law giving him civil rights in those States. Upon this pretext we are to be upset and worked over. My fellow-citizens, one and all, upon this proposition Arkansas is at home and quite comfortable. In the acts of the Legislature of 1873, pages 15-19, (No. 12,) we have a "civil-rights bill," which is now in force—almost a copy, if I mistake not, of the bill Mr. Sumner shortened his life in vainly trying to get Congress to pass. If Congress next winter can get up one more definite, more minute, and more specific in giving rights to the colored man, I would be pleased to look upon and observe it. That act is now in force, as I said, and I know of no one who wants to repeal it, and certainly I do not want it repealed; and will not favor its repeal; and I do hope, if our opponents

do start in this direction before Congress, they will call attention to it directly. If there is any complaint with and among our colored friends as to the terms of this act, or as to its not being enforced, I have not heard of them, and I am persuaded there have been none.

Mr. LYNCH. It will be seen from the above that if Mr. Garland means what he says, which remains to be seen, the democratic or conservative party in Arkansas is in favor of civil rights for the colored people. Why? Simply because, the republican Legislature having passed the bill, democrats now see that it is not such a bad thing after all. But if the Legislature had failed to pass it, as in Alabama for instance, White League demagogues would have appealed to the passions and prejudices of the whites, and made them believe that this legislation is intended to bring about a revolution in society. The opposition to civil rights in the South therefore is confined almost exclusively to States under democratic control, or States where the Legislature has failed or refused to pass a civil-rights bill. I ask the republican members of the House, then, will you refuse or fail to do justice to the colored man in obedience to the behests of three or four democratic States in the South? If so, then the republican party is not made of that material which I have always supposed it was.

PUBLIC OPINION.

Some well-meaning men have made the remark that the discussion of the civil-rights question has produced a great deal of bad feeling in certain portions of the South, in consequence of which they regret the discussion of the question and the possibility of the passage of the pending bill. That the discussion of the question has produced some bad feeling I am willing to admit; but allow me to assure you, Mr. Speaker, that the opposition to the pending bill is not half so intense in the South to-day as was the opposition to the reconstruction acts of Congress. As long as congressional action is delayed in the passage of this bill, the more intense this feeling will be. But let the bill once pass and become a law, and you will find that in a few months reasonable men, liberal men, moderate men, sensible men, who now question the propriety of passing this bill, will arrive at the conclusion that it is not such a bad thing as they supposed it was. They will find that democratic predictions have not and will not be realized. They will find that there is no more social equality than before. That whites and blacks do not intermarry any more than they did before the passage of the bill. In short, they will find that there is nothing in the bill but the recognition by law of the equal rights of all citizens before the law. My honest opinion is that the passage of this bill will have a tendency to harmonize the apparently conflicting interests between the two races. It will have a tendency to bring them more closely together in all matters pertaining to their public and political duties. It will cause them to know, appreciate, and respect the rights and privileges of each other more than ever before. In the language of my distinguished colleague on the other side of the house, "They will know one another, and love one another."

CONCLUSION.

In conclusion, Mr. Speaker, I say to the republican members of the House that the passage of this bill is expected of you. If any of our democratic friends will vote for it, we will be agreeably surprised. But if republicans should vote against it, we will be sorely disappointed; it will be to us a source of deep mortification as well as profound regret. We will feel as though we are deserted in the house of our friends. But I have no fears whatever in this respect. You have stood by the colored people of this country when it was more unpopular to do so than it is to pass this bill. You have fulfilled every promise thus far, and I have no reason to believe that you will not fulfill this one. Then give us this bill. The white man's government negro-hating democracy will, in my judgment, soon pass out of existence. The progressive spirit of the American people will not much longer tolerate the existence of an organization that lives upon the passions and prejudices of the hour. But when that party shall have passed away, the republican party of to-day will not be left in undisputed control of the Government; but a young, powerful, and more vigorous organization will rise up to take the place of the democracy of to-day. This organization may not have opposition to the negro the principal plank in its platform; it may take him by the right hand and concede him every right in good faith that is enjoyed by the whites; it may confer upon him honor and position. But if you, as leaders of the republican party, will remain true to the principles upon which the party came into power, as I am satisfied you will, then no other party, however just, liberal, or fair it may be, will ever be able to detach any considerable number of colored voters from the national organization. Of course, in matters pertaining to their local State affairs, they will divide up to some extent, as they sometimes should, whenever they can be assured that their rights and privileges are not involved in the contest. But in all national contests, I feel safe in predicting that they will remain true to the great party of freedom and equal rights.

I appeal to all the members of the House—republicans and democrats, conservatives and liberals—to join with us in the passage of this bill, which has for its object the protection of human rights. And when every man, woman, and child can feel and know that his, her, and their rights are fully protected by the strong arm of a generous and grateful Republic, then we can all truthfully say that this beautiful land of ours, over which the Star Spangled Banner so tri-

umphantly waves, is, in truth and in fact, the "land of the free and the home of the brave."

Mr. FINCK. Mr. Speaker, I rise for the purpose of opposing the passage of this measure. A bill of this character, sir, is not to be disposed of by mere appeals to passion, if the Constitution of our country still retains its vigor and the force to control our action. It is a question to be disposed of in accordance with the organic law. If it violates any principle of the Constitution, then it ought not to be passed by this House. The provisions of the first section of this bill are as follows:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation; and of cemeteries so supported, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Other sections of the bill provide penalties by fine and imprisonment for a violation of the provisions of the first section.

Mr. Speaker, I have read the first section of the Senate bill. There are various amendments proposed in the House by which it is endeavored in some manner to modify the provisions of this section, but substantially the question remains whether or not the Congress of the United States has the constitutional power to pass this proposed measure. I intend to be very brief, but in order that we may consider this question it is necessary to advert to the nature of our Government. The Federal Government is a Government of limited and defined powers. It exists only by virtue of the Constitution of the United States, and it can exercise no powers except such as have been granted by that instrument. If it should be found upon an examination of the Constitution that there has been no power delegated to the Federal Government which warrants this legislation, then if our republican friends are willing to abide by the Constitution and its limitations they will reject the measure.

My opposition to this bill is not founded in any hostility to the colored race. I entertain no such hostility.

Mr. Speaker, soon after the adoption of the Constitution of the United States various amendments were made to it, eleven in number, and all these amendments provided limitations upon the powers of the General Government. An additional amendment was made in the year 1803, but after that, and after a lapse of more than fifty years, there were three other amendments made to the Constitution, namely, the thirteenth, fourteenth, and fifteenth amendments. The first section of the fourteenth article of amendment, under which the advocates of this bill claim the constitutional power to pass it, reads as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of its laws.

In the Constitution of the United States there are various limitations and restrictions upon the powers of the Federal Government; and so cautious were the statesmen of the early days of the Republic that the Federal Government should exercise no power not delegated to it, that they made provision by an amendment adopted soon after the ratification of the Constitution that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It will be observed, Mr. Speaker, in the reading of the bill now under discussion, that it is a proposition by the Federal Government to go into the States for the purpose of exercising legislative power over the people of the States, and to control and regulate the local concerns and affairs of the citizens of the several States.

I deny that under any delegation of power which has been provided by the Constitution or by the amendments which have since become part of the Constitution, any such power can be exercised by the Federal Government. Gentlemen claim that this power can be exercised under the provisions of the first section of the fourteenth amendment to the Constitution. What is it?

No State—

I am reading the clause under which the power to pass this bill is claimed:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of its laws.

Now, what is the effect of this clause of the fourteenth amendment? It is a prohibition upon the States. It is a command directed against the States in their organization as States.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of its laws.

Now, sir, I deny that there is any grant of power contained in this article of amendment which confers upon the Federal Government the power to pass a law to regulate the keeping of a hotel, or the running of a steamboat, or a railroad train within a State, or to prescribe who shall be permitted to enter into a theater, and what class of children shall go into the common schools of the States,

Mr. HALE, of New York. Will the gentleman yield to me for a question?

Mr. FINCK. I prefer not to yield to the gentleman just now.

Mr. HALE, of New York. I do not wish to embarrass the gentleman, but I should like him to yield to me for a question if he has time before he closes.

Mr. FINCK. I will listen to the gentleman's question if it is short.

Mr. HALE, of New York. I wish to ask what effect the gentleman from Ohio gives to the fifth section of the fourteenth amendment, or whether under his theory he gives it any possible effect at all?

Mr. FINCK. I will come to that presently.

Mr. HALE, of New York. In that connection, if the gentleman will permit me, let me say that I presume he bears in mind the doctrine of the Supreme Court laid down in the famous case of *McCulloch* against the State of Maryland as to the construction of grants of power of legislation to Congress by the Constitution.

Mr. BRIGHT. That has nothing to do with this question.

Mr. FINCK. I cannot yield for any lengthy interruption. If the gentleman has finished his question I will answer his proposition at once. I deny that the fifth section of the fourteenth amendment confers any express power upon Congress whatever. Section 5 says:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

And I take the broad ground, not only from the Constitution itself but from the decisions of the Supreme Court, that this fifth section in this amendment is wholly unnecessary, because the express powers conferred by the Constitution of the United States may be carried out, without any special power having been conferred on Congress to do so by appropriate legislation.

Mr. HALE, of New York. Then the gentleman gives no effect whatever to this section?

Mr. FINCK. No effect, whatever. It does not confer upon Congress one particle of additional power. I maintain that this fifth section of the amendment confers no power upon Congress which it did not already possess.

Mr. HALE, of New York. A single word further: Will the gentleman refer to a single provision—

Mr. FINCK. I prefer not to be interrupted any further. In framing the Constitution of the United States the wise men who made it placed in it this provision:

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Here the power is given to Congress to carry out all the express grants of powers which have been conferred by the Constitution upon the Federal Government, and the provision applies as well to the amendments as to the original instrument itself.

Mr. HALE, of New York. A single word further: I will not occupy more than a moment—

Mr. FINCK. I prefer not to be interrupted now. The interruptions of the gentleman tend to lead me from the line of argument which I had prescribed to myself. I was insisting that the fourteenth amendment to the Constitution, for the reasons I have already suggested, did not confer upon the General Government any power to go into the States and regulate the keepers of hotels and theaters, the admission of scholars into the common schools, and the management of public conveyances, &c.; but that the amendment prohibits the States from doing certain things. No State shall do so and so; "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." It is a command to the State. But it does not confer upon Congress any affirmative power to go into the States and regulate the intercourse of citizens of the State one with the other—not a particle. And this provision of the amendment that "the Congress shall have power to enforce, by appropriate legislation, the provisions of this article" does not confer upon Congress any power to pass this bill.

It will be observed that the first clause of the fourteenth article of amendment defines who shall be citizens of the United States and of the States; and the next clause provides that—

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

We have a decision made by the Supreme Court of the State of Ohio in regard to the common schools of that State, in which this clause of the fourteenth amendment was fully considered and discussed by that court. It is a decision made in 1871 by a full court, composed of five eminent jurists of that State, every one of whom was a leading and prominent member of the republican party. In that decision they held that this clause of the amendment did not authorize the Government of the United States to control the schools within the State; that that was a question for the people of the State under their own constitution and laws. The question grew out of the refusal of the board of school directors of one of the sub-districts in the State of Ohio to permit colored children to attend a school with white children. A suit was prosecuted in the courts of Ohio and carried up to the supreme court of the State; and this question in relation to mixed schools was fully discussed and decided, and the court

held, by the unanimous opinion of all the judges, that the State of Ohio had the right to establish separate schools for colored children, and that the fourteenth amendment to the Constitution of the United States did not impair that right.

I read from the opinion of the court in the case of *The State of Ohio ex rel. William Gaines vs. John W. McCan and others*, 21 Ohio State Reports.

But it is claimed that the law authorizing the classification in question contravenes the provisions of the fourteenth amendment to the Constitution of the United States, and is abrogated, therefore, thereby.

It would seem then that these provisions of the amendment contain nothing conflicting with the statute authorizing the classification in question; nor the decisions heretofore made touching the point in controversy in the case. But the clause relied on in behalf of the plaintiff is that which forbids any State to make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. This involves the inquiry as to what privileges and immunities are embraced in the inhibition of this clause. We are not aware that this has been as yet judicially settled.

The language of the clause, however, taken in connection with other provisions of the amendment and of the Constitution of which it forms a part, affords strong reasons for believing that it includes only such privileges or immunities as are derived from or recognized by the Constitution of the United States. A broader interpretation opens into a field of conjecture limitless as the range of speculative theories; and might work such limitations on the power of the States to manage and regulate their local institutions and affairs as were never contemplated by the amendment. If this construction be correct the clause has no application to this case, for all the privileges of the school system of this State are derived solely from the constitution and laws of the State.

If the General Assembly should pass a law repealing all laws creating and regulating the system, it cannot be claimed that the fourteenth amendment could be interposed to prevent so grievous an abridgment of the privileges of the citizens of the State, for they would thereby be deprived of privileges derived from the State, and not of privileges derived from the United States.

And further on in the same case the court say:

We have seen that the law in the case before us works no substantial inequality of school privileges between the children of both classes in the locality of the parties. Under the lawful regulation of equal educational privileges, the children of each class are required to attend the school provided for them, and to which they are assigned by those having the lawful official control of all.

The plaintiff then cannot claim that his privileges are abridged on the ground of inequality of school advantages for his children. Nor can he dictate where his children shall be instructed or what teacher shall perform that office, without obtaining privileges not enjoyed by white citizens. Equality of rights does not involve the necessity of educating white and colored persons in the same school any more than it does that of educating children of both sexes in the same school, or that different grades of scholars must be kept in the same school.

Any classification which preserves substantially equal school advantages is not prohibited by either State or Federal Constitution, nor would it contravene the provisions of either. There is then no ground upon which the plaintiff can claim his rights under the fourteenth amendment have been infringed.

This is a case which was decided by a republican court of the State of Ohio, in which decision it was held that it was no infringement of the fourteenth article of amendment to the Constitution to prohibit colored children from attending the same school with white children.

But since that time we have had a decision made by the Supreme Court of the United States, which I believe settles the question of power involved in this bill. It was a decision rendered in the celebrated *Slaughter-house* cases at the December term, 1872, to which I will call the attention of the House. It involved directly the examination of the powers which were granted to Congress and of the immunities and privileges which were conferred by the fourteenth article of amendment to the Constitution. The Supreme Court laid down distinctly, and clearly, the difference between the rights and immunities of citizens of the United States, and the rights and immunities of citizens of the several States. The court say in that opinion:

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other and which depend upon different characteristics or circumstances in the individual.

We think these distinctions and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of plaintiffs rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same.

The language is, "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the word citizen of the State should be left out when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States and of the privileges and immunities of the citizen of the State and what they respectively are we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter—

That is, the rights and immunities of citizens of a State—

must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

Here is the clear and distinct statement by the court in this case that the privileges and immunities of citizens of a State, must rest where they heretofore have rested, under the protection of the State. And further on in this decision the court vindicates what it had already said in regard to the distinction between the privileges and

immunities belonging to the citizens of the United States, and privileges and immunities belonging to citizens of the State as such. The court say:

It would be the vainest show of learning to attempt to prove by citations of authority that up to the adoption of the recent amendments no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligations of contracts. But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States and without that of the Federal Government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiff in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States, in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. And still further, such a construction followed by the reversal of the judgments of the supreme court of Louisiana in these cases would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of the particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far reaching, and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character, when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other, and of both these governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt.

The court goes on further to say:

We are convinced that no such results were intended by the Congress which proposed these amendments nor by the Legislatures of the States which ratified them.

Now, mark the language of the court:

Having shown that the privileges and immunities relied on in the argument are those which belonged to citizens of the States as such, and that they are left to the State governments for security and protection and not by this article placed under the special care of the Federal Government, we may hold ourselves excused from defining the privileges and immunities of citizens of the United States which no State can abridge until some case involving those privileges may make it necessary to do so.

Mr. Speaker, if the Supreme Court of the United States has decided any question in this case it has decided that the rights, privileges, and immunities of citizens of the States as such, are left to the protection of the States, and not to the protection of the Federal Government; and it has decided that the rights and immunities belonging to citizens of the States cannot be controlled by the Federal Government. That is the effect of this decision in what are known as the "Slaughter-house cases."

Now what does this bill propose to do? It proposes in the first section to enter into the States and regulate the local affairs and concerns of the people of the States. It proposes to go into the State and say how its school system shall be conducted. It proposes to define and regulate how a hotel within a State shall be conducted. It proposes also to regulate the rights of citizens who enter theaters, places of public amusement, and public conveyances. If the Federal Government has the power to go into the States to regulate these affairs within their boundaries, among their citizens, where is the limit to the power of the Federal Government over the domestic concerns of the States? If the Federal Government may do this, there is no limitation which can be set to the power it may exercise within the States. I say, therefore, at the very threshold, that the provisions of this bill are without authority; there is no power conferred upon the Federal Government to pass the proposed measure. The Supreme Court of the United States has already decided in the case adverted to, that no such powers have been conferred upon the Federal Government by the fourteenth amendment.

Mr. Speaker, a good deal has been said by the gentleman from Massachusetts [Mr. BUTLER] generally in regard to the conduct of the people of the South. Why, sir, it is not that question which is to determine the passage of this bill. If we believed half of what has been said in the public press, and by heated partisans of the republican party, about the people of the South, we would conclude they were only half civilized; we would suppose that they were not entitled to the confidence and respect of the people of the North. There has existed among a portion of the people of some of the States, a feeling which seems to me founded in resentment and hostility to the people of the South.

The commission of crime, such as unfortunately too often takes place in every State of the Union, has been industriously paraded before the world, and in many cases grossly exaggerated, and made the pretext for the passage of laws dangerous and oppressive to the people of these States.

These people have been maligned and traduced. It has been charged that they were not acting in good faith in yielding obedience to the Constitution and laws of the United States, and that their devotion to the Union was a mere pretense.

Mr. BIERY. Let me ask the gentleman a single question.

Mr. FINCK. Who are these white people of the South against whom you seek to legislate by this unconstitutional measure?

They are many of them descendants of the men who in the dark hours of the Revolution stood shoulder to shoulder with our fathers in achieving American independence, and who united by their wisdom and patriotism in framing our Constitution, and establishing free government on these shores. They are our brethren, bound to us by the common ties and interests of the same Government. We were unwilling to permit them to leave us. We have expended untold millions of money, and the lives of thousands of our noblest and bravest men to keep them and their States in the Union. They have returned to us, and pledged their honor to remain faithful to the Union and the Constitution. Let us then not distrust them; let us have confidence in them, and treat them and their States precisely as the Constitution and our duty require us, as equal in every respect with ourselves and our States.

Sir, the rights of Louisiana and of every other southern State are precisely equal to those of Massachusetts and Ohio and of every northern State; no more, no less. All the States are equal under the Constitution in their rights as States, and the infraction of the rights of one of the States by the Federal Government, is a threat dangerous to all.

Mr. Speaker, why is this measure so persistently pressed in this House, in defiance of the clear, distinct, and overwhelming verdict of the people at the elections during the last year? Is it to further try the patience and forbearance of the people of the Southern States; and if they do not cheerfully yield implicit obedience to its mandates is their opposition to be made the pretext to employ the military power of the Government in their midst, to overawe them, and control the vote of these States in the next presidential election? I sincerely hope it may not produce these results.

In any view which I can take of this proposed legislation I regard it as hurtful and vicious. We have already by our Constitution and by the laws of the several States, conferred upon the colored man equal political and civil rights. He stands the equal of the white man before the law. He has the same right to hold office, the same right to vote, the same right to prosecute and defend in the courts, the same right to acquire, enjoy, and transmit property as the white man. All his political rights are maintained and preserved, and there is not a single instance brought to the attention of Congress where any southern State has denied to the colored citizen any of the political privileges or immunities which belong to the white race. These rights are guaranteed to them in all the States. But you seek by this bill to say there shall be social equality between the races. You cannot invade that domain. You cannot by law compel social equality.

The measure is still more dangerous in the attempt to invade the States, and regulate their concerns by the Federal Government. It is true it more directly and seriously affects the Southern States, but it is a threat against all the States.

We have the best system of government, State and Federal, on the face of the globe—the Federal Government, with its powers defined and limited, and sovereign within its constitutional sphere; the several States with their reserved powers, and sovereign within their respective spheres. If we shall have the wisdom and patriotism to preserve this system, we will exhibit to the world the best and freest system of government, and the most prosperous and happy people known in the history of mankind; but, sir, if we overstep the well-defined boundaries of power and invade the just rights of the States, either by the exercise of unwarranted military power or by the enactment of unconstitutional legislation by the Federal Government, this well-balanced system of State and Federal Government will be placed in the utmost peril of being converted into a strong centralized power, whose history will be marked by oppression and despotism, and add one more to the long list of failures in the attempt to establish and perpetuate a free representative government. I trust, Mr. Speaker, we shall escape the dangers which threaten us, and that by a wise and just administration of our public affairs, we may be able to preserve our system of government and transmit it unimpaired to our posterity.

Mr. BLOUNT rose.

Mr. SPEER. I ask the gentleman from Georgia to allow me half a minute to make an explanation. When my colleague [Mr. CESSNA] to-day offered his amendment to the pending bill, he stated that it was the bill precisely as it passed the Senate. I got a printed copy of the bill, as I supposed, which passed the Senate, and in comparing it with the bill offered by my colleague I found that it did not correspond. But I discovered subsequently that I had committed an error in this, that the bill as it passed the Senate was not printed. The copy of the bill I had was the only bill printed by the Senate; and the amendment offered by my colleague, being the bill passed by the Senate, had never been printed. My colleague therefore was correct in the statement he made.

Mr. PAGE. Will the gentleman from Georgia [Mr. BLOUNT] yield to me for a motion to adjourn.

Several MEMBERS. O, no.

Mr. BLOUNT. I am willing to yield for a motion to adjourn. I would prefer to go on in the morning.

Mr. HALE, of New York. I supposed there was an understanding that the House would take a recess. I make that motion.

Mr. BLOUNT. I do not yield for a motion to take a recess. I am willing to yield, however, for a motion to adjourn, with the understanding that I can finish to-morrow.

Mr. SPEER. If the House shall adjourn now, would that cut off the right of the gentleman from Georgia to the floor in the morning? The SPEAKER. It would not.

Mr. CONGER. Would it not cut off some other gentlemen who might wish to follow him?

Mr. KELLOGG. I ask the gentleman from Georgia if he will yield for a motion for a recess until ten o'clock to-morrow?

Mr. W. R. ROBERTS. The gentleman from Georgia yields to me to move that the House do now adjourn. I make that motion.

Mr. HALE, of New York. I rise to a motion of higher privilege. I move that the House take a recess until half past seven o'clock this evening.

The SPEAKER. That is not a motion of so high a privilege as the motion to adjourn.

Mr. KELLOGG. I ask the gentleman to yield for a motion for a recess until ten o'clock to-morrow morning.

Mr. W. R. ROBERTS. I believe I have made the motion that the House adjourn. Is not that motion now pending?

The SPEAKER. The gentleman from New York [Mr. HALE] suggests that there be a recess until this evening, and that the House meet for the purpose of debate.

Mr. BLOUNT. I only yield for a motion to adjourn.

Mr. ELDREDGE rose.

Mr. SENNER. I object to debate.

Mr. ELDREDGE. I desire to make a suggestion. It is desired, as I understand, that the House shall meet this evening for purposes of debate on this bill. I think, if the gentleman from Georgia understands that when the House meets to-morrow at twelve o'clock he will have his fifteen minutes, he will not object.

Mr. SENNER. I object, unless I have fifteen minutes to-morrow also.

The SPEAKER. The gentleman from Wisconsin suggests a recess until half past seven o'clock, with the understanding that the gentleman from Georgia shall have fifteen minutes when the House meets to-morrow.

Mr. SENNER. Does that require unanimous consent?

The SPEAKER. It does.

Mr. SENNER. I object.

Mr. W. R. ROBERTS. The gentleman from Georgia yielded to me to make a motion to adjourn. I insist on my motion.

The question being taken, the Speaker declared that by the sound the noes had it.

Mr. W. R. ROBERTS called for tellers.

Tellers were not ordered.

So the House refused to adjourn.

Mr. DAWES. What objection is there to the arrangement to give to the gentleman from Georgia fifteen minutes from twelve o'clock to-morrow?

The SPEAKER. The gentleman from Georgia, if the House shall now adjourn, is entitled to the floor to-morrow.

Mr. DAWES. But there may be an arrangement that the House take a recess, and that the gentleman from Georgia have fifteen minutes after twelve o'clock to-morrow.

Mr. SENNER. If I have fifteen minutes to-morrow, I do not object.

Mr. SPEER. I ask unanimous consent to this arrangement: that the House take a recess until ten o'clock to-morrow, that the time from ten to twelve be occupied in debate on this bill, and that after twelve o'clock the gentleman from Georgia have his fifteen minutes.

Mr. RANDALL. I will make this suggestion: let the gentleman from Georgia [Mr. BLOUNT] have his fifteen minutes to-morrow and the gentleman from Virginia [Mr. SENNER] his.

The SPEAKER. And the House take a recess until this evening?

Mr. RANDALL. Yes, sir.

The SPEAKER. Is there objection to that arrangement; that the gentleman from Georgia shall have fifteen minutes when the House meets to-morrow, and the gentleman from Virginia the next fifteen minutes, and that there be a recess until half past seven o'clock this evening, when the House shall meet for debate only.

Mr. CESSNA. I do not desire to interpose any objection to that arrangement, but the chairman of the Judiciary Committee, the gentleman from Massachusetts, [Mr. BUTLER,] is not now in the House; and I would suggest that if that would exclude any time wanted on our side, that time should be added.

The SPEAKER. The Chair has heard no objection to the arrangement.

Mr. SENNER. Does that include my time to-morrow morning?

The SPEAKER. It does. There being no objection, the House will take a recess until half past seven o'clock this evening, when the House will meet for debate only on this bill, and the gentleman from Missouri, Mr. PARKER, will please take the chair as Speaker *pro tempore*.

REVISION OF THE LAWS.

Mr. POLAND. I ask unanimous consent to report from the Committee on the Revision of the Laws a bill to correct errors and to supply omissions in the Revised Statutes of the United States, and to move that it be printed and recommitment to the committee with leave to report it back at any time.

Mr. RANDALL. That will facilitate the publication of the Revised Statutes, will it not?

Mr. POLAND. Certainly.

Mr. RANDALL. There will be no objection to that.

The bill (H. R. No. 4546) was received, read a first and second time, ordered to be printed, and recommitment to the Committee on Revision of the Laws of the United States with leave to report it back at any time.

Mr. POLAND. I desire also to report back the bill for the distribution of the Revised Statutes to the members; and move that it be printed, and recommitment to the committee with leave to report it back at any time.

There was no objection, and it was so ordered.

TEXAS PACIFIC RAILROAD.

Mr. HOUGHTON, by unanimous consent, introduced a bill (H. R. No. 4547) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of said road, &c.; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

BLACK WARRIOR RIVER, ALABAMA.

Mr. BROMBERG, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to this House a copy of the report made upon the survey of the Black Warrior River, in the State of Alabama.

The question was upon the motion that the House take a recess.

Mr. SPEER. I thought that had been agreed to by unanimous consent.

The SPEAKER. It was agreed that the House should take a recess, but it is for the House to decide by a vote when it will take that recess; and the Chair would remind gentlemen who are leaving the Hall so rapidly that it requires a quorum of the House to take a recess.

Mr. CONGER. I think a majority of the House have a right to prevent the adoption of that motion now so as to leave some little time for the introduction of bills for reference.

Mr. ELDREDGE. I thought it was already determined that a recess should be taken.

The SPEAKER. But who is to judge at what time it shall be taken? It is impossible for the Speaker to determine when the recess shall take place. The Chair is very sure that there is not a quorum in the Hall at present; and if a division be insisted upon, the whole object of the House in ordering a recess will be defeated. A motion to adjourn will be in order, because less than a quorum could not take a recess. If gentlemen wish to defeat the recess, they may do so by bringing in other business now.

Mr. POLAND. I suggest that by unanimous consent we take a recess now.

Mr. CONGER. I object until I can have an opportunity to introduce a bill.

The SPEAKER. The Chair cannot permit a condition of that sort to be made.

Mr. CONGER. I understood that the Chair proposed to receive bills for reference.

The SPEAKER. The Chair would say to the gentleman from Michigan that he makes no understandings at all.

Mr. CONGER. Neither does the gentleman from Michigan.

Mr. HOLMAN. I call for the regular order.

The question was taken on the motion for a recess, and it was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock, (Mr. PARKER, of Missouri, in the chair as Speaker *pro tempore*,) and resumed the consideration of the civil-rights bill.

Mr. STORM. Mr. Speaker, I did not expect to address the House this evening; indeed, I have not come here for the purpose of making a set speech; neither am I prepared to do it. I voted against an evening session because I believed that this subject had been talked threadbare both before the House and the country. Since 1870 it has been discussed in all its various phases, so that it is impossible for the ingenuity of man to say anything either new or original upon it. I presumed that other gentlemen desired to come here to discuss this question; but as there is no one here who desires to speak at the present time, I shall devote myself for a few moments to some of the bearings of this question. I shall take this opportunity to explain the course I have pursued with my friends on this side of the House for the last few days. It has been constantly said that the minority of this House has been attempting to obstruct the business of the country. At the first glance that might appear to be the case; but the position that we have taken here was explained yesterday by the gentleman from Mississippi [Mr. LAMAR] in more eloquent terms than I can express it. We believe that in the opposition which we made to this bill last week in resisting all means by which the bill could be reached, we were representing not a minority, but a majority of the people of the country.

Sir, nothing could have surprised me more than that the republican

party of this House should at last have been dragooned into supporting this measure by the gentleman from Massachusetts, [Mr. BUTLER.] I thought, sir, that if there was one thing more than another which sent a thrill of joy through the hearts of the people without regard to parties at the last election, it was the fact that the gentleman from Massachusetts was not returned to the next Congress. It was not, sir, that the gentleman was not an able man, bold and candid in the utterance of his political convictions; but he was a man who did not represent any longer the moral and political sentiments of the American people. On the contrary he was a man who by his course had outraged the sentiments of the American people more than any other who has been in Congress during the last four years. And yet we have the novel spectacle of that gentleman by force of party discipline dragooning into the support of his measures gentlemen on the other side who were supposed to be at least conservative upon this question and opposed to this bill. In one week he has succeeded in unifying that side of the House until I believe there is not a gentleman there who dares to raise his voice in opposition to the measure, which will probably be brought to an issue to-morrow. The gentleman from Massachusetts [Mr. BUTLER] must enjoy his triumph with fiendish glee.

And this is the more strange to me when I consider the fact that in the recent elections the republican party was condemned on account of three measures. If gentlemen will take time to look at the editorials of the leading organ of the republican party in this country—the New York Times—published immediately after that election, they will see that the defeat of that party was said to have been caused by the Louisiana outrages, the civil-rights bill, and the “third term.” What have we seen here in this House? The other day, when my friend from New York [Mr. POTTER] reported a constitutional amendment, we gave our friends on the other side an opportunity to express themselves on the third-term question. Yet so far as we got an expression from the leading men on that side of the House, we find that they have come back here and in the face of the verdict of the people have put themselves again upon the record as either being afraid to denounce the third-term question or as really supporting it. Very few men on that side of the House either by word or vote dared to say that they condemned General Grant's aspirations for a third term.

And the republicans of this House instead of taking a moderate course on the Louisiana question they have gone still further in their system of oppression and wrong. And with regard to the question of civil rights, a question which we had supposed was settled by the recent elections, they come in here now and propose to pass the bill in the form in which it was introduced in the Senate in 1870; a bill which was twice reported against by the Judiciary Committee of the Senate, and which did not then have the support of leading republicans on this floor.

I presume that nothing that can be said or done on this side of the House can make any difference in the conclusions reached in the minds of our friends on the other side. They are deaf to the voice of the people they now misrepresent. In our parliamentary opposition to this bill during the last week, we believed we were representing the wishes of the great majority of the American people upon this question. I had hoped that this kind of legislation would cease; that at last we had reached the extreme limit to which the party on the other side would go in setting aside the Constitution and in trampling upon the laws of the country. It seems that such is not the case.

I can say for myself, and I believe I represent the majority upon this side in saying it, that so far as the effect of this bill is concerned upon the interest of the party we support, we would have been benefited by allowing this bill to become a law two years ago. As a mere party measure, we would have been benefited had we presented no resistance whatever to it. I think I know full well that the carrying out of the provisions of this bill, which is soon to become a law, will operate to the injury of the party about to pass it. But in the consideration of great questions we cannot consider merely their bearing and effect upon political parties. It is because of its effect upon the country that we deprecate this action and consider it ill-judged, ill-advised, and ill-timed. Considering only its effect upon the republican party, I might say that I wish the bill had passed last week, instead of protracting the struggle into this.

I believe, however, that this bill will have a disastrous effect upon the country. I can say truly that I have not one feeling of prejudice against the colored man. If I know myself, I am as free from any prejudice on that point as any gentleman on the other side. There is no right to which the white man of this country is entitled that I would not cheerfully and freely concede to the colored man. So far as the enjoyment of political rights is concerned, I concede to him that enjoyment to its fullest extent.

I wish here to call the attention of the House to the very anomalous position taken by some of our friends on the other side. I understand that the gentleman from Alabama [Mr. WHITE] who has reported one of the substitutes for this bill, and my colleague from Pennsylvania [Mr. CESSNA] by his amendment propose to leave out of this bill all provisions relating to the common schools of the country—not to have this bill apply to them. Now, if I believed that in order to enjoy his equal rights with the white man the colored man must enjoy those rights in the same railroad car, in the same theater, and at the same table in the hotel or public inn, I should certainly insist upon his

enjoying the right to an education in the same school-room with the white children.

I regard the right to an education the most sacred one which the colored man can enjoy, and yet gentlemen on the other side who expect to pass this bill intend, as I understand, to strike out the provision with regard to schools. If they are consistent I cannot see how they can do this, because if the right of the colored people to an education can be enjoyed equally with the whites, by having the schools for colored persons in separate buildings, as gentlemen who are in favor of this bill will I suppose contend, why cannot the equal rights of the colored people in public conveyances, railroad cars, &c., be subserved by providing separate accommodations for them? If I could bring my mind to the conclusion that the colored people can enjoy their rights to education by having separate schools, then I could just as readily conclude that the colored man can enjoy his rights in a public conveyance if a separate railroad car or carriage is provided for him. I would like to know how my friends on the other side propose to amend this bill. For when they concede that the colored people can enjoy their rights to a common-school education in separate schools, they concede the whole argument. If it is not a deprivation of equal rights to say that white children shall go into one public-school building and the colored into another building, then it is no deprivation of equal rights when a railroad company makes provision for carrying white passengers in one car and black in another. There is no escape from this conclusion.

Now I say again, Mr. Speaker, that I believe this bill is thrust upon us for no other purpose than mischief. It will lead to mischief, and mischief continually. Our friends upon the other side will have to take the responsibility for thus thrusting upon the country this measure, to the exclusion of legitimate public business, and again exciting strife and hatred and disturbance in the Southern States, where peace and quiet ought to prevail.

The gentleman from Massachusetts [Mr. BUTLER] said to-day, in answer to a question put to him by the gentleman from Indiana, that the State courts could not be trusted to decide upon these great questions of the rights of the colored people in certain States of the Union. Well, Mr. Speaker, will the rights of those people be any safer in the Federal courts? I do not want to characterize the Federal courts in the same manner in which the gentleman spoke to-day of the State courts, but it is a well-known fact that within the last two years out of fifty-two United States district judges three have been driven into resignation by threatened articles of impeachment, and many more ought to be in the penitentiary. It is well known that if you wish to subserve the interests of the people of the country upon all these great questions, the Federal courts, in many of the Southern States, are the last places in the world where an honest man would expect a vindication of his rights. In many of these States the judges are notoriously venal and partisan; the district attorneys and marshals are no better; and the juries are packed to subserve their wicked purposes.

I believe, as I said before, that the colored people are now in the substantial enjoyment of their full rights and privileges granted by the recent amendments to the Constitution; and this bill is thrust upon us for no other purpose than exciting bad feelings and leading to disturbance and strife where there ought to be tranquillity and harmony.

But the great and conclusive objection to this measure is that its passage would be a gross and palpable violation of the Constitution. To my mind it is clear that if this measure is constitutional, then there is absolutely no limitation to the authority of the General Government, and we are not living under a Constitution of defined and limited powers, as understood by Jefferson and Madison and the early fathers.

If Congress can go into the States and regulate the minute affairs of social and domestic life, and can take from the State courts jurisdiction of question, growing out of the management of a public school, a theater, a hotel, a railroad, a stage-coach, or a cemetery, I am unable to see how that vast residuum of power which the States reserved to themselves will not soon be absorbed and the General Government become supreme and absolute in the exercise of every right heretofore belonging to the States.

I ask our republican friends to pause. I ask them to let reason and not a wild and excited frenzy prevail in their councils. Rest assured that if you fail to heed the lessons taught by the elections last fall, a condemnation tenfold more severe awaits you in 1876. If you pass this bill in its present shape, and do not, before you adjourn, rebuke in unmistakable terms your President for the outrage perpetrated upon Louisiana and restore that State to its lawful authorities, you will be overwhelmed by the pent-up storm of popular indignation which is now ready to burst upon you in all its violence.

The demand for the passage of this bill is unreasonable. The white man possesses no right which is not equally enjoyed by the black man. Look briefly at the history of legislation on the subject of civil rights.

The thirteenth amendment to the Constitution makes him a free man; the fourteenth amendment makes him a citizen of the United States, and prevents any State from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States; and the fifteenth amendment confers upon him the right to vote.

These amendments were and are now enforced by the rigid acts of Congress, which are still in force. We have also in force the civil-rights bill of April 9, 1866, passed over the veto of President Johnson, which places upon the broad basis of equal rights every citizen of the United States and furnishes a complete remedy for their vindication.

These, Mr. Speaker, are a few of my reasons for opposing this bill. Mr. BURROWS. As no one appears ready to speak, I move that the House adjourn.

Mr. LAMAR. I hope the gentleman will withdraw that motion for an instant.

Mr. BURROWS. Certainly, if any one desires to speak.

Mr. LAMAR. Mr. Speaker, I have no hope that any argument of mine will avail to prevent the passage of this bill or one similar to it in its essential provisions. It is evident that in the opinion of the majority of this House no light can be thrown upon the subject which will control its action. This Chamber is empty. Were I to speak I would have to address vacant chairs.

Mr. SENER. The galleries are full.

Mr. LAMAR. The galleries cannot affect the determination of this question. But, sir, as a Representative of a portion of the people on whom this proposed legislation is to operate, I feel it my duty to protest against this measure, in any of its forms, as not only violative of the Constitution, but irretrievably disastrous to the peace, prosperity, and happiness of that people. Although protests and arguments can have but little effect upon this body now, whose members are nearly all absent, they may be read elsewhere and be reflected upon when party passions shall cool and reason resume its just and lawful supremacy. I ask, therefore, to be allowed to print in the RECORD the speech I intended to make here.

The SPEAKER *pro tempore*. If there be no objection, leave to print will be granted to the gentleman.

There was no objection. (See Appendix.)

Mr. HUNTON. Mr. Speaker, I had intended to address the House to-night in opposition to the civil-rights bill; but I look around and find nearly all the seats of members empty. A determination has, I think, been evinced by the majority of this House to force this measure on the country. I do not feel disposed to speak to empty seats, but I am desirous to give my constituents and the country the reasons which have influenced me to oppose this bill. I therefore ask permission to print in the RECORD some remarks on this subject.

There being no objection, leave was granted. (See Appendix.)

Mr. BURROWS. I now renew my motion that the House adjourn. Mr. MILLS. I ask whether the House, at the session this evening, can transact business.

The SPEAKER *pro tempore*. No business whatever can be transacted this evening.

Mr. MILLS. Then I have no objection to the motion to adjourn.

Mr. HUNTON. My colleague [Mr. WHITEHEAD] desires to submit some remarks, but he has not yet arrived. I suppose he will be here in a few minutes.

Mr. BURROWS. I hardly think the House ought to remain in session to wait for the appearance of those who may possibly want to speak but are not here.

The SPEAKER *pro tempore*. Does the gentleman insist on the motion to adjourn?

Mr. BURROWS. I think I shall have to do so.

Mr. COTTON. The House might take a recess for fifteen minutes; that would give gentlemen who may wish to speak to-night time to come here.

The question being on the motion to adjourn, there were—ayes 2, noes 13.

So the motion was not agreed to.

Mr. BURROWS. I would suggest that at an evening session the gas alone costs the Government fifty dollars an hour; hence it is not very profitable to have a silent session.

Mr. SENER. I move a recess for ten minutes.

The motion was not agreed to.

Mr. WHITEHEAD. Mr. Speaker, I should have preferred to have a larger number of the jury who are to sit on this case to whom I might address my remarks rather than the full galleries facetiously alluded to by my friend from New York and the gentleman from Massachusetts, as they have no part in this matter. This is to some extent, so far as a good many members of this House are concerned and so far as a good many of the spectators are concerned, very much like the case of the boys and the frogs. To some of these gentlemen from States north of the Potomac, perhaps to the largest part of the audience here, it may be fun, but to us who are to be affected by this law, who are to reap its bitter fruits and bear whatever of evil there is in this pernicious legislation, it is not a matter of fun, but a matter of death.

Now, sir, this House presents this singular spectacle. A radical change has been made by the majority in the rules of the House which have existed for a number of years, and it has been done for the express purpose of passing this civil-rights bill, which has been already condemned by the votes of the people in the last fall elections. Men who were condemned for giving a vote in favor of the civil-rights bill have pushed through this radical change of the rules in order that they might gratify feelings which I do not know how exactly to describe. The very father of this bill—I take that back, because the

father of this bill, God rest his soul, is not here, (Charles Sumner,)—has all the credit of being the father of the bill, and I have always understood that in his last will and testament he committed it to Mr. HOAR, of Massachusetts. But, sir, another gentleman from Massachusetts [Mr. BUTLER] has made himself executor "*de son tort*," and violently laid hold of the chattel. We had this bill up last winter, and speech after speech on the subject, wrangle after wrangle in this House—indeed a large portion of the time was occupied with the debate in regard to it. We adjourned without passing it, and went back to the people, and members now sitting in this House who took an active part in that debate were condemned by the people and not returned to their seats in this Hall. Yet those very men now in this House, in hot and fiery haste, force through a measure which will result in no good to the colored man, but do gross wrong to the white man in those States where this civil-rights bill is at all operative.

What matters it in Massachusetts or New York whether this civil-rights bill passes or not? Why, sir, it is almost as hard to find a real genuine black man in those States as a needle in a hay-stack. I took a trip in the year 1863 through the State of Pennsylvania on a somewhat speculative and electioneering expedition, and I did not see two negroes in one hundred and fifty miles. Yet it is by the votes of these men not at all interested in this question that it is to be put as a law upon the statute-book to affect those who are deeply interested in it.

I am not going into the Slaughter-house case. I am not going to examine particularly the constitutionality of the proposed law. We have already had a speech in favor of the constitutionality of this bill. If that satisfied anybody on that side of the House that it is constitutional, I have nothing else to say on the subject. That discussion is not necessary even if it were constitutional. The men who vote and speak here should carefully look into its expediency. If it were constitutional, it is not expedient.

Saint Paul said that all things were lawful, but that all things were not expedient. As legislators it is as much your duty to look to the expediency of a law in reference to your constituents as to look to its constitutionality.

But, as I have said, I shall not go into the constitutionality of this matter. I shall not read the Slaughter-house case. I am perfectly satisfied on that subject from a common-sense stand-point. Congress proposes to legislate here in regard to the municipal laws of a State. We are asked to legislate in regard to the license laws of my own State. We are asked to legislate in regard to municipal laws which govern common carriers in the several States. If Congress may say who shall go into a hotel licensed by the State of Virginia and who shall have what you call equal rights, then if the landlord should give my friend General HUNTON turkey, and the colored man beef, under this law proposed to be passed by the Congress of the United States you would have that man arrested for making a difference between the two, discriminating against the food of the colored man. So then the gentleman from Massachusetts who has taken charge of this bill and thereby has defied the voice of the people uttered in the last November election, where he was himself defeated for re-election, would have this House legislate for the purpose of arranging bills of fare for hotels in all the States. If you are to discriminate in regard to the rooms they are to occupy, clearly you can discriminate in regard to what they shall eat and drink. Then if you so discriminate are you not interfering with the license laws of the State? Do you not interfere with the business of those who are licensed to keep hotels? If there were no other view than this it would satisfy me as to its unconstitutionality. There is not a lawyer on that side of the House who is not as well satisfied as I am, were it not that in the last three weeks they have had a whip cracking about their ears and upon their backs making them fly into these Halls to pass this measure. I will except the gentleman from Virginia, [Mr. SENER], who had the back-bone, despite the republican press and despite his party, to stand for what he thought to be right and just, and vote against the change of rules for a party purpose. If the voice of the people uttered last fall were to be heard in these Halls this measure could not be passed. Many of those who are pressing its passage have been before the people and have been defeated for Congress.

Well, now, what does the whole of this thing amount to, so far as its constitutionality as a law is concerned, when you come to pull it to pieces? As regards a common carrier and what a man shall carry, a wagoner is a common carrier if he hauls for pay; and whether he believes his team is strong enough or not, he has not a right under this law to choose for whom he may haul. You are to control him in this matter. You are to control the hotel-keeper in the management of his hotel. You are to control the manager in the management of his theater. And one of the bills before us says you are to control the grave-yard.

Well, sir, I say simply and plainly, and speaking as I trust to common-sense people, that this is absolute nonsense. There is not a lawyer in the United States who does not know that.

Now, Mr. Speaker, I propose to examine a little into the exigency of this law. Well, who is to be benefited by this? The present father of this bill says the colored man is to be benefited by it. How is he to be benefited? What are you to do for him? I think the examination to which the manager of this bill was subjected by the gentleman from Indiana [Mr. NIBLACK] reduced him to one single point, to which I will advert after a little. Now the colored man is a citizen. He can vote. He can hold office. He can sue and be

sued. He can be a witness. He can hold property. He can do in my State just what any other man can do, and if this is to give him equal rights with me I say he has them there now; and I say he has them in your State and in every other State. He has equal rights, he can hold property, he can hold office, he can sue and be sued, he can plead and be impleaded, and he can come to Congress, as a gentleman beside me suggests, and there are seventeen colored men who are now members of the Virginia Legislature.

Now, what is the object of this bill? They say it is to give the colored man something he has not got. Well, there has always been a longing on the part of the colored man to get something he did not have, and a longing on the part of his white brother, who has taken charge of him as his special ward, to pretend to give him something he did not have. In our country they had it that each colored man was to have forty acres of land and a mule. A man came down one day in my district and asked one of these colored men if he had got his forty acres. He said he had not. He had a square stick in his hand, and said he was employed by the Government to stake off lands, and wherever he stuck it down the forty acres were to be measured by that stick. He sold it for five dollars, and the old man to whom he sold it wanted a receipt, and he gave him this receipt: "As Moses lifted up the serpent in the wilderness, so I lifted the last five dollars of this old dardy." What became of this traveling individual I do not know. His countenance was pious, but his baggage was light.

There has, however, been this longing on the part of the colored man, as I have said. But it will never be satisfied, in my opinion, because the Almighty has given him what he cannot get rid of—a black skin. Did you ever see one who believed in black angels? Did you ever hear of one who wanted a black doll-baby? You have not the power to make him white, and he never will be satisfied short of that. That is the trouble about the whole matter. His condition cannot be altered, and the best thing we can do is what we propose to do in our State—educate him, and take care of him, and do the best we can with him. My cradle was rocked by a colored woman; I was nursed in her arms, and she has had from that day to this not only my respect but my affection. You do not like the colored man half as well as I do.

But now, as I have said, what are you going to do in legislating for him? What are you going to give him? You are going to violate the Constitution and legislate for the States. You are going to pass a law of Congress to regulate hotels. Now, what will you effect by it? A colored man goes to a hotel and asks the hotel-keeper if he can accommodate him. He does not think he can. "Why can't you?" "I am not in the habit of telling people my business." What is a suit worth based on that? You cannot get even a colored jury to try and convict a man on that evidence. He would get nothing. How are you going to establish whether the man was refused the accommodation on account of race, color, or previous condition of servitude, religion, or anything else? How are you going to get at that? If a man keeps his mouth shut you cannot make him open it, and the law is inoperative.

Well, a colored man goes into a railroad car and one of the officers of the road says, "You cannot go into that car; it is a ladies' car." He rejects him because he is not a lady. Are you going to have the case brought up in the United States court, trying to prove that he is a lady? You might have a "rocky" time if you tried to prove that. Well, again, he wants to have his goods hauled, and the man owning the team says that he cannot haul them; and instantly the gentleman from Massachusetts asks you to bring that man into a United States court and have the case heard there. We had at one time a United States judge in the State of Virginia who might have made a decision of that kind; but that judge has gone, thank God, to his eternal account, and we have not an unjust judge in our borders. There may be some in the State of my friend from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. I will say that the judge of the Federal court in the State of Mississippi is a man who has administered harsh and ungracious laws in a spirit of benignity and justice.

Mr. WHITEHEAD. Well, that is a good man, neither a ruffian, a horse-thief, nor an assassin.

Mr. LAMAR. No, sir.

Mr. WHITEHEAD. I am glad to hear of that coming from the State of Mississippi.

Now, the reason upon cross-examination by the manager of this bill why it should be passed was what I will presently state. He has said it—and I call upon every honest man on the other side of the House to listen to it—he has said that colored men, under the laws as now existing, have been made citizens and clothed with the rights of citizens, and have all the rights at common law and all the rights this bill proposes to give them, and are entitled to recover for any damage they may receive under the common law. Then why pass this bill; *cui bono*? Why pass this bill if he has these rights in the State courts and can recover for all the damages he may have received from his exclusion from theaters or hotels or cars? Why pass this law? Why pass this law against which the people have, as he says, some prejudice? Why pass this law which, as the people decided last fall, they did not want? Why pass this law which the men most interested in tell you will do harm? Why pass this law which the republicans in my State opposed last fall? Why pass a law which your own party tell you will do no good? Some of you gentlemen on the other side of the House were called upon to give an account of your stewardship last fall, and you will not be here in

the next Congress to do it; but some of you will be here. Let those of you who will be here get ready to give an account of your stewardship, for the people will require it at your hands. They will want to know why you created this trouble and disturbance. I tell you that the people of the North, when they see clearly, and they are beginning to see clearly, that the administration, the passage of laws like this, is shaking the foundations not only of the rights of the States, but the integrity of the Government and the prosperity of the people, will rebuke you for your course. You have been told here from your own side of the House of the decrease in the industries of the country in some places, the falling off in the sale of those articles that you sold to us and by which you made money; you have been told of the destruction of your trade in New Orleans; and it is all the result of your own work and your own legislation, your own folly.

Well, as I said, the gentleman who controls this bill gives you one reason for its passage, and only one. He says that in the Southern States murder, assassination, and robbery prevail. I say here now that I have heard that statement a hundred times, and whenever an exception has been made taking out any State from that category, it has been done upon the call of somebody denying the statement. The statement is continually made broadly that within the Southern States murder, assassination, robbery, and every evil thing is going on. It is said that a negro cannot get justice in the courts in a Southern State if he brings suit before the circuit court there. In other words, he says that the circuit judges in the Southern States will forswear themselves, and having sworn to try cases according to the law, will try them according to the color of the man who is the suitor.

Now, sir, just here I, coming from one Southern State, undertake to say that whenever that statement is made it is deliberately untrue. There is not a circuit judge in the southern States who is not in every respect the equal, morally, mentally, physically, of the gentleman from Massachusetts, and they are all better looking than he is, every one of them. I appeal to you gentlemen on the other side because I know many of you personally. Are you going to stand by these wholesale charges against the southern judiciary without exception; are you going to say that the circuit judge of my district in Virginia would forswear himself? Sir, I have known him to do what you would not do in favor of a poor black man. A colored man had been brought before him for trial for an assault on another colored man, and excitement and white prejudice (if you choose) was against him; and I heard the judge refuse to imprison him till he paid the fine which strict law would have justified; and he said he would give him a chance to work and pay it. I heard a judge charge a jury that if any of them had any prejudice against a man merely on account of his color, he should not serve on that jury. Our judges have watched against any possible prejudice of jurors, and in their dealings with colored suitors and criminals have leaned to the side of mercy.

Now, I say that this wholesale charge that the judiciary of any State of the South is corrupt, that our judges will forswear themselves about this matter of color, is a slander on that people and proved so every day by you yourselves. Who are we here, the Representatives of the people of the different Southern States? Who is the gentleman from Mississippi [Mr. LAMAR] but a Representative of the people of Mississippi? There are men in his district in every respect as good as he is; there are men in all our districts as good as we are, men as correct in every respect. We are but the Representatives of people who are just like us. Now, I will just set up one of these gentlemen, and you on your side may set up the gentleman from Massachusetts, [Mr. BUTLER,] and then look at them both. Does the gentleman from Mississippi look like a robber? Do I look like an assassin? Is there anything in the appearance of any of these gentlemen representing the States where, it is said, murder is so rife, where there are assassins, thieves, and robbers—does anybody here look like a thief or a robber?

Now, what is the meaning of all this? What is the meaning of the assertion that the minority are robbers and assassins? The minority! Who are the minority in my State? They are all republicans. We have a majority of democrats down there. How is it in the State of my friend from North Carolina, [Mr. VANCE?]? There is a mighty big majority down there on our side. Is it the minority in North Carolina and Virginia that are the robbers and assassins and horse-thieves? I do not think so. They are very good people in their way, though they do not know quite so much as they might know. Some of them cannot read or write, but they can make their mark. Some of them do not know much about constitutional law, but they are very good people and get along very well.

I take it there are some other things that people are to be judged by. I take it that this House will—and if you do not the people will—judge honestly and correctly in this matter, and say whether we here are the representatives of murderers, assassins, horse-thieves, and robbers. God Almighty made us all, and he made us very much alike. We show very much on the outside what we are inside, and I am willing to come up to a showing. I am willing to take myself as an example, and be set up on the one side, and have the gentleman from Massachusetts, who made this charge, set up on the other, and then let you judge between us. Did Dickens, that magnificent pen painter, when he drew the picture of Quilp, intend to present the picture of a saint or gentleman; or when he drew the picture of Uriah Heep rubbing his hands so smoothly and sleekly intend to draw the picture of a bold, brave man or of a hypocrite? I am willing to be judged by

being looked squarely in the eye by any man on the other side, side by side with the man who has made this charge. Let any man look in the eye of each and then judge between us.

I call upon the gentlemen who have been serving with me in this House for a year past to say whether I have ever used a harsh word here against any section. I have not used an epithet toward a single gentleman in this House. I have made no charges against the people of any section, either in regard to their moral character or their behavior. I stand here, and I have the right to stand here, as a Representative from the State of Virginia, and repel and hurl back into the face of the gentleman from Massachusetts the charge that our judges are not as good as are any other judges; that they are not as honest or as high-toned as are other judges in his or any other State or court.

Then if our judges are honest, the colored man can get justice in the Southern States, and according to the gentleman's own argument there is no necessity for passing this law. So I think. Then what is the matter? Why pass this law? Why crack the party whip here? Why are caucuses held to arrange the means of getting this bill through the House against the resistance of some republican members who do not see much good in this thing? Why is this? I will tell you why.

We are expected to raise a row down South about it. That is one of the whys about it. These people in Louisiana are not half as smart as they ought to be. You cannot get a bayonet into the State of Virginia unless you send it there on your own hook. I tell you we are not going to kick up any row about the civil-rights bill. That will give a pretense for your military interference.

Let me tell you what we will do. About the time the "forty acres and a mule" notion got going through the South, a sergeant who was quartered down there said to a man who had a pretty big plantation, "What are you going to do about it when they divide up your land? There is going to be a big row down here. I heard one man say that he was going to sit down by his spring and shoot the children as they came for water. What are you going to do about it? Are you going to make a fuss about it?" The answer was, "Not in the least." "Well," said he, "suppose they divide up your nine or ten hundred acres and leave you only forty acres; what are you going to do?" "Why" the planter replied, "I am going to stay quietly on those forty acres, proceed with my business, and buy back the rest; I expect it will all be doled back in a year. If the negro is smarter and more active than I am, he can have what he can make."

We are not going to have any bayonets down our way; you may as well understand that. I know that this bill is intended to stir up bad blood, to mix the two races in the schools, so that the children may first get to fighting and then the parents, and then instantly there will be a call for bayonets. But you will be mistaken in your expectation. You expect that some tavern-keeper, perhaps, may get angry and kick some fellow out, that then a fight will follow, and then will come the bayonet.

But, sir, we have tried that thing. We are a little smarter now than we were in 1861, when certain men wanted to take Washington City with gate-hinges and did not. But I will tell you what *you* will do. You will carry out what you are already doing. Slavery was no bone of contention in the Revolution. When George Washington left Virginia and the boys made a bee-line for Boston, there was then no row between Massachusetts men and Virginians about slavery. They thought alike on that subject. After awhile Massachusetts changed her opinion; and then by degrees she went on, until finally, against all precedent, she determined to set free all the negroes that we had and take glory to herself for having set at liberty a great mass of people. But to whom did they belong? Not to her; they did not cost her one cent. She took our money when she set them free, and then consoled her conscience by saying that it was a punishment upon us for having gone into the war. What was the cause of that war? The continual picking at that subject of slavery—a continual irritation of sections with that question—a continual interfering with other people's business, disturbing the country time and again, until an irritated people broke loose and said, as Abraham said to Lot, "Now, let us divide right here; if the land up there suits you, you go there; and if the land down here suits us, we will stay here." Did you do like Lot? Did you divide the land in that way? No; you said, "You shall not go out of this partnership; come right back." We did not come straight back, but after considerable trouble and noise we did come back. We came back very much like the prodigal son in some respects, but not in others. We did not come back very repentant for anything we had done; we did not hang upon anybody's neck; but we came back mighty near starved and hardly filled with the "hunks that the swine did eat." We did not have much when we got back. Since we came back we have been trying to raise something; we have been trying to see whether we cannot get to be tolerably comfortable; but you have turned right around and commenced that same picking, and not having the slave to pick at, you pick at the free negro. You have started this thing; and whether gentlemen here personally believe it or not, it is in *somebody's* mind to keep up this disturbance, to keep up this difficulty, until it ends in somebody's political benefit—in somebody gaining political power. You persisted in irritating Louisiana until it broke out and you capture it. You are irritating Mississippi, by seizing a sheriff with the United States Army, so that

Mississippi may break out. You are irritating Alabama until she may break out, and you may grab her. South Carolina has been irritated until you have captured her soul and body and lands and tenements. I suppose you will keep on stirring up North Carolina. My friend here [Mr. VANCE] is a good-natured man, and it will take a great deal to stir him up. Stir up North Carolina, stir up Virginia, stir up Tennessee and Kentucky, and Maryland and Missouri; arouse bad blood; get the people enraged with each other; possibly there may be some outbreak, and thus the republican party may be saved.

But, sir, no such thing will happen; there will be no outbreak—at least not down our way. If that is your hope, you are lost; if that is your hope, you may as well begin now to pick up stakes and leave Washington now. You will save a month's board by the operation. We do not intend to break the peace. But I will tell you what we do intend to do; I give it seriously as prophecy, and you may as well heed it now. If you think we are going to stand this thing quietly and tamely, you are very much mistaken. If you think we are going to be irritated in this way without doing anything, then you have hold of the wrong men. But we do not intend to shoot anybody. We are not ruffians—either "border ruffians" or any other sort; and we do not mean to steal anything; we want that expressly understood; that is not in our line. We do not intend to steal plate, or jewelry, or horses, or anything else. That is not our way of doing business. We do not expect to steal anything, either, from the Constitution. We are going to comply with the law. You ought to have found that out already. After the war we were under military rule until 1868; we had military governors and military judges and military everything else. A man almost had to get a pass to go to his own spring for water. Yet we stood that; and we elected a so-called republican governor—one Gilbert C. Walker—reconstructed ourselves, and by the by he will be here in Congress after the 4th of March—six feet three inches of good Virginia conservatism.

You had all this session to improve the currency for the benefit of our broken people, and you would not do it. I do not know whether it was for that reason or not, but from what has occurred I begin to suspect that it was. You attempted to put the bill through by main force, breaking down rules which were established for your protection in old times. You have changed the rules for the purpose of forcing this thing down our throats. Perhaps you wish to make somebody mad. You will not make me mad at least. I am in the finest humor I have been in since I have been a member upon this floor. I do not intend to get mad; I have not the least idea of getting mad. But there is no doubt you have been intending to force this down our throats for the purpose of raising bad blood between the sections. It will raise what will result in your discomfiture. It may result in our selling our last pound of tobacco and cotton abroad even if we do not get three-fourths of the price for it. O, ho! says the gentleman from Massachusetts, [Mr. WILLIAMS.] You did not say O, ho! when it occurred before. It resulted in the establishment of a gold basis down in Texas, where they still have gold and do not need any paper. They do not want paper when they have gold down there yet. We can do the same thing in Virginia. General Washington shipped his tobacco to and bought his goods in England. We can do the same thing again. I do not suppose we can be whipped because we do not buy of you. I do not suppose we are to be accused of sedition or of armed rebellion against the Government because we will not buy goods in Philadelphia, New York, or Boston, or anywhere else. You are driving us to that. We do not want to do it. We told you we were ruined, that we had nothing when we came out of the war except our naked land and sometimes only the chimneys left of the houses which our fathers lived in. Still we were willing to shake hands across the bloody chasm and do the best we could if you would only give us a fair chance. You promised, but you broke your word. You told us to go back and we should be taken care of and have a fair chance; that we should have a chance to recruit; that we should have a chance to live again in peace; that after slavery was gone we should be no more disturbed. But that promise has not been kept. That old saint, Thad. Stevens, began to stir up bad blood. The balance of the Christian statesmen have been stirring it up ever since. They have all been attempting to make bad blood between the two sections and destroy any chance we had. They have attempted to prevent the shaking of hands across the bloody chasm of the men upon both sides who upon many battlefields won glorious renown for the American name.

Thus, Mr. Speaker, our people have been deceived. You further told us to reconstruct our State governments according to your demands. The State of Virginia was told to reconstruct as the Northern States proposed and we should come back on equal terms. We were told that all we had to do was to say in our constitution slavery was abolished, and no claim would ever be made for emancipated slaves. We were told to repudiate the confederate debt, which was worth something to our people. After we had done all this and our representatives knocked at the doors of Congress for admission, you sent them back. You sent back the men who were elected under that constitution to this House.

When we at last got in here you started again upon a mission in which there is nothing but bad blood, a mission in which there is a stirring up of bad feeling, in which there can be no good to the black man or to the white man. If I were to go to stir up the laboring men in the State of Massachusetts, what would you think of it? What

would you think if I went to Pennsylvania to stir up the "Molly Maguires" against the men who own the coal-mines? What would you think if I went to the manufacturing towns in New England to stir up bad blood between the manufacturers and their employes? What would you think if I told the laboring men there that they had been cheated—that they had been cheated by the manufacturers out of the just profits of their labor? What would you think if I indulged in such demagogism throughout the country? Would you think me an intelligent, faithful, honest man? Yet that is what your party is doing in the South. You go into our States and tell these people that we have robbed them; that we have oppressed them; that we did these things for a long series of years, and that now you intend to give them the right to put the bottom rail on the top. It will soon get to the bottom again if it has not the brains to stay at the top. You cannot put a man up that way by force who ought to remain at the bottom. We cannot force them to do what they do not want to do.

We have been buying your goods ever since the war. We took your money gladly and bought your goods for the articles we raised—cotton and tobacco. Now, you are doing all this, and for no good. You are doing it when it can do no good to the black man. I believe you have not a laboring population in your State any better off than the black man is in Virginia. We have never had a riot. We have no lynching there. We have no cries of "bread or blood," or strikes, or anything of that sort there. The laboring man there has plenty to eat and dresses just as well as his former master used to do, and frequently a great deal better—at all events a good deal better on Sunday. We are in peace. We are in quiet. You are trying to throw a fire-brand in among us and to stir up one part of the population against the other; and God forgive you your imbecility if you do not know it is wrong.

This is the result of your bill. Who are driving you on in the South? Men who have reaped the advantage of all the wrongs that have been perpetrated there; men who came there to reap that advantage, and have got rich by it; and other men who have got into all the Federal offices that have been distributed all over the South for corrupting the few weak-kneed people who live there. Or you send strangers among us to rule us and make profit out of our taxation. This has been done, and yet you say you are a Christian people. And in the face of all this we are called "ruffians;" we are called hard names, bitter epithets are used against us; and you hug the pious delusion to your souls that you are doing God service in all this cruelty and all this wrong.

Well, there is an old man, an old client of mine down in Virginia, who had a way of drawing consolation from subjects in which to other eyes it seemed least likely to exist. He always drew some consolation from the result of any event no matter what it was, and, as a final result, "Thank God there is a hell." I am mighty near in this case now. I thought when I saw the republicans last winter voting upon this bill that you would say this: "There is no use in crowding these people any longer," even if it be but prejudice.

Prejudices exist everywhere. What was it but prejudice that caused the English nation to sacrifice thousands of men and millions of dollars in India? It was the prejudice which the sepoys had about putting mutton tallow on his cartridge instead of lard. This prejudice of his was nothing in itself, but it was so woven into his nature that he could not escape from it. And if we give you the power to say, if we are charitable enough to admit now that our opposition was from mere prejudice, you might be magnanimous enough, you might be bold and strong enough to say, when in the contest of arms from sheer weakness and exhaustion we went down, yet you had found us foemen worthy of your steel; when we went down you might have the magnanimity to say, "Now you are down we will not tread upon you or persecute you any longer." But am I to believe that the men who were brave enough to stand against the desperate charges and attacks we made against the northern troops from Manassas to Appomattox Court House are not men enough to stand up before the country and say, "We will not do this wicked and iniquitous thing against a brave and defenseless people?" Am I to believe the men whom I thought brave and chivalrous and strong and honorable have got in their hearts a spirit to persecute a man when the sword is out of his hand and his musket is thrown away?

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to interrupt him a moment?

Mr. WHITEHEAD. I will.

Mr. HARRIS, of Massachusetts. It has been said on this floor to-day—and I call the gentleman's attention to it, and ask him to state whether it be so or not—that a Representative from a Southern State, occupying a seat upon this floor, representing a large and wealthy constituency, could not on his passage from this Capitol to his home in the South either sleep in a railway sleeping-car, get a meal of victuals in a respectable Virginia hotel, or get a bed in any southern hotel on his way home; I mean in a hotel to which the gentleman himself would feel at liberty to go. Is that true or false?

Mr. WHITEHEAD. Well, I take very great pleasure in answering that question. The gentleman appears to have mistaken the words used by the gentleman from Mississippi, [Mr. LYNCH.] He was referring to the States of Kentucky and Tennessee. I traveled here about two weeks ago from my home and I sat in a seat in the rear of a colored gentleman and his wife, very genteel persons and well be-

haved, and I never saw anybody interfere with them during the whole journey.

Mr. HARRIS, of Massachusetts. That is not an answer to my question.

Mr. WHITEHEAD. So far as I know, a colored man can get just as good eating at hotels as I can. I do not know that they would put the gentlemen from Massachusetts at the same table with a colored man, not knowing him, if he were along. I do not know that they would put him in the same room, but I never heard of there being any difficulty in this matter at all in my State. Since I have been a member of Congress I have ridden backward and forward between my home and Washington in the cars and I cannot recollect a single instance in which there was not a colored man or a colored woman in the cars.

Mr. HARRIS, of Massachusetts. Will the gentleman say if he ever knew a colored man to occupy a place in the sleeping-car with him?

Mr. WHITEHEAD. I do not sleep in the sleeping-cars, and therefore I do not know.

Mr. HARRIS, of Massachusetts. Then let me ask the gentleman whether he is prepared to state that the declaration made by Mr. LYNCH on the floor to-day is not actually and strictly true?

Mr. WHITEHEAD. As I do not represent either the State of Kentucky or Tennessee I cannot say. I am answering for Virginia now. Is the gentleman prepared to say that when he uses the words "the Southern States" he excepts Virginia?

Mr. HARRIS, of Massachusetts. No; I do not.

Mr. WHITEHEAD. Then I undertake to say that all the charges on this subject made against Virginia are unfounded.

Mr. RAINEY. Will the gentleman from Virginia allow me to ask him a question?

Mr. WHITEHEAD. Yes; several.

Mr. RAINEY. I would ask the gentleman whether I would be permitted to ride in the street cars in the city of Richmond, Virginia; at least in any car not specifically designated as for colored persons?

Mr. WHITEHEAD. Well, I will tell you what I think about it. I have not been there for two years, but my opinion is that you would.

Mr. RAINEY. Well, the last time I was there I could not.

Mr. WHITEHEAD. Did any one object to your riding in street cars in Richmond?

Mr. RAINEY. O, yes.

Mr. WHITEHEAD. When was that? How long ago?

Mr. RAINEY. About a year ago or a little more.

Mr. WHITEHEAD. Did you tell them who you were?

Mr. RAINEY. I did not tell them who I was. It is not necessary for me to do so in order to ride in the street cars of New York or Boston.

Mr. WHITEHEAD. Well, it may be so; I do not know. The gentleman says that he was not allowed to ride in the cars, and I presume it is so. I have only this to say, that street-car conductors and conductors on railroads are not always polite, prudent, and well-behaved; but I saw, and I assert it for the benefit of the gentleman from Massachusetts, in the ladies' car passing from here to Lynchburgh, a black man and his wife, who was a little whiter than he was, sitting in the car in front of me and I saw nobody disturb them, and I have seen the same thing a dozen of times in the State of Virginia.

Now, that is all I know on that subject. I will tell the gentleman further, and I appeal to lawyers from Virginia here to sustain me, that if a colored man were sold a ticket on a railroad in Virginia and ejected from the cars he would recover the full extent of damages from a white Virginia jury with a white circuit judge presiding over the court.

Mr. HARRIS, of Massachusetts. Does the gentleman know whether a colored man can buy a ticket, first class, on a Virginia railroad?

Mr. WHITEHEAD. So far as I know he can. I do not know that he cannot.

Mr. HARRIS, of Massachusetts. Will the gentleman state if it is possible for a black man to buy a first-class ticket on any railroad in Virginia?

Mr. WHITEHEAD. I will say that so far as I know he can.

Mr. RAINEY. Will the gentleman say that in going to Lynchburgh from this city I could buy a first-class ticket?

Mr. WHITEHEAD. You can go to Alexandria, and on the Orange and Alexandria Railroad you can buy the same ticket I can. I supposed you were asking questions for information, but it does not seem so. It seems that your object in asking is for the purpose of showing that somebody does not know what you do. I have been handed a paper by a gentleman from Tennessee, which says that a member of Congress and a white man on this floor from the State of Alabama could not get a berth in the sleeping-car in Tennessee because it was filled with colored people. How does that fit you in Tennessee? That is not my fight, but that is the Tennessean's answer.

A MEMBER. Sleeping-cars are controlled by Pullman, a northern man.

Mr. WHITEHEAD. That is a fact; they are controlled by a northern man, who may be, so far as I know, a civil-rights man—by Mr. Pullman, of Chicago, who I understand is a great republican. Why do you not have him turned out of the party?

Now, Mr. Speaker, I have been defending the judiciary of my own State from this slur and misrepresentation. I desire to say, sir, that as to the real representatives of my State and its real judiciary, there is not a blot on their escutcheon, neither Credit Mobilier, Sanborn contract, Pacific Mail subsidy, Jay Cooke, nor anything else. That is the record of a State whose people are called "murderers, horse-thieves, and assassins." I just point to their record. What are the charges against the judiciary of the South? They have been republican judiciaries and not democratic wherever these rows have taken place. The murders and assassinations which gentlemen say have taken place have taken place in States which have republican governors, republican judiciaries, and republican sheriffs. In Virginia we have a democratic judiciary, I suppose you would call it; we have democratic officers in most places. There are some colored officers in the State of Virginia, but most of them are white men and democrats. More than that. As I said, we have not had a case of lynching there; we have had no riot there; and thank God we have had no such *criminal* cases as are going on in the city of New York now to the shame of churches and homes.

Now, I am perfectly sure that I have satisfied—well, I was going to say the most, but I will say that I have satisfied about three-fourths of the republicans over there that they have no more business to pass this bill than they have got to go to heaven—not a bit. They have no more right to pass this bill than they have to come here after the 4th of March next. Now, if that is so, then I will ask them seriously why pass this bill when it does the colored man no good, will produce irritation and bad feeling between the sections and in the States, and cause the southern people to believe that those whom they considered brave enough to surrender to and to whose fairness they thought they could trust, are not brave enough to carry out right and justice and kindness and fair-dealing toward the people who surrendered to them their arms.

You can pass this bill; you have got the absolute power to do it. But as I said, you do not represent the people of these United States when you do it. You are here now not representing your constituencies in that matter, and there ought to be a change. And the only change that will correct this will be a change in the time of electing members of Congress. If members were elected after their terms of service had expired we would see a very different state of affairs in this House on this very bill. We would see a very different kind of voting and hear a very different kind of speaking if the elections had come after and not gone before.

I thank the House, although it is a very small one, for having patiently and kindly listened to what I have had to say. And I would thank them a great deal more, and I would feel a great deal better, if they had but the backbone and the grit to take that whip out of the hands of the gentleman from Massachusetts [Mr. BUTLER] and break it, so that he would have to stop whipping you into the traces night after night as he has done.

Mr. CAIN. Mr. Speaker, there are periods in the history of nations and of peoples when it is necessary that men belonging to a race or races whose rights and interests are at stake should lay aside all feelings of delicacy and hesitation and vindicate their rights, their character, and their nationality. I have listened with some surprise to the speech of the gentleman who has just taken his seat, [Mr. WHITEHEAD.] I have been surprised at his attempt to ridicule and cast a slur upon a race of men whose labor has enabled him and his for two hundred years to feed, and drink, and thrive, and fatten.

I have sat in this House nearly nine months, and I have listened to gentlemen recognized as the leaders on the other side attempting to demonstrate as they supposed the inferiority of a race of men whom they have so long outraged, and to cast a slur upon them because they have been helpless. But revolutions never go backward. The mills of the gods grind slowly, but surely and exceeding fine. The times have changed. The wheels have rolled up different circumstances from those that were rolled up in the days of the old régime.

The gentleman from Virginia calls in question the propriety of passing the civil-rights bill. I cannot agree with him, and for this reason; my understanding of human rights, of democracy if you please, is all rights to all men, the government of the people by the people, and for the people's interest, without regard to sections, complexions, or anything else.

Why not pass the civil-rights bill? Are there not five millions of men, women, and children in this country, a larger number than inhabited this country when the fathers made the tea party in Boston harbor, five millions whose rights are as dear and sacred to them, humble though they be, as are the rights of the thirty-odd millions of white people in this land? I am at a loss to understand the philosophy which these gentlemen have learned; how they can arrogate to themselves all rights, all liberty, all law, all government, all progress, all science, all arts, all literature, and deny them to other men formed of God equally as they are formed, clothed with the same humanity, and endowed with the same intellectual powers, but robbed by their connivance of the means of development. I say I am at a loss to understand how they can deny to us these privileges and claim them for themselves.

The civil-rights bill simply declares this: that there shall be no discriminations between citizens of this land so far as the laws of the land are concerned. I can find no fault with that. The great living principle of the American Government is that all men are free. We

admit from every land and every nationality men to come here and under the folds of that noble flag repose in peace and protection. We assume that, whatever education his mind may have received, each man may aspire to and acquire all the rights of citizenship. Yet because, forsooth, God Almighty made the face of the negro black, these gentlemen would deny him that right though he be a man. Born on your soil, reared here amid the toils and sorrows and griefs of the land, producing by his long years of toil the products which have made your country great, earnestly laboring to develop the resources of this land, docile though outraged, yet when the gentlemen who held them in bondage—sir, I will not repeat the dark scenes that transpired under the benign influence and direction of that class of men.

He tells you that since the liberation of the negro the people of the North want to stir up strife. Why, sir, you of the South stir up the strife. When the Government of the United States had made the black man free; when Congress, in the greatness of its magnanimity prepared to give to every class of men their rights, and in reconstructing the Southern States guaranteed to all the people their liberties, you refused to acquiesce in the laws enacted by Congress; you refused to "accept the situation," to recognize the rights of that class of men in the land. You sought to make the reconstruction acts a nullity, if possible. You sought to re-enslave the black man by every means in your power. You denied the validity of those reconstruction acts which undertook to protect him in his liberty. It is because you thus refused to accept the situation as it ought to have been accepted that there is now strife in the land. And I will tell you further that there will be strife all over this land as long as five millions of black men, women, and children are deprived of their rights. There will be no real and enduring peace so long as the rights of any class of men are trampled under foot, North or South, East or West.

Gentlemen say that the republican party is keeping up a continual strife among classes. Why, sir, it is not the republican party that is keeping up strife. The republican party is seeking to maintain peace. It is the southern men that make the strife, because they will not let us have our liberties, because they seek to thwart the designs of the Government. No man can read the tales of horror now being brought out by the investigating committees in the South, without realizing the fact that it is not the northern people or the republican party that makes this strife in the country.

I regard it as essential to the peace of the country that there shall be no discrimination between citizens; and the civil-rights bill I regard as a just and righteous measure which this Government must adopt in order to guarantee to all citizens equal rights.

And, Mr. Speaker, I am astonished that there is an apparent disposition in some quarters to give this question the go-by. "O," gentlemen say, "you will stir up strife in the country"—"bad blood," the gentleman from Virginia said. Well, I think there has been a good deal of "bad blood" in the South already. It seems to me that a few years ago they had some "bad blood" in the South—very bad blood. And if any one will read the transactions in the South during the last few months, he will find that the "bad blood" has not all got out of the South—bad blood stirred up, not by the northern people, but by the southern people themselves.

Now, I do not think there is so much bad blood between the blacks and whites. The gentleman tells us in the next breath that they have the best laborers in the country. Well, if the labor is so good why do you not treat your laborers well? If they are the best class of laborers, if they do so much, why not guarantee to them their rights? If they are good laborers, if they produce your corn and your rice, if they give you such grand products, is it not proper and just that you should accord to them the rights that belong to them in common with other men?

The gentleman said that the slaves lived better than their masters. That is susceptible of grave doubt. I think there is a great difference between hog and hominy in the log cabin and all the luxuries of life in the richly-carpeted mansion. It seems to me there is a great difference when one class bear all the labor and produce all the crops, while the other class ride in their carriages, do all the buying and selling, and pocket all the money.

The gentleman says he wishes to defend "old Virginny." Now, I do not think that Virginia is any better than the rest of the States in this respect. My colleague has already stated that they do not allow colored people to ride in the cars except in cars labeled "Colored people allowed in this car." "Old Virginny never tires!" In this connection let me bring another fact to the gentleman's notice. Eight or ten months ago a lady acquaintance of mine was traveling from South Carolina to Washington; she had ridden in a first-class car through North Carolina, having paid a first-class fare; but when she got to the gentleman's noble State of "old Virginny," she was rudely taken and pushed out of the first-class car into the smoking-car, where she was obliged to remain until she passed out of "old Virginny." It is in this way that they give colored people all their rights and privileges in "old Virginny." It seems to me that such things as this must make "bad blood" for somebody.

But, Mr. Speaker, the gentleman says that this measure is merely an attempt on the part of the people at the North to continue agitation and strife. Sir, I believe that if Congress had boldly passed the civil-rights bill a year ago; if it had let the nation know that the mandates of the highest authority of the land must be obeyed, there

would be no trouble to-day about the civil-rights bill, nor about "mixed schools," &c. The laws of the country would be obeyed. The trouble is merely that there has been a disposition to some extent on the part of some republicans to minister to the prejudices of southern men. Why is it that southern men make all this ado about schools? I think, Mr. Speaker, you will find that of all the men who have voted against the civil-rights bill in the contest that has been going on, there have been more men from the South than from the North on the republican side. The trouble arises in that direction.

But gentlemen speak about "bad blood." Sir, the statistics show—I want to illustrate the manner in which some of the southern people feel about the "bad blood"—the statistics show that there are 1,728,000 mulattoes in the South. One would naturally think there was a good deal of "bad blood" between the two classes—a great deal of unkind feeling!

Mr. Speaker, I regard the civil-rights bill as among the best measures that ever came before Congress. Why, sir, it is at the very foundation of good government. I take a higher view of the question than that of prejudice between the two classes. I regard this five million of men, women and children in the country as an integral part of the country, interwoven with all its interests. The laboring class of the South are as much a part of the population of this country as any other laboring class. The gentleman says that the South has its laborers. So they have. Very well; why should you not keep those laborers there? Why are the gentleman's friends desirous of killing them off? Why do you drive them from the fields? Why do you drive them from their homes? A committee of this House tells us the testimony taken before them shows there are two or three thousand men, women, and children who have been driven from plantations simply because the men voted the republican ticket. That is all. The bad blood of the South comes because the negroes are republicans. If they would only cease to be republicans, and vote the straight-out democratic ticket there would be no trouble. Then the bad blood would sink entirely out of sight.

Mr. WHITEHEAD. Will the gentleman permit me to ask him a single question?

Mr. CAIN. Certainly.

Mr. WHITEHEAD. You were speaking of street cars just now and I should like to say just this in regard to the street cars in Richmond. More than four years ago the street cars of Richmond were thrown open to all classes. Let me read the authority I have for that statement:

More than four years ago the street cars of Richmond were thrown open to all classes.
JOHN W. WOLTZ.

Mr. RAINEY. I desire to say to the gentleman from Virginia I am prepared to give my affidavit that I was in the State of Virginia less than two years ago, and in the city of Richmond. They have cars set apart for the colored people running in the streets of that city. I was prohibited from riding in any other cars than the ones designated for colored people.

Mr. WHITEHEAD. I have this to say. I do not know what was the cause of the gentleman's being put out of the ordinary street cars of that city. The statement I have given is the statement of Mr. Woltz, a leading republican of the State of Virginia and the city of Richmond, who is in full favor now with his party.

Mr. RAINEY. I do not know whether the gentleman who represents the district gives that information or not, but I state to the gentleman from Virginia exactly what occurred to myself.

Mr. CAIN. In less time than that spoken of, the gentleman from South Carolina, a personal friend of mine, was thrust from the street cars in Richmond. He entered a suit in the courts to recover damages for being thrust out of those cars, but was afterward prevailed upon to withdraw his suit.

But, Mr. Speaker, I was about to say this question of civil rights is one which ought to be met plainly and fully. It ought to be made clear and plain to the whole country. What are you going to do with these people? They are here and here they are going to stay. We are going to fight it out on this line if it takes the whole summer. Here we are, part and parcel of this Union, born here and here we expect to die.

But, sir, I have no fear for the future. I believe the time will come when the sense of justice of this nation, when the enlightenment of this century, when the wisdom of our legislators, when the good feeling of the whole people will complete this grand work by lifting up out of degradation a race of men which has served long and faithfully by placing it, so far as the laws are concerned, upon an equal footing with all other classes. I have faith in this country. My ideas are progressive. I recognize the fact that there has been a constant progress in the development of ideas in this country. The great principle which underlies our Government, of liberty, of justice, of right, will eventually prevail in this land and we shall enjoy equal rights under the laws. I regret exceedingly gentlemen talk of social equality. That seems to be their great bugaboo. O, if you put colored men upon an equality before the law they will want social equality! I do not believe a word of it. Do you suppose I would introduce into my family a class of white men I see in this country? Do you suppose for one moment I would do it? No, sir; for there are men even who have positions upon this floor, and for whom I have respect, but of whom I should be careful how I introduced them into my family. I should be afraid indeed their old habits acquired beyond

Mason and Dixon's line might return. No, Mr. Speaker, it is a damnable prejudice, the result of the old cursed system of slavery. It is that which brought about this prejudice and has caused it to overshadow the whole land. Slavery has left the poison still in their minds. Slavery and its effects have nearly expired. It is, to be sure, in its last dying throes. The rude hand of war opened a cavern into which ran much of the bad blood spoken of. The stamp of Phil Sheridan's gallant troopers let much more of it out. Before this Congress closes it will pass the civil-rights bill, giving equal rights and protection to all classes throughout the country. Then indeed, thank God, the last vestige of that old barbarism will have disappeared, and peace shall spread her wings over a united, prosperous, and happy people.

Mr. Speaker, I possibly owe an apology to the House for these remarks, because I entered the House only twenty minutes before the gentleman from Virginia [Mr. WHITEHEAD] stopped speaking; but I felt it was a duty I owed to myself and to the race to which I belong to hurl back his aspersions against the people with whom I am identified, and whom I have endeavored to vindicate here to-night.

There has been a great cry, Mr. Speaker, about schools. Let me give you some statistics bearing upon that part of the case. I have been at some pains to look over the statistics of education in the South, the East, the West, and the North. And in the returns of the last census I find these figures: The number of whites who read throughout the Union was 6,412,246. The number of colored who read was 172,779; the difference being 6,239,467. Number of whites who cannot write, 2,842,062. Colored who cannot write, 2,778,515. I think, so far as the educational clause of the civil-rights bill is concerned, we shall not lose anything if it is struck out. There is more ignorance in proportion in this country among the whites than there is among the colored. The prejudice, therefore, against the clause, so far as that is concerned, will not injure us a great deal after all. We could afford for the sake of peace in the republican ranks, if for nothing else—not as a matter of principle—to except the school clause.

So far as the grave-yards are concerned, why, we are not much troubled where we shall be buried. We know very well we shall be buried somewhere if we die. We are certain of that; somebody will get us out of the way.

Mr. Speaker, I regard it as essential, therefore, that this bill should pass. These five millions of people for whom I speak are waiting for its passage. Their hopes, their prospects, their lives to a certain extent depend upon it. And I think this country owes it to them. Having lifted them out of slavery, having emancipated them, having given them manhood in a sense, I regard it as essential to the interests of this country that they shall make them citizens of this country, with all that that word imports, and that they shall guarantee to them the protection necessary for their lives and for their property.

It is also necessary, Mr. Speaker, that this bill should pass that we may go through the length and breadth of this country without let or hindrance. I know there are prejudices; but we must expect that these will exist. Let the laws of the country be just; let the laws of the country be equitable; that is all we ask, and we will take our chances under the laws in this land. We do not want the laws of this country to make discriminations between us. Place all citizens upon one broad platform; and if the negro is not qualified to hoe his row in this contest of life, then let him go down. All we ask of this country is to put no barriers between us, to lay no stumbling blocks in our way, to give us freedom to accomplish our destiny, that we may thus acquire all that is necessary to our interest and welfare in this country. Do this, sir, and we shall ask nothing more.

Mr. HARRIS, of Massachusetts. Mr. Speaker, nothing was further from my thoughts when I entered this Hall this evening than that I should speak upon the subject of the civil-rights bill. But after having listened to the remarkable speech of the gentleman from Virginia, [Mr. WHITEHEAD,] in which he went out of his way, as I thought needlessly, to assail the Commonwealth from which I come, the motives of its people, and the spirit which has actuated them in the past, from its early history to the present day, I have ventured, in the absence of the more able and distinguished gentlemen from Massachusetts, who if present might be expected fittingly to respond, to say a few words. I simply desire to call the attention of the House to the simple question before us, and to ask whether this is not indeed a strange spectacle which we exhibit to the civilized world. To me it seems a wonderful spectacle that a portion of the American people, living under the Constitution, which now, thank God, has declared in favor of human liberty and equality before the law—that a portion of the representatives of this great people, living under the Constitution, can rise beneath the dome of this Capitol and object to a law which provides penalties for those persons who conduct railroads and hotels and theaters, and refuse to obey in its letter and in its spirit the Constitution of their country; for that is all there is of this question.

Why, Mr. Speaker, only to-day, as I had occasion to remark when interrupting the gentleman from Virginia, a representative of a portion of this people my equal upon this floor—and it is with no feeling of shame that I confess that the gentleman who made the speech to-day and who made the statement to which I refer is my equal, and I think I may add without just cause for offense, sir, that he may proudly claim to be the equal of any gentleman from Virginia who has seen fit to speak on the subject of the civil-rights bill, declared that he, leaving the capital of his country, will be denied—and the gentleman

from Virginia did not in his reply to my question deny the truth of the statement)—will be denied the privileges which I should enjoy in the railroad train, in the hotel, in the restaurant, in any respectable refreshment-room, on his way to his southern home—he would be denied these because of his color—the privileges which I should enjoy. And yet the Constitution of his country says that he shall have all the rights of every other citizen.

Mr. WHITEHEAD. Will the gentleman allow me to ask him a question, inasmuch as I allowed him to ask me one, and just at this point?

Mr. HARRIS, of Massachusetts. I will, and I will answer it if I shall be able to do so, although the gentleman did not, as I thought, answer my question.

Mr. WHITEHEAD. The only point was whether you would take the answer that I gave; but I understand you assert that this occurrence took place in the State of Virginia.

Mr. HARRIS, of Massachusetts. I assert nothing except what was asserted by the gentleman from Mississippi [Mr. LYNCH] on the floor of the House to-day, which no man has denied.

Mr. WHITEHEAD. I do not know whether I understand you correctly or whether we understand each other. Do I understand that you are in favor of forcing white and black persons to sit at the same table in a hotel?

Mr. HARRIS, of Massachusetts. If the gentleman will be kind enough to allow me to do so, I will answer his question.

Mr. WHITEHEAD. I just want to know whether you are in favor of a hotel-keeper being forced by law to make white and black people sit at the same table?

Mr. HARRIS, of Massachusetts. Now, if the gentleman will allow me to answer him, I will tell him what the Massachusetts doctrine is. It is that when any man, white or black, respectable and well-behaved, comes into any hotel in our Commonwealth and asks to have a comfortable apartment assigned him and proper food furnished him, he has a right to it, without regard to his color. But, sir, there is nothing proposed here that would authorize any colored man to force himself on the gentleman from Virginia. This law merely provides that white and black shall be alike entitled to a common hospitality.

Mr. WHITEHEAD. That does not answer my question at all. Do you wish hotel-keepers to be bound to place white and black at the same table?

Mr. HARRIS, of Massachusetts. We require hotel-keepers to receive and entertain with propriety and kindness every guest that may come to them, be he white or black.

Mr. WHITEHEAD. O, that does not answer my question!

Mr. HARRIS, of Massachusetts. Well; I decline to be further interrupted by a gentleman who declined to answer the question I put to him. I will tell the gentleman, however, that in Massachusetts we do not make all classes of white men sit at the same table or sleep in the same bed. But every man in Massachusetts, be he white or black, can have entertainment at one of our hotels, and a black man can get entertainment there equal to that afforded to any white man, if he is respectable and pays his bill.

Now, Mr. Speaker, the gentleman talks about the prejudice of race. Where is the prejudice of race of which he talks? Is it the prejudice of race which the northern people entertain? Not at all. And if they ever held a prejudice of race which led them to deny to any equality before the law, they have long since overcome it. But the prejudice of race which we hear announced in this debate exists among a people who for two hundred years held in cruel bondage a race and generations of a race of men who have now, against their will and without their consent, become entitled to the rights of citizens. I fear the prejudice is not so much against the race as against the freedom of the race. Before the liberation of that race there was no prejudice. The same gentlemen who now upon this floor appeal to this prejudice of race for their defense, before the war were not prevented on account of any such prejudice from taking with themselves and the family in their carriages their colored servants, from riding with them in the same cars upon railroads, from putting up with them at the same hotels, and allowing them to enjoy all the benefits and comforts which they themselves enjoyed. But now that these servants are free and entitled under the Constitution and laws to all the rights of citizens, these same gentlemen set up here a barrier—a line of distinction—a color line, and defend it on the ground of prejudice of races. Do they forget that the country has pronounced that in the matter of citizenship and the rights of citizens there is no distinction of race or color. And have not all parties, even the democratic party, accepted and affirmed the doctrine?

Now, Mr. Speaker, it seems to me that the democratic party of to-day is not true to that declaration of its principles which my friend from Indiana [Mr. SHANKS] tried so laboriously to read the other night. The democratic party of to-day are not keeping the pledge which was made to the American people when they sought to obtain power with Mr. Greeley as their candidate for the Presidency. They now go back on their pledges.

Mr. Speaker, this is a very simple question. The whole of it is this: Shall the Congress of the United States, under the power given it in the amendments to the Constitution, declare by law that this distinction of color shall be broken down, so far as it interferes with the political and civil rights of the people?

If there is any objection to color in Virginia which prevents my friend from Virginia [Mr. WHITEHEAD] from treating his colored neighbor with civility and allowing him the same rights he enjoys himself, we desire to aid him in breaking down that prejudice. Why this objection? Why this prejudice? Why cannot we as American citizens broadly and boldly record our votes for a measure which destroys every remaining distinction between the white freeman and the black freeman? They are all free under the same Constitution, protected by the same Constitution, and in the face of the world we declare that they are entitled equally to the privileges of that Constitution.

I said I did not contemplate making any speech on the civil-rights bill, and have therefore spoken without premeditation, but I trust I have spoken in kindness and good spirit. The gentleman from Virginia was pleased to say that Massachusetts undertook to stir up the war. Sir, let me tell him this: Massachusetts was true to her convictions; she was true to her convictions even though the destruction of her country was threatened, and when that country was saved, I appeal to the gentleman from Virginia, was not Massachusetts the first to extend her hand to the southern people? The voice of the lamented Governor Andrew, the great war governor of Massachusetts, was uttered—who can deny it?—in favor of receiving back in kindness and fraternity our brethren of the South. Our great Senator, who has gone now to his great reward, was not faulty in this respect, and the people of Massachusetts to-day are true to their convictions and to that spirit of liberty which has actuated and inspired them always. They demand equality before the law for all men in fact as well as in theory. And who will denounce them for this? With such doctrine as this for their political creed they may challenge the applause of all good men.

Mr. RAPIER. The gentleman from Virginia [Mr. WHITEHEAD] asked the gentleman a question which I desire to answer. He asked him if he wanted to see a colored man forced to sit at the same table with a white man.

Mr. HARRIS, of Massachusetts. Mr. Speaker, I have nearly concluded my remarks and prefer to finish them without further interruption.

Mr. WHITEHEAD. I asked the gentleman from Massachusetts a question, and it is proposed that it shall be answered by a gentleman from Alabama.

Mr. HARRIS, of Massachusetts. And the gentleman was answered. We do not propose to make any man eat at any other man's table uninvited, but we do not propose that a white man, a keeper of a public hotel, shall kick a black man out of doors and refuse him food and shelter simply because he is a black man. That is the difference between us.

Mr. WHITEHEAD. We do not, either.

Mr. HARRIS, of Massachusetts. The gentleman talks about our sharing glory together. He asked Massachusetts to share a part of the glory of the rebellion, a part of the glory won by men engaged in treason against their country. Sir, that part of the glory of which the gentleman speaks I trust Massachusetts is not anxious to participate in. But the glory of uniting with him in bringing about a state of peace, peace under the Constitution, is a sort of glory in which Massachusetts would be happy to participate.

Mr. WHITEHEAD. Does the gentleman think it becoming and chivalrous to speak of treason and traitors to men with their hands crossed and tied?

Mr. HARRIS, of Massachusetts. When I used the word "treason," I had no intention of applying it to any man on this floor. Besides, if treason has ever been committed under our Constitution, it has been condoned and forgiven; witness the presence upon this floor of many gentlemen from the South whom we meet daily, and I trust always greet with kindness.

Mr. WHITEHEAD. I have no objection to the word "rebel."

Mr. HARRIS, of Massachusetts. Witness the presence here of men who at one time could not have pleaded that they were not guilty of the crime to which I have alluded. When we see to-day southern gentlemen of all classes, whatever their participation in the late war, coming here as our equals, exercising the same power here that we exercise, entitled to and exercising freely all the privileges that we enjoy, I must say I do not think the gentleman does himself credit when he talks about "hands crossed and tied."

Mr. WHITEHEAD. If the gentleman had called me a rebel I should have said nothing—I should not have said a word. If called a rebel, I might admit it. But when the gentleman calls me a traitor, I tell the gentleman I am no more a traitor than he ever was, according to the legal acceptance of the term any way.

Mr. HARRIS, of Massachusetts. I suppose the time has almost come, judging from the things that occur here, when it will be unlawful for a republican member of this House, in referring to what once was treason, to call it by the name then properly applicable to it.

Mr. RAINEY. Mr. Speaker, it was my original intention to have submitted some remarks to-night upon this bill. But upon further reflection I had made up my mind to wait until to-morrow morning, when I hoped to have an opportunity to speak at some length and to my better satisfaction; yet I cannot permit this opportunity to pass without a few words in reply to the gentleman from Virginia, [Mr. WHITEHEAD.] I regret that some others on that side of the House have not

seen fit to participate in the debate to-night, for it looks a little uncharitable to direct all our arguments from this side against a single honorable opponent. But it so happens that he is the only one who has said anything in regard to the bill at this time. I did not come in the Hall this evening early enough to hear all the gentleman had to say. I wish I had heard his entire speech, for I might have been able then to form a better judgment of the course of his argument.

I must say, judging from what I have heard, that the gentleman has made no argument that, in my opinion, can do the civil-rights bill any harm. He has attempted to ridicule the same; he has attempted to ridicule the people whom it is designed to benefit; but he has not adduced any strong argument, logical nor legal, why the bill should not pass and become a law; why the class of people against whom he has raised his opposing voice to-night should not have their constitutional rights. His premises are erroneous altogether, consequently his conclusions are fallacious and void of force. He said the common law now provides all of the remedies this bill is intended to afford; therefore he could not see the necessity for its passage. He further adds that it was intended to create strife and not benefit the colored people. I want to say to the member from Virginia that so far as the common law is concerned, although I am not a lawyer, I am aware, however, that it contains remedial provisions; but they are so general in their character as frequently to lose specific application and force unless wrought into statutory enactment. Hence the necessity for this bill, which sets forth specifically the offenses and the means of redress. That I believe to be why, among other reasons, we enact statutory law; otherwise we would appeal to the common law and obtain our ends independent of the statutes.

The fact of the determined and earnest opposition to which this measure has been subjected is an additional argument in favor of its passage in order that we may have the constitutional rights guaranteed us, being citizens. The time has come under this Government when we must no longer be looked upon and judged by the color of our skins. Yes, the time is at hand when you must cease to take us for cringing slaves. We may have been such in the past, but you should not fail to remember that we are freemen now, and citizens of this great country in common with yourselves; therefore entitled to the full enjoyment of all the privileges and immunities incidental to that condition.

But, as I said before, the gentleman remarked that this bill is intended to create or provoke strife, and in the next breath he contradicted himself by saying if this was the intention and purpose of the republican party for political effect it would be deceived, at least so far as Virginia was concerned, as there would be no strife there. If that would be the case in Virginia, namely, that there would be no strife, why then the gentleman's argument falls to the ground, inasmuch as he admits that in his own State there would be no trouble in event of its becoming a law. Whether this admission was intentional or not I have no means whereby to determine; the gentleman will therefore have to reconcile it to himself.

Now I take the ground that there will be no difficulty in any of the States on account of this bill. There is no argument offered by the opposition to it that was not presented here years ago. True it was not upon this subject, but subjects of a kindred nature affecting the Government more vitally than this ever will. I assert that this "genus" in argument has gnawed at the vitals of this Republic for nearly half a century, until it was aroused from its masterly inactivity, throttled the demon of rebellion, and asserted its potency.

We heard in the course of this debate those diatribes which were so familiar to the ear of the country in times past, the declamation of which contributed in no ordinary degree toward fermenting that bitter sectional spirit which culminated in conflict and bloodshed. The condition of the colored race reminds me forcibly of what is said of Mohammed's coffin, which is affirmed to be oscillating between heaven and earth. The passage of this bill, the purpose of which is to accord equal civil rights to my race, who have felt and are still feeling the sad necessity for the same, will go further to allay the restive public sentiment in this regard and define more definitely the status of us, the new-born citizens, than any statutory enactment that has yet taken place.

It was declared, sir, that if we were enfranchised it would provoke conflict and create strife; that if we were placed in the jury-box it would create a similar result. We have been in the jury-box; we have sat upon cases involving the interests of our fellow-citizens, and have rendered verdicts, and I can say with confidence and pride that as regards my own State our action in this respect has been recognized and accepted even by the democratic lawyers, who frequently select colored jurors. We have also had the pleasure of voting; and the only trouble to-day is that the colored man is so loyal to the Government and true to the party that has given him such rights as he has, that he cannot be prevailed upon to enter the ranks of the opposition. That is the reason why gentlemen on the other side are fighting so strenuously against our advancement. But I will say to them that we intend to continue to vote so long as the Government gives us the right and the necessary protection; and I know that right accorded to us now will never be withheld in the future if left to the republican party. The sooner those opposed to us will understand and concede the fact the better it will be for the tranquillity, prosperity, and happiness of the whole country.

I say to the gentleman from Virginia, I do not doubt that there are privileges accorded to the colored people in his State; that they are allowed to live quietly and without molestation; but I ask why? The answer is, since the election of Governor Walker in that State colored men have been compelled, to a great degree, to vote as the democracy dictated or else not vote at all, without detriment to their business. Whenever the democrats get control of a State, they say "Everything is lovely, and the negroes are happy and prosperous;" but just as soon as the republicans obtain control, then the cry is made loudly that anarchy, ruin, and general destruction are upon the people; that they are oppressed nigh unto death by burdensome taxation, and that the Government is a failure.

Sir, in the State of South Carolina, where we have a republican form of government indeed, where the colored people are in a majority, we are endeavoring, with a fair prospect of success, to demonstrate that the reconstruction policy is not a failure. You may overrule us in Virginia, North Carolina, and Georgia; but we will hold our own in South Carolina; and when her government passes out of the hands of republicans our flag shall yet be flying.

It may be true that in Virginia they have some regard for the colored people; but I can mention a circumstance from my personal observation which does not show regard for the dead and little for the living. When in Richmond some two or three years ago I was taken to the outskirts of the city where there was a burial-ground in which the slaves had formerly been buried. To my astonishment I found that grave-yard cut through for the purpose of opening a street, and the city carts hauling away the dust of those poor dead slaves and strewing the same about the streets to fill up the low places and mud-holes. I saw this with my own eyes, and therefore can testify before God and man as to the fact. Does not this statement show that with some people there is no regard for the poor negro, living or dead? Think of it! The sacred dust of the dead in a civilized community used to fill up mud-holes and low places!

Yet you talk about humanity; your kindly feeling for the colored race. Gracious Heaven! If you have no feelings for the ashes of the dead; if you have no regard for the dust of the dead slave who served you all the days of his life faithfully, honestly, well, we may have apprehensions as to the manner in which we will be treated, now that we are free and struggling for equal rights, unless we are protected by the strong arm of the law.

We do not intend to be driven to the frontier as you have driven the Indian. Our purpose is to remain in your midst an integral part of the body-politic. We are training our children to take our places when we are gone. We desire this bill that we may train them intelligently and respectfully, that they may thus be qualified to be useful citizens in their day and time. We ask you, then, to give us every facility, that we may educate our sons and our daughters as they should be. Deprive us of no rights belonging to us as citizens; give us an equal opportunity in life, then if we fail we will be content if driven to the wall.

But, Mr. Speaker, the subject under consideration is one in which I naturally feel a deep and almost inexpressible interest, not on account of any personal aggrandizement or exclusive individual benefit which I hope to enjoy, but for reasons far more patriotic, lofty, and disinterested in their conception. I speak in behalf of my race and people, who have long endured hardship, degradation, and proscription to subserve the pernicious and diabolical ends of slavery.

I speak in behalf of that people which was found ready and willing when they were needed and an opportunity was afforded to show their fealty to the Government and their readiness with strong arms and willing hearts to contribute toward our country's cause. Are such men to be hooted at and treated contemptuously because of their color? Would you have their loyal aspirations crushed out beneath the heel of tyranny or tramp of prejudice? And yet these very men, or their offsprings, are told that they cannot receive "full and equal enjoyment of any accommodation, advantage, facility, or privilege furnished by innkeepers; by common carriers, whether by land or water; by licensed owners, managers, or lessees of theaters, or other places of public amusement; by trustees, commissioners, superintendents, teachers, and other officers of common schools and public institutions of learning." Is not such action calculated to damp their ardor and fill them with cold indifference and dismay?

Sir, it is not within the scope of reason to expect that any people will continue to be loyal and faithful to a government that disregards their rights and treats with indifference their earnest appeal for the accordment of those privileges and immunities enjoyed by other citizens within its confines; but more especially is this true when they are aware that the only ground upon which these privileges and immunities are withheld is because of complexional differences. Sir, there may exist this difference between the hue of our skins and that of other citizens; but that does not deprive us of principle and such sterling elements of character as would be desirable and befit any class of people and make the man. This may be denied by some and questioned by others. To such I reply, lay aside your prejudices, and doubt will give place to conviction.

Much apprehension and fear have been exhibited on account of the social aspect of this subject. A few words on that point will not be out of place. This fear and apprehension are unwarranted; there is no social precedent for this alarm. It is merely conjectural, or, in other words, it is nothing more than the result engendered by a diseased

and prejudiced mind. Every impartial thinker is aware that no law is supposed possible to regulate the social customs of any people. What is social equality? Is it the undisturbed right to enter public places of amusement, and receive the same accommodations as are offered others at like cost? Surely that cannot be, for it is obvious that suspicious characters are frequently the occupants of first-class seats among the spectators; so if this settles the question we may well tremble for the purity and reputation of good society. Is it the unrestricted right to be entertained at public inns or restaurants and be respectfully treated? That cannot be, for we have daily instances before us where thieves and others of questionable repute enjoy these advantages without, I hope, being considered social equals of other guests. Is it the right of franchise, of being accommodated by common carriers, whether by land or water, and treated as other first-class passengers are? I think not. It is therefore a waste of argument to insist upon it. Social equality consists in congeniality of feeling, a reciprocity of sentiment, and mutual, social recognition among men, which is graded according to desire and taste, and not by any known or possible law. Men as a rule are always careful never to introduce into the sanctity of their family circles those who would abuse the privilege, or who are not recognized as social equals. This is a right that cannot be disputed, neither can it be invaded by any law or statutory enactment.

Reference has been made, for the purpose of arousing public opposition and resentment upon the ground that it would signalize the overthrow of opposing barriers, to unrestrained association between the races and thus inaugurate intermarriage of whites and blacks. Such argument shows the weakness of this supposed salient point adduced by the opposition. It is a mere subterfuge, and unworthy of those who announce it. If their arguments are of any value and force, it reflects unfavorably upon those whose cause they are supposed to defend. Need I say it is unknown to the spirit of our Constitutions, Federal or State; the possible enactment of any compulsory law forcing alliance between parties having no affinities whatever?

The superiority of the Anglo-Saxon race—which has been flaunted in our faces during this discussion—is enough to lead one to believe that there is no occasion whatever for this dread of indiscriminate association, inasmuch as this much talked of superiority would be of sufficient security and a safeguard of itself to defy all assaults, intrusions, or intrigues.

Surely there is no constraining power in one class over another to compel or induce that intimate relationship which custom has declared can only be brought about by desirable and mutual agreement. This is not only an acknowledged social right, but one guaranteed by the Constitution, which says, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

If the future may be judged from the results of the past, it will require much effort upon the part of the colored race to preserve the purity of their own households from the intrusions of those who have hitherto violated and are now violating with ruthless impunity those precious and inestimable rights which should be the undisturbed heritage of all good society.

We are grateful, however, that the day has come when no slave mother will lament in plaintive strains the parting of herself and daughters thus:

Gone, gone—sold and gone
To the rice-swamp, dank and lone—
Toiling through the weary day,
And at night the spoiler's prey,
O, that they had earlier died,
Sleeping calmly, side by side,
Where the tyrants' power is o'er
And the fetter galls no more!
Gone, gone—sold and gone
To the rice-swamp, dank and lone,
From Virginia's hills and waters—
Woe is me, my stolen daughters!

I venture to assert to my white fellow-citizens that we, the colored people, are not in quest of social equality. For one I do not ask to be introduced into your family circles if you are not disposed to receive me there. Among my own race we have as much respectability, intelligence, virtue, and refinement possible to expect from any class circumstanced as we have been. This being so, why should I cast imputation upon my people by saying to them, "I do not want your society; I prefer to associate with the whites." Why should I be ashamed of them with their blood flowing in my veins? Such is not the promptings of my heart nor of my colored colleagues on this floor. We are not naturally more disposed to immorality than others. Under the new order of things we are hopeful, however, that a higher order of morality will be established in the South than existed there in *ante bellum* days; for the time has come when it is admitted that the negroes have rights that white men are bound to respect.

Among my race I am free to confess that we have some immoral men and women, but our consolation is that such regretful examples are not confined to any race or people. It might be said, however, in extenuation of this condition of affairs, that many of them have been kept bowed down in the fetid trenches of slavery for so long a time that their senses have become blunted beyond a keen conception of their own rights and interests, which has led many to believe that they are contented with such privileges as they now enjoy, with-

out desiring further legislation in their behalf. The misfortunes of this class are not chargeable to any but those who delighted to degrade us in the past and desire to continue the same treatment in the present. It is to be hoped, therefore, that they will not be considered as reflecting the opinions or wishes of the more intelligent in this regard.

The earnest desire for the passage of this bill as a measure of justice and equity becomes more evident from the stubborn opposition made to it. There has been no measure passed by Congress having for its avowed object the benefit of the negro race in any way but what has met the same contention that has been so apparent in this instance.

Much has been said about the Constitution and its bearing upon the passage of this bill, and the ultimate result of such an event. Time will not permit me to refer to them all. I will say, by way of general reply, that those who read the Constitution with partial and selfish motives in view fail to see the interests of the colored race apart from what is implied in the three last amendments thereto, and frequently with a narrow conception of those. We claim equal rights and interests with other citizens who are embraced within the limits of all its provisions. If this should not be admitted, the people would soon lose appreciation for that instrument, and clamor for a change that would afford them more general and better protection. Believing it to be adequate for the ample security of all, the people are content with it.

Article 4, section 2, of the Constitution reads thus:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

According to this provision it is unconstitutional to deny any privilege or immunity to colored citizens in either Virginia, Georgia, Kentucky, or any other State that is guaranteed to other citizens. It must be remembered that we are not dealing with the past, but with the immediate present and for the future.

In this connection reference may be properly made to the public schools. All the objections that have been urged against the general commingling of white and colored children in these schools have been stated and successfully refuted in the past. There was great dissatisfaction shown at the inauguration of this system in those States where it has been in successful operation for years. It is gratifying to state that the satisfactory results of its workings has dispelled all doubts in regard to its practicability, quieted apprehension, and contributed largely to remove fears and annihilate that prejudice which has been declared upon this floor should be fostered and respected. It is with the aim of making more complete the destruction of this uncharitable sentiment and proscription that the opening of the public schools to all is so much to be desired. Surely the children are not better than their parents, who now sit with us in the jury box, the legislative hall, and are daily to be seen in the same public conveyances. Therefore I can see no reason why the white and colored children cannot attend the same public school.

What we desire, Mr. Speaker, is to have the cloud of proscription removed from our horizon, that we may clearly see our way to intellectual and moral advancement. This is nothing more than what all good citizens desire to enjoy and ought to have. I therefore favor the passage of the Senate bill now on your table.

This being done, complaints will cease, for we can then justly say, let "caps, hands, and tongues applaud it to the clouds;" the republican party has been just and true to its pledges.

Mr. RAPIER. Certainly, Mr. Speaker, I do not intend to try to make a speech at this late hour of the evening. I have only risen to answer the question propounded by the gentleman from Virginia [Mr. WHITEHEAD] to the gentleman from Massachusetts, [Mr. HARRIS,] and to do so, I have only to read what I said last winter when this subject was under discussion, and when I was replying to the gentleman from North Carolina, [Mr. ROBBINS.] I will read a passage from the speech I then made upon this floor.

Mr. Speaker, I trust this bill will become law, because it is a necessity and because it will put an end to all legislation on this subject. It does not and cannot contemplate any such idea as social equality; nor is there any man upon this floor so silly as to believe that there can be any law enacted or enforced that would compel one man to recognize another as his equal socially; if there be, he ought not to be here, and I have only to say that they have sent him to the wrong public building.

I meant, of course, he ought to be sent to the asylum.

I would oppose such a bill as earnestly as the gentleman from North Carolina, whose associations and cultivations have been of such nature as to lead him to select the crow as his standard of grandeur and excellence in the place of the eagle, the hero of all birds and our national emblem of pride and power. I will tell him that I have seen many of his race to whose level I should object to being dragged.

That is the answer to the gentleman from Virginia when he asked the gentleman from Massachusetts if he wanted a colored man to sit at the same dinner-table with a white man. I answer that I have seen many of his race to whose level I should object to being dragged.

Mr. SMITH, of Virginia, obtained permission to print remarks on the civil-rights bill in the RECORD as part of the debates. (See Appendix.)

And then, on motion of Mr. SHANKS, (at ten o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: Papers relating to depredations upon the frontier of Texas, to the Committee on Foreign Affairs.

By Mr. BELL: Resolutions of the General Assembly of the State of Georgia, relative to the recent Federal interference in the affairs of the State of Louisiana, to the select committee on that portion of the President's message relating to the condition of the South.

By Mr. COBB, of Kansas: Resolutions of the Legislature of Kansas, relative to the removal of the Prairie band of Indians from the Potawatomi reserve, to the Committee on Indian Affairs.

By Mr. COBURN: The petition of workmen in the Capital City Iron-works, Indianapolis, Indiana, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. DUELL: Two petitions of citizens of Syracuse, New York, of similar import, to the same committee.

By Mr. EDEN: The petition of citizens of Willow Hill, Jasper County, Illinois, that pensions be granted to Clarissa Bostic and Sarah McKinney, to the Committee on Invalid Pensions.

By Mr. HAZELTON, of New Jersey: The petition of citizens of Glassborough, New Jersey, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. HUNTON: The petition of William C. Beckley, of Alexandria, Virginia, for relief, to the Committee on War Claims.

By Mr. LUTTRELL: The petition of Kohler & Frohling and 200 others, vine-growers of California, for the imposition of a duty of forty cents per gallon on still wines, to the Committee on Ways and Means.

Also, the petition of Frank W. Shattuck and others, for the improvement of Petaluma River, to the Committee on Commerce.

Also, the petition of citizens of Sonoma County, California, for a post-route from Healdsburg to Mercuryville, California, to the Committee on the Post-Office and Post-Roads.

By Mr. MAGEE: The petition of citizens of Perry County, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. NIBLACK: Petitions of citizens of Indiana and West Virginia, for appropriations to improve the navigation of the Ohio River, to the Committee on Commerce.

By Mr. PHILLIPS: Resolutions of the Legislature of Kansas, opposing the extension of patents, to the Committee on Patents.

Also, resolutions of the Legislature of Kansas, relative to school lands, to the Committee on the Public Lands.

By Mr. PIERCE: The petition of the Centenary Methodist Episcopal church, of Boston, Massachusetts, signed by the pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. RANDALL: The petition of John F. Dumas, residuary legatee, to be paid unpaid balance of claim of Abigail Dumas, deceased, under treaty with France of 1831, to the Committee on Claims.

By Mr. VANCE: Paper relating to the claim of Solomon Hampton, for supplies furnished the United States Army, to the Committee on War Claims.

IN SENATE.

THURSDAY, February 4, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting a communication from the Secretary of War relative to the action taken in issuing certain supplies to the suffering people in Kansas and Nebraska in consequence of the drought and grasshopper plague, and requesting that such action may be approved; which was ordered to lie on the table and be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy, was read twice by its title, and referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial and joint resolutions of the Legislature of Missouri, concerning certain claims of her citizens against the United States for military services rendered and supplies furnished during the war; which were referred to the Committee on Claims.

He also presented a communication from Thomas R. Rich, of Baltimore, Maryland, alleging that Washington Booth, collector of customs at Baltimore, is holding the office in violation of law, and asking for the appointment of a committee to investigate the matter; which was referred to the Committee on Commerce.

Mr. MORTON. I present the petition of 1,500 colored men, depositors in the Baltimore branch of the Freedman's Saving and Trust Company, and, as the petition is short, I would like to read it:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned, depositors in the Baltimore branch of the Freedman's Saving and Trust Company, would respectfully represent to your honorable body that the president and trustees of the principal bank, located in Washington, District of Columbia, represented to us that the Freedman's Saving and Trust Company was chartered by Congress in such a way that its failure was impossible. From these representations we were induced to deposit in the Baltimore branch large amounts of money, and since the failure of the branch our financial matters have been greatly prostrated. We therefore pray your honorable body to give us such relief as our great necessities demand, and we will ever pray.

I ask to have this petition referred to the Committee on the District of Columbia.

Mr. SHERMAN. I will state that a great number of similar petitions from all parts of the country are before the Committee on Finance and the committee have had the matter under consideration.

Mr. MORTON. I will change the reference. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. MORTON. I present a resolution of the Cannelton Board of Industry, in the State of Indiana, in regard to the improvement of the navigation of the Ohio River, and ask, as it is short, to have it read.

The Chief Clerk read as follows:

At a meeting of the Cannelton Board of Industry, held on Wednesday the 20th instant, the following resolution was unanimously passed and ordered to be transmitted to our Senators and Representatives in Congress:

Resolved, That the improvement of the Ohio River is an object of vital importance to this section of country, already too long neglected by the General Government, and we respectfully but earnestly call upon Congress to bestow upon this object that liberal aid which it deserves, and for that purpose to consider favorably the plan which the Engineer Corps of the United States have recommended through the War Department.

The resolution was referred to the Committee on Commerce.

Mr. SCOTT. I present a resolution of the Legislature of Pennsylvania, in relation to an appropriation for the improvement of the navigation of the Ohio River; and I ask that it be read and referred to the Committee on Commerce.

The Chief Clerk read as follows:

Resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Senators be instructed, and Members of the House of Representatives requested, to vote for and use all proper means of securing from Congress an appropriation for the improvement of the Ohio River navigation; and that the governor be requested to transmit copies of this resolution to our Senators and Members in Congress.

The resolution was referred to the Committee on Commerce.

Mr. SCOTT presented memorials of citizens of Porter Township, Huntingdon County, Pennsylvania, and of citizens of Greenville, Pennsylvania, remonstrating against the restoration of duties on tea and coffee or any revival of internal taxes and praying for the repeal of the 10 per cent. reduction of duties on certain foreign goods made by the act of June 6, 1872; which were referred to the Committee on Finance.

Mr. HAMLIN presented a memorial of citizens of Pembroke, Maine, remonstrating against the restoration of the duty on tea and coffee and praying a repeal of the law which reduced duties on certain foreign goods 10 per cent.; which was referred to the Committee on Finance.

Mr. WRIGHT presented the petition of William S. Mitchell, of Washington, District of Columbia, asking a re-examination of his claim for expenses connected with the sale of goods to the Commissioner of Public Buildings and Grounds; which was referred to the Committee on Claims.

Mr. OGLESBY. I desire to present the petition of a large number of citizens of the city of Chicago, Illinois, praying for the establishment of a branch mint in that city; and I ask the indulgence of the Chair to read the following words on the subject in the petition:

The undersigned, citizens of Chicago, in view of the necessity of increased coinage, respectfully represent that the city of Chicago, being the place where the ores from the Rocky Mountains are extensively reduced and to which place they naturally tend for reduction, and in consideration of its centrality, is the most proper place for a branch mint of the United States.

It is signed by H. D. Colvin, mayor of the city, and a large number of citizens; and with this petition I ask also to file resolutions passed at a public meeting of the citizens of Chicago on the same subject. I move that the petition and the resolutions be referred to the Committee on Finance, before which committee the bill for that purpose is now pending; and I will say in addition that I hope the bill will come in very soon and that it will pass this body.

The motion was agreed to.

Mr. HAMILTON, of Maryland, presented the memorial of Arthur Thompson and others, in behalf of the conductors and drivers of street cars in the city of Washington, asking the passage of a law regulating the number of hours per diem labor for street-car employes; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Bonsal & Co. and others, merchants of Baltimore, Maryland, remonstrating against the restoration of the duties on coffee; which was referred to the Committee on Finance.

Mr. FENTON. I present the petition of several of the soldiers of the war of 1812, residing in Western Pennsylvania, assembled in council at Warren, Pennsylvania, who ask in their petition that an act passed last winter in the House of Representatives for their relief be confirmed by the Senate. I move the reference of this petition to the Committee on Pensions.

The motion was agreed to:

Mr. FERRY, of Michigan, presented a petition of Sylvester W. Ingalls and 41 other settlers on Indian reserve lands in Emmett County, Michigan, praying Congress to provide measures to secure them in their homesteads; which was referred to the Committee on Public Lands.

Mr. CONKLING presented the memorial of C. R. Green, asking indemnity for the loss of his ship Dictator; which was referred to the Committee on the Judiciary.

Mr. CONKLING. I present the memorial of the conductors and drivers of street cars in the District of Columbia, asking amelioration of what they deem greivous conditions upon which they labor. This subject has been before the Committee on the District of Columbia, was reported adversely, as I understand, none of those concerned in the bill appearing before the committee and there being no memorialists, the memorial not having been then prepared. I move the reference of this memorial to the Committee on the District of Columbia, and beg the attention of the committee to the facts it states.

The motion was agreed to.

Mr. CONKLING presented the memorial of Daniel S. Haviland and other citizens of New York, asking for the prohibition of the manufacture, importation, and sale of alcoholic liquors as a beverage in the District of Columbia and in the Territories of the United States; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Syracuse, New York, asking for the restoration of the duties on tea and coffee, &c.; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Saranac, Clinton County, New York, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

He also presented a memorial of importers, merchants, and dealers in coffee in the city of Baltimore, Maryland, praying that the proposed duty on coffee now under consideration in Congress be indefinitely postponed; which was referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of William S. Mitchell, of Washington, District of Columbia, be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print the statement of the clerk of the Court of Claims, made in obedience to law, showing all judgments rendered by that court for the year ending December 7, 1874, the names of parties in whose favor rendered, the amount thereof, &c., reported in favor of the motion, and it was agreed to.

He also, from the same committee, to whom was referred a motion to print the report of the Commissioner of Patents for the year ending December 31, 1874, reported in favor of the motion, and it was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3013) granting a pension to Samuel P. Kemp, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3726) granting a pension to Catharine H. Gallagher, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 948) increasing the pension of H. Louise Gates, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3731) granting a pension to Bridget Collins, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2454) to amend section 13 of an act approved March 3, 1873, entitled "An act to revise, consolidate, and amend the laws relating to pensions," reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1015) amending the pension law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled, reported it with amendments.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3398) granting a pension to William C.

Davis, a private in Company B, Eleventh Tennessee Cavalry Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of James Ballard, of Madison County, North Carolina, praying to be restored to the pension-roll, submitted a report accompanied by a bill (S. No. 1241) restoring to the pension-roll the name of James Ballard.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WASHBURN, from the Committee on Claims, to whom was referred the bill (S. No. 949) to pay certain persons and corporations therein named the several sums therein named for losses sustained by the so-called Saint Albans raid on the 19th day of October, 1864, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 950) to pay the First National Bank of Saint Albans, at Saint Albans, in the county of Franklin and State of Vermont, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. No. 1056) granting a pension to Emily L. Herron, of Obion County, Tennessee, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3685) for the relief of George A. Schreiner, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 3725) granting a pension to Mary Ann Eaton, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the bill (S. No. 976) to promote economy and efficiency in the marine-hospital service, reported it with amendments.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 1163) regulating contracts for services in rejected and contested pension claims, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SARGENT, from the Committee on Appropriations, who were instructed by the Senate "to inquire whether the Light-House Board as organized by law is in the best form to promote its efficiency and harmonious action, and whether the supervision of the Secretary of the Treasury over the proceedings of said board is as clearly defined by law as is necessary for the responsibility of said board and the interests of the public service," submitted a report thereon; which was ordered to be printed, and recommended to the Committee on Appropriations.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (S. No. 1103) relating to the approval of bills in the Territory of Utah, reported it with amendments.

He also, from the same committee, to whom was recommended the bill (S. No. 44) to establish the Territory of Pembina, and to provide a temporary government therefor, reported it with amendments.

REPORT OF MAJOR POWELL'S EXPEDITION.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution of the House of Representatives fixing the form in which the report of Major Powell's expedition should be printed, have instructed me to report the same back without amendment, and recommend its passage. It merely fixes the form. The printing was ordered by a clause in an appropriation bill. I ask for its present consideration.

The VICE-PRESIDENT. The Senator from Rhode Island asks the present consideration of the resolution. The Chair hears no objection, and the resolution will be reported.

The Chief Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the Congressional Printer be, and he is hereby, authorized to print the report of Major Powell's expedition in quarto form.

Mr. SARGENT. I should like to ask the chairman of the Committee on Printing where is the necessity of printing this book in any other than the usual document form?

Mr. ANTHONY. This is the usual document form for publications of this kind.

Mr. SARGENT. I think not. The Hayden expedition, one of the most valuable reports we have—most valuable to science, furnishing material even for our school-books—is printed in the ordinary document form, which is not quarto.

Mr. ANTHONY. The difference in expense is inconsiderable, and the plates for this work have been prepared in quarto form.

Mr. SARGENT. It is very true they have been so prepared at an enormous expense. There is a kind of extravagance in reference to the printing and getting up of this report that it seems to me is entirely beyond any merit it possesses in itself. We have been for years trying to get this report. We made appropriations year after year to finish the survey by this man, then another appropriation on condition that he was to make his report, and following that the subsequent year we gave the appropriation but provided that he should make his report, and so we have been going on year by year. Finally we got it at this very late day, after having tried for five years to get a report from him at all, and now we are to print it with gilt

edges, with morocco binding, in quarto form, on tinted paper or expensive paper. I think the matter had better lie over until we have time to consider it.

Mr. ANTHONY. I have no objection to the resolution lying over; but I will say, in justice to the Committee on Printing, that there is no gilt-edged or tinted paper, no morocco binding, reported favorably by them. It is the ordinary form—quarto.

Mr. SARGENT. I do not know that the committee contemplate gilt edges, &c., but that is what it will amount to. The Senator knows that by some authority, outside his committee of course, it will come to us with gilt edges and expensive binding, proper for any lady's table. I do not think a report comparatively unimportant should be put in this shape, while such valuable ones as those I have referred to are printed on ordinary paper and in the ordinary document form.

Mr. ANTHONY. I do not think that any executive document or legislative document should be printed in that extravagant way, which is as wretched in taste as it is extravagant in expenditure; but the publication of this survey was ordered in the sundry civil appropriation bill of the last session. It never was referred to the Committee on Printing, and we are in no sense responsible for the making of it. It seemed to us that the quarto form is more desirable, and other reports have been so printed; but I have no objection to its lying over.

The VICE-PRESIDENT. The resolution will lie over.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1242) for the relief of Adolph von Haacke; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1243) for the benefit of William R. Boice, of Danville, Kentucky; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. EDMUNDS. I ask leave to introduce a bill. I do it at the request of parties interested, and without any expression about its merits.

Leave was granted to introduce a bill (S. No. 1244) to amend an act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1245) to amend the forty-first section of an act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

LOUISE HOME.

Mr. STOCKTON. Mr. President, I should like to ask the courtesy of the Senate to take up the bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes. It is a simple acceptance of a charity, and nothing else. The bill has passed the other House, and it has been reported unanimously from the Committee on the District of Columbia. It ought to be accepted as a charity speedily, and it would be a personal favor to me, as I have asked nothing this session, if the Senate would take it up and put it on its final passage now.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey to take up the bill indicated by him.

Mr. SCOTT. Before that is taken up, I desire to call attention to the fact that this morning will be allotted to the Committee on Claims, and I yesterday gave notice that I would ask for an extension of time. If that extension of time can now be granted by unanimous consent for one hour after the conclusion of the morning business, then I shall not object to the request of the Senator from New Jersey.

The VICE-PRESIDENT. The Senator from Pennsylvania asks an extension of time for one hour after the expiration of the morning business for the business of the Committee on Claims.

Mr. MORTON. I desire to give notice that after the expiration of the hour allotted to the Committee on Claims I shall ask the Senate to proceed to the consideration of the concurrent resolution for the repeal of the twenty-second rule.

Mr. SCOTT. I understand the Senator's notice to mean at the expiration of the extended hour.

Mr. MORTON. Yes, sir.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Pennsylvania. The Senator from New Jersey now moves to take up the bill indicated by him.

The motion was agreed to; and the bill (H. R. No. 4445) to incorporate the trustees of the Louise Home, and for other purposes, was considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to ask the Senator in charge of the bill upon what principle it is that Congress undertakes by an edict to affect the rights of the private proprietors of the alley mentioned in the third section, and to declare precisely the terms in respect to which they shall be paid for the injury done to their property by

appropriating this alley in front of their land to the uses of this institution? I never heard before of such a way as that of disposing of private interests in private property. I had always supposed that when private property was taken for public use or injuriously affected by taking property in which they have an interest and turning it over to any institution, some judicial tribunal was to intervene and to determine what damages, if any, they were entitled to. But this bill simply provides by the sheer will of Congress exactly how these private owners along that alley shall be treated by the other private owners who are to take possession of it. I do not believe that a good way to enact laws. There may be some explanation of it. I never could vote for a bill which contained a provision of that kind until I saw some good reason for it.

Mr. HAMILTON, of Maryland. I will state to the honorable Senator from Vermont that I know of no persons who are specially interested, as he will see if he will examine the plat. If the Senator understands the location of this alley, I do not see precisely, unless it is a desire to be overjust to those people who live upon an adjacent alley thirty feet wide, that there is any provision needed for payment at all. It is to close a fifteen-foot alley that leads at right angles from a thirty-foot alley through the grounds belonging to the Louise Home, and no one is really interested, at all events to a very slight extent, except the owners of the Louise Home grounds. This fifteen-foot alley leads from a thirty-foot alley intended for the use of these grounds fronting Massachusetts avenue and those lots fronting M street. There is a like alley leading from M street into this thirty-foot alley, and is for the accommodation of the people whose lots front on M street and extend back to it. The alley to be closed by the bill is only intended for the lots fronting on Massachusetts avenue, and all these lots are embraced in the grounds of the Louise Home; so that closing this alley only puts in one parcel these grounds, instead of separating if the alley remains open. Therefore I do not think in closing that alley there is any occasion to be as scrupulous in paying for it in view of such a charity.

Mr. BAYARD. It is to be paid for.

Mr. HAMILTON, of Maryland. It goes to the Louise Home. The only hardship in the matter is that they are to pay anything for it, but they agree to do it and we should be satisfied.

Mr. EDMUNDS. All I know about it is what the third section says; and this is what it says:

SEC. 3. That the said trustees and their associates and successors be, and they are hereby, authorized and empowered, for the uses and purposes of said institution, to close that part of the public alley, fifteen feet wide, in said square which opens on Massachusetts avenue: *Provided*, That the said trustees pay for the ground inclosed in said alley at the assessed rate of the ground contiguous to the same in said square, and expend the amount thereof in grading and paving the residue of the public alley therein, or pay the same, *pro rata*, to the holders of property fronting on said alley, according to the number of front feet, if a majority of the owners of said front feet shall so elect.

I do not know what the information of the Senator may be, but I know that this bill declares, if I can understand human language, that here is an alley upon which does front the private property of somebody to whom these trustees are to pay a certain sum which the act of Congress itself fixes by reference to the assessed rate of property along that alley. If the bill tells the truth, I say it is contrary to just principles of legislation to say nothing about the Constitution, by an edict of this character to do that thing. If the bill does not state the case as it is, then the section ought not to be in it, and I move to strike it out.

The PRESIDING OFFICER. (Mr. FERRY, of Michigan, in the chair.) The Senator from Vermont moves to amend the bill by striking out the third section.

Mr. HAMILTON, of Maryland. I am sure I have no objection to striking out the section. The only trouble is that it will endanger the passage of this bill. I know no person's rights will be imperiled by it. I fully examined that point. I have sent for the plat in order to satisfy the Senate that this alley runs through a block of ground belonging entirely to this Louise Home.

Mr. EDMUNDS. That does not change the language of the bill, which says something else.

Mr. HAMILTON, of Maryland. I know it does not change the language of the bill.

Mr. EDMUNDS. If it become necessary to close this alley hereafter, and we understand the subject, it can be done at the next session of Congress. It is not indispensable to these gentlemen that this alley shall be shut up at this moment. Certainly we ought not to be guilty of legislation such as is contained in the third section as it appears to stand.

Mr. STOCKTON. Mr. President, I am sorry that the Senator from Vermont should have thought it necessary to make so sharp a point on a clause of this little bill. As I stated when I asked leave to call it up, the whole object of the bill is a simple matter of charity, a noble charity, which Congress is asked to accept, and, having control over the District of Columbia, to give its countenance to by incorporating a company who can manage it in permanent succession. The bill has passed the House. The whole plot has been thoroughly examined by our Committee on the District of Columbia, and the bill reported unanimously. The Senator from Maryland, who had charge of the bill in committee, assures the Senate of that fact.

But, in addition, the point the Senator from Vermont makes is that it is proposed to shut up an alley in which there are private interests.

That alley is stated in the words he read from the bill to be a public alley. It is an alley under the control of the District of Columbia and the Committee on the District of Columbia. There is a clause in the bill which the Senator omitted to notice, which provides that this act and all the provisions of it shall be always subject to the control and alteration and modification of Congress. If it should turn out that the apprehensions of the Senator from Vermont are well founded and that the committee in the House and the committee in the Senate have overlooked the fact that private rights against the will of the owners have been interfered with, Congress can at any moment remedy that. But by stopping to take so sharp a point, in which the Senator is informed by the committee who have examined it there is nothing practical, he delays the passage of the bill and really accepts a noble and generous charity reluctantly and unwillingly. He puts us in that position.

I ask him whether he cannot for once waive his sharp points of law and let this bill go through. I am willing to guarantee from what I know that no owner of property on that alley will be injured by it. I am not on the committee, and the members of the committee know much better about it than I do; but I am quite sure that they examined the matter thoroughly, both by inspection of the ground and by a map that they had, and that no human being can be injured by the passage of this bill, but on the contrary a great many human beings will be made happy now and continue to be made happy by its passage.

Mr. THURMAN. Mr. President, on a first reading of this section, and without knowing something in regard to this property, I certainly did not consider the objection started by the Senator from Vermont as a sharp point. On the contrary, it seemed to be well founded in the language of the bill. But upon ascertaining what are the facts of the case, I think I can convince him that the bill is not obnoxious to the objection.

If I understand the facts, they are that in the rear of this block occupied by the Louise Home there is a thirty-foot wide public alley. Running from that alley and at right-angles to it is a smaller alley extending from the thirty-foot alley to Massachusetts avenue. The ground on both sides of this smaller alley, which it is proposed to vacate, is owned by the Louise Home, so that nobody is affected by the vacation of that alley except the Louise Home, unless it be that some inconvenience would arise by shutting up that passage from the public alley to Massachusetts avenue. It does not appear that there is any such public inconvenience as that which would require us to reject this section of the bill, and I do not understand that the Senator from Vermont or any one objects to vacating that small alley. Then what does this section provide? I think we might well enough vacate that alley and require no payment by anybody for it; allow it to belong to the adjacent land proprietors; for the right of the public in the alley is a right to the use of it, and the fee is in those owning property adjacent to it. We might give up the public use of that alley to so great a charity as this without requiring anything to be paid; and yet this bill provides that that charity shall pay for that land; it shall pay actually for the land as if it purchased it out and out. Then how is it to pay for it? It is to pay for it in precisely that manner which will be beneficial to the persons who might possibly be remotely injured by its vacation; that is to say, those whose property fronts on the public alley; and it is to pay for it by the improvement of that public alley, if a majority of the property-holders assent to that, or the money is to be distributed *pro rata* to those holders.

It seems to me that the trouble in this section arises from having misunderstood the words in the tenth line, "fronting on said alley." At first glance, it might seem that that meant fronting on this small alley, and that therefore there were other parties than the Louise Home who have property fronting on this small alley; but that is not the meaning of the words. They refer to the last antecedent, the public alley. "Said alley" means the public alley, and the money that is to be paid for the private alley is to be expended in improvements of the residue of the public alley, or that money is to be paid "*pro rata* to the holders of property fronting on said alley;" that is, the public alley. It seems to me that that is not only equitable, but it is more than equitable. I am not prepared to say that we might not vacate that private alley without making compensation; but still I do not wish to set any bad example or stretch the law in any way; but when we do provide that this charity shall actually pay for the land and that that money shall be used for the benefit of the only people who could possibly be injured by the vacation of the alley, it does seem to me that we do all that justice requires.

Mr. EDMUNDS. Mr. President—

Mr. SHERMAN. I rise to inquire whether this comes out of the hour allotted for the Committee on Claims?

The PRESIDING OFFICER. It does not, the Chair understands. The Committee on Claims is to have an hour as the Chair understands.

Mr. SHERMAN. But there are others behind that hour.

Mr. SCOTT. I desire that there may be no misunderstanding about the state of business. I asked and obtained unanimous consent that the hour allotted to the Committee on Claims should extend one hour after the expiration of the usual morning business. After obtaining that consent, the Senator from New Jersey in the morning hour obtained the consent of the Senate to take up his bill, and if this bill shall run until the expiration of the usual morning hour, until one

o'clock, after the consent obtained, then the Committee on Claims will have one hour after that hour, as I understand. I only desire that there shall be no misunderstanding about it.

The PRESIDING OFFICER. The Chair so understands; and at one o'clock the Chair will inform the Senate that the morning hour has expired, from which time the Committee on Claims will have one hour.

Mr. EDMUNDS. I listened with great attention to the remarks of the Senator from Ohio, but I think he is mistaken in his construction of the use of the words "said alley" as they appear in this section. The first part of the section opens with describing a part of a public alley. The trustees are—

To close that part of the public alley, fifteen feet wide, in said square which opens on Massachusetts avenue: *Provided*, That the said trustees pay for the ground inclosed in said alley—

Only one alley is spoken of—

at the assessed rate of the ground contiguous to the same in said square, and expend the amount thereof in grading and paving the residue of the public alley therein—

All the same alley—

or pay the same, *pro rata*, to the holders of property fronting on said alley, according to the number of front feet, if a majority of the owners of said front feet shall so elect.

Therefore the Senator will see that there is only one alley.

Mr. THURMAN. Allow me to interrupt the Senator. If the Senator be right in that interpretation, the only result would be that the money is to be paid to those holders of property on that smaller alley south of the Louise Home. That alley extends further south, and the effect of his interpretation would be that the money would be paid to the holder of property on that small alley south of the wider public alley, south of the Louise Home.

Mr. EDMUNDS. That would depend upon whether any part of this alley to be closed goes south of the Louise Home property. If it goes through it, if any part of it that is closed does go south of that alley, then there would be private proprietors who would be absolutely shut out unless they front on some other alley on the other side of their property. Now, how far the Louise Home property goes in respect of this alley there is no means on the face of this bill for determining that I can see. It speaks of a square of land:

That the buildings and grounds connected therewith, and all property held by said trustees for the purposes of said trust, on the square numbered 196, shall be free from all taxes.

Now, whether the property held by these trustees embraces the whole of the square number 136, we certainly have no means of knowing. It seems from the language of the bill that the Louise Home property, the buildings and grounds connected therewith, do not embrace the whole of square 196, because it proceeds to say "buildings and grounds connected therewith and all property held by said trustees for the purposes of said trust on" that square. There may be separate and different lots; I do not know how the fact is. We have no report in writing as to what the fact is. The bill proceeds to act upon the assumption that there are private rights of landholders there which are to be injuriously affected by this legislation. Then it undertakes to say that no one of them shall have any redress at all in money unless a majority demand that redress in money. Otherwise, the trustees are to expend the amount of the price of this land according to the basis fixed in grading and paving. That may be an advantage to the private owners; but what principle of law entitles us to say that these trustees shall be the judges of what is to be to the advantage of these private owners? If their rights of property are injured, we ought to furnish them, if the public exigencies require that we should injure them, with the ordinary means of judicial redress.

The honorable Senator from New Jersey says that is a sharp point. It may be in New Jersey; I cannot say. But with what little knowledge of private rights I have acquired in other States, I must say it is not regarded as a sharp point to insist that legislation shall not take A's property and give it to B without some judicial investigation into the propriety and extent of it. That is what this bill says on the face of it, that some rights of property which other people possess are to be injured or to be taken by the proprietors of this private property, for this is not taking it for public use. This private charity is in no sense to be upheld on the theory of exercising eminent domain. The bill merely provides for the incorporation of a private institution for private objects; because the Supreme Court of the United States in the Dartmouth College case, as the honorable Senator from New Jersey so well knows, held that Dartmouth College, although it was exercising its functions for general and universal public benefit, was still in the sense of the law and the Constitution a private corporation, and that the rights which were guaranteed to it by the charter granted by the King of England were rights which no State could invade.

That is what this corporation is. It is a corporation for private purposes, and therefore in every respect, so far as it relates to the property and interests of other people, it is a private person, as if it were one man who was going to build a brick-works there or a manufactory or a house. Now, if a few cheap words about "charity," "a noble charity," are to be sufficient to induce us to depart from established principles of legislative justice in dealing with the private owners of property in that neighborhood, of course there is an end of the question. If not, then we ought to leave this section out for the time be-

ing until the matter can be looked into; and if this alley ought to be closed, it can be done hereafter. Anybody can see, as it is a continuous alley, that if you close one end of it you greatly injure the property in the other part of it. It is only fifteen feet wide, it is stated, and it would be with the utmost difficulty that teams or anything could turn around once in such an alley. Anybody, therefore, can see that the property-owners along the other part of this alley, if none of them front even on that part of it which is to be discontinued, will be very seriously injured in the value and use of their property by the shutting up of one end of it. They are put in a bottle, as was said on a famous occasion about a famous event, and there they are. I do not believe that charity requires us to do this thing; certainly not without the usual judicial inquiry into the effect of it, and the usual judicial redress to the people who are injured by taking this property in which they have a right of use and giving it to the trustees of this Home.

There are some other things about this bill which I shall venture to suggest, even at the expense of being considered sharp or of being thought by my friend from New Jersey, though I am sure he does not really think so, to be opposed to this noble charity, as I dare say it is. I think that it is a very dangerous piece of legislation to incorporate a body-politic of this character with perpetual succession even for charitable objects, without a provision in respect of the amount of real estate and other property that it shall be allowed to obtain and hold. I believe it is against the policy of just legislation to incorporate any private corporation of any character, either religious or charitable or business purposes, which shall not contain, as modern charters generally do contain, a provision which shall put a limit upon the amount of property which is to be held by one corporation of these characters and which is to be free from taxation and is to enjoy immunities that the holders of other property do not enjoy; and yet this bill contains nothing of the kind.

Mr. SHERMAN. Does this bill exempt from taxation property to be acquired in the future?

Mr. EDMUNDS. It exempts all property.

Mr. SHERMAN. Now held or to be held hereafter?

Mr. EDMUNDS. "The buildings and grounds connected therewith, and all property held by said trustees for the purpose of said trust on the square numbered 196, shall be free from all taxes." It speaks in the future. The word "held" is used; but that would be construed in my opinion, by a court giving a fair construction of it, to refer to the time whenever a tax should be attempted to be imposed.

Mr. SHERMAN. That is a very important consideration. If this only applies to the present property that is visible and tangible and as to which we are legislating, I should feel disposed in consideration of the charity founded by Mr. Corcoran to vote for the proposition to exempt it from taxation, but if it is to extend to all future property that may hereafter be acquired by this corporation under perhaps different circumstances, the question would be different.

Mr. THURMAN. Allow me to call the attention of the Senator from Vermont to the last sentence of the first section:

The intent of this charter of incorporation being that the same shall be in execution of the trusts in said deed declared—

That is, the deed given by Mr. Corcoran—

and set forth, and not to any other intent or purpose whatever.

Mr. EDMUNDS. Exactly. I am very much obliged to my friend from Ohio for calling the attention of the Senate to that clause. What does that say?

The intent of this charter of incorporation being that the same shall be in execution of the trusts in said deed declared and set forth, and not to any other intent or purpose.

What are those trusts? Those trusts are to expend the moneys which that institution has acquired or may acquire, in a certain direction, for the benefit of certain specified beneficiaries, classes of persons, females, widows of a certain class I believe, and so on—all very good and very noble, no doubt; but the execution of the trusts is that all the income of the funds of that institution which it has or may have shall be devoted to the objects provided in the deed of trust. If we had the deed of trust here, we could see what those are.

Mr. HAMILTON, of Maryland. Here it is.

Mr. EDMUNDS. Now let me ask the Senator from Ohio to look to the first part of this section. They are created a body politic and corporate in law, and "by that name may sue and be sued, implead and be impleaded, have perpetual succession, and shall and may take, hold, manage, and dispose of, at all times, real and personal estate."

There is as broad a power as language can ordinarily confer upon this corporation to buy real estate and sell it, to buy personal estate and sell it, to exercise as complete dominion in respect of acquiring and disposing of property as any private citizen can, without any limitation whatever. And when you turn to the deed of trust, I think you will find that that deed of trust does not confine these gentlemen, as it probably ought not, to an execution of the trusts upon the income of the very property which is conveyed to them; but they are to execute trusts based upon any accumulation that that property may make, upon any acquisition that they may make in respect of the objects upon which the trust is founded.

Then you have here, Mr. President, a charter which in express terms gives complete power to this corporation to acquire real and personal estate to any extent, to convey it to any extent, to sell it and invest the proceeds again; and so with personal property. Then you have declared that all "the buildings and grounds connected therewith and all property held by said trustees for the purposes of said trust * * * shall be free from all taxes and assessments," &c. Is it safe to say that if they acquire, by an additional donation from my honorable friend from New Jersey, another \$100,000, it is not to be free from taxation under this bill? They are authorized to acquire it, and the bill states that all the property held by them shall be free from taxation; and it would be making a sharp point, I submit to my friend, to say that that property is subject to taxation which is the accretion or the addition, and that this property is not. I may be mistaken, but it does appear to me that in doing this thing, which is thought to be necessary to incorporate the trustees who are carrying on this institution, we should impose upon them the usual and salutary limitations which a good deal of experience in the government of the world has shown to be absolutely essential to the protection of public interests, and that is a limitation of the amount of property which they may acquire and hold, and so a limitation upon the amount which may be withdrawn from its duty to pay taxes—

The PRESIDING OFFICER. The morning hour has expired, and the Senate proceeds to act on business reported from the Committee on Claims for one hour.

GEORGE W. DAWSON.

Mr. SCOTT. I call up the Senate bill No. 819.

The bill (S. No. 819) for the relief of George W. Dawson was read the second time, and considered as in Committee of the Whole. It provides for the payment to George W. Dawson, late collector of the fifth internal-revenue district of Maryland, the sum of seventy-two dollars, the amount taken from his deputy collector, Frederick A. Dawson, in the month of July, 1864, by confederate troops under command of General Early.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ANGELINE LOGAN.

Mr. SCOTT. I call up Senate bill No. 889.

The bill (S. No. 889) for the relief of Angeline Logan was read the second time, and considered as in Committee of the Whole. It provides for the payment to Angeline Logan of \$95.85 for services rendered to soldiers of the United States as laundress and nurse in hospitals in Van Buren and Little Rock, Arkansas, during the years 1864 and 1865.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES A. ROBINSON.

Mr. SCOTT. I call up Senate bill No. 271.

The bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased, was considered as in Committee of the Whole. It provides for the payment to Frances A. Robinson, administratrix of the estate of John M. Robinson, late of Independence, Missouri, deceased, the sum of \$2,500, in full for use and occupation of the foundry of the deceased and property taken therefrom for the use of the United States Army during the years 1862 and 1863.

The Committee on Claims proposed to amend the bill by striking out in line 8, by reducing the amount to \$2,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH J. PETRI.

Mr. SCOTT. I call up now House bill No. 1579.

The bill (H. R. No. 1579) for the relief of Joseph J. Petri was considered as in Committee of the Whole. It appropriates \$5,000 to be paid to Joseph J. Petri, of the State of Illinois, in recognition of his heroic and successful efforts in rescuing from starvation and impending death a train of emigrants snowed in between the Sierra Nevada and Trinity Mountains in the months of November and December, 1849, and in payment of the expenses and losses incurred by him in the same.

Mr. WRIGHT. While I reported that bill back and while I think it is really a very meritorious case, as much so as any other that can be presented of this kind, I think it due to myself that I should state that I acted as the organ of the committee in reporting the bill back. I have nothing more to say than that.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN B. TYLER.

Mr. SCOTT. I call up House bill No. 1660.

The bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky, was considered as in Committee of the Whole. It provides for the payment to John B. Tyler, of Princeton, Caldwell County, Kentucky, of \$120, in full for the loss of a horse, his private property, which was killed on the battle-field of Stone River on the 31st day of

December, 1862, he at the time being in the service of the United States Army.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROBERT SPAUGH.

Mr. SCOTT. I call up next Senate bill No. 897.

The bill (S. No. 897) for the relief of Robert Spough, of Indiana, was read the second time and considered as in Committee of the Whole. It provides for the payment to Robert Spough of \$750, with interest on that sum at the rate of 6 per cent. per annum from the 16th of September, 1863, in discharge of his claim for that sum paid for a note due to John Vogler, of the State of North Carolina, supposed to have been confiscated under a decree of the district court of the United States in the district of Indiana.

Mr. SAULSBURY. I should like to hear the report read in that case. I do not understand the bill.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report submitted by Mr. MERRIMON on the 5th of June, 1874:

The Committee on Claims, to whom were referred the petition and accompanying papers of Robert Spough, of Indiana, have had the same under consideration, and make this report:

The petitioner is a citizen of the State of Indiana, and always faithfully adhered to the United States.

On the 18th day of February, 1859, the petitioner, and Thomas Essex and John Essex as his sureties, made their promissory note to one John Vogler, of the State of North Carolina, whereby they promised to pay, one day after date, to the said John Vogler or order, the sum of \$1,010.

At the May term, 1863, of the district court of the United States, held at Indianapolis, in said State of Indiana, proper proceedings were instituted in said court to confiscate said note under the laws of the United States, it being alleged, according to law, that the said John Vogler was then and theretofore engaged in rebellion against the said United States. Afterward said court made a decree of confiscation of said note, and ordered a sale of the same, and the same was sold by the marshal of the court on the 16th day of September, 1863, in obedience to the decree of the court, for the sum of \$750. Of this sum, by order of the court, \$108.34 was applied to the payment of costs in that behalf, and the balance, \$641.66, was paid to the clerk of the court, to be paid into the Treasury of the United States. It does not appear affirmatively that the money passed into the Treasury, but the inference is that it did. The agent of the petitioner purchased said note for him, and he paid for it \$750, as explained above.

By mistake the proceedings of the United States district court to confiscate said note described the note as for \$1,000, and made and due at a day different from that above specified.

At the May term, A. D. 1869, of the United States circuit court in and for the district of Indiana, held at Indianapolis, in said last-named State, the said John Vogler instituted his suit in said court against the petitioner and his said sureties to recover the sum of money due upon said note. The petitioner set up sundry defenses, and among others the said proceedings in said district court of the United States whereby the said note was supposed to be confiscated, &c. But the said circuit court gave judgment in favor of the said John Vogler for the sum of \$1,010 and interest upon that sum from one day after the date of said note. The grounds of the decision of the circuit court do not appear in the transcript of the record. The petitioner avers that he paid said judgment and costs on the 27th day of December, A. D. 1869, and the record shows such payment.

The above state of facts appears from transcripts of the records of said courts and the sworn petition of petitioner, and the committee believe the statement to be substantially true.

Upon consideration, the committee think the petitioner ought to be paid the said sum of \$750, with interest on that sum from the 16th day of September, 1863, the day on which he paid the same to the marshal, and report the accompanying bill for the relief of said Robert Spough, and recommend that the same be passed.

Mr. SAULSBURY. According to that report, there is no evidence that the money ever went into the Treasury; neither is there anything to satisfy my mind that the proceedings to confiscate that note were not had by collusion. I should have no objection to restoring to this gentleman the money which he was afterward compelled to pay to the payee of that note unless it should affirmatively appear that proceedings to confiscate it were inept without any collusion on the part of the defendant himself, and that the money received by the proceedings in confiscation went into the Treasury of the United States. I think we are setting a very dangerous precedent here to take money out of the Treasury upon such a statement of facts as this, and therefore I shall vote against the bill.

Mr. SCOTT. If there be any further explanation desired, the Senator from North Carolina who made this report is more familiar with the facts of the case than I am, and probably can answer the inquiry made by the Senator from Delaware.

Mr. MERRIMON. I have no distinct recollection about the facts in the case other than they appear in the report. I recollect, however, this general fact: that the claimant here resisted the confiscation proceedings as much as he could, and the further general fact that the money passed into the custody of those authorized by law to receive it for the United States. I am sure I never examined a case where there appeared to be more fairness and justness in the action of the party throughout. I do not remember the details now, but I remember these general facts. The case impressed the whole committee as one of great merit.

Mr. PRATT. If a further explanation of this case is needed, I remember the particulars of it somewhat. Mr. Spough was indebted to a citizen of North Carolina whose name is mentioned in the report. Proceedings were instituted in the district court of the United States in Indiana for the confiscation of that note. They resulted in a judgment, and the note was sold by order of the court, and Spough, the maker, bid in the note at the marshal's sale at a sum somewhere between seven and eight hundred dollars, and he supposed of course that that was the end of the matter and that he was discharged from

all liability. But after the war was over the payee of the note instituted a suit upon it either in the circuit or district court of the United States; and these proceedings were set up in bar of his action, but upon demurrer they were decided to be invalid for some cause that is mentioned in the report, but I do not remember it. The consequence was that judgment was rendered upon the note against Spough, and he was compelled to pay it.

At the time this matter was pending in committee, the Senator from North Carolina was not entirely satisfied whether Spough had paid the judgment; and the Senator thought that if he had not, this measure of relief would be premature. Thereupon I wrote to the clerk of the court and received a letter from him that the judgment had been paid by Mr. Spough. The consequence is, therefore, that he has paid the note, principal and interest, to the payee; and besides that he has paid between seven and eight hundred dollars to the marshal on the sale that was made by direction of the court, and that money has gone into the Treasury. The object of this bill is to reclaim that sum from the Treasury and restore it to Mr. Spough.

Mr. SAULSBURY. I should like to inquire of the Senator from Indiana if he knows whether that money which was paid to the marshal went into the Treasury?

Mr. PRATT. That is my impression. I think that appeared before the committee at the time the case was considered.

Mr. MERRIMON. My recollection is that the committee were not able to trace the money into the Treasury; but it did appear affirmatively that it was paid into the office of the clerk, and the clerk was bound under his bond to pay it into the Treasury. At all events this claimant was placed in a condition where he could not control it.

Mr. SCOTT. I suggest to the Senator from Delaware that under the facts as they are developed it could make no difference whether the money could actually be traced into the Treasury or not, because it went into the hands of the proper receiving officer of the court. The plain facts of the case are that this man paid \$750 to the Government on a judgment of a United States court in confiscation proceedings, and when that judgment was set up in his defense afterward, it did not avail him and he had to pay his money over again. So that it is proper that \$750 should be refunded to him. The presumption is that the marshal and the clerk of the court settled their accounts properly and that this money did go to the benefit of the United States.

Mr. SAULSBURY. On this statement of facts I cannot vote to take money out of the Treasury. I do not know the parties and do not desire to cast any suspicion upon them; but there is no satisfactory evidence to my mind but that these whole proceedings of confiscation were inept by collusion at the instance of the defendant himself to get clear of a note which would some time come against him. I should not vote, therefore, for this bill.

Mr. WRIGHT. I have no question about the correctness of this bill in every respect except upon one point, and I want to call the attention of the Senator from North Carolina and of the chairman of the committee to that. My impression was that the interest first allowed by the committee was stricken out, and that we had determined not to allow interest. I call attention to that at this time because it is certainly against all precedent for us to provide for the payment of interest upon a claim against the Government unless there was something in this case that made it special and that we allowed it because of the special circumstances. I call the attention of the Senator having the bill in charge, and of the chairman of the committee also, to the fact that we are setting a precedent which may be dangerous.

Mr. SCOTT. It is undoubtedly true, as the Senator from Iowa states, that the rule in the committee has been, as well as the precedent, in the disposition of all cases of claims against the Government, not to allow interest upon claims due by the Government to claimants; but in this particular case it is not a claim for money that this party earned under a contract, or that was due to him for supplies furnished, but it was his money paid to the Government at that specific date, in pursuance of a judgment of a court, and my recollection is that in the committee for that reason this case was taken out of the general rule, the Government having had the benefit of the claimant's money, which was paid into the Treasury at that time.

Mr. WRIGHT. I think it is exceedingly dangerous. Take this class of cases: There are large numbers of claims against the Government growing out of the direct tax sales where the purchasers paid their money and the money went into the Treasury, and by reason of the failure on the part of the Government to so conduct the sale as to make a perfect title they come to the Government and ask the return of the money. That case, it seems to me, is precisely like this. It is but a simple case where money has been paid into the Treasury under the cotton sales and numberless sales that we have brought to our attention almost every day where money has been covered into the Treasury, and where, according to the theory of our Government, the Government has always been ready to pay it back, but the party has failed to make his claim. This person comes in and makes his claim now and asks that there shall be paid interest from the time he made the payment. It seems to me that if in this case we allow interest, we are compelled to do it in all the other cases, and cases too where we have refused to pay. I call attention to this; and for the purpose of raising the question—I do not want to antagonize the committee—I move to strike out so much of the bill as provides for the payment of interest.

Mr. MERRIMON. According to my recollection, the question of interest was discussed in committee.

Mr. SCOTT. Will the Senator from North Carolina permit me to say that my purpose was to occupy the hour with bills which would not give rise to debate; and if this question is likely to give rise to debate, I shall ask leave to withdraw this bill and pass on to the next one.

The PRESIDING OFFICER. The Chair hears no objection, and the bill will be passed over.

Mr. SCOTT. If the Senator from Iowa is disposed to make his motion and we can vote upon it without debate, I have no objection to striking out the clause for interest.

Mr. WRIGHT. I shall make no debate. I am willing the question shall be taken without debate.

Mr. MERRIMON. I want to make a statement in reply to the Senator from Iowa. I considered in examining the case the question of interest; and my recollection is that it was discussed in committee. The claimant was in no default. The Government, against his wish and against his resistance, compelled him to pay this money under a judicial proceeding. That was done merely improperly. The committee regarded it as a hard case and one of those cases in which the Government ought to pay interest. I do not remember to have examined a case which appealed more strongly to the justice of Congress than this; and because it was a hard case it was taken out of the ordinary rule in reference to the payment of interest.

The PRESIDING OFFICER. The Chair will put the question on the amendment of the Senator from Iowa.

The amendment was rejected.

Mr. SHERMAN. I think the case had better go over. I am afraid of the example.

Mr. SCOTT. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

METHODIST CHURCH AT NEW CREEK.

Mr. SCOTT. I call up Senate bill No. 295.

The consideration of the bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia, was resumed as in Committee of the Whole.

Mr. CONKLING. I should like to understand more than I do about that bill. It speaks of this property as having been "destroyed by the rebel army."

Mr. SCOTT. I will state for the information of the Senator that the report accompanying the bill states that this amount is given not in consequence of its destruction at all, but as the amount of rent believed to be due from the commencement of the occupancy of the building up to the time of its destruction. The report does state that the destruction occurred, as it was believed, because it had been occupied by the United States Army; but no amount embraced in this bill is given for the value of the property destroyed at all.

The bill was reported to the Senate as amended, and the amendment heretofore made reducing the allowance from \$1,400 to \$1,000 was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS DODGE.

Mr. SCOTT. I call up now House bill No. 2844.

The bill (H. R. No. 2844) granting relief to Francis Dodge was considered as in Committee of the Whole. It provides for the payment of \$3,000 to Francis Dodge, trustee for the owners of the schooner Fairfax, as compensation for the loss and destruction of that schooner in October, 1861, by reason of the seizure and appropriation of the same by the naval authorities of the Government.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN L. WILLIAMS.

Mr. SCOTT. I call up next House bill No. 3179.

The bill (H. R. No. 3179) granting relief to John L. Williams, of New York, was considered as in Committee of the Whole. It proposes to pay \$1,460 to John L. Williams, of New York, to compensate him for the value of a cargo of hay taken and appropriated by the authorities of the Government in October, 1861.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN BRENNAN.

Mr. SCOTT. I now call up House bill No. 650.

The bill (H. R. No. 650) for the relief of John Brennan was considered as in Committee of the Whole. It provides that John Brennan shall be allowed the sum of \$643, for disbursements made by him in compensating assistant janitors in the United States courthouse and post-office at Indianapolis, Indiana, under authority from the United States marshal.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN MONTGOMERY AND THOMAS E. WILLIAMS.

Mr. SCOTT. I call up Senate bill No. 951.

The bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to

John Montgomery and Thomas E. Williams the sum of \$2,000, in full of all claims against the Government of the United States for damage, destruction, or appropriation of their property in Virginia, near the end of the Long Bridge, during the late war.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

J. W. DREW.

Mr. SCOTT. I call up next Senate bill No. 1065.

The bill (S. No. 1065) for the relief of J. W. Drew, late additional paymaster in the United States Army, was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to allow J. W. Drew, late additional paymaster in the United States Army, in the settlement of his accounts for the months of November and December, 1863, the sum of \$20,319.83 for disbursements made on vouchers lost in transmission.

The Committee on Claims proposed to amend the bill by adding the following proviso:

Provided, That said accounting officers shall be satisfied that said disbursements were made; and in determining the same secondary evidence may be received.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEMUEL D. EVANS.

Mr. SCOTT. I call up next Senate bill No. 625.

The bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas, was read the second time, and considered as in Committee of the Whole. It provides that in adjusting the accounts of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas, the Secretary of the Treasury may credit him with \$2,753.13, that being the amount of money collected by his deputy, W. B. McIntyre, at and in the neighborhood of Athens, in that State, and of which he was robbed by highwaymen on the night of May 6, 1839, on his way from Athens to Marshall, if it shall appear to the satisfaction of the Secretary that McIntyre was robbed without any collusion or privity on his part.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH KINNEY.

Mr. SCOTT. I will next call up Senate bill No. 952.

The bill (S. No. 952) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri, was read the second time and considered as in Committee of the Whole. It provides for the payment to Joseph Kinney, administrator of the estate and effects of the late David Ballentine, of the county of Cooper, Missouri, of \$10,000, in full discharge for the foundry, stock, supplies, fixtures, &c., the property of Ballentine, burned and destroyed by the order of General N. Lyon, in the year 1861, at Boonville, in that State.

Mr. CONKLING. I do not like to interpose, but I do not think claims belonging to this category ought to pass without the reading of the report of the committee and without explanation. The honorable Senator from Pennsylvania very properly wants to occupy the hour with uncontested cases, and of course that is calculated to deter every Senator from pressing objections; but here is a case belonging to a class that I think ought to be considered. I pronounce nothing as to the merits of it; I only say it ought to be scrutinized, which it cannot be in this hour.

Mr. SCOTT. Having called this bill up, and recollecting that the case is probably one of that class which I did expect would give rise to some debate, I will now ask leave to withdraw it for the present until I present two or three others.

The PRESIDING OFFICER. The bill will be passed over.

CORNELIUS S. UNDERWOOD.

Mr. SCOTT. I now call up the adverse report on the bill (H. R. No. 1193) for the relief of the estate of Cornelius S. Underwood, deceased, late major and additional paymaster United States Army. I move that the bill be indefinitely postponed.

The motion was agreed to.

BELLE E. HAMMOND.

Mr. SCOTT. I also call up another bill for the same purpose, the bill (S. No. 416) for the relief of Belle E. Hammond, of Closter, Bergen County, New Jersey. I move that it be indefinitely postponed.

The motion was agreed to.

MRS. MARY A. THAYER.

Mr. SCOTT. I also call up for the same purpose the bill (H. R. No. 3181) for the relief of Mrs. Mary A. Thayer.

Mr. WRIGHT. I suggest to the chairman of the committee that some additional testimony has been furnished me in that case, and, if it be agreeable to him, I move that the bill be recommitted. I am not aware that the additional testimony will change the conclusion in the case, but I think perhaps it is due to the parties that it should be recommitted in view of the additional testimony.

Mr. SCOTT. As the Senator from Iowa who reported the bill makes that request, I consent to it.

The bill was recommitted to the Committee on Claims.

COWAN & DICKINSON.

Mr. SCOTT. The next case I call up is one of that class of cases which have heretofore given rise to some debate. I make that statement for the reason that I pass over the bills reported this week, because they are not on the printed Calendar, and the Senate cannot have easy access to them. The case I call up now is Senate bill No. 63.

The bill (S. No. 63) for the relief of Perey Dickinson, the surviving partner of James Cowan, deceased, heretofore trading and doing business under the firm-name and style of Cowan & Dickinson, of Knoxville, East Tennessee, was read.

Mr. CONKLING. Is there a written report?

Mr. PRATT. I would suggest to my friend from New York that the report was drawn up by me. It covers eight pages, and its reading might occupy the rest of the hour which has been assigned to the committee.

Mr. CONKLING. Did the Senator put anything into it which he thought was not material and instructive?

Mr. PRATT. Of course I interpose no objection if the Senator desires to hear all the report, but I think I can make an abbreviated statement.

Mr. CONKLING. I cannot believe there is any spare timber in any report made by the Senator from Indiana. If we are to vote money from the Treasury to pay for cotton used as bulwarks and defenses, I do not know but that eight pages would be a very limited space in which adequately to assign the reasons, and therefore I should like to hear the report read if action is insisted upon this morning.

Mr. SCOTT. With the consent of the Senator from New York and the Senator from Indiana, I will interpose to say that my attention is called to one case which is on the Calendar, reported recently, and I will withdraw the Dickinson case for a moment for the purpose of calling up that case.

The PRESIDING OFFICER. This bill will be passed over temporarily, if there be no objection.

PEASLEY & M'CLARY.

Mr. SCOTT. I ask to have taken up the bill (S. No. 821) for the relief of Peasley & McClary, late carriers of mails, of Nashua, New Hampshire.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Claims proposed to amend the bill by striking out all after the enacting clause and inserting the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Peasley & McClary, of Nashua, New Hampshire, out of any money in the Treasury not otherwise appropriated, the sum of \$125, in full compensation for their services in transferring the mails, and the route-agent in charge of them, from the depot of the Worcester and Nashua Railroad to the depot of the Wilton Railroad, in said city of Nashua, from the 2d day of December, 1867, until the 18th day of January, 1869.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill for the relief of Peasley and McClary, of Nashua, New Hampshire.

N. H. DUNPHE.

Mr. SCOTT. There are one or two other cases that have been reported this week which are not on the printed Calendar, but if the Secretary can refer to them, I have a reference to them and will call them up. I ask for the consideration of House bill No. 3180.

The bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts, was considered as in Committee of the Whole. It provides for the payment to N. H. Dunphe, of Bridgewater, Massachusetts, of \$6,180, in full compensation for fifty hogsheads of sugar, containing 61,800 pounds, which sugar was seized by the military authorities of the United States at New Orleans, in the year 1863, turned over to the Quartermaster's Department, and properly accounted for by that Department.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TERRE HAUTE AND INDIANAPOLIS RAILROAD COMPANY.

Mr. SCOTT. I call up next Senate bill No. 1125.

The bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana, was considered as in Committee of the Whole.

The Secretary of the Treasury is directed by the bill to pay to the Terre Haute and Indianapolis Railroad Company, successors of the Terre Haute and Richmond Railroad Company, \$7,543.75, with interest from March 10, 1862; that being the amount due the company for carrying the United States mails, as found and ascertained by the Court of Claims.

The Committee on Claims reported an amendment to strike out the words "with interest from March 10, 1862."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OCTAVIA LE VERT AND CHILDREN.

Mr. SCOTT. I call up Senate bill No. 1216.

The bill (S. No. 1216) for the relief of Octavia Le Vert and her children was read. It directs the payment to Octavia Le Vert, for herself and in trust for her two children, of \$936.67, in full discharge of all claims against the United States for the use and occupation of the building known as the Le Vert hospital, in the city of Mobile, in the year 1865, by the Federal troops, and all injuries thereto growing out of or connected with such use and occupation.

Mr. MORRILL, of Maine. Is there a report in that case?

The PRESIDING OFFICER. There is.

Mr. MORRILL, of Maine. Let it be read.

Mr. WRIGHT. I suggest to the Senator from Maine that the report is a very lengthy one, and I can state in a few words the situation of the case. Our troops went into Mobile. This was a medical hospital owned by Dr. Masten and Dr. Le Vert. Dr. Le Vert had died before, however, and it belonged to Mrs. Le Vert and her children. Under the direction of General Canby the troops took possession of that hospital and used it for the time that is mentioned in the report. General Canby certifies, as do also the other officers there, that the occupation was taken by such order, that it was necessary, and that the amount charged was reasonable.

There was some claim for injury done to the building. General Canby certifies to the Department that he does not think so much ought to be allowed, but about two-thirds or perhaps one-half of it. The committee allow the amount of rent that he recommends as just and also the amount that he says ought to be paid for such damages, but nothing beyond that.

The loyalty of the person is sufficiently and clearly established, as would be seen by the report if there was time to read it.

Mr. HAMILTON, of Texas. There are hundreds of cases now from the Southern States of claims for rents against the Government since the close of the war. All the military officers down there rented quarters. Quarters were necessary not only for officers of the Army, but for a great many civil officers; and those rents are unpaid to-day. In my own State I know a number of gentlemen, Union men, who have claims for rents against the Government and cannot get a sixpence of them. I have an opinion that at the time stated there were not many loyal people in the city of Mobile—precious few—and I am well satisfied that the beneficiary in this bill was not one of them.

Mr. SCOTT. This case comes so near the line to which I want to bring the Senate this morning, that for the present I will withdraw its consideration and then make a statement before I ask a test-vote of the Senate in reference to the cases which are to follow.

There are, I think, eighteen or twenty cases yet left upon the list, and which may properly be denominated southern claims, claims arising in the late insurrectionary States; claims for cotton taken for fortifications; claims for injury to property; for property used in erecting fortifications in the Southern States, and for supplies in those States. Heretofore these cases have given rise to some protracted debate in the Senate. Among others I may recall the case of J. Milton Best, of Paducah, Kentucky. That is again on the Calendar. There are others involving the same principles. Much of the time of the Committee on Claims is taken up in examining and reporting upon cases of this character; and if the Senate is disposed to give us further time for the consideration of these cases, we shall go on and consider them; but if it be the sense of the Senate that each one of these cases is to be taken up and debated at length, it is perfectly obvious that further work upon them in the committee is a waste of time, time which might be much more profitably employed in other business which can be disposed of in the Senate.

Now, having made this statement, with the avowal that there are a number of cases of this character to follow, for the purpose of ascertaining whether the Senate will give time for the consideration of these cases or not, I ask that the time be extended one more hour for the purpose of considering these cases this morning.

The PRESIDING OFFICER. Is there objection?

Mr. MORTON. I hope it will not be done.

Mr. SCOTT. I will make the motion and then call for the yeas and nays, because I desire that the action of the committee shall be governed by the vote of the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the time allotted to the Committee on Claims be extended one hour.

Mr. MORTON. I ask if the Senator intends the vote on this question to be a test vote?

Mr. SCOTT. Yes, sir. I have distinctly stated that I made it as a test question. There is one other case which, if there should be time enough, I may ask the Senate to dispose of—the bill in relation to the heirs of Asbury Dickens; but as this question is so important to the committee and to the other business of the Senate, I make the motion for the purpose of testing the sense of the Senate.

Mr. STEVENSON. I do not know what the Senator from Pennsylvania means by a test question. Is it a test question as to whether the Senate will go on this morning with these claims, or does he propose to make the vote this morning a test as to the action of the Senate in rejecting these claims? I hope the Senate will go on this morning.

Mr. SCOTT. I will answer the Senator that my desire is to get the sense of the Senate as to whether they will hereafter give time to the consideration of these bills.

Mr. MORTON. I ask if it does not require unanimous consent to go on?

The PRESIDING OFFICER. It does not. The question is submitted to the Senate by the motion of the Senator from Pennsylvania.

Mr. SHERMAN. It changes the rule, which can only be done by unanimous consent or upon one day's notice. We are acting ourselves under a rule, and extensions of the rule have only been by unanimous consent; otherwise a majority can in the ordinary course of business dispense with the unfinished business and go on, against the rule itself under which the Senate is acting, to transact this kind of business for a whole day.

The PRESIDING OFFICER. The Chair will remind the Senator that there has been an extension of time under the order of the Senate, and it is now asked that there be a further extension.

Mr. SHERMAN. But it was extended by unanimous consent. I merely speak for the practice of the Senate hereafter. It is true we have no unfinished business to-day, but we are acting under a rule which limits a particular kind of business to one hour or to a particular time. I have no doubt if the Senator had a bill pending at the expiration of the hour it might require a vote to postpone that, because it would be then pending business. The Committee on Claims has no right to the floor except for a specified time. I think myself that the virtue of this rule and the excellent benefit received from it depend entirely upon its strict application; and I am sure the Senate will not hereafter consent to the establishment of a rule like this unless it is to be strictly obeyed.

The PRESIDING OFFICER. The Chair will observe to the Senate that this is a special order made by the Senate and reversible by the Senate. The practice has not been to adhere strictly to the time allotted to the several committees, but in almost all cases the time has been extended. Being a special order the Chair understands that the Senate can reverse it. The motion is made by the Senator from Pennsylvania that the time be extended one hour to the Committee on Claims; and the question is on that motion.

The question being put, there were on a division—ayes 27, noes 8; no quorum voting.

Mr. MORTON. I ask for the yeas and nays on this question.

The yeas and nays were ordered.

Mr. CHANDLER. I wish to state that it was distinctly understood, I believe, that the steamboat bill was to come up at two o'clock to-day, and I hope the extension will not be granted on that account; and I give notice that I shall try to call up that bill immediately.

Mr. MORTON. The Senator from Pennsylvania stated, in making this proposition, that he wanted the vote upon extending the time itself to be a test vote as to whether the Senate wished to consider a particular class of claims that he calls live claims, on which the Senate has acted repeatedly and I believe adversely. I hope the time will not be extended.

Mr. STEVENSON. I do not agree with the Senator in his understanding of what the Senator from Pennsylvania said. He only said that he proposed now to consider the claims which would elicit debate. I understand a great many of these claims are as just as any others, but they have hitherto elicited debate, although many of them have passed the Senate. The Senator from Pennsylvania desired to bring up those claims first which would elicit no debate. Having done that, he now asks to bring up those claims not which are doubtful as to their merits, but which he believed would elicit discussion. I hope the Senate will go on and give him the time.

Mr. CONKLING. At what time does the hour allotted to this committee now expire?

The PRESIDING OFFICER. At five minutes past two o'clock.

Mr. CONKLING. I am afraid that the remainder of the time will hardly enable me to say what I should like to. I wish, however, to make one or two observations on this motion.

The Senator from Pennsylvania, speaking of claims of such a nature as to have excited always in Congress, and still more beyond the Halls of Congress, deep feeling and conflicting conviction, inquires of the Senate whether now it is the judgment of the Senate that time had better be given, and, as I think, wasted, in their consideration. One bill, the title of which the Senator names, sufficiently indicates all others, the bill for the relief of J. Milton Best, a bill which once won its way through the Senate;—no, it did not win its way; it went through the Senate owing to the extraordinary ability and learning with which it was supported. It went through the House. It went to the Executive Mansion. It went no further. It was returned with a veto message which remains upon our files. As practical legislators, with a few weeks remaining in a session which is crowded full of important measures, all of which will not be completed by the 4th of March, one of the questions presented to us is, regardless of the merits of this bill, whether it is worth while to squander time in passing bills which will not triumph into laws, as I have a right to say, unless there be two-thirds in each House to carry them over the executive veto. I only mean to say that no bill running on all fours with the bill of Wallace and the bill of Best, which have received the disapprobation of a part of the law-making power, without whose concurrence no majority in Congress short of two-thirds can succeed, can, as we know, ripen into laws.

The PRESIDING OFFICER. The time allotted to the Committee on Claims having expired, and there being no unfinished business before the Senate, the Chair will call up the Calendar.

Mr. MORTON. Mr. President—

The PRESIDING OFFICER. The Senator from Indiana.

Mr. CONKLING. Shall I understand that the expiration of this hour deprives me of the privilege of finishing my remarks?

The PRESIDING OFFICER. It does.

Mr. MORTON. I move that the Senate proceed to the consideration of the concurrent resolution now lying on the table proposing to repeal the twenty-second joint rule.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana.

The motion was agreed to, there being on a division—ayes 21, noes 18.

GRASSHOPPER RAVAGES.

Mr. LOGAN. A matter of great importance was referred yesterday to the Committee on Military Affairs, which has been acted on by that committee. I refer to the appropriation bill passed by the House of Representatives for the relief of sufferers in Kansas and Nebraska. We reported a similar bill, with the exception that the House appropriate \$50,000 more than our committee originally reported. I am authorized by the committee to report back the House bill to the Senate, and I ask that it be taken up and passed. General Ord is here pressing it very much, and his statement shows a great necessity for action on the part of Congress. Rather than send it back to the House, we ask that bill be passed as it came from the House.

Mr. MORTON. I will yield for that purpose informally.

Mr. LOGAN. If it creates any discussion I will withdraw it. I report back the bill and ask for its present consideration.

There being no objection, the bill (H. R. No. 4545) to provide for the relief of persons suffering from the ravages of grasshoppers was considered as in Committee of the Whole.

The bill authorizes the President of the United States to direct the issue, through the proper officers of the Army, temporarily, of supplies of food and disused Army clothing sufficient to prevent starvation and suffering and extreme want to any and all destitute and helpless persons living on the western frontier, who have been rendered so destitute and helpless by the ravages of grasshoppers during the summer last past, and to report to Congress such issue of food and clothing, and appropriates \$150,000, or as much thereof as may be necessary, to carry out its provisions. The act is to expire on the 1st day of September, 1875.

Mr. MORRILL, of Maine. The House have increased the sum by \$50,000, I understand.

Mr. LOGAN. Yes, sir.

Mr. MORRILL, of Maine. What I wish to ask is whether the Senator has any additional evidence not before the committee at the time the bill was reported before?

Mr. LOGAN. I will state to the Senator that General Ord appeared on the floor of the Senate yesterday and I understand from him and others that the House of Representatives passed this appropriation at his suggestion and that of others as to the amount. We did not know the amount that would be necessary at the time we reported the first bill; but from his statements of the necessity of early action and the terrible condition of things there I have concluded, with the rest of the committee, that it is better, rather than send the matter back to the House, to pass the House bill as it is.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TWENTY-SECOND JOINT RULE.

The Senate proceeded to consider the following resolution submitted by Mr. MORTON on the 27th of January, 1874:

Resolved by the Senate, (the House of Representatives concurring,) That the twenty-second joint rule of the two Houses be, and the same is hereby, repealed.

Mr. MORTON. Mr. President, the abolition of this rule of course would follow as a result of the constitutional amendment which I had the honor to report from the Committee on Privileges and Elections; but I am satisfied that from the want of time and other causes that amendment cannot be passed and adopted before the next presidential election; and as in my opinion the existence of this rule imperils the peace of the nation and subjects the Government to great danger, I think it is our duty to repeal the rule or to so amend it at once as to avoid this approaching danger. After consulting with a number of Senators in regard to this matter, I ask leave to submit this as a substitute for the resolution already offered, which is to amend the rule instead of repealing it:

That the twenty-second joint rule of the two Houses be so amended that no objection to the reception and counting of any electoral vote or votes from any State shall be valid unless such objection is sustained by the affirmative votes of the two Houses.

Under the rule as it now exists, when the votes for President and Vice-President are counted, any formal objection, no matter how trifling or insufficient or even contemptible in its character, has the effect to separate the two Houses and they are to vote upon this objection, and unless both Houses concur in voting it down, the electoral vote of that State is lost. In that way by the dissent of either House any State may be disfranchised; the vote of the State of New York or of Indiana may be rejected by the most foolish and trivial objection unless both Houses shall concur in voting down that objection. The vote of every State may be rejected in this way. It requires no argument, therefore, to prove the absurdity, the uncon-

stitutionality, and the danger of this rule; and as I have had the honor to argue this question before the Senate on several occasions, I think it is not necessary to say anything further now.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. BAYARD. I do not know, Mr. President, that there is any rule beyond that of convenience and comity between members of the Senate that should control the disposition of this measure. At the same time I am not aware that any reasons have been urged, any explanation given, by the Senator from Indiana for the rescission of this joint rule or for its amendment as he has proposed. Without having given the examination or consideration to this subject that its importance demands, yet I have for a long time been of opinion that the constitutionality of this rule altogether may well be doubted. I do not think that anywhere in the Constitution can be found language in any degree constituting the Senate of the United States a factor or an actor in the election of the President of the United States. The office was in the design of the Constitution to be controlled by an electoral college directly voted for by the people. The practical workings of our Government have made the office in effect subject to direct popular election. The electoral college has been a mere screen, which did not conceal in any way from the people the individual for whom their votes were cast, and in substance therefore and practical effect the President and Vice-President of the United States have been elected directly by popular vote. Although the form of the electoral college is still maintained, it is nevertheless but a thin veil between the popular wish and the result which follows its expression. Also, I may say, failing to receive a majority of all the votes cast as required by the Constitution, the House of Representatives, the popular branch of Congress, is authorized and directed immediately to proceed to ballot for a President and for a Vice-President. But will any Senator show me any clause of the Constitution, any implication which can be argued from any clause of the Constitution, which gives this Senate one particle of lawful power in controlling the choice of a President or a Vice-President of the United States?

This joint rule was passed in 1865. There is much to be said in criticism of it independently of the graver objection which I have sought to state, and to which, it seems to me, it is obviously open. The language of the Constitution providing for the office of President of the United States and vesting in him the executive power is contained in the first section of the second article. A portion of that article, what may be termed the third clause of the first section, has been superseded and annulled by the twelfth amendment, but a portion of the section still remains. It is in these words:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The twelfth article, superseding the remaining clause of that section, provides:

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Now, Mr. President, this joint rule is the rule under which the electoral votes have been counted since February, 1865, including the election of Mr. Lincoln, the election of the present President of the United States in 1868-'69, and again in 1872-'73. I confess that I do not see where the power can possibly be found which is assumed by the joint rule, either as it now stands or as it is proposed to be amended, giving the two Houses of Congress right to say whether votes shall be counted or not be counted. The Constitution declares that the electors of the States, chosen in such manner as the people in those States shall see fit to direct by law, shall have their certificates of election signed and certified by themselves; and when they have been so signed and certified shall then be sealed and transmitted to certain officials of the Federal Government. The duty of the President of the Senate is simply ministerial. He is not vested with

discretionary or judicial functions. There is no discretion whatever vested in him. The language of the Constitution is simply mandatory, that he "shall," in the presence of the Senate and the House of Representatives, open the certificates. He cannot even count them. He cannot even inspect them, except in the incidental and casual manner that is implied by the fact that his hand shall open the sealed envelope which contains the list of the electoral vote. Then the votes "shall be counted" in the presence of the two Houses.

Mr. MORTON. Counted by whom?

Mr. BAYARD. There is no distinct provision as to that. They shall be simply counted in the presence of the two Houses; but I apprehend from the fact of their being counted and the result declared that the members of each House are simply witnesses to the count and tally of that vote. That you could not delegate that power to another body I cannot doubt.

Mr. ANTHONY. If the Senator will allow me—I do not wish to interrupt him, but I wish to have his view on this question, and perhaps he was going on to the point which I will bring to his attention. Suppose the Vice-President receives two packages, each purporting to be the electoral vote of a State?

Mr. CONKLING. Being different from each other?

Mr. ANTHONY. Being different from each other.

Mr. BAYARD. I can understand the great difficulty of dealing with a question of that kind, and it was in deprecation of the haste with which this question was being disposed of—called up here, read by the Senator from Indiana, and the question immediately called for in the Senate—that caused me to rise and make the objection I do to this inconsiderate method of dealing with it. I have been trying since this question was suggested by the Senator from Indiana some days ago to find, as well as I could, some method to escape from these difficulties, such as are suggested by the Senator from Rhode Island, and the truth is that all my theories of government come just about to this: That if they are not to be honorably, honestly, and fairly administered, any laws that you make will be perfectly worthless to procure that justice and certainty, that proper record of the will of the people, which our scheme of government was intended to produce. I apprehend that there is no rule which you can frame that will not be open to defeat by some supposititious case. There cannot be the same villainy practiced in regard to the electoral votes of the various States of this Union as are alleged, and I believe truly, to have been practiced in regard to the returns before the returning board in the State of Louisiana, where I have seen the statement made that advantage was taken of the adjournment of the board for a public holiday by the clerks who were the custodians of those returns to unseal the packages, to forge false returns, to seal them up, and then have them counted by this returning board. What law can we ever have to meet such atrocities as that, should such a class of men ever be admitted in sufficient numbers in the Senate and in the Congress of the United States to do such acts as are alleged, and I believe truly, to have been committed by the returning board of Louisiana? There is no cure for that except a public opinion that shall make it impossible for a man to hold public station without possessing those private virtues upon which society must depend for its existence. You may carry a case to the Supreme Court of the United States, you may carry it to any tribunal you choose, you may invest your judges with every responsibility that penalty can secure, and if they be not honest and honorable men your laws will be mockeries, and their decisions will be simply cunning and corrupt evasions of public justice.

Mr. ANTHONY. If the Senator will allow me, perhaps I did not make myself understood. I wish his judgment upon this question. I understand him to say that the Vice-President is simply a ministerial officer; that he has simply to perform a specific duty prescribed by the Constitution in receiving the votes and in opening them and handing them to the tellers to be counted. Suppose the Vice-President receives two packages, each purporting to contain the electoral vote of the State of Louisiana, for instance, how is he to decide which one he will place before the two Houses?

Mr. THURMAN. He must place them both.

Mr. SHERMAN. Then who decides?

Mr. ANTHONY. Yes; who is then to decide?

Mr. THURMAN. The Houses.

Mr. ANTHONY. Not if the rule is repealed.

Mr. BAYARD. I apprehend that all the votes which are received must be counted, and I do not suppose that he can be expected to know what they are, except from the superscription of the sealed envelope containing them, until they shall have been opened.

Mr. ANTHONY. Then, if I understand the Senator aright, the Vice-President is to deliver two, three, four packages, each purporting to contain the electoral vote of a State?

Mr. BAYARD. Let me see what the Constitution says on the subject. I do not think it is sufficiently clear and satisfactory on that point. It provides for the meeting of the electors in their respective States. It provides for a vote by them by ballot for President and Vice-President; and after that vote is taken in distinct ballots for the President and the Vice-President, it provides that they, the electors, shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and the number of votes for each. It provides that the electors in the several States shall themselves make up these lists and communicate the result, certified and signed by them, and transmit it sealed to the seat of the Government

of the United States, directed to the President of the Senate. Then it provides that these sealed papers, which have been directed to the President of the Senate, (and as we all know are by special messengers placed in his hands and in his custody,) shall on a certain day, in the presence of the two Houses of Congress, be opened by him, and the votes shall then be counted. As a matter of fact the only knowledge that the Vice-President of the United States can have of the contents of those envelopes must be derived from the count on the day when he is instructed and compelled to open them in the presence of both Houses. I do not believe that there is any discretion given to him to open one package and not another package; but if they come to his hands purporting to be the certificates, signed and sealed by the electors in the various States, he is to open, in the presence of the two Houses, all such papers which come to him with the import of verity usual to such papers.

Mr. FRELINGHUYSEN. I desire to ask the Senator from Delaware whether he has in his investigation of this subject examined to see what the practice was before the adoption of the rule in 1835; whether prior to that time, on a question arising as to the count of votes, it required the concurrence of both Houses to admit the vote, or whether the presumption was in favor of the votes, and it required both Houses to reject them?

Mr. BAYARD. There never was a question of contest before, as I am informed.

Mr. MORTON. I will state to the Senator that in 1857, before the adoption of this rule, when the votes were counted, objection was made by a member of the Senate to receiving the vote of Wisconsin, because the votes of the electors of that State had not been cast on the day fixed by law, the Constitution requiring that the votes should be cast in all the States on the same day, and there being an act of Congress made in pursuance of that provision. The objection was made that the vote of the electors of Wisconsin had not been cast on that day, but on the next day. Mr. Mason, who was the President of the Senate, decided that the objection was not in order, that nothing was in order but to count the vote. He refused to entertain the motion, and the vote was counted.

Mr. BAYARD. The case stated by the Senator from Indiana does not touch the question raised by my friend from Rhode Island. That Senator asked me, where two sets of electoral votes, two certificates from different sets of alleged electors, came from the same State which of the two should be counted. I said to the Senator from New Jersey that I knew of no such case, until the casting of the last presidential vote. I think the experience of 1872 was the first in the history of this country, and no case ever arose in the presidential election where there was what may be termed conflicting votes or the attempt to have two sets of votes from the same State for the same office.

Mr. President, it was not my object to discuss this very grave question, for I have not had the opportunity, with the various measures which have been pressing on the attention of this body, properly to prepare myself to discuss it. I am fully aware, however, that the cause of difficulties in regard to the election of the President of the United States, as the election of any other officer under the Government of the United States, is the deplorably low tone into which public and political morals have fallen. Unless there is to be a higher plane of political morality and action in this country you may make your rules as often as you please, you may change and repeal them as often as you please, but you will find that fraud will defeat constantly your efforts to repress it. I heard the Senator from Indiana the other day speak of the manner in which the votes have hitherto been counted in the presence of the various Vice-Presidents of this country. The last that he named I think was Mr. Breckinridge, and he bestowed praise upon those high officials because the vote had been honestly counted. When the time shall come that a Vice-President of this country, or the Senate or the House of Representatives of this country, shall, from any passion moving them, act otherwise than honestly, of what use are your laws or your safeguards of statutes and Constitution? They will be of no value and the Government will have failed, and another will take its place, because in all human experience there is one thing that will be necessary no matter what form of government may exist, and that is, that honesty and truth shall be its foundation-stone and enter into the administration of its affairs.

I would prefer that this matter should be further considered and that time should be given for its better examination before we adopt this proposition of the Senator from Indiana. He himself has changed his views. He first proposed, a few days ago, to repeal the whole joint rule. Now he simply proposes to modify it. If in the mind of a Senator who has given so much attention to this subject as the Senator from Indiana there can be this fluctuation of opinion in a few days, surely it would be wise and right to allow those of us who have given less attention, and perhaps are less competent to consider these points than himself, some opportunity to see which of his two propositions is the better one. He proposed at one time the outright repeal of the whole rule. He now proposes a mere modification. I desire time and opportunity to study as well as I may the effect of the Senator's various propositions. I cannot believe that such propositions, touching so grave a matter as this, are produced for temporary and party effect. If they are, then they are very shortsighted. We all know the condition of parties at the time this rule was framed. We also know well the present condition of parties

and what will be their condition in the Forty-fourth Congress, the Congress to whom will be committed the count of the electoral vote in 1877, on the 20th day of February. I should not only think it unworthy but I should think it extremely unwise to attempt to frame a rule in regard to so difficult a subject as this, based upon the accidental condition and relation of the two great political parties of the country. Depend upon it, sir, schemes founded on such theories will only return to plague the inventor and disappoint those who originate them for such very uncertain and, I must say, unworthy ends. I do not say for an instant that has been done in the present case; I have no right to say it; but I wish to say that I desire time to consider this very difficult question, and if my vote can obtain it it shall, to consider the true relation of this rule to the subject and whether it is a transgression of those limited powers which the Constitution of the United States has vested in the Senate especially and in both Houses, in regard to counting and declaring the result of the election for President and Vice-President of the United States. I hope the Senator who has this measure in charge will permit it to lie over for a reasonable time. He has shown to-day that he has at his back in the Chamber a majority, who will permit this measure to be considered whenever he desires. Having then this secured, I suggest, and I shall move if this debate is not to be continued, that the present measure lie over.

Mr. THURMAN. Does the Senator make a motion?

Mr. BAYARD. I shall not make the motion myself, if the present debate is to be continued. If it is not to be continued, I shall make the motion myself that the consideration of this resolution shall be postponed for at least one week; and I think it had better be sent to some committee meanwhile.

Mr. THURMAN. I ask that the resolution and the substitute may be read.

The PRESIDING OFFICER. The Secretary will report the resolution and the substitute.

The Chief Clerk read the resolution and the amendment.

Mr. THURMAN. That resolution was offered by the Senator from Indiana, and the substitute is offered by him. Neither the one nor the other has received the consideration of any committee of this body. I am glad that the Senator has offered the substitute, for the original resolution seems to me to be palpably wrong. Should the original resolution be adopted, we would have no rule whatsoever upon the subject; we would have nothing but the provisions in the Constitution, and those provisions, as we know from opinions expressed on this floor, receive in the minds of different Senators very different interpretations.

In the carefully-prepared speech of the Senator from Indiana delivered at this session on his proposed constitutional amendment, he asserted his opinion to be, if I understood him correctly, that the decision of the question who has received the votes of a State for President and Vice-President rests with the President of the Senate; that the members of the two Houses who are present are but witnesses of a count to be made by the President of the Senate; thus vesting in that officer, and he perhaps a candidate himself, the power to determine who is elected the Chief Magistrate of this Republic. I expressed on that occasion my dissent from that interpretation of the Constitution. I fancy that a large majority of the Senate do not concur in that view of the Constitution. I have no idea that a majority of the Senate agree with the Senator from Indiana in interpreting the Constitution so as to require that the Vice-President shall count and the Vice-President shall be the judge of all objections that may be taken to the validity of any return. That has not been the interpretation placed on the Constitution in the history of the country, otherwise the twenty-second joint rule never would have had an existence. The interpretation placed upon the Constitution has been that as it is a duty devolved upon the Government to count the votes for President and Vice-President, and there being no express provision in the Constitution who shall count them, but an implied provision that they are to be counted by the two Houses, the matter is remitted to the legislative department of the Government to provide by law for that count, consistent always with the express provision in the Constitution that the count shall be made in the presence of the two Houses and the result declared. Therefore it would be an insuperable objection to the resolution first introduced by the Senator from Indiana that it would remove all legislation upon the subject from the books; that there would be nothing at all to determine how the votes should be counted; that we would proceed to the Hall of the House of Representatives in February, 1877, without any rule whatsoever or any statute whatsoever to prescribe what should be done after we got into that assembly. That would never do, Mr. President.

But now the Senator proposes to change the rule and to provide that no vote shall be rejected unless by the concurrent judgment of both Houses, thus quite reversing the rule. The rule now being that no vote shall be counted unless both Houses vote to count it where there is an objection made, he proposes to reverse that and say that no vote shall be rejected unless both Houses concur in its rejection. I have on a former occasion, I have more than once, I believe, declared my opinion that that ought to be the rule, that every return ought to be considered as *prima facie* correct, and ought to be counted unless both Houses concur in rejecting it. I am aware that there is a difficulty in a case that may arise, and it is a difficulty that might

arise under the present rule too, although the result would be different. For instance, take such a case as occurred at the last count—the case of Louisiana—where two sets of returns came up, each of them purporting to be the returns of the votes cast by the electors for President and Vice-President in that State. There manifestly the question was who were the electors. They could not all have been electors. Both bodies could not have been electors. One body were electors and the other body were not electors. The question therefore really to be decided was which one of those bodies was the electoral college for President and Vice-President in that State. Under our rule, when one of those returns was presented and objection made, unless both Houses concurred, the vote would be rejected. When the other return was presented, unless both Houses concurred, it was to be rejected. Suppose the rule had been changed and the substitute now suggested had been adopted; a return is presented, an objection is made to it, and thereupon the Houses vote upon it separately and one House votes to reject it and the other House votes not to reject; then, according to the rule as now submitted by the Senator from Indiana, in a case of that kind that return would have to be counted. Then suppose the next moment the other return is presented, the return of the election of the other body of electors, as was the case with Louisiana at the last count, and then one of the Houses votes that that shall be rejected and the other votes that it shall be received; then you would have to count both returns under that rule as the substitute now stands. You see, therefore, that the substitute will not do just as it is, but must go further and provide for such a case as that, or at least leave it to be decided when the case shall arise.

This is not an impossible case at all. It was the case in regard to Louisiana at the last count, as I have said. There were returns from Louisiana which purported to be the votes of the electors who cast the electoral vote of that State for Greeley. There were other returns that purported to be the returns of electors casting the vote of that State for Grant. Under this modification suggested by the Senator from Indiana, without any provision for such a case, if you take it literally, if the two Houses had been of different politics, as they will be at the next count, the result would have been that the vote of that State would be counted twice and would be nullified, for one return would be for one candidate and the other return would be for another. That shows that the substitute offered by the Senator from Indiana, although in my judgment right in principle, that both Houses ought to concur in rejecting a return before it can be rejected, requires some modification that shall apply to a case where there are two returns from a State. That is certainly necessary or we get into this difficulty that I suggest.

It has further been asked here by the Senator from Rhode Island, what are you to do when there come up two returns from a State? He seemed to think, by the question he put to the Senator from Delaware, that in a case of that sort it was the duty of the President of the Senate to determine which return he would lay before the two Houses. That certainly is an impossibility. He cannot have looked at the law, or he would never have asked such a question as that. What does the law require? Section 2 of the act of 1792, on the subject of the election of President and Vice-President provides—

That the electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the Legislature thereof; and the electors in each State shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President and Vice-President is contained therein, and shall by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, &c.

Then the third section provides—

That the executive authority of each State shall cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

You see, then, that the evidence that the persons voting are electors of President and Vice-President is to be annexed to their votes and of course sealed up with them, and the President of the Senate, when the returns come to him, has no knowledge in the world, can have no knowledge whether return A or return B is the correct return from that State, the return of the votes of the legal electors of that State. He cannot know anything about it. He gets two packages. Upon the back of each one of them is this certificate: "This is the vote of the electors of President and Vice-President of the State of Rhode Island." There is nothing to show that it is except that bare indorsement, and the indorsement is as regular upon the one as it is upon the other. It can never be found out, then, which is the true return until you open them and see whether the evidence of the title of these electors is contained in the return, to wit: The certificate of the executive of the State, under the great seal of the State, that they are the electors. Therefore it is not for the President of the Senate to decide this question in the first instance at all. He must open the returns; all that come to him in that way. If there are two from one State, he must open them both; if there are three, he must open them all, for one may be a forgery or two may be forgeries, and the third one may be the lawful and the only lawful return. So, then, you see that the question asked by the Senator from Rhode Island in nowise tends to prove that any judicial power over this subject is vested in the President of the Senate.

Now, while in my judgment no vote that is regular on its face and

that has been given by the true electors, that is to say no certificate of these electors which is substantially correct, ought to be rejected unless both Houses concur in the validity of the objection to it, and therefore the main purpose of the substitute offered by the Senator from Indiana is correct, yet the substitute is defective for the reason I have already stated. It does not provide for a case in which two returns may come from the same State, as has been the case heretofore. Some provision ought to be made for that case. It ought to be provided that where that is the case the Houses shall decide between those returns, and how they shall decide, and such a provision as that requires great care in draughting it.

But, sir, the defect that has been pointed out is not the only defect of the twenty-second joint rule. I appeal to the experience of every Senator who has ever been at the count of a presidential vote, and especially to every Senator who was present at the last count that was made, and I ask him whether he did not find himself embarrassed beyond measure by the provision in this rule that there should be no debate in either House? The rule expressly provides that. It provides for deciding upon the returns. It provides that the Senate is to retire and decide for itself; the House of Representatives is to decide for itself; they are to meet together, and the result is to be announced, and there shall be no debate in either House. Now I put it to the Senate the other day, and I beg leave to remind Senators again of the fact, that at the last count of the votes the question of the reception of a return from Arkansas depended upon the question whether the certificate of the governor that the persons voting were the electors of that State, was under the great seal of the State or not. It was said that it was not the great seal, but was the seal of the secretary of state alone, and one of the Senators from that State at first thought that the State had no other seal than that, but it turned out upon an examination that the State had a great seal; and yet no Senator was allowed to rise in his place and state to the Senate or to offer any resolution embodying the statement of the fact that that State had a great seal. The very question upon which the reception of the returns depended was to be decided without knowledge of the fact, and the only knowledge that could be communicated of it was by conversation with each other on this floor before the vote was taken. That ought not to be the case.

Take, again, the case of the vote from Georgia, where there were votes for Greeley cast after he died. The House of Representatives decided that they should not be counted; the Senate decided that they should be counted. There was a great question of law. It was not a question whether or not you could elect a dead man; that was not the question, as they seem to have considered in the House; but the question was whether votes cast for a man who was not *in esse* at the time, but honestly cast for him supposing him to be alive, were not to be counted upon the inquiry whether any other candidate had a majority of all the votes cast. That was the question. Nobody pretended that you could elect a dead man to office, but it was a very serious question indeed to be considered whether you could reject votes that had been cast for him, votes honestly cast for him in the belief that he was in being, and declare elected a man who had not received a majority of all the votes cast for the office. And yet upon that great question, upon which I admit much may be said, and which required the most thorough investigation, we were compelled to decide without one single word of argument or reference to anything whatsoever that might enlighten us. Why, sir, it was monstrous.

The truth about it is, that never in my public life (not very great, it is true, but yet extending over a very considerable portion of time) have I seen anything so unsatisfactory, so unreasonable, as was the count of the votes for President and Vice-President cast at the last election. I concur in the remark made by the Senator from Indiana the other day, that it is well for the peace of this country that General Grant had so large a majority that it did not matter whether the contested votes were counted or not, for there might have been a very different state of things if the election had turned upon the objections that were made.

There is another case to be provided for and to be considered. But at the same time that I say this provision that there shall be no debate is a monstrous provision, yet it would not do to have unlimited debate. That certainly would not do, for too much time might be occupied and would probably be occupied; a factious minority might almost speak out the whole time up to the 4th of March. But this rule will never be worth anything, but an injury and a wrong, until some provision is made that shall allow a restricted debate upon this great question; and therefore I had hoped that when the Senator from Indiana turned his attention to it, he would provide for something of this sort, so as to allow a reasonable debate upon the objections that were made to a return.

There are other considerations, Mr. President, that I would urge against the adoption of the substitute as it now is without any further amendment; but it is my purpose to move that this resolution and the substitute be referred to the Committee on Privileges and Elections, in order that they may mature a rule which shall meet the exigencies of the case, that they may mature it not here in open Senate, which is no place carefully to consider any such thing, but that they may mature it in the privacy of their committee-room, conferring with each other, and choosing the most apt and proper language to express their views. This is not a subject to be disposed of in open Senate in this way. An open Senate is not the place to frame

such a rule. It requires great care in the use of language and great reflection upon the provisions that shall be inserted in the rule. That can only be done in the privacy of a committee-room or of a library or a closet; it cannot be done here. Therefore while I favor the adoption of the idea contained in the substitute, yet as I feel that it is imperfect, that it ought to go further, that further provisions are absolutely necessary, and I have perfect confidence that the Committee on Privileges and Elections can in a short time frame a proper rule, and believe that when it shall have framed it it will meet with no serious opposition but can pass, and pass both Houses at the present session, I move to refer the resolution and substitute to the Committee on Privileges and Elections.

Mr. FRELINGHUYSEN. Mr. President, the different views which have been expressed on this subject show the importance of its present consideration. In fact, the difficulty which arose at the count of the votes of the last election should satisfy every one that it is indispensable that Congress take some action on this subject. I agree with the Senator from Delaware that we should take no partisan action—that we should so build as to secure the best interest of the nation for the future. And that we are not influenced by partisan motives, is evinced by the fact that the proposition coming from the Senator from Indiana meets the qualified approval of the Senator from Ohio, and I think I in the main agree with the view that Senator has taken. But in the expression of opinion on a subject of this nature where partisan considerations have no place, every one should hold himself at liberty to modify or change his views as more light is cast on the subject.

I can see that in determining the electoral vote for President a great many questions may arise. A State may claim a larger representation than has been assigned her and may appoint more electors than she is entitled to, and all their votes may be returned. A State may vote for persons as President and Vice-President who both reside in the same State; a State may send here two sets of votes; a State may send up a vote for persons who are not, in the language of the Constitution, "natural-born citizens."

Who is to decide these questions? Is the Presiding Officer of the Senate, who may be a mere member of this body temporarily presiding and who has not been elected by the people? Is he because by the Constitution he is made the medium of communicating the vote to the Senate and to the House to have the power to receive and count these votes, and is there no power to control him? His duty is ended, sir, so far as the Constitution imposes it, when, "in the presence of the Senate and House of Representatives, he opens the certificates." That is all he is authorized to do by the twelfth amendment to the Constitution. Who then is to decide the important questions I have suggested as possible? The Constitution does not expressly say. But what is the implication? The Constitution says that the votes shall then in the presence of the Senate and House of Representatives be counted. The language of the Constitution is that when the votes are so counted, "the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed."

Now it is very certain that the Presiding Officer of the Senate, or the Senate and House of Representatives, must decide the questions that arise. One or the other must do it. The Senator from Delaware said he understood that the Senate and House of Representatives were present as mere witnesses, and it would hence follow there is no one authorized to decide these questions. Mr. President, that cannot be. The very counting or not counting of the vote is a decision, and is the only decision that there is to be made. So when the Constitution says the vote shall be counted, it says that a decision shall be made by some one, and it must be made either by the Presiding Officer of the Senate or by the Senate and House, who are required to be present. The Senator from Delaware very properly says that the Presiding Officer of the Senate has a mere ministerial duty to perform.

Mr. BAYARD. I ask the Senator from New Jersey does he consider that there is any discretion vested in the two Houses of Congress, or either of them, to say that the vote shall not be counted; or does he not consider the language of the Constitution plain and mandatory that "the votes shall then be counted"? Does he think that either House, or both Houses, could prevent the counting of the votes, or if they did, would it not be an act of revolution?

Mr. FRELINGHUYSEN. Mr. President, if a State should send as votes a larger number than it was entitled to, or if it should send persons voted for as President and Vice-President who both resided in the same State, it would be a direct violation of the Constitution and an act of revolution for any one to count them. The House and the Senate are to determine what are votes; that is the very question they are to decide in order that the votes may be counted.

Why, sir, are the House and the Senate present? It is because they represent the sovereignty of the Government at that most critical moment when the executive power is to be transmitted, and they are there that the transmission may be under their watchful guardianship.

Mr. President, from the character of the two bodies, from the requirement that they shall be present, from the necessity that there is for a decision at the time, from the mere ministerial character of the Presiding Officer, it is clear that the decision as to what are votes and what shall be counted must be made not only in the presence of,

but by the Senate and the House. The power of the Presiding Officer ceases when he has performed his ministerial duty of breaking the seal and opening the certificates, as directed by the Constitution.

Mr. EDMUNDS. May I ask the Senator whether he means that the two Houses are to act in their separate characters or in some consolidated character as one body?

Mr. FRELINGHUYSEN. I will answer presently.

Mr. President, from this conclusion that the Senate and House are to decide what are votes and how they are to be counted, it follows as a matter of course that the Senate and House of Representatives have a right to adopt a rule regulating their action in the premises. I had drawn up a rule which, in most respects, corresponds with that of the Senator from Indiana. I would make the present rule read thus:

That no vote shall be rejected except by the concurrent vote of the two Houses.

This is reversing the existing rule, which is that no vote shall be counted excepting by the concurrent vote of both Houses in its favor. I had also adopted the idea expressed by the Senator from Ohio and provided to strike out that clause which directs that "there shall be no debate in either House when they withdraw for consultation," and insert instead—

That no person shall speak more than twice, or more than ten minutes in all.

In answer to the Senator from Vermont, let me say that I understand that the votes must be counted in joint convention, the House and the Senate being together; but that they deliberate separately on any question that may arise.

Mr. EDMUNDS. That is not an answer to the question.

Mr. FRELINGHUYSEN. I thought it was. The advantages of changing the rule and making the vote of both Houses requisite to reject the vote of a State, rather than leaving it as it now is, that either House may reject the vote, are these: If you make the concurrence of both Houses necessary to the rejection of a vote, you give a proper presumption in favor of the validity of the vote of the State.

Mr. WRIGHT. I have a question that I beg to submit to the Senator here, exactly in the line of his argument. He says that he thinks the amendment is proper—without stating his proposition at length—because of the presumption that there is in favor of the correctness of the return. Suppose it so occur that there are two returns from the same State, either by two persons, as in Louisiana, for instance, claiming to be governor, and the seal of the State shall be attached to each; or that they come in such manner or method as not to conform to the law, and the two Houses are unable to agree? That is the case that occurred to me, and it presents difficulties.

Mr. FRELINGHUYSEN. Of course when there are two sets of votes coming from the same State each duly authenticated, if that is possible, there can be no presumption in favor of the one over the other. That difficulty was presented by the Senator from Ohio when the Senator from Iowa was not in his seat; and it seems to me as to the Senator from Ohio that for such a case and for one or two others the rule must make specific provision. It cannot come under the general terms of the rule we are considering. Specific provisions being made for such cases, we should require the concurrence of both Houses to reject the votes sent from the States; and this we should do first because we thus give proper presumption in favor of the vote of the State; second, we thus show due confidence in the integrity of each of the Houses; third, we secure reasonable, though not absolute, security against clearly unconstitutional votes; and lastly—and this is a most important consideration—we adopt a rule under which there will be much less temptation for the House by a disagreement with the Senate to take the election from the electoral college and cast it into the House of Representatives. This I consider a strong reason in favor of changing the rule and making the concurrence of both Houses necessary to reject the vote. Even this rule would not remove entirely the temptation; for the House by not joining the Senate in rejecting improper votes might so affect the result that no one would have a majority of the whole number of electors appointed, and thus the election would go to the House. But with the rule changed, the temptation would not so often occur; and we must have confidence.

Mr. MORTON. Mr. President, I believe that no Senator upon this floor advocates the rule as it now stands. All acknowledge its danger and its absurdity. But the Senator from Ohio says that the amendment proposed by me may operate badly in a case where there are two sets of returns; that both returns must be counted unless both Houses agree in rejecting one set. Now, what provision can you make to meet such a case? As the rule now stands, either House can reject the vote of a State. A law cannot be passed to appropriate a hundred dollars without the concurrent vote of both Houses in the form of a law. You cannot pass any law, however trifling, without you have the concurrent votes of two Houses. The theory of the constitution of our Government is that the judgment of two houses is safer and better than one; therefore we have two. In France they have only one now, but they are trying to get two. But we are all agreed upon the fact that a government with two houses in its legislative department is better than a government with one. As I said before, you cannot pass any law without the judgment of two Houses; but you have now a rule under which one House can reject the vote of the State of New York and disfranchise five millions of people and change the result of a presidential election. Such a thing needs only

to be stated in order that it may be universally condemned, it seems to me. The danger of it cannot be exaggerated.

Now I will take the case of two returns from the same State. They come before the two Houses under the rule as we now propose to amend it. We must presume something in favor of the honesty and of the integrity of the two Houses. I would rather leave it to the two Houses to determine which is the forged and the spurious return than to leave it to one House. We must presume that in that case it would be safer to refer the determination of that question, the selection of the true return and the rejection of the false return, to both Houses than to refer it to one House; and, in the very case that the Senator puts, how else can you decide it? You cannot make any specific rule for a case of that kind. Here are two returns. The first is opened and read. It is objected to. The Houses separate and vote upon that question. They both agree that it is forged, that it is spurious in some form. The next one comes. That is the true one; still an objection is made, and the two Houses vote. You would not allow one House to reject both returns because one House may do it now. Take it as the rule now stands, one House may reject both returns; or, take it as the rule now stands, one House may reject one return and the other House may reject the other return, and so the State gets no vote at all. Is it not safer, if this matter is to be referred to Congress at all, that it shall be made to depend like a law upon the concurrent vote of both Houses instead of leaving it to one House, without debate, without consideration, and without adjournment, to reject the vote of Massachusetts, or New York, or in fact of all the States?

Mr. President, see what a fearful temptation is presented to throw the election into the House of Representatives. I will not presume there is any purpose of that kind or that any House would do it, but I ask you to notice the fearful temptation. At the very next election the House will be democratic and the Senate will be republican. An objection is made to the vote of a State; the two Houses separate and vote upon it. The vote of that State may elect a republican candidate for President. By rejecting the vote of that State the election will be thrown into the House, and the House is democratic and will elect a democrat for President. The responsibility of that action is divided between two hundred and ninety-two men in the House. The responsibility of each one is comparatively small; there may be something in the objection, enough of form or enough of substance to make an irresponsible majority willing to reject the vote of that State; and the House, by its own action, against the vote of the Senate, may reject the vote of that State and take away from that candidate enough votes to reduce his vote below a majority of all the electoral votes, and the result is that the election goes into the House.

Suppose, if you please, as in the case of Arkansas or in the case of Georgia or in the case of Louisiana two years ago, as the rule now stands, the two Houses being different in politics an objection is made; we come back into the Senate and we honestly think that the objection is a good one, and we reject the vote of that State. Our vote does it. The House takes a different view of it just as it did in the Arkansas case only two years ago. They say the objection amounts to nothing. But the House being democratic and the Senate having rejected the vote of a democratic State on a frivolous ground as the House think, the House under excitement—and men are the same at all times and everywhere—will then throw out the vote of the next republican State upon some frivolous objection. Thus it goes tit for tat until the votes have gone out and the election goes to the House.

That is the operation of the present rule. Can any one fail for a single moment to see the danger of this and the necessity of changing it? It is above all party considerations. It is trifling to talk about party, in my opinion, on such a great question as this. If we are to have a rule at all, if Congress is to interfere, let it be upon the ground on which a law is passed or a resolution is passed. It requires the vote of the two Houses to pass a law, no matter how small or unimportant that law may be. Therefore let it require the concurrence of the two Houses to reject the vote of a State, whether it is the vote of Nevada, the smallest State in the Union, or of New York, the largest State in the Union. Every presumption ought to be in favor of receiving the vote of a State. There should be no technical objection sufficient to throw it out. It is a great thing to reject the vote of a State. The presumptions ought to be all in favor of it, and there should be the vote of both Houses as an evidence of the importance of the objection, or else the vote of that State should be received. The temptation is too great to leave in the pathway of any party, of my own party, of the democratic party, or of any party that may come after us.

Sometimes an objection may be made where the Houses divide in good faith, just as they did on the Arkansas question. There the two Houses divided in good faith. The Senate rejected the vote of Arkansas; the House received it. Both acted in good faith. It was unimportant; but suppose the two Houses had differed in politics, then would have come a very different and very grave question; and suppose the rejection of the vote of that State should decide the result of the presidential election? All can see that it might precipitate the country at once into a civil war.

Now, sir, the amendment which I have offered is only intended or expected to go to one single danger in the method of electing a President, and that is in regard to the twenty-second joint rule. There is

another great danger lying behind all that which we cannot provide for except by a constitutional amendment. The electors in a State may be elected by fraud or by violence, but if they come up here properly certified there is no power here to examine the vote in the State below. There is no time for it. There is no opportunity. It was not the intention that Congress should have that power. That was placed with the States; and it was the theory that the election of President should be left to the States and taken away from Congress. You cannot provide for that except by amending the Constitution of the United States. An amendment has been brought forward, but there is no time to act upon it. That is one of the dangers still left behind which we cannot provide for now; but so far as this twenty-second joint rule is concerned we can provide for it.

Upon the question of the power of Congress to adopt this rule I entertain very great doubts. I do not believe myself the power exists; but there is a divided sentiment here. We cannot act upon any other position except that the power does exist. I myself do not see how the power does exist, or from what provision it can be inferred; but we have got the rule. The rule in its present condition is a magazine that may be exploded at any moment. Let us therefore relieve it of its danger. It is much safer for this country—and that is the ground on which I put the whole thing—to say that the vote of a State shall be rejected only by both Houses and not by one House; and you take from one party, where the Houses are divided in politics, the power to change the result by rejecting the vote of a State. It will be in the power of our friends on the other side in the next House of Representatives—and they might act in good faith, but we take a different opinion—it will be in their power if an objection is made in the joint convention to the votes of republican States, the two Houses separating, to throw the election into the House no difference what the votes may be. Under the rule the republican party cannot elect a President. They might carry every State in the North; but they cannot elect a President. Why? Because it is in the power of the House of Representatives, under the operation of the rule, to throw out the vote of every republican State. We, on the other hand, could throw out the vote of every democratic State; but the result would be that the election would go into the democratic House. I am casting no imputation upon any party or any body of men. I am only speaking about the possibilities; about the fearful temptation spread in the pathway of men. I am only speaking about what may take place under such a rule; and no rule which admits of such things ought to stand for one moment.

I do not understand that this rule, in its present form or in the new form proposed to be given it, takes away what I believe to be the power of the Vice-President. The Constitution says that the votes of the electors shall be sealed up and sent to the President of the Senate, and he shall open them in the presence of both Houses, and the votes shall then be counted. Now, suppose there are two packages sent to him; there are two sets of returns; he brings forward one set and keeps the other; how will you get the other set out of his hands? What power have you? He is only required to produce the set that does represent the vote of the State; he is not required to produce both packages; he is only required to produce that package which does contain the true electoral vote of the State. Therefore he may exercise his judgment upon that, and you have no power of correction. You cannot go behind him. That shows the necessity for an amendment of the Constitution. This rule cannot change that. It does not undertake to change it. It simply provides for objections on such papers as he does present and as are opened to be counted. That is all there is of that.

Suppose there are two governments in a State, one is a usurpation, the other is the true government, and each calls on the President of the United States for aid against violence. What has the Supreme Court said. The Supreme Court has said that in that case the President must decide which is the lawful government of the State, and that decision must stand until it is reversed by both Houses of Congress. The Vice-President is simply required to produce the return of the electoral votes of the State, and where there are two packages, it is for him to determine which is the correct one and not to produce the other. It was not intended to give him this great power. It merely results in that way. Why? Because the debates show that there was no apprehension or expectation on the part of the framers that such a thing could ever happen, that there would be two sets of electors from the same State. It was a thing that was not contemplated; they never provided for it; they did not seem to think that there might be fraud in the electoral colleges which would require some tribunal to determine or pass upon it. They took it for granted that all would be fair. It just stands thus: The President of the Senate is to produce the electoral votes, and they shall then be counted; and if there are two or three packages in his possession and he produces one, you have no power to compel him to produce the others. But that is not important now. As I said before, I do not believe in the constitutional power of Congress to pass upon these questions. But we have a rule. There is a difference of opinion upon the constitutional point. I would say change the character of that rule to relieve it of its danger, and put it out of the power of one House to disfranchise any or every State in this Union.

Mr. EDMUNDS. Mr. President, I am rather surprised to hear the Senator from Indiana say that he does not believe Congress has any power to regulate this subject at all, if I correctly understand him,

because that would lead us to this conclusion: that the two Houses, acting by a concurrent rule, have a constitutional power to regulate the exercise of functions conferred by the Constitution which the law itself cannot regulate. I do not understand the Constitution of the United States in that way. The Constitution of the United States vests powers and duties in all the three great departments of the Government. It then provides that Congress shall have power to pass all laws necessary to carry into effect the provisions of the Constitution and the powers invested in any of its several departments. I am not quoting the exact language.

Mr. THURMAN. "In the Government of the United States, or in any department or officer thereof."

Mr. EDMUNDS. That is it. It appears, therefore, clear to me that whatever constitutional power exists at all to do anything upon the subject between the two Houses rests in the law. I, of course, do not include in that the mere method of meeting together, fixing the hour, or anything of that kind; but so far as exercising the primary duty, if there be any at all under the Constitution, which they have to perform, then certainly the Constitution has said that Congress—not the Senate, not the House of Representatives, not both acting together without the President, but the law-making power—shall pass all laws that are necessary to give full effect to the exercise of every duty which the Constitution has reposed in any department of the Government. The result of my friend's argument, as it appears to me, would be, if he is right, that the same rule which holds that you cannot regulate by law the exercise of this constitutional function, assuming that it is to be exercised by the Senate and by the House of Representatives, would apply to the Supreme Court, to the President of the United States, to all the executive officers, because it is the same grant of power, it is the same direction to the legislative body, as in all theories of government it always is, that the Constitution is to be carried into force and its powers and its functions put in operation by the force and power and form of law. No constitution that ever I heard of has been able to execute itself. No system of government having a fundamental law that ever I heard of has been thought to be at all perfect unless it has had also the law-making power to put into execution the rights and the duties and the operations that are reposed by the people in the framework of their government in their representatives. With what propriety, then, can it be alleged that the law cannot touch this question at all and provide how these votes shall be counted, when the electors shall meet, (because that is just such a case,) how they shall transmit their votes, where the two Houses are to meet if you please, when they are to be opened?

In the original discussions about this business, the draught of the Constitution once stood before it was finally adopted that the votes were to be opened in the Senate-house, but that was stricken out. If you say that the law cannot touch these things at all, you must say that the Constitution has not vested in the law-making power the function of providing for the due exercise of any of the powers that the Constitution has granted to the various Departments of the Government. There is nothing more sacred in the constitution of the Senate and House of Representatives as such than there is in the executive department or in the judicial department. And if under your general power of regulation which the Constitution gives you of carrying into effect its powers you may provide how the Supreme Court shall exercise its functions, how the Executive shall exercise his functions carrying out the duties that the Constitution has imposed upon him, may you not also do the same thing when, assuming that to be the true construction of the Constitution, the two Houses are to meet and witness the counting of these votes and to decide upon them? It seems to me that no man can considerably answer that question in the negative.

No distinction is made in the Constitution between regulating by law whatever function is appointed by the Constitution to be performed by the two Houses and in regulating by law the function which any of the other Departments of the Government are to exercise; and such, so far as I know, has been the continuous history of this Government without dispute by any party. Take the highest possible case where you could suppose by the Constitution that there was no legislative power at all; and that is in the judging of the elections and qualifications of the members of the two Houses. There have been laws for a great many years, passed without party disputes or questions of doubt as to constitutionality, providing for the methods of contesting elections in the House of Representatives, the kind of notice that should be given to entitle a man to make a contest, the kind of evidence, and the method of its taking, which the party most produce in order to maintain his right or to counteract the opposition on the other side. It is true, you may say, that the House of Representatives is not bound to regard that when it comes to act; that it has absolute power. So it has; so has the Supreme Court absolute power; and yet the Supreme Court does not exercise that power upon its caprice; it exercises it according to the regulations which the law has imposed.

It is no argument, therefore, against the constitutional power of Congress by law to regulate the performance of a constitutional duty to say that the party who has that duty to perform may disregard the law and set up for himself. The law may say, if you please, that the President of the United States shall only hold his office for two terms; that he shall not be eligible for more. Suppose he happens to be

elected for a third time, and takes possession of the office; what is to be done about it? It is a plain violation of the law, and you must turn him out by revolution, I suppose, or by some judicial process, or in some other way. So, then, it does not at all follow, because in the case I am supposing the House of Representatives is the supreme tribunal which has it in its physical power to disregard the law which regulates its procedure, that therefore it is not bound in the sense that we speak of the binding obligation of the law to follow it.

But, Mr. President, this question goes a great deal deeper, it seems to me, than the proposition proposed by the Senator from Indiana. The question is not merely whether the Vice-President of the United States or the Presiding Officer of the Senate is to open the votes, and there his function ends, as my friend from New Jersey supposes; but the fundamental question really is, what is a vote? Does the Constitution mean that anything that purports to come from a State is a vote in the legal sense which is to determine in a case you may suppose who shall be the chief Executive of the nation for four years? I do not think anybody would contend for that. A vote, therefore, must mean a legal vote, a vote which is in accordance with the provisions of the Constitution of the United States and in accordance with the laws which have existed for so many years respecting the method by which and the time within which the vote of each State is to be expressed and returned. I take it that is what the Constitution means by a vote. If it does not, then we are in a state of chaos and anarchy, as it seems to me.

The question then follows who is to determine whether the given document forwarded is a vote in the sense I have described. This rule does not determine it, as it stands now; it does not determine it as it will stand if the Senator's proposition is agreed to. You have the fundamental question, and in order to reach that question you must determine one of four things: First, that the Presiding Officer of the Senate is the judge as to what is a vote; and that seems to be the idea of the Senator from Indiana, because he says the President of the Senate, if there are two sets sent to him, is not obliged to put in more than one, and therefore that there must be implied in him a power to determine which is the one.

Or, second, you may take the idea of my friend from New Jersey, if I correctly understand him, that the two Houses of Congress in their separate capacity acting as judges, like a judge on the bench, not acting in a consolidated form as one body giving one determination, but acting as two independent bodies, are to determine what is a vote. That on ordinary principles of judicial procedure would lead to the result that if a question be raised nothing is determined judicially unless both the judges agree, and therefore if they disagree there is no vote at all. That is the judicial theory. Nothing is declared, and the document in question, as in a judicial case, cannot be entitled to any validity until the judges give it validity. That is the present rule. Now it is proposed to reverse that and to say that unless the judges agree that a document is invalid, a disputed paper, it shall be valid. That is this proposition.

The third would be to provide by law some method of determining by one body, for the time being at least, so that it would not require a concurrence except of a majority of a particular chosen body, what is a vote.

The fourth would be to leave the Constitution exactly where it is and provide no rule about it; or if you did have a rule, give it no effect, as indeed we cannot except for the time being, and then leave it, as in most of the States it is necessarily left, to the judicial tribunals to determine the title of a given man to an office. I know it is very often said that this office is so high, the title to it is so important, that the judicial function does not extend to it. I do not see anything in the Constitution which, if it authorizes the judicial courts of the United States to try the right of a man to be the judge of a district court or a collector of customs, does not in like manner authorize the judicial courts of the country to determine the title of a man to the office of President of the United States. Certainly there are no exceptions; but I do not intend to go into that.

There are these four ways by which, either right or wrong, constitutional or otherwise, the topic may be reached. Now which of them are you to take? It appears to me that you ought to take that one which on the whole is open to the fewest objections. I think in stating that proposition everybody will agree.

Mr. THURMAN. May I interrupt the Senator for a moment?

Mr. EDMUNDS. Yes, sir.

Mr. THURMAN. The Senator from Vermont says that the rule as it now stands is in consonance with judicial action, that where there are two judges constituting a court and they divide in opinion, they can render no judgment. I submit to him that that statement is scarcely correct. These certificates or returns are evidence of the votes that have been cast. If an objection be made to them, that is to be determined; and when a piece of testimony is offered in a court composed of two judges and an objection is made to its reception, in case the judges divide in opinion the objection fails and the paper goes in.

Mr. EDMUNDS. Is that the law?

Mr. THURMAN. That is the law.

Mr. EDMUNDS. I shall be glad to have the Senator produce a little other evidence for it besides his statement. I did not know that that was the law; but I must assume that it is for this afternoon, because my friend from Ohio says so.

Mr. THURMAN. I am sure it is.

Mr. EDMUNDS. I always had the impression that when a piece of evidence was offered in a court where there were two judges and they disagreed, the evidence did not go in.

Mr. THURMAN. No; the objection fails and the evidence goes in.

Mr. EDMUNDS. But that does not touch the point. The Senator assumes that the certificate, as he calls it, is a certificate; but take the case proposed by my friend from Indiana; one party says it is a forgery; or suppose it does not bear the seal of the State at all; suppose there is to the mind of every intelligent man no evidence on its face that it is what it purports to be. What are you to do then? You do not get ahead any at all by any such proposition as that; you are bound to take it without any regard to what may be its character upon its face. The Senator may say you must presume that Senators and Representatives will exercise a conscientious and deliberate judgment. Then if they do exercise a conscientious and deliberate judgment, there is no occasion for the fears and suppositions he has expressed about where the two Houses may be opposed in politics, if that had anything to do with it, as it ought not, as to their throwing off all the votes under the present rule. You cannot presume such a case.

Mr. MORTON. Will the Senator allow me a moment?

Mr. EDMUNDS. Yes, sir.

Mr. MORTON. As the rule now stands if an objection is made to counting the vote of Vermont, it may be of the most trifling character, because some *t* is not crossed or some *i* is not dotted; the two Houses separate and vote; if one House sustains the objection and the other House overrules it, the vote of Vermont is lost. The effect of that is that the presumption is against the correctness of that vote, because it requires the affirmative vote of both Houses to admit it. But if you change the rule and require the affirmative vote of both Houses to reject it, then the presumption of law is in favor of the certificate; so that the illustration made by the Senator does not apply.

As I understand the law to be, where a piece of original evidence is offered in a court below where there are two judges presiding and the judges are divided in opinion, there is no court there to admit it, it is rejected; but if you take an appeal from the court below to a superior court where there are two judges and these judges are divided upon it, then the presumption stands in favor of the opinion of the court below and the evidence goes in.

Mr. EDMUNDS. The Senator is right in his conclusion that the judgment is affirmed, but not for any such reason as he gives, if he will pardon me for stating it quite so curtly, for I do not mean to be curt. On an appeal, where the appellate court is divided the judgment below is affirmed, not on any presumption but on the theory that the judgment of a competent court stands until it is reversed, and unless there is some special law for a *superedeas* it goes into execution even if it is appealed from or a writ of error is brought; and therefore when a writ of error is brought to the judgment of an inferior court and it is brought before the superior court, the judgment is affirmed if the court be equally divided, not on the ground of any presumption but because that judgment stood all the time and perhaps was executed when the case was heard, and it cannot be reversed until there is a majority to reverse it.

Mr. MORTON. I think the presumption in law is in favor of the decision of the lower court until it is reversed.

Mr. EDMUNDS. There is no such proposition that the Senator can find in any law book. There is no presumption about it; it stands on fact, and that fact is that the judgment of the court below is a competent and conclusive judgment until it is reversed, not upon presumption, but upon the existence of a judicial order by a court of competent jurisdiction. If I am wrong about that, I shall be glad to be corrected.

Mr. MORTON. It is a difference in words.

Mr. EDMUNDS. It is not a difference in words; it is a difference in ideas. But take the case that the Senator supposes in his interruption. He says take the vote of Vermont; if the two Houses must concur in receiving it, then one House, if a "*t*" is not crossed, may reject it, and the vote of Vermont is lost. That would be very bad. That goes upon the presumption that one house would be sticking in the letter, sticking in the bark, and overlooking the substance. Let me suppose another case. Suppose the paper that the Vice-President receives and opens to be counted according to the Constitution is not the vote of Vermont at all; that it has been sent as the vote of Vermont from the State of Indiana; nevertheless, on the Senator's rule, unless both Houses concur in saying that they will not have the State of Indiana vote for Vermont, she votes. That illustrates both sides of the rule.

All this matter was a good deal discussed when this rule was adopted, and has been somewhat discussed since. There is great difficulty, I agree, in having the rule either way, and it forces me more and more to the conclusion that whatever doubts Senators may have in respect to the constitutional power to pass a law to carry into effect a constitutional function, we ought to try the experiment of having the two Houses and the Executive, making the sovereign power of the United States provide a rule that is a law, which shall point out precisely what shall be done. I should much prefer to stand in a constitutional sense upon a law which should state exactly what the rule does as the Senator proposes to amend it, supposing that were right, than to stand upon the rule. I know of no power in the Constitution which gives the two Houses, concurrently by a joint rule, power to regulate anything whatever which affects the interest of the people

of the United States. That is a legislative power. They may regulate their intercommunications, the relations that they bear to each other, but when they come to exercise a function which the Constitution is said to have reposed in them—I do not say it has—which touches the interests of the people of the United States, then I submit that they have no more power to regulate their action in respect to that by a rule than they have to pass laws by a rule.

It seems so to me to-day, and I have heard it expressed by Senators who are older and wiser than I am in the nine years I have been here, and I am very glad the Senator from Indiana has brought forward this topic, for it is most interesting and important. We ought all to be obliged to him for that; but it is so important, and involves so many difficulties, real or supposed, that I think we ought to take some little time to consider it. Considering it diligently, bringing it up again to-morrow, or the next day, or very soon, I think we ought to have a little time to look into it. I move, with that view, to refer it to the committee of which the honorable Senator is chairman, who can examine the subject, and other Senators, it being now brought up, may devote their attention to it.

The PRESIDING OFFICER. That motion is pending.

Mr. EDMUNDS. Very well.

Mr. MORTON. I have no objection to this reference. I do not desire to press the matter prematurely on the consideration of the Senate; but our business has now become a question of time; we have but twenty-five working days left; and I think we should commit a crime against the country if we suffer this Congress to adjourn without modifying or repealing the twenty-second joint rule. There is danger of this thing being jammed off without having any action taken upon it at all. That is the only objection I have to the reference.

Mr. FRELINGHUYSEN. I think a reference would facilitate action.

Mr. MORTON. If it be the understanding that it shall again claim the attention of Senators on its being reported back, without delay, I have no objection to the reference on my part.

Mr. CONKLING. That is the understanding.

Mr. MORTON. Then I am willing that the reference shall be made if it is thought best.

The PRESIDING OFFICER. The Chair hears no objection, and the reference will be made. The resolution is referred to the Committee on Privileges and Elections.

Mr. THURMAN. I do not believe there will be the slightest delay. All I hope is that the committee will consider it fully.

The PRESIDING OFFICER. The resolution is committed to the Committee on Privileges and Elections.

ORDER OF BUSINESS.

Mr. SCHURZ. I move that the Senate do now adjourn.

Mr. SHERMAN. Before that is done I move, with a view to have it the unfinished business to-morrow, to take up the bill reported by the Committee on Commerce that is called the steamboat bill. I do it at the suggestion of the Senator from Michigan, [Mr. CHANDLER,] who has charge of it.

Mr. SCHURZ. Very well.

Mr. CONKLING. I hope that bill will not be taken up with the Senate in its present condition.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

Mr. CONKLING. The Senator from Massachusetts [Mr. BOWEN] is not here. He is a member of the committee. He has had in large part charge of this subject. He is in process of investigating it. His investigations may have been concluded. He may be able to do what behooves him to-morrow; he may not. Senators have gone, three-fourths of them on this side of the Chamber, expecting no such thing. I ask the Senator from Ohio to wait until to-morrow morning when the Senate will be full.

Mr. SHERMAN. Perhaps my duty will be done by bringing the matter to the attention of the Senate and giving notice that at one o'clock to-morrow the Senator from Michigan will move to take up the bill. He has charge of it, and I do not want to take charge of it at all. I hope the friends of the bill without further notice will understand that at this period of the session it is about the last chance to pass it.

Mr. CONKLING. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 4, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. CESSNA. I rise to a correction of the Journal. I understood the Clerk to read that the amendment of the gentleman from Connecticut [Mr. KELLOGG] was offered to my substitute. I understood it was offered as an amendment to the original bill.

The SPEAKER. It was offered as an amendment to the original bill. That will be corrected and the Journal then approved.

CORRECTION OF A VOTE.

Mr. PACKARD. I rise to a personal explanation. When the vote was taken on Tuesday last on the amendment to the new rule, substituting the words "two-thirds" for "three-fourths," I was paired with my colleague, Judge WOLFE, and so announced to the House. I voted on the next vote on the adoption of the rule, and supposed the pair did not extend to that vote. It is my duty to say my colleague supposed it did extend to it, and was absent, deeming himself paired, as otherwise he would have been present and voted "no."

Mr. SPEER. Would the result have been changed?

Mr. PACKARD. It would not.

Mr. LAMAR. I rise to a personal explanation. In the RECORD of the 3d instant I am reported as using the following language:

Mr. LAMAR. Since I have been here I have treated the Chair with respect, and he has no right to make that point on me.

These words are not mine, and as they are not justified by either the manner or language of the Speaker to myself, I desire to correct the report. My words were, "I disclaim any such imputation."

There is another mistake in the report of yesterday's proceedings. I am reported thus:

Mr. BUTLER, of Massachusetts. What gentleman on the other side of the House called the gentleman from Texas to order?

Mr. LAMAR. I did not hear him or I should have done so.

My words were: "They did not hear his remark even if they had been inclined to do so."

One other matter. In an article headed "The scene in the House," published in the National Republican this morning, the following statement occurs:

Mr. BUTLER then said, "It was true that he had hung a man in New Orleans, and he gloried in it. The only trouble was that he had not hung enough of them." At this point the confusion became great. The audience in the galleries applauded, the members all sprang to their feet at once, and Mr. McLEAN made a movement as if to cross over to where Mr. BUTLER sat, but was prevented by one of his Texas colleagues and Mr. LAMAR, of Mississippi.

This statement is wholly incorrect. I was not within six feet of the gentleman from Texas at any time yesterday. But, sir, though I observed him closely during the whole affair, I saw nothing threatening or violent in his manner. He made no movement, I am sure, toward the member from Massachusetts. Indeed, his whole manner and tones of voice were very quiet.

Mr. BUTLER, of Massachusetts. I desire to say that I observed no such movement on the part of the gentleman from Texas, Mr. McLEAN.

Mr. McLEAN. There was none.

Mr. PARSONS. I know there was not any.

ORDER OF BUSINESS.

Mr. DAWES. I ask unanimous consent to take from the Speaker's table the Senate bill providing for the revision of the tariff laws, that it may be referred to the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts. I object.

Mr. SESSIONS. I hope there will be no objection to taking from the Speaker's table the Cattaraugus and Allegany Indian House bill with Senate amendments that it may go to a committee of conference.

Mr. BUTLER, of Massachusetts. I object.

Mr. DAWES. I demand the regular order.

CIVIL-RIGHTS BILL.

The SPEAKER. The regular order being called, the House resumes the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights. The gentleman from Georgia [Mr. BLOUNT] is entitled to fifteen minutes.

Mr. BLOUNT. Mr. Speaker, within fifteen minutes, the time allotted to me, it is impossible for me to discuss the various questions presenting themselves in connection with this bill. I must, therefore, pass by some lines of thought of great importance, and confine myself to such as have been somewhat neglected in prior discussions. I trust, sir, that there will be nothing in my conduct calculated to produce any indecorum. I trust, sir, that I may say nothing calculated to produce ill-will. We have been here nearly two long years, and while there has been some partisan bitterness between the two parties in the House, our term is now coming near to a close, and many of those gentlemen on the other side of the House will leave, and I opine their faces will never be seen here again; therefore I would not say aught which is calculated to wound.

What occurred in the month of November is known to us all. While we seem a minority we represent the people of this country. In the next House which is to assemble our majority will be some sixty-odd. If we follow the election precedents set by the other side of the House since the war, I do not know how much greater it will be. If we follow those which have been sanctioned apparently in Louisiana where governments were declared to be legal governments although resting on shameless fraud and force, I think the chances are that we will have very little opposition in the next House. I have, sir, an abiding confidence in the virtue, intelligence, and patriotism of the American people. I feel, sir, that I can stand on this floor, as the representative of my section recognized by the American people as the peer of any man who comes here. As such I shall always discuss freely, fairly, and without attempt to wound the feelings of any person, any questions which may come before the House.

Omitting the discussion of such views of the fourteenth amendment as preclude any action on the part of Congress to pass such legislation in the manner in which it has been treated heretofore, I shall ask the attention of the House to another view. This bill provides that the Congress of the United States shall have exclusive jurisdiction in all cases arising under this act. The States can have no authority; if they legislate it is in vain. The State courts cannot take cognizance of it. And what, sir, does all this mean? The fourteenth amendment declares that no State shall pass any law depriving any person of his equal rights on account of race, color, or previous condition of servitude. While I do not quote the language *verbatim* and have not that section before me, that, sir, is the substance of it. This provision refers to every State in the South, to every State in the Union. In the remarks of the gentleman from Florida [Mr. PURMAN] he said:

While we need not, under the dominance of the present political party in Florida, this congressional legislation to secure our citizens in the full and exact enjoyment of all their legal rights and liberties, it is sadly needed in most of the States in the Union; and I am confident that even my unwilling democratic constituents at home will feel a pang of grim pleasure when they learn of the passage of this act, for they possess that same generous charitableness, in common with the rest of the human family, which is always anxious that their neighbors shall be blessed with the same happiness or misery as themselves.

You will take notice that in the State of Florida, the Representative from that State avows that the negroes have every right to which they are entitled.

Again, sir, see what is the condition of affairs in Mississippi. Senator ALCORN, in a speech made in the Senate on May 22, 1874, said:

The negro has been characterized here as an inferior race. Yes, he is inferior in point of education, and I may say in point of numbers, in this nation of ours. Inferior though he be, he controls the destiny of the State from which I come. The power of the Legislature of Mississippi, the political sovereignty of that State, is to-day in the hands of this race. The taxing power belongs to him, the power to legislate with regard to my property, and every right that I enjoy under the guarantees of the State constitution is held at the hand of the negro race; a government of the people, subject to their will in its fundamental and its statute law, what checks and balances have we save those limitations prescribed in the Constitution of the United States? The executive, the judicial, and the ministerial officers of the State are all chosen, if not directly indirectly, by the colored people of that State. I here declare myself in favor of that policy which that colored man declares is necessary to the protection of his race throughout the Union. We need no civil-rights bill there. So far as Mississippi is concerned we have a civil-rights bill of our own more stringent than any you will pass in this Congress, its penalties more severe, its workings more in detail—complete in itself for the protection of the colored people. They stand here through their representative declaring that so far as Mississippi is concerned they desire no legislation upon the part of Congress; they are able to take care of themselves. But they do demand that their race shall be recognized in every State in this Union as they are recognized in the State of Mississippi. Brought under the rule, by reason of the revolution, of the colored people of Mississippi, is it strange that I should advocate a bill guaranteeing the personal rights of the citizens throughout the nation?

Sir, I apprehend that there will be no question that they have their rights in those States when their representatives here and in the Senate avow it.

Now, sir, as I have said on a former occasion, it seems to me plain that under the decisions of the Supreme Court, made by republican judges in the Slaughter-house case, you have no right to legislate where there has been a complete protection by the State of their rights. Judge Bradley, of the Supreme Court of the United States, who by the way dissented from the decision in the Slaughter-house case and is regarded as somewhat extreme in his views, used the following language in his decision in the Grant-Parish cases:

After what has been said, a few observations will suffice as to the effect of the fourteenth amendment upon the questions under consideration.

It is claimed that by this amendment Congress is empowered to pass laws for directly enforcing all privileges and immunities of citizens of the United States by original proceedings in the courts of the United States, because it provides, among other things, that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, and because it gives Congress power to enforce its provisions by appropriate legislation. If the power to enforce the amendment were equivalent to the power to legislate generally on the subject-matter of the privileges and immunities referred to, this would be a legitimate conclusion. But, as before intimated, that subject-matter may consist of rights and privileges not derived from the grants of the Constitution, but from those inherited privileges which belong to every citizen as his birthright, or from that body of natural rights which are recognized and regarded as sacred in all free governments; and the only manner in which the Constitution recognizes them may be in a prohibition against the Government of the United States or the State governments interfering with them.

It is obvious, therefore, that the manner of enforcing the provisions of this amendment will depend upon the character of the privilege or immunity in question. If simply prohibitory of governmental action, there will be nothing to enforce until such action is undertaken. How can a prohibition, in the nature of things, be enforced until it is violated? Laws may be passed in advance to meet the contingency of a violation, but they can have no application until it occurs.

On the other hand, when the provision is violated by the passage of an obnoxious law, such law is clearly void, and all acts done under it will be trespasses. The legislation required from Congress, therefore, is such as will provide a preventive or compensatory remedy or due punishment for such trespasses, and appeals from the State courts to the United States courts in cases that come up for adjudication.

If these views are correct, there can be no constitutional legislation of Congress for directly enforcing the privileges and immunities of citizens of the United States by original proceedings in the courts of the United States, where the only constitutional guarantee of such privileges and immunities is, that no State shall pass any law to abridge them, and where the State has passed no laws adverse to them, but, on the contrary, has passed laws to sustain and enforce them.

Now, Mr. Speaker, how is it that gentlemen can come here and ask members to vote for a law guaranteeing rights which are already guaranteed by State Legislatures and State courts and taking away from State courts their jurisdiction in such cases? Furthermore, sir, I say that this civil-rights bill, if you are in earnest in your construction

tion of it, is trifling. You talk about giving these people (the negroes) the right to go to the theater, when there is not one of them in a hundred who knows what they are. You talk about allowing them to go into churches, when they have established churches of their own and have refused to worship with the whites. You talk about granting them the right to travel with the white people in the cars, when there is not one of them in five hundred who travels once a year in a train. You talk about giving them the right to go to hotels, when there is not one of them in a thousand who desires the privilege or would avail himself of it if he had it. These people are poor, and these things they care nothing about.

Sir, there are rights that are dear to these people. They have various causes in the State courts, both civil and criminal, in which their rights of person and property are continually brought in question. They are especially often involved in criminal charges. Your party allege that they do not have fair trials in the State courts of the South. You claim that these courts will not dare do them justice. Well, sir, I assert that all this is untrue. But for the purposes of argument I will concede it. These are the rights of most practical value to them.

Then, following the logic of your own reasoning, why do you not regulate all of them by Federal laws and courts, if you are in earnest? Why do you not go forward in a bold and direct line? Why creep along with so much stealth? Stand by your construction of this amendment and your statement of the condition of the South and these States cannot legislate where a negro is involved. We will then have the negroes in South Carolina and Mississippi legislating for the whites, but forbidden to legislate for themselves. We will have the courts in those States, created by the will of the negroes, hearing causes subject to the inhibition that if a negro's rights are involved they cannot entertain them.

These are the absurd conclusions to which your own premises will bear you. If so, where are the rights of the States? What is this but an entire annihilation of them if this doctrine can be asserted and maintained? Let us not misunderstand this issue. If yours is the true construction, then this fourteenth amendment, instead of being what the American people have thought, is but a maelstrom around which the States are dancing giddily and into which they will all eventually be engulfed. Let us retreat while we may from this appalling calamity. Your party, in pressing this measure, is only humoring the fancy of the negro to secure political power. You well know that in all the States he has the same rights as the whites.

The people in the grand majestic voice in November commanded you to halt. Rest assured they will in due time compel your obedience. The scavengers of falsehood were active for you in vain. In vain did you tell the people the rebellion was not yet ended. The effort of your party to produce conflict between the people of the South and the Federal Government you are to find will fail you in your extremity. Inexorable fate demands that you retire from power, and I invoke you to do it with the grace of freemen.

[Here the hammer fell.]

Mr. SENER. Mr. Speaker, I recognize the fact that I occupy an anomalous position, and but for the fact that I have been most unusually and wantonly assailed by a journal professing to represent the Executive of this Government here, I should not feel it incumbent on me to stand in my place on this floor to justify either the votes I have given or the votes that I shall hereafter give. But as a Representative of the people, be my abilities great, mediocre, or small, I have a right guaranteed by the Constitution, under whoseegis we are to-day legislating, to speak here in my place not only in this discussion but to speak also when my name is reached on the roll-call. I have so spoken responsive to the convictions of my judgment. For so doing I have been assailed and denounced as a Judas Iscariot to the republican party.

Now, I desire to say that the civil rights part of the republican platform has never been regarded in this country as all of republicanism. In 1872 eleven States that had participated in the rebellion voted for the first time since 1860. Of those eleven States eight voted for Ulysses S. Grant for President of the United States; only three sent their votes to the electoral college against him. I venture to say here, in the presence of the House and of the country, that in not one-half of those States, ay, sir, I believe in not one of them, was the civil rights plank of the republican platform made the only test of republicanism, as it has been on this floor in the votes lately given, if the National Republican is to be credited as the organ of the republican party. My own State, that never before had veered from democracy, cast her electoral vote freely, without fear and fairly, without bias for that soldier and statesman, Grant, who had not only been true to the Union in the days when true courage was needed, but who had been true to the Union when statesmanship was required to reconstruct and bring back the wayward sisters of the South.

Yet because a Representative of the people comes here and in his place on the floor of this House does that which he did before his people when he asked for their commission to represent them, he is violently assaulted and foully assailed, and the very right of the Constitution brought in peril which declares that for words spoken or acts done here he is responsible in no other place. Now I deny that that attack in the National Republican stands as an executive threat over the head of any Representative of the people. That scurrilous attack was put there not by executive power, not by executive

suggestion, not by the common sense or sound judgment of my peers on this floor on either side.

Why did I vote against this new rule? Because, so far as disclosed during the late sessions of the House, the men who represented the democracy of the country had shown no purpose to interpose dilatory motions in order to prevent the passage of any other measure of legislation than the civil-rights bill. Upon that bill alone they had filibustered. Last session I voted twice against suspending the rules for the purpose of considering the bill, and a third time I voted against its consideration and passage. Why? Because in my State there is good feeling between the white man and the black man, though the black men are largely in the minority. I voted against this new rule because it would facilitate the passage of the civil-rights bill, and I am opposed to that bill because in my State a school system is in full operation open alike to the children of the white man and the children of the black man, and because I have reasonable ground to apprehend that the passage of this bill by Congress may cause the immediate suspension of its operation and possibly the permanent destruction of the system to the irretrievable injury of both races.

The answer comes, it is true, that this bill is open to amendment. Yes, but we who know some little of legislation know this, the Senate with its all-night session passed a bill which is now upon the Speaker's table. We may not in substance agree to it. But the two Houses may disagree as to what this law shall be and most probably will, and a committee of conference upon the disagreeing votes of the two Houses upon the bill may bring in a report the result of which would be that the Senate bill would become the law of the land. The majority of this House, yea nearly two-thirds, in June last solemnly voted that they would not only take up but they would pass the civil-rights bill as it came from the Senate. If they were for it in June last, why are they not for it now?

But it is asserted that opposition to the civil-rights bill means democracy. Sir, democracy means this: the government of the people, by the people, and for the people. Only when the democracy tried to deny that right, as is well known to every man on this side of the House, the democratic party failed to receive judgment in their favor at the hands of the people. The republican party came into power through the crucible of persecution. It came into power with its skirts free from everything like intolerance. Has it lived long enough to be intolerant? If so, then the day of its power has passed. If it has come to this, that a Representative standing here in his place cannot speak the faith that is in him, be he humble or great, then I say the days of its power are numbered, because if it cannot appeal to the fair judgment and the sound sense and the patriotism of the American people, then it cannot expect to receive any indorsement here or elsewhere, now or hereafter.

I have stood for my party with all the ability I have and with all the power I possess against just such intolerance as this on the hustings in my native State. Of very humble birth I do not deny; never a slaveholder, and with no prejudice of that kind, I have maintained the cause of the republican party, because that party having triumphed in the war for the Union, I believed that it was the party that could give peace to the country and secure a just reconstruction of the country. Am I disappointed in this? I believe not. When the passions of this hour shall have passed away, when the strife which this discussion has engendered shall have ceased, whether my vote be vindicated by time as being right or not, this much is to be accorded me: I attempted to do my duty as I understood it; I stood for the right as God gave me to see the right.

But I oppose this bill for another reason; I was before the people of my district in 1872 and again in 1874. In 1872 the civil-rights bill was not made an issue, and it was understood that the colored portion of my constituency did not desire it. In 1873 Judge Hughes, who was the republican candidate for governor, expressly declared on the hustings that he was not in favor of such legislation; and in 1874, after I had given on this floor three votes against that bill, I went before the people and I was defeated. Why? I received within fifty of the whole colored vote of the district, and I received also a large white vote; but I was defeated for this reason: that at the last moment the apprehension was started in the district, and circulated through the press, that under the whip and spur of party pressure and party necessity (the application of which we have witnessed here so recently) I might yield my honest convictions to the will of the majority. Thus I was defeated. I can say this: that if I went down, I went down in a fight that carried down the party all over the country. I know of no other democratic district in which so good a fight was made by a republican as in my own. When the military counted the votes in 1869, the district went democratic by a majority of 2,134. In 1872 it went for Grant, who is to-day stronger in Virginia than his party. It gave 373 majority for myself, and 700 for Grant, though Grant received fewer votes than I did, according to the official returns, because there were many who would not vote for Greeley, although opposed to Grant. And in 1874, though the district gave Kemper the year before 2,760 majority, I was defeated by less than 300 majority on a full vote, and after a very active canvass, in which I distinctly announced, in public and in private, in the hustings and everywhere, that I would not vote for this bill.

For these reasons, thus hurriedly expressed, I shall vote against

the civil-rights bill. There is another reason if I have time enough left me to state it. It is that this bill proceeds upon the assumption that the black man is not a man, politically considered, capable of taking care of himself, but needs guardianship in the form of legislation. It proceeds upon the assumption that with time and opportunity he cannot lift himself by his own good conduct above the influences of slavery and the prejudices of the past up to the elevated plane of equal citizenship. Why, sir, no class of our people, North or South, conducted themselves better during the war. They failed not in the hour of trouble, when they were called upon, with the bonds of slavery lifted from them, to defend the Union; nor did they fail, when those bonds were not lifted, to be true to their masters. They have been true in all seasons and under all circumstances; and the time will come when the prejudice of the past being obliterated, (for I grant it is a prejudice,) they will lift themselves into the enjoyment of equal citizenship and stand, as their representatives here on this floor certainly are, the peers of every man in the land in all the attributes of American citizenship.

Was it legislation that made Frederick Douglass so great that he could stand before the Queen? No; it was the power of his great intellect and the gentility of his personal appearance. The time will come when the prejudices of this hour will have died. But all the history of the past assures us that legislation has never been able to correct popular prejudice. My political associates here are attempting by legislation to do what never has been done in all past legislation in all countries and all ages, and in this effort they are crippling the great republican party in eight of the States of that great confederacy which for four years, whether right or wrong, defied the power of this great Government, and in which in less than ten years eight out of eleven of those States cast their electoral vote for that great conquering hero (Grant) who dealt so magnanimously with them. And in crippling it in the South it has been weakened if not paralyzed in the other section that stood by the Government during the days of the late war.

And in conclusion let me say that this civil-rights bill now under consideration is not demanded as I believe either by the white or colored people of the South, or by a due regard to the best interests of either race, and in their name and on their behalf, and especially on behalf of my own constituents, I protest against such legislation and shall vote conscientiously and honestly against it.

Mr. RAINEY. I would like to ask the gentleman just one question before he sits down. Did the talent and good conduct of Fred. Douglass enable him to sit at the same table on the Potomac boat with his fellow-members of the San Domingo commission?

Mr. SENER. The gentleman and myself are not going to have a personal controversy about that. No doubt that incident was the effect of prejudice; but legislation is not going to correct it. The time will come when the good conduct of Frederick Douglass and others of his race will overcome every prejudice.

Mr. E. R. HOAR. Mr. Speaker, I have but a single word to say. I had not intended to take part in this debate; but I am moved to make a single remark in consequence of an expression which fell from the gentleman from Georgia, [Mr. BLOUNT.] He spoke about "those people." That is the notion that lies at the bottom of all the speeches on that side of the House; it is the fundamental, the fatal error of their whole argument.

Mr. Speaker, I do not think it strange that when the men who lately owned them talk about certain American citizens they should talk about "those people," as if they were persons who at our pleasure or discretion are to have or not to have all the rights of citizens. The Declaration of Independence announced that all men were created equal. That announcement stood a great many years before it became a vital truth throughout this land. Mr. Lincoln used an expression which gave greater accuracy to the statement, when he said that every man has the right to be equal to every other man if he can. An eminent citizen of my own State has recently put the proposition in language still more accurate and explicit, which ought to be written in letters of gold above this Capitol—that "the essence of freedom is equality of opportunities."

Now, I have no belief that this bill, if enacted into a law, is going to produce any great effect immediately for good or for evil in the States whose Representatives most prominently oppose it. Laws under all republican institutions are enforced by juries, and by juries of the vicinage. I can remember the time (which no one in this House has better reason to remember than myself) when the colored sailors of Massachusetts were put into jail as soon as they arrived at southern ports; and no declaration of the unconstitutionality of that proceeding under the Constitution of the United States availed to save them from their doom. The force and the opinion of the people of the States where their rights were violated prevented their receiving justice and the constitutional protection to which they were entitled. There has been a fearful retribution for that wrong. But, Mr. Speaker, the value of this act is similar to that of the Declaration of Independence. It will stand as the declaration of the American people that henceforth before the law every citizen of the country is to have equality.

Social equality we have nothing to do with. I may think many men who are members of this House not agreeable to me to associate with, and they may have the same opinion in regard to myself. As members of this House we stand on an equality, and it is the same

feeling which induced one member (I have no doubt in a moment of passion) at the last session grievously to insult a member of this House on account of his color and race which enters into this whole question on the other side. When once it is understood that the people of the United States have finally determined that men and citizens are all entitled to equality of privileges under the law, in regard to any subject which the law regulates and determines, we shall have peace, and social equality and personal tastes will take care of themselves.

Mr. WHITE obtained the floor.

Mr. HALE, of New York. I ask the gentleman from Alabama [Mr. WHITE] to yield to me.

Mr. WHITE. I will yield fifteen minutes to the gentleman from New York, [Mr. HALE,] and afterward for ten minutes to his colleague, [Mr. ELLIS H. ROBERTS.]

Mr. HALE, of New York. Mr. Speaker, I propose to discuss very briefly a single question in connection with this bill, the question of its constitutionality, which was pressed yesterday with such vigor by the gentleman from Ohio, [Mr. FINCK.] I listened to his remarks with great interest, entertaining for him, as I always have, the highest respect personally and professionally. His proposition of yesterday I may state generally from recollection, for I regret to find his speech does not yet appear in the columns of the RECORD—his proposition was generally, as I understood it, that by the fourteenth amendment to the Constitution of the United States no additional power of legislation was conferred upon Congress; that the fifth section of that amendment was nugatory; that he gave it no effect whatever. I was somewhat surprised to hear that admission from the gentleman, for it struck me it must at once occur to the mind of every lawyer upon this floor, by one of the best settled rules of construction, which applies to every constitutional or statutory law, that when he conceded that point he gave away his case. We cannot construe any statutory or constitutional provision except by giving effect, if possible, to all its parts. We have no right to construe it by denying effect to any of them.

Mr. FINCK. May I interrupt the gentleman for one moment?

Mr. HALE, of New York. I wish the gentleman would excuse me if I do not misrepresent him; but if I do misrepresent him, of course I will yield.

Mr. FINCK. I think the gentleman has made a statement he did not intend to make.

Mr. HALE, of New York. If I misrepresent the gentleman, of course I will yield.

Mr. FINCK. I did not maintain that the fourteenth amendment conferred no power upon Congress, but I did assume and maintain that the fifth section of that amendment did not confer any additional power upon Congress.

Mr. HALE, of New York. Precisely; the gentleman said in the words I have quoted that he held it to be of no effect whatever.

Mr. FINCK. That is the fifth section.

Mr. HALE, of New York. That is what I stated.

Mr. FINCK. No additional power.

Mr. HALE, of New York. Mr. Speaker, it was my fortune to have served with the gentleman from Ohio in the Thirty-ninth Congress, where the fourteenth amendment was inaugurated, where it was passed, and by which it was sent out for ratification to the States. I well remember, if the gentleman from Ohio has forgotten it, as he probably may, that it was my fortune, standing alone in my party, to oppose the fourteenth amendment by my vote and by my voice, upon the ground, which seemed to me to be one I could not forsake, that it *did* change the constitutional powers of legislation of Congress, that it changed the theory of our Government, and introduced a range of legislation by Congress utterly lacking in the old Constitution or in any previous amendments to it except the thirteenth. I voted against the fourteenth amendment on that ground alone, fully conceding the propriety of the provisions of the article, except the last section, claiming that that section was to a certain extent a revolution of our form of government in giving Congress a control of matters which had hitherto been confined exclusively to State control. In the position I then took I certainly understood in the Thirty-ninth Congress that my friend from Ohio, whose opinion on legal and constitutional questions I value highly, fully concurred. I understood that the entire body of his political associates on the other side of the House in that Congress concurred with me.

Now, let us see, Mr. Speaker, if I am right in the proposition I make.

Nobody, as I understand, contends on this side of the House that the civil-rights bill can be sustained under the Constitution except by the provisions of the thirteenth, fourteenth, and fifteenth amendments, especially the fourteenth. Let us see whether that has changed the provisions of the Constitution as they originally stood. The only general ground of power in the former Constitution—and I call the attention of the House specially to this point—is to be found in the last clause of the eighth section of article I, that section conferring specified powers upon Congress; and the last of them in the general clause is this:

Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

Mr. Speaker, the original Constitution contained limitations upon the power of Congress. It contained specifications of the rights of individuals. The first ten amendments constituted solely a bill of rights. Nowhere was there a provision in that Constitution or in those first ten amendments empowering Congress to legislate in regard to prohibitions, restrictions, or rights, but only to legislate in the carrying out of the powers granted.

Turn now for a moment to the fourteenth amendment, and see whether the Constitution under which we live to-day is equally meager in its provisions for legislation. The fourteenth article—I read only so much as is pertinent to my purpose—in its first section provides:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 of the same article is as follows:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

In the powers granted by this article there is then an absolute, broad, unlimited power to enforce by appropriate legislation the provisions of the fourteenth amendment.

Now I come back to the question of judicial construction. The gentleman from Georgia, [Mr. BLOUNT,] who addressed the House this morning, read to the House an extract from an opinion of Mr. Justice Bradley, recently delivered. Gentlemen who listened to him and who were not familiar with the case might have supposed he was reading from the opinion of the Supreme Court in the Slaughter-house cases. Such was not the fact, and it was not so stated by the gentleman. What he read was from an opinion since delivered in another case by Mr. Justice Bradley, and was so stated by the gentleman from Georgia. The decision of the court in the Slaughter-house cases did not touch the question of the power of legislation under this article. But we have a decision of the Supreme Court delivered many years ago on the construction of the grant of legislative power in the old Constitution which covers the whole ground, a case with which my friend from Ohio [Mr. FINCK] and many other lawyers on this floor are familiar—the famous case of *McCulloch* against the State of Maryland, in the fourth volume of Wheaton's Reports. I have it here before me, but the time forbids me to read it. I have also Judge Story's citation of the same case, in which he most fully adopts, approves, and recognizes it as an authentic exposition of the Constitution.

The summary of the doctrine held in that case was that within the grant of power by the Constitution to Congress for purposes of legislation Congress are authorized to select in their own discretion all measures appropriate to the end in view; that the question of fitness or desirability is for Congress alone and not for the courts. I wish I had time to read extracts from that opinion at some length. I undertake to say that no lawyer on this floor will question that I stated, within perhaps narrower limits than the court stated in their opinion, the summary of the doctrine then held. Take the doctrine of the Supreme Court in this case and apply it to the provisions of the fourteenth amendment and the grant of power of legislation under it, and I ask any lawyer on this floor to tell me where he finds authority to say that under those provisions Congress is limited to legislation to correct the action of States, to provide a tribunal which may review such action, and to provide for some measure of criticism or correction of such action, and not for legislation in the first instance to remedy the great evil against which the amendment proposes to guard.

Again, sir, suppose it were true that Congress was to be limited to rectifying abuses by State legislation, does any gentleman upon that side of the House or upon this deny that to-day State after State of the South does live under laws which are inconsistent with the fourteenth amendment; that practices are there permitted which are in violation of the fourteenth amendment? And if that be so, then cannot Congress interfere by a general law to overrule State legislation?

I have thus briefly stated the points merely upon which I sustain and defend the constitutionality of the bill before the House. I do not propose to discuss its details. I do not propose even to indicate what my vote may be upon questions of detail of the bill. But in the present condition of the Constitution, with the grant made by the fourteenth amendment, I contend that it is not only within the power of this House, but that it is their duty to exercise appropriate legislation toward the end provided by that amendment just as much as if the language was "it shall be the duty of Congress to enforce by appropriate legislation" instead of saying "Congress may enforce."

Mr. LAMAR. Will a question interrupt the gentleman?

Mr. SOUTHARD. Will the gentleman allow me to ask him a question?

Mr. HALE, of New York. I will listen to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. I ask the gentleman if he will indicate what legislation of what State violates the provisions of the fourteenth amendment?

Mr. HALE, of New York. I am unable to indicate it at present; but I did not suppose any gentleman disputed it.

Mr. LAMAR. I do dispute it.

Mr. HALE, of New York. I supposed it was a matter of absolute notoriety. I never heard it questioned before, and I did not suppose

any gentleman would question it. I do not propose to put my finger on the particular statute.

Mr. LAMAR. I assure the gentleman from New York that if there exists in the entire range of all the statutes of all the States in the South one single act, one single provision of law inconsistent with any of the principles or provisions of any of the amendments to the Federal Constitution I am like himself ignorant of the existence of such provision.

Furthermore, I say, sir, to him that *throughout the length and breadth of the southern section there does not exist in law* one single trace of privilege or of discrimination against the black race. If there is, I know nothing of it.

Mr. HALE, of New York. Now, let me ask the gentleman whether under the laws of the State of Mississippi it is possible for a colored man to travel over the railroads or in any other public conveyances in that State with the same facilities and the same conveniences that a white man may travel?

Mr. LAMAR. I answer my friend from New York with all the emphasis that I can give, that they do travel precisely with the same facilities and with the same conveniences, and a great many more, as there are more of them, than the white people of Mississippi.

Mr. HALE, of New York. Then, Mr. Speaker, the State of Mississippi is indeed an exception to the general rule. I am through, Mr. Speaker.

Mr. MCKEE. Let me say that my colleague is correct. In Mississippi, under the laws and under the constitution—republican laws and republican constitution—the colored man has the same rights that a white man has. My colleague is legally correct, but practically my colleague is mistaken. I refer to the treatment of colored people on steamboats, in hotels, theaters, &c.

Mr. LAMAR. Practically my colleague is mistaken, and legally also. What I mean is that the democrats and conservatives of Mississippi voted for the adoption of the fifteenth amendment.

Mr. ELLIS H. ROBERTS. Mr. Speaker, is not the whole of this debate an anachronism? Is it not strange that we should be called upon to inquire whether American citizens have their rights in the several States of this Union? Is it not strange that it should be a matter of debate whether there should be actual legislation guaranteeing to a certain class of our citizens their common-law rights in the several States? Gentlemen may deny that laws exist in any State refusing these rights, as the gentleman from Mississippi [Mr. LAMAR] has just denied, but they cannot deny that in certain States of the Union there are no laws guaranteeing those rights to the several classes of our citizens. What do we behold? There are gentlemen sitting upon this floor who have given no offense to this body. And as the gentleman from Mississippi [Mr. LYNCH] testified the other day on his way to his seat in this body through two of the States of this Union he was compelled to submit to indignities. Not only was he compelled to submit to indignities, but females, the wives and mothers of members sitting on this floor, are also compelled to submit to indignities on their way hither. Mr. Speaker, is there any trouble to-day when colored men and colored women sit in these galleries and colored men sit upon the floor of this House and are eligible to the floor of the other House? Now, bear in mind, Mr. Speaker, that opposition to this bill is not put simply on the ground of the question of our constitutional power to legislate, although my colleague from New York [Mr. HALE] has well answered that point. But gentlemen on the other side of the House tell us, as the gentleman from Virginia [Mr. SENNER] told us this morning, that this sort of legislation is calculated to produce trouble in the South. Why? If these rights are already conceded, what trouble will it make to have Congress guarantee those rights? No, Mr. Speaker, the trouble is that these rights are denied, whatever may be the language of the statutes, practically, and colored men and women cannot travel in all the States as white men can travel in all the States. And besides, sir, why is it that we have seen, not for a day only but for a long week, a great party upon this floor preventing the American Congress from considering this question? If these rights are already conceded, what trouble would it make to discuss the subject? We could have considered the constitutional question without passion and without prejudice. But there are practical questions connected with this subject. These rights are denied, and because they are denied, insisting, as I do, upon the constitutional right to legislate upon the subject, I can do no less than insist that a national guarantee of these rights shall be secured to all men and women in all parts of the Republic.

But, Mr. Speaker, I rose principally to speak with reference to the school clause. I greatly fear that we may err on the one side or the other. Three propositions are before the House in reference to that subject, one insisting, as the Senate bill does, upon the same schools for both races at the South; another in most distinct antagonism to that is the proposition of the gentleman from Connecticut, [Mr. KELLOGG,] who proposes to exclude entirely from the bill all reference to schools. Then there is the report of the Committee on the Judiciary of the House bill providing that the schools shall be equal in their privileges for the two races. For one, sir, I am not willing to legislate that colored men shall have their rights in the theater and to refuse to legislate that they shall have their rights in the schools. If we have erred at all in the great work of reconstruction, it has been because we have not made enough of education. If we had in-

sisted upon making education a condition of the reconstruction of the States we would have been better off to-day.

Mr. KELLOGG. As the gentleman has alluded to me, allow me one word. I moved to strike out that provision because I thought it was worse than none at all for the interests of education.

Mr. ELLIS H. ROBERTS. I understood the gentleman to move to strike out all provisions relating to schools.

Mr. KELLOGG. I moved to strike out that provision in the House bill because it is worse than nothing for them and for us.

Mr. ELLIS H. ROBERTS. Then do I understand the gentleman to adopt the standard of the Senate bill?

Mr. KELLOGG. No; I am for the House bill with my amendment.

Mr. SMALL. I would ask the gentleman from New York [Mr. ELLIS H. ROBERTS] to point out what clause of the Senate bill requires mixed schools?

Mr. ELLIS H. ROBERTS. I understand the true construction of the Senate bill in reference to schools to require that the colored people shall have the same schools as the white people.

Mr. SMALL. There is nothing of the kind in the Senate bill; it only requires that they shall have equal privileges.

Mr. ELLIS H. ROBERTS. I understand the Senate bill to insist upon the same schools for the colored children as for the white children. For that reason I prefer the House bill, because I am not willing to run counter unnecessarily to the prejudices of a section. We are told that if we do insist upon mixed schools, then in certain States of the South schools will be abandoned altogether. I think if we insist there shall be equal privileges, then in certain localities they can have the same schools for blacks and whites if so desired. It is for that reason I prefer the House bill as reported by the committee, although I shall not antagonize the Senate bill if the House shall agree upon it.

It seems to me that we have again reached a critical point in the politics of this country. Step by step a great party has insisted that the Declaration of Independence instead of being a glittering generality shall be made a practical verity. This is another step in that march. Constant denials of rights have made this necessary. For another great party has step by step put itself against making that Declaration of Independence a practical verity. I have always believed that the original Constitution should be construed in the light of the Declaration of Independence. The amendments make them identical in spirit. I believe that the Constitution does recognize American citizenship, and does give to Congress the power to protect the American citizen. Therefore I insist that the time has come when Congress shall say that the law shall be no respecter of persons.

Mr. WHITE. I now yield five minutes to the gentleman from Missouri, [Mr. STANARD.]

Mr. STANARD. As may have been observed during the last session of this Congress, I voted against the consideration of the civil-rights bill. During the filibustering of the last week I voted with the majority for the amendment of the rules of the House, and did not vote with those who were voting against the amendment to the rules in order to defeat the consideration of the civil-rights bill. I voted for that amendment upon the principle that I believe the majority should have the right to consider any subject that they see fit, and that the rules should not be so that the minority can hinder the consideration of public business indefinitely. I would not vote for a rule for a republican House that I would not vote for for a House where the majority were democrats, believing that dilatory motions should be resorted to only to call attention of the House in a marked way to the consideration of subjects under debate and not to a final and indefinite block of business.

I voted yesterday against the reconsideration of the vote by which this bill was recommitted to the Committee on the Judiciary; and I expect when this bill shall come to a vote to-day to vote against it. I shall vote in this way because I do not believe that the passage of such a bill will be really in the interest of the colored or white people of the country. I believe the practical effect of this bill will be to work incalculable damage. I do not believe that a majority of the careful, thinking, colored people of the country are in favor of its passage.

Living in a former slave State as I do, I am satisfied that the majority of the colored people of that State are opposed to the provisions of this bill, from the simple fact that they are of the opinion that where there is a strong prejudice in the minds of the people against the colored race, that prejudice will be increased by its passage and barriers placed in their way of progress; that if they are in any way proscribed now, they will be more so after the adoption of such legislation as this.

The fact is, that in the State of Missouri we have public schools giving the same facilities for the education of colored children that they do for the education of white children. In the city of Saint Louis, which I have the honor in part to represent upon this floor, where we have a democratic administration, as we have in the State, there are ten public schools with about four thousand scholars and more than thirty teachers. The opportunities for their education are as good as are the opportunities for the education of my own children in the public schools. The colored people there have their own churches, they ride in the street cars, they travel upon our highways,

and there is nothing to hinder them. They are progressing in the scale of refinement and education, and our people are anxious, as the colored people are now and must be for all time part and parcel of the government, that they should be educated and elevated.

Mr. Speaker, I think this bill goes outside the realm of legislation and seeks to do what should be left to the logic of events and to natural laws.

If I believed that the passage of this bill would tend to the elevation of this people without damaging anybody else, I would be in favor of all its provisions; but believing that such is not the case, I cannot support it.

Mr. CRITTENDEN. I ask my colleague whether the same educational privileges that are extended to the colored people in the city of Saint Louis are not extended to them all over the State of Missouri?

Mr. STANARD. I believe I have already said that such is the case.

Mr. GUNCKEL. Can you say that of the whole South?

Mr. WHITE. I now yield five minutes to the gentleman from South Carolina, [Mr. CAIN.]

Mr. CAIN. Mr. Speaker, in the discussion of this question of the civil-rights bill, it has become a question of interest to the country how the colored people feel on this question of the schools. I believe, sir, that there is no part of this bill so important as the school clause. The education of the masses is to my mind of vital moment to the welfare, the peace, the safety, and the good government of the Republic. Every enlightened nation regards the development of the minds of the masses as of vital importance. How are you going to elevate this large mass of people? What is the means to be employed? Is it not the development of their minds, the molding and fashioning of their intellects, lifting them up from intellectual degradation by information, by instruction? I know of no other means so well adapted to the development of a nation as education.

Especially is this true in the Southern States of this Union, where the great cry against the colored people is their ignorance. Admit it, sir, and it is a lamentable fact that the past laws and customs and habits and interests of the Southern States have prevented the colored people from attaining that education which otherwise they would gladly have attained. It was a part and parcel of the system of slavery to prevent education; for the moment you remove ignorance and develop the minds of those who are enslaved the less likely they are to remain contentedly in servitude. For this reason it was the policy of the South to keep in ignorance that part of the community that they controlled for their benefit as their slaves. Now that there is a change throughout the land, now that these millions formerly enslaved are free, it is essential to the welfare of the nation that they should be educated.

But the question arises in the discussion of this bill, how and where are you to do this work? As a republican, and for the sake of the welfare of the republican party, I am willing, if we cannot rally our friends to those higher conceptions entertained by Mr. Sumner—if we cannot bring up the republican party to that high standard with regard to the rights of man as seen by those who laid the foundation of this Government—then I am willing to agree to a compromise. If the school clause is objectionable to our friends, and they think they cannot sustain it, then let it be struck out entirely. We want no invidious discrimination in the laws of this country. Either give us that provision in its entirety or else leave it out altogether, and thus settle the question.

I believe the time is coming when the good sense of the people of this country, democrats as well as republicans, will recognize the necessity of educating the masses. The more the people are educated the better citizens they make. If you would have peace, if you would have quiet, if you would have good will, educate the masses of the community. Objection is made to the ignorance of the colored people, and the State of South Carolina is cited as an illustration of that ignorance operating in legislation. Why, sir, if it be true that the legislators of South Carolina are to some extent ignorant, I answer that it is not their fault; the blame lies at somebody else's door.

Now, sir, let the democracy, instead of reproaching us with our ignorance, establish schools; let them guarantee to us school-houses in all the hamlets of the country; let them not burn them down, but build them up; let them not hang the teachers, but encourage and protect them; and then we shall have a great change in this country.

Sir, we must be educated. It is education that makes a people great. We are a part and parcel of this great nation, and are called upon to assume the responsibility of citizenship. We must have the appliances that make other people great. We must have school-houses and every appliance of education. If your objection is to guaranteeing to us in the civil-rights bill an equal enjoyment of school privileges, then I say surround us with all the other appliances; say nothing of the school-house if you choose, but enforce our rights under the law of the country, and we shall be enabled to exercise every other privilege in the community.

Mr. GUNCKEL. Let me ask the gentleman from South Carolina whether the colored people of the South want mixed schools.

Mr. CAIN. So far as my experience is concerned I do not believe they do. In South Carolina, where we control the whole school system, we have not a mixed school except the State college. In local-

ties where whites are in the majority, they have two white trustees and one colored.

Mr. COBB, of Kansas. I desire to ask the gentleman what in his opinion will be the effect of the passage of the Senate civil-rights bill so far as regards the public-school system of the South.

Mr. CAIN. I believe that if the Congress of the United States will pass it and make it obligatory upon all the people to obey it and compel them to obey it, there will be no trouble at all.

Mr. KELLOGG. Would the gentleman prefer to retain the provision in regard to schools which I have moved to strike out in the House bill, or would he rather have that provision struck out according to my amendment.

Mr. CAIN. I agree to accept it.

Mr. KELLOGG. I offered it in the interest of your people as well as ours.

Mr. HYNES. Let me ask the gentleman a question, whether from his knowledge of the white and black people of the South he does not believe in every State controlled by the democratic party they would not abolish the school system rather than permit mixed schools? In other words, Mr. Speaker—

Mr. COX. Let me answer.

Mr. HYNES. I did not understand my friend to my left was from South Carolina. I ask my friend from South Carolina whether he does not believe that the prejudice against mixed schools in the South is not stronger in the minds of the white people there than their love for the public-school system?

Mr. CAIN. I do not know; I cannot judge of the democracy.

Mr. WHITE. I have allowed the gentleman to run beyond the time given to him, and I must now take the floor.

Mr. KELLOGG. O, let him go on without interruption.

Mr. WHITE. It cannot be done, as I will have no time left to myself.

Mr. CAIN. One word in conclusion. I think I have answered all questions put to me. But I say this, if we pass this bill, make it satisfactory. I know we are in the minority in this country—I speak of course of the colored people. We are willing to accept anything which is deemed necessary to the welfare of the country. Spare us our liberties; give us peace; give us a chance to live; give us an honest chance in the race of life; place no obstruction in our way; oppress us not; give us an equal chance, and we ask no more of the American people.

Mr. WHITE. I yield now for five minutes to the gentleman from New York, [Mr. CHITTENDEN.]

Mr. CHITTENDEN. Mr. Speaker, I have been a member in full communion with the republican party since there was such a party in this country. I am about to give a vote which will offend many of my republican friends. I know perfectly well it is unnecessary for me to offend them so much the more by speaking, but I regard the bill now before the House, in its far-reaching results, as of immense importance both to the white man, the black man, and also to the republican party, with which I expect to live and die and sink—

Mr. COX. That is about to be the result.

Mr. CHITTENDEN. I do not want to go down with my party quite so deep as the bill will sink it if it becomes the law, and that is the reason why I speak.

I shall vote against the bill for two reasons, which I will briefly mention. I was born in Connecticut. I have for thirty-two years been a citizen of the State of New York, and I do not believe there is a single town in New England, or one in the State of New York, having railroads and telegraphs, whose white men would favor or vote for this bill if you were to reverse the ratio of population giving such towns in New England and in the State of New York the same proportion of black men that South Carolina and Louisiana now have.

I admit the justice, I admit the conformity of the bill which will probably pass to-day with the late constitutional amendments, so far as I understand them. But the bill is nevertheless an offense and menace to the dominant race. Say this is prejudice, or sentiment if you please. I am a practical man, and believe it impolitic unnecessarily to vex white men, North and South, by passing this bill now. It will moreover, in my judgment, breed mischief, prejudice, and cruelty to the weaker race in their struggle for a higher civilization. It will inevitably, unless human nature has changed, expose the black man to new persecution and will raise new barriers to the rapid elevation of his race. Let it not be supposed that the battle of the black man is finished. He cannot be lifted after a hundred years of oppression in one decade to be in all respects on the same level with the white race in this country. He ought not to expect it. Time and patience are most needed for him. I listened to the speech made yesterday by the gentleman from Mississippi [Mr. LYNCH] with profound sympathy. I wanted to contribute and would gladly contribute in any proper way toward the enforcement of the common law in Kentucky and Tennessee so as to give him all the convenience, all the opportunities, and all the accommodation he requires in passing from his home to this Capitol. Such individual cases are, however, comparatively few. The Federal Government can never care for them, especially so if the passage of this bill shall tend greatly to multiply them.

I believe there is mischief—there is certainly possible mischief—in

the first four lines of the bill as reported from the Judiciary Committee, in respect to white men of the North. We will not permit all white men to come into our hotels, theaters, and churches. It seems to me, Mr. Speaker, there may arise a multitude of cases conflicting with such provision. As I have said, I challenge any man here, if there be time, to show that the people of New England and New York would sanction this law if in connection with it you were to reverse the ratio of population, giving them the proportion of the weaker race now existing in the South. Not one State or large town of the North would agree to the passage of this bill under such circumstances. Why, then, pass it?

[Mr. WHITE addressed the House. His remarks will appear in the Appendix.]

Mr. ELDREDGE obtained the floor and said: I yield three minutes to the gentleman from Alabama, [Mr. CALDWELL.]

Mr. CALDWELL. Mr. Speaker, I am very much indebted to the courtesy of the gentleman from Wisconsin for two or three minutes, and I desire to say now that I only wish, as one of the Representatives of the State of Alabama, to enter my solemn protest against this bill in any of its forms or phases. From the position assumed and announced by my colleague from Alabama, [Mr. WHITE,] who has just taken his seat, I understand that the principle contended for by the author of the civil-rights bill is entirely abandoned, and that he assumes what he is pleased to term a middle ground between extremes, that being his hope of safety for the country.

Now, Mr. Speaker, there is only safety to the State of Alabama, and of Mississippi, and of every other State in this Union in this: that Congress shall confine itself to legislation which does no injury to any of their citizens. Under the legislation as contained in this bill, as has been argued and as has been demonstrated by the opponents of the bill, no additional rights would be guaranteed or secured to the colored man, nor would he receive under it any protection further than he has now by the laws as they exist.

[Here the hammer fell.]

Mr. ELDREDGE. I yield two minutes more to the gentleman from Alabama.

Mr. CALDWELL. My object, I repeat, Mr. Speaker, is to enter a protest against the passage of this bill, and I do it not only in the name of those people whom I represent, but in the name of the entire white race of the whole country. And in the event that Congress sees proper to pass this law in any of its phases, I commend to my democratic friends that consolation which was embodied in some remarks that were addressed by my colleague [Mr. WHITE] during the contest in 1868 upon the then proposed constitution of my State, which was submitted to the people; and I invoke your attention for one moment. As he said of that proposition then, I say to you now, applying it to the civil-rights bill in the event that it should be passed:

Its rule may be fastened on us for a little while, but it will not be long; and if we are patient, steadfast, and firm, true to our alliance, to principle, and the Constitution, true to the proud auspices of Caucasian blood, true to our untarnished honor, true to our wives and children, true to the record of the past, and true to ourselves; if we "touch not, handle not the unclean thing," deliverance full and complete will soon come.

That was the language of my colleague who has just addressed the House.

[Here the hammer fell.]

Mr. ELDREDGE. Mr. Speaker, I stand before the House at this time a specimen of the effects of the civil-rights bill. I can assure the House that if its effect on the administration of this Government is as disastrous—

The SPEAKER *pro tempore*, (Mr. GARFIELD in the chair.) The gentleman will suspend until the House comes to order. The confusion is so great that nothing he says can be heard.

Mr. ELDREDGE, (after a pause.) I remark in continuation of the sentence which I had commenced that if the effect of the administration of the civil-rights bill upon the country is as disastrous as resistance to its passage through the House has been to me and to my health, it would be a sufficient argument against its passage.

Mr. Speaker, in the remarks I have to make in opposition to the bill now before the House I intend little more than to enter my protest against further legislation upon the subject. I have heretofore and frequently discussed the principles involved in this bill, and in various forms of argument, as well as I was able, endeavored to present the constitutional objections, the impolicy, and the danger of this class of legislation. The convictions of the past have been confirmed and strengthened, and the dangers apprehended and pointed out more than realized in the experience of the results. Indeed, the legislation of Congress since the close of the war upon the negro question, and the effects of that legislation upon the Southern States and even upon the Union itself, stand a perpetual reproach to the party by whom it was enforced, and an ever-present remonstrance and protest against further enactments in the same direction.

It ought to be enough to "call a halt" that entire States, once proud and majestic commonwealths, are in ruins, lying prostrate before us, in the very struggle and article of death—the work of our legislation. Look at South Carolina; that once proud and prosperous State with her three hundred thousand property-holders, two hundred and ninety thousand of them white, including the intelligent, educated, refined men and women of the whole State, subjected by this kind of legislation to the control, dom-

ination, and *spoliation* of an uneducated, semi-barbarous African race just emancipated from the debasing and brutalizing bonds of slavery. Look at Mississippi, Arkansas, Alabama, and Louisiana, once the most genial and fairest portion of the Republic—grand, mighty States of the Union, marching rapidly and proudly forward in the outward and upward march of wealth and civilization, rent and torn by civil strife, ravaged, desolated, and destroyed by *actual war*—a war of races brought on and kept up by congressional legislation. This state of things is not the result of natural causes, but it is the result of the *unnatural relation* in which the two races have been placed to each other. It is the result of the conflict which may always be expected when it is attempted to subject men of culture, civilized men, men accustomed to freedom, to the domination and rule of brute force. The history of the world furnishes no instance of harmonious government brought about by the forced equality and commingling of such antagonistic forces, and certainly not by the subjugation of the intellectual to the physical. The white race, with its pride of blood, the memory of its achievements, the consciousness of its superiority and power, will never brook African equality or live under Africanized governments; and the sooner this truth is realized by American statesmen the sooner will the remedy for the evils that are upon us be devised.

Sir, this negro question is the mightiest problem of the age; none of half its magnitude, so far as the future of the Republic is concerned, confronts the statesman of this country to-day. It will not do longer to treat it as a mere partisan question or allow the passions evoked by the war to control legislation in regard to it. The excuses heretofore made for imposing African governments upon the southern white men will not do. Higher consideration must control. You cannot turn from this sickening reality and foul work of your hands with the flippant and senseless plea so often interposed, even if it were true, (which it is not,) that slavery embruted and unfitted the emancipated negro for the duties devolved upon him for the government of himself and those you have placed under him, and that it is only a just retribution upon his former master who had so long oppressed him.

This retort, which has been so successful in prejudicing the ignorant and thoughtless and so effectively used in persuading your partisan followers, will not avail at the bar of statesmanship. The very statement refutes itself. It matters not now who was or was not responsible for slavery, whom it injured, or how deep the degradation and wrong it wrought. The question for the statesman is and always was, in view of the facts, what are the demands of patriotism? So far as the freedmen were concerned in introducing them into the governing force of the country, as a part thereof, it was a question of their *fitness* for the duties imposed and no other consideration should have entered into its determination. No partisan consideration should have been allowed to divert the mind from the real question involved.

Are they according to the fundamental principles that underlie our system, in the broad light of our civilization, qualified according to the requirement and experience of enlightened statesmanship to govern themselves as a race, as a people? Nay more, is it safe and wise, considering only the true interest of the Republic, to intrust them not only with the government of themselves, but with the government of their former masters, their wives and children and all the vast and varied interests of state? None but the merest partisan and demagogue could *pretend* that by an act of legislation the negro race can be invested all at once with those high qualities of statesmanship, that self-control, that moderation of conduct, that consideration for individual rights, those sensibilities and refinements, that sense of reciprocal duties and obligations, and those exalted ideas of government which, whatever the white race now possesses, whatever it *now is*, have been the growth and accumulations of ages and have sprung from and are a part of our civilization.

In making these suggestions I would not disparage or discourage the negro race. I would not deprive them of any legal right. Nor would I throw any impediment in the way of their growth and development as men. They should have a fair field and an equal chance in the race of life—a full, free opportunity to overcome all natural or acquired prejudices against them, and to demonstrate if they can that they are capable of attaining to the high civilization of the white race. To put them in places of trust, of responsibility, and power without any qualification, without any preparation, is simply to do them the greatest possible injury and at the same time, whenever it is done, to endanger our system of republican government. This has been done already to the great detriment of both the black and white races.

No man or community of men, no race or people on the face of the earth, ever was thrust forward by any other people or race, so far as legislation can put them forward, so rapidly and so regardless of the welfare of both races as the white race has the negro of America. I do not believe there is a candid man, certainly no *statesman*, who will now deny that the investiture of the great mass of ignorant, stupid negroes with the power of government was a mistake. It would have been far better, in my judgment, for the black race, for its future as well as its present well-being, to have required some previous preparation, some educational qualification as a condition to the exercise of the right of suffrage. It would have been more in consonance with our system, the corner-stone of which we profess is the intelligence of the people, to have made intelligence the condition of the exercise of the exalted privilege and duty of governing in common

with the white race. This, I believe, would have stimulated the black man to greater efforts and given him a better appreciation of the privilege itself. It would have modified his conceit and been an inducement to acquaint himself with the duties he would take upon himself; it would have moderated his demands for place and power by a better comprehension of the great responsibility imposed, and it would have made him far less offensive and obnoxious to those whose conviction and prejudice were against the equality the law conferred. In any and every view that can be taken of the subject it would have been better both for the negro and the white man, for the whole country, to have had some period of probation and preparation, some learning and knowledge of the science of government as a prerequisite to its administration, and as some assurance of his fidelity to and capability for the performance of the duties required.

Sir, I will not deny it must be admitted on all hands, that the negro has not been justly and fairly dealt by. He has not been sincerely and candidly treated by those who have made the greatest professions of being his friends. His present nor his future welfare nor any of his greatest interests as a man and a citizen of the Republic in his relations with the white race have been much considered in the legislation claimed to be in his interest and for his advantage. He has been made the sport and convenience of the republican party ever since his emancipation; he has been a sort of shuttlecock cast about for the amusement or *advantage* of those who have made him believe they were his special guardians and friends. The right or privilege of suffrage, for which so much is demanded of him by those who still for their own purposes champion his cause and claim to be *par excellence* his friends, was not conferred because of love for him or his race or any real advantage it was believed it would be to him, but because it was supposed it would add to and strengthen their political party and prolong their power. Herein was committed the grand error, mistake, blunder, or crime, whichever it should be called, upon the negro question. Both he and the State and all the most vital interests of both have been sacrificed and made subservient to the supposed interests of a mere political party.

The black man has been literally forced into his present attitude in relation to the white race; forced, too, without knowledge or any comprehension of what is to be the result. He is little to be blamed for the condition in which he now is or the circumstances that surround him. He has been and is being "ground as between the upper and the nether millstone" by two antagonistic and opposing forces. He is no longer loved by either except for the use that can be made of him, and his welfare is at all times sacrificed to the paramount interest of party. The pretended affection of the republican party has been his delusion and snare. It deluded him into faith in its friendship and into its support, and thereby into sharp and hostile antagonism with those among whom he was reared and must live, and with whom every interest of happiness and prosperity demands he should be friends. It deluded him into the giving up of a *real* for a *pretended* friendship, and caused him to sacrifice the toleration and encouragement of those whose interests were in common with his own for those who had nothing in common with him and who could never care for him except in so far as he strengthened them in the control of political and partisan power. It induced him to separate from and antagonize his natural ally and friend in an unnatural and partisan alliance with men who had no higher motive than to use him for their own selfish purposes, regardless of the consequences to him or his race.

Mr. Speaker, it would be interesting and instructive, if we had time, to commence at the beginning of the history of the republican party upon the negro question and note its development and progress step by step down to the present time. I think we should be able to see and comprehend the motive by which it has been actuated and controlled. We should see how at one time or another it has disavowed with indignant denial most or all of the measures it has afterward advocated and enforced. We should see that party exigencies and party considerations alone have controlled it in the most of what it has done. We would then see how little the welfare and advantage of the colored race had entered into the consideration or controlled its action in relation thereto.

In 1868 in its national platform upon which President Grant was first elected it denied the right of the Federal Government to control the suffrage of the loyal States, and declared as a fundamental principle that the control of it belonged exclusively to the people of the several States. Before the President was inaugurated, in January, 1869, a distinguished member of this House from the State of Massachusetts, afterward Secretary of the Treasury, and now a Senator of the United States in the Senate, reported by the direction of a majority of the Judiciary Committee of the House in favor of the enforcement of universal suffrage by the Federal Government. He enforced his views by a lengthy and impassioned speech, urging the conferring of suffrage upon the colored man almost upon party grounds alone. He assured the House and the country that it was "the last of the series of great measures" with which the "republican party was charged" for the pacification of the country and for the establishment of the institutions of the country upon the broadest possible basis of "republican equality both State and national." And his main argument was based upon the fact that this measure would add one hundred and fifty thousand votes to the republican party—enumerating the number from the several States, and appealing to his party to know if they were going to decline the services of one hundred

and fifty thousand men "who are ready to battle for us at the ballot-box in favor of human rights."

This is the sordid, selfish appeal that has been made upon this negro question from the beginning. Not *his interest*, not the *interest of the Republic*, not the great interest of *patriotism and humanity*, but the interest of the republican party.

One hundred and fifty thousand men stand ready to do battle for us, for our party, for the republican party; and can we decline the tempting offer? They may be ignorant of the first principles of government—unable to read, write, or even to speak and understand any intelligible language—unqualified in every respect according to the requirements of our system; they may endanger the Republic, jeopardize our most cherished institutions, drag down and degrade the white race, injure and destroy the colored race by bringing the two races into fatal collision; but it will add *one hundred and fifty thousand votes to our party*. These are the considerations, the controlling considerations of the past upon this subject, and such are the motives for further agitation for civil and social rights and social equality of the races. In these motives and in this spirit your civil-rights bills and all like measures have their origin and growth. They are the pandering of party to the ignorance, conceits, unreasoning ambitions, untrained and selfish instincts of the least advanced and spoiled portion of the negro race. The better class, the most thoughtful, those who are really capable of understanding some thing of the situation and condition of affairs, are beginning to see through these schemes and machinations of their pretended friends. They see the folly and danger of these measures—of pressing the demands of the lowest portion of the race for place and position without preparation without qualification, and against the prejudice which is more because of this ignorance and unfitness than any other repugnance which may be felt. They comprehend the situation so far, at least, as to understand that the demand for further recognition and "the protection of their civil rights" comes from those the least competent to understand or appreciate what has been done for them or the rights they now may enjoy. They understand that the clamor for civil rights comes from the most ignorant and dissolute, the dishonest, scheming politician of their own race, instigated by the unprincipled "carpet-bagger," "scalawag," and "pot-house" politician, who would make merchandise of all the rights of the colored race and of their bodies and souls, if thereby they could keep themselves in control of place and power. The most intelligent and worthy of the black race are grateful and contented that so much has been done for them, and that with so many favorable surroundings their destiny is in their own hands. They have sense enough to comprehend, in some degree at least, the solemnity and greatness of the work of self-government under even the most favorable circumstances, and, knowing that immunities and privileges imply obligations and duties, would not force themselves forward without preparation. The colored race in this country have opportunities such as no other race or people in the history of the world ever had.

The chains of slavery wherewith they were bound are broken and removed, and the whole people placed at once, by the race that held them in bondage, upon terms of perfect, *absolute equality with themselves*. They are not only in the enjoyment of all that *freedom* itself can give, but the lights of the highest civilization are shining upon them, and the examples of refinement, education, patriotism, and progress—the development of centuries—are before and around them, to guide and exalt their aspirations. If there be anything of them; if they have in them the elements of growth, civilization, and greatness; if in the economy of the Almighty they are or *are to be* capable of self-government and the comprehension and appreciation of the great principles of civil liberty and republican government—nothing on earth is now in their way. They start from vantage-ground—with everything to stimulate, inspire, and guide them.

The law has done all it can accomplish for them. So far as the law is concerned, the black man is in all respects the equal of the white. He stands and may make the race of life upon terms of perfect equality with the most favored citizen. There is no right, privilege, or immunity secured to *any* citizen of the Republic that is not confirmed to the colored. There is no court, no tribunal, no judicial jurisdiction, no remedy, no means of any sort in the land, provided by law for the redress of wrongs or the protection of the rights of life, liberty, or property of the white man that is not equally open and available to the black man. The broad panoply of the Constitution and the whole body of laws, civil and criminal, and every means provided for their enforcement, cover and extend to every American citizen, without regard to color or previous condition. The white man may with no more legal impunity trench upon or invade the dominion of the black man's rights than the black man may the white man's. The barriers of laws surrounding and protecting them are the same. There is no distinction, no exception, no immunity in favor of the white race. And let it never be forgotten that voluntarily, in the pride and majesty of its power, the white race has thus far *done it all*. With sublime indifference and disregard of all natural and conventional differences, if not with *sublime wisdom and discretion*, the LIBERATOR, the white race, decreed and proclaimed to the world that his *former slave*, the *negro race*, whatever he may have been or may become, is henceforth and forever shall be under the law of the Republic a co-citizen and an equal. He may compete for any

office; he may contest any citizen; he may aspire to any position; he is eligible to the most exalted place in the Republic.

And, sir, what would gentlemen, what would the greatest patriot, the greatest philanthropist, have more? What would the intelligent negro, the man best capable of comprehending the wants, the necessities, the highest good of his own race, ask for more? The common-law rights of both are the same. Both are equal in its protection. White and black may alike invoke its interposition for the protection of rights and the redress of wrongs. If equality, exact and impartial equality, of legal rights and legal remedies is desired, it is now enjoyed alike by both. If you would not place one race above the other; if you would make no distinction "on account of race or color or previous condition;" if you would have the recent amendments to the Constitution impartially administered; if you would have the laws of the land throughout its length and breadth, in their application to the citizen, take no note of the color of his skin or the race from which he sprang, let the "common law" remain unchanged; let there not be one law for the white man and another for the black man. No change, no distinction in favor of the one or the other can fail to injure both.

To make the colored citizen feel that he is the pet, the especial favorite of the law, will only feed and pander to that conceit and self-consequence which is now his weakest and perhaps most offensive characteristic. If he be made to feel that extraordinary provisions of law are enacted in his favor because of his weakness or feebleness as a man, the very fact weakens and enfeebles him. The consciousness that there is necessity for such legislation and protection for him must necessarily humiliate and degrade him. Such laws, too, are a constant reminder to him that he is inferior to the white race. They not only remind him of his inferiority and the superiority of the white race in its not requiring these special enactments, but they naturally and necessarily awaken in him a feeling of bitterness and unfriendliness toward the white race. It is impossible that the negro race should live upon terms of mutual confidence and friendship with a race from whom it requires to be protected by a special code—against whose wrongs and oppressions he is not safe except those wrongs are denounced by extraordinary laws and penalties. There can be no peace, no harmony, no confidence, no mutual respect, no feeling of equality between two races living together and protected from the infringement of each other's rights by different laws and different penalties. It is useless to deprecate or deplore the natural or acquired prejudice of the races so long as the laws enacted for their government in their very nature necessarily awaken, keep alive, and foster them. And whether the prejudice be the plant of the Almighty or the growth of slavery, it cannot be removed by legislative enactments. It may be, as in my judgment it most certainly will be, increased and aggravated by such legislation as this, but it cannot be lessened. If the southern man believes, correctly or erroneously, that the negro race is an inferior race, this kind of legislation is certainly not calculated to remove that belief. This bill and all such bills go upon the ground that the colored race is inferior, feebler, and less capable of taking care of itself than the weakest and most inferior white man. *This is the very predicate of this legislation*. And whether he claims the natural equality of the races or not, it is an insult to every colored man in the Republic. It is an unnecessary exaggeration and parading of the distinction between them.

Sir, I have intimated already, and it has been illustrated and demonstrated in and by the effects of previous similar legislation, that the greatest danger now to be apprehended lies in the bringing of the two races into fatal antagonism of rights and interests. If there be natural prejudice, if there be antipathy, if there be antagonisms between the races, almost the entire legislation of Congress on the negro question has been and is calculated to increase and intensify them all. I have referred to some of the effects upon the colored race; but the effects upon the white race and its disposition toward the colored cannot be less deleterious. Born and reared with the idea that they were masters and the colored men slaves, it was not the work of a moment, or a small thing, to reconcile themselves to the changed condition. And yet, under all the circumstances, they may appeal with confidence to this House, the country, or the world that they have conducted themselves with commendable patience and forbearance. Have we not all been disappointed and surprised at their magnanimity and submission? Have they not commended themselves to our warmest sympathy and approbation? Have they not borne themselves under the greatest trials and the severest ordeals to which poor human nature can be subjected with a greatness and grandeur almost sublime?

Without malice, without resentment, without reproach, they have acquiesced in the emancipation of their slaves and their elevation to free and equal citizenship with themselves.

If there have been some factions, dissatisfied, and turbulent spirits, it was to have been expected. But the hostile collisions, strifes, and conflicts, I believe on my soul, are more to be attributed to the political and unwise legislation of Congress than to all other causes combined. But because they have thus far with almost broken spirits submitted, we must not forget there is a point beyond which Congress must not go. We must not from the past presume too much. We must not for political or partisan considerations seek to degrade

or dishonor them. The white people of the Southern States are a proud, honorable, intelligent people. They are the depositaries of the civilization of many centuries. The negro race, possessed of all the natural capabilities the most enthusiastic African admirer can claim for it, even with the example of the white race constantly before it, must grow and develop rapidly for many, many years before it will attain to the same civilization.

Let us beware, then, how we create the means for irritation and strife between the whites and the blacks of the South. It can be no doubtful or uncertain struggle. Let party exigencies and party necessities be whatever they may seem, it is worse than madness, it is a crime without a name, to bring the two races by our legislation into collision. The white men of the South cannot be brought to submit to the domination of the black man. The attempt will bring ruin and destruction upon the black man or it will end in the extinction of both black and white. The black man has been a slave, the white man never. The black man has with submission and patience worn the yoke of bondage and threw it not off himself; the white man never did and never will submit to be ruled by any race but his own. He may and probably will for a time submit to the sword of the Federal power, but I pray gentlemen not to presume upon that too far. His ancestors long ago taught the Anglo-Saxon the idea of opposition to "intolerable burdens." And no Anglo-Saxon can bear dishonorable burdens, or burdens imposed upon him by other hands than his own, without seeking the first opportunity to throw them off. The pride of blood and race will never brook the rule of inferior men. The gentleman from Massachusetts [Mr. BUTLER] well said "social equality could not be brought about by legislation." Neither can you by legislation make the white man submit to the rule and domination of the black. I beg gentlemen, as I did in speaking upon this subject in 1868, to "hesitate long before they attempt to bring it about." It will, it must end in the overthrow and destruction of the weaker race.

Mr. BROWN. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. ELDRIDGE] for his courtesy in allowing me ten minutes of his time. It is not my purpose on this occasion to discuss the legal aspects of this bill. I have done that heretofore in a carefully prepared speech, delivered during the last session of Congress. I had hoped that this measure would fail; but it is now manifest to all of us that it is a foregone conclusion that to-day's sun may set upon it as a law of the land. Men upon the opposite side have been dragooned into its support, and its success has been in a measure accomplished by a daring and revolutionary innovation on the time-honored rules of this House. It is the culminating, crowning iniquity of radicalism. It is born of malignity; it will be passed in defiance and in violation of the Constitution; and executed I fear in violence and bloodshed.

Mr. HALE, of New York. I rise to a question of order.

Mr. BROWN. I hope I will not be interrupted.

Mr. HALE, of New York. I understood the gentleman from Kentucky to declare of the bill now pending before the House that it was born of malignity. I raise the point of order that the language is not parliamentary.

Mr. BROWN. I think the point is puerile. The gentleman was silent yesterday when stronger language on his side of the House was used on this floor.

Mr. HALE, of New York. I ask that the words to which I have referred, and those in that connection, be taken down and read at the Clerk's desk.

The reporter wrote from his notes, and the Clerk read the following:

It is born of malignity; it will be passed in defiance and in violation of the Constitution; and executed I fear in violence and bloodshed.

Mr. HALE, of New York. I raise the point of order that that language is unparliamentary as applied to a measure now pending before the House.

Mr. ELDRIDGE. I think you had better expel us all, for we are all of that opinion.

The SPEAKER. The Chair does not think that language transcends the limit of parliamentary debate.

Mr. SPEER. That is an honest decision.

Mr. BROWN. I regard it as a part of the machinery which is to be set in motion in this country for the campaign of 1876. I believe now that a deliberate conspiracy has been formed for the overthrow of our constitutional liberties. The people of the country do not favor these radical schemes; they have repudiated their originators. You men who propose to pass them have been weighed in the balance and found wanting. Judgment has been passed upon your political record, and nearly two-thirds of that side of the House retired to private life.

The SPEAKER. The gentleman will address the Chair.

Mr. BROWN. And your conduct now in this and other matters, Mr. Speaker, reminds me of a passage in Junius where he describes a bad tenant, having received notice to quit, breaking the furniture, putting the premises in disorder, and doing all he could to vex the landlord. Gentlemen and Mr. Speaker, the South is broken; it lies in its helplessness and despair before you; homes dilapidated, fields wasted, bankruptcy upon it. Is there nothing in its situation to touch your pity? And if your magnanimity cannot be reached, will you not be moved by some sense of justice?

In 1872, by a conspiracy between the Attorney-General, Governor

Kellogg, and a drunken Federal judge, the sovereignty of a State was overthrown. That usurpation has been perpetuated since by bayonets. And but recently one of your generals entered the legislative halls of Louisiana, like Cromwell when he invaded the English House of Commons with his Colonel Pride, and, keeping touch and time to what had gone before in the sad history of that State, ruthlessly expelled its duly qualified members.

Onward and onward you go in defiance of the sentiment of the country, without pity and without justice, remorselessly determined, it seems, to devote these distressed southern people to complete destruction, to give their "roofs to the flames, their flesh to the eagles." Your Lieutenant-General but steps upon the scene when he sends his dispatch to the world that they are banditti. We have heard it echoed elsewhere that they were thieves, murderers, night-riders. The clergy of that State, Jew and Gentile, have denied it. The business men and the northern residents there have denied it. A committee of your own House, a majority of whom were republicans, have given it their solemn and emphatic contradiction and nailed the slander to the counter. But still it is echoed and re-echoed. Now again that accusation has come from one—I speak not of men, but of language, and within the rules of this House—that accusation against that people has come from one who is outlawed in his own home from respectable society; whose name is synonymous with falsehood; who is the champion, and has been on all occasions, of fraud; who is the apologist of thieves; who is such a prodigy of vice and meannesses that to describe him would sicken imagination and exhaust invective.

In Scotland years ago there was a man whose trade was murder, and he earned his livelihood by selling the bodies of his victims for gold. He linked his name to the crime, and to-day it is known throughout the world as "Burking."

The SPEAKER. Does the Chair understand the gentleman to be referring in this manner to a member of the House?

Mr. BROWN. No, sir; I am describing an individual who is in my mind's eye.

The SPEAKER. The Chair understood the gentleman to refer to a member of the House.

Mr. BROWN. No, sir; I call no names.

This man's name was linked to his crime, and to-day throughout the world it is known as "Burking." If I wished to describe all that was pusillanimous in war, inhuman in peace, forbidden in morals, and infamous in politics, I should call it "Butlerism."

The SPEAKER. The Chair thinks the gentleman from Kentucky did not reply in good faith to the question put to him. The Chair regards the whole discourse of the gentleman from Kentucky as referring—

Mr. BROWN. The Chair had no right to anticipate what I was about to say.

Mr. HALE, of New York. I insist that the words of the gentleman from Kentucky be taken down.

The SPEAKER. The gentleman from New York asks that the words be taken down. That will be done.

Mr. HALE, of New York. In taking down the words, it will be necessary to go back as far as where the gentleman began to describe a hypothetical individual.

The SPEAKER. The Chair will direct that all the personal remarks be taken down.

Mr. NEGLEY. And I hope the gentleman may be expelled.

The SPEAKER. The Chair desires to state that he was not listening with special attention to the remarks of the gentleman from Kentucky; but his ear was arrested by some language of a peculiar character. He asked some one near him to whom the gentleman was referring. The answer given to the Chair was that the gentleman was referring to a member of the House. The Chair then addressed an inquiry to the gentleman from Kentucky as to whether that was so. He answered either with a denial or evasively—the Chair could not tell which; and the Chair put the inquiry to him a second time. It would have been the highest recusance on the part of the Chair to have permitted such language to be used in reference to a member; and the Chair, in exculpation of himself, rests his neglect of duty upon the evasive reply of the gentleman from Kentucky; because otherwise such language in reference to any member could not possibly have been permitted by the Chair.

Mr. DAWES. I hope the words taken down will embrace the interrogatory of the Chair and the answer.

The SPEAKER. All that will be included.

The Chair lays before the House a report from the Committee on Enrolled Bills.

Mr. DAWES. Will the intervention of other business interfere with this point of order?

The SPEAKER. Nothing intervened between the utterance of the words and the demand that they be taken down; therefore the point holds good. But while the words are being taken down the Chair announces a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same; An act (H. R. No. 336) granting a pension to Hugh Wallace;

An act (H. R. No. 393) granting a pension to Rosanna Quinn;
 An act (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;
 An act (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;
 An act (H. R. No. 1722) granting a pension to Martha Wold;
 An act (H. R. No. 1820) granting a pension to Samuel Henderson;
 An act (H. R. No. 1947) granting a pension to George Holmes;
 An act (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;
 An act (H. R. No. 2218) granting a pension to Sarah Summerville;
 An act (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;
 An act (H. R. No. 2352) granting a pension to Lewis Hinely;
 An act (H. R. No. 2372) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;
 An act (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll;
 An act (H. R. No. 2674) granting a pension to John W. Wright, now at the national military asylum near Dayton, Ohio;
 An act (H. R. No. 2901) granting a pension to John Hendrie;
 An act (H. R. No. 2949) granting a pension to James R. Borland;
 An act (H. R. No. 3008) granting a pension to John J. Bottgar;
 An act (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;
 An act (H. R. No. 3275) granting a pension to Eli Persons;
 An act (H. R. No. 3277) granting a pension to Robert D. Jones;
 An act (H. R. No. 3278) granting a pension to Margaret Beeler;
 An act (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona;
 An act (H. R. No. 3681) granting a pension to William M. Drake;
 An act (H. R. No. 3682) granting a pension to Theron W. Hanks, a private in the Third Minnesota Battery;
 An act (H. R. No. 3691) granting a pension to James Barris;
 An act (H. R. No. 3697) granting a pension to Belinda Craig;
 An act (H. R. No. 3702) granting a pension to Alice Roper;
 An act (H. R. No. 3707) granting a pension to Louisa Thomas;
 An act (H. R. No. 3722) granting a pension to John Fink;
 An act (H. R. No. 3723) granting a pension to Mary Logsdon;
 An act (H. R. No. 3728) granting a pension to Abby A. Dike;
 An act (H. R. No. 4162) granting the right of way and depot-grounds to the Oregon Central Pacific Railway Company through the public lands of the United States, from Winnemucca, in the State of Nevada, to the Columbia River, via Portland, in the State of Oregon;
 An act (H. R. No. 4443) in regard to the visit of His Majesty the King of the Hawaiian Islands; and
 An act (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874.

CIVIL-RIGHTS BILL.

The SPEAKER. The words which were ordered to be taken down will now be read.

The Clerk read as follows:

Now again that accusation has come from one—I speak not of men but of language, and within the rules of this House—that accusation against that people has come from one who is outlawed in his own home from respectable society; whose name is synonymous with falsehood; who is the champion, and has been on all occasions, of fraud; who is the apologist of thieves; who is such a prodigy of vice and meanness that to describe him would sicken imagination and exhaust intellect.

In Scotland years ago there was a man whose trade was murder, and who earned his livelihood by selling the bodies of his victims for gold. He linked his name to his crime, and to-day throughout the world it is known as "Burling."

The SPEAKER. Does the Chair understand the gentleman to be referring in this language to a member of the House?

Mr. BROWN. No, sir; I am describing an individual who is in my mind's eye. The SPEAKER. The Chair understood the gentleman to refer to a member of the House.

Mr. BROWN. No, sir; I call no names. This man's name was linked to his crime, and to-day throughout the world it is known as "Burling." If I wished to describe all that was pusillanimous in war, inhuman in peace, forbidden in morals, and infamous in politics, I should call it "Butlerism."

Mr. HALE, of New York. Mr. Speaker, I offer the following resolutions:

Resolved, That the member from Kentucky, Mr. JOHN YOUNG BROWN, in the language used by him upon the floor and taken down at the Clerk's desk, as well as in the prevarication to the Speaker, by which he was enabled to complete the utterance of the language, has been guilty of the violation of the privileges of this House and merits the severe censure of the House for the same.

Resolved, That said JOHN YOUNG BROWN be now brought to the bar of the House in the custody of the Sergeant-at-Arms, and be there publicly censured by the Speaker in the name of the House.

Mr. HALE, of New York, rose.

Mr. DAWES. Will the gentleman yield to me to have the substitute read?

Mr. HALE, of New York. I yield for that purpose only.

Mr. DAWES. I offer the following as a substitute for that of the gentleman from New York.

Mr. HALE, of New York. I yield only to have it read.

Mr. SPEER. Is this proceeding in order except by unanimous consent at this stage of the proceedings?

The SPEAKER. What?

Mr. SPEER. The resolution of the gentleman from New York.

The SPEAKER. What point of order does the gentleman make?

Mr. SPEER. The civil-rights bill is before the House. Is this in order?

Mr. COX. This is a most uncivil proceeding.

The SPEAKER. There is no point in that.

Mr. HALE, of New York. I will hear the resolution read.

Mr. SPEER. I desire to have the statement of the Chair.

The SPEAKER. The Chair overrules the point of order.

Mr. SPEER. How does the gentleman get the floor to move the resolution?

The SPEAKER. It is a proceeding of the highest privilege. If there is anything in the language of the gentleman from Kentucky [Mr. BROWN] which transgresses the order of the House, the rules provide that the words shall be taken down and that the House shall act upon them, no matter what business may be pending. The rules provide that nothing else shall intervene until the question is settled.

Mr. SPEER. The statement of the Chair of what the rules provide is satisfactory; I did not understand it before.

Mr. DAWES. I now ask that the resolution be read.

The Clerk read as follows:

Resolved, That JOHN YOUNG BROWN, a member of this House from the State of Kentucky, be expelled from the House for gross violation of the rules—

[Here the reading was interrupted by loud applause in the galleries and upon the floor of the House.]

The SPEAKER. That is very improper in the galleries and very much more so on the floor.

Mr. CRITTENDEN. It is in keeping with this whole proceeding.

The SPEAKER. The Clerk will proceed with the reading of the resolution.

The Clerk proceeded as follows:

for gross violation of the rules and privileges of the House in the use upon the floor of the language just read by the Clerk, and for falsely stating to the Speaker of the House that he did not refer to any member of the House.

Mr. LAMAR. I think that resolution—

Mr. HALE, of New York. I decline to yield for that resolution at the present time. I do not think it is necessary to debate the question, and do not yield for any words of debate.

Mr. BECK. Let the resolution of the gentleman from New York be again read.

Mr. HALE, of New York. The House understands the question.

Mr. DAWES. I think the gentleman from New York will see there is a propriety in proceeding deliberately and giving the member from Kentucky, if he desires it, an opportunity to be heard, and not to pass the resolution under the previous question. If it becomes us to take notice of this proceeding, it becomes us to take notice of it with deliberation. The previous question cuts off all expression of views. I trust, therefore, the House on both sides, whatever may be their opinion of the propriety of one resolution or the other, will not pass any proposition here, under the circumstances, under the previous question.

Mr. COX. I appeal to my friend from New York not to hurry this thing. He himself called a member a dirty dog last year and was not censured for it.

Mr. HALE, of New York. It is not true—the statement is not true, and my colleague has no right to insult me by saying it.

Mr. COX. I did not insult you.

Mr. HALE, of New York. He does insult me and states a thing not true.

Mr. COX. I will withdraw it and be more decorous than my colleague.

The SPEAKER. The gentleman from New York is entitled to the floor and demands the previous question, as the Chair understands, upon his resolution.

Mr. HALE, of New York. I did not believe it was possible this House should desire debate on this question. The transaction has taken place in the presence of the whole House. Every person knows it fully, and I do not believe the House desires debate, but if they do of course the previous question may be voted down. I now demand the previous question.

Mr. COX. I hope it will be voted down.

The SPEAKER. It requires two-thirds to demand the previous question, it being the first day it is pending.

Mr. HALE, of New York. Does not that rule of two-thirds apply to a bill?

The SPEAKER. The Chair stands corrected; it is upon the engrossment and third reading of a bill, and a majority can demand the previous question on this resolution.

Mr. ELDRIDGE. How far will the previous question be operative?

The SPEAKER. It will bring the House to an immediate vote without a moment's debate on the resolution.

Mr. DAWES. Will not this exclude my resolution?

The SPEAKER. If seconded it will.

Mr. SENER. Will the gentleman from Kentucky have any opportunity for explanation?

The SPEAKER. Not if the previous question is seconded.

Mr. HALE, of New York, demanded tellers.

Tellers were ordered; and Mr. HALE, of New York, and Mr. COX were appointed.

The House divided; and the tellers reported ayes 2, noes not counted. So the House refused to second the demand for the previous question. The SPEAKER. The House has refused to second the demand for the previous question and the gentleman from Massachusetts [Mr. DAWES] offers a substitute for the resolution of the gentleman from New York, [Mr. HALE.] The substitute of the gentleman from Massachusetts will be again read.

The Clerk read as follows:

Resolved, That JOHN YOUNG BROWN, a member of this House from the State of Kentucky, be expelled from the House for gross violation of the rules and privileges of the House in the use upon the floor of the language just read by the Clerk, and for falsely stating to the Speaker of the House that he did not refer to any member of the House; which language is as follows.

[Here follow the words read by the Clerk.]

Mr. DAWES. I do not desire myself to occupy the attention of the House but for a single moment. I regret very much that it seems to have fallen to my lot to offer this resolution. Nothing can be more painful to me than the necessity that seems to be pressing upon me to do this. I have served before with the gentleman from Kentucky, and my relations with him under circumstances of a very trying personal character have always been kind. He was elected to Congress before he was of the constitutional age, and I made his acquaintance while he was waiting his arrival at a constitutional majority before he took his seat. It was my painful duty as chairman of a committee in this House on another occasion to offer a resolution the effect of which was to exclude him from a seat in this House. It gave me great pleasure, at a subsequent period, myself to introduce a bill here, which commanded the unanimous vote of the House of Representatives, to qualify him for a seat in this House by removing his political disabilities.

When the gentleman from Kentucky came back here I welcomed him as a young man of great promise and possibilities. And I have rejoiced at every manifestation on his part of the fulfillment of that promise, and have been shocked to-day and pained, and nothing but a belief that it is imperatively demanded of this House to vindicate itself and its rules and settle here and now whether members of this House are to be frowned down in the exercise and discharge of their duty under the rules by the indulgence in such language as we have heard to-day—nothing but that belief and a sense of duty would have induced me to offer this resolution.

I cannot vote for the resolution of the gentleman from New York, [Mr. HALE,] because I do not see in it anything which by the gentleman from Kentucky will be deemed any punishment. I know that there is a frame of mind and a disposition which is just now being inaugurated in this House which remind me of the olden time.

I have been here, sir, when the freedom of debate was vindicated only by forming a hollow square in front of the Speaker's desk while men uttered their sentiments here in the House; when the galleries were filled with armed men, whose threats to silence debate on this floor were audible in any part of this Hall. I had hoped, sir, that that day had passed and passed forever. I had hoped that the condition of things which made such a proceeding possible was never to return again. At least I hoped that never while I occupied a seat in this House should I be called upon to sit in my seat and hear men who were discharging their duties in accordance with their honest convictions upon this floor denounced in the language that I have heard to-day. I think the House should here and now decide whether they will permit this thing to be inaugurated in this House at least. I hope that, whatever may be tolerated hereafter, this House will not at least be responsible for it. Let this House while it has an existence, and while the reputation of it rests upon a majority here, vindicate itself in the interest of decency and freedom of debate and decorum in this Hall.

But, sir, the effect of the resolution of the gentleman from New York [Mr. HALE] would be to send the member from Kentucky out with what he would deem a decoration, rather than any such rebuke as becomes this House to mete out unto one who will so violate the privileges of the House deliberately, as I am sorry to believe the member from Kentucky has done, with measured words—words which, when the House recalls not only what was said by him to-day but the unfinished sentences which he was interrupted in saying yesterday, and which seem to bear so remarkable similitude to the language used here to-day, carry the conviction to sober minds that this language has been slept upon at least twenty-four hours. They therefore admit of no such excuse or palliation as that they were used in the heat and excitement of debate. They were prepared, studied, measured, and then when the attention of the member from Kentucky was called to his transgression of the rules, his answer to the Speaker shows full well that not only was this prepared, but that the member from Kentucky was also prepared with such an answer to any call to order which might come up as would give him an opportunity to successfully violate the rules before he could be put down. Therefore, sir, it is that I ask this House to substitute a substantial vindication of the rights of this House for the resolution which has been offered by the gentleman from New York, [Mr. HALE.]

Mr. WOOD and Mr. COX rose.

Mr. DAWES. Holding the floor, I am willing to yield time to any gentleman who desires to speak.

Mr. COX. I desire to address the Chair.

Mr. DAWES. I yield to the gentleman from New York, [Mr. COX.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 650) for the relief of John Brennan;
A bill (H. R. No. 1579) for the relief of Joseph J. Petri;
A bill (H. R. No. 1660) for the relief of John B. Tyler;
A bill (H. R. No. 2344) granting relief to Francis Dodge;
A bill (H. R. No. 3179) granting relief to John L. Williams, of New York;
A bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts; and
A bill (H. R. No. 4545) to provide for the relief of persons suffering from the ravages of grasshoppers.

The message further announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

A bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased;
A bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia;
A bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;
A bill (S. No. 819) for the relief of George W. Dawson;
A bill (S. No. 821) for the relief of Peasley & McClary, of Nashua, New Hampshire;
A bill (S. No. 839) for the relief of Angeline Logan;
A bill (S. No. 951) for the relief of John Montgomery and Thomas E. Williams;
A bill (S. No. 1065) for the relief of J. W. Drew, late an additional paymaster in the United States Army; and
A bill (S. No. 1125) for the relief of the Terre Haute and Indianapolis Railroad Company, successor of the Terre Haute and Richmond Railroad Company, in the State of Indiana.

CIVIL-RIGHTS BILL.

Mr. COX. Mr. Speaker, I would not pour anything but water upon these flames. I would not pour oil upon the flames, and I think my friend from Massachusetts, [Mr. DAWES,] who is about removing to a higher station, might well follow such an example. Sir, I came to Congress in 1856 with the honorable gentleman from Massachusetts; we have served together during all these various vicissitudes of our political lives. I have been witness to the same scenes which he describes, though I beg to say that he describes them with great exaggeration of fancy, not of falsehood, for I might be expelled if I said anything of that kind. But I think there is some constitutional doubt about the right to expel members for intemperate language. This House is a sort of reservoir of the intemperance of the country: I simply refer to its intemperate language. The gentleman from Massachusetts must have known that never in the history of this country has there been such good temper manifested as was manifested during the forty-six hours of continuous session which we have had during our filibustering on this bill.

Now, sir, I am not responsible for these proceedings connected with this bill in any sense. I am not responsible for the intemperance of language of the gentleman from Massachusetts [Mr. BUTLER] yesterday, or that of the gentleman from Kentucky [Mr. BROWN] to-day. But if the gentleman from Massachusetts [Mr. DAWES] wished to preserve the decorum of the House, he would at least—to say nothing of the intemperance of language that was used by the gentleman from Indiana and the gentleman from New York—he would have interfered yesterday. I believe, with all respect to gentlemen on both sides, that the provocation to the language used by the gentleman from Kentucky [Mr. BROWN] came from what was said by the gentleman from Massachusetts [Mr. BUTLER] yesterday, and here are his words:

The bill is necessary because there is an illogical, unjust, ungentlemanly, and foolish prejudice upon this matter. There is not a white man at the South that would not associate with a negro—all that is required in this bill—if that negro were his servant. * * * But the moment that you elevate this black man to citizenship from a slave, then immediately he becomes offensive. That is why I say that this prejudice is foolish, unjust, illogical, and ungentlemanly.

And so on through the chapter, until he brings it to a very climax where he forced upon our side of the House a companionship with that which was suggested by his modes of expression, and the whole of our side was included in his last philippic. Therefore the provocation really came from the distinguished colleague of the gentleman from Massachusetts, and it was answered perhaps with too much bitterness. But it did not call for censure then, and it does not call for expulsion now. If it does, then why did we not begin last session? Why did we not begin with the honorable gentleman from New York, my colleague, [Mr. HALE,] who opened this movement? I will ask the Clerk to read that which I have marked, to show that my statement a while ago was correct. If my friend from Kentucky [Mr. BROWN] was wrong, and my friend from Massachusetts [Mr. BUTLER] was intemperate yesterday—I mean in language only—we are all more or less responsible; and the best thing we can do is to drop this business altogether, and to go on with the bill you are so anxious about, and then go on with the appropriation bills, and after that as soon as possible go home and give way to the popular party.

Mr. HALE, of New York. I ask my colleague [Mr. Cox] if he sends to the Clerk's desk to have read anything relating to me? So far as I am concerned I will not object, but I shall take occasion to respond to my colleague if I can obtain the attention of the House.

The Clerk read as follows:

I have seen, Mr. Speaker, a cur emerging from a paddie, with his hair dragging with filth, force his way among decent people, and thrust himself upon them, or shake his filth upon them. I have known that experiment tried, and have known decent people to be smirched; but I have never discovered that the cur who did it remained anything else but a dirty dog. And I believe that will always inevitably be the case.

Mr. COX. Have you any censure on that? No.

Mr. HALE, of New York. Was there any occasion for censure upon that?

Mr. COX. Everybody understood to whom it was applied.

Mr. HALE, of New York. If it was unparliamentary, why did not my colleague call me to order?

Mr. ELDREDGE. Read what was said in reply.

The Clerk read as follows:

Mr. WILSON, of Indiana. Mr. Speaker, we have just had a very admirable exhibition of the dirty dog.

Mr. COX. I think we had better stop this thing now.

Mr. HALE, of New York. Upon introducing the resolution which I submitted, it seemed to me that for a transaction which has taken place in the presence of the House, which every member had witnessed, and of which every member has full and ample opportunity to judge, there could be no necessity for debate. It seemed to me that in the eyes of all right-minded men there could be no question that the language which has been used by the member from Kentucky was unparliamentary language of the grossest character, and that as such it merited the expression of this House which should characterize and stigmatize it as it deserved. It was with that view that I called the previous question on my resolutions. I regret that but a single member of this House was found to entertain the same view which I entertained and to vote with me for the previous question.

But the House having decided otherwise, and the resolutions being open for debate and amendment, I have only to say that I do believe the resolutions which I introduced are the precise resolutions adapted to the exigency of the case and which the House ought to adopt. I should regret to see the resolution proposed by the gentleman from Massachusetts [Mr. DAWES] adopted as a substitute for mine for two reasons. One is that I do not believe this to be a case where the House ought to exercise the extreme measure of expulsion. The other is that I feel entirely uncertain that two-thirds of the House can be found to vote for it. With that statement I have nothing further to say upon the question between the two propositions.

But I beg to say that I regard the manner in which my colleague [Mr. Cox] has called my name, in connection with a former transaction, into this case as most ungracious and unhandsome. I cannot but regret that he should have seen fit to drag up an old matter and to drag me before this House for the purpose of implied censure and out of all parliamentary rules. I think that the strictest and severest criticism which the House can pass upon my language will fail to find one word in it from beginning to end which is unparliamentary or liable to a call to order.

Mr. COX. I never proposed to censure my colleague.

Mr. HALE, of New York. It was brought in by way of censure and nothing else.

Mr. ELDREDGE. I desire to know of the gentleman from New York, [Mr. HALE,] in the language which he then used, and the description which he gave of that "purp," to whom he referred?

Mr. HALE, of New York. I do not propose to respond to any such interrogatory.

Mr. ELDREDGE. Now is not the gentleman "prevaricating" a little?

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] is entitled to the floor.

Mr. McKEE. I wish to make a parliamentary inquiry. Are we discussing the conduct of the gentleman from Indiana two years ago or the conduct of the gentleman from Kentucky ten minutes ago?

Several MEMBERS. Both.

Mr. DAWES. I wish to inquire of the gentleman from Kentucky [Mr. BROWN] whether he desires to be heard on this proposition.

Mr. LAMAR. Will the gentleman from Massachusetts yield to me for a moment?

Mr. DAWES. I will after the gentleman from Kentucky has responded to my inquiry.

Mr. LAMAR. I would like to make a few remarks before he speaks.

Mr. DAWES. I have engaged to yield to one or two gentlemen, but I feel it my duty to put to the gentleman from Kentucky the inquiry I now repeat, whether he desires to be heard.

Mr. BECK. My colleague [Mr. BROWN] desires to be heard; but he and his colleagues from Kentucky desire that the gentleman from Mississippi [Mr. LAMAR] shall be heard first for a few moments.

Mr. DAWES. Certainly. I will consult in that regard the wishes of the gentlemen from Kentucky; but I cannot yield to the gentleman from Mississippi at this moment. I have engaged to yield to the gentleman from Maine, [Mr. HALE,] after whose remarks I will yield to the gentleman from Mississippi.

Mr. HALE, of Maine. Mr. Speaker, for one I was not greatly surprised at the language that I heard read from the Clerk's desk as having been uttered by the gentleman from Kentucky. I expect hereafter, in the next Congress, to hear more of such language, and not only applied to the gentleman from Massachusetts [Mr. BUTLER] who was in this instance assailed, but I fear it will be applied to every great and honored name that the war has brought down to us. The gentleman from Massachusetts was assailed here because in the war he represented the strong hand and not the weak hand; and with this belief I do not need to say that in my breast there is no disposition to excuse or extenuate the language that fell from the lips of the member from Kentucky.

But that is not alone the question that the House of Representatives is to settle here. Because a member has forgotten the dignity of the House, because he has forgotten his decorum as a member, and has in an intemperate moment exceeded all his rights and cast a reproach that he had no right to cast upon a member of this House, and has thereby violated its privileges, it is not for us in a moment of passion—it is not for us, even if every man believes that in the mutations of politics we are likely to hear more of this, to act intemperately ourselves.

Neither, sir, are we to regard what the member from Kentucky shall think of the action of this House. The gentleman from Massachusetts [Mr. DAWES] has said that the member from Kentucky would consider a censure nothing but a "decoration." We have nothing to do with that. I believe that the proper and fit act in this case, preserving our self-control, is to bring him swiftly before the bar of the House and censure him. Does any man say that that is a light thing—that in the presence of the American House of Commons, the great popular body in this country, the swift, stern-dealing censure of the House administered through the Speaker upon a member is a light thing. It makes no difference to us what the member to be censured may think. As to what he thinks, it would apply equally to expulsion. As to what his constituents may think, it would apply equally to expulsion. It has been known here and in other popular bodies that where expulsion has been ever so much deserved, the member's constituents have sent him back again. Does anybody doubt here that if we expel the member from Kentucky he will be sent back by a Kentucky constituency? Any one who so believes has more faith in the moderation of that constituency than I have.

A MEMBER. He has already been sent back.

Mr. HALE, of Maine. We may thus shift the sympathy to this man who may be put under our ban, who may be censured here. But how any man can believe that the solemn censure of the House is a light thing passes my comprehension.

One thing more. The gentleman from New York, [Mr. Cox,] who is always on his highest point in review of the triumphs of his party this last fall, counting triumphs and discounting them in the future, again rehearses the old cry that this House should do nothing but go to the appropriation bills or other business and should pass this thing by. For one, sir, that, with my consent, shall never be done. There has not been, since I have been here, such an occasion for swift, prompt, decisive action as now. I hope the matter will not be allowed to pass from the minds of members for even a few moments until the judgment of the House is inflicted—such a judgment, let me remind members, as we can inflict. Let us not, on any radical proceeding, allow this thing to go on until its "currents turn awry, and lose the name of action." We can censure; I believe we cannot expel.

Mr. HALE, of New York. If the gentleman from Massachusetts [Mr. DAWES] will allow me a single moment, I desire to have read a passage from the debate of yesterday, which I think will be seen to have an immediate bearing upon the question now before us. I desire this passage read before the gentleman from Kentucky [Mr. BROWN] shall make his remarks, in order that he may answer whether he did not yesterday commence the same sentence which he has uttered to-day.

Mr. DAWES. As the gentleman from New York [Mr. HALE] suggests, there will be found in the debate of yesterday the language of to-day commenced—an unfinished sentence.

The Clerk read as follows:

Mr. BROWN. I desire to say one word.

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Kentucky, [Mr. BROWN?]

Mr. BROWN. Many years ago in England—

Mr. BUTLER, of Massachusetts. I yield to the gentleman from Mississippi, [Mr. LYNCH.]

Mr. HALE, of New York. The House has reason to believe that the language just read by the Clerk was intended to be followed by the identical words the gentleman from Kentucky has used to-day.

Mr. CROSSLAND. Read the language immediately preceding.

The SPEAKER. Does the gentleman from Kentucky refer to the preceding paragraph?

Mr. CROSSLAND. Certainly.

The Clerk read as follows:

Mr. BUTLER, of Massachusetts. I think now as the remark which I did not hear has gone into the RECORD I should be permitted to state, if the gentleman said I was a murderer because I hanged a man at New Orleans, that so far from taking offense I glory in it, and the trouble has been that I did not hang more than I did.

Mr. DAWES. I yield now to the gentleman from Mississippi for five minutes.

Mr. LAMAR. Mr. Speaker, I am afraid that the majority of this House, in the heat of passion, are about to do an arbitrary and oppressive act, which they will regret when that passion subsides and reason resumes its just and lawful supremacy.

I wish to speak with perfect frankness on this subject. I think that the gentleman from Kentucky, [Mr. BROWN,] under a feeling of indignation very natural under the circumstances, did commit a violation of the rules of this House in the language he used. But, sir, how frequently upon the floor of this House have such personalities been indulged without reprimand and without punishment? The distinguished gentleman from New York, [Mr. HALE,] for whom I have a high respect as a gentleman of accomplishments and learning, upon one occasion early in the last session struck me as allowing himself, under an irritation I could very well appreciate, to hurl an epithet which certainly was not consistent with the courtesies of parliamentary debate; and the retort came back upon him from two or three quarters not less bitter and stinging. Why, sir, the entire history of the debates in this body has been marked by the most pungent personalities, sometimes by no means classical and not unfrequently more coarse than epigrammatic.

There must necessarily be occasional ebullitions of temper and asperities where there is such freedom of speech; always to be repressed, I admit, by the application of the rules of the House.

Now, sir, merely for purpose of illustration and with no purpose of bringing up any unpleasant memories of any kind, let me recall to your mind, Mr. Speaker, the various instances in which personalities most violent and intemperate have occurred upon this floor without reprimand. Who does not remember the occasion on which the gentleman from Massachusetts [Mr. BUTLER] upon this very floor charged a distinguished gentleman from Ohio, Mr. Bingham, a man eminent for his talents and his eloquence, (who now represents, I believe, this Government abroad in high diplomatic position,) with having been concerned in the trial and execution of a helpless woman, calling it a judicial murder upon insufficient evidence. I cannot give the exact language, as I speak from memory, but I think I do not exaggerate the intensity of reproach with which the gentleman from Massachusetts [Mr. BUTLER] characterized the action of his fellow-member in connection with that unhappy tragedy, and I am quite confident that I have not forgotten Mr. Bingham's retort.

A MEMBER. They did not censure his abuse yesterday.

Mr. LAMAR. I prefer not to refer to the occurrences of yesterday. Let us take cases about which there is no dispute. Who does not remember the retort of Mr. Bingham? It was riveted into my recollection, though I have not seen it since it was first published. He spoke of such language as being unworthy of the dignity of this House, and that "*they could only emanate from a man who lived in a bottle and was fed with a spoon.*" I am simply repeating, not with a view of bringing up unpleasant recollections or giving the words quoted any sanction of my own, but to show that the debates of this House have been characterized by the most contumelious invectives without eliciting any censure or objection.

Mr. DAWES. Does not the gentleman from Mississippi think it is time to stop it? I agree with him.

Mr. LAMAR. I think it is, but I think you might more judiciously and justly time your interposition.

Mr. E. R. HOAR rose.

Mr. LAMAR. Does the gentleman wish to ask me a question?

Mr. E. R. HOAR. I thought you had closed.

Mr. LAMAR. I presume I had better close. I am simply appealing to your calmer reason in this matter, and for this purpose was about to call attention to one or two instances more of a like kind.

Who does not recollect the personal controversy between Mr. Washburne, who now represents with dignity and usefulness our Government at the court of France—who does not remember the debate between him and a gentleman by the name of Donnelly? Why, sir, so hot did the war of words rage between them that the vituperative rhetoric on both sides seemed to grow drunk in the fury of its denunciations. This is the first instance where, men using against each other the weapons of sarcasm and invective, the House comes in and by main strength seeks to put down one of the antagonists who proves himself the hardest hitter. If members will not pass this matter over, if they are determined to bring the power of the majority to bear upon my distinguished friend, I can tell the gentleman from Maine his expectations will be frustrated. There will be no violent scenes to feed morbid appetites for excitement and agitation.

For, sir, if this House determines to put this reprimand upon him, if it chooses to call the Sergeant-at-Arms and make that Sergeant put his hand upon the person of the gentleman from Kentucky and conduct him before your bar, there to receive your rebuke in the language of that resolution, language far more insulting than a blow would be—if you choose to do this, I say beforehand, from my knowledge of that gentleman's devotion to the great interest of which he is an honored representative, that he will quietly and with unshaken dignity submit to your authority and resume his seat upon the floor; but I think that if gentlemen will only consider this matter they will see that they are bringing to bear extraneous power where it has been usual to leave the result to the capacities of the two combatants.

Now, sir, one word if I may be permitted as to this charge of prevarication in the resolution. I think, Mr. Speaker, you were premature in your censure of the gentleman. I believe you did not intend

to be unjust, but I think whatever may be said of the course which the gentleman pursued—and I do not say that it was in accord with the rules of the House—it was not prevarication.

The SPEAKER. The Chair did not use that word.

Mr. LAMAR. I stand corrected.

Mr. COX. It is in the resolution that that word is used.

The SPEAKER. The Chair characterized the gentleman's conduct as "evasive."

Mr. LAMAR. I am glad the Chair has corrected me, and make the *amende* with pleasure. Still the Chair stated that the answer was not in good faith; that it was evasive. Now, I do not think it will bear even that construction. The gentleman had just finished a sentence with the word "Burking," when the Chair interposed and asked if the gentleman meant to refer to a member upon this floor. The gentleman from Kentucky replied, "No, sir; I call no names." Now, sir, it is very natural for the gentleman from Kentucky to have supposed that the Chair had from a misunderstanding of the name called made the inquiry as to whether he was alluding to a member of the House, and he replied, "No, sir; I called no name." He had evidently intended to refrain from making a personal allusion and to confine himself to a mental characterization so as to avoid being called to order and stopped by the Chair. Such a mode of dealing in severities is not unusual. The Chair repeated the question, and then Mr. BROWN answered, "No, sir; I am having a member in my mind's eye."

The SPEAKER. Not "a member."

Mr. LAMAR. No; I did not mean to say, "a member;" but he said "I am describing an individual whom I have in my mind's eye." Well, sir, he had not, at that time, in point of fact referred to any member. No matter what his objective point was, it is exactly the fact that he had not at that instant violated any rule. Had he stopped at that sentence no member could have been said to have been alluded to. Whatever his intention to do *thereafter*, he certainly had not *as yet* made any personal reference. The Speaker's inquiry was a proper one, but the answer it elicited could not I think be construed into a pledge that precluded any personal reference in a subsequent portion of his remarks.

I do not believe that the gentleman from Kentucky is capable of disingenuousness.

Mr. E. R. HOAR rose.

Mr. DAWES. I wish to inquire of the gentleman from Kentucky if he desires to be heard now.

Mr. GARFIELD. Let the question be put through the Chair.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] inquires whether the gentleman from Kentucky desires to speak now.

Mr. BROWN. I desire to say but a word. I shall attempt no detailed explanation. This is the first time in my life that I have been charged with evasion or prevarication. I have always tried to speak in plain terms susceptible of no misunderstanding. I am willing to stand by the record as negating triumphantly, thoroughly, and indisputably the idea of any purpose on my part to evade the giving of a truthful answer to the interrogations of the Speaker or to make any false impression upon his mind. When interrupted by the Speaker, I was referring to a historical character of Scotland.

Mr. DAWES. I would inquire of the gentleman from Kentucky if he has any remarks to make upon the character of the language he used.

Mr. BROWN. I stand by the record.

Mr. LAMAR. Will the gentleman from Massachusetts [Mr. E. R. HOAR] allow me to read one passage before he proceeds?

Mr. E. R. HOAR. If it is equally agreeable to the gentleman, I would prefer that he should read it after I get through.

Mr. LAMAR. Very well.

Mr. E. R. HOAR. I am not aware, Mr. Speaker, of any feeling of heat or excitement upon this matter. My relations to my colleague from Massachusetts [Mr. BUTLER] have not been such that I think any one would suppose I should rush forward to be his champion on any occasion; and in a contest of words I have always found that he is able to take care of himself pretty well and to give anybody as good as they send.

It is not, let me say, Mr. Speaker, to the gentleman from Mississippi, [Mr. LAMAR,] because there have been some rough unparliamentary words applied in the heat of debate to a member of this House by another member that these proceedings are now had. As the gentleman from Mississippi has amply shown, and as we have often had occasion to deplore, such occurrences are not infrequent in the House. I agree with my friend, the chairman of the Committee on Ways and Means, that it is time they should stop. I could wish they never had begun, and that the rule of absolute courtesy in speech governed all the deliberations of this House. If nothing more had occurred than that a member had used unparliamentary and offensive language toward another member, I have no doubt that on being called to order, as he ought to have been by some member or the Chair, on his acknowledgment that it passed the proper courtesies of debate, the House would at once have treated it as they have treated other similar occurrences.

But the graver question here is whether a member, having deliberately prepared such an attack, intending when he commenced to complete what he said by an attack on a member, which was a gross violation of the rules and orders of the House, when he had already drawn a part of his analogy, meaning the member to whom he was

finally to apply it by name and attracting the attention of the Speaker to it, being called upon to say if he was referring to a member—not of course in the words “in Scotland” and “Burke,” (the Chair had no such folly as to ask him whether Burke was a member of the House,) but whether in that passage of his speech he was describing a person to whom he was about to apply that comparison; that was the meaning of the question of the Chair—whether for the purpose of getting through and finishing his attack he made a false answer to the Speaker.

That is the exact question which the resolution presents for our decision, and it is a very serious one. It is a grave matter in a company of gentlemen and men of honor whether a man who is capable of that, if it shall be shown that he has done it, is fit to be longer their associate.

Mr. Speaker, my relations from my earliest youth have been of political and personal friendship with the State of Kentucky. I have always honored the character of her public men. Whether a censure from this House or from a majority of this House for some violence in debate might be considered in that Commonwealth as any great indignity to one of her Representatives, I do not feel sure. But I know the Kentucky character for honor, for manliness, for truthfulness to be such that that Commonwealth would spurn a man from its borders who for the sake of getting successfully through a personal attack on a fellow-member would falsify as to his purpose when called upon by the Chair to state it.

Mr. DAWES. I now yield five minutes to the gentleman from New York, [Mr. WOOD.]

Mr. LAMAR. Will the gentleman give me two minutes?

Mr. WOOD. Certainly.

Mr. LAMAR. The gentleman from New York allows me one or two minutes. Here, sir, is a debate or a colloquy that was carried on between the gentleman from Massachusetts [Mr. BUTLER] and the Speaker of this House, and I just wish to show—

Mr. DAWES. I shall be obliged to call the gentleman from Mississippi to order. I do not think that is pertinent to this issue. Whatever errors we may have committed heretofore do not justify our present errors.

Mr. LAMAR. I do not hear the gentleman. Do you object to my reading from this colloquy?

Mr. DAWES. I do object.

Mr. LAMAR. Then I have only one reply to make to the distinguished gentleman from Massachusetts, [Mr. E. R. ROAR,] and I make it with great regret. [A pause.] Upon consideration I will not make it. I will just say, sir, however, that he has used with reference to the gentleman now on trial here language which I think, sir, requires neither courage nor courtesy in order to enable a man to do it.

Mr. E. R. HOAR. Does the gentleman refer to me or to my colleague, [Mr. DAWES?] Which gentleman from Massachusetts does he refer to?

Mr. LAMAR. To you. I do not mean to impugn either the gentleman's courage or his courtesy; but I say that the remark which he made does not exhibit either, and in my opinion does not comport with the high character that he has heretofore maintained.

Mr. E. R. HOAR. What remark does the gentleman refer to?

Mr. LAMAR. The charge of falsification.

Mr. E. R. HOAR. I said the question before the House was whether the gentleman from Kentucky had thus falsified. I have made no statement in regard to any party here.

Mr. LAMAR. Then I withdraw my remark.

Mr. E. R. HOAR. When the House has heard the gentleman and his friends on the subject, they can make up their minds and vote on the question.

Mr. LAMAR. I withdraw the remark I made, and beg your pardon.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] has ten minutes remaining.

Mr. DAWES. I yielded five minutes to the gentleman from New York, but he has been giving away his time.

The SPEAKER. He has yielded about three minutes.

Mr. DAWES. Then he is entitled to two minutes longer.

Mr. WOOD. Mr. Speaker, I regret exceedingly the occurrences here to-day. I regret that the gentleman from Kentucky in a moment probably entirely unpremeditated [Many MEMBERS. O! O!] should have said anything that any member of this House should construe as indecorous. I regret, however, much more that my colleague [Mr. HALE, of New York,] has deemed it proper to give importance to the remarks of that gentleman by moving a resolution of censure, and I regret still more that the gentleman from Massachusetts [Mr. DAWES] should deem it of sufficient importance to move a resolution of expulsion. The gentleman from Massachusetts to my right [Mr. E. R. HOAR] introduced his remarks upon this question by referring to the fact that the gentleman from Mississippi [Mr. LAMAR] was probably not considering the great gravity of this occasion. He then went on to make it an occasion of great gravity. He claimed that the order of the House had been disturbed. Sir, I will remind that gentleman that there is a graver question than that now pending, and it is an attempt to disfranchise and to deprive of their right to representation upon this floor one of the constituencies of this country; that question is of paramount importance to any other that can be brought to the attention of the House and it is now pending,

and it is whether the people of any congressional district of the United States shall be deprived of its right to be rightfully and legally represented by a vote on all action taken on this floor. And, sir, for what is this proposed to be done? For an intemperate expression in a heated moment of excited debate. Sir, we have been during last week in a period of unusual excitement. We have sat here day and night and night and day and men's moral and physical equilibrium has been disturbed, and this exciting debate, the result of that long, tedious, and protracted session, has wrung from men, especially from men from one section of the country, an unusual exhibition, and in my judgment proper and legitimate exhibition of feeling, which I respect and regard as their right and just right to exercise in all becoming language on the floor of this House. [“Order!” “Order!”] Why, sir, I have seen no order in this House for this whole Congress. Our every-day session is marked by disorder. Every rule requiring the order of this House to be preserved is violated continuously upon all occasions when any gentleman of prominence rises to speak upon any important question. Sir, we have no order here.

When I first had the honor to be a member of Congress we had order, we had quiet, we had deliberation, we had discussion; but now we have none at all. It is continual excitement, continual disorder, and continual disturbance; that is God's truth. And because the gentleman from Kentucky, [Mr. BROWN,] feeling deeply the wrong which in his judgment this bill will inflict upon his people, sees fit to use language such as probably yourself, Mr. Speaker, and I myself would not have used, it is proposed to expel him from this House. Now I submit whether it is within our power, in the exercise of the power of expulsion given by the Constitution of the United States, for disorderly conduct, to expel a member for any mere expression of opinion when discussing legitimately and properly any question before the House.

[Here the hammer fell.]

Mr. DAWES. I now yield for three minutes to the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I do not know that I can say what I desire to say in three minutes; I expected the gentleman would yield me five minutes.

The scene of to-day must carry the minds of all the members of Congress who have been for the last ten or twelve years back to other days. This excitement is like what we have seen upon this floor before. I think that gentlemen will agree with me that the excitement exhibited in many instances was shown in remarks by gentlemen who afterward regretted them. I remember very well, after an appropriation bill or perhaps a tariff bill had been discussed for a long time in the House, the then distinguished chairman of the Committee on Ways and Means turned upon his own friends, expecting that they had killed his bill, and declared that when its epitaph came to be written it would be that it had been “nibbled to death by pismires, and kicked to death by grasshoppers.” And there was no doubt that he referred to members of the House. He was not censured or expelled for thus characterizing them. He seemed to be in earnest and deliberately meant what he said. What is there worse than to call a member of Congress a “pismire” or “grasshopper?”

And I remember also another occasion, when you, Mr. Speaker, occupied a more honorable position with us upon this floor, and a controversy arose between you and a distinguished gentleman, then also a member of this House, and we passed it all by without censure or expulsion. I suppose there is not a member in this House to-day who regrets that we did pass it by. I now ask the Clerk to read a passage in the Congressional Globe which I have marked, showing what those members were allowed to say of each other.

Mr. DAWES. I am obliged to interrupt the gentleman by a point of order.

Mr. ELDREDGE. I think it would put the House in good humor; it ought to certainly, and do away with the passion and feeling that now overmasters it.

Mr. DAWES. I will take the ruling of the Chair upon it. I do not think it has any connection with the subject before the House.

Mr. ELDREDGE. I ask it to be read as a part of my remarks, and I think no one will fail to comprehend its connection and application to the subject before the House.

The SPEAKER. The Chair requests the gentleman from Wisconsin [Mr. ELDREDGE] not to have it read; he does not think it has any bearing on this case.

Mr. ELDREDGE. I referred to it only as a precedent. But if the Chair does not desire to have it read I will withdraw it. I think it ought to be read and that it has an important bearing on the subject.

Mr. DAWES. We have unpleasant language enough to go into the RECORD already, without repeating that which the gentleman himself as well as I regret ever occurred here.

Mr. ELDREDGE. If the Chair objects to having it read, I will withdraw it. There was nobody expelled or censured then. I wish to know distinctly whether the Chair objects to having it read.

The SPEAKER. The Chair will say to the gentleman that, while he does not object, he would prefer that it should not be read.

Mr. ELLIS H. ROBERTS. If the language was unparliamentary originally, I object to its being read now.

Mr. ELDREDGE. I think it should be read. I think the House ought to know what it is. The gentleman from Kentucky [Mr. BROWN] must shape his language and form his expressions upon the

habitual conduct of the members of this House. And when he witnesses such controversies as have occurred between the Speaker of the House and a distinguished gentleman who was then a member on the floor, he may have taken that as his example. And I think we ought neither to expel him nor punish him by a vote of censure, if he has not used language worse than any that has been used by more distinguished members of the House which has passed unnoticed as unparliamentary.

The SPEAKER. The Chair's objection to the reading of the remarks referred to by the gentleman from Wisconsin [Mr. ELDREDGE] was based upon the fact—the Chair presumes that he knows to what the gentleman refers—that it involves the mention of the name of a gentleman now a Senator of the United States, and would be violative of that courtesy which should exist between the two bodies.

Mr. ELDREDGE. No Senator's name is mentioned in the passage I have marked, and there is nothing to indicate that a Senator is referred to.

Mr. COX. Was anybody ever expelled for any unparliamentary language used here?

Mr. DAWES. I ask that the rule in relation to the use of disorderly language by members of this House be read by the Clerk.

The SPEAKER. Will the gentleman send to the desk what he desires to have read?

Mr. DAWES. I have it not at hand; but there is a rule of the House in reference to the matter. If the Chair cannot readily turn to it, I will proceed to say a word or two on this question, as my hour will very soon expire.

Mr. Speaker, in offering the substitute I desired to see whether both sides of the House, without regard to any party affiliations, would not stand up for the dignity of the House. I desired, more than all that, to give the member from Kentucky an opportunity before the House to express a regret which if he did not feel I believe every other member of the House felt, that he had used the words which have caused this debate. I have given the member from Kentucky that opportunity, and I regret exceedingly that he has not availed himself of it. On the contrary, in the presence of the House, he reiterates and reaffirms the position he has taken.

I find, however, that my resolution will obtain no support from the other side of the House. I am willing that gentlemen on the other side should take the responsibility of saying to the country that, so far as they are concerned, they have no record to make of reprehension or expulsion for words of this kind used in debate. I am willing that the position they have voluntarily assumed in the justification of this manner of debate and this measure of parliamentary decorum, and in the determination to do nothing to prevent it hereafter, shall go to the country thus early, anticipating the dawn of that day when they themselves shall be responsible for the character of debate and deliberation in this body.

I have accomplished my purpose. I have given gentlemen on the other side of the House the opportunity to say, if they chose, that they with us will record themselves for good order and becoming deliberation in this House. It is necessary, in order to adopt the resolution I have offered, that it should command a two-thirds vote of this House. It cannot have that except it receive the support to some extent of that side of the House. Mr. Speaker, I prefer a resolution that can be adopted without their aid rather than that the resolution I have offered should fail for want of their aid. I therefore withdraw my amendment; and by agreement with the gentleman from New York [Mr. HALE] I demand the previous question.

Mr. COX. I wish to ask the gentleman from Massachusetts [Mr. DAWES] whether there was ever a case of a man being expelled in this House for words spoken in debate?

The SPEAKER. The gentleman from Massachusetts withdraws his amendment and demands the previous question on the original resolution of the gentleman from New York.

Mr. CRITTENDEN. Is it in order to move to strike out the word "prevarication"?

The SPEAKER. Not unless the House should refuse to second the demand for the previous question.

Mr. COX. Is it in order to move to lay the resolution on the table?

The SPEAKER. That motion is in order.

Mr. COX. I make that motion.

Mr. DAWES. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 167, not voting 40; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Caldwell, Canfield, John B. Clark, Jr., Clymer, Coningo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hays, Hereford, Holman, Hunton, Knapp, Lamson, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Sloss, J. Ambler Smith, Southard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—82.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, Jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crouse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Rob-

ert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampont, Lansing, Lawrence, Lawson, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, Jr., Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—167.

NOT VOTING—Messrs. Barnum, Barry, Brown, Buckner, Bundy, Benjamin F. Butler, Clinton L. Cobb, Danford, Farwell, Freeman, Frye, Hancock, John B. Hawley, Herndon, George F. Hoar, Kendall, Killinger, Lamar, Marshall, Mitchell, Morey, Niles, Nunn, Page, Phelps, Thomas C. Platt, Potter, Purman, Ransier, Schell, John G. Schumaker, Sherwood, Sloan, William A. Smith, Speer, St. John, Stowell, Strait, Walls, and Wheeler—40.

So the House refused to lay the resolution on the table.

During the vote,

Mr. SENER said: I have been requested by the gentleman from Pennsylvania [Mr. SPEER] to announce he has been suddenly called from the House by the intelligence that his little girl has fallen and broken her arm.

Mr. TREMAIN moved to dispense with the reading of the names.

Mr. YOUNG, of Georgia, objected.

The vote was then announced as above recorded.

The question then recurred on seconding the previous question.

Mr. ELDREDGE. Will the gentleman permit me to strike out the word "prevaricate" and insert the word used by the Speaker, "evasive"?

Several MEMBERS. No! No!

The previous question was seconded and the main question ordered.

The question then recurred on the adoption of the resolution.

Mr. DAWES demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 161, nays 79, not voting 49; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, Jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crouse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampont, Lansing, Lawrence, Lawson, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, Jr., Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Charles A. Stevens, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—161.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Caldwell, Canfield, John B. Clark, Jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hays, Hereford, Herndon, Holman, Hunton, Knapp, Lamar, Lamson, Leach, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Sloss, J. Ambler Smith, Southard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—79.

NOT VOTING—Messrs. Banning, Barnum, Barry, Brown, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Clinton L. Cobb, Coningo, Creamer, Danford, Eden, Farwell, Freeman, Frye, Hancock, Havens, John B. Hawley, George F. Hoar, Hooper, Kendall, Killinger, Marshall, Merriam, Mitchell, Morey, Niles, Nunn, Phelps, Thomas C. Platt, Potter, Purman, Ransier, Schell, John G. Schumaker, Sener, Sherwood, Sloan, William A. Smith, Speer, Starkweather, St. John, Stowell, Strait, Walls, Wells, Wheeler, and William B. Williams—49.

So the resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. Mr. Speaker, before any other proceeding is taken under the resolution, I ask consent to make a personal explanation.

The SPEAKER. Is there objection?

There was no objection.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I desire simply to say that the courtesies and proprieties of the occasion which has unfortunately detained the House for some time seem to call upon me to make one observation. The gentlemen of the minority were engaged in hunting up and bringing to the attention of the country the various short-comings and wrong-doings of mine under circumstances when I could not reply to them. In the language of a gentle-

man of the minority whom I respect, it did not take much courage to do that. Now, I have been here eight years. I have engaged in debate perhaps a great deal more than I ought to have done. I call upon any gentleman who served with me during the present Congress—I call upon every gentleman here who served with me during the eight years I have been here, whether in all that time I have ever commenced a personal attack upon any man in this House; whether I have ever stepped out of my way to do any unkind thing or say any unkind word of a single gentleman of the House until I was first attacked.

Be he who he may, speak whom I have offended. Let this thing be settled once for all, for I have endeavored with studied courtesy never to attack; and I have endeavored one other thing, sir—when I was attacked never to leave a man until he was sorry he did it. I have no more to say.

The SPEAKER. The Clerk will read the resolution which has been passed by the House.

The Clerk read as follows:

Resolved, That the member from Kentucky, Mr. JOHN YOUNG BROWN, in the language used by him upon the floor, and taken down at the Clerk's desk, as well as in his prevarication to the Speaker, by which he was enabled to complete the utterance of the language, has been guilty of a violation of the privileges of this House and merits the severest censure of the House for the same.

Resolved, That the said JOHN YOUNG BROWN be now brought to the bar of the House in the custody of the Sergeant-at-Arms, and be there publicly censured by the Speaker in the name of the House.

The member from Kentucky, Mr. JOHN YOUNG BROWN, appeared at the bar of the House in the custody of the Sergeant-at-Arms.

The SPEAKER said: Mr. JOHN YOUNG BROWN, you are arraigned at the bar of the House, under its formal resolution, for having transgressed its rules by disorderly remarks and for having resorted to prevarication when your attention was called to your violation of decorum by the Speaker.

For this duplicate offense the House has directed that you be publicly censured at its bar. No words from the Chair in the performance of this most painful duty could possibly add to the gravity of the occasion or the severity of the punishment. It remains only to pronounce in the name of the House its censure for the two offenses charged in the resolution.

Mr. BROWN. Sir, I wish now to state that I intended no evasion or prevarication to the Speaker, and I will now add no disrespect to the House.

Mr. COX. I move that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCOFIELD] rises to a privileged question.

CHARGE AGAINST HON. W. H. H. STOWELL.

Mr. SCOFIELD. I am directed by the Committee on Naval Affairs to present a report in writing on the alleged sale of a naval cadetship by Hon. W. H. H. STOWELL. The concluding resolution is that the committee be discharged from the further consideration of the subject.

The SPEAKER. The resolution reported by the committee will be read.

The Clerk read as follows:

The committee unanimously agree to submit the following resolution:
Resolved, That the committee be discharged from the further consideration of this subject.

The SPEAKER. Is there objection to the resolution being agreed to?

Mr. COX. What is the subject?

The SPEAKER. The cadetship investigation in reference to the gentleman from Virginia, [Mr. STOWELL.]

Mr. RANDALL. Is that the only resolution reported by the committee?

The SPEAKER. The committee present a report, closing with the resolution which has been read.

The Clerk will again read it.

The resolution was again read.

Mr. SPEER. Will it be in order to have the report read?

Mr. SCOFIELD. The report shows the finding of the committee upon the general allegation, and recites the facts connected with the investigation; and the committee ask to be discharged from the further consideration of the subject.

Mr. RANDALL. I think that report should be called up for action at some other time. If I understand it, it entirely exonerates the gentleman from Virginia.

The SPEAKER. If the resolution is agreed to, it does that.

The resolution was agreed to; and the report was ordered to be printed and to lie on the table.

CIVIL-RIGHTS BILL.

The House resumed the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDREDGE] has eighteen minutes of his hour remaining.

Mr. BUTLER, of Massachusetts. Will the gentleman from Wisconsin yield to me for a moment?

Mr. ELDREDGE. I will if it does not come out of my time.

Mr. BUTLER, of Massachusetts. By the courtesy of the gentleman from Wisconsin I rise to propose an arrangement by which the convenience of the members may be secured and a vote had at an early hour. I propose at six o'clock to call the previous question, and

that the House then take a recess until ten o'clock to-morrow to go on then with the civil-rights bill.

Mr. PARKER, of New Hampshire. Why not take the recess now? Mr. BUTLER, of Massachusetts. I desire the debate to go on until six o'clock in order to have it run out. There are two gentlemen or three who have got liberty to speak, and if we take the recess now we shall not have time to dispose of the bill to-morrow morning.

Mr. O'BRIEN. I think we might take the recess now.

Mr. BUTLER, of Massachusetts. I do not want to lose another day.

Mr. GARFIELD. I hope the House will agree to the arrangement proposed by the gentleman from Massachusetts, so that we can get to-morrow for appropriation bills. By this arrangement we can get through with this bill by twelve o'clock.

Mr. ATKINS. I move that the House do now adjourn.

The question being taken on the motion to adjourn, it was not agreed to.

Mr. BUTLER, of Massachusetts. I now ask unanimous consent that the previous question shall be considered as seconded at six o'clock, and that the House then take a recess until ten o'clock to-morrow.

Mr. CREAMER. Say half past six.

The SPEAKER. Is there objection to the House taking a recess at six o'clock this evening until ten o'clock to-morrow?

Mr. WILLIAMS, of Massachusetts. I object.

Mr. HAMILTON. Why not take a recess now?

The SPEAKER. The gentleman from New Jersey [Mr. HAMILTON] suggests that the House take a recess now. Is there objection? Mr. MERRIAM. I object. If the proposition is made to take a recess until half past seven, and that we shall then go on and finish up this bill, I shall not object. I do not think we should waste more time over it.

Mr. SENER. Now let us have the regular order, whatever it is.

CHANGE OF REFERENCE.

On motion of Mr. COBURN, by unanimous consent, the Committee on Claims was discharged from the further consideration of the petition of W. G. Ford, and the same was referred to the Committee on Military Affairs.

CIVIL-RIGHTS BILL.

Mr. ELDREDGE. I yield five minutes to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. BUTLER, of Massachusetts. I will move that the House now take a recess until ten o'clock to-morrow morning.

The motion was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House took a recess until to-morrow morning at ten o'clock.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: Resolutions of the Chamber of Commerce of Cincinnati, Ohio, on the subject of the application of the Texas and Pacific Railroad Company for aid, to the Committee on the Pacific Railroad.

Also, memorial of the Board of Trade of Cincinnati, Ohio, for the establishment of a branch mint of the United States at Cincinnati, to the Committee on Coinage, Weights, and Measures.

Also, the petition of W. H. Matthews, of Cincinnati, Ohio, for certain changes in the pension laws, to the Committee on Invalid Pensions.

Also, the petition of citizens of Cincinnati, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. BARBER: Memorial of Morris Pinchaner, of Nevada, relative to the construction of Lake Tahoe and Colorado Canal, in the State of Nevada, with lateral branch to Morna Lake, California, to the Committee on Railways and Canals.

By Mr. BRADLEY: The petition of citizens of Alpena, Michigan, for an appropriation to improve the harbor at the mouth of Thunder Bay River, to the Committee on Commerce.

By Mr. BUFFINTON: The petition of George Crookes, of Taunton, Massachusetts, to be refunded recruiting expenses incurred by him in an official capacity, to the Committee on Military Affairs.

By Mr. BURCHARD: The petition of citizens of Albany, Illinois, that the western terminus of the proposed Hennepin Canal be located above the Rock Island Rapids, to the Committee on Railways and Canals.

By Mr. CHIPMAN: The petition of John H. Harkey, of Baltimore, Maryland, to be paid balance of account for hose furnished fire department of Washington, District of Columbia, to the Committee on the District of Columbia.

By Mr. EAMES: The petition of William F. Sayles, president of the Slater National Bank of North Providence, for change of name of bank to Slater National Bank of Pawtucket, to the Committee on Banking and Currency.

By Mr. E. R. HOAR: Petitions of Joel Powers and 33 others, and Daniel Holt and 31 others, of Lowell, Massachusetts, against the extension of sewing-machine patents, to the Committee on Patents.

By Mr. KELLEY: The petition of citizens of the twenty-seventh ward of Philadelphia, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. MAYNARD: The petition of citizens of Cooke, Jefferson, Sevier, and Knox Counties, Tennessee, for the improvement of the navigation of the French Broad River, to the Committee on Commerce.

By Mr. MERRIAM: The petition of citizens of Jefferson County, New York, against the restoration of tax on tea and coffee, to the Committee on Ways and Means.

Also, the petition of citizens of Jefferson County, New York, for an appropriation to improve the mouth of Big Sandy Creek, in the town of Edinburgh, New York, to the Committee on Commerce.

By Mr. PACKER: Memorial of H. T. McAlister, of Pennsylvania, relative to his voting apparatus for legislative bodies, to the Committee on the Rules.

Also, the remonstrance of importers, merchants, and dealers in coffee in the city of Baltimore, against the imposition of a duty on coffee, to the Committee on Ways and Means.

Also, two petitions of citizens of Northumberland, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

Also, petitions of citizens of Milton, Pennsylvania, and of Menada Furnace, Dauphin County, Pennsylvania, of similar import, to the same committee.

By Mr. POTTER: Memorial of Henry B. Dawson, proprietor of the Historical Magazine, New York City, relative to post-office irregularities, to the Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: Petitions of the city council of Marietta, Ohio, and of citizens of Marietta and Harnar, Ohio, for an appropriation for the improvement of the Ohio River, to the Committee on Commerce.

By Mr. TOWNSEND: The petition of citizens of Chester County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against the duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. WILSON, of Indiana: The petition of William L. Riley, of Washington, District of Columbia, to be paid for earth deposited in the Smithsonian Grounds, to the Committee on Appropriations.

By Mr. WOOD: The petition of C. R. Green, of New York City, to be reimbursed for loss of property by confederate cruisers, to the Committee on the Judiciary.

IN SENATE.

FRIDAY, February 5, 1875.

DEATH OF SENATOR BUCKINGHAM.

Rev. BYRON SUNDERLAND, D. D., Chaplain of the Senate, offered the following prayer:

Almighty God, we come before Thee admonished by the tidings of the morning that in the midst of life we are in death; that another member of this body has been called from the scene of his earthly labors. Bless and uphold, we beseech Thee, O Lord God, our Father in heaven, the members of his family and surviving friends in the midst of this great affliction; and may they, with us, not be left to sorrow as those that are without hope, because we are assured that though the workmen cease, yet the work of God shall never fail. O, do Thou help us, and all men, to bear with fortitude and fidelity the struggles and the pains of this earthly state, and finally to attain to the rewards of everlasting life, through Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. FERRY, of Connecticut. I rise, Mr. President, in the performance of what is to me the saddest duty of my public life. I announce to the Senate the death of my late colleague on this floor. This morning, at his home in Norwich, Connecticut, at twenty minutes past twelve o'clock, just as night was turning into morning, Governor BUCKINGHAM died. I hope on another occasion to be able to say something befitting his memory. At present, I offer this resolution:

Resolved, That a committee consisting of five Senators be appointed by the Chair to attend the funeral obsequies of Hon. WILLIAM A. BUCKINGHAM, at Norwich, Connecticut.

Mr. ANTHONY. Mr. President, I second the resolution.

The resolution was unanimously agreed to.

The VICE-PRESIDENT appointed as the committee Messrs. FERRY of Connecticut, SHERMAN, STEVENSON, FENTON, and WASHBURN.

Mr. FERRY, of Connecticut. The Senate is aware that in my own infirm condition of health it is hardly possible for me to proceed to the home of my late colleague and return immediately, without serious risk. Were there no other considerations than those personal to myself, I should certainly incur any risk to be present on the occasion to which I allude; but there are others interested in my health, and I must ask to be excused from serving upon the committee.

The VICE-PRESIDENT. The Senator from Connecticut asks to be excused from service on the committee.

The question was determined in the affirmative.

The VICE-PRESIDENT. The Chair will appoint in place of the Senator from Connecticut, the Senator from Maine, [Mr. HAMLIN.] Mr. FERRY, of Connecticut. I offer the following additional resolution:

Resolved, That as a further mark of respect for the memory of the deceased the Senate do now adjourn.

The resolution was agreed to, *nem. con.*; and (at twelve o'clock and sixteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 4, 1875.

AFTER THE RECESS.

The recess having expired, the House reassembled at ten o'clock a. m. Friday, February 5, 1875.

SETTLERS UPON THE PUBLIC DOMAIN.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 4548) to protect settlers upon the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

A. G. TASSIN.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 4549) for the relief of A. G. Tassin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATHANIEL JOHNSON COFFIN.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 4550) granting a pension to Nathaniel Johnson Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXECUTIVE ORDER OF MARCH 12, 1873.

Mr. LUTTRELL. In the absence of the member from Nevada, I present concurrent resolutions of the Legislature of the State of Nevada, asking the passage of a resolution requesting the President to rescind the executive order of March 12, 1873, setting apart a large quantity of agricultural lands in Lincoln County, in the State of Nevada, for an Indian reservation, known as the Muddy or Moapa Indian reservation. I move that they be referred to the Committee on the Public Lands, and ordered to be printed.

The motion was agreed to.

W. R. BOICE.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 4551) for the relief of W. R. Boice, of Danville, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REVENUE-CUTTER SERVICE.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 4552) for retiring from active service certain officers of the United States revenue-cutter service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS STRIDER.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4553) for the relief of Thomas Strider, of Winchester, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. LEWELLEN.

Mr. HUNTON also, by unanimous consent, introduced a joint resolution (H. R. No. 149) giving to the United States Court of Claims jurisdiction in the case of James W. Lewellen, of Richmond, Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. COX. I ask unanimous consent to introduce a bill for the relief of an old associate here from his political disabilities—Mr. Hawkins, of Florida.

The SPEAKER. He has petitioned?

Mr. COX. Yes, sir.

No objection was made, and the bill (H. R. No. 4554) to remove the political disabilities of George S. Hawkins, of Florida, was read a first and second time, ordered to be engrossed and read a third time, and (two-thirds voting in favor thereof) was passed.

COLLECTION OF CUSTOMS DUTIES.

On motion of Mr. POLAND, by unanimous consent, the bill (S. No. 964) to provide for the revision of the laws for the collection of customs duties was taken from the Speaker's table, read a first and second time, and referred to the Committee on Ways and Means.

METROPOLITAN GROVE-YARD SLAUGHTERING COMPANY.

Mr. O'BRIEN (by request) introduced a bill (H. R. No. 4554) to incorporate the Metropolitan Grove-Yard Slaughter Company, in the District of Columbia, and for other purposes; which was read a first

and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BETSEY A. EATON.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. No. 4555) granting a pension to Betsey A. Eaton, widow of William J. Eaton, late colonel Thirteenth Regiment Michigan Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAINTING OF GENERAL GEORGE H. THOMAS.

Mr. RANDALL. I ask consent to submit and have referred to the Committee on Appropriations the following resolution:

Resolved, That the Committee on Appropriations be instructed to make provision for purchasing Miss Ransom's painting of General George H. Thomas on the battle-field of Chickamauga.

Mr. MAYNARD. Does the gentleman ask to have that resolution adopted?

Mr. RANDALL. Only that it may be referred, in order to give the Committee on Appropriations an opportunity to consider that subject. I will say that I would like to appropriate almost any amount in order to have the picture of Major-General Thomas in every house in the land.

No objection was made; and the resolution was received and referred.

THOMAS H. MARSTON.

Mr. RANDALL. I submit the following resolution for adoption at this time:

Resolved, That there shall be paid, out of the contingent fund of the House, to the widow of Thomas H. Marston, late an employe of this House, a sum equal to his pay for three months and his proper funeral expenses.

Mr. MAYNARD. Will the gentleman explain this resolution?

Mr. RANDALL. This officer was the doorkeeper of the correspondents' gallery, and died while performing the duties of that office.

Mr. MAYNARD. When did he die?

Mr. RANDALL. I cannot give the exact date.

The SPEAKER. In the early part of this session.

Mr. MAYNARD. I think it is a very proper resolution.

The resolution was adopted.

SECURITY OF MAILS ON RAILROAD CARS.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on the Post-Office and Post-Roads be directed to inquire whether any additional security can be provided against the destruction of United States mails on railroad cars, and to report to this House by bill or otherwise.

PENSIONS TO SOLDIERS OF THE MEXICAN WAR.

Mr. NIBLACK, by unanimous consent, submitted the following; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

Enrolled joint resolution, No. 1.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use all their influence to secure the passage of a law granting, without favor or discrimination, to those who served in the Mexican war for a period of sixty days or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives.

DAVID TURPIE,

Speaker of the House of Representatives.

LEONIDAS SEXTON,

President of the Senate.

Received, approved, and signed January 25, 1875.

THOMAS A. HENDRICKS,

Governor.

STATE OF INDIANA,

Office of Secretary of State, ss:

I, John E. Neff, secretary of state of the State of Indiana, hereby certify that the foregoing is a full, true, and complete copy of enrolled joint resolution passed by the General Assembly of the State of Indiana, and now on file in the office of secretary of state of the said State of Indiana.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana at the city of Indianapolis this 26th day of January, anno Domini 1875.

[L. s.]

JOHN E. NEFF,

Secretary of State.

PERSONAL EXPLANATION.

Mr. SENNER. I find in an unofficial report of the remarks which I had the honor to make in this House yesterday, as reported in the morning press, the statement that the attack made upon me in the National Republican, the organ of the party, was made by authority. What I did say I ask the Clerk to read from the report in the RECORD. It is there as it was reported and taken down.

Mr. MAYNARD. I do not think that is necessary.

The Clerk read as follows:

Now I deny that that attack in the National Republican stands as an executive threat over the head of any Representative of the people. That scurrilous attack was put there not by executive power, not by executive suggestion, not by the common sense or sound judgment of my peers on this floor on either side.

Mr. MAYNARD. I now give notice that I shall object to all such proceedings in future. I could have done it in this case, because there would have been no suspicion of unkindness. We will have nothing else to do if we admit such things as this.

SOUTHERN MARYLAND RAILROAD.

Mr. ARCHER, by unanimous consent, submitted the memorial of Samuel S. Smoot, president of the Southern Maryland Railroad; which was referred to the Committee on Railways and Canals, and ordered to be printed.

KATE LOUISA CUSHING.

Mr. ARCHER also, by unanimous consent, reported back from the Committee on Naval Affairs the memorial of Mrs. Kate Louisa Cushing, widow of Commodore W. B. Cushing, for a pension; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

PAY OF CONGRESSMEN DURING THE RECESS.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4556) to amend the act to remove the restriction upon the right of Representatives-elect to receive their pay during the recess of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FALSE UTTERING OF CERTAIN INSTRUMENTS.

Mr. BUTLER, of Massachusetts, also, by unanimous consent, introduced a bill (H. R. No. 4557) to prevent and punish the false making and uttering of certain instruments; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

APPEALS TO THE SUPREME COURT.

Mr. McCRARY. I ask to have taken from the Speaker's table and referred to the Committee on the Judiciary Senate bill No. 1076, to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes.

Mr. POLAND. I ask that the bill be put upon its passage. It has already been considered by the Committee on the Judiciary, and they are unanimously in favor of it. I think nobody can object to it.

Mr. BUTLER, of Massachusetts. I will agree to that.

The bill was read, as follows:

Be it enacted, &c. That the circuit courts of the United States, in deciding causes of admiralty and maritime jurisdiction on the instance side of the court, shall find the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and conclusions of law separately. And in finding the facts, as before provided, said court may, upon the consent of the parties who shall have appeared and put any matter of fact in issue, and subject to such general rules in the premises as shall be made and provided from time to time, impanel a jury of not less than five and not more than twelve persons, to whom shall be submitted the issues of fact in such cause, under the direction of the court, as in cases at common law. And the finding of such jury, unless set aside for lawful cause, shall be entered of record, and stand as the finding of the court, upon which judgment shall be entered according to law. The review of the judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the questions of law arising upon the record, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law.

Sec. 2. That said courts, when sitting in equity for the trial of patent causes, may impanel a jury of not less than five and not more than twelve persons, subject to such general rules in the premises as may from time to time be made by the Supreme Court, and submit to them such questions of fact arising in such cause as such circuit court shall deem expedient; and the verdict of such jury shall be treated and proceeded upon in the same manner and with the same effect as in the case of issues sent from chancery to a court of law and returned with such findings.

Sec. 3. That whenever, by the laws now in force, it is required that the matter in dispute shall exceed the sum or value of \$2,000, exclusive of costs, in order that the judgments and decrees of the circuit courts of the United States may be re-examined in the Supreme Court, such judgments and decrees hereafter rendered shall not be re-examined in the Supreme Court unless the matter in dispute shall exceed the sum or value of \$5,000 exclusive of costs.

Sec. 4. That this act shall take effect on the 1st day of May, 1875.

Mr. MAYNARD. Will the gentleman be kind enough to say whether this bill applies to any except cases of admiralty and maritime jurisdiction, and cases arising under patent laws?

Mr. BUTLER, of Massachusetts. It applies to no case of common law.

Mr. POLAND. The provision for juries is not in common-law cases.

Mr. MAYNARD. This does not apply to general equity practice?

Mr. POLAND. Not at all.

Mr. MAYNARD. It raises the jurisdiction of the Supreme Court of the United States from cases of \$2,000 to those of \$5,000.

Mr. POLAND. Yes, sir; where the jurisdiction depends merely on the amount. There are many questions that may come up irrespective of amount.

There being no objection, the bill was read three times, and passed.

PRACTICE IN THE SUPREME COURT, DISTRICT OF COLUMBIA.

Mr. ELDREDGE, by unanimous consent, introduced a bill (H. R. No. 4558) relating to practice in the supreme court of the District of Columbia; which was read a first and second time.

Mr. ELDREDGE. I ask that this bill be put on its passage now.

The bill was read. It authorizes the supreme court of the District of Columbia to make such rules as may be necessary to procure depositions of witnesses beyond the limits of the District of Columbia in any cause pending therein to be used in evidence on the trial of such causes in that court, whether such causes be at law or in equity.

Mr. BUTLER, of Massachusetts, and Mr. GARFIELD. There is no objection to that.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELDREDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DE WITT C. CHIPMAN.

On motion of Mr. HAWLEY, of Illinois, by unanimous consent, the amendment of the Senate to the bill (H. R. No. 3177) for the relief of De Witt C. Chipman was taken from the Speaker's table and read, as follows:

Strike out \$8,006.17 and insert \$5,535.23.

The amendment was concurred in.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEY OF GRAND RIVER, OHIO.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to communicate to this House the report of Colonel Blunt upon the survey lately made of the old bed of Grand River, Ohio, with a view to a harbor of refuge at Fairport.

ROBERT ERWIN.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to have put upon its passage at this time the bill (H. R. No. 4471) to afford relief in the judicial courts to Robert Erwin.

The bill was read. It provides that the Court of Claims may take jurisdiction of the several claims of Robert Erwin for property taken from him and the proceeds paid into the Treasury of the United States, which claims were by accident or the design of his agent not filed in season to save the term of limitation, without fault or other neglect on Erwin's part.

Mr. BUTLER, of Massachusetts. This bill has been approved unanimously by the Committee on the Judiciary. The circumstances are these: Mr. Erwin intrusted to Mr. J. B. Stewart, his counsel, his papers to be filed in the Court of Claims; and Mr. Stewart informed him that they were filed. Erwin remained under that impression until Mr. Stewart left for Colorado. Then, when he came to look up the case, he found that the papers had not been filed. The Committee on the Judiciary considered the case one of great hardship. Mr. Erwin simply asks to be put back in the courts with the same rights of which by his misfortune he was deprived.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF POLITICAL DISABILITIES.

Mr. ALBERT, by unanimous consent, introduced a bill (H. R. No. 4559) to relieve Thomas Boyd Edelin, of Prince George's County, Maryland, of all political disabilities; which was read a first and second time.

The SPEAKER. This bill is accompanied by a petition; and the gentleman from Maryland [Mr. ALBERT] asks unanimous consent that it be now passed.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. ALBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4560) removing the political disabilities of Beverly Kennon, of Washington City, District of Columbia; which was read a first and second time.

Mr. HUNTON. I ask that this bill, which is duly accompanied by a petition, be now passed.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENECA NATION OF NEW YORK INDIANS.

On motion of Mr. LAWSON, by unanimous consent, the amendments of the Senate to the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservation and to confirm existing leases were taken from the Speaker's table and referred to the Committee on Indian Affairs.

COMPENSATION OF NATIONAL-BANK EXAMINERS.

Mr. MAYNARD. Mr. Speaker, a House bill passed at this session regulating the fees of bank examiners has come back from the Senate redrafted. One difference between the House bill and the Senate substitute is that while the reference of the House bill is to the old statute, the reference of the Senate bill is to the Revised Statutes. Another difference is that while the House bill refers to examiners of all national banks, the Senate amendment is limited to those who are not in what are called the redemption cities, the compensation in these cities being left to be regulated by the Comptroller of the Currency. I ask that those amendments be taken from the Speaker's table and concurred in.

There being no objection, the amendments of the Senate to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners were taken from the Speaker's table and read, as follows:

Strike out all after the enacting clause of the bill and insert the following: That section 5240 of the Revised Statutes of the United States be so amended that the latter clause of said section, after the word "Comptroller" in the eighth line of said section, be amended, so that the same shall read as follows, namely:

That all persons appointed to be examiners of national banks not located in the redemption cities specified in section 31 of the national-bank act, shall receive compensation for such examination as follows: For examining national banks having a capital less than \$100,000, \$20; those having a capital of \$100,000 and less than \$200,000, \$25; those having a capital of \$200,000 and less than \$300,000, \$30; those having a capital of \$300,000 and less than \$400,000, \$35; those having a capital of \$400,000 and less than \$500,000, \$40; those having a capital of \$500,000 and less than \$600,000, \$50; those having a capital of \$600,000 and over, \$75; which amount shall be assessed by the Comptroller of the Currency and paid by the respective associations so examined, and shall be in lieu of the compensation and mileage heretofore allowed for making said examinations; and persons appointed to make examinations of national banks in redemption cities shall receive such compensation as may be fixed by the Secretary of the Treasury upon the recommendation of the Comptroller of the Currency; and the same shall be assessed and paid in the manner hereinbefore provided.

Amend title so as to read, "An act to amend section 5240 of the Revised Statutes of the United States in relation to the compensation of national-bank examiners."

Mr. MERRIAM. This bill is a desirable one to pass except in one particular. I learned yesterday that in the Territories and on the Pacific coast it will be impossible to examine these banks under this law because the traveling expenses are so great. I will add, if the gentleman will accept it, a proviso that we shall exempt from the provisions of this bill banks in the Territories and on the Pacific coast.

Mr. MAYNARD. We cannot prepare such an amendment at this time, and I suggest therefore that we now non-concur and ask for a committee of conference.

The amendment of the Senate was non-concurred in.

Mr. MAYNARD. I move there be a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

INTERNATIONAL PENITENTIARY CONGRESS AT ROME.

Mr. WHITE, by unanimous consent, introduced a joint resolution (H. R. No. 148) authorizing the President to appoint a commission to attend the international penitentiary congress proposed to be held next year at Rome; which was read a first and second time and ordered to be engrossed and read the third time; and being engrossed, it was read the third time, and passed.

Mr. WHITE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE TRANSMISSION OF DOCUMENTS.

Mr. MILLS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That when the post-office appropriation bill is under consideration it shall be in order to offer an amendment to the same authorizing the sending of the Agricultural Reports and other public documents through the mails to the people free of charge.

Mr. MILLS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTINGENT FUND OF THE HOUSE.

Mr. GARFIELD. I ask unanimous consent to report from the Committee on Appropriations a bill (H. R. No. 4561) making an appropriation for the contingent fund of the House of Representatives which it is necessary to pass at this time. It is necessary to add \$20,000 to that contingent fund, as several unexpected drafts have been recently made upon it for expenses of committees sent South and elsewhere. As the fund is now short we need to appropriate out of the Treasury to make up the deficiency.

Mr. RANDALL. There is no objection.

There was no objection.

The bill was read a first and second time. It appropriates out of any money in the Treasury not otherwise appropriated \$20,000, to be added to the contingent fund of the House of Representatives.

Mr. GARFIELD. I ask the letter of the Clerk of the House be read in further explanation.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 3, 1875.

SIR: I cannot execute the order of the House made last evening for the payment of \$9,000 from the contingent fund of the House to the Committee on Southern Affairs, of which Hon. GEORGE F. HOAR is chairman, unless the fund be replenished. It is now exhausted.

From what I already know of claims upon it, and what may be reasonably anticipated, I consider it necessary to ask the immediate passage of a bill to appropriate \$20,000 to the contingent fund of the House.

Very respectfully, yours, &c.,

EW D. McPHERSON,

Clerk House of Representatives United States.

Hon. J. A. GARFIELD,

Chairman Committee on Appropriations,

House of Representatives United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

READING OF TO-DAY'S JOURNAL.

Mr. GARFIELD. I ask unanimous consent, in order to facilitate the business of the House, that the reading of the Journal to-morrow shall be omitted.

The SPEAKER. It will be impossible, if the House shall adjourn before twelve o'clock and the session of the next legislative day shall then begin, to have the Journal ready for reading at that time, and unless some arrangement is made to omit its reading and thereby to save time, the gentleman in charge of the bill will not, as the Chair is advised, consent to any adjournment.

Mr. ELDREDGE. Will it not be time enough to consider that question when it arises?

The SPEAKER. It will rise in an embarrassing way. The Chair thinks the gentleman will perceive the precise point when the Chair states he is advised that the gentleman having the conduct of the civil-rights bill will not otherwise permit an adjournment.

Mr. RANDALL. Let us agree to anything which will produce harmony in the House.

Mr. ELDREDGE. The House may be interested in the Journal of yesterday.

Mr. GARFIELD. I hope the gentleman will withdraw his objection.

The SPEAKER. It will facilitate the transaction of the public business.

Mr. ELDREDGE. I withdraw my objection.

The SPEAKER. It is therefore agreed that the reading of to-day's Journal at the opening of to-morrow's session shall be omitted.

ALASKA.

Mr. HALE, of New York. I move by unanimous consent to rescind the motion passed by this House calling on the Treasury Department for the report upon Alaska. I have since learned that that report is being printed at the Treasury Department, and it is desirable it should not be sent here.

There was no objection, and the motion was agreed to.

FUR SEALS OF ALASKA.

Mr. RAINEY, by unanimous consent, introduced a bill (H. R. No. 4562) authorizing the appointment of a commission to proceed to the Territory of Alaska, after the adjournment of the present Congress, to inquire into the number of fur seals killed on the islands of Saint Paul and Saint George, and if an increased number could be killed without jeopardizing the perpetuity of the fisheries, and for other purposes; which was read a first and second time.

Mr. DAWES. The Committee on Ways and Means had the consideration of that subject last year, and I move it be referred to that committee.

Mr. CONGER. The Committee on Commerce have always had charge of that subject, and I think it should be referred to that committee.

Mr. DAWES. I do not object to its reference to the Committee on Commerce.

The bill was referred to the Committee on Commerce, and ordered to be printed.

CIVIL-RIGHTS BILL.

Mr. W. R. ROBERTS. I call for the regular order of business.

The SPEAKER. The regular order of business being called, the House resumes the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights; and the gentleman from Wisconsin [Mr. ELDREDGE] is entitled to twenty minutes.

Mr. ELDREDGE. I yield for five minutes to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. SOUTHARD. Mr. Speaker, I intended yesterday to reply in a few words to the position of the gentleman from New York [Mr. HALE] in relation to the constitutional power to pass the present bill. Although somewhat out of the connection, it may not be amiss for me this morning to state my objections to his position.

The gentleman from New York stated that he opposed the adoption of the fourteenth amendment upon the ground that it changed the constitutional powers of legislation of Congress, and he added—

I voted against the fourteenth amendment on that ground alone, fully conceding the propriety of the provisions of the article, except the last section, claiming that that section was to a certain extent a revolution of our form of government in giving Congress a control of matters which had hitherto been confined exclusively to State control.

I dissent from the position of the gentleman as to the effect of this last section in enlarging the powers of Congress beyond the scope of the other provisions of the article. If the propriety of the other sections of the article be conceded, the propriety of this fifth section may also be conceded, for its only effect is to enforce whatever may be the terms of those other sections.

The fifth section of the fourteenth article of amendment to the Constitution simply provides that—

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The question then recurs, what is this fourteenth article of amendment? What are its provisions which are to be enforced by virtue of the fifth section? Whatever they may be, this fifth section gives power to Congress to enforce them by appropriate legislation; this and nothing more. The section cannot be said either by its express letter or fair interpretation to go beyond that scope.

What, then, is the other provision of the fourteenth amendment so far as relates to this question? I read:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It will be seen that this provision relates only to the privileges and immunities of citizens of the United States, and not to the privileges and immunities of citizens of the States. This interpretation is given to this provision by the highest State courts and by the highest court of the Federal Government. The Supreme Court of the United States in the celebrated Slaughter-house cases has defined what this provision of the Constitution means. I read from the opinion of the court:

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think these distinctions and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the words citizen of the State should be left out when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which preceded it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States, as such, and those belonging to the citizen of the State, as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

It is clear, then, by the terms of this provision of the amendment, and it is settled by the judicial interpretation of the highest court of the land, that it refers simply to citizenship of the United States and not to citizenship of the States.

Now, the further question for us to consider is whether this bill relates to the privileges and immunities of citizens of the United States or whether it relates to those of citizens of the States. It plainly refers to the latter. Keeping clearly in mind that citizenship of the United States is defined to mean one thing and citizenship of the States is defined to mean another and quite a different thing, the solution of the question becomes easy. The provisions of this bill I assert relate to those matters which have hitherto been left to the States alone, and which belong solely to their domestic polity. And when we admit that this fifth section provides that this fourteenth amendment may be enforced by appropriate legislation, we admit simply that it provides that no State shall abridge the privileges and immunities of citizens of the United States; and it leaves the domestic affairs of the States and their citizens where it found them under the original Constitution.

If I may be permitted, sir, to read a few sentences from the remarks I made last year on this question, I will do so for the purpose of showing what has been the universal practice of the State Legislatures in reference to the subjects embraced in the pending measure.

I said:

Hitherto the States have exercised the right to control their own local affairs. They have established public schools for the education of the youth, and prescribed the class of persons for admission to them upon the basis of age, sex, color, or intellectual acquirements. In many of the States separate schools for colored youth have long been established, with the like liberal opportunities for education that were afforded white youth. So too have the States been left free to incorporate companies for the purpose of carriage of freight and passengers, for purposes of public amusement and public worship, and of sepulture and the like, and to fix the mode and manner of the enjoyment of the privileges thus conferred; to regulate the fisheries in waters navigable or otherwise within their territorial limits, and to confer peculiar and special privileges upon their citizens in that behalf; to prescribe the mode and manner of exercising the right of the elective franchise, and of taking and holding property under laws of descent and distribution.

The rights claimed under the pending bill are precisely similar in character, and some of them identical in kind, with those just enumerated, and which have been exercised and controlled solely by the States since the foundation of the Government.

I conclude, therefore, by saying that the only effect of the fifth section of the article of amendment, even in its broadest latitude of interpretation, is to authorize the enforcement of the other sections of the article, and that the other sections relate to matters, to privileges and immunities, which are most clearly outside of and beyond the provisions of this so-called civil-rights bill.

Mr. ELDREDGE. I yield now three minutes to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. Mr. Speaker, I do not desire to say anything upon this bill, except in regard to the amendment I have offered. I think too much time has been consumed already and this delay has been forced upon us by the action of the other side of the House last week. The amendment I have proposed is to strike out of the House bill reported by the Committee on the Judiciary all that part which relates to schools; and I do it, Mr. Speaker, in the interest of education, and especially in the interest of the education of the colored children of the Southern States. As the bill is now drawn, we recognize a distinction in color which we ought not to recognize by any legislation of the Congress of the United States. Sir, in the legislation of this country I recognize no distinction of color, race, or birth-place. All ought to be equal before the law; and the children of all should have an equal right to the best education they can have in the public schools of the country. But this bill proposes to make a distinction by a national law. The proviso to the first section is one that makes a discrimination as to classes of persons attending public schools; and I do not wish to make any such provision in an act of Congress.

But upon this school question we should be careful that we do not inflict upon the several States of the Union an injury that we ought to avoid. A school system in most of the Southern States has been established since the war of the rebellion, by which the colored children of the South have the advantages of an education that they never could have before that time. I believe, from all the information I can obtain, that you will destroy the schools in many of the Southern States if you insist upon this provision of the bill. You will destroy the work of the past ten years and leave them to the mercy of the unfriendly legislation of the States where the party opposed to this bill is in power. And besides, this matter of schools is one of the subjects that must be recognized and controlled by State legislation. The States establish schools, raise taxes for that purpose, and they are also aided by private benefactions; and they have a right to expend the money, so raised, in their own way. So far as agricultural schools are concerned which are endowed by Congress, it may be proper to make this provision. But, sir, when I see all that has been done for the education of the colored children of the South since the war, all that has been accomplished in that direction, I could not in good conscience vote for any measure which would destroy the whole of the good work that has already been accomplished, and destroy the system of schools already established in those States. I believe the colored people of the South as well as the colored people of the North, when they understand this question, will wish that no such provision shall be made in this or any other bill. The gentleman from South Carolina, [Mr. CAIN,] an illustrious example of what the education of his race can do, told us yesterday that they did not ask this provision from us. The question was put to him directly, whether they wanted their school system changed in South Carolina, and he thought they did not. The RECORD of yesterday states what he said, as follows:

Mr. GUNCKEL. Let me ask the gentleman from South Carolina whether the colored people of the South want mixed schools?

Mr. CAIN. So far as my experience is concerned I do not believe they do. In South Carolina, where we control the whole school system, we have not a mixed school except the State college. In localities where white are in the majority, they have two white trustees and one colored.

Mr. COBB, of Kansas. I desire to ask the gentleman what in his opinion will be the effect of the passage of the Senate civil-rights bill so far as regards the public-school system of the South.

Mr. CAIN. I believe that if the Congress of the United States will pass it and make it obligatory upon all the people to obey it and compel them to obey it, there will be no trouble at all.

Mr. KELLOGG. Would the gentleman prefer to retain the provision in regard to schools which I have moved to strike out in the House bill, or would he rather have that provision struck out according to my amendment.

Mr. CAIN. I agree to accept it.

Mr. KELLOGG. I offered it in the interest of your people as well as ours.

My friend from New York [Mr. ROBERTS] was entirely wrong in his idea yesterday when he said the effect of my amendment was that colored children should not have equal rights in the public schools of the States. Sir, does he not know that there are a few things left that State legislation can take care of and should take care of without interference by the legislation of the General Government? The States raise the taxes for the public schools; the General Government has nothing to do with it, and any interference by national law will be productive of mischief, and mischief only. I do not yield to him or any man on this floor in an earnest desire for the best educational facilities for all the children of this country, without regard to race, color, or nationality. But my friend had evidently failed to study the condition of the schools in the Southern States when he made that allusion to my amendment. He has been too much occupied

with the great questions of statesmanship, to which he seems to devote himself, to give much attention to the practical effect of such a provision as this upon the schools in the several States; and he has even gone beyond that and got into the great reform of revising and correcting the Gregorian year, and has gone back some centuries to do his work of reform. If he will come down to us out of the clouds of his high statesmanship and the ages of antiquity and see what the people of this country have been doing the last ten years for the education of the colored children since the end of the war, he will not have made the point he has made upon my amendment. If he will come down to the practical question, he will find that my amendment is for the benefit of the colored children of the South especially; and in the North we have no trouble on this score, for all children are welcomed to our public schools, without regard to race or color.

Sir, though I was not born in Connecticut, like my friend from New York who spoke yesterday, yet I have lived there for many years; and I will say to the gentleman from New York [Mr. CHITTENDEN] that there is not a church, a public school, or place of amusement where we do not welcome our colored population, our foreign-born population, and all our population, without regard to race, color, or condition. All are equal before the law, and all should be equal in the enjoyment of their rights. We believe that all men have the same privileges under the law, without distinction of race, color, or anything except as their own character or conduct in life shall make for them. But by the provisions of this bill you ask us to destroy the school system of the Southern States by an enactment which is not asked for by the colored people of the South and which they do not want, for they know it will be used to deprive them of the educational advantages that have been secured to them since their emancipation and since they became entitled to all the rights of citizens under the law of the land.

Mr. CHITTENDEN. I rise to a question of privilege. To my great regret I find myself reported in the RECORD of this morning as having said, "We will not permit all white men to come into our hotels, theaters, and churches." Sir, it is possible that in the excitement of an unpremeditated speech I added the word "churches." If I did, I wish to withdraw that word. It is contrary to every thought of my heart, to every practice of my life, and all the knowledge I have of public sentiment in the State of Connecticut, in which I was born, and in the State of New York, of which I have long been a citizen.

The SPEAKER. The Chair desires to state that corrections of the RECORD are not matters of privilege.

Mr. ELDREDGE. I now yield five minutes to the gentleman from Ohio, [Mr. MONROE.]

Mr. MONROE. Mr. Speaker, I am suffering so much from hoarseness that I do not know whether it will be in my power to make myself heard, and I would be obliged to the House if it would keep as much order as it can while I am speaking.

I intend to support the amendment of the gentleman from Connecticut, [Mr. KELLOGG.] My preference is for the Senate bill, and I shall give it my vote when it is reached; but as the House civil-rights bill may pass the House as amended by the Judiciary Committee, and as we are told this is the proper time to perfect that bill, I think it would be more acceptable to the House and to the country if we passed it in the form proposed by the gentleman from Connecticut than in its present form. Mr. Speaker, I understand that the object of the school provision in the amended bill of the committee was to make the bill more acceptable to members of different views. Now, this was a laudable object, and if the school provision in this form would aid in accomplishing that object, I cheerfully admit that that would be one argument in its favor. But, sir, from such information as I have—and I have a great deal of information on this subject from different sources as a member of the Committee on Education—the bill in this form will not suit anybody or any class of political views. There are gentlemen perhaps who approve of it, but I think that generally speaking the bill in this respect fails of its object, which is to harmonize the different sections of the Union. I have had information from influential colored gentlemen who are recognized as representative men of their people and from men in my own State, known as men of radical opinions, upon this subject, and I say that the bill as it now stands does not meet the views of these classes for the reason that it introduces formally into the statute law a discrimination between different classes of citizens in regard to their privileges as citizens. They regard it as a dangerous precedent; they are unwilling to incorporate it into the law. Gentlemen of this class write me, and I sympathize with their views, that if we once establish a discrimination of this kind we know not where it will end. It may be extended to all the different privileges of the citizen. Who knows what sort of discrimination will next be introduced into the statute law in reference to citizens of the country, in regard to the privileges they are to enjoy, if we begin with a discrimination of this kind?

The representative men of the colored race tell me that they would rather have their people take their chances under the Constitution and its amendments; that they would rather fall back upon the original principles of constitutional law and take refuge under their shadow than to begin with this poor attempt to confer upon them the privileges of education connected with this discrimination. And as regards gentlemen of a different class of political views, men who may be called conservative, I happen to know that those men are

not conciliated at all, at least many of them are not, by this form of bill. They are not united with the friends of the measure, because after all the concession made by establishing this discrimination, it contains a provision which is the very essence of all that they object to in legislation upon this subject. The bill itself seems to provide that in a certain class of cases mixed schools shall be established. Conservative men have just as much objection to the school provision of the bill of the Committee on the Judiciary as they have to the Senate bill. You have gained, therefore, very little support for the bill from this class.

Hence it seems to me that the attempt made by this bill to conciliate gentlemen of different political views by this compromise provision is a failure. It does not accomplish the object intended. It does not suit radical men because it contains this discrimination against citizens. It does not suit conservative men because it provides for mixed schools. Hence it does not seem to me to suit anybody very well. I go therefore for striking it all out of the bill. I believe it will not promote the cause of education in the country, for the reason that it will irritate all classes and please nobody.

Mr. MERRIAM. Does the gentleman from Ohio [Mr. MONROE] wish the country to understand that in his opinion it would be more satisfactory to the colored people of the South to have freedom of the theaters and of the cemeteries rather than freedom of schools?

Mr. MONROE. They think their chances for good schools will be better under the Constitution with the protection of the courts than under a bill containing such provisions as this.

Mr. ELDREDGE. I now yield the remainder of my time to the gentleman from Tennessee, [Mr. LEWIS.]

Mr. LEWIS. Mr. Speaker, I am in favor of this bill in a modified form, because I believe it is just and right, and is therefore of the highest expediency. The Government owes its protection to every citizen. Every man in this vast Republic has the right to claim everywhere and at all times the benefit of equal and impartial laws. Our theory of government knows no privileged class or race to be set above all others; it knows nothing of the barbarism of caste, nor of degrading and imbruting and outraging men because of their color or race, their birthplace or their ancestry. We must carry out our principles and make the immortal Declaration of Independence a living reality. Equality before the law—legal, not social equality—is the cardinal, inspiring principle of republican institutions. Unless we are prepared to give to the colored man the same protection and the same legal rights we give the white man, our professions as a nation of loving liberty and respecting justice are but miserable falsehoods, hypocritical and detestable. A great nation should be more anxious to protect the weak than the strong. It should treat all alike. It should permit no invidious and unjust distinctions.

The democratic party is opposed to all this; is bitterly hostile to it. It is the party of privilege, of monopoly, of caste, of proscription, and of hate. On its banner ever floats the God-defying sentiment "Keep the negro down." It to-day stands in fourteen States banded together and conspiring to prevent if possible the negro from voting, and if it cannot do that, to do what is far worse, keep his vote from being fairly counted. The emancipation of the colored man made that party frantic; his enfranchisement made it furious and almost hopelessly insane. It persistently seeks to rob the colored man of his manhood and of his political rights.

The republican party on the contrary is the friend and champion of equal rights. By its platforms, its principles, and its past history it stands forever committed to justice and equal rights for all. Its sublime mission is one of kindly and peaceful progress, of the moral and intellectual advancement not of a part only, but of all men. Although every principle and every idea contained in this bill is just and true now and forever, I would still prefer to have it in a form somewhat modified. While it is right that the colored man should have the same privileges in schools as the white; while nothing can be said against it on principle, still you must remember that legislation cannot always control public sentiment and at once mold and fashion and recreate great communities in their ideas, their thoughts, their habits, customs, and modes of life. The prejudices of the whites against allowing the blacks to attend their schools in many portions of our country are intense and honest, though perhaps greatly mistaken and wrong. It would not work well in the South; it would not work well in many parts of our country to put the blacks together with the whites in our schools at present. After a few years we have a right to hope that the world will advance; that the ideas of men in our country especially will advance enough to recognize the justice and the propriety of this measure. If the colored race shall advance and improve in the future as it has done since emancipation, the time is not so very remote in the on-coming centuries when there will be no thought of color, no one to oppose the claim of the colored man to equal rights and privileges with the whites in schools, colleges, churches, cemeteries, and everywhere. Call to mind the immense progress made in public thought and sentiment and law within the last fifteen years, and think how great must be the advance in the next twenty or thirty years.

But at present I think it wisest and best to strike for what every man on reflection knows to be just—to give the colored man those rights which the common law has always given him at the hands of common carriers and inn-keepers and others, to which he is certainly entitled. The objections made to the bill have not struck me as being

forceful or just. I have not been surprised to hear our friends on the democratic side of the House cry out that the civil-rights bill is unconstitutional.

There has never been any great public measure of advancement and improvement for the general good proposed in this country which was not denounced by the democratic party as unconstitutional. The proposition to protect American manufactures and make our country independent of other nations—self-supporting and self-producing—is always denounced by the democracy as unconstitutional. In like manner the idea of internal improvements, fostered, aided, and encouraged by the General Government, is always denounced by them. They even fought against the idea of connecting the Atlantic and Pacific slopes of our continent by railroads or otherwise. To unite and bind together by great ties of interest and easy and rapid intercourse sections of our common country vastly distant from each other and separated by great mountain ranges and immense plains, though absolutely necessary for the common defense and general welfare and integrity of the nation, was unconstitutional in their eyes. If the democratic party had had its way the East and the golden shores of California and Oregon would still have remained so far apart that communication would yet be carried on around Cape Horn. So when it was proposed in other days to limit slavery—to keep it out of the free Territories, making freedom national and slavery sectional—they cried out that that was unconstitutional. Emancipation was death to the Constitution. The war to save the Union was unconstitutional in their eyes. To enfranchise the colored man and make him a citizen was to democratic vision a flagrant violation of the Constitution. The fact is that nothing has ever been proposed for the advancement and ennoblement of this country but they protested against it and professed to find it barred by the Constitution. When the resurrection morning shall come they will in all probability cry out to Gabriel, "Hold! don't wake up the dead; that is unconstitutional and against the resolutions of 1793." This is the spirit of that party. If a democrat shall be left alive at that day, which is not likely, such will be his cry.

The colored people deserve this measure. No people for the space of time during which they have been emancipated ever made the progress, the advancement, the improvement, and the elevation which that people have attained. Consider how low they were, how debased after centuries of slavery, when Abraham Lincoln's proclamation called them to freedom from the depths of their debasement, as our Saviour cried to Lazarus, waking him from the grave. From that day to this, year by year, that race has shown an earnest and passionate desire for education and self-improvement. It has been kindly, docile, teachable, ever advancing, ever striving to rise in the scale of humanity. The colored people deserve the kind regard and sympathy and respect of all thoughtful good men and women; of all who have heart and mind to appreciate their wrongs and their sorrows, their weary, hopeless toil and ceaseless strivings upward from the depths of slavery to a higher and better life. Grant that often they seem to fail somewhat for a time. Such at least is the fate of humanity everywhere and in all recorded time. They have been, according to their lights and meager opportunities, among the best citizens where they live, and they deserve this recognition of their common rights of manhood and womanhood. Who does not remember how they stood during the war faithful among the faithless; honest, simple minded, and true, where so many were false and treacherous and cruel.

Mr. Speaker, I noticed yesterday that when the gentleman from Mississippi [Mr. LAMAR] asked my friend from New York [Mr. HALE] in regard to the laws of Mississippi, and the gentleman from New York asked him a question in reply, the gentleman from Mississippi said he did not know an instance where the colored man in Mississippi was denied his rights—his rights to ride in railroad cars and on steamboats; his rights in the inns, &c.; that the colored man in Mississippi had his rights equally with the white man. Yes, thank God, he has; but the gentleman from Mississippi forgot to tell the reason why. It is because the republican Legislature of that State some years ago passed a most stringent and efficient civil-rights law. Previous to that the colored man was proscribed even on the railroad car and the steamboat. Previous to that he had to go into filthy cars and submit to indignities and wrongs. Previous to that he did not receive the rights of manhood on the public conveyances of that State. But a republican Legislature passed the law giving him equal rights; a republican governor enforced the law; republican courts in that State have nobly done their duty and maintained it; and now a colored man in that State rides in the railroad cars respectfully, peaceably, and quietly; and even the democrats who hate him say not a word, because the law protects him. That is an encouragement to the enactment by national authority of a measure like this civil-rights bill. It shows that its results will be beneficent; that great and unmixed good will follow its enactment. Let us be wise and manly, and pass it promptly. Our duty is plain and unmistakable. Conscience and honor and justice demand it at our hands. It has been too long delayed. There must be no faltering now.

Let me state further, for the information possibly of those who have not noticed the fact, that although the State of Mississippi by that law gave to every child in the State the right to attend any school in the State—although every boy properly qualified has a right to go to either of the State colleges—yet there have been no mixed

schools in consequence, because the people of their own choice, without the control of legislation, simply as a matter of taste, have maintained separate schools. No colored boy has applied for leave to enter a white school; no white boy, to enter a colored school; no colored youth has asked to go to the State university at Oxford, nor white youth to go to the college called Alcorn University. The law works beautifully there. Such a law will work beautifully everywhere, if we only have the courage and manhood to make the law what it should be. Let us do our duty and pass this bill.

Mr. CESSNA obtained the floor, and yielded fifteen minutes to Mr. BURROWS.

Mr. BURROWS Mr. Speaker, it is not my purpose, nor will the time permit me, to enter upon an extended discussion of the several provisions of this bill, but in what I may say I shall be content to confine myself chiefly to that portion of the bill which has been the subject of so much discussion and severe criticism in this House and elsewhere, namely, the provision relating to public schools.

Before, however, directing your attention to the main subject of my remarks, I may be permitted to premise that whatever the late contest in this House—unprecedented almost in parliamentary history—may have failed to establish, one thing it has demonstrated beyond all controversy, and that is, that the struggle for the equal rights of all American citizens before the law is not yet ended. That although the time has gone by when the highest judicial tribunal of this country can startle the world with the solemn adjudication that "a black man has no rights which a white man is bound to respect," yet it is manifestly apparent that the hour has not yet passed when five millions of black people, citizens of the Republic, standing equal under your Constitution, are to be made the objects of a merciless persecution and continued insult at the hands of a great and seemingly triumphant party. Persecution, not by a foreign foe; insult, not at the hands of a hostile nation; but persecution and insult by American citizens, on American soil, beneath the American flag. The contest for equal rights has been transferred from the battle-field to the less sanguinary but not less perilous arena of American politics. An appeal has been taken from the stern arbitrament of the sword to the passion and prejudice of men; and what shall be the final issue before that tribunal God only knows.

I had hoped, and the country had reason to believe, that the great democratic party had abandoned their unholy crusade against this much-abused race, when in 1872 in national convention they solemnly declared it to be one of their cardinal principles—

We recognize the equality of all men before the law, and hold that it is the duty of the Government in its dealings with the people to mete out equal and exact justice to all, of every nativity, race, color, or persuasion, religious or political.

Yet, sir, scarcely two years have passed since the promulgation of that sublime declaration ere we find the representatives of that same party standing in this Hall and as one man protesting against any legislation which will secure equal rights to the black man, or protect him in the enjoyment of equal privileges on public conveyances, in the public inn, in the common school, in places of public amusement, or even in the cemetery of the undistinguished dead. And such now is the detestation of their own creed that they rise up here in the presence of the nation and protest against its even being read.

Mr. Speaker, may I be permitted to say to my friends on the other side of the Chamber that in my humble judgment you have made a fatal mistake and thrown away the golden opportunity of regaining the scepter of power. In the face of that declaration; in the face of your nomination of Mr. Greeley for the Presidency in 1872, the unquestioned friend of the black man, you could have committed no more serious blunder than, in the first flush of victory, to have so suddenly changed front and removed the masks before you were firmly seated in power. Now look to it well.

But, sir, to the bill. The measure under consideration prohibits, among other things, the proprietor of any public conveyance, the keeper of any public inn, and the manager of places of amusement, from excluding any citizen therefrom by reason of his race, color, or previous condition of servitude. It does not prevent the proprietors of these institutions from excluding a black man for the same reason that a white man could be excluded. You may exclude him if he is obnoxious. You may exclude him for any reason equally applicable to every other citizen; but it does say that if a black man, in other particulars unobjectionable, purchases a first-class ticket and seeks admission to a railway car, the conductor shall not say to him, "Stand back, sir; you cannot be admitted; you belong to another race." It says to the innkeeper, when a black man stands at his door and asks for shelter, food, and the comforts of his inn, you shall not shut the door in his face and say, "You cannot be admitted." "Why, sir? I have wealth; I will be orderly; I am famishing; I am thirsty; I am perishing; give me food and shelter." "No, sir, stand back; you were once a slave." It prohibits the proprietors of places of amusement from saying to the black man, "You cannot participate in the enjoyments of this place, because you are black." Now, sir, while the republican party stands pledged by every consideration of honor to give these provisions of the bill their unwavering support, and while these rights are conferred both by the common law and the plainest provisions of our Constitution, yet, sir, here stands the democratic party, with the declaration of the equality of all men fresh upon their lips, protesting against securing to five millions of black citizens the simplest rights pertaining to American citizenship. This great party

says to the black man, "You shall not ride in any public conveyance, because you are black." It says to the black man who asks shelter and food at the public inn, "Sleep under the canopy of heaven and eat from the public sewer, but you cannot have shelter or food at an open hotel." It says to the man who has control of places of amusement, "You need not admit black men and women to these entertainments, but let them seek their own amusement among their own race." It says to the black man that "The cemetery, for the support and beautifying of which you have freely contributed, shall not be opened to receive the ashes of your dead kindred, but you shall bury them by the road-side or in the dismal swamp, but you shall not let their unholy remains rest within the inclosure where white men sleep."

Sir, without further comment, so far as these provisions of the bill are concerned, I believe these enactments are dictated by the highest considerations of public policy and the simplest demands of individual justice.

Passing now from the consideration of this portion of the bill, permit me to call the attention of the House to its chief feature, and to the consideration of which I desire to direct the main course of my remarks. While the bill provides equal privileges for the black man in the car, at the theater, and in the public inn, when the school clause is reached a proviso is attached which authorizes the establishment of separate schools for the black race.

Here for the first time is the daring attempt to be made to enter upon a system of legislation which proposes to make a distinction between American citizens, and separate a people by class legislation which, under the Constitution, are united and equal. Whatever may be the action of others, I shall never give my vote or voice to the support of any such pernicious doctrine.

Mr. Speaker, if there is any one provision of this bill more important than another, it is that which relates to the school system of the country. Shall the common schools of the country be accessible and open to all, of whatever race or condition, or shall they be for the few and the favored? This is the practical and only question. It needs but a glance at the wants of the people, and particularly of the black race, in this direction, to demonstrate that there should be no obstacle thrown in the way of the freest and best schools. While the census of 1870 discloses the fact that there are 6,144,740 white pupils in the schools of this country, or about one-fifth of the entire white population, only 180,372 blacks, or one in twenty-seven, have any school facilities whatever.

From the same source of information we draw the startling fact that while there are but 2,851,911 whites above the age of ten years, less than one-twelfth of the white population, who cannot write the English language, there are 2,789,689 blacks, or more than one-half of the entire population of the black race, who cannot write a single word of any tongue on earth. And yet, sir, in the presence of this appalling ignorance, we stand here to-day debating the question whether we shall guarantee free schools to a free people. Sir, if you would have good citizens, if you would have peace and prosperity, if you would make the foundations of the Republic secure, give to the present and to the generations that are to come after us the opportunity of acquiring that intelligence without which no people can long hope to be either great or free.

But it has been said that the black people do not desire the enactment of this provision relating to common schools. Sir, among the numerous petitions that have been presented to this body praying for the establishment of free schools, I hold in my hand a copy of one signed by ten thousand black citizens of this Republic. Permit me to read it, and be this my answer:

We ask it—

Meaning the passage of the civil-rights bill—

we ask it at your hands because we are citizens of this free Republic, a part of the body-politic, and are deprived of rights and respect which are justly due us. We cannot travel upon the railroads, steamboats, and stages without being subjected to inconvenience, proscription, and insult, and when we apply for accommodations at a public inn are refused. But we meet the greatest barrier when we present our children at the public schools and are rejected. All this and more we are compelled to endure because we are colored. We pray you to remove these hindrances, so that we may enjoy the common rights to which we are entitled as citizens, as taxpayers, and members of the human family. It is no special legislation in our behalf that we ask for, but we ask you to remove whatever legislation there is against us.

Now, while there is a conflict of opinion upon the floor of this House and in the country touching this question of schools; while some are in favor of no provision whatever for the education of the colored race, and others are advocating separate schools, and yet others are favoring mixed or free schools, for my single self I have no hesitancy in declaring in favor of that provision, and that provision only, which gives absolutely free schools for every child of the Republic of whatever race or nationality. For one, I protest here and now against entering upon that course of legislation which draws a line of demarcation between American citizens who by your laws and your Constitution stand in absolute equality on a common soil beneath a common flag. You cannot submit to it without doing violence to the spirit of your institutions, trampling upon your Constitution, and inaugurating a course of legislation whose legitimate end is the subjugation of the weak of every class and race. I shall therefore give my warmest adherence to the doctrine of free schools, convinced of its justice and confident of its ultimate triumph.

Mr. Speaker, I now desire to call the attention of the House to

that proviso of the bill which allows the establishment of separate schools where the local authorities shall so determine. In no event can I give this proviso my support. To permit such a system and say it shall be a compliance with the provisions of this act is to establish by Federal law separate schools in the majority of the States of this Union. Besides being open to the criticisms which I have already urged against class legislation which no man can justify, it is subject, it seems to me, to other objections of the gravest character. In the first place, it must be admitted that there can be no permanent peace in the country so long as there exists a determined prejudice and hostility between two great classes of American citizens. To allay this irritation and bring each to the acknowledgment and respect of the rights of the other is the first and highest duty of this hour. Yet what do you propose by this bill? While there was no prejudice existing between the white and black children when the blacks were slaves; while they fed at the same breast and played together on the same lawn, you now propose by this bill to commence at the very foundation of society with the rising generation in your common schools, and implant in the breast of both races a mutual abhorrence and detestation. And what must be the inevitable fruits of such legislation. At the end of a generation you will have produced a hostility between these races tenfold more bitter than it is to-day, ending in a war of races and a sea of blood.

But again, I object to this provision of the bill, because it will work a manifest injustice to both races. Wherever you establish separate schools in any district it will necessarily do one of two things: It will either double the expense of maintaining the schools or it will diminish the school facilities by lessening the term. Suppose, to illustrate, you have a school district where \$200 of public money are expended for school purposes and you have fifty children in the district of school age, twenty-five black and twenty-five white; and suppose you can employ a teacher at twenty-five dollars per month. Now, by maintaining but one school you could have, with a public fund of \$200, a school term for eight months in the year. But divide this fund, employ two teachers, build two school-houses for the two races, place the whites in one and the blacks in the other, and you will reduce your school term to four months in the year. Such a policy is an injury alike to the black and the white race. And this wrong is to be inflicted, not with the consent or at the request of those whom it most concerns, but at the behest of men whose better judgment can but condemn it and upon whom rests the responsibility of shaping the destiny of the Republic, but whose prejudice is stronger than principle.

Again, sir, this provision for the establishment of separate schools is open to another and if possible more serious objection. If it should become a law, its pernicious influence would be felt in every State and Territory and reopen a contest, in many parts of the country, which has been happily settled. By enacting this provision you would take a step directly backward, and undo in many of the States the work of half a century. If we have not the courage to go forward, in the name of Heaven let us be resolute enough to stand still and maintain what has already been achieved until braver and truer men shall take our places.

Why, sir, this is not a new question, nor has the agitation of it been confined to any particular portion of the country. There is not a State in the Union where the black man has not been forced to fight his way into the common school against the prejudice and passions of the white race. And while that contest is still being waged in many of the Northern States, and the result yet doubtful, nevertheless in some of these States the battle has been fought and won, and to-day separate schools are absolutely prohibited by law. Now, if this measure shall become a law, you revive the prejudice in those States where the question has been forever settled, turn the wheels of progress backward half a century, and make it possible for bad men to undo the work which has been so fully consummated. Look at the State of Connecticut. Her "black code" has been expunged, and the law of 1872 provides that "no child shall be excluded from the public schools, on account of race or color." Pass this measure and the work in Connecticut will be undone. Look at Illinois. Prior to 1870 the general school law proscribed negroes, although some municipalities provided for their education; but the law of 1874, passed but a year ago, prohibits all school officers from excluding either directly or indirectly, any child from the public schools on account of color. Would you undo the work in Illinois? Look at Iowa. The supreme court of the State decided in 1868 that under the State constitution—

Boards of school directors have no discretionary power to require colored children to attend a separate school. They may exercise a uniform discretion, operative upon all, as to the residence, qualifications, freedom from contagious disease, or the like, of children, to entitle them to admission to each particular school; but they cannot deny a youth admission to any particular school because of his color, nationality, religion, clothing, or the like.

In harmony with this decision the law of 1872 declares that—

All the youths of the State from five to twenty-one years of age, irrespective of religion, race, or nationality, are entitled to equal school facilities.

Is the victory of Iowa to be overturned?

[Here the hammer fell.]

Mr. BURROWS. Will the gentleman from Pennsylvania allow me a moment longer?

Mr. CESSNA. I will yield the gentleman a few minutes more.

Mr. BURROWS. So it is in Massachusetts. While in 1849 the su-

preme court of Massachusetts decided "the general school committee of Boston have power under the constitution and laws of this Commonwealth to make provision for the instruction of colored children in separate schools established exclusively for them, and to prohibit their attendance in the other schools," yet in 1854 the Legislature abolished caste schools, and by subsequent legislation enacted that "no person shall be excluded from a public school on account of race, color, or religious opinions." Will you now permit this caste system to be revived in Massachusetts under the sanction of Federal law? Minnesota, too, by the law of 1873, imposes a fine of fifty dollars upon any school board which shall exclude any child from the public school "on account of color, social position, or nationality." So has the State which I have the honor in part to represent declared, through its supreme judicial tribunal, after a protracted contest, that "black children have a right to admission into the public schools on equal terms with all others;" and its Legislature by solemn enactment has provided that "No separate school or department shall be kept for any person on account of race or color." Shall she be robbed of the glory of her achievements? Sir, I should be recreant to her best interests and false to duty did I not protest against any measure which would detract one iota from the merit of her school system, in which her people take such a just and honorable pride.

Other States might be mentioned where the prejudice against the admission of colored children into the common school has been completely overcome and their right acknowledged and securely established.

But, sir, not only would this proviso allowing separate schools undo the work already accomplished in those States where mixed schools are established by law, but in all those States where the contest is yet being carried on for free schools the work would be at once abandoned. When Federal law shall permit separate schools it would be idle for States or individuals to continue the struggle for equal advantages for every race.

But the hour admonishes me I must hasten on; I will not abuse your patience.

For the reasons I have urged and many others which might be mentioned I shall not under any consideration give my support to the separate school doctrine. Not only is it pernicious in itself, but it is the beginning of that class legislation which, if once entered upon, will know no end until it has brought to the weaker class of every race subjection and to the country only disaster and ruin. If you cannot legislate free schools, I prefer that the bill should be altogether silent upon the question until other times and other men can do the subject justice.

Pardon me a word in relation to the real cause of opposition to this bill, particularly in that portion of the country more thickly populated by the black race. I fear our southern brethren object not half so much to mixed schools as they do to any schools whatever for their former slaves.

Whatever may be said about this opposition springing from prejudice, arising from color, race, or previous condition, I am forced to the conviction that the real secret of hostility lies in the fact that these black people have become citizens and propose to take part in the administration of public affairs. It is because they have become an element in politics and may possibly contest with the white race of the South the right to rule. The South to-day is struggling by every means in its power, aided by the democratic party of the North, its ally in war and peace, to regain its lost authority in the State and nation, and to rebuild its shattered political fortunes. Unwisely she seems to have determined that the only means by which this purpose can be accomplished is by trampling upon the rights and liberties of the black race and denying to them the equal protection of the laws. Instead of extending to them the right hand of fellowship and recognizing them as a necessary and important element in the future of the South which might be used for her highest advancement, there seems to be a fixed belief that the surest and quickest road to power is over the rights of this race. Hence I am not surprised at this opposition to free schools in the South. As ignorance was the chief rivet, the main link in the chains of their thralldom, so the continuation of that ignorance is the shameful, cowardly weapon with which they hope to make their way back to power, while at the same time it shall serve to fasten upon their former slaves, by a system of vagrant laws, a condition of serfdom scarcely less terrible than that from which they have so lately escaped. Full well is it known that if you should give to the black man an equal chance in the race of life, you could no more re-enslave him or trample upon his liberties than you could have held him in bondage except by making it a penal offense for him to read the word of God.

This, sir, is the secret of this opposition—this the policy of the democratic party. Say not, then, this opposition arises from race, for they are of no other race to-day than when as slaves you received them into almost every relation of life. Nor is it his color. Indeed this nation is estopped, in view of recent events, from ever expressing any prejudice against a man on account of the color of his skin. A black king visits our shores. The golden gates of the West swing wide open to give him royal entrance. The loud-mouthed cannon proclaims his coming. Municipal authorities hastened to greet him on his journey across a continent and tendered to him the hospitalities of their cities. State authorities rise up to do him homage. The Executive head of the nation admits him to the presidential mansion, where the beauty

and fashion of the capital city crowd for the honor of his hand. Grave Senators leave their seats and with the members of this House stand in solemn reverence, while you, sir, descend from your high place to extend in behalf of a free people a nation's welcome to his *black majesty*. Will it be said he was a king? Be this my answer, that there is not a black man, however humble, though a lazzaroni, as the gentleman from New York has been pleased to call him, if clothed with citizenship, that does not wear a crown of royalty that makes him the peer of any sovereign on earth.

I have heard it suggested that some possible commercial advantage to our nation prompted the courtesy. Possibly we were crooking

"The pregnant hinges of the knee,
Where thrift may follow fawning."

Sir, a word in conclusion and I have done. I had hoped that this persecution against the black race was at an end. Is it not enough, let me say to you on the other side of the Chamber—is it not enough that you have held him in slavery from generation to generation? Is it not enough that you tracked him with blood-hounds in his flight for freedom and dragged him back to his thralldom? Is it not enough that you dabbled in blood the garments of our virgin territory in the inhuman effort to drag her to the altar of slavery, where the unholy prostitution might be consummated? Is it not enough that you deluged the Republic in blood and ridged it with graves in the monstrous purpose to tear down the fair fabric of free government and erect upon its ruins another, whose corner-stone should be American slavery? Is it not enough that you never gave a voice for the emancipation of this race? Is it not enough that you resisted the amendment to the Constitution which abolished slavery throughout the Republic and made his serfdom impossible? Is it not enough that you sought to deny him the right of citizenship and the power of the ballot? Is it not enough that in the sublime battle of the last fifteen years you never struck a blow or raised a voice in the championship of human liberty? I implore you to pause in your mad career, and at least gather and help to preserve the fruits of the victory. But that you will do this I have but little hope.

Sir, it is apparent if this bill passes at all it must be through the instrumentality of the republican party, without vote or voice from the opposition. With us is the issue, upon us is the responsibility. For one I freely accept it. And, sir, can it be possible that we have grown so weak and vacillating that we shall hesitate or waver in this hour of threatened peril? Shall it be said that this grand party, which with determined courage beat back the propagandists of the slave power in their encroachments upon our territory, unfurled the banner of liberty and equality, and achieved the victory of 1860; hewed with gleaming swords the fetters from four millions of bondsmen; wiped from the Constitution the last recognition of the rights of man to hold property in man; and placed all upon an equality before the law—shall it now be said that this party falters and fails before a proposition to protect the black man in the simplest yet most sacred rights of American citizenship? I cannot, I will not believe it. For myself, I never will be guilty of such shameless treachery, nor lower the standard of their defense one inch from its lofty bearing. By their unswerving loyalty in the midst of treason; by their patient endurance in camp and on the march; by their fidelity, which knew no treachery; by their heroism in battle, which made them insensible to danger; by their devotion to the Republic in the hour of its supremest peril, and in the name of the Constitution of my country, upon which they stand secure, I demand for them equal civil rights and equal protection wherever the shadow of our banner falls.

[Here the hammer fell.]

Mr. CESSNA. I now yield five minutes to the gentleman from Alabama, [Mr. RAPIER.]

Mr. RAPIER. I have sought the floor to-day for one purpose only. I had hoped that there would be no further discussion upon this bill, and I would not have spoken now but for the fact that I think my colleague from Alabama [Mr. WHITE] has not properly represented the sentiments of the people of my State. I ask the Clerk to read just what my colleague did say.

The Clerk read as follows:

He was a southern man, born and raised on southern soil, and desired to secure the highest advantages that could be attained, and peace and harmony secured. It was urged, he said, that there was a prejudice on the part of the white man against the colored man. He would say to the gentlemen they were as much prejudiced against the whites in behalf of the blacks. It was not prejudice; it was pride of race and pride of country. The substitute he offered did not come from him. It came from higher authority—the colored people of Alabama.

Mr. RAPIER. That I deny, Mr. Speaker. The last time the colored people in Alabama were heard from upon this subject they expressed their opinions in a platform one clause of which I ask the Clerk to read.

The Clerk read as follows:

As citizens of the United States and of the State of Alabama, we claim all the civil and political rights, privileges, and immunities secured to every citizen by the Constitution of the United States and of the State of Alabama; and we will be satisfied with nothing less.

Mr. RAPIER. That class of people commissioned me to speak for them upon this subject in this House. If any man in the State of Alabama is acquainted with the colored people, I hold that I am the man. And when my colleague [Mr. WHITE] says that the "colored people

of Alabama" instructed him to offer such a bill as that, I have only to say that he has placed them in a very false position.

The platform which he had read from the Clerk's desk yesterday, and which he said was the platform of the republican party in the State of Alabama, was never framed or adopted by them. They never read that platform and never saw it until it was read in the republican convention of the State of Alabama, and there were not more than eighteen colored men in the convention at the time when that platform was adopted. The reason why the colored men there did not oppose that platform was that the republicans in the northern part of Alabama said that unless such a platform was put forth they were afraid they could not secure the white vote of that portion of the State. Therefore we allowed them to have their platform; and that platform was sent forth to the people of Alabama, and they repudiated it. I am unqualifiedly opposed to the White substitute, but favor the Senate bill as it stands.

I have no compromise to offer on this subject; I shall not willingly accept any. After all, this question resolves itself into this: either I am a man or I am not a man. If I am a man, I am entitled to all the right and privileges and immunities that any other American citizen is entitled to. If I am not a man, then I have no right to vote, I have no right to be here upon this floor; or if I am tolerated here, it is in violation of the Constitution of our country. If the negro is not a man, and has no right to vote, then there are many occupying seats here in violation of law.

Sir, if any man is entitled to the protection of the laws of his country, I hold that the colored man is that man. When he had no particular reason for liking this Government; when your Government was threatened with destruction, when those who had always been fostered and cared for by the Government hesitated as to what they should do, when this great Republic was in the act of going down, then it was that the negro came forward, made bare his breast and in it received the thrusts of the bayonets aimed at the life of the nation. And now you hesitate to say whether I shall be regarded as a man or not in this country, being a representative of that race.

[Here the hammer fell.]

Mr. RAPIER. In the name of my constituents I demand the passage of the Senate bill.

Mr. CESSNA. I now yield to the gentleman from New Jersey [Mr. PHELPS] for fifteen minutes.

Mr. PHELPS. I am not in the habit of making mountains out of mole-hills, nor of looking at any subject exclusively on the dark side. And yet it is impossible for me to divest myself of the feeling that this is really a solemn occasion, or that the actors here are assuming a responsibility from which they might well shrink. Among the actors in this drama, none deservedly will hold a more conspicuous position than the honorable gentleman in whose charge this bill now rests. Yet not of him exclusively will the people of this Union think to-day. But with him they will bear in mind the memory of another son of Massachusetts who is no longer with us. Nearly one year ago he died, and when he died the heart of this great people stood still for a moment under the crushing weight of its grief. It was that son of Massachusetts who created and led the republican party through the wilderness and into the land of promise; and yet then and there cruelly was he deposed and driven from the ranks by men whom he had called into them, by the lieutenants into whose hands he himself had put their commissions.

I believe that Charles Sumner died, and I believe that history will record that he died as a good man should die, free from animosity, free from revenge. But had it been otherwise, had he died full of animosity, had that great heart been steeped as was Satan's with an "unconquerable will and study of revenge," he could not have left to this country which he so loved, to the party which he created and led, a legacy so full of the seeds of disintegration and decay as the measure which the majority will this day pass.

And yet in order to pass this bill we have altered the rules of procedure under which for fifty years this House has transacted its business. We have altered the rules under which the minority has during this period enjoyed peace and security. More than this, to pass this bill we defy the opinion of the people of these United States recently and emphatically declared; for if there was any one issue on which we went to the country it was this. Said my friends on the other side, members of the democratic party all of them, "We will oppose this measure of civil rights." Said nearly all my friends on this side, members of the republican party, "We will give you civil rights." And upon this issue the two great parties went to judgment. And the people last fall declared their judgment, and with a thunder that shook one hundred members out of these seats.

When this bill was introduced one year ago, that Representative who believed it his duty to please his constituency, whether they were right or whether they were wrong, might have found a pretext for voting for it; but now this pretext is torn to shreds by the gales which swept the country in November.

Equally flimsy is the pretext that this is a different measure. It makes no difference how you amend, how you alter, how you reform; you can reform it only if you "reform it altogether." Pass the Senate bill, and you pass an unmitigated evil. Pass the House bill, and you pass a mitigated evil. But in either and all cases it is evil and evil altogether. Of course I cannot traverse the whole of this dark record. I would that my time would let me do so; to go through the vari-

ous provisions that I might indicate the especial objection to each. But my hands are tied. Take a single provision. Enact your school clause, and what do you do? You close your schools! Look at the South, desolated and distracted; deluged with a flood of misery. There is but one spot on which the dove of peace might rest. There is a school system, young and tender and full of promise, full of hope. Enact this clause, and you destroy its budding promise; enact this clause, and you shut the door of every public school. Let one more autumn come, and there will not be a State in the South whose Legislature shall vote one single dollar for their creation and support. This is one thing you will have accomplished by your civil-rights bill; and what have you gained? To give to our colored fellow-citizen a mere sentimental privilege—that the colored man when he dies may lie in Hollywood; that while he lives he may eat at the Saint Nicholas; that when he plays he may sit in a box at the National. To give him these sentimental advantages, which he will never use, you have slain his teachers, you have sacrificed substance to shadow. You have tickled his fancy and starved his mind.

Nor can you repair the damage. You have striven to control what you cannot construct. You have sought to regulate the schools; and the Southern States will checkmate you by giving you no schools to regulate.

Mr. Speaker, while the Federal power may accomplish some things, there are others which it can never accomplish. It may take its bayonets into the halls of these Legislatures and by them may drive out the members, but it can never, with or without bayonets, force them to vote. The white men will provide for the education of their own children at their own expense—they still have the means; but they will make no appropriation for the mixed schools, the freedman's only chance for education. The colored man has no means to pay for his own school-teacher, and he can thank the republican party that he is again relegated to a state of primal ignorance and gloom.

Take again your provision for inns. Enact this, and you build upon a foundation which once existed, but which for years has been torn away. Governments used to give especial privileges and monopolies to the inn-keeper, and then the government in proper reciprocity had a right to impose obligations and duties.

Mr. McKEE. May I ask the gentleman a question?

Mr. PHELPS. I would be glad to be interrogated at any length, especially by the gentleman from Mississippi, if I had the time; but I am crowding what I can into fifteen minutes, and must decline.

Mr. McKEE. I would have been through my question by this time.

Mr. PHELPS. I cannot help that. I decline to yield unless my time is extended.

I was speaking of inn-keepers. I say with reference to them, the reason of the law that used to govern them failing, the law itself fails. We no longer give to inn-keepers especial privileges—any monopoly in the business; we cannot therefore burden their business with any restrictions. Therefore I claim that an enlightened court will refuse to enforce the provision; and against unenlightened courts the people of the South have still this refuge, that to their process they can tender despair. They will close their inns, and the traveler from the North who may visit that country and find it necessary for his entertainment to throw himself upon the hospitality of the south-erner, when he would prefer the independence of the inn, will doubtless return to the North determined to vote for the legislation of the republican party.

I cannot go through all these provisions. I pass over all special objections. I hasten to those general objections which apply to every provision of the bill. You are trying to do what it seems to me this House everlastingly tries in one form or another to do—to legislate against human nature. You are trying to legislate against human prejudice, and you cannot do it. No enactment will root out prejudice, no bayonet will prick it. You can only educate away prejudice; and to endeavor by a law to change the constitution of human nature is as idle as to send your cavalry to charge a mountain mist.

In this view this measure is only idle and foolish. But worse than that, if enacted, while it will not be carried out, it will effect positive and pernicious ill. It takes to the South the only thing of which the South has a plenty—contention and strife. Let us end this cruel policy. Has not the South suffered enough? Is it not already plowed and furrowed with misery? Let us not carry down new fire-brands. Let us not have bayonets! "Let us have peace."

Mr. Speaker, these are some of the evil results that I think now would follow this bill; these are the evil results that I thought a year ago would follow the bill when I left my party and voted against its consideration. But not because I feared these results did I leave the ranks of my party on that occasion. I recognize the importance of party. No man more freely admits the dignity and beauty of party fealty; and if ninety-nine of my fellow-republicans had said to me, "You think these results will follow; we do not," I would have cheerfully yielded. It is a matter of opinion, not of conviction. I have not that conceit in the accuracy of my own judgments that would lead me to think that my ninety-nine associates thought incorrectly and I alone correctly.

But after you leave matters of opinion and come to matters of conviction, then I no longer recognize the claims of party. Then come the claims of manhood and of conscience, which are higher, and them I choose to obey. While I cheerfully yield my intellectual convictions at the bidding of party, when it comes to a matter of conscience and

right like this, all domination of party I spurn, and the crack of the party whip falls on a deafened ear.

And so I voted against this bill, not for those results that others thought would not follow but which I thought would follow, but because, in my opinion, clear as the sun at noon-day, it could be shown by any constitutional lawyer who was not straining the Constitution as bull-dogs strain their leash, could be shown by any man who reads the Constitution in the light of history and logic, that this whole legislation, both in spirit and in letter, is hostile to the Constitution; hostile to the Constitution which protects the minority; hostile to the Constitution which we swore to defend. If I believe this of the bill, I am bound to oppose it; bound by all the instincts of an unselfish manhood; bound by the lower instincts of self-preservation, and a desire that this, the republican party, to which I belong, shall be saved from destruction. If you pass this bill, as you are determined, you strike at the Constitution a terrible blow. And when we strike at the Constitution, we, my friends of the republican party, strike at the only safe-guard left to the minority—a minority into which the people, on account of this bill last November, waved us, and in which, if we burden the statute-book with more legislation like this, we shall be perpetually kept.

Mr. CESSNA. I now yield for five minutes to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, it is hardly possible to compress the salient points of this subject into a five-minute discussion. Are we now legislating for a day, or a year, or for all time? Are we legislating for our own generation alone, or legislating here to-day for the teeming millions of all races, classes, and conditions of men who are to people this great Republic? Are we legislating upon the narrow ground of mere partisan success or failure? Are we governed by prejudice, or are we seeking to plant our feet upon the firm foundations of principle?

When the late war closed we thought the principle had been settled and secured, which should never be questioned or disturbed again—a principle sealed with the blood and sanctioned with the lives of three hundred thousand of as brave men as ever carried bayonets glistening in the sun. That principle was the "equal rights of all men before the law," and that to-day is the corner-stone of a reconstructed Republic. Shall we leave a flaw in the foundation which must endanger the superstructure again? This was the principle which found utterance in the last words of America's noblest and greatest statesman. Shall we not heed the echoes of that voice still sounding in these chambers, "Do not let my civil-rights bill fail!"

What inconsistency shall we be guilty of upon this question? We sit with colored men in these Halls without prejudice, but we teach our little boys that they are too good to sit with these men's children in the public school-room, thereby nurturing a prejudice they never knew, and preparing these classes for mutual hatred hereafter, though they are the ones who in the near future are to have charge of public affairs and upon whose action the peace and tranquillity of the nation must depend. We sit with colored men on juries; we ride with colored people on horse-cars in this the capital city of the country, but we are told that we should not do so on the steam-cars of the South! We ride with them in carriages even in warm weather and against the wind if they drive the carriage. We ride with them in sleeping-cars if they perform the menial service there; but if they pay their fares and take their seats like orderly, refined gentlemen, then we say we will spurn them from our presence.

Now, if you run a color line through the schools, where will you draw it? Shall it be the child of ebony hue that you will proscribe, or shall it be the half-blood, or the quadroon, or the octoroon, or the delicate young school-girl with a slight orange tint on her cheek? Who shall decide and who enforce this law? Shall it be the striplings, young men of great cities, who against law and in defiance of it drive young ladies away from school examinations? Ah, Mr. Speaker, is this the road which leads up to stability and peace? How many humble families are there whose pride and hope are centered in some favorite daughter. How they watch the days and weeks and months, when notwithstanding their poverty and humble condition in life their child shall graduate with the highest honors of the school. And do you think it a safe system of laws which sends into that humble home, instead of light, hope, and gratified ambition which causes its inmates to feel that they can hold up their heads and stand a little better in the world, only darkness and despair? Ah, sir, this too may be "sentimentalism;" but is that statesmanship which can thus trifle with the very fountains of human pride or human hate?

If you establish two grades of schools throughout the South, which shall be maintained and which go to the wall? Do we wish to fight this question all over again? We are in the first day of our natural life. Rome dominated the world in her prestige and pride for one thousand years. Shall we legislate here to-day as though the next centennial was to be the final end of this great Republic? Settle this question right now, and the color line falls out of politics. Settle it wrong, and it will come to plague you again. It may cause temporary strife, but better this than that growing prejudice and growing hate should rend and distract this country ever again. We are all in favor of educating the colored man. But shall we do this and expect him as he grows more enlightened, and as he reads the story of his wrongs on every page of history and in every public

journal, and as he acquires competence and advances in influence and power—do we expect him to remain quiet and contented under this unjust and unreasonable proscription? How can this be a social question? Do we invite all men whom we meet on equal terms in the business walks of life to our houses? Sir, the classifications of social life cannot be regulated by law. The dividing barriers may not be of brass, of iron, or of adamant; they may not be visible, but they stand on the earth, they reach to the sky. No man can or wishes to break through them. They are stronger than human law, for they rest upon mutual human preferences.

[Here the hammer fell.]

Mr. CESSNA. I now yield five minutes to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. PHILLIPS. I have been surprised at the position taken by the gentlemen on the other side of this Chamber. I have not been surprised at the opposition to their own platform or at the objection they raised the other night to the reading of a part of their platform by the gentleman from Indiana, [Mr. SHANKS,] that part of the platform having been intended to catch negro votes. That part of their platform they did not believe in; we did not believe in it; nobody believed in it.

But there was one thing which surprised me. I have been taught for forty years that the democratic party, or that part of it which styles itself the chivalry, had a high sense of honor and always met its obligations; that they held to the idea that when truth was banished from the bosoms of all men it should still be found in the bosoms of princes. Now, when the war closed there was an obligation left as binding as if it had been enforced at Appomattox. What was it?

When the war closed, a war unparalleled in atrocity; a war in which several hundred thousand men gave their lives—when that war, beginning in treachery, sustained by robbery of the United States mints and arsenals, marked by the atrocities of Andersonville, and ending with the assassination of the President of the United States—when that war closed by an act of magnanimity unparalleled in history, we tendered to those men free forgiveness at the hands of the Government. And for what? That these degraded people, these enslaved people should come back as an enfranchised people, with all the powers of government, with every right of citizenship of the United States, with all their civil rights as equals in this great Republic. And those men, Mr. Speaker, come back upon this floor with the power gained by such understanding, come back here to deny those rights for which they gained their own, and to deny their part of the agreement, and seek to make a degraded class in our country.

This is the great question before us, the question whether we can afford in these Southern States to have a degraded people. That is the question, whether we can have a class to look down upon; whether we can have, not slavery, but a degraded class of poor, unprotected, ignorant people.

Why, sir, these gentlemen forget the position in which we now find ourselves, that we have been elevating four millions of people from a condition of slavery, and there is no one who is interested in the elevation of that race but must feel that we should stand by them to elevate them and to help them. So far, with their opportunities, they have done nobly and well. And I appeal to those gentlemen who come here in consequence of the forgiveness extended to them at the close of the great war, the great war which was a great crime, and ask them to help us and to help them in the work of raising these people to the dignity of American citizenship, instead of denying the rights to which they owe their own privileges.

As regards the matter of schools, there is this practical question: In many school districts there are three or four or ten colored people. If you close the public schools against them, you say in effect that their children shall have no education. I say the republican party cannot afford to have them kept in that condition. I say you must divest yourself of prejudice and rise to the dignity of the occasion, feeling that the republican party has been especially honored by one thing in its past history, that it has been honored in being the handmaiden of God Almighty in producing the fruits of this great revolution and this elevation of the colored race. And if those gentlemen will persist in endeavoring to sow dissensions between the races, if they succeed in producing dissensions which must bring bloodshed and commotion and ruin, I warn them as they were warned before that while they appeal to the basest and lowest passions of the human heart to make a party, they are in the future as in the past doomed to learn that the Lord God Omnipotent reigneth.

[Here the hammer fell.]

Mr. CESSNA. Mr. Speaker, I did desire to address the House upon this question myself, but I have yielded all of my time but five minutes. The other night the gentleman from Indiana [Mr. SHANKS] appealed to the House to allow him to read a clause from the democratic platform. I now yield to that gentleman five minutes that he may have an opportunity to bring it before the House.

Mr. SHANKS. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

Whereas it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of the Government in its dealings with the people to mete out equal and exact justice to all of whatever nativity, race, color, or persuasion, religious or political, and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,

Mr. SHANKS. Mr. Speaker—
Mr. NIBLACK rose.

Mr. SHANKS. Do not take my time; I want to say some good things for your party.

Mr. NIBLACK. I only want to say that when the democratic party adopted that resolution it had been intimidated by the Cincinnati convention.

Mr. SHANKS. I think a great deal of my colleague, but much more of the platform that he has just repudiated. I have tried industriously, as this House is well aware, to get this platform before the country. It was before the country once before; but it was then before the country in such bad hands that the public did not give it credence; that is to say, they did not believe that the men who framed it framed it in good faith. And, sir, it is peculiar to see how discriminating the public mind is on all these questions. Why, sir, it is only two years since the time this was framed in bad faith and the people are convinced that their judgment was perfect when they said "You do not embrace yourselves the doctrine you put out in your platform." But, sir, I have sent that paragraph of the democratic platform of August 10, 1872, to the Clerk's desk for another purpose than that it shall be read simply. I sent it to the Clerk's desk proposing to make it a preamble to the bill now before the House. I am in favor of the Senate bill now upon your table; I am in favor of it because of the broad justice it contains, and this platform that has been read declares in terms as broad all the rights that the people of this country could ask.

Sir, I have been troubled and mortified since this bill came before us because I have heard so many things said in relation to the condition of the people of this country. I was well prepared to believe that the colored people of the country did not have the rights that were their constitutional and just due. I was informed of it by committees of this House, and I have since been slightly informed in the other way by a part of the committee from which we have heard recently. But I was surprised when I heard yesterday from the gentleman from Mississippi, [Mr. LAMAR,] for whom I entertain great regard, that the white people of Mississippi did not have as many advantages as the colored people of that State.

And now since the Cincinnati platform declares that the people of this country are entitled to their rights irrespective of race, color, nativity, or religious or political qualifications, I insist on the passage of this bill, not only to protect the black people in this country but the white people also.

Then, sir, there is another race, the red people of this country, for whom I stand here to speak. Under this platform and the doctrines taught in it, broad as they are, the rights of that race are secured. I speak for those who have no friends anywhere else.

Now I ask special attention to this platform adopted by these gentlemen in Cincinnati and rebaptized in Baltimore, in which they recognize the rights of all men, irrespective of race, color, or nativity, in such positive terms whenever they say that it is the duty of the Government—mark that, sir; it is not State rights; this is a national platform from which I quote, made by a national party and made in a national convention, which declares that the National Government shall in its dealings with the people do equal and exact justice to all the people, irrespective of race, color, or condition.

Now, Mr. Speaker, I find no trouble, as some gentlemen seem to do, in coming to a conclusion as to how I shall vote on this bill or any other. I vote as I think right, and leave the result to God who rules the right. I ask no questions about it. I never look behind me to see what the result will be, if I believe a measure to be right. The only question with me is: Is the measure right? God Almighty cannot afford to do wrong, and no man less than He can afford to do wrong or to do less than right, which is wrong. You cannot do that which is less than right without doing what is wrong in itself.

But we heard to-day from a republican, do not forget it, a republican, [Mr. PHELPS,] that he would oppose this measure; and upon what ground? Why, that one hundred men were shaken out of their seats here because this bill was before Congress at its last session. Ah, how did he vote upon that bill, and how was he shaken? He voted against the bill last session. He had a colleague here [Mr. DOBBINS] from his State who voted for it. The gentleman who now talks about people being shaken out of their seats was elected to this Congress by nearly three thousand majority, and to the next Congress he was elected by less than no majority at all—he was defeated. How was it with his friend and neighbor who voted for the bill? He was elected to the next Congress by over a thousand majority.

Who have been shaken out of their seats here? Timid men have been shaken out of their seats; men who have been afraid to stand up here and do right have been shaken out of their seats. But those men who are willing to indorse the principles enunciated in that platform have not been shaken out of their seats; or if they have been, they will have a good place to go to and a quiet conscience to console themselves with in their retirement.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I rise now to close debate. Before I move the previous question I propose to withdraw the motion to recommit in order to allow a vote upon the preamble offered by the gentleman from Indiana, [Mr. SHANKS.] It was a good old custom of our fathers to put a preamble before all laws in order that it may be understood what was meant by the law. I propose to renew that custom in this case. I now call the previous question.

Mr. COX. One word before that is done.

Mr. BUTLER, of Massachusetts. I cannot yield.

Mr. COX. Only a moment.

Mr. BUTLER, of Massachusetts. I have only but a little time to stay here, you know, and you have a great deal of time.

Mr. HALE, of New York. I wish to call the attention of the gentleman from Massachusetts to a verbal amendment which should be made to the substitute.

Mr. BUTLER, of Massachusetts. I have no objection to that.

Mr. COX. I want to say a word in reply to the gentleman from Indiana.

Many MEMBERS. Regular order! Regular order!

Mr. COX. I rise to a point of order.

Mr. HALE, of New York. The amendment which I would indicate—

Mr. COX. Do I understand the preamble can be separated from the original bill?

The SPEAKER. It must be if one member demands it.

Mr. COX. I desire to say a word on the preamble.

The SPEAKER. It must be separated for a vote, not for debate.

Mr. COX. I want to say in response to the gentleman from Indiana—

Many MEMBERS. Regular order! Regular order!

Mr. COX. Why not be good tempered? You are all going out.

The SPEAKER. If gentlemen will take their seats it will greatly conduce to order.

Mr. HALE, of New York. I understand the gentleman from Massachusetts to yield to me to propose an amendment to the substitute proposed by the gentleman from Alabama, [Mr. WHITE.] I believe it is not in his power to accept the amendment.

The SPEAKER. That will have to be done by unanimous consent.

Mr. HALE, of New York. I think unanimous consent will be given to perfect it.

Mr. CESSNA. I must object, for I do not think the substitute will ever hurt anybody, and it makes no difference whether it is perfected or not.

Mr. COX. I do not object, provided I have an opportunity to say a word.

Many MEMBERS. Regular order!

Mr. COX. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX. The preamble of this bill states that exact and equal justice shall be done.

The SPEAKER. Where is the point of order?

Mr. COX. I think if exact and equal justice should be done the gentleman from Indiana [Mr. SHANKS] should be hung like Absalom by the hair.

Many MEMBERS. Regular order!

The SPEAKER. The Chair will state the question. The gentleman from Massachusetts [Mr. BUTLER] withdraws the motion to recommit, and yields to the gentleman from Indiana, [Mr. SHANKS,] who moves as a preamble to the bill that which will be read by the Clerk.

The Clerk read as follows:

Whereas it is essential to just government we recognize the equality of men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the proper object of legislation to enact great fundamental principles into laws: Therefore,

Mr. COX. I want a separate vote on the preamble. We will all agree to that.

Mr. MILLS. I ask the gentleman from Massachusetts to let me have a portion of the republican platform read.

Mr. BUTLER, of Massachusetts. I cannot yield any further. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The SPEAKER. The gentleman from Massachusetts is entitled to one hour to close debate.

Mr. BUTLER, of Massachusetts. I yield fifteen minutes to the gentleman from Ohio, [Mr. GARFIELD,] and I give notice that I cannot yield any more to anybody.

Mr. ATKINS. I have no objection to the abstraction of the preamble, but I would like to have it read again.

The SPEAKER. It will be read again before it is voted on. That will be the last thing voted on before the question on the passage of the bill.

Mr. GARFIELD. Mr. Speaker, I concur with those gentlemen who have said that this is a solemn and an interesting occasion. It recalls to my mind a long series of steps which have been taken during the last twenty-five years in the greatest of all the great moral struggles this country has known; and the measure pending here to-day is confronted, in the last assault which has been made upon it, by the first argument that was raised against the anti-slavery movement in its first inception; I mean the charge that it is a sentimental abstraction rather than a measure of practical legislation.

The men who began this anti-slavery struggle forty years ago were denounced as dreamers, abstractionists, who were looking down to the bottom of society and attempting to see something good, something worthy the attention of American statesmen, something that the friend of human rights ought to support in the person of a negro slave. Every step since that first sentimental beginning has been assailed by precisely the same argument that we have heard to-day.

I expressed the hope years ago, Mr. Speaker, that we had at last achieved a position on this great question where we could remit the black man to his own fate under the equal and exact laws of the United States. I have never asked for him one thing beyond this: that he should be placed under the equal protection of the laws, with the equal right to all the blessings which our laws confer; that as God's sun shines with equal light and blessing upon the lofty and the humble alike, so here the light of our liberty shall shine upon all alike; and that the negro, guaranteed an equal chance in the struggle of life, may work out for himself whatever fortune his own merit will win.

But, Mr. Speaker, we are brought to-day to confront, not a situation in which he is admitted to that equal right, but a situation in which a great political party are now for a time at least to take charge of his destiny; and we are called upon to inquire into what hands he will fall when they become masters of his fate. In order that we may see how the lines are drawn, I ask the Clerk to read a few passages I have marked—not the utterances of momentary passion, not a sentiment dictated in the heat of a political campaign, but the deliberate utterances of honored leaders of the democratic party, declaring their faith and their philosophy concerning the future of the black man on this continent. To these declarations they have signed their names and set their seals of approval. I send to the Clerk marked passages on pages 516 and 517 in the minority report on the Ku-Klux investigation of two years ago.

The Clerk read as follows:

We do not propose to discuss at large the question of negro government in these pages; but we feel that it would be a dereliction of duty on our part if, after what we have witnessed in South Carolina, we did not admonish the American people that the present condition of things in the South cannot last. It was an oft-quoted political apothegm, long prior to the war, that no Government could exist "half slave and half free." The paraphrase of that proposition is equally true, that no Government can long exist "half black and half white."

The mind of every thinking man is troubled about our future. He knows that a conflict of races must be the inevitable result of such a policy. In a struggle for the political power of the State, this conflict is already as clearly marked as white is from black. The line of separation between parties there to-day is not only one of color and distinctive races, naked and unbroken, but it is a question of supremacy, of exclusive tenure to office, of the right to govern, and a separation of representation from taxation.

Man's puny statutes cannot repeal or nullify the immutable ordinances of the Almighty. Those whom God has separated let no man join together. There can be no permanent partition of power nor any peaceable joint exercise of power among such discordant bodies of men. One or the other must have all or none. It is the very acme of folly and fanaticism to suppose, in this day of enlightenment and its consequent pride of feeling among the superior race, that there can be a reproduction of the ancient fable of tying the living and the dead together without causing death to both.

Such a state of things may last so long as the party shall last which had the power and audacity to inaugurate it, and no longer. But whenever that party shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent. Men in the frenzy of political passions may shut their eyes to this fact now, but it will come at any time when the negro shall cease to be a party necessity in the politics of this country.

The truly sincere and rational humanitarian looks with sorrow upon the future status of the poor deluded negro; for in the near state of things which is to come, when the two great parties which now exist shall have passed away, he sees either the exodus or the extinction of this disturbing element in the social and political condition of the more powerful race.

Mr. GARFIELD. This is a report of a joint committee of the two Houses of Congress, and it is signed: Frank P. Blair, T. F. BAYARD, S. S. COX, JAMES B. BECK, P. Van Trump, A. M. WADDELL, J. C. ROBINSON, J. M. Hanks.

Five of the gentlemen whose names are thus signed are members of this Forty-third Congress.

Mr. BECK. Mr. Speaker—

Mr. GARFIELD. I cannot yield now.

Mr. BECK. The gentleman will surely allow me to say that what he has just stated is not the fact, as I can show in a moment.

Mr. COX. It was shown last session.

Mr. BECK. I presume the gentleman from Ohio [Mr. GARFIELD] does not want to state what is not true.

Mr. GARFIELD. I am reading from an official document; and I hope the gentleman will excuse me. If I had time I would yield to him all the time he wanted.

Mr. BECK. I can state the fact in a moment. The report of that committee closes on page 509; the extracts which the gentleman has had read are from pages 516-517.

Mr. GARFIELD. These extracts are from page 516-517 and the names I have just read are at the end of the report of page 588.

Mr. BECK. Let me have the book a moment.

Mr. GARFIELD. The gentleman will see that I have no time to yield; but that he may not be denied a chance for explanation, I will yield one minute to him.

Mr. BECK. One minute is all I want. That committee made a report which did not contain that language or anything like it. It is to be found on pages 398 to 509; it closes on that page. Then this is inserted. What follows was drawn up by Mr. Van Trump as the minority member of the sub-committee who visited the State of South Carolina. It contains his own views. They are stated to be his own views, and the names at the close certify to that fact just as a clerk would certify to a record. That is the whole case.

Mr. GARFIELD. I am glad to hear what the gentleman states. It does not however change the fact which I have alleged. Here is a report which has now stood two years upon our records, and these names are signed at the end of it. The extracts I have read are found in the body of the text of that report, by whomsoever drawn. The gentleman from Kentucky [Mr. BECK] now says it was drawn by Mr. Van Trump, now dead, an honored name in the democratic party, a man never repudiated for this, so far as I have heard, either by his colleagues or his constituents. And this text makes a plain and unequivocal declaration that the fall of the republican party and the triumph of the democracy will be the signal for ringing the death-knell of the negro as a political power on this continent. If this means anything, it means that all the efforts of the American people to lift up the negro from slavery to citizenship have been a political blunder, if not a crime, which ultimately leaves the negro in a worse condition than when he wore chains in the rule of the democracy. The sentiments, so far as I know, are still uncontradicted. Gentlemen do not say now they repudiate this doctrine. They only say they did not read it at the time they signed it. I ask them if they repudiate it now?

Mr. COX. It was repudiated at the last session of Congress in the discussion between the gentleman from New York [Mr. SMITH] and the gentleman from Mississippi, [Mr. LAMAR.]

Mr. GARFIELD. By whom repudiated?

Mr. COX. By those to whom the gentleman has referred.

Mr. GARFIELD. Does the gentleman from New York now repudiate it?

Mr. COX. I do now as I did then, for I never signed it.

Mr. GARFIELD. Does the gentleman now repudiate the doctrine?

Mr. COX. I do.

Mr. GARFIELD. I am glad the gentleman repudiates it.

Mr. COX. I did not read that report and never saw it.

Mr. GARFIELD. It is a cheering sign of the advance of justice that we now have this disclaimer. But this report has gone far and wide as the authentic doctrine of the other side. It is true that a different doctrine was put forth in the Cincinnati platform, but that has never been well received by the gentlemen who put it forth.

Mr. Speaker, the theory upon which I base my criticism at this time is this: By no action of that great party, save in a preamble which they have repudiated and even refused to have read, have they given any sign they will not go back and plow up all that has been planted by the republican party whenever they can.

And now a word to our own people. The warnings uttered to-day are not new. During the last twelve years it has often been rung in our ears that by doing justice to the negro we shall pull down the pillars of our political temple and bury ourselves in its ruins.

I remember well when it was proposed to put arms in the hands of the black man to help us in the field. I remember in the Army of the Cumberland where there were twenty thousand Union men from Kentucky and Missouri and we were told that those men would throw down their arms and abandon our cause if we dared to make the negro a soldier. Nevertheless the men whose love of country was greater than their prejudice against color stood firm and fought side by side with the negro to save the Union.

When we were abolishing slavery by adopting the thirteenth amendment we were again warned that we were bringing measureless calamity upon the Republic. Did it come? Where are the Cassandras of that day who sang their song of ruin in this Hall when we passed that thirteenth amendment? Again when the fourteenth amendment was passed the same wail was heard, the wail of the fearful and unbelieving. Again when it was proposed to elevate the negro to citizenship, to give him the ballot as his weapon of self-defense, we were told the cup of our destruction was filled to its brim. But, sir, I have lived long enough to learn that in the long run it is safest for a nation, a political party, or an individual man to dare to do right, and let consequences take care of themselves, for he that loseth his life for the truth's sake shall find it. The recent disasters of the republican party have not sprung from any of the brave acts done in the effort to do justice to the negro. For these reasons I do not share in the fears we have heard expressed to-day, that this bill will bring disaster to those who shall make it a law. What is this bill? It is a declaration that every citizen of the United States shall be entitled to the equal enjoyment of all those public chartered privileges granted under State laws to the citizens of the several States. For this act of plain justice we are told that ruin is again staring us in the face! If ruin comes from this, I welcome ruin.

Mr. Speaker, the kind of cowardice which shrinks from the assertion of great principles has followed this grand anti-slavery movement from the beginning until now; but God taught us early in this fight that the fate of our own race was indissolubly linked with that of the black man on this continent—not socially, for none of us are linked by social ties except by our own consent, but politically in all the rights accorded under the law.

This truth was stated early by one of our revered poets when he said:

We dare not share the negro's trust.
Nor yet his hope deny;
We only know that God is just,
And every wrong shall die.

Rude seems the song; each swarthy face,
Flame-lighted, ruder still;
We start to think that hapless race
Must shape our good or ill;

That laws of changeless justice bind
Oppressor with oppressed;
And close as sin and suffering joined
We march to Fate abreast.

Their fate politically must be ours. Justice to them has always been safety for us. Let us not shrink now.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I yield a moment to the gentleman from Iowa [Mr. DONNAN] to make a request.

Mr. DONNAN. The galleries are so full that it is impossible for the wives of members to find admission. I ask unanimous consent therefore that ladies be admitted to the floor of the House pending the discussion of this bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. NIBLACK. I will not object if members are not expected to give up their seats. But if, as has generally been the case, we have to give up our seats, I for one must object.

Mr. BUTLER, of Massachusetts. That is a social question.

Mr. SYPHER. Does the gentleman from Indiana expect that some colored lady may make application for his seat?

The SPEAKER. The Chair understands the gentleman from Indiana to object.

Mr. DONNAN. The gentleman only objects conditionally.

Mr. NIBLACK. I object without conditions.

The SPEAKER. The gentleman from Massachusetts has forty-five minutes of his time remaining.

Mr. BUTLER, of Massachusetts. I had hoped when this bill was first brought before the House that in all kindness of heart, in all singleness of purpose, with all propriety of tone and thought, we should discuss one of the most momentous questions of civil liberty that can be raised; a question the solution of which, for good or for evil, will affect our country longer, much longer, than we shall remain on the earth; but I have been disappointed.

It is a question of equal civil rights to all citizens—a doctrine in which I was brought up from my earliest boyhood. I have always been taught that the foundation of all democracy was equality of right, equality of burden, equality of power in all men under the law. And when a few years ago a religious and partisan furor shook the land and it was attempted to disfranchise from some of their rights in many of the States a portion of our citizens because of their foreign birth and because of their religion, when the cry went out "put no one but Americans on guard," I stood in my State in almost a hopeless minority, indeed almost alone, in saying that the privilege of American citizenship once granted was like the privilege of the Roman citizen—to be to him the same in *Latium* and at Athens. And I stood firmly to that until all that prejudice was rolled away from the foreign-born citizen by his standing shoulder to shoulder with our brothers and sons in the red track of battle.

Now comes another question of prejudice in which I was educated in my youth differently, the rights of the colored man. He has been made, by right or by wrong, but under the forms and with the force of constitutional law, a citizen of the United States. And were he as black as the black diamond, he has an equal right to every privilege with any citizen who is white as an angel. And upon that ground alone can a democratic republic stand. Upon that ground alone is civil and constitutional liberty on this continent to be preserved. And, therefore, I wonder with amazement when I hear it here stated that this bill is intended as a stab to constitutional liberty. Why, sir, this bill is the very essence of constitutional liberty. What does it do? It simply provides that there shall be an equality of law all over the Union.

My friend from Mississippi [Mr. LAMAR] says that in Mississippi the white man and the colored man have equal privileges. Be it so. Good for Mississippi. This was so made by a republican Legislature in which was a colored majority. But where is the like law in Kentucky, the "dark and bloody ground?" Where is that law in Tennessee? Where is that law—without stopping to enumerate—in a majority of the Southern States? But if it is a good law in Mississippi, why should it not be extended over all the Southern States? If it is a good law, and my friend from Mississippi agrees it is a good law and works well there, why should it not be enforced by proper and sufficient penalties to restrain bad men from violating it? And that is all the bill does.

I do not here and now mean to deal with the question of schools, for this reason: There are two kinds of opinion in the republican party on this question. I myself would legislate equal privileges to white and black in the schools, if I had the power, first, to legislate, and, secondly, to enforce the legislation. But the difficulty I find in that is, that there is such a degree of prejudice in the South that I am afraid that the public-school system, which has never yet obtained any special hold in the South, will be broken up if we put that provision into the bill. Then comes the provision of the committee that there shall be separate schools wherever schools are supported by taxation. There are some difficulties with an unwilling people in carrying out that provision, and there is an objection to it

on the part of the colored people, because they say they desire no legislation which shall establish any class distinction.

Then comes the proposition of my friend from Connecticut [Mr. KELOGG] to strike out all relating to schools. I should very much rather have all relating to schools struck out than have even the committee's provision for mixed schools. I leave this provision with these observations.

Mr. LAWRENCE. Will the gentleman allow me to make an inquiry?

Mr. BUTLER, of Massachusetts. I must say once for all that I cannot yield and will not yield to a mortal man. I would yield to my friend from Ohio quicker than to any other man.

Now, then, what are the objections here made to this bill? The first objection stated on the other side is that this bill establishes social equality. By no means; by no means. I undertook to show, when up before, how by this law social equality is not touched by the bill. It allows men and women of different colors only to come together in public, in theaters, in stage-coaches and cars, in public houses. I am inclined to think that the only equality the blacks ever have in the South is social equality; for I understand the highest exhibition of social equality is communication between the sexes, and I have here a statute of the State of Mississippi, which I propose to have read, which will show the extent to which social equality had place in that State before the war, and how a republican Legislature had to provide for the consequences of that social equality since the war. I ask the Clerk to read the extract from the statute which I send up.

The Clerk read as follows:

Whereas James Anderson has, by petition to the Legislature of the State of Mississippi, prayed for the removal of all illegitimacy from certain of his children, and given reasons therefor in said petition, which are just and humane in their character: Therefore,

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That Sheppard Anderson, born August 31, 1854, and begotten of Catherine Lee; Richard Anderson, born March 5, 1859, and begotten of Jane Anderson; Lewis Anderson, born May 1, 1860, and begotten of Nellie Ellis; Benjamin Anderson, born August 9, 1862, and begotten of Nellie Ellis; Caleb Anderson, born September 12, 1863, begotten of Jesse Hunnicutt; Edward Anderson, born July 8, 1864, and begotten of Alice Courtney; and Jane Anderson, born October 7, 1855, begotten by Margaret Fisher; and all of which said children are the illegitimate issue of said women, by said James Anderson, a citizen residing in Holmes County, State of Mississippi, be, and the same are hereby, declared and made the legitimate children of the said James Anderson, for all purposes in law or otherwise.

Mr. NIBLACK. I desire to know if I did not do right in keeping ladies from the floor during this discussion?

Mr. BUTLER, of Massachusetts. When was that law passed?

The CLERK. On the 11th of June, 1870.

Mr. BUTLER, of Massachusetts. Now, sir, if there is any greater social equality than that, to have one man become the father of seven children by six different colored women, I do not know what an exhibition of social equality is.

But more than that, sir. I hold in my hand the cry of a southern mother sent to me on the 19th of December last from Richmond, Virginia—a cry for another and different civil-rights bill—and I propose to have an extract from it read as a part of my remarks, that the mothers of this country may know the need of a civil-rights bill in the South to correct an evil; and while this letter is written by an unlearned woman, is illy spelled, and some portions of which I will not have read, yet I propose to have an extract read for the instruction of American women, American mothers, and American fathers. Will the Clerk read the extract I have marked?

The Clerk read as follows:

I have long wanted to address a few lines to you in regard to your civil-rights bill, but could not overcome my timidity, knowing as I do my incapacity to write as I ought to such a turned person as yourself; but fearing I shall not do my duty to my race if I remain silent, I shall trust these lines to your generosity for the forgiveness of all mistakes.

Dear sir, there is one important point which has escaped your notice. Nothing can ever make us equal with the white race while our daughters are forced to commit adultery by every white man and boy that chose to treat them as dogs; and if we attempt to apply to court one or more white boys will get up in court and say, I know her to be a bad woman or girl long ago; and the police justice calls us all a parcel of worthless prostitutes, and drives us out of court; and they won't even let the newspapers notice the outrage, just because we are colored people. Now, dear sir, you know no people can ever be great without their women are virtuous; and I know (because I live South) that we can never raise virtuous daughters unless there is some law made to protect us from the power of the white man to outrage our little daughters before they reach the age of twelve, and some of them are even outraged at eight, nine, and ten.

Do all that is in your power for us in this case, for on this reformation among our females depends our future welfare. Would it not be best to have this bill by itself? Then they surely could not say aught against that.

Mr. SMITH, of Virginia. Will the gentleman allow the remainder of that letter to be read?

Mr. BUTLER, of Massachusetts. I said over and over again that I will not yield to anybody.

Mr. SMITH, of Virginia. Did the gentleman state that that letter was from Richmond, Virginia; and if so will he give the name of the writer?

Mr. BUTLER, of Massachusetts. It is from Richmond, Virginia.

Mr. SMITH, of Virginia. Then I pronounce the statements utterly false as the republican representative from the Richmond, Virginia, district.

Mr. BUTLER, of Massachusetts. *Haud inexpertus*, I trust. Of

course every statement is false when the cry of a colored woman or a colored man comes up here.

Now, my attention has been called to a speech of the gentleman from New Jersey, [Mr. PHELPS,] wherein he told us that it would do no good to pass this bill, because prejudice is strong in the South. And when I compare his rose-colored report of the relations of the colored people and the state of affairs down in Louisiana with this statement, I was utterly astonished to find him stating that that prejudice is so strong there, when no mention of it crept into that report. I have shown, sir, that this bill does not touch the most terrible, the most awful question of social equality which grew up under a system where men traded in the results of their lust.

Now, sir, the next question we have to encounter is that this bill is born of malignity. Sir, I have a good authority on this point. It is generally supposed and believed that this bill was originated by Charles Sumner, of Massachusetts. The gentleman from Mississippi, [Mr. LAMAR,] speaking the honest sentiments of his heart no doubt in regard to that great man and this bill, says:

He did not hesitate to impress most emphatically upon the Administration, not only in public, but in the confidence of private intercourse, his uncompromising resolution to oppose to the last any and every scheme which should fail to provide the surest guarantees for the personal freedom and political rights of the race which he had undertaken to protect.

The spirit of magnanimity, therefore, which breathes in his utterances and manifests itself in all his acts affecting the South during the last two years of his life was as evidently honest as it was grateful to the feelings of those to whom it was displayed.

When Mr. Sumner came to contemplate death, his great regret was that he had not time to finish this work, that of passing the civil-rights bill which lies upon your table now.

But this was not the origin of the civil-rights bill. When we go down into the depths of the origin of civil rights, it is much further down than that. There was an old man of Puritan stock, a fanatic, if you please, who undertook to carry equality of rights into the wilderness of Kansas. He was there met by the bludgeon and the dagger and the pistol as the emblems of that civilization which he sought to overthrow. Almost crazed by that, but yet with a full belief that God had ordained that slavery should no longer exist, he organized a band of men, seventeen in number, at the head of which he put himself, and into which he took his two promising sons, defying the power of the Commonwealth of Virginia, defying the power even of this great Government, and made an invasion into Virginia and established himself there for the purpose of freeing the slaves; not in any purpose of malignity, but of love for the slave, but with a belief that God himself would interfere by a miracle and set right this great wrong, now acknowledged by all to be such. He was a brave, strong old man; he inaugurated that movement to which we are now about to put the finishing stroke.

He did it, you say, against the law. Pardon me; he had seen the law so outraged in support of slavery in Kansas that he had got his brain muddled on the question of legal right and wrong. The great brave act which he did there has been recognized by his countrymen in gratitude. Monuments have been erected to his memory, and it became the rallying cry to which marched the armies of liberty. He had many good qualities; he was a brave man; he never did a cowardly act; he never struck at anybody behind his back; and more than that, he never told a lie. Even when he lay in prison, and the governor of Virginia visited him and offered him life itself if he would but state what was not true, the old man spurned the bribe and went to the scaffold and gave his life for a poor and lowly race. And his disembodied spirit rose from thence to heaven, wafted there by the prayers and blessings of all the meek and lowly and of all the Christians in the land, and there it looks down smiling upon us from the realms of bliss, into which no liar shall ever go. His name was John Brown, the elder; not the younger, of that name.

There was another scene in the great drama of human liberty. There was a revolt in the South against the Constitution of the United States. There was an attempt to form a new confederation, whose corner-stone was slavery. There was an effort made to carry off eleven States from the constellation of stars. There was a treasonable endeavor to overturn this Government by force of arms in the interest of slavery. And that brought to the front another John Brown. I dare not trust myself to be a eulogist of that John Brown, the younger of that name. Therefore I pray the Clerk to read it from the report of the Committee on Elections of this House, where it is set out in language that must be parliamentary, however severe.

The Clerk began to read as follows:

[From the Louisville Courier-Journal, May 15, 1861.]

ELIZABETHTOWN, April 13, 1861.

Mr. HALE, of New York. I raise the point of order that this is not pertinent to the business before the House, and ought not to be thrust upon it.

Mr. W. R. ROBERTS. O, let it go on.

Mr. BUTLER, of Massachusetts. My friend was so far back, he probably did not hear what I said.

Mr. HALE, of New York. I think I heard it.

Mr. BUTLER, of Massachusetts. Then he cannot have understood it, for I said I was showing the various struggles through which the

principles which underlie the civil-rights bill had gone in order to be brought up here now for the finishing stroke.

Mr. HALE, of New York. I insist upon my point of order, that it is outside of the question before the House.

The SPEAKER. One of the most difficult points of order to rule on is, of course, the line of debate a member will mark out for himself. It is not for the Chair to dictate the line of debate for a member. The gentleman from Massachusetts of course will endeavor to keep himself within the limits of propriety.

Mr. HALE, of New York. Then I raise the further question of order that it is not in order to arraign in this manner a member of the House; that upon that subject the House has passed finally, and it is not in order here further to arraign that member.

The SPEAKER. The Chair quite concurs in the propriety of the view suggested by the gentleman from New York; but whether he is at liberty to rule out the remarks of the gentleman from Massachusetts, he does not clearly see.

Mr. HALE, of New York. I greatly regret that the remarks should be brought in here.

Mr. BUTLER, of Massachusetts. And I greatly regret the interruption. So we are even. Now, Mr. Clerk, will you go on and read? The Clerk read as follows:

[From the Louisville Courier, May 15, 1861.]

ELIZABETHTOWN, April 18, 1861.

Editors Louisville Courier:

My attention has been called to the following paragraph, which appeared in your paper of this date:

"JOHN YOUNG BROWN'S POSITION"—

Mr. HALE, of New York. I rise to another question of order. In this extract which the gentleman is having read a member is called by name; and I submit that that cannot be done under the guise of reading, any more than the gentlemen can do it himself in debate. He has no right to refer by name to a member of this House for the purpose of discussing his former conduct.

Mr. BUTLER, of Massachusetts. Have I not, Mr. Speaker, the right to read a letter written by a member of this House; that is what I am proposing to do—a letter written before he was a member? A MEMBER. It has been read in the House before.

Mr. BUTLER, of Massachusetts. This extract I wish to have read is from an official report—

Mr. HALE, of New York. I insist on my point.

Mr. BUTLER, of Massachusetts. I am reading from a public document.

Mr. BROWN. I ask the gentleman from New York [Mr. HALE] to allow the member from Massachusetts to proceed.

Mr. HALE, of New York. I speak in the interest of the House, not in the interest of the gentleman from Kentucky. Therefore I insist upon my point of order.

Mr. BUTLER, of Massachusetts. I am asking to have read from the report of a committee of this House, sanctioned and adopted by the House, a copy of a letter, to show the struggle through which the cause of civil rights has been obliged to pass in the course of its progress.

The SPEAKER. The Chair hopes the gentleman from Massachusetts will accept from the Chair a suggestion that the line of comment on which he is about to enter, and which is included in the extract now at the Clerk's desk, has more direct reference and relevancy to the painful occurrences of yesterday than to the general discussion of the civil-rights bill. It is wholly and entirely personal in its nature.

Mr. MILLIKEN. I ask that the gentleman from Massachusetts be permitted to go on in his own line of argument.

The SPEAKER. At the same time, the Chair repeats that nothing is more difficult and nothing would be productive of more mischief than for the Chair to assume to rule strictly upon the line which any gentleman may follow in his argument. That, of course, must be guided in a large degree by the view of the gentleman speaking, as to its propriety and pertinence. It would be assuming a very large function for the Chair to attempt to dictate the line of argument to any member.

Mr. HALE, of New York. Then I trust the gentleman from Massachusetts will not shame this side of the House by such an attack to which no response can be made.

Mr. BUTLER, of Massachusetts. I did not hear that remark.

Mr. HALE, of New York. I say I trust the gentleman from Massachusetts will not shame this side of the House by obtruding such remarks when there is no opportunity for response.

Mr. BUTLER, of Massachusetts. I sat here with my mouth sealed for hours yesterday and heard almost every remark I had ever made read without any objection on the part of the objecting New York member of to-day.

Mr. HALE, of New York. The gentleman from Massachusetts is in error; I did raise the objection yesterday.

Mr. BUTLER, of Massachusetts. Yes, the gentleman is right; he did object when his own language was up.

Mr. HALE, of New York. No, sir; it was when the remarks in relation to the gentleman from Massachusetts were up, and in relation to nobody else, that I interposed the objection. I have never objected as to remarks of my own.

Several MEMBERS. That is so.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I have lived to see

many things; and I expect to live to see many more, barring accidents; but I never expected to live to hear in this House of Representatives that a public report adopted by a former House cannot be read, out of kind consideration for the feelings of some man who put himself in rebellion against the country.

The SPEAKER. In so far as the comments of the Chair may have seemed to lean against the propriety of this line of discussion, the Chair desires not to be misapprehended. The point is not that a public report may not be read, if it has a relevant bearing upon the subject under discussion. The Chair does not desire to be misunderstood. He will assume no right of a doubtful character in ruling upon any gentleman's remarks. When the Chair interposes to arrest the course of debate the transgression of the rules must be very manifest and very palpable.

Mr. BUTLER, of Massachusetts. Mr. Clerk, will you go on and read?

Mr. GLOVER. I make the point of order whether the gentleman from Massachusetts—

Mr. BUTLER, of Massachusetts. I cannot be interrupted.

The SPEAKER. The gentleman from Massachusetts declines to be interrupted.

Mr. GLOVER. I rise to a point of order.

The SPEAKER. The Chair will hear the point of order.

Mr. GLOVER. The gentleman from Massachusetts has called the name of the gentleman from Kentucky [Mr. BROWN] in that connection. Indeed all his remarks have been in the same connection. He called the gentleman from Kentucky [Mr. BROWN] a rebel. I make the point of order whether he can use such language toward a member upon this floor.

The SPEAKER. The Chair understands the gentleman from Massachusetts to insist upon his right to debate here.

Mr. ELDREDGE. I rise to a parliamentary inquiry.

Mr. BUTLER, of Massachusetts. I do not think this should go on here in my time.

The SPEAKER. It does not come out of the time of the gentleman from Massachusetts. The gentleman from Massachusetts claims here the right to have read an official report, and the point made by the gentleman from New York is that that official report has no pertinency to the matter under discussion. If that were clearly and properly so, the Chair would rule it out. If it has such reference, no matter how severely it may bear on any member of this House, it cannot be ruled out upon that ground.

Mr. ELDREDGE. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear it.

Mr. ELDREDGE. It seems the gentleman from Massachusetts has gone far enough to indicate the direction which his remarks are intended to take.

The SPEAKER. What is the inquiry?

Mr. ELDREDGE. I am about to put it, if the gentleman will give me an opportunity to do it, without intending to trespass upon the House by any imposition whatever.

Mr. BUTLER, of Massachusetts. I am not to give up all my time in this way.

The SPEAKER. The Chair will hear the gentleman's parliamentary point. It will not come out of the gentleman's time.

Mr. ELDREDGE. I was remarking when interrupted that the gentleman from Massachusetts had gone far enough to indicate the line of his argument or his attack, if you please to call it so, or whatever he may be pleased to call it.

Now, is it not proper for the Speaker to put the same question to him he did to the gentleman from Kentucky yesterday—"Does he intend to assail any member upon this floor?"

The SPEAKER. The point does not come in that form. The gentleman from Wisconsin must not misapprehend the point. The attack, if it be upon the gentleman from Kentucky, would not be in the language of the gentleman from Massachusetts, but in the language of an official report; and the only parliamentary point pending at all, and upon which anything could hinge, is whether the quotation from that official report which is about to be read is relevant or pertinent, or not.

Mr. ELDREDGE. Mr. Speaker, the gentleman asks to have read a report which can only be read as a part of his remarks. In that the name of the gentleman from Kentucky appears, and it contains a severe reflection upon him, I presume, from the intimation given to us by the gentleman from Massachusetts. Now, at that point, is it not proper for the Speaker to put the same question to him he put to the gentleman from Kentucky yesterday, whether the gentleman from Massachusetts intends to assail the character and honor of the gentleman from Kentucky?

The SPEAKER. The gentleman is outside of the point before the House. The gentleman from Massachusetts desires to have read an extract from an official report to this House containing a letter from the gentleman from Kentucky; and whether that is relevant or not is the only point at issue. Is the reading of that letter relevant to this debate? It is not for the Chair to ask the gentleman from Massachusetts whether the reading of that letter will reflect on the gentleman from Kentucky or not. The gentleman is not saying anything about the gentleman from Kentucky.

Mr. ELDREDGE. That is his intention, his purpose, his object in having this paper read.

The SPEAKER. The Chair never rules upon the motives of members.

Mr. HALE, of New York. The gentleman from Massachusetts can be properly inquired of whether he thinks this letter has any bearing on the subject under consideration.

Mr. BUTLER, of Massachusetts. I certainly do, and I will make it pertinent whenever the gentleman will allow it to be read.

The SPEAKER. The relevancy or pertinency of matter used in debate must be left, unless the rules are palpably transgressed, to the discretion of each member.

Mr. HALE, of New York. I trust the House will bear in mind the declaration of the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I trust they will.

The Clerk read as follows:

[From the Louisville Courier, May 15, 1861.]

ELIZABETHTOWN, April 18, 1861.

Editors Louisville Courier:

My attention has been called to the following paragraph which appeared in your paper of this date:

"JOHN YOUNG BROWN'S POSITION.—This gentleman in reply to some searching interrogatories put to him by Governor Helm, said, in reference to the call of the President for four regiments of volunteers to march against the South. 'I would not send one solitary man to aid that Government, and those who volunteer should be shot down in their tracks.'"

This ambiguous report of my remarks has, I find, been misunderstood by some who have read it, who construe my language to apply to the government of the Confederate States. What I did say was this:

"Not one man or one dollar will Kentucky furnish Lincoln to aid him in his unholy war against the South. If this northern army shall attempt to cross our borders we will resist it unto the death; and if one man shall be found in our Commonwealth to volunteer to join them, he ought and I believe will be shot down before he leaves the State."

This was not said in reply to any question propounded by ex-Governor Helm as you have stated, and is no more than I frequently uttered publicly and privately prior to my debate with him.

Respectfully,

JOHN YOUNG BROWN.

Mr. HALE, of New York. I now rise to a question of order.

Mr. BUTLER, of Massachusetts. Let the Clerk read the next passage I have marked; it is a portion of the committee's report.

The Clerk read as follows:

The letter bears date April 18, 1861, and was addressed to and published in a paper openly advocating war upon the nation, rather than in either of the two Union papers of Louisville. Sumter had been fired upon six days before; President Lincoln had three days before called on the governors of States for seventy-five thousand volunteers to put down the rebellion; Governor Magoffin, of Kentucky, had replied, "I say emphatically Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States;" the nation had been aroused; the patriotic heart throughout its length and breadth had been stirred, and the appeal had summoned every man to his duty; in Kentucky there was doubt and uncertainty; there was diversion among her leading men, the public mind was excited and sensitive in the extreme, and the mass of her people were wavering. Under these circumstances and in this condition of things, Mr. Brown, one of her young and popular orators, gifted and influential, returns from the halls of Congress, and, almost in the same language with which her governor had hurled back his treasonable response to President Lincoln's proclamation, declares, "publicly and privately," to the doubting and hesitating among his fellow-citizens that "not one man or one dollar will Kentucky furnish Lincoln to aid him in his unholy war against the South. If this northern army shall attempt to cross our borders, we will resist it unto the death; and if one man shall be found in our Commonwealth to volunteer to join them, he ought and I believe will be shot down before he leaves the State."

How much of the blood that subsequently flowed upon the soil of Kentucky is justly attributable to these sentiments thus uttered will never be known. But it was a pledge of impunity for murder; it stimulated thirst for the blood of Union soldiers; and there followed the blackest crimes, not against country alone, but against humanity. The letter also discloses that he had privately avowed these atrocious sentiments. It is no less than a confession that he had secretly urged the assassination of Union soldiers while promising to shield the confederate, thus encouraging, stimulating, and setting on foot the guerrilla warfare which subsequently raged with such infamous cruelty in many parts of Kentucky. The committee are forced to believe that Mr. Brown, in manner and form herein set forth, has contributed to these terrible results, and that therein having "voluntarily given aid, countenance, counsel, and encouragement to persons engaged in armed hostility to the United States."

Mr. HALE, of New York. I now rise to a further question of order. The gentleman from Massachusetts has procured the reading of this statement on his personal assurance to the House that it was pertinent to the subject under consideration before the House. The reading which has taken place demonstrates that that declaration of the gentleman from Massachusetts was without foundation.

Mr. BUTLER, of Massachusetts. By no means.

Mr. HALE, of New York. I raise this question of order—

Mr. BUTLER, of Massachusetts. On which I presume I will be heard.

Mr. HALE, of New York. I raise the question of order that this document read from the desk has been improperly read, and ought not to be allowed to go into the Record.

Mr. ELDREDGE. The gentleman should request the words to be taken down, that the question of prevarication may be raised upon them.

Mr. BUTLER, of Massachusetts. I think I have a right to show how what has been read is pertinent to this discussion.

The SPEAKER. The Chair will hear the gentleman.

Mr. HALE, of New York. My point of order being reserved.

The SPEAKER. Certainly; the point of order will be reserved.

Mr. BUTLER, of Massachusetts. The gentleman from Kentucky [Mr. BROWN] made a speech against the civil-rights bill, and I have endeavored to put his published sentiments, as reported upon by a

committee of this House, before the House to show how little heed we should pay to anything he says on the subject; to show how little we should take his advice; how little we should hear from him at all unless he has deeply repented; and I have no knowledge of his repentance.

Again, it is pertinent in this: He accused me of being the only one who charged that there were murderers in the South. I produce the solemn report of a committee of the House, and his own letter to show that there were men who counseled murder in the South, and not only murder, but assassination, and that instead of my being his accuser he was his own accuser; and that this state of things existed, which shows how completely the negro, if we do not protect him in his rights, is at the mercy of the same men who would have shot down the gentleman from New York himself if he had ever dared to step across the line of Union bayonets during the war. [Applause on the floor and in the gallery.]

Mr. CROSSLAND. I rise to a question of order. I desire to know if this House has no power to protect itself against these disorderly and insolent manifestations.

The SPEAKER. The Sergeant-at-Arms is hereby directed by the Chair, on the slightest manifestations in the galleries of disapproval or applause, to clear them preemptorily.

Mr. COX. But the disorderly conduct is also on the floor.

The SPEAKER. The Chair hopes the gentlemen on the floor do not require that motion. The Sergeant-at-Arms will be expected to do what the Chair has directed without further instructions from the Chair.

Mr. HALE, of New York. The first position of the gentleman from Massachusetts [Mr. BUTLER] is that this reading is pertinent because it demonstrates the little weight to be given to the arguments of the gentleman from Kentucky.

Now, the gentleman might just as well by that course of argument insist upon his right to attack the personal character of any member of this House, to read evidence to attack his character or to prove that he or any other member of the House had been guilty of felony or of any other grave offense like that, or a charge perhaps like that, of drawing, contrary to law, double salary, as to make this point on the gentleman from Kentucky, [Mr. BROWN.] It is a conclusive answer which he makes himself when he proposes to demolish the gentleman's argument by attacking the gentleman's character. In regard to the statement that the gentleman from Kentucky was the one who charged him with being a murderer and with having murdered a man in New Orleans, the gentleman is entirely in error as to the person who made that charge. That remark did not come from the gentleman from Kentucky, and the remarks of the gentleman it seems to me are entirely out of order and should not go upon the record.

The SPEAKER. This, of course, is a point of order which has to be decided by the House. It is not in the power of the Chair to decide what shall go upon the record.

Mr. HALE, of New York. I move, if it be in order, that that portion of the gentleman's remarks do not go upon the record.

Mr. NEGLEY. And I move to lay that motion on the table.

The SPEAKER. The Chair cannot entertain the motion.

Mr. BUTLER, of Massachusetts. Now I was about to say, when interrupted, that the reason why we desired to have this bill passed was the very fact that has been so often put before us, that we are about passing out of power. We are to surrender power, in one branch of this Government at least, into the hands of gentlemen who entertain the sentiments toward Union men and Union soldiers, and who avowed them on the stump and have not retracted them to my knowledge, that are contained in the report I have had read. And if I am claimed to have been wrong the other day in saying that there was a minority of murderers in the South, here is my justification, the House of Representatives having solemnly said it by adopting that report—have declared that there were not only murderers in the South but assassins, and therefore I was right in saying it.

Mr. ELDREDGE. I ask that the last words of the gentleman from Massachusetts be taken down and read at the Clerk's desk.

The SPEAKER. They will be written out.

The notes having been written out by the reporter, the Clerk read as follows:

And if I was wrong the other day in saying that there was a minority of murderers in the South, here is my justification, the House of Representatives having solemnly said it by adopting that report—not only murderers, but assassins; and therefore I was right in saying it.

The SPEAKER. What is the point of order that the gentleman from Wisconsin makes upon that language?

Mr. ELDREDGE. The language to which I object preceded that. As I apprehended the remarks of the gentleman from Massachusetts, they were that the Government was about to be surrendered into the hands of murderers and assassins.

Many MEMBERS. O, no! O, no!

The SPEAKER. The Chair rules that the remarks of the gentleman from Massachusetts come within the rules of the House. There is nothing in the language read that transcends the rules of debate. The Chair of course cannot be a censor on the propriety of the language used here.

Mr. ELDREDGE. I do not ask the Chair to do that; I ask him to rule upon the remarks which the gentleman from Massachusetts made.

The SPEAKER. The remarks made by the gentleman from Massachusetts were clearly and absolutely within the legitimate line of debate.

Mr. RANDALL. I move that the gentleman from Massachusetts have leave to proceed.

Mr. BUTLER, of Massachusetts. I ask such leave from no one.

The SPEAKER. The gentleman from Massachusetts requires no leave to proceed, as the Chair has ruled that his language was absolutely within the legitimate limits of debate.

Mr. BUTLER, of Massachusetts. Did the gentleman from Wisconsin understand me to say that the gentleman from Kentucky was an assassin and a murderer?

Mr. ELDREDGE. I did not; but I understood the gentleman from Massachusetts to say that he was justified in his remarks in calling a minority of the people of the South by the terms which he used and which I do not choose to repeat, because the Government was about to pass into the hands of murderers and assassins, at least in one branch of it, and there are gentlemen on this floor who will form a part of that branch of the Government in the next Congress. I remark at the same time that the gentleman did not reflect on me.

The SPEAKER. The Chair doubts if even in the extreme form in which the gentleman presents it a point of order could be raised. Put it in the extremest form, and the right of a member on the floor to abuse everybody under the sun except a fellow-member or a member of the Senate is undoubted.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. Is it not in order also for members to be abused by everybody else under the sun?

The SPEAKER. The Chair does not need to make a ruling to sustain any man in that right.

Mr. BUTLER, of Massachusetts. I desire, sir, to assure gentlemen on the other side and to assure the men of the South that we are only trying to protect these poor men that we have taken from slavery and made citizens, and I adjure them now that they shall do it for themselves after this bill is passed, so that there shall never be an occasion to put a single provision of it into effect.

Now, sir, having vindicated my right to say what I please upon this question, and I do not please to say anything that I have not a right to say, I desire to say in all kindness to the southern people that I sympathize with them in their deplorable condition. It is different from what it is with us in the North. When the northern army was disbanded hundreds and thousands of men were sent back home, some of whom if unemployed would have become the pests of society. But we rapidly absorbed all those, with a very few exceptions, because we had employment—mechanical, manufacturing, sea-faring, and other employments—to take up all the unruly and uneasy spirits that got into the Army and were demoralized by camp-life.

But with the South it was different. Their system of labor had prevented the white man from laboring, even from learning to labor, and when the southern army disbanded it threw upon society a class of men demoralized by war, without work, without employment, largely without education by which they might divert their minds, with nothing on earth to do except to brood upon their defeat and think how wrong it was that the result of the war had been such as to take from them the negro who had earned their living for them before the war. And that state of natural irritation has brought forward in the South a large number of unruly men, demoralized men, who make substantially all the disturbances there. Most of the "white-leaguers," that are not young men simply growing up with the teaching of the war, are men of that class.

I call upon the good men South, if they want prosperity, that they themselves check and control this class of men. They are impoverishing the South; they are impoverishing our country. And when I spoke of the South having a large minority of murderers and night-riders, I spoke of that class of men that make the Ku-Klux and White Leagues. It never occurred to me that any man on this floor could suppose for a moment that I referred to men who are here, or to a majority of the men in the South, who I have no doubt honestly desire peace and quiet. I am bound in all fairness to say so much; and it is done without compulsion.

I have now an answer to make to the gentleman [Mr. WHITEHEAD] who told us yesterday that if we passed this civil-rights bill the people of the South would export their cotton and tobacco directly to Europe, and would not let us of the North make a profit on it. What an argument to address to men of common intelligence! Think of it a moment. If we do what is right to preserve the rights of the negro, who raises the cotton and tobacco, and without whose labor there would not be a bale of cotton or twenty pounds of tobacco raised there, we are threatened that the South will sell it all to England! Will you indeed? And you will not buy our goods, you say. Now that depends upon whether we can sell goods to you cheaper than England can. You know you would buy wooden nutmegs if we sent them down there, and they were cheaper than the real articles.

The day has gone past when the merchants of New York were kept in the slavery column by threats that the South would not trade with them. Why, sir, ten years have passed, twelve years have passed, a great war has passed; and are we to be thrown out of our propriety here by an argument of that sort? I was sorry to hear my friend near me, [Mr. CHITTENDEN,] the only representative here of the merchants of New York, make a speech against this bill immedi-

ately after that threat was made. I am certain he did not hear it; and if he had it would have had no effect on him.

Mr. CHITTENDEN. I did not hear it.

Mr. BUTLER, of Massachusetts. I am certain of that, and I was bound to say that much for the gentleman.

Mr. CHITTENDEN. I did not hear it; if I had I should have answered it emphatically.

Mr. BUTLER, of Massachusetts. Another argument; we are told that if we pass this bill we shall not come back to Congress, and we are reminded by the gentleman from New Jersey [Mr. PHELPS] that this bill was the great issue in the last election. I will not stop to make a personal application of that to the gentleman from New Jersey, [Mr. PHELPS,] for he is an example quite to the contrary, if you please, as he voted against this bill and has not come back. But I say in the face of the country that it is my deliberate conviction that the reason why some here have not been sent back is because we did not pass this bill a year ago. The people turned from us because we were a do-nothing party, afraid of our shadows; because we were aptly described by that portion of Scripture which relates how it was written to the angel of the church of the Laodiceans:

I know thy works, that thou art neither cold nor hot: I would thou wert cold or hot. So then because thou art lukewarm, and neither cold nor hot, I will spew thee out of my mouth.

The republican party being neither hot nor cold, the country rightly spewed us out of its mouth. When I am met in the argument by the assertion "You do not represent the people; you were beaten in your election," my answer is that my successor—a very estimable gentleman he is in every sense—could no more have come here than he could have been translated to heaven as Elijah was if he had not agreed to stand upon the doctrine of equality of races and of men before the law, and so declared on every stump in my district. Nor could one democrat have been elected from Massachusetts, not even my old friend who is to represent the district of my colleague, [Mr. DAWES,] and who voted with me fifty-seven times for Jeff Davis, unless it was understood that he stood with me for the equal rights of all men.

I say again, and I want it to go forth as a thing which I stand upon, as you on the other side were compelled in your platform of 1872 to declare for equality of rights of all men before the law, so every republican was bound to stand by that. And where we were beaten it was because we had neglected to do the thing we had promised, and it was not made an accomplished fact. When we passed the thirteenth amendment to the Constitution of the United States we lost Ohio the first year; but we regained it the next. So now if the republican party will finish their great work, pass the civil-rights bill. If, then, we will by bayonet or otherwise bring peace, prosperity, law and good order in the South, and put down those that ride by night there to murder and burn, which the South ought to do for itself, you will find that we will come back here sustained by voices of the loyal Union-loving men of the country.

[Here the hammer fell.]

The SPEAKER. The gentleman's time has expired. The first question is upon the amendment of the gentleman from Connecticut to the bill reported by the Judiciary Committee.

Mr. COX. I reserve the right to a separate vote on the preamble.

The SPEAKER. That of course can be had. That will be the last vote.

Mr. BUTLER, of Massachusetts. It is the last vote gentlemen on the other side want.

Mr. SMITH, of Virginia. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. SMITH, of Virginia. A letter has been read here this morning from my district without a signature—a letter which is basely false in every particular; and I find by reference—

The SPEAKER. The only thing that can make that a question of privilege is some falsehood respecting a member of the House. Does the gentleman affirm that the letter contains any such thing?

Mr. SMITH, of Virginia. The letter which was read is a letter from Richmond.

The SPEAKER. The Chair does not see any question of privilege here. Any falsehood respecting a member of the House would constitute a question of privilege.

Mr. SMITH, of Virginia. It affects my constituents.

The SPEAKER. That is not a question of privilege.

Mr. SMITH, of Virginia. It is a misrepresentation of them from beginning to end.

The SPEAKER. That may be.

Mr. BUTLER, of Massachusetts. I have the name of the writer in my pocket.

Mr. SMITH, of Virginia. I ask unanimous consent to make a statement.

Mr. BUTLER, of Massachusetts. I shall object unless I have the same privilege.

Mr. SMITH, of Virginia. It affects me as a Representative in that it is a false charge.

The SPEAKER. That cannot constitute a question of privilege.

Mr. BUTLER, of Massachusetts. I have the name of the writer in my pocket. I did not choose that they should kill that poor colored woman.

The SPEAKER. The question is on the amendment of the gentleman from Connecticut, [Mr. KELLOGG,] which is to strike out from the

bill reported by the Judiciary Committee the words which will be read by the Clerk.

The Clerk read as follows:

Strike out the following:

And also all common schools and public institutions of learning or benevolence supported in whole or in part by general taxation, and also the institutions known as agricultural colleges endowed by the United States.

Strike out also the following:

Provided, That if any State or the proper authorities in any State, having the control of common schools or other public institutions of learning aforesaid, shall establish and maintain separate schools and institutions, giving equal educational advantages in all respects for different classes of persons entitled to attend such schools and institutions, such schools and institutions shall be a sufficient compliance with the provisions of this section so far as they relate to schools and institutions of learning.

The question being taken on the amendment of Mr. KELLOGG, there were—ayes 128, noes 48.

Mr. ORTH called for the yeas and nays.

Mr. BURROWS. Can the question on this amendment be divided?

The SPEAKER. It is not divisible.

The yeas and nays were not ordered.

So the amendment of Mr. KELLOGG was agreed to.

Mr. KELLOGG moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair understands that the preamble proposed by the gentleman from Indiana [Mr. SHANKS] is intended to apply to whichever bill the House may agree to.

Mr. SHANKS. Yes, sir.

The SPEAKER. Therefore it will properly be reserved for the last vote.

Mr. COX. Would it be in order to offer an amendment to the preamble so as to include another clause of that platform?

The SPEAKER. It would not, because the previous question is operating on the whole.

Mr. COX. As a part of the amendment, I would propose, if in order, another part of the platform read by the gentleman from Indiana, [Mr. SHANKS:]

Local self-government, with impartial suffrage, will guard the rights of all citizens more securely than any centralized power. The public welfare requires the supremacy of the civil power over the military authority.

The SPEAKER. The next question is on the substitute of the gentleman from Alabama, [Mr. WHITE.] The gentleman from Pennsylvania [Mr. CESSNA] having moved as a substitute for the committee's bill the text of the Senate bill *in totidem verbis*, the gentleman from Alabama moves to substitute for the amendment of the gentleman from Pennsylvania what the Clerk will read.

Mr. HALE, of New York. I ask unanimous consent to offer a verbal amendment to the substitute of the gentleman from Alabama.

Mr. NEGLEY. I object.

The Clerk read as follows:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude: *Provided*, That nothing in this act shall be construed to require mixed accommodations, (by sitting together,) facilities, and privileges at inns, in public conveyances on land or water, theaters or other places of public amusement, for persons of different race or color, nor to prohibit separate accommodations, facilities, and privileges at inns, in public conveyances on land or water, theaters or other places of public amusement; such separate accommodations, facilities, and privileges being equal in equipment and kind for persons of every race and color, regardless of any previous condition of servitude: *And provided further*, That nothing in this act shall be construed to require mixed common schools and public institutions of learning and benevolence for persons of different race or color, nor to prohibit separate common schools for different races or colors, provided the facilities, duration of term, and equipments of such common schools and public institutions for both races in the town, city, school district, or other topographical division shall be equal in facilities and equipments for both races for the purposes for which such institutions are established.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit the sum of \$500 to the person aggrieved thereby, to be recovered in action of debt, with full costs: *Provided*, That no action shall be maintainable under the provisions of this act when equal but separate accommodations, advantages, facilities, or privileges are provided for and are not denied to the party complaining of the violation of this act: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred.

SEC. 3. That the district and circuit courts of the United States shall have cognizance of all violations of the provisions of this act, and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party.

SEC. 4. That no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction, be fined not more than \$1,000.

SEC. 5. That all cases arising under the provisions of this act shall be reviewable by the Supreme Court of the United States, without regard to the amount in controversy, in the same manner as now provided by law for the review of other causes in said court.

Mr. RANDALL. I rise to a parliamentary question. I wish to inquire what would be the effect of the adoption of the substitute of the gentleman from Alabama with regard to the amendment of my colleague [Mr. CESSNA] and the bill of the Judiciary Committee as amended by the adoption of the amendment of the gentleman from Connecticut, [Mr. KELLOGG?]

The SPEAKER. The matter now stands in this position: There are two substitutes pending. The gentleman from Pennsylvania [Mr. CESSNA] moves a substitute which is in effect the Senate bill. The gentleman from Alabama [Mr. WHITE] moves as a substitute for that the sections which have just been read. If the House votes to substitute the amendment of the gentleman from Alabama for that of the gentleman from Pennsylvania, it will require a second vote to substitute it for the bill of the Judiciary Committee.

Mr. RANDALL. As amended.

The SPEAKER. If, on the other hand, the House should reject the amendment of the gentleman from Alabama, it will then come to a direct vote on substituting for the bill of the Judiciary Committee the amendments of the gentleman from Pennsylvania, which is the Senate bill.

Mr. SENER. The Chair says that the amendment of the gentleman from Pennsylvania is in effect the Senate bill. Is it not the precise language of the Senate bill?

The SPEAKER. It is.

The question being taken on agreeing to the substitute of Mr. WHITE, there were—ayes 91, noes 114.

Mr. SENER and others called for the yeas and nays.

On ordering the yeas and nays there were—ayes 24, noes 112.

Mr. YOUNG, of Georgia, and Mr. ROBBINS called for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered; and the substitute of Mr. WHITE was not agreed to.

Mr. CESSNA moved to reconsider the vote by which Mr. WHITE's substitute was rejected, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Pennsylvania, [Mr. CESSNA,] to substitute the text of the Senate bill for the bill of the Judiciary Committee as amended by the House.

Mr. CESSNA and Mr. SPEER called for the yeas and nays.

The yeas and nays were ordered.

The substitute of Mr. CESSNA was as follows:

That all citizens and other persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters and other places of public amusement and also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation and of cemeteries, so supported; and also the institutions known as agricultural colleges endowed by the United States, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any entitled to its benefit, except for reasons by law applicable to citizens of every race and color and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of \$500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or shall be imprisoned not more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party. And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States or territorial court as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than \$1,000.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

Mr. LEWIS. I wish to make a parliamentary inquiry. If the House should now agree to the amendment of the gentleman from

Pennsylvania, will it bring before the House for final action the bill in the form agreed to by the Senate?

The SPEAKER. It will not bring the Senate bill itself before the House, but it will bring the exact words of the Senate bill.

Mr. KELLOGG. Including the provision of the Senate bill in regard to schools?

The SPEAKER. The Chair can say nothing about the provisions of any of these propositions; that is a matter with which he has nothing to do.

The question was taken; and it was decided in the negative—yeas 114, nays 148, not voting 27; as follows:

YEAS—Messrs. Albert, Barber, Barrere, Bass, Begole, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Clayton, Stephen A. Cobb, Coburn, Conger, Cotton, Crooke, Crounse, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Eames, Field, Fort, Foster, Garfield, Gooch, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hurlbut, Kasson, Kelley, Lampport, Lansing, Lawrence, Lawson, Loughbridge, Lowe, Lynch, McCrary, MacDougall, James W. McDill, McNulta, Monroe, Morey, Morrison, Myers, Negley, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Potter, Pratt, Rainey, Randall, Rapier, Ray, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Standford, Starkweather, Charles A. Stevens, Storm, Stowell, Straits, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—218.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Bundy, Roderick B. Butler, Caldwell, Caulfield, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Comingo, Cook, Corwin, Cox, Crittenden, Crossland, Crutchfield, Davis, DeWitt, Dunnell, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunckel, Gunter, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Hays, Hereford, Herndon, Holman, Hubbell, Hunter, Hutton, Hyde, Hynes, Kellogg, Knapp, Lamar, Lamison, Leach, Lewis, Lofland, Lowndes, Luttrell, Magee, Martin, Alexander S. McDill, McLean, Merriam, Milliken, Mills, Moore, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Packer, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Phelps, James H. Platt, jr., Poland, Potter, Randall, Ray, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shields, Lazarus D. Shoemaker, Sloan, Sloss, J. Ambler Smith, Snyder, Speer, Standford, Stone, Storm, Straits, Strawbridge, Swann, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—148.

NOT VOTING—Messrs. Barnum, Barry, Creamer, Danford, Farwell, Freeman, Frye, George F. Hoar, Kendall, Killinger, Marshall, Maynard, McKee, Mitchell, Nunn, Phillips, Thomas C. Platt, Purman, Ransier, Sherwood, William A. Smith, Southard, Alexander H. Stephens, St. John, Charles R. Thomas, Walls, and Wheeler—27.

So the substitute was rejected.

During the vote,

Mr. SLOAN stated his colleague, Mr. FREEMAN, who was absent on account of sickness, would, if present, vote in the negative.

Mr. SOUTHARD said: Mr. Speaker, I am paired with my colleague, Mr. SHERWOOD, who is absent. He would vote "ay," and I would vote "no." I wish to state further I voted twice the other day on a question relating to this matter through mistake, when I was paired with Mr. SHERWOOD.

Mr. RANDALL stated that Mr. STEPHENS, of Georgia, who was compelled to leave the Hall, would, if present, vote in the negative. The vote was then announced as above recorded.

Mr. SPEER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. VANCE. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question then recurred on the adoption of Mr. SHANK's preamble, as follows:

Whereas it is essential to just government we recognize the equality of all men before the law, and hold it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the proper object of legislation to enact fundamental principles into law: Therefore, &c.

Mr. POTTER. I should like to amend that preamble by adding the following sentence from the democratic platform:

4. Local self-government, with impartial suffrage, will guard the rights of all citizens more securely than any centralized power.

The SPEAKER. The amendment is not in order, as the previous question is still operating.

Mr. HYNES. The gentleman from Indiana said that preamble was adopted under duress. Can the House enforce that duress?

The SPEAKER. The Chair knows nothing of duress outside of the Hall.

Mr. SHANKS demanded the yeas and nays on the preamble.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 218, nays 26, not voting 45; as follows:

YEAS—Messrs. Albert, Albright, Archer, Ashe, Atkins, Averill, Banning, Barber, Barrere, Bass, Beck, Begole, Biery, Bland, Bradley, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick B. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Co-

mingo, Conger, Cook, Corwin, Cotton, Cox, Crittenden, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eden, Field, Fort, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamar, Lampport, Lansing, Lawrence, Lawson, Leach, Lofland, Loughbridge, Lowe, Lowndes, Magee, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Mills, Monroe, Moore, Morey, Morrison, Myers, Negley, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Potter, Pratt, Rainey, Randall, Rapier, Ray, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Speer, Sprague, Standford, Starkweather, Charles A. Stevens, Storm, Stowell, Straits, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—218.

NAYS—Messrs. Adams, Arthur, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, Chittenden, Crossland, Davis, Eldredge, Hancock, Henry R. Harris, Hutton, McLean, Milliken, Nesmith, Read, Schell, Stone, William B. Williams, Ephraim K. Wilson, and John D. Young—26.

NOT VOTING—Messrs. Barnum, Barry, Creamer, Danford, Farwell, Finck, Freeman, Frye, Robert S. Hale, John T. Harris, George F. Hoar, Kendall, Killinger, Knapp, Lamison, Lewis, Luttrell, Lynch, Marshall, Maynard, Mitchell, Neal, Niblack, Nunn, Phelps, Thomas C. Platt, Purman, Ransier, Rusk, Milton Saylor, John G. Schumaker, Sherwood, Sloss, William A. Smith, Southard, Alexander H. Stephens, St. John, Walls, Wheeler, Whitthorne, Charles W. Willard, Willie, Wolfe, Wood, and Pierce M. B. Young—43.

So the preamble was adopted.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the preamble was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. I now call for the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

The question was on the passage of the bill.

Mr. ELDREDGE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 99, not voting 28; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampport, Lansing, Lawrence, Lawson, Lewis, Loughbridge, Lowe, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Pratt, Rainey, Rapier, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—162.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick B. Butler, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Crutchfield, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hutton, Knapp, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sloan, Sloss, J. Ambler Smith, Speer, Standford, Alexander H. Stephens, Stone, Storm, Swann, Christopher Y. Thomas, Thornburgh, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Barnum, Barry, Creamer, Danford, Farwell, Freeman, Frye, Havens, George F. Hoar, Kendall, Killinger, Marshall, Maynard, Mitchell, Nunn, Thomas C. Platt, Purman, Ransier, Ray, Sener, Sherwood, William A. Smith, Southard, St. John, Straits, Walls, and Wheeler—28.

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. FARWELL. On this question I am paired with Mr. MITCHELL, of Wisconsin. If he were here he would vote "no," and I would vote "ay."

Mr. SOUTHARD. I am paired with my colleague, Mr. SHERWOOD. If here he would vote "ay," and I would vote "no."

Mr. SENR. On the final passage of this bill I am paired with the gentleman from South Carolina, Mr. RANSIER, who has been suddenly called home on account of the dangerous illness of a member of his family. If he were here he would vote "ay," and I would vote "no."

Mr. MCKEE. I desire to state that my colleague, Mr. BARRY, is detained from the House by illness. If he were here he would vote "ay."

Mr. GUNCKEL. My colleague, Mr. DANFORD, is absent under leave from the House by reason of sickness.

The result of the vote was then announced as above recorded.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CESSNA. I desire to make a request for unanimous consent. The battle is over and the result is before us in the shape of the passage of a modified bill. I ask unanimous consent, though not in accordance with my own votes, that we take from the Speaker's table the Senate bill and adopt this as a substitute for it.

Mr. SPEER. I object.

Mr. CESSNA. I make the proposition merely for the purpose of saving time.

Mr. RANDALL. It will not save any time. This bill will go over to the Senate and of course be passed at once.

HENNEPIN CANAL.

Mr. HAWLEY, of Illinois. I rise to a privileged question. I call up the motion to reconsider the vote by which the House postponed the consideration of the bill (H. R. No. 145) for the construction of a canal connecting the waters of Lake Michigan and of the Illinois, the Mississippi, and the Rock Rivers until to-morrow at one o'clock.

The question being taken on the motion to reconsider, there were—ayes 102, noes 71.

Mr. HOLMAN called for the yeas and nays.

Mr. GARFIELD. I hope the yeas and nays will not be insisted upon, and that the gentleman will allow me to go on with the appropriation bill.

Mr. SPEER. Certainly; I will agree to that.

Mr. YOUNG, of Georgia. I call for the regular order.

On the question of ordering the yeas and nays there were—ayes 26, noes 94.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 82, not voting 65; as follows:

YEAS—Messrs. Albert, Averill, Banning, Barber, Barrere, Bass, Biery, Bradley, Bufington, Burleigh, Benjamin F. Butler, Roderick B. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crutchfield, Darrall, Dobbins, Donnan, Duell, Dannel, Eames, Eldredge, Farwell, Field, Fort, Foster, Gooch, Hagans, Harmer, Benjamin W. Harris, John T. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hayes, John W. Hazelton, Hendee, Hereford, Herndon, Hodges, Houghton, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Knapp, Lansing, Lawrence, Lewis, Lofland, Loughbridge, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDongall, McNulta, Merriam, Moore, Morey, Myers, Negley, Nesmith, Niles, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Phillips, Pierce, Poland, Pratt, Rainey, Rapier, Ray, Richmond, James C. Robinson, Rusk, Sawyer, Schell, John G. Schumaker, Sessions, Sheets, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, Snyder, Sprague, Stanard, Standford, Alexander H. Stephens, Charles A. Stevens, Stone, Stowell, Straft, Strawbridge, Swann, Taylor, Charles K. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Williams Williams, Ephraim K. Wilson, and James Wilson—142.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, John B. Clark, jr., Cook, Cox, Crittenden, Crossland, Curtis, DeWitt, Durham, Finck, Garfield, Giddings, Glover, Gunckel, Gunter, Robert S. Hale, Hamilton, Henry R. Harris, Hatcher, E. Rockwood Hoar, Holman, Hoskins, Hunter, Hulton, Lamar, Lawson, Leach, Magee, Milliken, Mills, Monroe, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Parsons, Pendleton, Pike, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Henry B. Saylor, Scofield, H. Boardman Smith, John Q. Smith, Southard, Spear, Storm, Tyner, Vance, Waddell, Waldron, Whitehouse, Whitthorne, Charles W. Willard, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—82.

NOT VOTING—Messrs. Albright, Barnum, Barry, Bundy, Burrows, Chittenden, Clymer, Clinton L. Cobb, Comingo, Creamer, Crouse, Danford, Davis, Davies, Eden, Freeman, Frye, Eugene Hale, Hancock, Hathorn, Gerry W. Hazelton, George F. Hoar, Hooper, Howe, Kellogg, Kendall, Killinger, Lamson, Lamport, Luttrell, Marshall, Maynard, McKee, McLean, Mitchell, Nunn, Perry, Phelps, James H. Platt, jr., Thomas C. Platt, Purman, Ransier, William R. Roberts, Ross, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sherwood, Sloss, J. Ambler Smith, William A. Smith, Starkweather, St. John, Sypher, Todd, Tremain, Wallis, Marcus L. Ward, Wheeler, Wilber, George Willard, William B. Williams, and Woodworth—65.

So the motion to reconsider the vote postponing the bill was agreed to.

The question recurred on the motion to postpone; and being put, it was not agreed to.

The SPEAKER. That brings the Hennepin Canal bill before the House.

Mr. GARFIELD. I now ask the gentleman from Illinois [Mr. HAWLEY] to yield to me to allow me to go on with the appropriation bills.

Mr. HAWLEY, of Illinois. If I yield to the gentleman will the bill come up to-morrow?

The SPEAKER. It is now before the House, subject of course to the House going into Committee of the Whole or to any other privileged business.

Mr. HOLMAN. Can this business be postponed except by unanimous consent, so as to have control of the House to-morrow?

The SPEAKER. It must have control of the House as unfinished business to-morrow.

Mr. SMITH, of New York. May it not be postponed to-morrow to make way for a privileged question, if a majority of the House so determine?

The SPEAKER. Yes; a majority of the House, of course, can do anything.

Mr. ELDREDGE. What legislative day is this?

The SPEAKER. It is Thursday.

Mr. ELDREDGE. This is Thursday, is it? I was induced to withdraw my objection to dispensing with the reading of the Journal with the express understanding that the House was to adjourn at noon, and I desire, if I can now do so, to withdraw that objection. The Speaker gave me to understand that if I persisted in my demand for the reading of the Journal, the House could not adjourn at noon.

The SPEAKER. The Chair was of the opinion that the House would adjourn and ought to adjourn at twelve o'clock, but the gentleman who was entitled to the floor refused to yield for a motion to adjourn.

Mr. ELDREDGE. I withdrew the objection with the express understanding that the House would adjourn, or I should have insisted on the reading of the Journal.

The SPEAKER. Well; the gentleman has lost nothing. The Journal will be read when the House meets again.

Mr. ELDREDGE. If the Journal is to be read when the House next meets, of course I have nothing further to say about it.

The SPEAKER. O, undoubtedly; the Journal will all be read.

NATIONAL BANK AND BANK EXAMINERS.

The SPEAKER appointed as the conferees on the part of the House on the conference ordered on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners, Mr. MAYNARD, Mr. MERRIAM, and Mr. DURHAM.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire now to call up the legislative, executive, and judicial appropriation bill, with the amendments of the Senate thereto; and I desire to say that two or three changes have been made in the printed report of the committee, which are marked upon the copy of that report which I send to the Chair.

I desire to say further that I hope the House will remain long enough in session first to dispose of the amendments to this bill and to the consular bill, to which the amendments of the Senate are immaterial, and which I think can be disposed of by one vote. I ask the House then to pass the pension appropriation bill to-day. That will not take more than five or six minutes, and it will give the Senate something to work upon.

Mr. RANDALL. I join cordially in the suggestion of the gentleman from Ohio, that we dispose of these three bills to-day.

Mr. GARFIELD. Before calling up the legislative, &c., bill, I yield to my colleague on the Committee on Appropriations from Maryland, [Mr. SWANN], who has charge of the consular appropriation bill.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SWANN. The Committee on Appropriations recommend concurrence in all the amendments of the Senate to the consular and diplomatic appropriation bill; and I move that they be concurred in. The motion was agreed to.

Mr. SWANN moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE TO A COMMITTEE.

Mr. GARFIELD. Before proceeding further, I ask leave of absence for the Committee on Appropriations to-morrow, as they desire to visit some of the public buildings.

Mr. RANDALL. If the Committee on Appropriations has no business to bring before the House to-morrow, why not adjourn till Monday?

Mr. GARFIELD. That is a question that will come up by itself. Mr. HOLMAN. There can be no objection to granting the committee leave of absence.

No objection was made; and the leave was granted.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House proceeded to the consideration of the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

The recommendations of the Committee on Appropriations were concurred in without division, except in the following cases:

The third amendment of the Senate was as follows:

Clerk to the Committee on the Judiciary, \$2,220.

The Committee on Appropriations recommended non-concurrence.

Mr. RANDALL. I would ask the gentleman from Ohio [Mr. GARFIELD] why we should not concur in this amendment, as it pertains entirely to the Senate?

Mr. GARFIELD. The Senate, by their amendments, have cut down the salaries of a number of the clerks of the House. They have also raised the salaries of a number of their own clerks. We desire to non-concur in all of those amendments.

Mr. RANDALL. So that you may have something to wrestle about.
Mr. ELDREDGE. The committee in their report on the Senate amendments, numbered from 1 to 90, recommend concurrence in some and non-concurrence in others. In their report there is not one word to indicate what those amendments are. And unless gentlemen upon this floor have had more opportunity than I have had—

Mr. GARFIELD. The bill with the Senate amendments numbered has been printed.

Mr. ELDREDGE. That all may be. But I rise simply to state this proposition; I suppose it has been stated a thousand times before, and perhaps every member of the House feels as I do about it. There is no legislation under heaven so vicious as that of concurring in amendments made under circumstances like those here suggested.

No member can understand anything about them unless he is familiar with the bill. The House is obliged to rely entirely upon the confidence they repose in the gentleman who makes the recommendation. The amendment was non-concurred in.

When the fifteenth amendment of the Senate was reached,

Mr. GARFIELD said: In order to save time, I would suggest that the amendments of the Senate numbered from 15 to 21, relating as they all do to the clerks of the House, be non-concurred in, as recommended by the Committee on Appropriations.

Mr. HOLMAN. I think we should take a vote upon the seventeenth amendment.

Mr. GARFIELD. Very well; have a vote on that.

Mr. HOLMAN. I would ask that a vote be taken upon the amendments of the Senate the effect of which is to reduce the appropriations here made for the salaries of the clerks of the House.

The SPEAKER *pro tempore*, (Mr. CESSNA.) Does the Chair understand the gentleman to ask for a separate vote on these amendments?

Mr. HOLMAN. I desire a vote on the amendments of the Senate reducing the appropriation made by the bill as it passed the House for paying certain clerks. I am in favor of concurring in the amendments of the Senate. By the bill as it passed the House we increase the amount allowed by law to certain clerks of the House, the journal clerk, the tally clerk, and others. The effect of the Senate amendments is to reduce those appropriations to the amount fixed by law for the salaries of those clerks. I insist for myself that the amendments proposed by the Senate, being in conformity to law, should be concurred in by the House.

The SPEAKER *pro tempore*. To what amendment does the gentleman refer?

Mr. HOLMAN. I refer to the amendment No. 17. The language of this bill as it passed the House was as follows:

Clerk of the House of Representatives, \$4,320; officer charged with disbursing the contingent fund, \$576; chief clerk and journal clerk of the House, while such positions are held by the present incumbents, and no longer, \$3,600 each; two reading-clerks, assistant journal clerk, and tally clerk, \$3,000 each; four assistant clerks, at \$2,592 each, &c.

The Senate have stricken out after the words "two reading clerks assistant journal clerk, and tally clerk" the amount appropriated by the House, \$3,000, and have inserted \$2,592, the amount provided by law. Now I propose that the House concur in this amendment of the Senate, so as to make the appropriation correspond to what the law is for this purpose.

Mr. GARFIELD. One word in answer to the gentleman. I was opposed to putting up these salaries as was done at the last session. But as the gentlemen on the other side of the House are more interested in this particular question than I am, I shall vote with the gentleman from Indiana to concur in the Senate amendment. My own impression is that it was relatively unjust to put these salaries up; but in obedience to the action of the majority of the House, I have recommended non-concurrence. In the new departure which the gentleman proposes I will follow him, and I hope this side of the House will allow this amendment of the Senate to be concurred in.

Mr. LAMISON. I would inquire of the chairman of the Committee on Appropriations whether, in making this reduction of the salaries of the clerks of the House, the Senate has reduced the salaries of the House clerks below those of the Senate clerks?

Mr. GARFIELD. They have done two things. They claim that we have put the salaries of our clerks up above the corresponding clerks of the Senate. By their amendments they have put the salaries of our clerks down to the old rate, and have put the salaries of their clerks up to our figures; so that if we non-concur in one amendment they will insist upon the other. The position of the Senate is this: We must either put up the salaries of their clerks to correspond to the amounts which we have given to our clerks, or we must put down the salaries of our clerks to the level of the salaries of their clerks at present.

Mr. LAMISON. I hope that whatever may be done by the committee of conference which may be appointed upon this bill, the salaries of the clerks of this House will at least be equalized with those of the clerks of the Senate. I believe the clerks of the House are entitled to as much for their services as are the clerks of the Senate. I think their duties are as arduous, and that they perform as much labor in a given time or indeed much more than the clerks of the Senate. Whatever else may be done, I think their salaries should be at least equal to the salaries of the clerks of the Senate, and that there should be no distinction in that respect between the two Houses.

Mr. GARFIELD. The proposition of the gentleman from Indiana

is to cut down the salaries of our clerks to where the Senate clerks now are. If that does not prevail, I do not see how we can resist the proposition to put the salaries of the Senate clerks up to where we have put the salaries of our clerks.

Mr. STARKWEATHER. There was something of a contest over this matter last year, and after full discussion I think the House was satisfied that we did the right thing at that time. I have generally been opposed to the increase of salaries, and on all occasions, with these exceptions, have voted to keep salaries as they were. Now, it is true that the clerks here—for instance, the principal reading clerk, Dr. Mahaffey—get less than is paid in the Senate to clerks of a lower grade; while everybody knows that in this large House, where we sometimes sit all night and call the yeas and nays forty or fifty times at a single session, the work is much harder than in the Senate. In fact, no work of this kind can be harder than that performed in this House by our clerks. I think that what we have seen during the last few weeks shows that these men earn their money; and it is only fair play and common honesty that they should receive the compensation originally fixed by us in this bill. In other cases, where men render little service, I would agree to a reduction of salaries; but I think we must all admit these clerks earn their money.

Mr. HOLMAN. Did not the gentleman vote for the repeal of the provisions of the legislative appropriation act of March 3, 1873, by which the salaries of clerks were increased?

Mr. STARKWEATHER. I have not voted for the increase of the salaries of any clerks except those I have designated; and I did that because I believed they earn their money. I am willing to stand on that position. If all our constituents had been here recently and had seen the labor performed by these men day after day and night after night, when we were all tired and had to go to our homes or lie down on the lounges here, while these clerks were compelled to go through their wearying labor, I think they would all agree that these gentlemen earn the money we have appropriated for them in this bill.

A MEMBER. This is for the next year.

Mr. STARKWEATHER. No matter whether it is for this year or next year. The men who may succeed those now in these positions will perform the same work and ought to have the same pay.

Mr. RANDALL. As the Senate has raised the salaries of its clerks, I do not think it ought to have cut down the salaries of ours. Now, when any general proposition is presented for a 10 per cent. reduction that shall apply to every officer of the Government whose salary can constitutionally be reduced, I will, in view of the hard times, vote for such a reduction.

Mr. STARKWEATHER. So will I.

Mr. RANDALL. But I do say that it is improper and invidious to strike at the officers named in this amendment and nobody else. They are worthy men; they fully earn the amount awarded to them. They have to maintain a character of respectability; they must be men of integrity; and the salary is not one dollar too much. But if the policy of a general reduction of official salaries 10 per cent. shall be adopted, then let them come in with the rest. I hope that this question will be permitted to go to a committee of conference, so that at least there may be some proper adjustment of the salaries in the two bodies.

Mr. HOLMAN. I hope that no gentleman on either side of the House will consent that the question as to what party may control this House hereafter shall have any influence in the decision of the question. We have fixed by law the salaries of these clerks. In the repealing act which public sentiment compelled us to enact we left these salaries at \$2,592. We are not responsible for the action of the Senate. They have reduced the appropriation for clerical salaries in this House to what the law is, while they have increased the salaries of clerks in their own body beyond what the law has fixed. What I ask is that we concur in their action reducing the salaries of the clerks of this House to the sum paid by law, and that we non-concur in the proposition to increase the salaries of Senate clerks; and then let the question go to a committee of conference.

Mr. GARFIELD. I call the previous question on agreeing to this amendment.

The previous question was seconded and the main question ordered.

Mr. COX. I move that the House adjourn. I want an opportunity between now and to-morrow morning to examine these amendments, some sixty in number.

A MEMBER. Ninety.

Mr. COX. We have been here now six hours and a half, and I think it is time we should adjourn.

The motion to adjourn was not agreed to.

Mr. COX. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. RANDALL. I appeal to the gentleman from New York [Mr. Cox] to withdraw that motion until we finish this bill.

The motion was not agreed to; there being yeas 32, noes not counted.

Mr. GARFIELD. If the members will remain here for thirty minutes more, we can finish this bill.

The question being taken on concurring in the amendment, it was concurred in.

The twenty-fifth amendment was read, as follows:

In the paragraph making appropriations for contingent expenses of the State Department, strike out the following:
For repairs, \$4,000.

Mr. GARFIELD. The committee recommend non-concurrence in this amendment. We at first recommended concurrence; but the Secretary of State showed the committee conclusively that upon the Department going into the new building it would be absurd to suppose that so large a building would not need some small alterations and repairs to put it in order.

The amendment was not concurred in.

The twenty-sixth amendment of the Senate was read, as follows:

Strike out "twenty-one" and insert "seventeen;" so it will read:
And for miscellaneous items, not included in the foregoing, \$6,250; in all, \$17,570.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence in that amendment of the Senate by striking out the words "twenty-one" and "seventeen," in line 379, and inserting the following:

For publishing in newspapers the laws passed at the second session of the Forty-third Congress, \$50,000; in all, \$71,000.

I desire to explain that amendment. At the last session of Congress the Committee on Appropriations made no appropriation for publishing the law in newspapers during the present session of Congress, forgetting that the law then repealed did not cease to act until the 4th of March next. When we passed the bill last year we thought the law requiring the publication of the laws in the newspapers was to terminate at the end of the last fiscal year, when in fact it does not terminate till the end of this Congress. The publication under the law, therefore, in the newspapers must go on until the end of this Congress; and it is necessary to make this appropriation to pay for that publication.

Mr. WILLARD, of Vermont. Are those laws now being published in the newspapers?

Mr. GARFIELD. They are.

Mr. WILLARD, of Vermont. Under what authority?

Mr. GARFIELD. Under the authority of the law requiring the Secretary of State to publish them in newspapers. That law has been repealed to take effect on the 3d of March next, at the end of the present Congress.

Mr. WILLARD, of Vermont. They have to be published for this Congress.

Mr. GARFIELD. Certainly.

Mr. RANDALL. I should like to understand exactly what this amendment is.

Mr. GARFIELD. It appropriates \$50,000 for the publication of the laws for the second session of this Congress up to the 4th of March next.

Mr. RANDALL. It does not belong here.

Mr. GARFIELD. It does, because this is under the State Department. It is one of the estimates which came from the Department of State. It is important that it should be passed immediately, as he has been publishing the laws in the newspapers for a month.

Mr. RANDALL. It does not belong here. The Senate have sent amendments to the bill, sent to them from this House, and on the amendments from the Senate it is not proper for us to insert entirely new and different matter.

Mr. GARFIELD. It is perfectly proper, technically, because there is an amendment of the Senate here, and we propose to concur in that amendment by adding this appropriation of \$50,000 for the publication of the laws in newspapers. It is under the heading of miscellaneous items. It is precisely where we should put it if the estimate from the State Department had come in time.

Mr. SPEER. Is this for publishing the laws of this session in the newspapers?

Mr. GARFIELD. It is for publishing the laws passed at this session in the newspapers under the law, which does not expire till the end of this session.

Mr. RANDALL. This is an appropriation bill for the year beginning July 1, 1875, and ought not to include an appropriation for a period preceding the 4th of March, 1875.

Mr. SPEER. How, then, can the appropriation in this bill be made available if it is to pay for publication of laws before the 1st of July next?

Mr. GARFIELD. By its very terms it provides for the publication of the laws at this session of Congress.

Mr. SPEER. I thought we were through with this nuisance of publishing the laws in the newspapers.

Mr. GARFIELD. I voted against it, but we must pay for this publication as long as the law provides for it.

The amendment was again read.

Mr. SPEER. Does not the law allow the Clerk to select the newspapers in which the publication is to be made?

Mr. GARFIELD. It does.

Mr. RANDALL. The gentleman from Ohio says that the last appropriation bill contained no appropriation for this object.

Mr. GARFIELD. It did for the publication of the laws of the last session, but not for the publication of the laws of this session, as it was believed at that time that the law then expired, instead of continuing up to the 4th of March next. There is now no appropriation whatever to pay for carrying into effect the law requiring the laws of this session to be published in the newspapers.

Mr. RANDALL. Then this specifies what it is for.

Mr. GARFIELD. It simply carries out the law to the end of this Congress, when the law by its own terms is repealed.

Mr. SPEER. Does not this in a measure re-enact the old law?

Mr. GARFIELD. No; it only provides for the publication of the laws of the second session of the Forty-third Congress, at the end of which the repeal is to take effect requiring that publication.

Mr. RANDALL. If these laws have not been published and we make no appropriation for it, does not that end the whole thing?

Mr. GARFIELD. No.

Mr. SPEER. If we do not appropriate then they will not be published.

Mr. GARFIELD. They are being printed, and the bills for the work will come in at the next Congress. If we do not appropriate for it here it will come up in a deficiency bill. I have tried for years to stop this thing, but this appropriation is necessary to carry out the law now upon the statute-book.

Mr. WILLARD, of Vermont. I will read from the law:

For publishing the laws of the first session of the Forty-third Congress in pamphlet form and in newspapers, \$86,000: *Provided*, That after the 4th of March, 1875, the publication of the laws in the newspapers shall cease.

There was then no appropriation made for the publication of the laws of this session.

Mr. GARFIELD. That is true, and it shows the necessity for the amendment of the committee.

Mr. O'BRIEN. What would be the effect if this appropriation were not made now?

Mr. GARFIELD. We should have to provide it at another time as a deficiency.

The question being taken, the amendment was concurred in with the amendment proposed by Mr. GARFIELD.

The thirtieth and thirty-first amendments were read, as follows:

Strike out the words:

And so much of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846, and of all other acts and parts of acts authorizing the office of assistant treasurer of the United States at Charleston, South Carolina, is hereby repealed from and after the 30th day of June, 1875.

And insert as follows:

Office of assistant treasurer at Charleston, South Carolina:
For assistant treasurer, \$4,000; one clerk, \$1,500; one clerk, \$1,600; one assistant messenger, \$720; and two watchmen, at \$720 each; in all, \$9,560.

Mr. RAINEY. I see that the committee recommend non-concurrence in these amendments. I desire to ask the chairman of the Committee on Appropriations what is their reason for recommending non-concurrence?

Mr. GARFIELD. The words which the Senate in their amendment propose to strike out repeal the acts and parts of acts which authorize the office of assistant treasurer of the United States at Charleston. The Senate strike that out and insert another clause making an appropriation for that office. The Committee on Appropriations proposed to repeal the laws authorizing the office because the reports from the Treasury Department showed that there was not a sufficient amount of work to be done, of fiscal agency to be carried on there, to warrant the keeping up of the independent treasury at Charleston. The work could be done as well without that machinery as with it. And under the advice obtained at the Treasury Department the Committee on Appropriations thought it best to repeal the law establishing the independent treasury at Charleston. The Senate have put that back and we recommended non-concurrence.

Mr. RAINEY. I am very sorry the committee has taken this view of the matter, for I think this office ought to be retained. The Charleston post-office and all the smaller post-offices of the State make their deposits in the sub-treasury at Charleston. At this sub-treasury all the financial business of those post-offices is transacted with the Treasury here. I have been informed that if this office is abolished it will create quite an inconvenience to the post-office service at Charleston, and in their manner of doing business and making remittances to the Treasury here. And why the Secretary of the Treasury, a new incumbent of the office, should see fit to make this recommendation to abolish this office I cannot possibly see.

Mr. FORT. He does so because it does not pay.

Mr. GARFIELD. Let us vote.

The question being put, the amendments of the Senate were non-concurred in.

The thirty-second amendment of the Senate was read, as follows:

In line 791 insert these words, "for one clerk, \$1,500."

Mr. GARFIELD. This amendment and the amendments numbered 33, 34, and 35, relate substantially to the same thing. They all go to increase the force of the assistant treasurer at Chicago. The Committee on Appropriations recommend non-concurrence.

The question being taken, the thirty-second, thirty-third, thirty-fourth, and thirty-fifth amendments were non-concurred in.

Mr. ROBBINS. I do not think there is a quorum, and there are ninety of these amendments to be considered. The House is not in a condition to consider them properly. We have been here now seven or eight hours, and I move that the House adjourn.

Mr. GARFIELD. I hope we will be allowed to finish the bill. It will only take a little while.

Mr. ROBBINS. I desire to test the sense of the House on my motion as well as to ascertain if there is a quorum present.

The question being put, the Speaker declared that the "noes" had it.

Mr. ELDREDGE. Let us have a division. We have been here long enough. Everybody is tired out.

The House divided; and there were—ayes 31, noes 80.

Mr. ELDREDGE. I believe a quorum has not voted.

The SPEAKER. It does not require a quorum to adjourn.

Mr. ELDREDGE. It requires a quorum to go on with business.

The SPEAKER. Does the gentleman raise that question?

Mr. ELDREDGE. I do.

Mr. GARFIELD. I hope the gentleman will not make that point. I ask the House to stand by the committee and finish this bill. We can test the presence of a quorum by the next vote on the bill.

Mr. ELDREDGE. If the understanding is that we shall adjourn over until Monday after this bill is disposed of, I do not object.

Several MEMBERS. O, no.

Mr. ELDREDGE. We have been in session long enough. Civil rights should be enough for one day.

The SPEAKER. The gentleman from Wisconsin can test the question on the first issue raised in the bill.

The thirty-sixth amendment of the Senate, under the head of "Mint at Philadelphia," was read, as follows:

Strike out "\$225,000" and insert "\$250,000," so that it will read "for wages of workmen and adjusters, \$250,000."

The committee recommended non-concurrence.

Mr. ELDREDGE. I demand a division.

The question being put on concurring in the amendment of the Senate, there were—ayes 13, noes 78.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Wisconsin, Mr. ELDREDGE.

The House again divided; and the tellers reported—ayes 2, noes 142.

The SPEAKER. The Chair votes in the negative, his vote making a quorum, and the amendment is non-concurred in.

Mr. GARFIELD. If the gentleman will hold on for fifteen minutes we will finish this bill.

ROBERT TANSILL.

Mr. RANDALL. I ask that by unanimous consent I may offer a resolution for the return from the Senate of a bill in the engrossment of which there has been a mistake. I offer the following resolution:

Resolved, That the Clerk be directed to request the return from the Senate of the bill of the House No. 3780 to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia, that an omission in the engrossment may be supplied.

There was no objection, and the resolution was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. The next three amendments propose to increase the expenses of the mint and assay office at San Francisco.

Mr. PAGE. I would like to ask the gentlemen the reason why he proposes to cut down this appropriation.

Mr. GARFIELD. For the reason that this is an increase in the appropriation made, and the Committee on Appropriations are satisfied that it is not a necessary increase.

Mr. PAGE. How much is the increase?

Mr. GARFIELD. I cannot tell the gentleman exactly; but if the action of the House be unjust to any one, sufficient reasons can be given to the committee of conference to overcome it.

Mr. MERRIAM. I will state a fact which ought to have some bearing, if not upon the House, on the committee of conference. I will state that under the appropriation bill of last year more than one-third of these double-eagles which we have been at the expense of making were exported and melted down for recoinage. They do that instead of taking our gold bars for exportation; and I protest in the name of the American people against this expense as being wholly unnecessary.

Mr. GARFIELD. I am willing to pay all the necessary expenses of these mints, but I think this is an unnecessary expense, and that the amount proposed by the Committee on Appropriations is sufficient.

Mr. HOUGHTON. This has no relation to the coinage of gold.

Mr. GARFIELD. I know that. It relates to the coinage of silver. The amendment is for the purpose of enabling the Secretary of the Treasury to increase the coinage of trade-dollars at the mints.

Now, sir, the present facilities of the mints are insufficient to meet the wants of trade. We have not a sufficient quantity of these trade-dollars to meet the demands to pay for merchandise from China and the East Indies. We have to send to Mexico for gold. I ask for a vote on the amendment.

The question was taken; and the amendment of the Senate was non-concurred in.

Mr. GARFIELD. I now ask the Clerk to read the forty-fourth and forty-fifth amendments of the Senate.

The Clerk read as follows:

For fuel, crucibles, chemicals, repairs, and other necessities, \$1,000.

Assay office at Charlotte, North Carolina:

For assayer in charge, \$1,800; melter, \$1,500; wages of workmen, \$600; contingent expenses, \$1,500; in all, \$5,400.

The Committee on Appropriations recommended non-concurrence.

Mr. ASHE. I hope the House will not non-concur in the amendment in relation to the mint at Charlotte, North Carolina, which I believe is the forty-fifth amendment.

Mr. GARFIELD. If the gentleman desires a separate vote on that

amendment, I shall not object to that, although we have repeatedly passed upon that question.

Mr. ASHE. I hope the House will concur in the amendment of the Senate. It is true that by the last report we have from the assay office this mint does not appear to be of much value; but, Mr. Speaker, at the same time the gold is there, although the mines have not been worked of late as heretofore.

This mint was established in the year 1838, and from that time till 1861 about \$5,000,000 of gold were coined there from the productions of those mines, while, during the same time, something over \$5,000,000 from the same source were coined at the mint at Philadelphia, making between ten and eleven millions of gold coined from the productions of these mines.

Well, sir, the veins of these old mines are still there unexhausted, and will be worked with profit as well as other mines developed, as soon as we can command capitol and labor.

Mr. WILSON, of Indiana. Are they taking any gold out of those mines now?

Mr. ASHE. Yes, sir; they are working some of those mines now.

Mr. WILSON, of Indiana. How much gold are they taking out?

Mr. ASHE. It is estimated that they will get out this year from one hundred and fifty to one hundred and seventy-five thousand dollars in gold.

Mr. WILSON, of Indiana. How much minting has been done in Charlotte during the last fifteen years?

Mr. ELDREDGE. "There are millions in it."

Mr. WILSON, of Indiana. But millions do not come out of it; that is the trouble.

Mr. ASHE. They have not coined any there since 1861; it has been only an assay office. These old mines, rich in gold, are still open. All we want is capital to get the gold out of them. More than that, they are continually discovering other mines rich in gold.

Mr. WILSON, of Indiana. What you need, then, is an appropriation to carry on the mines rather than to carry on an assay office.

Mr. ASHE. We want an assay office there to ascertain the value of the gold taken from the mines there, and to act as an arbitrator between the producer of the gold and the buyer of the gold, and not be under the necessity of sending the gold to Philadelphia to be assayed.

Mr. MERRIAM. It would be cheaper to pay for sending the gold to Philadelphia or to New York.

Mr. GARFIELD. Now let us have a vote.

Mr. ASHE. I am not quite done.

Mr. GARFIELD. I thought the gentleman had concluded.

Mr. ASHE. Not quite yet. Further than that, this Congress has recently passed what is called the new financial bill, under the operation of which specie is to be distributed throughout the country. I hold in my hand a letter from the Director of the Mint, in which he says that he thinks this assay office should be maintained at Charlotte, and that for the distribution of silver under the new financial bill it will be one of the most suitable positions in the South. I ask the Clerk to read the letter.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
January 21, 1875.

DEAR SIR: I am in receipt of your favor of yesterday requesting my opinion as to the propriety and policy of continuing the assay office at Charlotte, North Carolina, and whether Charlotte would not be one of the most suitable points in the South for the distribution of specie under the provisions of the finance bill recently passed by Congress.

As to the inquiry respecting the continuing of assay facilities at Charlotte, I reply that although the gold production of that section is quite limited at present, producers would feel very sensibly the discontinuance of United States assays at that point. The producers of bullion in that locality are, as a general thing, men with very limited means, and are compelled to sell their bullion at home and cannot await returns from Philadelphia or New York.

The assay office being established and in successful operation at an annual expense of only \$4,500, and which sum does not much exceed the amount which would be required for the care and preservation of the premises, it would in my opinion be as well to continue the office.

To your second inquiry, I reply that Charlotte would in my opinion be one of the most suitable and convenient points in the South for distributing silver coin.

Very respectfully,

H. R. LINDERMAN,
Director of the Mint.

HON. THOMAS S. ASHE,
House of Representatives.

Mr. HOLMAN. I wish to ask my friend from North Carolina [Mr. ASHE] whether this same Director of the Mint has not reported to the present Congress that the amount of bullion received at the assay office at Charlotte during the last year was about \$8,000, but little more than the amount paid for salaries there?

Mr. GARFIELD. Certainly.

Mr. ASHE. That is in consequence of the stringency of the money market, the depression of the industries of the country, and the want of labor and capital. As soon as we get them, these mines will be reopened and worked. And there are new mines and rich mines continually being developed. The chairman of the Committee on Appropriations [Mr. GARFIELD] I am afraid has some prejudice against the name of this assay office.

Mr. GARFIELD. O, no.

Mr. ASHE. I conclude so from some remarks that fell from him at the last session of Congress. Charlotte is an honored name in history.

The place is not named after Charlotte Corday, the assassin of Marat; but after one of the most amiable princesses of England. I hope the gentleman will dismiss any prejudice he may have on account of the name.

Mr. GARFIELD. I have no prejudice whatever against the name. I call for a vote.

The question was taken on concurring in the amendment of the Senate; and upon a division there were—ayes 41, noes 57; no quorum voting.

Mr. WILSON, of Indiana. I move that the House now adjourn.

Several MEMBERS. O, no.

Mr. WILSON, of Indiana. I withdraw the motion.

Mr. ELDREDGE. I renew the motion.

Mr. YOUNG, of Georgia. And pending that motion, I move that when the House adjourns to-day it be to meet on Monday next.

Mr. GARFIELD. It is perfectly clear to my mind that the House is unwilling to go on with this appropriation bill now, and I will myself make the motion to adjourn.

Mr. ELDREDGE. No such thing is perfectly clear. The gentleman knows it is not true.

Mr. GARFIELD. I decline to allow the gentleman to stand up here and say that I know anything is not true that I have said.

Mr. ELDREDGE. I say—

Mr. GARFIELD. I call the gentleman to order. I demand the protection of this House for myself and for others against this habit. It is one I will not allow.

Mr. ELDREDGE. The gentleman knows perfectly well that it is not true that there is any unwillingness to consider the appropriation bills, or to antagonize them.

Mr. GARFIELD. I did not say any such thing. I said it was perfectly manifest that the House was not willing to go on with the appropriation bills to-night.

Mr. ELDREDGE. We have sat here from ten o'clock this morning till now, five o'clock.

Mr. GARFIELD. I expressed my regret at the disposition of the House. I rose and said that it was manifest the House was unwilling to proceed with the appropriation bills to-night.

Mr. ELDREDGE. The House has sat here with perfect patience since ten o'clock this morning.

Mr. GARFIELD. I do not yield. I said that I would move to adjourn because it was manifest the House was not willing to continue the consideration of the appropriation bill to-night; and a member rises in his place and says that "the gentleman from Ohio knows that that is not true."

Mr. ELDREDGE. The gentleman did not say that the House was unwilling to go on with the appropriation bills to-night; he said the House was not willing to go on with the appropriation bills.

The SPEAKER. It is perfectly apparent that there is a mutual misunderstanding between the gentlemen—an entire misunderstanding. The gentleman from Ohio made the remark which he has just stated; and the Chair thinks the gentleman from Wisconsin misunderstood him.

Mr. ELDREDGE. I understood the gentleman from Ohio to say that there was a disposition not to consider the appropriation bills. I say that it is not true.

The SPEAKER. The gentleman did not say so. The Chair thought the gentleman from Wisconsin was under a misapprehension.

Mr. GARFIELD. I simply remarked that the House was unwilling to go on with the appropriation bills to-night.

The SPEAKER. The gentleman from Wisconsin was "ruling on a hypothetical case."

Mr. ELDREDGE. I am only speaking of what I understood the gentleman to say. He appears to be very sensitive on the point. I take nothing back.

Mr. GARFIELD. And I stand by my words.

The SPEAKER. The question is on the motion to adjourn.

Several MEMBERS. Oh, no; let us finish the bill to-night.

Mr. BUTLER, of Massachusetts. We on this side can control the House.

Mr. GARFIELD. I withdraw the motion to adjourn.

Mr. STANDIFORD. I renew the motion.

The motion was not agreed to.

Mr. ELDREDGE. It is now perfectly apparent that the House wants to consider the appropriation bill.

Mr. RANDALL. If the House does not get through the bill to-day, it will go over till Tuesday.

Mr. ASHE. I call for tellers on the amendment.

The SPEAKER. There was no quorum voting. The Chair orders tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from North Carolina, Mr. ASHE.

The House divided; and the tellers reported, ayes 65, noes not counted.

So the amendment was not concurred in.

The forty-sixth and forty-seventh amendments were read, as follows:

In the appropriations for the Territory of Utah, insert the following: For legislative expenses, namely, for compensation and mileage of members of the Legislative Assembly, officers, clerks, and others, \$23,400; and this appropriation may be used, under the direction of the Department of Justice, to defray the judicial expenses of the supreme and district courts of said Territory; and the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory; and, until said reimbursement shall be fully made, no member or

officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

Strike out "\$1,600" as the aggregate amount of appropriations in the paragraph and insert "\$25,000."

Mr. GARFIELD. Part of that amendment ought to be agreed to, and a part, the committee think, should not be.

Mr. ELDREDGE. I would like to know the purpose of the amendment.

Mr. SPEER. I hope the House will never agree to it.

Mr. ELDREDGE. It looks to me as though it was intended as a bribe to coerce the action of the Territory.

Mr. GARFIELD. The portion of the amendments providing for the expenses of the territorial Legislature ought of course to be agreed to. We should have inserted that appropriation if the estimate had been here in time. The Senate has, however, added a clause which we have not seen sufficient ground to concur in. We therefore recommend non-concurrence.

Mr. SPEER. I hope the committee of conference will never agree to concur in that last provision.

Mr. ELDREDGE. Why should it be provided that no officer shall be paid until reimbursement be made by the Territory? Why should a public officer be deprived of his salary because some other person does not do what he ought to do?

Mr. SPEER. It is a most extraordinary provision.

Mr. ELDREDGE. A most infamous provision.

The SPEAKER. The House cannot do anything more than non-concur in the amendment.

Mr. SPEER. And I hope the committee of conference appointed by the House will insist on non-concurrence.

The amendment was not concurred in.

The eighty-third amendment of the Senate was read, as follows:

In the paragraph appropriating \$11,900 for compensation of district marshals of the United States, strike out the following: *Provided*, That the provisions of an act "making appropriations for the support of the Army for the fiscal year ending June 30, 1875," approved June 16, 1874, which prohibit the allowance of mileage to persons holding employment or appointment under the United States, shall not be so construed as to apply to the legal traveling fees of United States marshals or deputy marshals. And all accounts of said marshals or their deputies, for expenses and mileage incurred subsequent to the 1st day of July, 1874, shall be audited, allowed, and paid in accordance with the provisions of an act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, in the same manner as if said act had not been passed; but no fees shall be allowed for constructive mileage, and every claim for mileage shall be accompanied by sworn proof that the distance for which mileage is claimed was actually and necessarily traveled by the officer.

Mr. GARFIELD. We recommend non-concurrence in this amendment.

Mr. SPEER. I think the amendment should be concurred in. The law as it now exists does not allow anything but actual traveling expenses to any person in the service of the Government. The House has attempted to modify that provision so as to allow mileage instead of actual traveling expenses for marshals. The Senate has struck out the amendment of the House, and left the law just as it is, so that all persons in Government employ shall be paid merely their actual traveling expenses. The attempt on the part of the House is to restore mileage, a system which has been very much abused and has led to very large expenditures on the part of the Government, which were never intended by Congress.

Mr. HURLBUT. The proposition is to allow only actual mileage.

Mr. SPEER. It is true it is provided that there shall be no constructive mileage; but the law passed by Congress only a year or two ago provides that all persons in the employ of the Government shall be paid only their actual traveling expenses. It seems to me that that is sufficient. I hope the House will not sustain the recommendation of the committee.

Mr. GARFIELD. I will say only a word. It was shown clearly in the debate heretofore had upon this question in the House that the law in regard to marshals gave them mileage as a part of their compensation. It was understood to be part of the regular compensation which these marshals were getting. If they do not have it, then they are not sufficiently compensated. It was believed at the time we passed the Army appropriation bill last year that the mileage clause which was intended only to apply to Army officers would not apply to these marshals. It has, however, been construed to apply to them. It consequently takes this much out of their fees. In effect it substantially takes away a large portion of their compensation. It was thought that we should except marshals from the contemplation of that law, and we have done so. The Senate have stricken out the provision we inserted in the bill. The Committee on Appropriations have recommended non-concurrence and I think we should non-concur until the Senate can show us by what means they propose to make marshals good for the loss of this part of their compensation. I hope the House will sustain the committee in the recommendation of non-concurrence.

Mr. HOLMAN. The Senate have stricken this out for the reason that it is an improper provision to be included in a general appropriation bill. I think some other mode can be devised for the compensation of these marshals without restoring the mileage system, which has been so much abused. I hope the House will concur with the Senate in striking this provision out of the law.

Mr. GARFIELD. Let us have a vote.

The Senate amendment was non-concurred in.

The eighty-eighth amendment of the Senate was read, as follows:

Strike out the following section:

SEC. 2. That the circuit court of the United States in and for the district of Iowa shall be held at the times and places now provided by law for holding the United States district court in and for said district; but the circuit judge shall not be required to sit in said court except at Des Moines. Causes removed from any court of the State of Iowa into the circuit court of the United States within said district shall be removed to the nearest circuit court, unless the parties thereto shall otherwise agree: *Provided*, That all appeals or writs of error allowed by law from the district court to the circuit court for Iowa shall be taken to the circuit court at Des Moines, to be heard by said court when held by one or more circuit judges: *And provided further*, That the judge of the district court for said district of Iowa may, in his discretion, order that the same jurors be summoned to serve in the circuit and district courts when held at the same time and place, and at a place other than Des Moines.

Mr. GARFIELD. This clause was put in the appropriation bill in the House changing the jurisdiction of the circuit court in Iowa. There has been some difference of opinion among members as to how that should be done. The Committee on Appropriations recommend concurrence with the Senate in striking this provision out with an amendment substituting what I send to the Clerk to be read.

The Clerk read as follows:

SEC. 2. The circuit court of the United States for the district of Iowa may by consent of parties in any case, or without such consent, or in case where the amount in controversy does not exceed the sum or value of \$5,000, remit such case for final hearing to the district court of the United States for the district of Iowa, to be tried or heard in some one of the divisions thereof. In cases where the amount in controversy does not exceed the sum or value of \$5,000 application for such transfer may be made by either party in term time or upon notice at chambers in vacation, before final issue, and upon such application it shall be the duty of the court or judge to transfer any such cause if, in the opinion of such court or judge, delay and inconvenience to the litigants will be thereby avoided. And in all cases where causes are so transferred they shall be sent for hearing or trial to the division where, in the opinion of the court or judge, the trial can be had with the least inconvenience to the litigants. And said district court is hereby invested as to all cases thus sent to it with all the powers and jurisdiction of the circuit court, and such causes shall proceed in the district court and judgments and decrees therein and orders in reference thereto be enforced in the same manner as if the said court had in all respects full circuit court powers. The foregoing provisions shall extend to all cases originally brought in the circuit court and to those removed to that court from the State courts, but not to appeals, writs of error, or petitions for review in bankruptcy. The circuit judge may hear bankruptcy appeals and petitions for review in bankruptcy and chancery cases and non-jury cases submitted to him at chambers whenever the parties shall so agree: *Provided*, That the judge of said district court shall have power, by an order made and entered of record at any regular term, to alter from time to time the boundaries of the existing divisions of said district in such manner as will in his opinion facilitate the transaction of business or promote the convenience of suitors.

The amendment was agreed to, and the Senate amendment, as amended, was concurred in.

The remaining Senate amendments were disposed of.

Mr. ARCHER. I now move, as we have gotten through with all the amendments of the Senate, to reconsider the vote by which the seventeenth amendment was concurred in, so far as it cuts down the pay of four employés of this House. If any men are entitled to the pay they now receive, they are the assistant journal clerk, the two reading clerks, and the tally clerk of this House.

I have not in my experience in this House seen but one man that was able to undergo the fatigue of those offices; and they are important offices to the members of the House. The Senate propose to cut down their pay about \$412 a year. I hope we will reconsider and non-concur.

Mr. HOLMAN. I raise the point of order that the House has considered these amendments as in Committee of the Whole, and that it is not in order to reconsider.

The SPEAKER. The Chair thinks there was nothing said as to the amendments being considered as in Committee of the Whole.

Mr. ARCHER. The proceeding has been in the House.

Mr. HOLMAN. It is in the House as in Committee of the Whole.

The SPEAKER. The Chair does not think that there is any reason to cut off the right of the House to reconsider its action on the amendments if it chooses.

Mr. KELLOGG. Let us reconsider.

The SPEAKER. The question is on reconsidering the vote by which the House concurred in the amendments of the Senate relating to the clerks of the House.

The question being put, there were—ayes 102, noes 10.

The question recurred on concurring in the amendment, and it was non-concurred in.

Mr. HOLMAN. I move to reconsider the vote by which the House, in accordance with the recommendation of the Committee on Appropriations, non-concurred in the seventy-eighth amendment of the Senate.

A MEMBER. Which is that?

Mr. STORM. It is the amendment which abolishes the third assistant examiners in the Patent Office.

Mr. GARFIELD. The seventy-seventh and seventy-eighth amendments of the Senate must be considered together.

The Clerk read the seventy-seventh and seventy-eighth amendments of the Senate, as follows:

Strike out "\$40,000" and insert "\$100,000."

And add these words:

Provided, however, That on and after the 1st day of July, 1875, the grade of third assistant examiner of the Patent Office shall cease.

Mr. HOLMAN. I move that the House concur in the seventy-eighth amendment.

Mr. GARFIELD. If the gentleman will allow me, I will explain the position of this matter in a single sentence.

The Commissioner of Patents came before the Committee on Appropriations and requested us, instead of the usual \$40,000 to bring up the work of photo-lithographing or otherwise producing copies of drawings of current and back issues for the use of the office and for sale, to give him \$100,000 for that purpose. He said if he had \$60,000 more he could work that all up, and then at the end of the year disburse with the services of the three assistant examiners. We were not willing to give \$100,000 this year, and only gave \$40,000. The Senate has put upon the bill the provision recommended by the Commissioner, increasing the amount to \$100,000, with the proviso that at the end of the year the services of all these third assistant examiners shall be dispensed with.

Mr. HOLMAN. Could not the services of these examiners be dispensed with, reserving the question as to whether the amount should be increased from \$40,000 to \$100,000?

Mr. GARFIELD. O, no. Their services are necessary to bring up this work; and with the appropriation of \$100,000 the Commissioner will be able to employ enough assistance to wind up the work in one year.

Mr. HOLMAN. The explanation seems satisfactory. I withdraw the motion to reconsider.

Mr. GARFIELD. I move to reconsider the several votes of concurrence and non-concurrence with the Senate amendments; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I now move the appointment of a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. GARFIELD. I move that the House do now adjourn.

Mr. HOLMAN. I move that when the House adjourns to-day it be to meet on Monday.

The question being put on Mr. HOLMAN's motion, there were—ayes 34, noes 72.

So the motion was not agreed to.

POSTAL TELEGRAPH.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, presented a report in writing to accompany the bill (H. R. No. 4470) to establish certain telegraphic lines in the several States and Territories as post-roads and to regulate the transmission of commercial and other intelligence by telegraph; which was ordered to be printed, and recommitted to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at five o'clock and forty minutes p. m.) the House adjourned until twelve o'clock on Saturday.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUNDY: The petition of workmen and others of Tuscarawas County, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of members of the bar of the supreme court of the District of Columbia, for an appropriation of \$4,000 to collect the statute law now in force in the District of Columbia, to the Committee on Appropriations.

By Mr. DURHAM: The petition of citizens of Kentucky, for a post-route from Middleburgh to Williams' Store, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: Resolutions of the board of supervisors of the city and county of San Francisco, California, asking the United States Government to refund \$7,383 expended in improving streets in front of Government buildings, to the Committee on Appropriations.

Also, the petition of citizens of Ukiah, California, for a post-route from Ukiah, via Mendocino and Casper, to Noyo, California, to the Committee on the Post-Office and Post-Roads.

By Mr. MOREY: The petition of L. Madison Day, of New Orleans, Louisiana, for the repayment of money paid for property confiscated and sold by the United States and afterward recovered by mortgagees, to the Committee on Claims.

By Mr. MYERS: Petitions of 774 operatives of Philadelphia, male and female, employés of Scheppers Brothers, silk and worsted manufacturers; of 63 employés of Schofield & Branson, hosiery manufacturers, of Philadelphia; and of 100 employés of Isaac A. Sheppard & Co.'s foundry, of Philadelphia, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SCUDDER, of New Jersey: The remonstrance of licensed pilots usually engaged in navigating Staten Island Sound, of similar import, to the same committee.

By Mr. SCUDDER, of New York: The remonstrance of New York pilots and captains, against the plan adopted to open and improve the channel between Staten Island and New Jersey known as Kill Von Kull, to the Committee on Commerce.

By Mr. SPEER: The petition of 91 citizens of Broad Top, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. STEPHENS, of Georgia: Memorial of Frederick B. Culver, of Washington, District of Columbia, asking an appropriation to pay his claim for services in negotiating treaty of February 18, 1861, with the Arapaho and Cheyenne Indians, to the Committee on Indian Affairs.

By Mr. WILLARD, of Vermont: The petition of Michael M. Corey, of Vermont, for bounty, to the Committee on Military Affairs.

By Mr. WILSON, of Iowa: The petition of citizens of Benton County, Iowa, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. WOOD: The petition of Philip Smith and Robert Boyd, of New York City, sureties, for relief, to the Committee on Claims.

IN SENATE.

SATURDAY, February 6, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Hon. Theodore F. Randolph, chosen by the Legislature of New Jersey a Senator from that State for the term beginning March 4, 1875; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 3177) for the relief of DeWitt C. Chipman.

The message also announced that the House had passed the bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4471) to afford relief in the judicial courts to Robert Erwin;

A bill (H. R. No. 4560) relating to practice in the supreme court of the District of Columbia;

A bill (H. R. No. 4559) to relieve Thomas Boyd Edelin, of Prince George's County, Maryland, of all political disabilities;

A bill (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia;

A bill (H. R. No. 4563) to make an appropriation to the contingent fund of the House of Representatives;

A bill (H. R. No. 4554) to remove political disabilities of George S. Hawkins, of Florida; and

A joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 366) granting a pension to Hugh Wallace;

A bill (H. R. No. 393) granting a pension to Rosanna Quinn;

A bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;

A bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;

A bill (H. R. No. 1722) granting a pension to Martha Wold;

A bill (H. R. No. 1820) granting a pension to Samuel Henderson;

A bill (H. R. No. 1947) granting a pension to George Holmes;

A bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;

A bill (H. R. No. 2218) granting a pension to Sarah Summerville;

A bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;

A bill (H. R. No. 2352) granting a pension to Lewis Hinely;

A bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll;

A bill (H. R. No. 2674) granting a pension to John W. Wright, now at the national military asylum near Dayton, Ohio;

A bill (H. R. No. 2901) granting a pension to John Hendrie;

A bill (H. R. No. 2949) granting a pension to James R. Borland;

A bill (H. R. No. 3008) granting a pension to John J. Bottgar;

A bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;

A bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;

A bill (H. R. No. 3275) granting a pension to Eli Persons;

A bill (H. R. No. 3277) granting a pension to Robert D. Jones;

A bill (H. R. No. 3278) granting a pension to Margaret Beeler;

A bill (H. R. No. 3681) granting a pension to William M. Drake;

A bill (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery;

A bill (H. R. No. 3691) granting a pension to James Barris;

A bill (H. R. No. 3697) granting a pension to Belinda Craig;

A bill (H. R. No. 3702) granting a pension to Alice Roper;

A bill (H. R. No. 3707) granting a pension to Louisa Thomas;

A bill (H. R. No. 3722) granting a pension to John Fink;

A bill (H. R. No. 3723) granting a pension to Mary Logsdon;

A bill (H. R. No. 3728) granting a pension to Abby A. Dike;

A bill (H. R. No. 4443) in regard to the visit of His Majesty the King of the Hawaiian Islands; and

A bill (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874.

PETITIONS AND MEMORIALS.

Mr. WRIGHT. I present a petition of several members of the bar of the supreme court of the District, representing that the statutory laws and laws of local application in force in the District of Columbia are of four kinds: First, the statute laws of England in force at the date of the cession of Maryland; second, the statute laws of the State of Maryland in force at the date of such cession; third, the acts of Congress; and, fourth, the acts of the Assembly of the District organized under the act of February 21, 1871; and that many of these statutes and laws are out of print and can only be found with the greatest difficulty, and they therefore pray that there be appointed a commission of two lawyers practicing in said court to collect and codify such laws. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMILTON, of Texas. I present a memorial of several hundred citizens of the Creek Nation, protesting against the organization of a territorial government in that country. Although this is an individual memorial, I move that it be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. FERRY, of Connecticut, presented a resolution of the common council of the city of Middletown, Connecticut, in favor of an appropriation for the construction of a breakwater at and the improvement of the mouth of the Connecticut River; which was referred to the Committee on Commerce.

Mr. SCOTT presented a memorial of citizens of Philadelphia and a memorial of citizens of Chester County, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

Mr. MCCREERY presented the petition and papers of John L. Buck, of Pine Bluff, Arkansas, praying compensation for property used and destroyed by the United States during the late war; which were referred to the Committee on Military Affairs.

Mr. SHERMAN presented a memorial of citizens of Cincinnati, Ohio, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act 1872; which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Cincinnati, Ohio, on the subject of the application of the Texas and Pacific Railroad Company for aid in the construction of their roads; which was referred to the Committee on Railroads.

Mr. HAMLIN presented the petition of Moses Giddings and Charles E. Dole, owners of the ship Golden Rocket, destroyed in the late rebellion by the rebel cruiser Sumter, praying that indemnity may be provided to them for the loss of the ship from the Geneva award; which was referred to the Committee on the Judiciary.

Mr. BOREMAN presented the petition of Hoy McLean, of Beverly, West Virginia, asking compensation for a house destroyed and lumber used in building barracks for soldiers in the late war; which was referred to the Committee on Claims.

Mr. WASHBURN presented a petition of citizens of Leyden, Massachusetts, praying for the establishment of a post-route from Greenfield to Leyden in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FLANAGAN presented the petition of merchants and citizens of Brownsville, Texas, praying a modification of the tax on leaf-tobacco; which was referred to the Committee on Finance.

Mr. FENTON presented the petition of William H. Babcock, late of Company C, One hundred and seventy-seventh Regiment New York Volunteers, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. FENTON. I present concurrent resolutions of the New York Legislature, and I send them to the Clerk's desk that they may be read.

The Chief Clerk read as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 29, 1875.

On motion of Mr. Scudder:

Whereas the Legislature of the State of New York has at different times ratified and confirmed leases between Indian and white settlers on the Allegany Indian reservation in said State; and whereas the courts of this State have decided that said ratification is null and void, the Congress of the United States alone possessing power to deal with and for the Indians, and that as Judge Barker, of the supreme court of this State, in an elaborate opinion given in a suit to test the legality of such ratification of leases, did say that State action alone cannot accomplish the results; that the State should, through its Legislature and executive officers, take appropriate steps to secure the aid and co-operation of the United States to secure to the white settlers the ratification of their leases and to protect them in their rights: Now, therefore,

Resolved, (if the senate concur.) That our Senators and Representatives in Congress are requested to lay the matter before Congress at an early day, and procure the passage of a law or take some action for the relief of said white settlers.

Resolved, (if the senate concur.) That a copy of this resolution be furnished to each of the members of the Senate and Congress from this State.

By order.

HIRAM CALKINS, Clerk.
IN SENATE, February 2, 1875.

Concurred in without amendment.
By order.

H. A. GLIDDEN, Clerk.

Mr. FENTON. As will be seen these resolutions relate to a subject embraced in a bill which passed the Senate a few days ago. I ask therefore that they lie on the table.

It was so ordered.

Mr. EDMUNDS. I present a communication from the Secretary of War with certain inclosures, touching the state of the law concerning removing persons charged with crime from the Territory of Alaska, if it be a Territory, into the jurisdiction of the United States courts in Washington Territory. I move that it be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. JOHNSTON presented the petition of Charles H. Williamson, M. D., of New York, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of Robert Tansill, a citizen of Virginia, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of Edward Booker, of Henry County, Virginia, praying to be granted a pension for services rendered the United States in the war of 1812, and for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. MITCHELL presented the petition of William J. Ford, praying to be allowed to prosecute before the Court of Claims a claim for certain cotton seized by United States Treasury agents in Alabama in 1865; which was referred to the Committee on Claims.

Mr. CONKLING presented a memorial of citizens of Clinton County, New York, remonstrating against the restoration of the duty on tea and coffee and praying a repeal of the law which reduced duties on certain foreign goods 10 per cent.; which was referred to the Committee on Finance.

Mr. STEVENSON presented the petition of R. C. Bauldin, of Cumberland County, Kentucky, praying compensation for services rendered during the war in hauling lumber for the use of troops recruiting in that State; which was referred to the Committee on Claims.

Mr. WEST presented the memorial of P. B. S. Pinchback, of the State of Louisiana, earnestly asking definite and speedy action upon his credentials as Senator-elect from the State of Louisiana; which was referred to the Committee on Privileges and Elections.

Mr. CAMERON presented two memorials of citizens of Perry County, Pennsylvania, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which were referred to the Committee on Finance.

He also presented a petition of Charles M. Blake, ex-chaplain United States Army, praying the passage of such a bill as will restore him to his rank, pay, and allowance as chaplain of the United States Army from the date of his resignation and last payment, to wit, from April 29, 1869; which was referred to the Committee on Military Affairs.

He also presented a petition of 208 American merchant seamen of the port of New York, and a petition of 8 American merchant seamen of Cairo, Illinois, praying for such legislation as will the better promote the marine-hospital service; which were referred to the Committee on Commerce.

Mr. COOPER presented the petition of James M. Quarles, of Nashville, Tennessee, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

CHANGE OF REFERENCE.

On motion of Mr. FENTON, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of John Fisk, and that the petitioner have leave to withdraw his petition and papers.

REPORTS OF COMMITTEES.

Mr. OGLESBY. The Committee on Indian Affairs, to whom was referred the petition of Albert G. Boon, of Colorado Territory,

praying compensation for services rendered the United States in 1861 in negotiating a treaty with the Arapaho and Cheyenne Indians of the Upper Arkansas River and reimbursement for moneys expended in the accomplishment of said treaty, have had the same under consideration, and instructed me to ask to be discharged from its further consideration, and that it be referred to the Committee on Claims. Although it has been referred to the Committee on Indian Affairs, and although it is apparently about the subject of Indians and Indian affairs, it is in its nature wholly and exclusively a claim for money advanced and services rendered as an agent of the United States. The committee feel that this does not properly belong there, and ask that it be referred to the Committee on Claims, where it can be properly attended to.

The Committee on Indian Affairs was discharged from the further consideration of the petition; and it was referred to the Committee on Claims, and the accompanying report was ordered to be printed.

Mr. MORRILL, of Vermont, from the Committee on Public Building and Grounds, to whom was referred the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, reported it without amendment.

Mr. HAMILTON, of Maryland, from the Committee on Patents, to whom was referred the petition of John R. Harrington, praying an extension of letters-patent for improvement in carpet lining, reported a bill (S. No. 1247) for the relief of John R. Harrington; which was read, and passed to a second reading.

Mr. SCOTT, from the Committee on Claims, to whom was referred the petition of Charles B. Phillips, praying to be allowed a share of the avails of the one-third part of the wharf-boat D. G. Fowler, forfeited under the act of Congress of August 6, 1861, submitted a report accompanied by a bill (S. No. 1248) for the relief of Charles B. Phillips.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. FERRY, of Connecticut, from the Committee on Patents, to whom was referred a resolution of the Legislature of Kansas against the extension of Patents beyond the time now fixed by law, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 4202) to enable Mrs. Christiana L. Williams, administratrix of the estate of C. W. Williams, deceased, to make application to the Commissioner of Patents for an extension of letters-patent for improvements in canal locks and gates, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 705) to extend letters-patent granted to Henry G. Bulkley for certain improvements for kiln-drying substances, reported adversely thereon, and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (S. No. 1123) authorizing the Commissioner of Patents to consider the application of John Fritz for extension of patent for rolling iron, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of O. D. Barrett, praying for the passage of a bill before the committee in relation to the extension of certain letters-patent, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 962) to authorize the Commissioner of Patents to extend certain letters-patent therein described, reported adversely thereon, and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the petition of Julius A. Pickering, praying for the extension of a patent No. 23532 for attaching boot-straps, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Josiah Kirby, of Cincinnati, Ohio, praying the extension of his patent on a tool for boring and reaming bung-holes of barrels, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Horace W. Peaslee, of the town of Chatham, Columbia County, New York, praying for the extension of letters-patent granted to him for an improvement in machinery for washing paper-stock, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1218) to incorporate the Grange National Benefit Life Insurance Association of the United States, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on the Judiciary; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1214) for the relief of the Industrial Home School of the District of Columbia, reported adversely thereon.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the petition of Frank Kendrick, praying for a pension, submitted a report accompanied by a bill (S. No. 1249) granting a pension to Frank Kendrick.

The bill was read and passed to a second reading, and the report ordered to be printed.

Mr. HAMILTON, of Texas, from the same committee, to whom was referred the bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle, reported it without amendment.

He also, from the same committee, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

The petition of John B. Keys, late first lieutenant One hundred and twenty-second Regiment United States Colored Infantry, praying for an increase of pension;

Papers relating to the application of John V. Solloway, praying to be allowed a pension for services rendered the United States Government in the war of 1812;

The petition of Mary Ann Daniel, praying for an increase of pension to her son, John T. Daniel; and

The petition of William H. Harding, late private Company A, Seventy-sixth Regiment Pennsylvania Volunteers, praying for a pension.

Mr. HAMILTON, of Texas, from the same committee, to whom were referred the bill (H. R. No. 2355) granting a pension to Ann R. Voorhees; the bill (H. R. No. 3710) granting a pension to Henry C. Mills; the bill (H. R. No. 2504) granting a pension to Henry B. Burger; the bill (H. R. No. 3686) granting a pension to Nancy Curry; and the bill (H. R. No. 3701) granting a pension to Mrs. Maria D. C. Bache, widow of General Hartman Bache, United States Army, submitted adverse reports thereon; which were ordered to be printed, and the bills were indefinitely postponed.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1245) to amend the forty-first section of an act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4448) making an appropriation for the new school building in the city of Georgetown, District of Columbia, reported it without amendment.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 1233) construing an act for the benefit of the Mobile and Girard Railroad of Alabama, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1145) to provide for the sale of desert lands in Lassen County, California, reported it with amendments.

Mr. HARVEY, from the Committee on Public Lands, to whom was referred the bill (S. No. 1161) in relation to school lands, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FENTON, from the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 3399) authorizing the sale of certain lands at Vincennes, Indiana, reported it with an amendment.

Mr. HOWE, from the Joint Committee on the Library, reported a bill (S. No. 1250) making further provision for the accommodation of the Library of Congress, which was read and passed to a second reading.

Mr. INGALLS. The Committee on Pensions, to whom was referred the bill (S. No. 1055) granting a pension to Charles H. Crippen, have instructed me to say that upon investigation they have ascertained that the beneficiary of the bill is at the present time in the enjoyment of a pension under existing laws, and they therefore ask to be discharged and that the bill be indefinitely postponed.

The bill was postponed indefinitely.

Mr. MORTON, from the Committee on Privileges and Elections, to whom was referred the bill (S. No. 1191) to provide for and regulate the counting of votes for President and Vice-President, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the concurrent resolution of the Senate proposing to amend the twenty-second joint rule, asked to be discharged from its further consideration; which was agreed to.

Mr. MORTON. I am also instructed by the same committee to report to the Senate a bill on the same subject. I ask that the bill be printed, and I give notice that on Monday I will ask the Senate to proceed to the consideration of it.

The bill (S. No. 1251) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon was read and passed to a second reading.

Mr. PRATT, from the Committee on Pensions, to whom were referred additional papers in relation to the claim of Abraham Ellis, late lieutenant and quartermaster and acting commissary for United States troops in the State of Kansas, submitted a report accompanied by a bill (S. No. 1246) granting a pension to Abraham Ellis.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mary W. Jones, widow of the late Commodore Thomas Ap C. Jones, praying for an increase of pension from thirty to fifty dollars a month, asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT. I am directed by the Committee on Public Lands to report back the bill (H. R. No. 1142) to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa

within the so-called Des Moines River grant on account of failure of titles and to procure a relinquishment of the paramount titles to the United States, with a recommendation that the bill be indefinitely postponed. By direction of the committee I have made an extended report in the case, which I ask may be printed.

The VICE-PRESIDENT. The bill will be postponed indefinitely, if there be no objection.

Mr. WRIGHT. I ask that that bill go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report, which will be printed.

PENSION TO SOLDIERS OF 1812.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty, and to whom, after the committee had reported the same back to the Senate with the recommendation that it should pass, it was subsequently, by order of the Senate, recommitted, have directed me to report the same back now to the Senate with the recommendation that all be stricken out from the enacting clause and a substitute in the nature of a new bill inserted and recommended to the consideration of the Senate. As this is a measure of general interest, I beg leave to state in this connection the changes which the committee recommend in the existing pension law.

The first section of this substitute admits to the pension-rolls all surviving officers, soldiers, and sailors who served in the war of 1812 for the period of thirty days and were honorably discharged and who did not in any manner voluntarily engage in or aid or abet rebellion.

The second section admits to the pension-roll all the surviving officers and men who served for thirty days in the Indian war of 1811 and who did not voluntarily aid the rebellion. I may state in this connection that it appears from correspondence with the Pension Office that the number of regulars, militia, and volunteers who were engaged in the war of 1811 is estimated at six hundred and fifty. History puts the number engaged in the battle of Tippecanoe at seven hundred. The Commissioner makes no estimate as to the number of those who survived, but it will be apparent that the number must of necessity be very few.

The third section of the amended bill admits to the roll the surviving warriors of the Seneca Nation of Indians who co-operated and served with the Army of the United States for the period of thirty days in the war of 1812. The survivors are estimated at the number of about one. All these pensions are payable from and after the passage of the act at the rate of eight dollars per month.

Another section of the bill admits the surviving widows of the soldiers who served in the wars of 1811 and 1812 whose husbands served for the period of thirty days, provided they were married prior to the treaty of peace with Great Britain and have never remarried.

Another section restores to the pension-roll the names of all persons now surviving heretofore pensioned on account of service in the war of 1812 whose names were stricken from the roll in pursuance of the act of February 4, 1862, their pensions to be paid from and after the passage of the act. The Commissioner of Pensions states in a letter to me that the number who were thus stricken from the rolls was two hundred, and he estimates that of that number there are about sixty remaining to be benefited by this act.

I may further state in this connection in relation to the number of surviving soldiers of the war of 1812 who served for the period of thirty days, that the Commissioner of Pensions in a letter to me dated the 16th of December, 1873, estimated that, including them and the widows of those who were dead, there would be fifty-four hundred and twenty-nine added to the pension-roll. Of course that number is considerably diminished since that time, since the average age of the survivors of the war of 1812 is now about eighty-one years.

These are the main provisions of the substituted bill which the committee have recommended.

The VICE-PRESIDENT. The bill will be placed on the Calendar and the amendment printed.

Mr. PRATT. The same committee, to whom was referred the bill (S. No. 1057) amending an act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers, approved February 14, 1871, have instructed me to report it back with a recommendation that it be indefinitely postponed, inasmuch as the provisions of this bill are incorporated in the bill which I have just reported.

The bill was indefinitely postponed.

Mr. PRATT, from the Committee on Pensions, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

The petition of John Akley, a soldier of the war of 1812, praying to be allowed a pension;

The petition of Christy Jordan, of Missouri, praying to be granted a pension for services rendered in the war of 1812, and also that a land warrant may be issued to him;

The petition of Walter Wheatley, a citizen of Ohio, praying to be allowed a pension on account of services rendered in the war of 1812;

The memorial of Andrew Johns, delegate from the Seneca Nation

of Indians, asking that pensions may be allowed to such of the survivors of that nation as served in the war of 1812;

The petition of members of the Seneca tribe of Indians who cooperated with the American forces in the war of 1812, asking to be placed on the pension-roll;

The petition of Joseph Peach and Philemon Jones, praying to be allowed pensions for services rendered in the war of 1812;

The petition of Edward B. Rollins, a soldier in the war of 1812, praying to be allowed a pension; and

The petition of citizens of Pennsylvania, praying the passage of a law granting pensions to soldiers of the war of 1812.

Mr. PRATT also, from the same committee, who were instructed by a resolution of the Senate to inquire into the propriety of reporting a bill placing on the pension-roll, at the rate of eight dollars per month, the surviving soldiers of the Indian war of 1811; also the widows of such as were dead, who were married before the 1st day of January, 1825, asked to be discharged from the further consideration of the subject, the committee having taken action thereon; which was agreed to.

TERRITORY OF OKLAHOMA.

Mr. CLAYTON. The Committee on Territories, to whom was referred the bill (S. No. 570) to organize the Territory of Oklahoma and for the better protection of the Indian tribes therein, and for other purposes, have instructed me to submit a written report; and as it is short, I ask to have it read.

The Chief Clerk read as follows:

The Committee on Territories, to whom was referred Senate bill No. 570, to organize the Territory of Oklahoma and for the better protection of the Indian tribes therein, and for other purposes, have had the same under consideration, and beg leave to submit the following report:

The committee recommend that the further consideration of the bill be postponed until the second Monday in December next.

From the information your committee have been able to obtain relating to affairs in the Indian Territory, they are impressed with the belief that the welfare of the Indian tribes, the better administration of justice, and the interests of the United States alike demand additional legislation looking toward the better government of said Territory and the civilization of the Indians.

Before entering upon the consideration of a subject of such magnitude and importance, it seems desirable that the Senate should take some steps to procure the fullest and most reliable information relating to affairs in the said territory, the sentiments and desires of the lawful inhabitants, and their capacity for self-government under a territorial form.

In furtherance of this idea your committee would most respectfully recommend that the whole subject be placed in the hands of a special committee of the Senate, with authority to visit the Indian Territory, and with such powers as this body should think proper to confer upon them.

Mr. CLAYTON. I move that the report be printed.

The motion was agreed to.

Mr. CLAYTON. I also move that the consideration of the bill be postponed until the second Monday in December, next.

The motion was agreed to.

Mr. CLAYTON. I also report with this bill sundry memorials bearing on the same subject, and move that the Committee be discharged from their further consideration.

The motion was agreed to.

BILLS INTRODUCED.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1252) to define the crimes of murder and manslaughter in the District of Columbia, and to fix the punishment therefor; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1253) to define the law in regard to the right of action for injuries to the person in the District of Columbia; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1254) for the relief of J. C. McBurney, of Georgia; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1255) for the relief of Charles M. Blake, late chaplain in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1256) to amend the act entitled "An act relating to the Alexandria Canal," approved July 27, 1868; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1257) to provide for the construction of a bridge across the Missouri River at Decatur, Nebraska; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1258) for the relief of Alstorpheus Werninger, of Saint Paul, Minnesota; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CRAGIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1259) to authorize the appointment of Walton Cable as master in the Navy on the retired list;

which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1260) to remove the political disabilities of James M. Quarles, of Nashville, Tennessee; which was read twice by its title, and referred to the Committee on the Judiciary.

ORDER OF BUSINESS.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) If there be no resolutions, the remainder of the morning hour is allotted to the Committee on the District of Columbia.

Mr. SARGENT. Before the committee proceeds I should like to make a suggestion and a statement. I would suggest that to-day, the Saturday session, after the committee now to be called shall have concluded its business, the next committee on the Calendar be called and that the day be devoted to the consideration of reports from committees in the order that they would be called during the morning hour; and at the conclusion of the day's session I should like to ask the indulgence of the Senate that the Louisiana question may be taken up to be the unfinished business on Monday, at which time I desire to submit some remarks, hoping that by then I shall be able to regain sufficient strength to proceed with the speech which I should have made the other day if I had not been interrupted by sickness. I make the suggestion now that the Committee on the District of Columbia proceed until it has finished its business and that afterward the next committee be called.

The PRESIDING OFFICER. Is there objection to the suggestion?

Mr. EDMUNDS. I object, not in order to compel my friend to make his speech to-day.

Mr. SARGENT. I do not feel strong enough to speak to-day, but I hope to be by Monday.

Mr. EDMUNDS. I say I do not make the objection in order to compel the Senator to make his speech to-day; but I think we had better follow the regular order of business.

The PRESIDING OFFICER. The Committee on the District of Columbia is entitled to the remainder of the morning hour for bills from that committee.

METROPOLITAN POLICE.

Mr. SPENCER. On behalf of the committee I move that the Senate proceed to the consideration of Senate bill No. 304.

The motion was agreed to; and the bill (S. No. 304) relative to the Metropolitan police of the District of Columbia was considered as in Committee of the Whole.

The bill proposes to clothe the Court of Claims with jurisdiction of all claims by any member or members of the Metropolitan police of the District of Columbia, under or by virtue of joint resolution approved February 28, 1867, entitled "Joint resolution giving additional compensation to certain employes in the civil service of the Government at Washington."

The Committee on the District of Columbia proposed to amend the bill by inserting in line 4 after the word "claims" the words "if any there be," and to insert at the end of the bill the following proviso:

Provided, That this resolution shall not be construed so as to create any new claim or liability under the said resolution approved February 28, 1867.

Mr. EDMUNDS. I should like to have that bill explained. It relates to creating a jurisdiction in the Court of Claims over certain asserted claims that I suspect are barred by the statute of limitations. If they are not barred by the statute of limitations and are claims of contract, then the Court of Claims has jurisdiction now. In order that the law part of that affair may be investigated, I move that the bill be referred to the Committee on the Judiciary, where it ought to have gone in the first instance.

Mr. SPENCER. I will state to the Senator from Vermont that there is a printed report in the case which can be read.

Mr. EDMUNDS. It is purely a law matter, and I think it ought to be considered by the law committee.

Mr. SPENCER. I have no objection.

The PRESIDING OFFICER. The Senator from Vermont moves that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

WASHINGTON STREET RAILROAD.

Mr. SPENCER. I move to proceed to the consideration of House bill No. 2102.

The motion was agreed to; and the consideration of the bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railroad Company was resumed as in Committee of the Whole.

Mr. HITCHCOCK. That bill has been fully considered as in Committee of the Whole, and various amendments suggested by the honorable Senator from Vermont [Mr. EDMUNDS] were placed on the bill at the last session.

Mr. EDMUNDS. Let the bill be read.

The bill was read.

Mr. HITCHCOCK. On page—

The PRESIDING OFFICER. The morning hour has expired.

Mr. SPENCER. I move that the time of the Committee on the District of Columbia be extended for an hour.

Mr. EDMUNDS. That I object to. I shall not object to three-quarters of an hour longer, which will give them a whole hour.

Mr. SHERMAN. An hour from the time they commenced ought to be enough.

Mr. EDMUNDS. That is three-quarters of an hour from now.

Mr. CHANDLER. I give notice that when that time is up I will call up the steamboat bill.

Mr. SPENCER. I accept the suggestion of three-quarters of an hour.

The PRESIDING OFFICER. The Chair hears no objection to that suggestion.

Mr. HITCHCOCK. In section 1, line 16, I move to amend by striking out the word "Third" and inserting "Fourth;" also in line 17 by striking out "Third" and inserting "Fourth;" and in the same line by striking out all after the word "west" in that line and also the first word of the following line, the words being "to its intersection with New Jersey avenue, thence northwest along New Jersey avenue," so as to read:

Along said First street west to Massachusetts avenue; thence northwest along said avenue to Fourth street west; thence along Fourth street west to O street north; thence along O street north to Twelfth street west, &c.

The object of the amendment is to bring the road one block nearer the new market, and thereby better accommodate the public.

The amendment was agreed to.

Mr. EDMUNDS. That strikes out New Jersey avenue.

Mr. HITCHCOCK. Yes, sir.

Mr. EDMUNDS. Now, I move, on the same principle of keeping this road out of the avenues, which are about all there are left to other people than corporations, to strike out in line 15 of section 1 the words "Massachusetts avenue," and insert "G street north;" and in line 16 to strike out "northwest" and insert "west," and strike out the word "avenue," and insert "G street;" so as to read:

And running thence due north along said First street west to G street north, thence west along said street to Fourth street west.

Mr. HITCHCOCK. I do not think that this amendment should be adopted. It is true that as the bill now stands the road runs for three blocks on Massachusetts avenue. So far as that avenue is concerned, while the Senate and the city might object to a railroad running through the whole length of the avenue, the running of a railroad simply along the avenue for the distance of three blocks makes the road much more easily operated and I think much more generally convenient for the public, and I do not believe it will seriously mar the beauty or the usefulness of the avenue. The bill was amended in very many particulars during the last session when it was before the Senate, and I should be very glad if it could be passed now with those amendments.

Mr. EDMUNDS. I do not understand whether the Senator from Nebraska opposed this amendment or not. If he does not oppose it, I do not wish to take up time in stating the reasons for it to the Senate.

Mr. HITCHCOCK. I stated that I did oppose the amendment because while it might be objectionable to run the road the whole length of that avenue, as the honorable Senator said, because it would mar the beauty of the avenue and possibly interfere with its usefulness as a driving-street, yet I believed that to run the road a short distance on that avenue would add much to the usefulness and convenience of the road to the public, and would not interfere with the use of the avenue to any such extent as would render it desirable to adopt the amendment of the Senator from Vermont. I stated further that very many amendments were placed upon the bill at the suggestion and on the motion of the honorable Senator at the last session; but I trust this amendment will not be insisted upon.

Mr. EDMUNDS. I hope the Senator does not suppose that any amendments that I proposed at the last session, and which were agreed to, were bad ones. I think they were all satisfactory to him.

Mr. HITCHCOCK. I thought that very many of them were entirely unnecessary, but to satisfy the honorable Senator I yielded to many of them. Some of them I thought were very good. This one I happen to think is not necessary, and consequently I am opposed to it.

Mr. EDMUNDS. That is perfectly right, but that makes it necessary that I should state to the Senate the ground upon which I think it is a proper and wholesome amendment.

Massachusetts avenue is nearly five miles long, the only avenue that crosses the entire city in a direct line. I have been told it is five miles long, but now I am told by my colleague that it is not five miles long. I will not take up the time of the Senate on the question of how long it is; at any rate it goes from Rock Creek, on the borders of Georgetown, to the Eastern Branch, whatever the distance may be. It is in the upper part of the city, and an avenue that is wide. It is not blocked up by business traffic, there being scarcely any stores or manufacturing operations upon it, so that the heavy business of the town is and always will be of course below. Besides, it is the only avenue in the city where people can foot or on horseback or in carriages or in any other way may have a free scope through the town without the danger and inconvenience that arise where these rail-tracks are, with the stone pavements between them generally ridged and uneven.

Now, it is proposed to grant privileges to this corporation to set up

for their own profit and for the public good—but I suppose chiefly for their own profit—this railway. They choose to take two blocks out of the middle of Massachusetts avenue to run their railroad upon it. I propose that they shall turn out of First street west one block below Massachusetts avenue and keep along G street until they strike Fourth street, and go up that. The distance run in this way will not be fifteen rods farther. It is merely the difference between making a right-angle for two blocks and making an oblique one, coming out to the same point. Now that the road is made to go on Fourth street instead of Third street, it will have three blocks upon Massachusetts avenue.

I think it is wrong in the interest of the public convenience of this city that this avenue should be blocked up by street cars. There is no public necessity for it; and that being the case, I submit that this avenue, which is to be a fine one in the end, shall not be destroyed for its best purposes by the unnecessary location of a railroad in it; and my motion therefore is to require this company to keep out of this avenue, as the Senate has just required that they shall keep out of New Jersey avenue, and for a very good reason too, so that they shall pursue the streets and leave the avenue alone. I am sure that every person interested in the propriety and comfort of the city who knows anything about that avenue ought to agree with me.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The question being put, there were on a division—ayes 10, noes 16; no quorum voting.

Mr. EDMUNDS. Let us have the yeas and nays.

Mr. SPENCER. I appeal to the Senator from Nebraska to accept the amendment. I think it is not very material.

Mr. HITCHCOCK. Rather than take the time of the Senate I will yield and allow the amendment to be put upon the bill.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to. The amendment is agreed to.

Mr. EDMUNDS. I suggest that there is no quorum, and until by a count we ascertain the presence of a quorum we cannot proceed.

The PRESIDING OFFICER. The Chair understood that there was no objection.

Mr. EDMUNDS. I have no objection; but the Chair ought to ascertain that there is a quorum here, as I have no doubt there is.

Mr. HITCHCOCK. I hope the Senator will not insist on that.

Mr. EDMUNDS. I will not insist on it except to have the record show that we are not acting without a quorum. It will not take half a minute to learn the fact. The Chair will merely count the Senate. I think there is a quorum in the Chamber.

The PRESIDING OFFICER, (having made a count.) There are forty Senators present—a quorum.

Mr. MORRILL, of Vermont. I do not wish to interfere at all with the location of these railroads, except where they interfere with the public grounds, but I must say that this railroad perhaps is as much open to as many objections as any of the propositions that have been presented, except that one is saved. This road now is relieved of the objection of passing through Massachusetts avenue, but it runs nearly the entire length of Ohio avenue, a large portion of Maryland avenue, a portion of Virginia avenue, and crosses in front of the Capitol, and then again crosses the mall on Twelfth street.

It has appeared to me heretofore that Congress ought to be relieved from the location of these railroads. This one runs right around in the heart of the city, and does not give any accommodation to the remoter parts scarcely at all, except in the north direction, and it does not run to the extreme north even there by four or five blocks. At the last session the Committee on Public Buildings and Grounds proposed a measure for the appointment of a commission that should locate these railroads and authorize them to be built wherever the public convenience required them, and not merely that they should be confined as private interests might at first dictate, and thereby compel the construction of a great many railroads in order to get the whole city accommodated.

It is clearly obvious that road may be made a paying road; but hereafter roads that are desired to be constructed in order to accommodate other portions of the city will be so unremunerative that they cannot be constructed, and therefore the remote parts of the city will be destitute, while we are crowded, huddled with a large number of railroads in the center of the city.

I wish that the Senator from Nebraska would consent to allow the proposition to have a commission locate these roads put on this bill and have it apply to all of them. I have no interest in the matter more than any other Senator. I desire to have these roads built where the interests of the people require them; but I do not like this mode of legislating merely upon the application of a few individuals where a road may be picked out and all the fat places acquired, while all the lean places are left out in the cold.

Mr. HITCHCOCK. The honorable Senator objects to this road, apparently because it will be useful, because it will accommodate a great many people, because it will run in the center of the city, because he thinks it may pay. If there is any use in passing any railroad bills at all, it seems to me these are the very arguments which should be brought to bear in favor of their passage. We do not want railroads in the remote parts of the city where no people live; we do not want railroads at the outskirts where no one is to be accommodated; but we want them where the people go, where business goes,

where the people are who are to be accommodated by their use; and I think if any bill has been before the Senate or is likely to be which carries out that idea thoroughly and completely, this is the one. Beginning at Fourteenth street, on the south side of Pennsylvania avenue, this road passes down near the Agricultural Bureau, then up by the avenue in front of the Capitol, across in front of the Capitol, without any additional railroad tracks, to which the Senator objects, and up by the new market and around on O street, and back again to the place of beginning. I believe that will accommodate more people than any other railroad in this city, without interfering either with the harmony or beauty of the city in any respect. Many amendments have been incorporated in the bill which were suggested by the Senators from Vermont at the last session, guarding it carefully and thoroughly in every respect, and I trust we shall now be able to put the bill on its passage.

Mr. MORRILL, of Vermont. I will offer Senate bill No. 861 as an additional section to this bill, and I do so for the purpose of eliciting the sense of the Senate in relation to this matter. I am entirely indifferent what action shall be taken, but it seems to me that all of these railroads ought to be regulated upon some system.

There is another thing in relation to the matter that is not regulated by these private charters. I think that there ought to be a just system of taxation. Here the city and the General Government are at great expense in fixing the grades of the streets and avenues, and these roads have nothing to do but lay their track; it costs them nothing for the land. It strikes me that a just system of taxation ought to be provided for. I therefore offer this as an additional section to the bill.

Mr. HITCHCOCK. I trust that that additional bill of the honorable Senator will not be placed as an amendment upon this bill. If the honorable Senator desires a commission for the purpose of establishing or controlling the street railroads of the city, let him bring in his bill as an independent proposition, and not undertake to destroy this bill by putting an entirely different proposition upon it. I hope the Senate will vote down the amendment.

Mr. MORTON. It has been represented to me that this projected railroad is important to the interests of a large class of people in this city. The street-cars are the people's carriages; and no street-railroad will be built where it is not needed, because if it is not needed it will not pay. There can be no system of street railroads, as I understand it. They are built from time to time according to the growth and development of the city where they are needed, and intelligent men will not build them where there are already other railroads that supply the place. A street railroad will only pay upon condition that there is business for it to transact that is not already provided for by other railroads, and therefore they must be built from time to time as the growth of business and the growth of the city demand.

Now, if intelligent men are willing to build this road, believing it will pay, it is because it is needed and there people who will patronize the road and make it profitable. If there are already other roads that do the business, then it will not pay. The presumption, therefore, is that the road is needed and there is no existing road that supplies the demand. Now, to wait for a general classification of street railroads, to find where they ought all to go, and to refuse to authorize this road because it may interfere with the building of some other road in the future, it seems to me, is not tenable ground.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

Mr. ALLISON and Mr. ROBERTSON. Let the amendment be read.

The CHIEF CLERK. It is proposed to add to the bill the following:

That the chief officer of Engineers of the Army of the United States, the engineer officer in charge of public buildings and grounds in the city of Washington, and three other suitable and competent persons, to be selected by the President of the United States, are hereby constituted a commission to examine the whole subject of steam-railway tracks entering the District of Columbia, both as to existing roads and those in course of construction, and especially as to connections which will best accommodate travel and trade by land and water; the location and construction of tracks and depots, so as to diminish and limit the obstruction of streets, avenues and public grounds as far as possible; and also to examine as to the location of horse-railways now existing or authorized, and what more are or will be required for the future accommodation of the city of Washington, and where such railroads may be properly established without interfering with public grounds and with the least inconvenience to avenues and streets; and further to examine and report upon some just and equitable system of taxation for horse-railways, based upon the amount of gross or net receipts, and report a full and comprehensive plan, embracing all the points herein mentioned and all matters properly connected therewith to Congress, on the 1st of December, 1875.

Mr. SPENCER. I submit that it is hardly fair and just to attach that amendment to a bill to build a street railroad in the District of Columbia. I hope the Senator from Vermont will withdraw the amendment, and when his committee is called have the measure considered as a separate bill.

Mr. MORRILL, of Vermont. I consider that this is an exceedingly appropriate place to put this measure, because after all the legislation had been had it would seem rather hard after a railroad company had located its road to change its track and its direction; but if the Committee on the District of Columbia are opposed to it, I do not desire to antagonize them at all. It seems to me that they ought not to be opposed to it, for this is only creating a board that will report what is necessary and proper to be done under the circumstances in relation to all railroads. But if the committee feel

that it is antagonistic to this bill or any other, I will withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HITCHCOCK. I desire to offer an amendment which becomes necessary on account of the board of public works not now being in existence. In section 4, line 5, I move to strike out "board of public works" and insert "board of commissioners of the District of Columbia, and if there be at any time no such board, then by the Secretary of War;" so as to read:

That the said corporation hereby created shall be bound to keep said tracks and a space of two feet beyond the outer rails thereof, and also the space between the tracks, at all times well paved and in good order, in such manner and of such material as may be required by the board of commissioners of the District of Columbia, &c.

The amendment was agreed to.

Mr. HITCHCOCK. I desire also to transpose section 6 and make it the last section of the bill. It is a section which provides that this act may at any time be altered, amended, or repealed by Congress. I suppose there will be no objection to that change.

The PRESIDING OFFICER. If there be no objection, the transposition will be made. The Chair hears no objection.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WASHINGTON AND POINT LOOKOUT RAILROAD.

Mr. SPENCER. I move that the Senate proceed to the consideration of Senate bill No. 463.

The motion was agreed to; and the bill (S. No. 463) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad to extend a railroad into and within the District of Columbia," approved January 22, 1873, was considered as in Committee of the Whole.

The Committee on the District of Columbia reported the bill with amendments. The first amendment was in section 1, line 13, after the words "constructed or" to insert "for the purpose of locating or constructing."

The amendment was agreed to.

The next amendment was in section 2, line 4, after the word "be" insert "and continue ever hereafter to be."

The amendment was agreed to.

The next amendment was in section 2, after the word "fronting," in line 8, to insert "the extreme ends of."

The amendment was agreed to.

The next amendment was in section 2, line 11, after the word "side-track" to insert "of sufficient length to accommodate two freight-cars."

The amendment was agreed to.

The next amendment was in section 2, line 14, to strike out after the word "that" the words "all passenger trains" and insert "at least one passenger or accommodation train going each way;" and to strike out in lines 17, 18, 19, and 20 the words "whenever the superintendent of the hospital shall desire it; and no train or car shall unnecessarily stop upon the track in front of the hospital grounds without the consent of the superintendent;" and in line 21 strike out after "wharf" the words "shall be," and strike out "and" and insert "shall be;" so as to read:

That within the same period a switch and side-track of sufficient length to accommodate two freight cars shall be constructed, upon which cars loaded with supplies for the hospital may be run and allowed to stand until they are unloaded; that at least one passenger or accommodation train going each way shall stop daily upon the hospital wharf, and leave or take passengers.

The amendments were agreed to.

The next amendment was in section 2, line 24, to insert before "visitors" the words "board of," and in line 25 to strike out "convenience of that" and insert "interest of the;" so as to read:

That a safe and commodious wharf already constructed shall be constantly maintained at the expense and cost of the railroad company, outside of the road, in such a position and in such a manner as, in the opinion of the superintendent and board of visitors of the hospital, shall best subserve the interests of the institution.

The amendment was agreed to.

The next amendment was in section 2, line 30, after the word "constructed" to insert "within three months after the passage of this act," and before the word "maintained" to insert "thereafter," and after "railroad-track," in line 33, to insert—

That the hospital shall have the right to build a bridge over the railroad track in order to reach the outer end of its wharf.

Mr. MORRILL, of Vermont. May I ask the Senator from Nebraska whether the duty of the building such a bridge as that should not be changed from the Insane Hospital to the railroad company? It seems to me that if they cross so as to compel the hospital to build a bridge, the burden is here put upon the wrong party.

Mr. HITCHCOCK. I will state in answer to the honorable Senator that the section was put in that shape in accordance with the suggestion and at the request of Dr. Nichols. I made the same suggestion to him that the Senator now makes, and he said that he thought it was not advisable and he did not ask or desire that privi-

lege. I have no objection to such an amendment as the Senator suggests, but I think it is perhaps unnecessary.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The next amendment was to add as an additional section the following:

SEC. 3. That no railroad or other corporation at present existing, or which may be hereafter incorporated, shall enter upon any lot, square, or other ground, or part thereof, owned or held by the United States within the limits of the District of Columbia, for any purposes whatever, except as may hereafter be allowed by special act of Congress.

The amendment was agreed to.

Mr. SPENCER. I offer the following as an additional section:

SEC. 4. That this shall be at all times subject to be amended or repealed by Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. SPENCER. The next bill is the bill (S. No. 265) to establish the Corcoran Park and Zoological Garden, near the capital, in the District of Columbia, and to incorporate a society to maintain the same, and a company to construct a street-railroad thereto; but the Senator from Arkansas who reported the bill [Mr. DORSEY] is not in his seat, and I will pass that over until he comes in. I move to take up next the bill (S. No. 575) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation.

The motion was agreed to.

Mr. HITCHCOCK. There is a bill which has passed the House precisely similar in its provisions. Let the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. The Chair hears no objection to that suggestion.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad and to regulate its construction and operation.

Mr. HITCHCOCK. In line 3 of section 2 I move to strike out the words "board of public works for the District of Columbia" and insert "executive authority of the District of Columbia."

The amendment was agreed to.

Mr. MORRILL, of Vermont. I should like the Senator from Nebraska to explain where the track of this road is to run when it shall be completed.

Mr. HITCHCOCK. The road begins on the south side of Pennsylvania avenue at Fourteenth street, passes down that street and along the wharf and around so as to accommodate the heavy business near the river.

Mr. MORRILL, of Vermont. Does it not cross the mall on Fourteenth street?

Mr. HITCHCOCK. It begins on Fourteenth street and runs down that street to near the river and passes along near the wharves, thus accommodating the heavy business in that direction, and around the river front down to the navy-yard bridge. It seems in that way to accommodate a class of people who are now entirely without railroad facilities of that kind. It has been petitioned for largely, and the committee believe that it is needed for the convenience of the public.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CLAYTON, it was

Ordered, That E. J. Woolum have leave to withdraw his papers from the files of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes.

The message also announced that the House had passed the bill (S. No. 764) to remove the political disabilities of Henry Heth, of Virginia.

The message further announced that the House had passed a bill (H. R. No. 796) to protect all citizens in their civil and equal rights, in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners; it asked for a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HORACE MAYNARD of Tennessee, Mr. CLINTON L. MERRIAM of New York, and Mr. MILTON J. DURHAM of Kentucky, managers at the same on its part.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The time allotted to the Committee on the District of Columbia has expired.

Mr. CHANDLER. I move that the Senate now proceed to the consideration of the steamboat bill.

Mr. SPENCER. I hope the Senator from Michigan will yield to the Committee on the District of Columbia an hour longer.

Mr. CHANDLER. I cannot possibly do it unless that be the will of the Senate.

Mr. SPENCER. There are a number of important bills reported by the District Committee which have not been acted upon which there will be no objection to whatever. If the Senator will yield to us one hour longer, we shall be able to pass those bills. Some of them are of a great deal of consequence, and there can be no objection to them. I appeal to the Senator to give us an hour longer.

Mr. CHANDLER. I cannot yield unless it be the will of the Senate. I make my motion and ask for a vote.

Mr. SPENCER. Then I hope the Senate will give the District Committee the time needed and vote down the motion of the Senator from Michigan.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

Mr. HITCHCOCK. I hope the Senator will not press his motion now. We have only had three-quarters of an hour. We have many important bills to which I think there will be no objection and which will give rise to no debate. It is approaching the close of the session and perhaps the District Committee will not have another opportunity. I should like at least half an hour given to the District Committee if so much time is needed. If the honorable Senator from Michigan will give way, we may compromise on that. I hope the Senate will not crowd off this committee with three-quarters of an hour.

Mr. BOGY. I hope the steamboat bill will be taken up. It is a very important matter, and it is late in the session and that bill ought to be passed promptly.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan, [Mr. CHANDLER.]

The question being put, there were on a division—ayes 24, noes 17.

Mr. HITCHCOCK. I call for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 27, nays 16; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Boggy, Boreman, Chandler, Cooper, Davis, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Ingalls, Johnston, McCreery, Morton, Pease, Pratt, Ramsey, Schurz, Scott, Sherman, Sprague, Stevenson, Thurman, West, and Wright—27.

NAYS—Messrs. Boutwell, Conkling, Flanagan, Gilbert, Hager, Hamilton of Maryland, Hitchcock, Mitchell, Morrill of Vermont, Patterson, Robertson, Sargent, Spencer, Tipton, Wadleigh, and Washburn—16.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Carpenter, Clayton, Conover, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Jones, Kelly, Lewis, Logan, Merrimon, Morrill of Maine, Norwood, Oglesby, Ransom, Saulsbury, Stewart, Stockton, and Windom—29.

So the motion was agreed to.

COMPENSATION OF NATIONAL-BANK EXAMINERS.

The Senate proceeded to consider its amendment to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners, disagreed to by the House.

On motion of Mr. SCOTT, it was

Resolved, That the Senate insist upon its amendment to the said bill disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the Vice-President appoint the conferees on the part of the Senate.

The VICE-PRESIDENT appointed Messrs. SCOTT, MORRILL of Vermont, and BAYARD.

LEGAL DAY'S WORK.

Mr. CONKLING. I ask that the bill (H. R. No. 2976) to define a legal day's work in certain cases which was indefinitely postponed be put upon the Calendar. It relates to the railway-car conductors in this District. I am requested to make the motion, and I suppose there will be no objection to it. The bill was reported back adversely some days ago and indefinitely postponed.

The PRESIDING OFFICER. The Chair hears no objection, and the bill will be placed on the Calendar.

HOUSE CONTINGENT FUND.

Mr. MORRILL, of Maine. I ask that the bill from the House making an appropriation for the contingent fund of the House, which I understand it is quite necessary should be passed at once, be taken up and acted on.

The PRESIDING OFFICER. The Chair will lay the bill before the Senate, if there be no objection.

By unanimous consent the bill (H. R. No. 4561) to make an appropriation to the contingent fund of the House of Representatives was read twice and considered as in Committee of the Whole. It appropriates \$20,000 to be added to the contingent fund of the House of Representatives.

Mr. EDMUNDS. What does that mean?

Mr. MORRILL, of Maine. It means this: That the contingent fund of the House of Representatives has run short by reason of the

expenditures necessarily involved by the committees of investigation which have been sent in various directions. I understand it to be necessary on that account.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

STEAMBOAT LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes.

Mr. SCOTT. I inquire whether the bill has not been read clear through and one or two verbal amendments made?

Mr. CHANDLER. The bill has been read about half through, I will inform the Senator.

The PRESIDING OFFICER. The Chair understands that the bill has not been read entirely through. The Secretary will resume the reading at the point where it was left off before. The bill was read to the end of the forty-second section.

The reading of the bill was concluded.

Mr. BOUTWELL. Although I am on the committee from which this bill came, I should like to have a statement from the chairman of the committee as to the changes that are made by it when compared with the existing law, and also whether any officer of the Government who from his position is bound to have an opinion upon the expediency of this measure has expressed an opinion in favor of it. For my own part I think the bill ought not to pass, and certainly ought not to pass without an exposition of its character to the Senate.

Mr. CHANDLER. I will state to the Senator from Massachusetts that the Senator from Pennsylvania [Mr. SCOTT] has a recommendation from the supervising inspector-general for the passage of this bill. He has given it, as I am informed, a very thorough investigation. The most of this bill corresponds with the old law. I have the different sections marked; but the Senate must see that as it is a bill of some eighty pages it would take some time to go through and give an explanation of everything in it. I think it is a good bill, and I hope the Senate will pass it precisely as it came from the committee and as it passed the other House.

Mr. SCOTT. The Senator from Michigan referred to a letter in my possession from the Secretary of the Treasury relating to this bill, and which he, as the chairman of the committee, desires to have read. I will send it to the Chair so that it may be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE SUPERVISING INSPECTOR-GENERAL,
January 27, 1875.

SIR: Agreeably to the request contained in a communication addressed to the Department by Hon. JOHN SCOTT, United States Senator, under date of the 16th instant, and referred to this office for an opinion, in general terms, as to the respective merits of the proposed bill to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, now pending in the United States Senate, as compared with the present law, I have the honor to report that I have examined the provisions of the proposed bill as fully as the time afforded would permit, and consider it in many respects better adapted to secure the objects of such enactments than the provisions of the present law. Its requirements are in many instances much more practical and comprehensive and better adapted to meet existing necessities, while they afford every reasonable protection to life and property against the dangers incident to steam navigation. The bill in question is founded on the act of February 28, 1871, about thirty sections of the said act having been incorporated in the proposed bill without alteration, while many are retained with slight amendment. All the features of the present law which have proved to be practically valuable appear to have been retained in the proposed bill, and many have been added, the value of which, in the light of past experience, cannot be doubted. Some of the provisions of the present law which are worthless or pernicious have been omitted. The several provisions of the bill which relate to the prevention and extinguishment of fire, the construction and management of vessels, and the saving of life in case of necessary abandonment, and the appurtenances required to be attached to steam-boilers to secure their safety and facilitate their proper management, I consider both reasonable and sufficient. The provisions of the bill relative to the stamping of boiler-plates and the required guarantee of quality and strength by the manufacturer are a great improvement on the provisions of the present law, and will result in the production and use of a superior quality of boiler-plates quite sufficient to compensate for the proposed increase of working steam pressure allowable on boilers made of iron or steel plates manufactured under the provisions of this bill.

Very respectfully,

WILLIAM BURNETT,
Supervising Inspector-General.

Hon. B. H. BRISTOW,
Secretary of the Treasury.

Mr. BOUTWELL. Mr. President, I may say in regard to the bill—and I say it as much in complaint of myself as of any other one—that it has not had in the committee the consideration that the subject deserves. The length of the bill, as the chairman says, precludes the careful analysis of all its provisions; but one sentence will express its character, and that is that in every particular it diminishes existing securities for the safety of life and property. It is in fact a bill to leave in a very large degree the character of the equipment of steam-vessels for the protection of life and property to the owners and managers of steam-vessels, in the particulars that it allows the transportation, upon vessels carrying passengers, of every kind of combustible material without adequate securities; that it dispenses, in regard to boilers with steam-gauges, with lock-up safety-valves and with other securities that have been deemed essential to protect the public against the hazardous misapplication of steam power. Take, for example, another provision in the existing law, that every steam-

vessel shall be provided with life-preservers containing at least six pounds of solid block cork, each pound capable of supporting four pounds' weight upon the water, making each life-preserver equal as security to the support of twenty-four pounds of solid weight. This bill provides—

That every steam-vessel (except ferry-boats and canal-boats)—

Consider what that exception is—

That every steam-vessel (except ferry-boats and canal-boats) carrying passengers shall be provided with a good life-preserver, containing not less than six pounds of good cork blocks, or other approved life-preservers of equal efficiency, capable of sustaining, when immersed in water, eighteen pounds of iron.

There, in the first place, is a reduction of six pounds, or 25 per cent. of the supporting power of the life-preserver. Then here is the phrase introduced, "or other approved life-preservers of equal efficiency" as a substitute for the block cork, whose efficiency is perfectly well known. When I inquired of a person that was bound to know, the superintendent of the steamboat service in the Treasury Department, what was the meaning of this phrase "other approved life-preservers of equal efficiency," he said there was a patented invention for the manufacture of life-preservers from cork-dust, and that the idea was to allow a substitute of this new invention for solid block cork.

Now, as a matter of human life, I think when the amount of money at stake is so inconsiderable there can be no excuse for Congress to allow such a change in the law. I speak of this not because of its gravity in and of itself, but as an indication of the purpose and the policy of this bill through eighty pages and seventy-five sections to diminish the security of life and property upon the waters of the country, and for no object, as far as I can see, except to diminish the expense of transportation upon the waters of the country; and when we consider that the internal navigation, as the coasting trade of the country, is a monopoly, if the expense of fitting out a steam-vessel upon the rivers or lakes of the country is increased 5, 10, or 15 per cent. in consequence of the security given to life and property by legislation, it is a burden that bears equally upon the whole business; and as the business is a monopoly, it does not interfere materially with it. During part of the year, to be sure, steam navigation upon water comes in competition with railroad transportation on land; but during the season when steamboats are mostly employed, their charges for transportation are so low that the competition is substantially among themselves.

Mr. SCOTT. From what part of the bill did the Senator read?

Mr. BOUTWELL. From the eighth section, twelfth page, in regard to life-preservers; and if the Senator has before him a copy of the existing laws, rules, and regulations, page 77, he will find this provision:

Every life-preserver, adjustable to the body of a person, shall be made of good sound cork blocks and other suitable material, with belts and shoulder-straps properly attached, and shall be so constructed as to place the cork underneath the shoulders and around the body of the person wearing it; and it shall be the duty of the inspector to see by actual examination that every such life-preserver contains at least six pounds of good cork, which shall have a buoyancy of at least four pounds to each pound of cork.

In this connection I may say that the use of the lock-up safety-valve is abandoned, the use of self-adjusting steam-gauges is abandoned in this bill, and provision is made for transportation of various kinds of combustible material. In section 4, on page 4:

That, except on ferry-boats—

And one would suppose from reading it these articles were not to be carried; but the provision is:

That, except on ferry-boats, no loose hay, (unless for feeding stock on board,) loose cotton, or loose hemp, camphene, nitro-glycerine, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, or other like explosive burning-fluids, shall be carried as freight on any steamer carrying passengers, except where there is no other public means of conveyance.

And, further on, baled cotton is to be carried if in good merchantable shipping order, while under the existing law it is to be securely protected against danger from fire and bound with iron bands.

It is said by those who support the present bill that the self-interest of steamboat owners and managers is sufficient for the protection of the public. The law now in existence has been in operation three years. It was passed in 1871, but it cannot be said to have been in operation until the 1st of January, 1872. I have the statistics compiled from official sources for the years 1870, 1871, 1872, and 1873. The statistics for the year 1874 have not been collated, but I have good reason to believe that the result will show even greater security for life and property on the waters of the United States than is shown by the return for the years 1872 and 1873; and the years 1872 and 1873, as compared with the years 1870 and 1871 when the system was substantially what it will be under the proposed bill, show the advantage of the existing law.

In the year 1870 the casualties by fire were 35, in 1871 32, making an aggregate in the two years of 67. In the year 1872 they were 23, and in the year 1873 they were 29, making an aggregate of 52 in the last two years together against 67 in the first two years, and that in view of the fact that in the years 1870 and 1871 combined the steam-vessels licensed were 6,391 in number and in the years 1872 and 1873 the combined force was 7,157, showing a gain in the two last years over the first two years of 766 vessels, equal to 14 per cent.; and yet the diminution in the casualties by fire was about 33 per cent. So that there was a gain, when you consider

the decreased number of accidents by fire and the additional number of vessels in service, of about 50 per cent.

The casualties by explosion in the year 1870 were 18; in 1871, 19; in 1872, 15; and in 1873, 5; showing, I think in a very marked degree, that the safeguards thrown around the steamboat service, especially in reference to the explosion of boilers, resulted in a very great gain in the matter of safety to the public. In the first two years the explosions were 37; in the last two years they were 20, and that in presence of the fact that the increase in the number of vessels in the service was about 14 per cent. I am told by those having in hand the statistics for the year 1874 that the return will be still more in favor of the advantages resulting from the present law.

An analysis of this bill shows—

Mr. SCOTT. Before the Senator passes from that point—for I desire to get from him as a member of this committee all the information I can—let me ask whether I am to understand him to say that the present bill diminishes or abolishes any of the protections provided in the former law in reference to the tests of boiler-plates and the efficiency of boilers?

Mr. BOUTWELL. The law is materially different in that respect. I cannot say, because I have not the knowledge of an expert, whether in that particular the proposed securities are better than those which now exist or otherwise; but I say that in all those particulars in which a person not an expert can judge of the security proposed by the bill and can judge also in those particulars of the securities furnished by the present law, the security furnished by the present law is far superior to that proposed in the bill, as in the matter of life-preservers, as in the matter of lock-up safety-valves, as in the matter of self-registering steam-gauges, as in the matter of transporting combustible materials upon the steam-vessels of the country.

The difficulty of ascertaining exactly the effect of the proposed bill is very great. Here are seventy-two sections, and thirty-three of these sections are taken from the existing law, but in the main it is to be said that those sections taken from the existing law do not touch the question of security for life and property on steam-vessels. There are thirty-eight sections amended, and I believe every section which does relate to security of life and property, as far as I observe, is subject to amendment in the proposed bill; and there is one additional section.

There are many points in this bill. I have a paper here which is in the nature of an examination of the various provisions of the bill, prepared by a gentleman who is very competent to judge of it, but I do not choose to go over these provisions in detail. I know they would be tedious to the Senate, and I do not know, if they were listened to, that they would be instructive. There is one other point in this bill, however, to which I will refer.

Here are numerous and intricate provisions in this bill, commencing on page 35, in section 29, rules for "coasting, steam and sail-vessels, and all such vessels navigating lakes, bays, rivers, inlets, sounds, and harbors, other than the waters flowing into the Gulf of Mexico, or their tributaries." They are to comply with certain rules in regard to passing each other. Those provisions are numerous; they are specific; they are embodied in this bill; and if the bill passes, they are to be embodied in the law. They refer to matters of very great importance to the safety of navigation. Whether these provisions are the result of an examination by an expert or by competent persons I cannot say. There is at the conclusion of this section a provision that the supervising inspectors may make other rules and regulations not inconsistent with those provided for in the bill; but I think myself that it is very hazardous to incorporate into law provisions relating to the details of navigation upon the water, and that it would be much better to leave that branch of the business subject to such rules as may be prescribed by the board of supervising inspectors, with the approval of the Secretary of the Treasury.

But, sir, I will not trouble the Senate further. The most I can say about this bill is that such examination as I have been able to give it, coupled with such experience as I have had in the administration of steamboat laws, leads me to think this a very dangerous experiment, and I feel entirely sure upon that point. I have no question that in various important particulars it diminishes the security for life and property furnished by the present law.

Mr. THURMAN. Mr. President, I have listened with great attention to the suggestions of the Senator from Massachusetts. It is our duty to pay attention to whatever may be said for or against any provision in this bill, because it is a very important subject indeed; and when Congress enacts a law upon it, it ought to be a good law. I shall occupy but little of the time of the Senate, however, in reply to what has been said by the Senator from Massachusetts. I say "in reply," because I have paid at this and former sessions of the Senate not a little attention to this subject, in which my constituents are very largely interested, in common with the whole western country and indeed the whole country where navigation such as is contemplated by this bill exists. Therefore I have anticipated these objections, considered them in my own mind, and acquired all the knowledge upon them that I was able to acquire.

The Senator from Massachusetts began by saying that every provision in the present law for the safety of persons or property is weakened by the bill in question. I beg leave to differ with the Senator, and to say that in my judgment the provisions for the safety of life and property in their practical operation will be more effective

under this bill than they are under the existing law. Such seems to be the opinion of the chief officer of the board of inspectors, and such was the opinion of the convention of inspectors, the Government officers charged with executing this law and with general supervision over it. Such was their opinion, for they, as I understand, approved this bill.

But the Senator proceeded to specify. In the first place he alluded to the fact that petroleum and other combustible material may be carried on steam-vessels. That is the present law. The only difference that I am aware of between the present law and this bill is this, that the present law requires these combustible materials to be carried upon the guards or the fore-castle of the vessel. That has been found impracticable with respect to certain vessels embraced by the laws as they now exist, for there are vessels without guards, as the coasting-vessels. The consequence has been that the law could not be complied with. The only change in that respect which is made, as I understand by this bill, is by adding in the thirty-third and thirty-fourth lines of the fourth section, in reference to the place where these combustible materials may be carried, that they may be carried "in such other part of the steamer as the local inspectors shall designate in writing." It leaves the law to stand as it is, that this material "may be carried on the decks, guards, or fore-castle of any such steamer, at a secure distance from any fire or heat." That is the present law, and this bill adds to it, "or in such other part of the steamer as the local inspectors shall designate in writing."

Now, sir, why is that? It is first for the reason I have already mentioned, that in respect to a large number of vessels which are embraced by this legislation they have no guards, and therefore the law cannot strictly be complied with; but there is still another and a more material reason yet, which is, that in respect to a number of vessels there are safer places to carry these materials than either the fore-castle or the guards. Whenever a fire occurs on a steamer, if the combustion takes place on the fore-castle or on the guards of the vessel, the conflagration is immensely and speedily increased by the action of the winds; and many a vessel has been lost by a conflagration arising either upon the guards or fore-castle which would have been speedily suppressed if it had occurred in some other portion of the vessel. What greater safeguard can you require than this which is required, that if these materials are carried anywhere in that vessel other than the places specifically named in the act, it shall be a place to be designated by the local inspectors in writing? I think it will be found that that is an additional protection, and that is the opinion of those most interested in the subject, and also, as I understand, of the board of supervisors.

Mr. CONKLING. Does the Senator understand the change he has now stated is the only one made in this regard?

Mr. THURMAN. The only material one. There may be some others. If there are others, they have escaped my attention. I will not affirm positively, but I am not aware at this moment of any others in that respect.

The second point is the omission or dispensing with lock-up safety-valves. Why are lock-up safety-valves dispensed with in this bill? Because experience has found that they do more harm than good. How is this lock-up safety-valve? It is locked up and perhaps not inspected for six months; it may become out of order and yet may be relied upon by the officers or navigators of the vessel, they supposing it to be working well and therefore governing themselves by it, when, in point of fact, it is out of order and endangering the vessel every hour. Hence it is the universal opinion, I believe, of steamboat men, and I think it is the opinion of all who have investigated the subject and have a practical knowledge of it, that the lock-up safety-valve enhances rather than diminishes the dangers of the vessel. That is the reason that is dispensed with.

Then comes the life-preserver. The present law seems to be in favor of somebody who manufactures a particular kind of life-preserver. It seems to me that makes a sort of monopoly of the trade in life-preservers. This bill dispenses with that monopoly, and the only question is does it provide a sufficient life-preserver. There is no particular magic in a life-preserver with so many pounds of good sound cork in it, if you can have another life-preserver equally good of a different kind. There is no necessity for that. What is this provision in regard to life-preservers? Let us look at section 8:

That every steam-vessel (except ferry-boats and canal-boats) carrying passengers shall be provided with a good life-preserver, containing not less than six pounds of good cork blocks, or other approved life-preservers of equal efficiency, capable of sustaining, when immersed in water, eighteen pounds of iron, such life-preservers to be adjustable to the body under the arms, for each cabin-passenger which by the certificate the vessel is permitted to carry; also a good life-preserver for each deck or stowage passenger which the inspector's certificate shall allow her to carry, and including the officers and crew; which life-preservers shall be kept in convenient and accessible places on such vessel, in readiness for immediate use in case of accident.

What more can be required? What necessity is there to go further than that? All these vessels, with their appurtenances and equipments, are subject to inspection, and especially in respect to the requirements of law, the requirement that they shall have, among other things, life-preservers, fire apparatus, buckets to extinguish fire, and the like. These things are especially to be considered by the local inspectors. In every certificate given to a vessel it is stated whether that vessel has the requisite number of life-preservers and the requisite apparatus and machinery for extinguishing fire, so that

it is not left to any negligence of the inspector at all. He is obliged to put it in the certificate itself and thus to show that the vessel has complied with the requirements of the law.

What is the next thing? That self-registering steam-gauges are dispensed with. I do not know how the fact is, but I am told that at the convention of the board of supervisors—and these supervisors, as we all know, are the Government officers charged with the supervision of this subject—the conclusion was unanimous on the part of that board that there was no self-registering steam-gauge in existence that could be relied upon or trusted, and that therefore they had best be dispensed with. Indeed, in respect to most of these matters, I may say that nearly every piece of self-acting machinery, the object of which is to do away with human supervision, only encourages negligence and omission of duty on the part of the persons navigating the vessel, and when they are accustomed to rely upon these automata and to dispense with their own personal supervision, experience has always proved that the danger was enhanced and the loss increased. But, sir, that is not all.

In the next place, the Senator mentions the rules in respect to navigation found in section 29. I am informed by gentlemen well acquainted with this subject and who have been engaged in this business for a long time that these are precisely the rules which have been in existence for twenty years, established by the board of supervisors and recognized by the courts. It is obviously important that these rules shall be uniform; it is obviously important that they shall be permanent, so that every person navigating a vessel may know what the rules are and may have no excuse of ignorance for non-observance of them. So far from these rules being fluctuating, as the Senator from Massachusetts seems to think they should be, in the varying opinion of inspectors from time to time, of one supervising here, another supervising there, it is of the highest importance that they should be uniform as far as possible and as permanent as possible. Every rule of navigation that results from the decision of a court becomes a permanent rule of the law and remains a permanent rule of the law unless the Legislature interfere and change it. So in regard to the most of these rules, which have the sanction of judicial decision already, there is the highest importance in their being permanent in their nature until it shall be found by experience that a rule ought to be changed and then legislation can be employed for the purpose of changing it.

I believe these are all the suggestions that were made by the Senator from Massachusetts; but there is one more point which has been made heretofore and I suppose it will be renewed, that this limits the liability of the owners of these vessels in a case of loss; but in respect to that it simply puts them on precisely the same footing that the vessels in Great Britain have been navigated under for now I believe more than a century.

Mr. BAYARD. In cases of a collision?

Mr. THURMAN. In cases of collision, fire, and the like. This is precisely the same rule that was adopted in regard to sea-going vessels in 1851, and by the decision of the Supreme Court extended to all vessels navigating the great lakes twenty-four years ago. What possible reason can exist why there should be a discrimination against river-going vessels and in favor of sea-going and lake-going vessels? There is no reason that can suggest itself to the mind, it seems to me, in favor of the law as it has stood in Great Britain for a century or more, in favor of the law as it has stood in this country in reference to sea-going and lake-going vessels for now nearly a quarter of a century, that is not equally strong in favor of the provisions of this bill on that subject.

Mr. President, this is a matter of great importance to those who are interested in the commerce of this country. As the law now stands as to river steamboats, the old common-law liability without the slightest relaxation upon the common carrier, every railroad in the country which is a competitor with river navigation has an advantage over the river navigation so great that river transportation becomes almost impossible, or is carried on under the most onerous disadvantages. How is it with the railroads? The stockholders in a railroad company have no individual liability whatever except in a few States where their individual liability is equal to the amount of their stock. With regard to the most of them, there is no individual liability whatsoever; they risk nothing but the stock they put in the company. The property of the company is liable and the stock of the stockholder which is invested in that company may be thereby lost to him; and that is the limit of his loss, whereas his competitor, the navigator upon the river, has not only his boat and everything that appertains to her liable for the loss, but he is individually liable to the very last cent of his property, and is thus put, in this competition between river and rail navigation, under this prodigious disadvantage, which has so often resulted in his utter ruin and destruction.

Sir, those who wish to see competition with railroads fostered, those who are complaining of the onerous charges made by railroads, those who talk in this Senate about monopoly and wish for cheap transportation, are bound to do what they can to foster river navigation and thus have the best of all possible competition with the rail.

I will not take up more of the time of the Senate now on this subject. I have only one word more to say on it. In respect to these questions of danger or loss, let me say to Senators who are not well acquainted with river navigation by steamers, which is principally in

the interior of the country and largely in the West, that there is the strongest of all possible safeguards against fire or disaster of any kind that can destroy a steamer or injure the passengers or crew in the fact that in a large majority of cases the river steamboats are owned in part, and generally more than a moiety of them owned, by the men who navigate them. I think I may safely affirm that the captain, the mates, and the clerk own a majority of the stock in every small steamer that navigates the western waters. Even in respect to some great ones, worth perhaps a quarter of a million of dollars, a very large proportion, perhaps nearly a moiety, is owned by the officers of the boat who navigate her, and they always, and oftentimes their families, are on that boat. They have the strongest impulse that can actuate the mind of man, the impulse of self-preservation, as well as the protection of their own property, to make them careful. That accidents will occur, we all know. They occur upon the ocean. Great steamers are burned on the ocean. Collisions occur on the ocean, and more life is lost in a single ocean fire or a single collision on the ocean than is lost in the navigation of all the great rivers of America by river steamboats in the course of twelve months. No, sir, there is no reason for oppressing these people by onerous regulations. These regulations, some of which are so onerous, commenced under what I may say a panic. I remember it well. They commenced when the steamer Moselle blew up opposite the city of Cincinnati, which induced the enactment of regulations so severe that in practice they were found to be more injurious than beneficial. These regulations have been increased from time to time, and this great interest, which ought to be fostered by the Government, has been fettered under a mistaken idea that you can regulate this thing by law even to its minutest details.

Sir, I hope this bill will pass.

Mr. CONKLING. Before the Senator sits down will he allow me to gain a piece of information of him? He seems to have reflected on this subject, and I beg the Senator to inform us, speaking now of the act of 1871, which is the existing law, what are the evils and oppressions which need a remedy?

Mr. THURMAN. To go into that would require me to make a much longer speech than I wanted to make.

Mr. CONKLING. Not at all, if my friend apprehends my question. Omitting the rule of marine liability for which he contends, and I understand his views on that subject, will he enumerate (I do not ask him to go into them but to enumerate) the subjects in respect of which oppressive provisions are found in the existing law?

Mr. THURMAN. I was going to say to the Senator that I would do so, but that branch of this matter I prefer should be spoken upon, as we have agreed it shall be, by the Senator from Pennsylvania who is on the committee.

Mr. SCOTT. No; the Senator from New York is on the committee.

Mr. THURMAN. I thought the Senator from Pennsylvania was on the committee.

Mr. CONKLING. If the Senator from Pennsylvania would explain, I would be much obliged to him.

Mr. SCOTT. My friend from Ohio is under an entire misapprehension. I have been sitting here, as I usually do, at the feet of my learned friend from New York who is a member of the Committee on Commerce, and third, if I recollect aright, on the list, expecting to learn many things in regard to this bill from him, and as I see he is about to take the floor on the question, I shall wait until I hear him before I respond.

Mr. CONKLING. The Senator from Pennsylvania is now under a greater misapprehension than he ascribes to the Senator from Ohio. I am, to be sure, on the Committee on Commerce. I have been a member of the Senate also for several years. I have in public and in private often asked others to inform me of the evils to be fairly complained of in the existing law, and I affirm that to this moment I have been unable to gather in committee, or here in the Senate, or elsewhere, anything but general declamation, with now and then a charge against the existing law which on examination could not be found sustained by any of its provisions. Never have I heard anything else, except in respect of an ice-boat, and boats towing coal-barges on a western river. There was complaint touching the regulation of steam pressure on tugs towing coal flotillas on the Ohio River; and the honorable Senator from Pennsylvania [Mr. SCOTT] on an occasion not yet I hope forgotten, the regulation complained of having been temporarily relaxed before, obtained the consent of the Senate to make the relaxation permanent as to the freight craft referred to. This legislation was agreed to with an understanding in the Senate I think that it would obviate all serious ground of objection to the act of 1871, which we are now asked to sweep away with the voluminous alterations in the bill before us. Such being my ill success in learning why we are urged to this sweeping legislation, it will hardly be expected of me to anticipate the proposed grounds of action, and either to combat or agree to them, without light from some quarter.

No, sir, I do not rise now, to enter the debate. It would be premature and wasteful of time to do so. We have heard nothing from the chairman of the committee; we are not permitted to hear from the honorable Senator from Ohio. The Senator from Ohio excuses himself from giving us light, by saying that it has been "arranged" that the Senator from Pennsylvania shall enlighten us, and instantly the Senator from Pennsylvania rises to decline to let his light shine. I

submit that before we proceed to enact into law eighty-three pages, relating to a subject at once so complex and so grave as this, some one ought to be able and willing to tell us two things: first, the requirements made upon us, that is the evils to be corrected; and, second, the changes which this voluminous proposed statute will make in the existing laws. It seems to me that a legislative proceeding would hardly be decorous, if even orderly, which, when a subject so important is under consideration—a bill to recast the statutes regulating the navigation for a continent—does not invoke so much as a statement from somebody of the effects of the measure as compared with existing law, and a statement of the needs or merits of the subject involved, or the defects in the legislation as it stands. Does either House of Congress, does any legislative body, ever do less than this? Is that a deliberative body wherein less than this is done?

Mr. President, I understand the cost at which a Senator asks a question which seems to challenge this bill. I understand the numbers and the persistence of the lobby which comes here into the Senate Chamber, and sits here, to superintend and oversee this proceeding. I understand the force which hires and governs a newspaper to pour out upon the members of the Senate gross and false abuse because they ask pause in rash legislation on this subject. I do not speak in ignorance of this. I do not speak in ignorance of the fact that this measure has but one parallel within my observation during fourteen years of congressional service, in the pertinacity with which it has been pushed upon Congress, or in the bold and assuming lobby which engineers it—a paid lobby which seems to bestow little effort on presenting the facts needed to support the seventy-three sections we are asked to accept in lump. I believe this scheme is fraught with danger to many lives, I might say millions of lives. It involves peril to the lives of my constituents, although in such a matter I would speak not alone for my constituents, but for all concerned. It involves nothing concerning me except my duty regardless of any single interest, and yet those who challenge its propriety will do so at the cost of public obloquy.

The honorable Senator from Ohio speaks of casualties by sea, and he reminds of an illustration of the course pursued to tear down opposition to this project. Some time ago a vessel went down in Long Island Sound, and the journal to which I have referred published that every life there lost was chargeable to me, because I had opposed the "steamboat bill;" and what think you was the reason given? Because on the last vessel there was not one state-room door with a parliamentary hinge. Not deeming myself an adept in a matter so occult, I applied to an expert, and after rummaging the pages of the "steamboat bill," he told me there was nothing there about a parliamentary hinge upon a state-room door; and yet it was published that I was to meet the sheeted ghosts of those who found a watery grave because there were no parliamentary hinges and because I had opposed the "steamboat bill."

Mr. BAYARD. Is a "parliamentary hinge" anything connected with a dead-lock? [Laughter.]

Mr. CONKLING. As to the latter subject, my honorable friend from Delaware must be an expert; he should testify in that regard. As to a parliamentary hinge, I have already confessed my ignorance; so I can hardly speak of either. I say that here is a measure pressed in behalf of personal interests. There is no interest in dollars and cents which has a right to assume jurisdiction of such a matter. It rises higher; it is broader; but far be it from me to intimate that any Senator would govern his vote by the mere pecuniary profit to be made by some owner of a ferry-boat or a steamboat, could he dispense with the safeguards now by law required.

Mr. President, at a proper time—I shall not have a word to say for the purpose of consuming time—I wish to assign my reasons for the vote I shall give against this bill, in so far as my reasons are not answered by some exposition to be made on the other side; and I trust the Senator from Pennsylvania or some other Senator will give us the information and explanation which is usually offered promptly in advance of all else when a grave measure is presented.

Mr. SCOTT. Mr. President, the position of the Senator from New York at the present moment in regard to this bill seems to hinge somewhat upon a grievance—

Mr. CONKLING. O, no.

Mr. SCOTT. The Senator says "no." If it does not hinge upon a grievance, we certainly have had both a "parliamentary hinge" and a "grievance" introduced into the discussion. I have neither a grievance nor an interest in connection with this bill otherwise than as the grievances of the public and the interests of the public may be supposed to enter into it.

I am not called upon, and I shall not respond to any call that shall be made for the purpose, to enter into a disquisition of all the sections of this bill to point out the inconveniences of the act of 1871, but I will ask the attention of the Senate for one moment to what has followed the enactment of that law of 1871, so that we may understand the importance of final action upon this bill at this session, the importance of not permitting it to go over as it has heretofore gone over, and not obtain that discussion which its great importance deserves.

The act of 1871, to which reference has been made and out of which these grievances are supposed to have arisen, has in it just seventy-one sections, and the bill which we are considering has in it just seventy-three sections. The two which are added relate to the very im-

portant subjects, if I have read them aright, of a uniform for the inspectors and a limitation of the provisions of the bill to vessels of twelve tons. All the other seventy-one sections are simply enactments of the law of 1871 or amendments of that law of 1871, and these amendments, so far as I am informed, are brought about in this way: There is a supervising inspector-general provided for and there is a board of supervising inspectors. These supervisors met, as I understand it, in convention with the representatives of the steamboat interest of the United States, and finding defects and grievances—to use the words of the Senator from New York—in the law of 1871, they prepared a bill and introduced it in the Forty-second Congress. That bill was for the purpose of remedying the defects that were found in the law of 1871, to one of which the Senator from New York has already alluded, that with reference to the pressure of steam-tugs upon the Mississippi River—one so glaring that it had to be remedied by a special law, limited in its operation at the time; and a defect of a similar character so glaring that it had to be remedied by a special law, to permit the ice-boat which was to free the channel of the Delaware River to run at all and cut out the ice in that winter. The law had in it those two defects at least, which were so apparent that special enactments had to be obtained for the purpose of permitting steam-tugs to run on the Mississippi River and to permit the channel of the Delaware to be freed from ice so that vessels might reach the wharf at Philadelphia in that year. And, sir, the reason given at the time for the passage of both those special enactments, if I remember aright, was that a general bill was then pending for the purpose of curing the admitted and acknowledged defects of the law of 1871, and those special enactments were for that reason made temporary.

That general bill introduced into the Forty-second Congress passed the House; it came to the Senate; it was reported by the Committee on Commerce, of which the Senator from New York is an honored member; it passed the Senate; and it went to a committee of conference. That conference committee made a report, and the bill failed in that Congress because there was not time to consider that report. I make no charge against the Senator from New York for having defeated that bill. He is acting here upon high considerations of public duty, and I have no doubt that he can dismiss either sheeted ghosts or any animadversions in the newspapers without the slightest apprehension that they will ever disturb either his dreams or his repose. But, sir, the fact remains that the discussion which was demanded on that report of the committee of conference defeated that bill in the Forty-second Congress.

I know nothing about lobbies. I know the fact that the conferences between the inspectors appointed by the Government and the representatives of the steamboat interest have twice resulted in introducing these bills into Congress. The first one met the fate to which I have referred. The second one we have now before us. It passed the House at the last session; it was discussed there when it passed on the former occasion. It is now reported from our Committee on Commerce, and we are here to consider it, if necessary, in detail. It is a large bill, seventy-one sections, as I have said, re-enacting the law of 1871. But the large majority of these sections are upon subjects, as the Senator from Massachusetts has well said, upon which no one can have an opinion except those who are experts with reference to steamboats. I have made this criticism on the bill myself: that it sounded to me very much more like a specification for building a steamboat than a law for regulating a steamboat; and if there is a fault in it, it is that there is too much detail in that particular; but those details have been regulated by the inspector-general on the one side, with his associate inspectors and the steamboat interest upon the other side, who are conflicting in their interests, and I presume that they reached as near what is right with reference to those subjects of scientific detail or technical detail as it is possible to get a bill under those circumstances.

Mr. BOUTWELL. Will the Senator allow me a word?

Mr. SCOTT. Yes, sir.

Mr. BOUTWELL. Unless the Senator has some information in regard to the action of the board of supervising inspectors and the action of the supervising inspector-general which has not come to my knowledge, I think he is in error in saying that this bill, with the exception of the indorsement which has been given to it in the letter read to us from the Clerk's desk, has been prepared on conference with those officers and with their approval.

Mr. SCOTT. I have no other knowledge upon that subject than that which I derive from the public newspapers and that which has been communicated to me by those gentlemen who are interested in this subject; and that information is that this bill has been the result of conferences between the supervising inspectors and those representing the steamboat interest. Whether they have approved it in all its details or not I do not know; but the letter of the supervising inspector-general certainly does to the extent of saying that this bill is an improvement upon the law of 1871 in his opinion.

Mr. CONKLING. In several respects.

Mr. SCOTT. And he mentions what they are, and the letter addressed to him asks for his opinion in a general way as to the relative merits of the law of 1871 and the proposed law. He does, if I recollect the letter aright, indorse the proposed law in general terms, and then proceeds to specify certain particulars in which it is certainly an improvement of the law of 1871.

Now, as I have said, Mr. President, I think we are brought to this

question: The bill is presented in such detail as that if it is to be taken up and discussed section by section for the purpose of taking a vote upon every section in the bill, it is very evident that this session will be wasted without action. If we are content to take the "bill" as the result of the best judgment that can be arrived at growing out of conferences between those interested in the subject, and trust again to time to reveal the defects of this bill and legislate as to them hereafter, then in my view we shall be doing the public a great service.

Mr. CONKLING. May I interrupt the Senator for a moment?

Mr. SCOTT. Certainly.

Mr. CONKLING. Seeing as he does that there are obvious objections to taking up the bill section by section on account of the time thereby required, does not the Senator think the smallest substitute for that with which we ought to be content would be a statement from some Senator of the changes proposed and of the defects in the present law? And if my honorable friend does agree with me in that, then I beg him at least to enumerate—I do not ask him for an exposition—to enumerate, in addition to the matter of the rule of marine liability and beyond the matter of steam-pressure on coal-boats, and ice-boats, which were obviated long ago—passing these over, I ask him if he will not generalize, if he will not, by enumeration or reference or in some way enable us to know in what regards difficulties now exist.

Mr. SCOTT. I must confess my surprise at an appeal of that kind made to me, not a member of the Committee on Commerce, by a member of the committee which has reported this bill. If it was to receive consideration section by section anywhere, then the appeal ought to be made to a member of that committee from which the bill comes. I have stated that I am not familiar with this bill section by section; I could not be expected to be familiar with it; but there are gentlemen who, if they have objections to it, must certainly have had their attention drawn to the bill section by section when they considered it in the committee. And if the Senator will proceed and state the objections to it section by section, then in all probability those members of the committee who are responsible for reporting it will answer his objections.

Mr. CONKLING. Does my honorable friend think that the natural or reasonable way of getting at the subject? Here comes a bill of eighty-odd pages, relating to a very complex matter. It is presented without any written report. It is ushered in without any statement whatever by the member of the committee reporting it or by any body else. The member of the committee reporting it is appealed to. He says nothing but to ask the Senator from Pennsylvania to have read a letter, the letter is read, and the consideration proceeds. The letter gives us no facts, or particulars whatever. Nobody states either the proposed changes or the provisions in the existing law against which complaints are made; and now the honorable Senator from Pennsylvania meets a request referred to him by the Senator from Ohio—

Mr. SCOTT. That is a mistake.

Mr. CONKLING. No; we all heard the Senator from Ohio.

Mr. SCOTT. That is a mistake.

Mr. CONKLING. No. The Senator from Michigan referred to him so much of the inquiry as related to the reading of a letter from an official. Then came the Senator from Ohio, and after telling us how he had reflected upon this subject at the last session, and how he had reflected at this session upon these grievances, one phrase he employed was "the oppressions of steamboat men." Hearing all this, I felt sure we were about to be filled with information, but the Senator soon after sat down. I then put up a petition to the Senator from Ohio, asking him would he not tell us—if he had not time to tell us all—would he not tell us of some of the grievances which go to make up this sum of "oppressions" which has occupied his thoughts and enlisted his sympathy. But no, he would not. Thereupon, as a court would refer a matter to a referee, he referred me to the Senator from Pennsylvania to give the information of which obviously I stood so much in need, and added "we have arranged that the Senator from Pennsylvania shall make that part of the statement." Now comes the Senator from Pennsylvania, and says that if I will state the objections to the bill, if I will put in the defense—continuing the parallel of a proceeding in court—after he hears the defense he will see what sort of a case he will prove. Well, Mr. President—

Mr. SCOTT. The Senator from New York will permit me to remind him that the reference of the Senator from Ohio to me was a very complimentary one certainly, in mistaking me for the Senator from New York as a member of the Committee on Commerce. Therein lay the mistake.

Mr. CONKLING. O, Mr. President, the Senator from Pennsylvania exaggerates the mystery of this hap-hazard proceeding. As much misunderstanding and loose understanding as there has been about the whole business, I do not believe the Senator from Ohio down to this time has supposed that I was in favor of this bill and was prepared to state and advocate the merits claimed for it. No, no. I am willing to make allowance for a vast lack of care and attention on the part of those who are willing to accept the measure in gross; but I hardly think the Senator from Ohio has drifted down to this time believing me the proper and chosen person to advocate such a bill and to set forth its merits, and asserting further that "we have arranged" that it shall be so done. That will not do.

Mr. CAMERON. I wish to move that the Senate proceed to the consideration of executive business.

Mr. CONKLING. I yield for that.

Mr. CAMERON. I desire to say a word or two before I make the motion.

Mr. THURMAN. I appeal to the Senator from Pennsylvania not to make that motion now. I want about five minutes to say a few words in answer to my friend from New York.

Mr. CAMERON. I should be very glad to give way to the appeal of my good friend from Ohio; but I have my own notions about this bill, and before making the motion to go into executive session I desire to say that I do not wish this bill disposed of to-day. It is a very important question, one which has been agitating Congress for many years, and every year it has been decided in such a way as to require a new decision the next year. Before the bill is disposed of I should like to have the Senate so understand it that a measure can be passed which will last a few years. I want such a bill passed as will concentrate the public opinion upon this subject, and concentrate the intelligence and the learning upon the subject of steamboats and matters belonging to steamboats. The trade of the Ohio River is so immense that you can hardly figure out what it is, and of course the State of Pennsylvania is deeply interested.

Mr. SCOTT rose.

Mr. CAMERON. I trust I am not keeping my colleague—

Mr. SCOTT. I only wish to say that by some kind of "parliamentary hinge" I got off the floor when I had it; but I yield to my colleague for the present.

Mr. CAMERON. No; I would rather my colleague would finish his remarks. I will not interfere with him. I thought the Senator from New York had the floor.

Mr. CONKLING. I so understood.

The PRESIDING OFFICER. The Senator from New York had the floor and yielded it to the Senator from Pennsylvania.

Mr. CAMERON. Then I will give way to my colleague.

Mr. SCOTT. I do not desire to proceed further; but I thought I had the floor and yielded to the Senator from New York, who proceeded by a "parliamentary hinge" to talk so that I got off the floor.

Mr. CONKLING. I may be pardoned for saying that the Senator from Pennsylvania [Mr. SCOTT] is certainly in error. He did once yield to me and then he resumed the floor, and having answered the whole inquiry by proposing that I should go on and make the objections to the bill the Senator emphatically took his seat, and then I rose and was recognized by the Chair and I yielded the floor to the Senator who now has it.

Mr. CAMERON. It all comes down to this, that I so seldom speak that I am generally put out of what I believe are my rights. I had the floor before my colleague; at least I supposed I was entitled to it.

I will only repeat that I want this question debated, so that the Senate and the country shall understand it. There is too much jobbery in this country on the part of persons interested in patent-rights. Every year this question arises; men come here and pretend to be adepts in all that belongs to the navigation of the Ohio and other rivers, and it generally turns out that they are somehow connected with some company or somebody that has some patent-right or some amendment to a patent-right.

We shall never get the navigation of the Ohio River properly understood and properly arranged by a complete system of legal regulations until we get over the whole system of patent-rights. Look at it in regard to sewing-machines. Here is a machine in which the poor people all over the country are interested that does not cost in the most expensive form more than fifteen dollars; and yet it is sold for seventy-five or eighty dollars. Every year comes in some inventor, as he calls himself, and puts in some little amendment to the original patent, and he gets seven years more; and at the end of the seven years he gets seven more. Our mode of compensating for inventions was intended to terminate at a short period, so that the public might be benefited by them. I think the sewing-machine is one of the most glaring instances of wrong there is in the country connected with the patent-right system, and therefore I mention it.

Next to that is the system which gives to every man who invents something belonging to a steamboat the control of the steamboat business of the country for fourteen years from that time, making all the labor and all the enterprise of the country depend upon the patentee. Why, sir, the trouble about the Pacific Mail Steamship Company, of which we have recently heard so much, arose from some person happening to marry somebody who had invented a sewing-machine, and he got so much money that he could not live in his rural village and could not occupy the quiet, pleasant position which the money of his father-in-law gave him, but he must come to New York and become president of an immense corporation, and coming into that corporation, having so much money, he must start out with the cry, "Everybody in Congress is corrupt, and I will go there and make them more corrupt." It was one of these gentlemen who was president of that company when all this wrong on the other side of the building began.

I have not time to go into all the wrongs connected with the system; but that is one. The sewing-machine case is a glaring instance, and so is this trouble as connected with the steamboats of the country. Sir, there is no more intelligent set of men in all the country

than the men who have learned to be captains on the Mississippi and Ohio Rivers. I say "learned," because they went in as boys to work, all the time going on to cultivate their intellects while they were getting practical information. They have made the great trade of the Ohio and the Mississippi what it is; but these men are constantly wronged by people coming here pretending to be inventors, great geniuses! Why, Mr. President, a genius does not arise every day; the cases are very rare. The useful talent of the country is that which good common sense, practical experience, solid integrity gives to its possessor; and men with such qualities are apt to be those who learn their business and rise from the humblest position in society and who climb their way by patient toil up the ladder of fame.

As I said, I make these remarks only for the purpose of illustrating the necessity of our having more time to investigate this subject; to show that the country should have more time to think of it; that the people interested should have more time to give us the benefit of their intelligence and their experience and their observation in regard to it. Now, I move that the Senate proceed to the consideration of executive business.

Mr. MORTON. I hope the Senator will withdraw that motion for a few moments.

Mr. CAMERON. With the understanding that I do not lose my motion.

The PRESIDING OFFICER. The Chair understands that the Senator withdraws his motion temporarily. The Chair will observe that if the Senator had pressed his motion before, debate would have been out of order, because the motion is not debatable.

Mr. CAMERON. I make the motion now.

The PRESIDING OFFICER. The Senator declines to withdraw his motion.

Mr. MORTON. I hope the Senator will withdraw the motion for a few moments. I think I understand a little about this matter. I should like to say a word about it.

Mr. CAMERON. I cannot refuse an appeal of that kind, but I give notice that I have the control of the floor, and I will not give way again. I will withdraw the motion with the understanding that the Senator from Indiana will renew it when he concludes his remarks.

Mr. MORTON. Mr. President, this question has been before the Senate several times within the last three years. If I remember correctly, a bill passed this body at the last Congress which is said to be this bill. I am not so familiar with the details as to be able to remember that; but I suppose there is no doubt that the bill which we passed then is substantially the bill that is here to-day. It was lost in a conference committee for want of time. It has been brought up, I think, on several occasions.

Mr. SCOTT. The committee agreed and made a report, but it was lost here after debate.

Mr. MORTON. It was lost for want of time on the report being made. I think this bill has been switched off and defeated several times in very much the way it is proposed to do it this afternoon. I do not profess to be able to debate this bill, because it is so long since I was at all familiar with its details that I cannot speak with certainty, but there are two or three things that I will venture to say about it.

It has been represented to me repeatedly during the last two or three years by those who represent the steam navigation of the Ohio and Mississippi, and I think the Missouri River, and the tributaries of those streams, that the adoption of this bill was important to the navigation of our western rivers. I understand that those representing the navigation of our western rivers are unanimous upon this subject; not only so, but that they are earnest in regard to it. They have sent delegations here repeatedly to present to both Houses of Congress the interest which they have in the adoption of this bill.

I think some little attention ought to be paid to the navigation of the western rivers. I think that those who represent the vast inland navigation are entitled to some consideration at the hands of Congress and ought not to be laughed out of court. If these men were not of the opinion that the interests of steam navigation on our western rivers were deeply involved in the passage of this bill, I am very sure they would not have been at the trouble they have to procure its passage. They have not been paid lobbyists at all, as I understand, but men of character and responsibility, who have come here from Pittsburgh, and Cincinnati and Saint Louis and Louisville, sent by large interests simply to lay before the committees of Congress this question and ask the passage of a bill that will protect their interests.

This bill has been prepared not so much, I presume, by politicians as by experts, by scientific men, men who understand what is demanded for the successful navigation of our western rivers, for the safety of human life, what safeguards ought to be thrown around the manufacture of steam-engines and the construction of steamboats and steam navigation in every form. I have always understood that this bill had been prepared with the greatest care and repeatedly revised, and brought here as the result of the judgment of men who understood this thing, and that it was not a mere question of introducing somebody's patent-right. The men who navigate steamboats do not want to introduce new patent-rights unless they are of great value, and they can do that without coming to Congress.

If this bill had been prepared by patentees and was being urged by patentees, there might be some ground to suppose that it was for the purpose of enabling some man to sell his patent-right. But those

who have represented the interests of this bill to me were not patentees; they were steamboat men, men who represent that vast interest navigating the Ohio and the Mississippi and their tributaries, and they say that as the law now stands the navigation of these streams is burdened by unjust requirements.

Mr. CONKLING. What are they?

Mr. MORTON. The Senator from New York asks me what they are. They are to be found in the difference between this bill and the old one.

Mr. CONKLING. What is that?

Mr. MORTON. If my friend is familiar with that, he is able to answer. [Laughter.] I once had some knowledge, as I said before, but the particulars have passed away. I am not able—I presume the committee who reported this bill or somebody who has had it in charge will be able—to specify the material one; but it has been constantly represented to me (and I speak now upon those representations) that the changes proposed in the law are important, and it is said that some of them are vital.

Now, talking about patent-rights, I should say—

Mr. CAMERON. I wish to say to my friend from Indiana that I always like to listen to him, but when I gave way I did not know he was going to make a speech. I thought he wanted to make an explanation.

Mr. MORTON. I am very nearly done, and I hope the Senator will allow me to go on for two or three minutes.

Mr. CAMERON. Very well.

Mr. MORTON. I think this bill is of a great deal more importance than any executive session to-day.

Mr. CAMERON. I do not think so.

Mr. MORTON. I have given my opinion about it. It has been said by men who know something about it that the resistance to this bill is in large part due to large patent-right interests; that the law now requires certain patents to be purchased and to be used in the navigation of steamboats and the construction of steam-engines, and in one way or another, that this bill will dispense with. Whether that is true or not, I am not able to say; but speaking of patent-rights, I will say to my friend that it has been represented to me, I believe from the first, in regard to this bill that those outside who were resisting the passage of this bill were doing it upon the ground that it would dispense with the use of patent-rights which the present law requires steamboat men to buy. I am not prepared to assert that upon my own knowledge. I only refer to it because the subject of patent-rights has been mentioned.

Mr. BOUTWELL. I will say to the Senator that so far as I know there is nobody appearing against this bill. I have been so connected with the administration of the law that I think I should know something about it. I do not remember that any person has ever spoken against this bill to me. I do not know what acquaintance the Senator from Indiana may have with people who are opposed to the passage of this bill, but I have never known that any public or private interest has been represented in opposition to this bill. There is no doubt, at least I think there is, a large public interest opposed to this bill; but, like other great public interests made up of individual interests, it very often happens that there is nobody to represent those interests; and I rather think that all the representation concerning this bill that has ever been made has been made by those people who favor it. If the Senator knows of any private person in opposition representing either private interests or a public interest, he is certainly wiser in that respect than I am.

Mr. MORTON. I think I do not; and I think I said before that I had no personal knowledge on the subject. The subject of patent-rights was referred to by my friend from Pennsylvania; and I simply gave what had been said to me on the other side by parties who I think are interested in the passage of the bill.

Mr. BOUTWELL. I believe there is nothing in the existing law requiring patent-rights to be used or any articles that are patented to be used. There are certain safeguards to be provided for. Now then, if you will encourage inventive genius, if you will have applied by the inducements held out by the Government the intellectual power of the people of this country to produce something better than now is by giving to those people who do produce something better than now is the exclusive right of the use of that thing, and if upon public grounds and in the public interest and with reference to the security of life and property you will have those things used, then, of course, somebody will derive some benefit from the use of them; but it all proceeds upon a public interest according to the idea that has existed in this country from the time the Constitution was framed until now, and I do not think that there is any occasion to complain that the public in a public matter with reference to public interests that are as important as any other public interests avails itself of the results of intellectual power which individuals and corporations do not use to avail themselves of when they act under wise principles of policy.

Mr. MORTON. One word and I am done. I am glad to hear the Senator say that he knows of no person or class of men resisting the passage of this bill. On the other hand I think it is well understood that there is a very large interest favoring the passage of this bill, an honorable interest, an interest that deserves consideration and recognition at the hands of Congress. I have understood, I think—and that is my memory—that the chambers of commerce in Pittsburgh and

Cincinnati and other considerable towns upon the Ohio and Mississippi Rivers have made earnest representations from time to time in favor of the passage of this bill. It has been considered a matter of importance to commerce as well as to those who are directly engaged in navigation. For this reason I shall vote for this bill.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The question being put a division was called for, and the ayes were 19.

Mr. SHERMAN. Before the vote is taken I wish to make an inquiry of the Chair, whether this bill will come up as the unfinished business on Monday morning?

The PRESIDING OFFICER. It will if the Senate adjourns on it.

Mr. SHERMAN. Then I see no object in resisting the motion.

The division being concluded, the noes were 15.

Mr. CAMERON. There being no quorum, I move that the Senate adjourn.

Mr. SCOTT. I think there is a quorum present.

Mr. SHERMAN. I call for the yeas and nays on the motion to adjourn. I have no doubt there is a quorum; but we had better go into executive session. Pending the motion to adjourn, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The motion to adjourn has priority.

Mr. SHERMAN. I think there is a quorum present.

Mr. THURMAN. I suggest that the question be taken again on going into executive session.

Mr. SHERMAN. There are nominations that ought to be confirmed, and I should like to have an executive session.

Mr. CAMERON. Very well. I withdraw the motion to adjourn, and move again that the Senate proceed to the consideration of executive business.

The motion was agreed to.

HOUSE BILLS REFERRED.

The PRESIDING OFFICER. The Chair, before the doors are closed, will lay before the Senate a number of House bills for reference.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 4559) to remove political disabilities of George S. Hawkins, of Florida;

A bill (H. R. No. 4471) to afford relief in the judicial courts to Robert Erwin;

A bill (H. R. No. 4560) relating to practice in the supreme court of the District of Columbia;

A bill (H. R. No. 4561) to relieve Thomas Boyd Edelin, of Prince George's County, Maryland, of all political disabilities; and

A bill (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia.

The joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. No. 796) to protect all citizens in their civil and legal rights was read the first time by its title.

Mr. DAVIS. I object to the second reading.

Mr. EDMUNDS and others. O, let the bill be referred.

Mr. DAVIS. Very well.

The PRESIDING OFFICER. The bill will be considered as read the second time, and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 6, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded to read the Journal of Thursday last.

Mr. SENER. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. STORM. I object.

The Clerk then resumed and concluded the reading of the Journal.

PRINTING OF CIVIL-RIGHTS BILL.

Mr. FORT. I ask unanimous consent that the civil-rights bill passed by the House yesterday be printed in the form in which it was passed.

Mr. MAYNARD. It will be printed in the Senate, of course.

Mr. FORT. But we want an edition of it for the use of the House. There was no objection, and the order to print was made.

WESTERN JUDICIAL DISTRICT OF NORTH CAROLINA.

Mr. WILLIAMS, of Massachusetts, by unanimous consent, sub-

mitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Department of Justice be directed to inquire into the expenditure of the public funds in the western district of North Carolina since its organization in 1872, with power to send for persons and papers and to administer oaths.

PAY OF ACTING ASSISTANT QUARTERMASTERS, ETC.

Mr. COBURN, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 4564) to regulate the pay of acting assistant quartermasters and to provide for the selection of quartermaster-sergeants of posts; which was read a first and second time, recommitted to the committee, and ordered to be printed.

MILEAGE OF OFFICERS OF THE ARMY.

Mr. COBURN also, by unanimous consent, from the same committee, reported a bill (H. R. No. 4565) to provide for regulating the mileage of officers of the Army; which was read a first and second time, recommitted to the committee, and ordered to be printed.

ISLAND OF MACKINAC, MICHIGAN.

Mr. COBURN also, by unanimous consent, from the same committee, reported a bill (H. R. No. 4566) to set apart a certain portion of the Island of Mackinac, in the straits of Mackinac, within the State of Michigan, as a national park; which was read a first and second time, recommitted to the committee, and ordered to be printed.

FORT WILKINS MILITARY RESERVATION.

Mr. COBURN, also by unanimous consent, from the same committee, reported a bill (H. R. No. 4567) to provide for the sale of the Fort Wilkins military reservation in the State of Michigan; which was read a first and second time, recommitted to the committee, and ordered to be printed.

FEES OF MARSHALS, ETC.

Mr. SENER. I ask unanimous consent to report back from the Committee on Expenditures in the Department of Justice the bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, and for other purposes, and I ask that the amendment of the Senate be concurred in with one exception. The amendments as they come from the Senate are but the consolidation of two bills (3622 and 3623) of this House passed during the last session. The object of the bill is substantially to provide for the authentication, recordation, and transmission of the accounts of clerks, marshals, &c. The amendment in which we recommend non-concurrence is in relation to the mileage of marshals, &c. We non-concur in that, because we think the amendment not satisfactory, since it is not in harmony with the following proviso in the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes:

For compensation of the district marshals of the United States, \$11,900: *Provided*, That the provisions of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, approved June 16, 1874, which prohibit the allowance of mileage to persons holding employment or appointment under the United States, shall not be so construed as to apply to the legal traveling fees of United States marshals or deputy marshals. And all accounts of said marshals, or their deputies, for expenses and mileage incurred subsequent to the 1st day of July, 1874, shall be audited, allowed, and paid in accordance with the provisions of an act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, in the same manner as if said act had not been passed; but no fees shall be allowed for constructive mileage, and every claim for mileage shall be accompanied by sworn proof that the distance for which mileage is claimed was actually and necessarily traveled by the officer.

This proviso was put in by this House but was stricken out by the Senate. The House yesterday non-concurred in this action of the Senate as to this provision in the legislative appropriation bill. We recommend non-concurrence in the amendment to this bill. If that shall be done, then a committee of conference on this matter can either strike out this provision entirely and let this bill become a law without it, or the two committees of conference—that is, the one on this provision and the conference committee on the legislative appropriation bill—can mutually consult and arrive at some conclusion which will be satisfactory both to the marshals and to the interests of the Government.

The SPEAKER. It requires unanimous consent.

Mr. SNYDER. I object.

TRANSFER OF CAUSES IN ALABAMA.

Mr. E. R. HOAR. Some time since a bill was introduced and referred to the Committee on the Revision of the Laws in relation to the transfer of causes in the United States circuit courts of Alabama. It is House bill No. 3962. With some modifications the Committee on the Revision of the Laws unanimously recommend its passage. It was introduced by a member on the democratic side of the House, and is approved by gentlemen on this side. It is to cure a defect in a bill passed at the last session, by reason of which defect cases are now hung up and cannot be tried anywhere. I report the bill back with amendments, in the form of a substitute for the original bill.

The SPEAKER. The substitute alone will be read, and will be treated as an original bill.

No objection being made, the bill (H. R. No. 4568) was received and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The first section provides that all civil causes, actions, suits, executions, pleas, process, and other proceedings which were pending on the 3d day of March, 1873, in the district courts of the United States for the middle and the northern districts of the State of Alabama, and which have not already been finally disposed of in said district courts, and which might have been brought and would have been originally cognizable in a circuit court or in a district court by reason of its having circuit court jurisdiction, are hereby declared to be transferred to the circuit court of the United States for said districts, respectively; and the clerks of said district courts shall transmit all of the original papers and files in such causes, and all dockets, minutes, orders, judgments, and decrees in such causes as the same appear and are kept in said district courts, and which are not already otherwise removed and disposed of by law, to the clerks of the said circuit courts for each district respectively.

The second section provides that all civil causes, actions, suits, executions, pleas, process, or other proceedings which were transferred by the act of Congress approved March 3, 1873, from said district court into the circuit court of the United States for the district of Alabama, and which are now pending in said circuit, shall be, and the same are hereby, transferred from said district court at Mobile into the circuit courts of the United States for said northern and middle districts respectively; and the said circuit courts of the United States in and for said district shall have, and are hereby vested with, exclusive jurisdiction to try and determine all such causes and actions so transferred the same as if such causes or actions had been originally brought in such circuit court; and the clerk of said circuit court at Mobile shall transmit all of the original papers in such causes, together with a complete transcript of all the dockets, minutes, judgments, orders, and decrees in such of said causes as are not finally disposed of in said circuit court, to the circuit court for the said middle and northern districts respectively; to each such causes as were originally transferred from the district courts of said districts.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. E. R. HOAR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN HENDERSON.

Mr. SPEER. I am directed by the Committee on Claims unanimously to report back House bill No. 3208 for the relief of John Henderson with a recommendation that it do pass. I ask unanimous consent that the bill may be considered at this time.

The SPEAKER. The bill will be read, after which objections will be in order.

The preamble of the bill states that there is due and unpaid to John Henderson for mail-service on route numbered 2541, in Pennsylvania, for the quarter ending June 30, 1864, the sum of \$47.88.

The bill authorizes the Secretary of the Treasury to pay to John Henderson the sum of \$47.88, the amount due him for mail-service on route numbered 2541 for the quarter ending June 30, 1864, on satisfactory evidence that the same is justly due.

Mr. SPEER. I wish to call attention to the following letter from the Post-Office Department in relation to this case:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, April 28, 1874.

Sir: In answer to your letter of the 8th instant, I have the honor to inform you that the records of this office show a balance of \$47.88 in favor of John Henderson, contractor on route 4581, Pennsylvania, for the quarter ending June 30, 1864.

The certificate alluded to in the inclosed copy of communication from this office, dated January 24, 1865, was not received from the Post-Office Department until the 10th instant. Hence the cause of account not having been settled before. The account cannot now be settled by this office, as all unexpended balances have been covered into the Treasury in accordance with section 6, act of July 12, 1870.

Very respectfully,

J. J. MARTIN,
Auditor.

Hon. R. M. SPEER,
House of Representatives, Washington, D. C.

Mr. DUNNELL. I move to strike out the preamble.

Mr. SPEER. I have no objection.

The motion to strike out the preamble was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPEER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY HETH.

Mr. SMITH, of Virginia. I ask unanimous consent to have taken from the Speaker's table and passed at this time Senate bill No. 764 to remove the political disabilities of Henry Heth, of Virginia. The petition in this case is on file in the Senate.

No objection was made; and the bill was accordingly taken from the Speaker's table, read three times, and passed; two-thirds voting in favor thereof.

MARY W. JONES.

Mr. HUNTON. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of House bill No. 3817, to increase the pension of Mary W. Jones.

Mr. WILLARD, of Vermont. I object.

Mr. HUNTON. Will the gentleman hear the report read?

Mr. WILLARD, of Vermont. Not now.

FRESH WATER FOR MARE ISLAND NAVY-YARD.

Mr. PAGE, by unanimous consent, introduced a joint resolution (H. R. No. 150) in relation to supplying Mare Island navy-yard with fresh water; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DANIEL S. MERSHON, JR.

Mr. SHOEMAKER, of Pennsylvania, by unanimous consent, reported back from the Committee on Claims the bill (S. No. 134) for the relief of Daniel S. Mershon, jr., and moved that the same be referred to the Committee on Naval Affairs.

The motion was agreed to.

PORTRAITS ON CURRENCY AND STAMPS.

Mr. BUTLER, of Massachusetts, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be directed to inform the House whether the portraits of any living originals have been prepared or engraved for the purpose of being printed upon any currency or stamps issued under the authority of the Treasury Department; and if so, under what law the right so to print such portraits is claimed in contravention of section 3576 of the Revised Statutes and chapter 172 of the acts of 1864.

CLAIMS AGAINST BOARD OF HEALTH.

Mr. STORM, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the District of Columbia:

Whereas the board of health of the District of Columbia, in the discharge of their duty, have frequently found it necessary to remove and destroy private property from infected houses to prevent the spread of contagious diseases; and whereas the board of health have neglected to pay the owners of such property so destroyed; and whereas Congress has made an appropriation to pay for such property: *Therefore*

Resolved, That the Committee on the District of Columbia be instructed to investigate the matter, and report to the House what action, if any, is necessary to compel the board of health of said District to meet its obligations.

IMPROVEMENT OF GASCONADE RIVER.

Mr. BLAND, by unanimous consent, presented resolutions of the Legislature of the State of Missouri, in favor of the improvement of the Gasconade River; which were referred to the Committee on Commerce, and ordered to be printed.

ABUSES IN PROSECUTION OF CLAIMS.

Mr. LAWRENCE, by unanimous consent, introduced a bill (H. R. No. 4569) to prevent abuses in the prosecution of claims against the Government; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CARPENTER'S PAINTING—"THE EMANCIPATION PROCLAMATION."

Mr. BUTLER, of Massachusetts, by unanimous consent, submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations be directed to take action for the purpose of purchasing Carpenter's picture of "The Reading of the Emancipation Proclamation."

CONTRACTS FOR WORK ON PUBLIC BUILDINGS, ETC.

Mr. COX. I ask unanimous consent for the adoption of the resolution which I send to the Clerk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to transmit to this House an abstract account of all contracts for material used and labor done on public buildings by the late Supervising Architect of the Treasury, A. B. Mullett, stating the names of the persons to whom the contracts were given, the names of their bondsmen, the kind of material and labor furnished, distinguishing between such contracts as were given to the lowest responsible bidder after proposals were invited by advertisement in the public press and those given out on the said Supervising Architect's own responsibility and without advertising; the dates of these contracts to include from March 4, 1866, to October 1, 1874; also what amount has already been expended on the new State, War, and Navy Department now in course of construction in this city; what portion of it has been finished, and what estimates have been made of the cost of the whole building, if the plans of the late Supervising Architect are carried out.

Mr. BUTLER, of Massachusetts. I must object to the adoption of that resolution. It will take more than a month to prepare that information. I have no objection to the reference of the resolution to the Committee on Buildings and Grounds.

Mr. COX. Let it be so referred.

There being no objection, the resolution was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GUARANTEE OF TEXAS PACIFIC RAILROAD BONDS.

Mr. WOODWORTH. Mr. Speaker, I ask unanimous consent that I be allowed at this time to present the memorial of the manufacturers, coal-bank proprietors, and business men of the city of Youngs-

town, Ohio, touching the Texas Pacific Railroad guarantee bill, and that it be read at the Clerk's desk, and referred to the Committee on the Pacific Railroad. The memorialists are 55 persons, companies and corporations, embracing within that number the proprietors of forty-two coal-banks, seventeen blast-furnaces, seven rolling-mills, two ore-banks, foundries, machine-shops, &c., who employ, when working, twelve thousand men, and who pay wages that support at least fifty thousand people. They believe that the suggestions contained in the memorial are important to their industries, and very important to a very large number of unemployed laborers, who are now in a condition of great need because of business depression. As the Representative of these people I wish their voice to be heard here, and ask that the memorial be read.

Mr. MAYNARD. I must object to the reading of that paper.

Mr. WOODWORTH. I ask then that it be printed in the RECORD. There being no objection, the memorial was referred to the Committee on the Pacific Railroad, ordered to be printed, and to be published in the RECORD. It is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the city of Youngstown and vicinity, in Mahoning County, Ohio, manufacturers of iron and producers of coal and business men connected therewith, respectfully represent, that the stoppage of great works of improvement, of production of iron, and other things, and the general depression of business and production in all directions, have greatly lessened the demand for labor and thrown out of employment immense numbers of laborers and thereby created great distress generally, but especially among those who are dependent upon their labor for subsistence.

It is believed to be very important that every available means should be seized in this distressing crisis to give opportunity for labor and employment; and to that end encouragement should be given, among other things, to the completion of any and all advantageous railroad and other public projects as an outlet for the surplus labor.

So far as the General Government can safely and securely, without loss, under proper guarantees, give credit, aid, and encouragement to great national highways and improvements, the undersigned believe that it ought to be done in this depressing crisis; and they therefore view with approbation the efforts making to obtain aid and means to construct and complete the Texas and Pacific Railroad and any others that have been suspended in consequence of the depression.

The undersigned respectfully and earnestly pray your honorable body to give such credit, guarantees, aids, and encouragement in this direction as may legitimately, safely, and securely be done, and thereby greatly afford the employment and relief necessary for the great mass of laborers.

YOUNGSTOWN, OHIO, January 1, 1875.

Wick, Ridgway & Co.; Ridgway Iron-Works; Andrews Hitchcock; Andrews Brothers; C. W. W. Andrews; Niles Issance; C. H. Andrews; Burnett Coal Company; Hubbard Iron Company; Chas. Herbert & Co.; Wm. L. Hitchcock; Foster Coal Company; Church Hill Coal Company; Vienna Coal and Iron Company; Brier Hill Iron and Coal Company; Kyle Coal Company; Kline Coal Company; McDowell, Wick & Co.; George Tod; Arms, Bell & Co.; Brookfield Coal Company; Westerman Iron Company; Home Coal Company; Buhl, Westerman & Co.; Ward, Booth & Miller; C. D. Arms; Caleb B. Wicke; Carbon Valley Coal Company; Miles Coal Company; John Morris; Girard Rolling-Mill Company; Arms & Wick; Arms, Wick & Blocksom; Powers, Arms & Co.; Hurried Furnace Company; Mahoning Coal Company; J. M. Jackson & Co.; A. B. Cornell; Eagle Furnace Company; Cartwright, McCurdy & Co.; McCurdy Coal Company; Henry Tod; Duff Coal Company; Brown, Bonnell & Co.; Bonnell, Botsford & Co.; Powers Coal Company; Wm. B. Pollock & Co.; Girard Iron Company; Mahoning Iron Company; Keystone Iron Company; Buckeye Iron Company; J. G. Butler, jr.; Horner, Hamelton & Co.; Spruthers Iron Company; John Stambaugh. [The above firms and companies represent seven rolling-mills, seventeen blast-furnaces, forty-two coal-banks, two ore companies, nut and bolt works, foundry and machine-works, boiler-shops, &c. Employ when working over twelve thousand men. Fully two-thirds are out of employment at the present time.]

POTTAWATOMIE INDIANS.

Mr. SHANKS, by unanimous consent, introduced a bill (H. R. No. 4570) to carry into effect the tenth article of the treaty with the Pottawatomie Indians of February 2, 1867; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DRAW-BRIDGE OVER PEARL RIVER.

Mr. LYNCH, by unanimous consent, submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Committee on Commerce be, and they are hereby, instructed to inquire into the expediency of compelling the New Orleans, Mobile and Texas Railroad Company to build a draw-bridge over Pearl River, and report by bill or otherwise.

AMENDMENT OF NATIONAL-BANK ACT.

Mr. MERRIAM, by unanimous consent, introduced a bill (H. R. No. 4571) to amend the national-bank act; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

The SPEAKER. The Chair hopes gentlemen who are upon the floor for reference of bills will not detain the House further, as that can all be done on Monday next, and there can be no possible gain by referring them this morning.

MILITIA FORCE OF NEW MEXICO.

Mr. KELLOGG. I ask unanimous consent to make a report from the Committee on War Claims, which was ruled out on private-bill day two weeks ago. It is a unanimous report, and there can be no objection to it. It simply is a call for information. It is a report to accompany House bill No. 1505, authorizing the Secretary of War to ascertain and report the amount necessarily expended by the Territory of New Mexico in organizing, equipping, and maintaining militia forces during the rebellion. It simply asks for information, and I ask unanimous consent to put the bill upon its passage.

The SPEAKER. Is the report accompanied by a resolution which the gentleman asks to have read?

Mr. KELLOGG. It is a bill authorizing the Secretary of War to ascertain the amount of expenditures in New Mexico in relation to the militia called out by General Canby during the war. There is no appropriation in it and no call for any appropriation.

Mr. RANDALL. It is the incipient step toward an appropriation.

Mr. KELLOGG. It commanded the unanimous consent of the Committee on War Claims.

Mr. WILLARD, of Vermont. I object.

BRIDGE ACROSS THE OUACHITA RIVER.

Mr. NEGLEY, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 4572) as a substitute for the bill (H. R. No. 112) to authorize the North Louisiana and Texas Railroad Company to construct a bridge across the Ouachita River at or near Monroe, Louisiana, and a bridge over the Red River at or near Shreveport, Louisiana; which was ordered to be printed, and recommitted.

Mr. HOLMAN. Not to be brought back by a motion to reconsider.

Mr. NEGLEY. I am authorized by the Committee on Commerce to report the substitute by unanimous consent. I hope the gentleman from Indiana will withdraw his objection that it shall not be brought back by a motion to reconsider.

Mr. RANDALL. All these cases come under the rule except reports from committees.

Mr. WILLARD, of Vermont. If the gentleman from Indiana does not insist on his objection that this shall not be brought back by a motion to reconsider, I give notice that I shall make objection.

The SPEAKER. The substitute has been recommitted, not to be brought back by a motion to reconsider.

COMMITTEE ON MISSISSIPPI LEVEES.

Mr. MOREY. I ask unanimous consent to submit the following resolution:

The Clerk read as follows:

Resolved, That the Special Committee on the Mississippi Levees be authorized to employ a clerk during the present session.

Mr. STORM. I object to the adoption of that resolution.

Mr. MOREY. Then let it be referred to the Committee on Accounts.

There was no objection, and the resolution was so referred.

FOX AND WISCONSIN RIVERS.

Mr. SAWYER, by unanimous consent, introduced a bill (H. R. No. 4573) to aid the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLESTOWN NAVY-YARD.

Mr. PARKER, of New Hampshire. I ask unanimous consent to introduce the following resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Navy transmit to this House copies of all the correspondence between the heads of Bureaus and the Secretary of the Navy, and especially correspondence of the commandant of the Charlestown navy-yard in reference to putting men on the rolls in the construction department from the 1st of July, 1874, to the 1st of January, 1875.

Mr. BUTLER, of Massachusetts. I object.

Mr. PARKER, of New Hampshire. Let it be referred then to the Committee on Naval Affairs.

There was no objection, and the resolution was so referred.

COLUMBUS C. BENNETT.

Mr. SAYLER, of Indiana, by unanimous consent, introduced a bill (H. R. No. 4574) for the relief of Columbus C. Bennett, of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CORRESPONDENCE BY TELEGRAPH.

Mr. PARKER, of Missouri, by unanimous consent, introduced a bill (H. R. No. 4575) for the transmission of correspondence by telegraph; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FEES AND COSTS IN UNITED STATES COURTS.

Mr. SENER. I again ask unanimous consent to report back from the Committee on Expenditures in the Department of Justice the amendments of the Senate to the bill (H. R. No. 3623) to amend the twenty-fifth paragraph of section 3 of an act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853.

The SPEAKER. Is there objection to considering the Senate amendments at this time?

Mr. HOLMAN. Let them be reported first.

The SPEAKER. The Chair put the question in that way because there are several amendments, and necessarily there must be consent in advance.

Mr. HOLMAN. I withdraw my objection.

The SPEAKER. The Chair hears no further objection and the amendments will be read.

The amendments recommended by the committee were read and

were severally concurred in, except the following, in which the committee recommended non-concurrence:

Add as an additional section the following:

SEC. 7. That the proviso in the sixth paragraph of the "Act entitled an act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874, shall not be construed to apply or to have applied to attorneys, marshals, or clerks of courts of the United States, their assistants or deputies; and all accounts of said attorneys, marshals, and clerk for mileage and for expenses incurred subsequent to the 1st day of July, 1874, shall and may be audited, allowed, and paid at the Treasury Department of the United States in the same manner as if said act had not been passed; and hereafter no allowances shall be made to any such officer or person for mileage or travel not actually performed under the provisions of existing law.

Mr. SENNER. I ask that that amendment be non-concurred in, and that the bill go to a committee of conference.

The amendment was non-concurred in, and a committee of conference ordered.

Mr. SENNER moved to reconsider the vote by which the amendment was non-concurred in and a committee of conference ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECONSIDERATION OF REFERENCES.

Mr. WILLARD, of Vermont. I move to reconsider all references and recommitments to-day; and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

AFFAIRS IN ARKANSAS.

Mr. POLAND. I present a report in writing from the select committee appointed to examine into the condition of affairs in the State of Arkansas, and move that the report be printed and recommitted.

The motion was agreed to.

Mr. WARD, of Illinois. From the same committee, and by its permission, I submit a minority report, and ask that the same order be made in regard to it, with the understanding that it will be called up at the same time.

The SPEAKER. If there be no objection, the order that the minority report be also printed and recommitted will be made.

There was no objection, and it was so ordered.

Mr. RANDALL. Can we have the conclusions of the committee read.

The SPEAKER. The Chair understands that the report is not in the form of presenting conclusions.

Mr. BUTLER, of Massachusetts. I desire to ask the gentleman from Vermont [Mr. POLAND] when he proposes to bring up the report for action?

Mr. POLAND. The committee have had no conference as to making any arrangement for that. I may state that the report of the majority of the committee does not call for any action of the House. The report presented by my colleague on the committee, the gentleman from Illinois, [Mr. WARD], submits a resolution. Therefore the affirmative on this subject is rather with the gentleman from Illinois, who represents the minority; and it is his wishes that the gentleman should consult.

Mr. WARD, of Illinois. I did not make the usual motion to reconsider the order to recommit, for the reason that we have an understanding that we will call up the matter in the immediate future, having the right to report at any time.

Mr. RANDALL. That is the right of the majority.

The SPEAKER. That right belongs to the committee, of course.

Mr. POLAND. The committee would consider it proper to consult as to that with the gentleman who recommends affirmative action.

Mr. RANDALL. I understand that four out of five members of the committee make the majority report. They can make any arrangement with the single gentleman of the minority they please; but the House never recognizes minority reports.

The SPEAKER. Minority reports are matters of courtesy.

Mr. WARD, of Illinois. If there is any question about it, I will enter a motion to reconsider the order recommitting the minority report.

Mr. WILLARD, of Vermont. Can the gentleman do that?

The SPEAKER. The Chair thinks not. That would give the minority a privilege which does not belong to them.

Mr. RANDALL. The minority report comes in as a matter of courtesy simply.

Mr. POLAND. So far as the majority of the committee are concerned, we will throw no obstacles in the way of this being brought before the House.

The SPEAKER. The Chair apprehends that this can be regulated by the committee itself.

Mr. HYNES. I submit that when the House orders the report of the minority to be recommitted, the gentleman from Illinois has then the right to enter a motion to reconsider.

Mr. RANDALL. It only comes in by courtesy.

Mr. HYNES. But its position is changed when it is sent back to the committee. The House has then taken action on it.

The SPEAKER. It is practically not an accomplished fact. It is a matter *pendente lite*. It is still under advisement.

Mr. SAYLER, of Ohio. I understand that the committee has the privilege to report at any time.

The SPEAKER. It has.

Mr. CESSNA. But if the committee should decline to report now, in what way would the minority be able to get its view acted on by the House except by a two-thirds vote?

The SPEAKER. The Chair knows no such way. The minority of this committee are in exactly the same position as the minority of any other committee. The committee is represented by the majority.

Mr. CESSNA. If a motion to reconsider the vote recommitting the majority report is not entered, I will enter that motion.

The SPEAKER. The gentleman from Pennsylvania will observe that the gentleman from Vermont [Mr. POLAND] makes a report for and on behalf of the committee; and the gentleman from Illinois [Mr. WARD] asks consent to present the views of the minority. It is merely a matter of courtesy and by unanimous consent.

Mr. CESSNA. I understand that very well; but the majority report, as has been indicated by the chairman of the committee, recommends no action whatever. An order has been made for the printing and recommitment of that report. If, therefore, the majority should desire no further action, they will make no further report; and on behalf of the minority I desire to enter a motion to reconsider.

Mr. RANDALL. The gentleman will observe that a single member may object to a minority report.

Mr. CESSNA. I am not speaking of the minority report at all. But if a motion to reconsider the vote recommitting the majority report is entered, and we can then bring before the House both the minority and majority reports, that is all that is required.

The SPEAKER. That may be done. A motion to reconsider the vote recommitting the report of the majority may be entered. That would be in order.

Mr. WOOD. There is no such thing as a minority report, and cannot be under the rules of the House.

Mr. HYNES. I do not dispute that well-known parliamentary rule that a minority report can come in only by unanimous consent. But when it is once in by courtesy and when it has been recommitted, that under the rules becomes action on the part of the House, so that the case does not come within the objection raised by the gentleman from New York; and the attention of the Chair having been subsequently directed to other business, I think the entering of a motion to reconsider is clearly within the rule.

The SPEAKER. Not only is the gentleman from Arkansas wholly wrong, but he would gain nothing by what he proposes, because a motion to reconsider the vote by which the report of the committee was recommitted is as good as the other motion, and the other motion is wholly and absolutely irregular.

Mr. POLAND. I will myself enter a motion to reconsider the vote by which the report was recommitted.

The SPEAKER. The gentlemen from Arkansas will observe that if the Chair recognized the practice of entering a motion to reconsider the vote by which a minority report was recommitted, it would disarrange the whole business of the House.

Mr. HYNES. Does the motion of the gentleman from Vermont include the minority report?

The SPEAKER. If the House chooses to substitute that or anything else, it can do so. The motion to reconsider brings the whole subject before the House. But if the Chair recognizes the practice of entertaining a motion to reconsider the vote by which a minority report, which a minority is by courtesy permitted to make, it would disarrange the entire business of the House, and at the best a construction of the rules thus given would not only disarrange the business of the House, but the minority would gain nothing by it.

Mr. ELDREDGE. Is it now in order to move to lay the motion to reconsider on the table?

The SPEAKER. Not at this time. The gentleman from Vermont, [Mr. POLAND], stated what ought to be sufficient for the House, that the intention is to report this matter back at a time which the committee may agree upon. As a further evidence of his good faith in the matter he has himself moved to reconsider the vote by which the report was recommitted.

Mr. MAYNARD. When the matter comes before the House, the views of the minority can be presented.

The SPEAKER. Certainly; whatever the House chooses it can substitute for the report of the committee.

Mr. CESSNA. The action of the gentleman from Vermont [Mr. POLAND] is entirely satisfactory.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I call for the regular order.

Mr. SMITH, of New York. I desire to call up the report of the Committee on Elections in the case of the Delegate from Utah, and I move to postpone the special order in order to take up that subject.

Mr. HAWLEY, of Illinois. The bill I desire to bring before the House has been postponed for three days, and I supposed it was understood by everybody that to-day would be devoted to its consideration. It is the Hennepin Canal bill. I have sought in every way in the world to accommodate the business of the House; but I will not to-day under the circumstances give way to any other business unless I am obliged to do so.

Mr. MAYNARD. I desire to make a parliamentary inquiry. I have been trying for the best part of an hour to get the regular order. The Chair evidently was of the opinion that I was trying for what was impracticable. What is the regular order?

The SPEAKER. The regular order just now was the right of the gentleman from Vermont [Mr. POLAND] to report at any time, and the question now is upon the Hennepin Canal bill as it comes over as unfinished business from yesterday. The gentleman from New York, [Mr. SMITH,] however, the chairman of the Committee on Elections, desires a further postponement with a view to the House proceeding with the consideration of the report of that committee in relation to the Delegate from Utah.

Mr. MAYNARD. I will state very frankly that what I am trying to get at is to reach the bill in regard to the Freedman's Savings Bank in the morning hour.

The SPEAKER. That bill is in the morning hour, but this bill in relation to the Hennepin Canal bill comes up as unfinished business. It is competent for the House to postpone it until after the morning hour; but if the House chooses, its consideration cannot be interrupted.

Mr. HAWLEY, of Illinois. I call for the regular order.

The SPEAKER. The Chair thinks the gentleman from New York [Mr. SMITH] has a right to call up the privileged question which he desires to call up; but the gentleman from Illinois having charge of the Hennepin Canal bill has a right to raise the question of consideration, and the question is whether the House will consider the report of the Committee on Elections in relation to the Delegate from Utah.

Mr. HALE, of New York. I rise to a question of order. I beg to call the attention of the Speaker to the question whether the report of the Committee on Elections, on which action is now asked, is a privileged report?

The SPEAKER. The Chair has not really examined the report.

Mr. HALE, of New York. I wish to call attention to this point. The report closes with a resolution that the Delegate from Utah having been guilty of certain violations of law is deemed unworthy to occupy a seat in the House of Representatives as such Delegate and that he be "excluded" therefrom. My point of order is this, that a motion to exclude a Delegate or a Member from this floor is not a privileged question within the rules.

The SPEAKER. The Chair would rather reserve his ruling on that point if the gentleman will allow the regular order to proceed. The Chair would rather look into the question closely than decide it *eo instanti*.

Mr. SMITH, of New York. It is well settled by parliamentary authority that a question of the exclusion of a member is equivalent to expulsion; it is a milder form of expulsion.

Mr. HALE, of New York. If the question is debatable, I desire to be heard also.

The SPEAKER. The Chair would rather the question should be postponed until it properly arises, if the gentleman will waive it.

Mr. BUTLER, of Massachusetts. I want to call the attention of the Chair to the fact that this resolution relates not to a Member but to a Delegate.

The SPEAKER. The Chair will examine the question closely.

HENNEPIN CANAL.

Mr. HURLBUT, from the Committee on Railways and Canals, reported back with an amendment the bill (H. R. No. 145) to provide for the construction of a canal connecting the waters of Lake Michigan and the Illinois, Mississippi, and Rock Rivers.

The bill was as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to survey, lay out, and construct a canal from a point on the Illinois River, at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River, at the city of Rock Island, with a branch canal, or feeder, from Rock River, at the city of Dixon, connecting by the most practicable and convenient route with said main line of said canal at the most suitable and convenient point near the town of Sheffield. Said canal and said branch shall not be less than seventy feet wide at the water-line, and not less than six feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys, and to enter upon and appropriate to the use of the United States, for the purpose aforesaid, any lands for the construction of such canal and branch, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and other erections and fixtures, as may be necessary for the safe and convenient navigation of the said canal and branch.

SEC. 2. That the Secretary of War shall cause to be made, by skillful engineers of the Army, all necessary examinations and surveys, and from them and surveys already made he shall determine and locate the route of said canal, with a due regard to the permanency of its construction and its greatest advantages for military, naval, and commercial purposes; and the said engineers shall make and file in the office of the Secretary of War a survey, map, and profile of said canal and branch when thus located, and before the work thereon shall be commenced.

SEC. 3. That it shall be the duty of the Secretary of War to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War, by engineers and agents, may at any time thereafter enter upon and take possession of said lands, and appropriate the same to the United States for the purpose of the construction of said canal and branch, and shall apply, at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, upon twenty days' notice, for the appointment of commissioners to fix the compensation to be paid by the United States for such right of way, and any such land, to the owners thereof, and the damages, if any; such application shall be made on the service of notice, of not less than twenty days, to the parties in interest, of the time when and place where such application is to be made; and if it shall be made to appear to said court, or the judge thereof, that personal service of such notice can-

not be made for any cause, such service may be made by publishing the same in such newspaper and for such length of time as the court or judge may direct; which notice and the petition on which it is issued shall in all cases describe with reasonable certainty the lands designed to be taken; and before proceeding to the hearing, the said court shall appoint guardians for such of the parties interested in the lands as are minors, and some suitable person or persons to represent the interest of such as are insane or otherwise incapable of managing their own affairs, and of such as are unknown or absent from the State.

SEC. 4. That upon the hearing the court shall appoint five disinterested freeholders residing in said district as commissioners of appraisal, whose duty it shall be to meet at a time and place assigned by them for that purpose, after giving notice to all the parties in interest, and to proceed and hear the proofs and allegations of the parties, and shall view the said lands so proposed to be taken and appropriated, and thus to ascertain and fix the compensation which the United States shall pay therefor, and to report their doings to the said court. It shall be the duty of said appraisers, in estimating such damages to land, also to estimate the benefits resulting to such premises from the construction of said work, and to offset such benefits against the damages estimated by them so far as shall be just.

SEC. 5. That the said commissioners shall have power to administer oaths to the witnesses, and to adjourn such hearing from time to time, as convenience may require, by proclamation, without notice; and they shall make a report of their proceedings to the court named in section 3 of this act, with the minutes of the testimony taken by them, if any. On such report being made by said commissioners, the United States shall give notice to the parties to be affected by the proceedings, or their attorneys, according to the rules and practice of such court, at any general or special term thereof, for the confirmation of such report; and if no appeal be taken therefrom, the court shall thereupon confirm such report, and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money is to be paid. But either party feeling aggrieved at said appraisal may, within thirty days after the same has been returned into court, file an appeal therefrom and demand a jury of twelve men to estimate the damages sustained; but such appeal shall not interfere with the rights of said United States to enter upon the premises taken or to do any act necessary and proper in the construction of said work. In case the owner of the land takes an appeal, he shall give bonds, with sufficient surety or sureties, for the payment of any costs that may arise upon such appeal; and in case the party appealing does not obtain a verdict increasing or diminishing, as the case may be, the award of the commissioners, such party shall pay the whole costs incurred by the appellee, as well as his own; and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded shall be held to vest in the United States the title of said land of the right to use and occupy the same for the construction, maintenance, and operation of said canal and branch.

SEC. 6. That whenever the report of such commissioners shall be confirmed, or, in case of appeal therefrom, final judgment thereon shall have been rendered, the court shall direct a summary of the petition and the report, with the order of confirmation or final judgment, to be entered of record. And said commissioners shall be entitled to such sum as the court shall deem just for their services, together with their necessary traveling expenses, for every day they are actually engaged in the performance of their duties, which shall be added to the amount agreed upon in their report, and paid as a part of said claims. And upon the payment of the compensation specified in said report for such right of way, and any such land, to the owner or owners thereof, or upon depositing the sum in such bank or other institution as the court shall designate for that purpose, the title to such right of way and lands shall pass to and be vested in the United States.

SEC. 7. That the Secretary of War shall cause said canal and branch to be made and constructed upon the land to be taken and appropriated as is hereinbefore provided, and that he shall cause said work to be entered upon and commenced as soon as practicable, and within not exceeding six months after this act goes into effect, and shall cause the same, with all necessary locks or lock-houses, waste-weirs, guard-gates, basins, and bridges, to be constructed and completed, ready for navigation, at the earliest possible day consistent with the public interests; and for that purpose he shall detail a sufficient number of the most skillful and experienced officers from the Corps of Engineers as he may deem best and necessary, who shall superintend and direct said work, under such orders and rules as he may prescribe.

SEC. 8. That the Secretary of War, if in his judgment it will be to the interest of the United States, may cause said work or any part of the same to be put under contract to the lowest bidder, and in such case he shall invite proposals for any work or any material or labor for any part of said work; and there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work; and he shall report to Congress on the first Monday of December of each year, or as soon thereafter as may be, all the bids, with the names of the bidders, and to whom the contracts for the construction of the work have been awarded: *Provided*, That no contract shall be made except after public advertisement for proposals, in such form and manner as the Secretary of War may direct, and to secure general notice thereof; and the same shall only be made with the lowest responsible bidder therefor upon security deemed sufficient in the judgment of said Secretary.

SEC. 9. That the Secretary of War shall cause said work to be constructed in accordance with the provisions of section 1 of this act, and of the size, depth, and dimensions in every respect specified and set forth therein, which shall be of permanent and substantial material and in good workmanlike manner. The same, and every part thereof, and the locks and waste-weirs, basins, bridges, lock-houses, and other erections and fixtures connected therewith, and to be constructed thereon, shall, at all times after the same shall be made, be kept and maintained in good order and repair and condition for the use and navigation thereof; and when thus completed the said canal and branch shall be a military, naval, postal, and public highway, connecting the waters of Lake Michigan and the Illinois, the Mississippi, and Rock Rivers, and shall be established as such to the United States and the people thereof forever, and no obstructions shall be placed therein which shall impede or interfere with the uninterrupted navigation thereof: *Provided*, That Congress may at any time regulate, fix, and determine the tolls and charges to be imposed upon said improvement when completed.

SEC. 10. That the Secretary of War shall have power to establish all needful rules and regulations, not inconsistent with the laws of the United States, concerning the use and navigation thereof, and provide such penalties for the violation of such rules and regulations as may be deemed expedient; and a copy thereof shall be filed in the office of the clerk of the district court of the United States for the northern district of Illinois, and a copy thereof, certified by said clerk, under his hand and seal of his office, shall be received in all courts of law as *prima facie* proof that such rules and regulations were so established; and suits for the violation of such rules and regulations, and to recover such forfeitures, may be prosecuted in said district court, and in any district court of the United States where one of the parties defendant in such suit may reside: *Provided*, That Congress may at any time revise or abrogate any of such rules and regulations.

SEC. 11. That the sum of \$1,000,000 be, and the same is hereby, appropriated, to carry into effect the provisions of this act, out of any moneys in the Treasury of the United States not otherwise appropriated: *Provided*, That the moneys hereby appropriated shall remain and be at the disposal of the Secretary of War, and subject to his control for the purposes named in this act, until the same are expended, or until the work herein provided for is completed, any law or regulations to the contrary notwithstanding.

The following amendments to the first section had been previously reported from the Committee on Railways and Canals: Insert the words "or above" before "the city of Rock Island;" and strike out "the city of Dixon" and insert in lieu "the most convenient and suitable point."

Mr. HURLBUT. There is another amendment reported from the committee, and which I believe is acquiesced in by all the parties interested in the bill. The amendment is to strike out of the first section the words "near the town of Sheffield." I now enter the motion to recommit the bill, and would ask the House to indicate what length of time for discussion will be satisfactory.

Mr. BURCHARD. Before the gentleman makes his motion to recommit, I ask him to yield to me to move an amendment to the second section of this bill.

Mr. HURLBUT. I will allow the amendment to be read, and if, in the course of debate it should be deemed necessary to act upon it, I will give an opportunity for it to be considered.

Mr. BURCHARD. I move to insert in section 2, after the word "surveys," where it first occurs, in line 3 of the printed bill, the words "of routes to the Mississippi River above the Rock Island Rapids;" also to strike out the words "military, naval, and" before the words "commercial purposes."

Mr. HURLBUT. I cannot yield for that amendment.

Mr. COTTON. I ask the gentleman from Illinois [Mr. BURCHARD] to modify his proposed amendment by changing the word "if" to "including;" so that it will read, "including routes to the Mississippi River," &c.

Mr. HAWLEY, of Illinois. There will be no trouble about that; the bill will cover all the ground desired.

Mr. HURLBUT. I suggest to the House to fix now the time for discussion of this bill.

Mr. HAWLEY, of Illinois. Not at present.

Mr. HURLBUT. Very well. I now yield to the gentleman from Iowa, [Mr. MCCRARY,] the chairman of the Committee on Railways and Canals.

Mr. MCCRARY. If I can have the attention of the House I will state very briefly the grounds upon which I support this bill, and upon which I understand the Committee on Railways and Canals have recommended its passage. Knowing how the House is pressed for time, I shall use as few words as possible.

I have had occasion more than once in the course of this Congress to urge upon the House the importance of some legislation upon the general question of transportation. I shall not now repeat anything that I have said upon that subject, except the general expression of belief, which has become with me a clear conviction after a pretty thorough study of the whole subject, that it is a question which demands at the hands of Congress careful consideration and the adoption at an early day of some efficient measures of relief.

The bill before the House, in my opinion, is one of a series of measures well calculated to bring that relief to the people which they ask with so much reason. I am not one of that number who believe that by any single scheme, by any single proposition, this problem of transportation can be solved. There are those who insist that the whole question may be solved by laws regulating transportation upon existing lines of commerce. There are those who insist that the whole question may be solved by measures looking to the opening up of additional lines of water transportation. There are those who insist that the whole question may be solved by encouraging or engaging in the construction of new lines of railway, either of standard gauge or narrow gauge. I believe that there is much to be said in support of each and of all these propositions, and doubtless something will eventually be done in all these directions. The people, though opposed to subsidies, can well afford to submit to the expenditure of a moderate sum of money by the Government if by that means they can surely get cheap lines of transportation over important routes.

One thing, of course, will be conceded by everybody, that competition, if it can be secured, is one element of great importance, of controlling importance, I may say, in the cheapening of transportation and thereby in the solution of this problem. The difficulty with the existing system of transportation grows out of the fact that the States of the Union have chartered corporations and have placed in their hands a monopoly of the carrying trade. Between those great corporations there never has been, and probably never will be, that free and permanent competition which is necessary to bring prices down to the lowest possible paying rate. This is so because combinations are formed by them for the express purpose of keeping up the rates. It will be conceded by all that wherever it is possible to establish one cheap line of transportation, if that line does not do all the business, it will by competition compel other lines to reduce their rates. One cheap line acts as a regulator of all other lines which carry to the same market or may by possibility serve the same ship-pers.

The bill before the House proposes to complete a line of water communication between Lake Michigan and the Mississippi River.

This can be done by the construction of a canal a distance of about sixty-four miles. I shall enter into no discussion of the engineering questions that are involved in this bill. The route has been examined and surveyed by several engineers, one of them acting under the authority of Congress; and they have substantially agreed in reporting that the canal can be constructed and completed for some-

thing less than \$4,000,000. I believe those most interested in this bill are willing that any restrictions which are necessary to limit the cost of the canal within these estimates shall be admitted by way of amendment to this bill. I assume, therefore, Mr. Speaker, that the canal can be constructed and this line of water transportation from Lake Michigan to the Mississippi can be completed inside of \$4,000,000. So much for the cost.

Mr. GUNCKEL. Do you take into consideration the purchase of the right of way?

Mr. MCCRARY. I do not think that is included.

Mr. GUNCKEL. No; it is not.

Mr. MCCRARY. Now, Mr. Speaker, what will be the advantages; what will be gained? In a word, sir, this will be gained: A line of water transportation from Lake Michigan to the Mississippi River will be established; and whatever the rates over that line of water transportation may be, the railroads which now carry between Lake Michigan and the Mississippi will have to adopt those rates in order to compete with the water line.

Let me call the attention of the House to some facts upon this question to show the importance not merely to Illinois and the Northwest but to the whole country of extending the line of water transportation, which now extends from the Atlantic Ocean to a point one hundred miles west of Chicago, on to the Mississippi River.

The cost of carriage from the Mississippi River to Chicago, as gentlemen will see who will examine the subject, is vastly greater in proportion to distance than the cost of carrying from Chicago to New York. I think I shall be able to show the House, by reference to a few facts, that this great difference grows out of this single fact—that from Chicago to New York the railways compete with water transportation. It is a fact well settled, fully demonstrated, and which I presume no gentleman will dispute, that the rates of carriage by water all over the country are very much cheaper than the rates which are charged for carriage by rail. By reference to the statistics upon this subject, I find that taking the rates charged to Chicago from nine cities, extending from the southern border of Iowa to Saint Paul, Minnesota, the average cost of transportation by rail from the Mississippi River to Chicago is now seventeen cents and one mill per bushel, or was that during the years commencing with 1868 and ending with 1872. The average distance is about two hundred miles; the average cost about seventeen cents a bushel.

Now, from Chicago to New York the distance is about eight hundred miles; the average cost is only about thirty cents a bushel; and I believe latterly it is considerably less than that; but the statistics to which I have had access relate to the years from 1868 to 1872, and put the charge at about thirty or thirty-one cents a bushel. We find then this singular and important fact: The charge for carrying two hundred miles west of Chicago is seventeen cents per bushel, while the charge for carrying eight hundred miles, from Chicago to New York, is but thirty-one cents. I repeat, there is no way in which this difference can be explained except by reference to the fact that between Chicago and New York there is water transportation. The important fact to be remembered is that from Chicago to New York there is one cheap route, and this operates by way of competition upon all the other routes. I do not say that the cheap route must necessarily be a water route. It must be a cheap route. In some parts of the country water transportation is impossible, and there we must have cheap railroad transportation, which, by the way, can probably best be secured by constructing narrow-gauge railroads. Whatever the means employed—and I think in many cases narrow-gauge railroads should be preferred to canals—the great thing to be accomplished is the opening in competition with the existing railroads of cheaper lines of transportation. Because this bill seems to offer us such a line I heartily support it.

But, sir, there is another fact which illustrates still more clearly the point I make and will enable the House to see more distinctly the great benefit which will result from establishing the competing water line which is provided for by this bill. The Illinois and Michigan Canal, with its connections, extends one hundred miles westward from Chicago. Over these one hundred miles the Chicago, Rock Island and Pacific Railroad competes with this water route; and in consequence of that competition the railroad is obliged to reduce its rates to the prices which are charged by the canal. What is the result? Here are five railroads, extending from Chicago to the Mississippi River—the Chicago, Rock Island and Pacific; the Chicago, Burlington and Quincy; the Chicago and Northwestern; the Chicago and Alton; and the Illinois Central. One of these railroads for a distance of one hundred miles competes with the Illinois and Michigan Canal and its water connections, and the result is that that railroad is compelled to carry freight over those one hundred miles for about one-half the sum that is charged by the others. The exact facts are these: The cost on the Chicago, Rock Island and Pacific Railroad of carriage over the one hundred miles that compete with the canal is eight cents; over the Chicago, Burlington and Quincy Railroad, for the same distance, it is fourteen cents; over the Chicago and Northwestern road, for the same distance, eighteen cents; over the Chicago and Alton road, twelve cents; and over the Illinois Central road, sixteen cents. That one of these roads which competes with the canal carries for eight cents, while the others charge respectively for the same distance twelve, fourteen, sixteen, and eighteen cents, because they do not compete with the canal.

Now, the House will see from these facts what the result will be if this line of water transportation is extended to the Mississippi River; for that will bring this water line in competition with every one of these railroads, not only over those one hundred miles, but over the entire distance. Estimating the rates by water transportation according to the rates already charged so far as we have water transportation, we find that the cost of carrying a bushel of grain from the Mississippi River to Chicago would be eight and one-half cents as against seventeen cents by rail at present—less than one-half. What will be the result of reducing these rates to this extent? I have the right to assume they will be reduced, because we have one hundred miles of water transportation, and the result of that one hundred miles has been to reduce the rates over that distance to the extent of one-half. No man can say there is any doubt but the extension of this water line to the Mississippi River will result in the reduction of the charge on the whole line in the same proportion. What, then, will be the result of reducing the rate charged from the Mississippi River to Lake Michigan by the extension of this water line? I will not go at length into the figures, but will call the attention of the House to the fact that from the States of Iowa and Minnesota alone there is annually shipped to market about sixty million bushels of wheat and corn, to say nothing of any other product. If we can save on the transportation of this single item at the rate of eight cents per bushel, the result will be a saving upon sixty million bushels of not less than \$5,000,000 in a single year.

As to the results likely to be secured by the extension of this water route, assuming that the rate to be charged upon the whole line may be safely estimated by the rates now charged upon so much of the line as is completed and in operation, I can do no better than to quote from the report of the Senate Committee on Transportation Routes. I read from that report as follows:

The average water rates appear to be but 50 per cent. of the present average rail rates. The average saving in the transport of grain from the river towns mentioned to Chicago, upon the basis of the results here obtained, appears to be 8.6 per bushel. The total surplus quantity of wheat and corn in the States of Iowa and Minnesota during the year 1872 is estimated at sixty million bushels.

If we assume that this saving of 8.6 cents per bushel would be effected on the transport of this quantity, either by water carriage or by the effect of water carriage in causing a reduction of rail rates, we find that the reduced cost of transporting the surplus wheat and corn of Minnesota and Iowa to Chicago will amount, on the crop of a single year, to the sum of \$5,160,000, or \$1,261,000 more than will be required to construct the Hennepin Canal.

But, sir, I wish to call attention to another significant fact to illustrate still further the proposition I have made that this line of water transportation, if allowed to compete with railroads from Chicago to the Mississippi River, will bring down their charges very largely. As I have said, canal and slack-water navigation now extend about one hundred miles west of Chicago to La Salle.

In the report of the committee of the Senate on this subject, already quoted from, I find what I shall now read in illustration of the point I am making:

A more marked exhibition of the effect of water competition in reducing rail-freight charges is also given by Mr. Utley. The freight charges on the Chicago, Rock Island and Pacific Railroad is only eight cents per hundred pounds from Henry to Chicago, between which points there is water competition, while the rate from Tiskilwa, only twelve miles farther west than Henry, and beyond the effect of canal competition, is fifteen cents per hundred pounds, or nearly as much for twelve miles as for one hundred miles. Discriminations such as this are, however, characteristic of rail transport in all parts of the country.

This is an excellent illustration of the fact that by bringing water transportation into competition with railway transportation, or in other words by bringing a cheap line into competition with an expensive one, we may bring down prices. It is then a clear proposition that wherever without too great an expenditure of money we can open up a cheap water line, as for example where we can by a short and cheap canal connect great natural water-ways, we ought to do it.

We desire for the Northwest the great advantage to be gained by bringing the railroads which connect the Mississippi River with Lake Michigan in competition with water transportation. We desire the same benefits now enjoyed by the people to the eastward of Chicago by reason of this same competition.

As showing still further the importance of establishing water transportation wherever it is possible without too much expense in order to create competition with railroads, I call attention to some further facts stated in the report from which I have been reading. On page 52 of that report I find the following. In discussing the effect upon railroad rates of competing water lines, and referring to the rates between Chicago and New York, the committee say:

During the year 1872 the "all-rail" rates were 24.5 per cent. higher than the "all-water" rates, the "lake and rail" rates were 7 per cent. higher than the "all-water" rates, and the "all-rail" rates were 16.3 per cent. higher than the "lake and rail" rates.

The average summer rail rate for 1872 (May, June, July, August, September, October, and November) was 31.27 cents, and the average winter rail rates in 1872 (December, January, February, March, and April) was 36.2 cents, the average winter rate being 16 per cent. higher than the average summer rate. By comparing the all-rail rates for the months of June, July, and August with the all-rail rates for December, January, and February we obtain a more accurate expression of the effect of ample water facilities in competition with equally ample rail facilities. The average all-rail rate during the three summer months just named was 27 cents, and the average of the winter months was 39 cents, the winter average being 44.4 per cent. higher than the summer average, when the competition of water transport was in full force. It may be supposed that the increase in the rail rates dur-

ing the winter months is caused by the increased cost of transport during that season of the year, but this is true only to a very limited extent. The chief cause is the absence of competition by lake and canal. This is evident from the fact that although the cost of transportation by rail is not greater in October and November than in June and July, yet the average of the rates during the former months is 44.4 per cent. higher than the average of the rates during the latter months.

Mr. Speaker, if these be facts, they demonstrate that one of the best means of solving the transportation problem is by opening cheaper lines all over the country, wherever it can be done without great expense. I care not whether these cheaper lines be canals or narrow-gauge railroads, so that they operate to materially cheapen rates.

Now, sir, having said this much and not desiring to detain the House, I will only add that I regard this as one—possibly the only one—of the canal projects now before the House which we can safely undertake and which we ought to undertake at the present time. The moderate sum which, according to the estimate of the engineers, will be required to complete it, can be safely appropriated within the next five years and the country will not feel it, and I am convinced that the results will more than justify the expenditure. The construction of this canal will complete water communication between the Mississippi River and the Atlantic—a line from the heart of the great grain region to the great grain markets of this country, and by connection with ocean steamers with the grain markets of Europe. I hope the bill will pass.

Mr. TOWNSEND. Will the gentleman before he resumes his seat allow me to ask him a question?

Mr. McCrARY. Certainly.

Mr. TOWNSEND. Is this \$1,000,000 intended to build the whole work, or is it only the beginning.

Mr. McCrARY. It is only the beginning. The estimate is \$3,899,000.

Mr. HURLBUT. I now yield twenty minutes to the gentleman from Iowa, [Mr. COTTON.]

Mr. COTTON. I desire to speak more particularly on the amendment proposed by the gentleman from Illinois, [Mr. BURCHARD.]

The only survey we have had of this proposed canal was made in 1871, under an act of Congress of July 11, 1870, which provided for a survey for a ship-canal route from Hennepin, on the Illinois River, to Rock Island, on the Mississippi River. The gentleman's amendment proposes that there shall be surveys made above the Rock Island Rapids also before this work is commenced. I have been called upon by a large number of my constituents to bring this matter to the attention of this House, and when this measure should be under consideration have had sent me many petitions asking that any bill that may pass this House shall provide, before the work shall be commenced, for making further surveys, including surveys of routes to terminate above the Rock Island Rapids. I now ask, in this connection, to have read to the House one of these memorials.

The Clerk read as follows:

To the Senate and House of Representatives in Congress assembled:

The undersigned, believing that the shortest, cheapest, and most natural route for the construction of the so-called Hennepin Canal, from Hennepin, on the Illinois River, to the Mississippi River, would make the western terminus of such canal above the Rock Island Rapids, thereby saving the commerce of the whole Upper Mississippi Valley, which would flow through such canal, from the great delays, dangers, and expenses incident to their navigation, would respectfully urge your honorable bodies to provide for a careful survey of the route from Hennepin to the Mississippi River, above the Rock Island Rapids, and the adoption of such route, if found feasible, practicable, and economical for the construction of such canal, in any bill which you may pass granting Government aid to the proposed Hennepin Canal, in accordance with the resolutions adopted at the mass convention of the Upper Mississippi Valley, held at Clinton, Iowa, December 23, 1874.

Mr. COTTON. In this memorial reference is made to a convention held at Clinton, Iowa, on the 22d day of December last, which was called for the purpose of calling the attention of Congress to the importance of full and impartial surveys before other routes should be determined upon. At this convention, among other things, it was declared—

That in selecting the route for this canal all claims of localities should be ignored and the route adopted which the best engineering skill may determine, and which will be best adapted to the wants and interests of the whole Northwest; that the bulk of commerce which would flow through this canal would pass to and from the country north of the line of the rapids; that a short, practical route for the canal exists along the Meredosia River, forming a confluence with the Mississippi at a point twenty miles above Rock Island; that Congress so legislate upon the subject that the canal, when constructed, shall terminate above the Rock Island Rapids, if such route shall be found to be feasible, practicable, and economical; that no location shall be fixed upon until a thorough survey of all the country has been made, with a view of selecting the best route.

It is proposed to amend the bill to provide for these further surveys. There has been but the one survey, as I before remarked, made in 1871, and made under a law which fixed Rock Island as a point on the Mississippi River. I have the honor to represent a district extending quite a distance both above and below the point opposite Rock Island, and I wish in this matter simply what is fair to all portions of the district. Let the surveys be complete and thorough of all proposed routes, and that be adopted which is, in the language of the memorial, the most feasible, practicable, and economical. Let this amendment be ingrafted upon the bill, and it will accomplish that end. The gentleman who moves this amendment, I understand, will not in the end sustain the bill. I differ from him in that. I shall sustain his amendment, and after that the bill.

I have been asked by a gentleman in front of me what would be the cost of this canal. Yesterday I telegraphed to the Chief of En-

gineers for the recent estimates of its cost made under the act of the last session of Congress. I will ask to have read the answer from the Chief of Engineers. I will say, however, that only the last portion of this estimate applies to the canal from Hennepin to Rock Island, which is the sum of \$4,541,007. The estimate is for a larger canal than this bill contemplates; one with locks one hundred and seventy feet in length by thirty feet in width, while the limit in the present bill is for a length of lock of one hundred and fifty feet with a width of twenty-one feet.

I ask the Clerk to read my telegram to the Chief of Engineers and his answer.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
February 5, 1875.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers, War Department:

Please telegraph me amount of the recent estimate of cost of constructing canal from Hennepin to Rock Island, with branch to Dixon, and of enlarging the canal from Chicago to Joliet, and improving Illinois River from Joliet to Hennepin, and on what width of canal and dimensions of locks this estimate is made.

A. R. COTTON.

WAR DEPARTMENT,
Washington, D. C., February 6, 1875.

Hon. A. R. COTTON:

Report on canal from Mississippi River to Chicago, submitted to Secretary of War February 3. Estimated cost of ship-canal from Chicago to Joliet, \$11,532,932; Illinois River, between Joliet and La Salle, including eleven locks and eleven dams, designed to give seven feet navigation, locks three hundred and fifty by seventy-five feet, \$4,347,879; canal from Hennepin to Rock Island, with additional estimate for enlarged locks, one hundred and seventy by thirty feet, \$4,541,007; total \$20,421,818.

A. A. HUMPHREYS.

Mr. COTTON. It will be seen that this estimate embraces an enlargement of the canal from Joliet to Chicago, to be made a ship-canal of the dimensions of three hundred and fifty feet in length of locks and seventy-five feet in width, and a corresponding improvement of the Illinois River from Joliet to Hennepin. But those expenditures are not embraced in the present bill.

Mr. GUNCKEL. Will the gentleman allow me to ask him whether there is any provision allowed in that calculation for the right of way?

Mr. HOLMAN. There is not.

Mr. COTTON. I believe there is not. My colleague was right in stating the estimate as made in 1871 of the cost of the canal from Hennepin to Rock Island at \$3,899,722.64; but this present estimate is based upon enlarging the locks as I have said.

Mr. GUNCKEL. But does not include the right of way?

Mr. COTTON. I believe not.

Mr. GUNCKEL. Will not that require several millions more?

Mr. COTTON. It will not. I do not apprehend that the right of way would cost a large sum.

Mr. GUNCKEL. Is there any provision made for damages that may be claimed by the people who have water-rights on the Rock River that may be damaged by this?

Mr. COTTON. I do not suppose that it will affect such rights.

I will say that this estimate adds \$641,284 on account of the enlargement of locks to the former estimate in 1871, making the estimate for the Hennepin Canal proper \$4,541,007. The further expense up to \$20,421,818 is for the work between Hennepin and Chicago. There already exists a canal from Chicago to Joliet, and that, with the Illinois River when improved and the proposed Hennepin Canal, will constitute a continuous water-way from the Mississippi River to the lakes.

We now ask, according to this estimate, less than \$5,000,000, and that will build a canal sixty-five miles in length from Hennepin to the Mississippi River.

Now, I ask gentlemen first to adopt this amendment, which provides for further surveys so as to ascertain the best route, dealing fairly by every locality which may deem a route in that direction the most feasible. As it is proposed to make this canal with the nation's money, this is but fair and just. No point should be fixed; the canal should not be given a local or sectional character. This amendment being first adopted, pass the bill and authorize the commencement of this work. It is asked for by a great portion of the Northwest. It will secure a water-way from the lakes to the Mississippi River, and it will cost less than has been appropriated for the construction of a single public building in several of our cities. It is not a very large sum for so important an enterprise, and I trust that our friends in Congress will not refuse to grant an appropriation for a canal to complete the connection of the lakes with the Mississippi River which in amount is less than the cost of the Chicago post-office. I trust the House will pass the bill, after having first amended it so that the most practicable route, the one that will best serve the commercial interests of the country, may be secured. I now yield to my colleague [Mr. WILSON] the remainder of my time.

Mr. WILSON, of Iowa. How much time have I?

The SPEAKER. Five minutes.

Mr. WILSON, of Iowa. Several years ago the West asked the attention of Congress to their need of better and cheaper transportation facilities. Corn was ninety cents a bushel in the East and South, and would not pay for shipping. The West then severely felt the want of cheaper routes, but the appeal was unheeded. The conse-

quences to many settlers just gathering their first crops were discouraging, corn was permitted to rot in the crib, was used for fuel, and its production comparatively discontinued by farmers who cultivated the crop for eastern and southern markets. The power of the West to buy from the East was curtailed. The West suffered then, practiced economy, and turned their attention in greater degree than before to condensing their bulky products.

Several years have passed and a careful inquiry will show that the neglect to furnish cheaper transportation has resulted quite as disastrously to the East as to the West. The money received from foreign countries is paid to us for cotton, breadstuffs, and live-stock products principally; we sell but few manufactured articles, and our manufacturers thrive when the producers of these staple products thrive and suffer when they suffer. Our manufacturers are in the East, our producers in the West and South. Scarcely a State east of the Alleghenies produces enough of bread and meat for its own consumption; our annual export of these two commodities amounts to \$200,000,000. They are produced in the Northwestern States that have two outlets to the ocean, one by the lakes and one by the Mississippi. Perhaps nothing is more necessary to the material well-being of the Eastern States than a prosperous Northwest.

What is the condition of our country at large? Our manufacturing industries languish although people consume and wear as much as formerly. Our artisans and operatives are idle, many of them, although industries throughout the civilized world are not generally depressed. The manufacturer is idle now, because the producer of the Northwest has not been able to buy his wares.

Our capital cannot employ our labor, because our labor costs too much; our labor costs too much, because the necessities of life are too high; and the necessities of life are high, because it costs too much to transport them from the field to the workshop. It costs more to transport a ton of merchandise from the Mississippi by rail to the Atlantic sea-board than from the sea-board to Europe or Asia.

The agriculturists of the country press this want on the attention of Congress. Boards of trade and chambers of commerce have petitioned for cheaper transportation; State Legislatures have requested it, and the President has recommended that Congress bring it about.

The completion of the Hennepin Canal will connect the lake and river systems, and make it possible for the States bordering on the Mississippi to regulate charges within their own limits, as the river will become the distributing point now that steam can be used on the canal. Those States that border on the Mississippi and produce our surplus grain and meat will have a continuous water communication to the sea-board, and a reduction in freights in consequence that will give them an advantage over their rivals in Russia they do not now enjoy in supplying the deficiency in Europe.

Our dual system of government makes it impossible for any one State to conduct a national improvement of this kind and control the future traffic over it. A State situated like Iowa, for example, cannot contribute to connect the river with the lake system except through Federal channels. She cannot get to Lake Michigan by water, because this link is missing; nor can she send her products to Europe by the river system, because there is a bar at the mouth of the Mississippi. And yet Iowa sells more wheat than any State in the Union, more corn than any other State the present year; she has more surplus pork and except Texas more surplus beef, and thousands of the Texan cattle are fed at the corn-cribs of Iowa.

The whole expense of opening the Hennepin Canal, deepening the passes of the Mississippi, and building a double-track freight railroad to the sea-board could be better afforded by this one State alone than that these enterprises should be delayed ten years longer, were there any constitutional methods by which Iowa could control the building and operation of these enterprises.

Iowa grows two hundred million bushels of grain annually, and exports perhaps fifty millions at a cost from her fields to the sea-board of about \$25,000,000. The cost of moving her live stock, paying return freights on coal, lumber, and merchandise, will perhaps make a total cost of \$40,000,000. It costs the grain and meat producers of my district fifteen mills per ton per mile to pay freights to the sea-board, which is more than double what the actual cost would be if our railroads competed with the lake and river system.

[Here the hammer fell.]

Mr. HOLMAN. Inasmuch as nothing will probably be before the House to-day except this bill, I trust the gentleman from Iowa [Mr. WILSON] will be allowed to go on with his remarks.

Mr. HURLBUT. I hope the gentleman will be allowed ten minutes in his own time.

Mr. PARKER, of New Hampshire, and others. There is no objection.

No objection was made, and leave was granted accordingly.

Mr. WILSON, of Iowa. Following out the line of thought that was in my mind when my time expired, I wish to say that the difficulty in the United States to-day is that our capital cannot afford to employ our labor, because our labor costs too much; and our labor costs too much because it costs the laborer too much to buy all the necessities of life. It costs too much to buy all the necessities of life because it costs too much to transport them. The employer in the Eastern States is further from the field where his bread and meat grows, speaking from a transportation point of view, than he is from Asia or Africa. On the eastern sea-board, the man who em-

plys laborers there can better afford to send to Asia, Africa, Russia, or any part of continental Europe for anything he desires than to send to the Western States for it.

We as a nation buy too much and sell too little. You can count on your fingers in a few minutes all the articles we have to sell. We have cotton, breadstuffs, live stock, and then if you add petroleum and a few other things there is little else. But few of the manufactured articles of this country find a market abroad. You can take the returns of the Secretary of the Treasury furnished monthly to members of this House and find in them but very few articles which, manufactured in the United States, find a market abroad. You must find your market in the Northwest or in the South, or you will not have one. But we are unable to buy, and you are unable to sell. Can the permanent prosperity of the United States be maintained and guaranteed without the permanent prosperity of the West? The West is anxious to send you cheap bread and cheap meat.

Mr. CHITTENDEN. Does the gentleman know the cost of transporting a barrel of pork from Chicago to New York to-day, or a hundred pounds of grain?

Mr. WILSON, of Iowa. Yes, I do.

Mr. CHITTENDEN. The cost of transporting a barrel of pork from Chicago to New York is \$1.04, and for transporting one hundred pounds of grain thirty cents. Is not that cheap transportation?

Mr. WILSON, of Iowa. Certainly, and that is the very point I want to raise here. We cannot get to Chicago. The grand lake system of transportation is separated from the river system by a little band. Permit us to get from the river to the lakes, and we can give you cheap bread; we can give you of the East enough to eat, and that which will be cheap.

Mr. CHITTENDEN. According to the gentleman who preceded you, [Mr. COTTON,] you propose an enterprise that will cost the Government \$4,000,000, and will pay \$5,000,000 profit to the Northwest in one year. The Government of the United States is asked to expend \$4,000,000, when private enterprise may be tempted to make \$5,000,000.

Mr. WILSON, of Iowa. Why did not the gentleman from New York [Mr. CHITTENDEN] interrupt the gentleman to whom he desires to apply his remarks and not interrupt me?

Mr. CHITTENDEN. I beg the gentleman's pardon.

Mr. HURLBUT. I yield ten minutes to the gentleman from New York, [Mr. ELLIS H. ROBERTS.]

Mr. ELLIS H. ROBERTS. This very important measure comes into the House for consideration under a suspension of the rules, instead of being considered in Committee of the Whole as the rules require. I venture to say that the suspension of the rules was in good part a personal compliment to the very popular gentleman from Illinois, [Mr. HAWLEY.] If merely a personal compliment were involved, it would have given me great pleasure to have voted for it.

Mr. MAYNARD. I hope the gentleman will not make such a broad, sweeping charge as that. I voted to suspend the rules, and I did so because I thought this measure was one that deserved serious consideration.

Mr. ELLIS H. ROBERTS. I do not include the gentleman from Tennessee.

Mr. MAYNARD. I hope the gentleman did not undertake to say that to act upon so grave a matter as this was merely personal feeling.

Mr. ELLIS H. ROBERTS. It is known to gentlemen on the floor that many votes for considering this bill have been controlled by personal feeling. I do not withdraw the remark. And I say further that if this were merely a personal compliment to the gentleman from Illinois, if it did not affect great and broad interests, it would have given me great pleasure to have joined in that personal compliment. I have to say further that personal friends of my own whom I very highly esteem, and to whom I would be very glad to render a favor if I consistently could do so, are advocates of this measure.

But there are considerations which are broader than personal friendship; there are arguments which are grander than local interests. It seems to me these considerations are all ranged against the policy of which this measure is but the pioneer. The policy of our Government of late years in the matter of transportation has not gone beyond the improvement of natural water-ways in the first place; and in the second place subsidies to railroads, or in one very notable instance to steamships. Without taking time to trace the history in detail, I venture to appeal to the observation of every gentleman on this floor if it is not true that as to every subsidy which has been granted to railroads or to steamboat companies scandal has arisen or misfortune has befallen the recipients.

Mr. HAWLEY, of Illinois. The gentleman is now speaking of subsidies to private corporations. This is not a subsidy to anybody.

Mr. ELLIS H. ROBERTS. I understand that.

Mr. HAWLEY, of Illinois. It is simply a work to be performed by the Government itself, and the question is, can the Government trust itself?

Mr. ELLIS H. ROBERTS. It is to be performed by the Government itself or let by contract, as is suggested in the eighth section.

Mr. HAWLEY, of Illinois. The Secretary of War is to have a discretion in that matter, as he ought to have.

Mr. ELLIS H. ROBERTS. I come back to reiterate that no subsidy has ever been granted which has not produced grave scandal or

involved those who accepted the subsidy in grave misfortune; either scandal or misfortune or both have been the result.

Now this, Mr. Speaker, is a new departure. My friend from Illinois has well said that this is not a subsidy. But it is a new departure; it is the opening of a new principle; it is saying that the Government shall enter upon the building of canals; and the very eloquent and very fair gentleman from Iowa, [Mr. MCCRARY,] who opened the debate, said that this is but one of a series of measures, involving not \$4,000,000 alone, as this bill does according to the estimate of the gentleman from Iowa, but involving the final expenditure of scores of millions of dollars.

Mr. MCCRARY. I desire to interrupt my friend a moment by way of correction.

Mr. ELLIS H. ROBERTS. Certainly.

Mr. MCCRARY. I said that this was one of a series of measures. I did not say it was one of a series of canal measures. I shall not be in favor of any canal project, as I thought I had distinctly said, unless it is one which will connect other very important water-ways without any very extraordinary expenditures of money.

Mr. ELLIS H. ROBERTS. This is, as the gentleman now suggests, one of a series of measures for canals that shall connect water-ways that shall not involve too large an expenditure of money. Who is to determine that question? Congress. The gentleman thinks this is not too large an expenditure of money. I think that just here and now it will establish a precedent which will make the expenditure of money for this purpose immense. This is like other misfortunes which come "not single spies, but in battalions."

The gentleman from Illinois has called my attention to the fact that this work is to be built by the Secretary of War, or, as I repeat, according to the eighth section, by contracts.

That section provides:

That the Secretary of War, if in his judgment it will be to the interest of the United States, may cause said work, or any part of the same, to be put under contract to the lowest bidder, and in such case he shall invite proposals for any work or any material or labor for any part of said work; and there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work.

Now, sir, in the good State of New York we know what contracts are; and for one, in view of the experience that I have seen and know in that State in connection with canal contracts, I am not willing to assent even by indirection that this Government shall enter upon the building of canals by contract or otherwise.

But the gentleman from Iowa suggests that this is the method, substantially the only method, of solving the transportation problem. It seems to me that this is one of a series of measures calculated to complicate the transportation problem, calculated to invest money unnecessarily for the purpose of transportation. Essentially the remedy for the evils of excessive charges for freight must come from competition. The gentleman from Iowa has referred to the cost of transportation on the great line from Chicago to New York. What have we seen recently? He cites the fact that great corporations may combine. Yes; but great corporations may quarrel also, as we have seen in the breaking up of the Saratoga combination; and we see to-day freight transported from Chicago to the East at lower rates than in any previous winter, not by the competition of water-ways at all, for they are closed by ice, but by the competition of railroads.

Now, let me say to the gentleman, as he has illustrated the high rates from certain points in the West not having railroad competition, that such inequalities exist along water channels. We have experience on this point in New York. Although we have the Erie Canal, and although competition taken as an aggregate reduces the rates, yet the Erie Canal allows inequalities between localities not far distant from each other where railroad competition is not afforded; and such inequalities will always exist. It is absurd for gentlemen to think that they can remove those inequalities by building canals.

[Here the hammer fell.]

Mr. BURCHARD. I yield two minutes more to the gentleman from New York.

Mr. ELLIS H. ROBERTS. Mr. Speaker, in view of my little remaining time, I must turn at once to the argument, which after all is the essential thing. I ask this House to read again the warning of the Secretary of the Treasury given in his report of last December—a warning that you must cut down your expenditures unless you want to increase taxation. This is his language:

Not only is rigid economy required by reason of the present condition of the public revenues, but fidelity to obligations and a just sense of responsibility to the people, to whom the Government belongs, and who contribute of their means to its support, demand it. Government cannot long exist in a prosperous condition without the confidence of the people, and that confidence will be given or withheld accordingly as the Government is faithfully, honestly, and economically administered, or otherwise. When it is understood that not a dollar is taken from the people by taxation beyond what is needful for the legitimate purposes of the Government, they will not withhold their confidence or refuse to support its financial measures. At such a time loans are freely taken and taxes cheerfully paid. It is essential to the proper strength of the Government at home, as well as to its credit abroad, that no greater taxes be levied than are required to carry on its necessary operations and to maintain the national faith and honor by prompt payment of all its obligations, and when such revenues are collected it is no less important that they be faithfully and exclusively applied to the legitimate purposes of Government.

While the indebtedness of the Government is large, and the maintenance of the national honor requires the collection of large sums by taxation to meet the accruing interest, besides other necessary public expenses, any appropriation for other purposes should be deprecated as likely to affect injuriously the public credit and increase the difficulties in the way of return to a specie basis.

I ask this House to consider again the words of the President of the United States in his late annual message, in which he says:

In view of the large national debt existing, and the obligation to add 1 per cent. per annum to the sinking fund, a sum amounting now to over \$34,000,000 per annum, I submit whether revenues should not be increased or expenditures diminished to reach this amount of surplus. Not to provide for the sinking fund is a partial failure to comply with the contracts and obligations of the Government.

And I ask this House to consider again the message of the President to the Senate of the United States in which he urges the increase of the surplus revenue, and especially suggests that the duty on tea and coffee be restored and that the 10 per cent. horizontal reduction of the tariff on articles specified in the law of June 6, 1872, be repealed. Here are his words:

I respectfully call your attention to a few suggestions:

First. The necessity of an increased revenue to carry out the obligation of adding to the sinking fund annually 1 per cent. of the public debt, amounting now to about thirty-four millions dollars per annum, and to carry out the promises of this measure to redeem, under certain contingencies, eighty millions of the present legal tenders, and, without contingency, the fractional currency now in circulation.

How to increase the surplus revenue is for Congress to devise, but I will venture to suggest the duty on tea and coffee might be restored without permanently enhancing the cost to the consumers, and that the 10 per cent. horizontal reduction of the tariff on articles specified in the law of June 6, 1872, be repealed.

Other means of increasing revenue than those suggested should probably be devised and also other legislation.

I ask gentlemen to look at the debt statement for the month of January, showing that in that month this year we fell behind paying our current expenditures \$1,387,870.27, and as compared with January of last year, when the debt was reduced \$1,845,211.76, we are worse off in a single month by \$3,233,082.03 than we were a year ago.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS. I must ask the indulgence of the House for a few moments to complete this point. I ask for five minutes.

The SPEAKER *pro tempore*, (Mr. WOODWORTH in the chair.) If there be no objection, the gentleman from New York [Mr. ELLIS H. ROBERTS] will be allowed five minutes more, not to be taken out of the time of the gentleman from Illinois, [Mr. BURCHARD.]

Mr. ELLIS H. ROBERTS. More than that, the newspapers state that Congress is called upon to raise thirty-five or forty million dollars by additional taxation. Whether that may be true or not, the report of the Secretary of the Treasury shows that last year we paid of the sinking fund only \$2,344,882.30, so that in that year we were deficient some \$28,000,000. In seven months of this year we are \$907,931.13 behind paying our current expenses, without paying a penny into the sinking fund. Now, my good friend from Iowa [Mr. WILSON] on the other side suggests one reason why the country is suffering is because labor costs too much. Why? Because our expenditures are too heavy, because our taxes are too burdensome. If you want to have labor cost less you must do two things: first reduce the expenditure of the Government, and in the next place reduce the taxation imposed by the Government. And I want gentlemen to understand this bill presents the issue squarely. Will you raise as much money as you appropriate for this purpose by increased taxation? You have no money in the Treasury; you are running behind on your current expenses; and let gentlemen understand that every dollar of additional expenditure means so many dollars of added taxation.

The gentleman from Iowa eloquently said if the East is to be prosperous the West must be prosperous. Heaven knows I want the West to be prosperous; I want all parts of my country to be prosperous; and because I am anxious for prosperity everywhere, I cannot do less than raise my voice of warning against entering on the policy which is involved in this bill. It means increased expenditure in every department. It means increased taxation in all the branches which legislation can reach; and I say therefore that every vote for this bill is a vote for increased taxation.

[Here the hammer fell.]

Mr. BURCHARD. Mr. Speaker, before proceeding to discuss the merits of the bill, I desire to say a word to the House in regard to an amendment I have suggested. If Congress is determined to complete a canal from the Illinois River to the Mississippi River, I desire and Congress should desire to construct it in such manner and to such points as will confer the greatest advantages with the least possible cost. I presume gentlemen are familiar with the course of the Mississippi River from Saint Paul to its mouth. It runs southeasterly from that city until it reaches Savanna, about forty miles below the Illinois and Wisconsin State line. There, after running twenty miles southward to Fulton, it again bends to the westward, so that Fulton is twenty-five miles nearer Lake Michigan than either Dunleith or Rock Island. Surveys have not been made from this point. Routes have only been surveyed and estimates made by the engineers for lines across the country to Rock Island and to the rapids of the Mississippi River above Rock Island. Those rapids are within a few miles, and have a fall of twenty feet. There is a fall of nearly forty feet between Fulton, one of the points on the easterly bend of the Mississippi River, and Rock Island. I have offered the amendment, as I think, in the interest of economy and in the interest of the men who desire cheap transportation from the upper Mississippi. Before the engineers proceed to locate a route to cost five millions, or four millions at the lowest estimate, for a canal ten feet narrower than this is proposed to be, (because the surveys of the engineers are sixty and this is proposed to be seventy feet at the water

line,) and if a military, naval, and commercial canal is to be constructed which will cost from twenty to twenty-five million dollars, the best route shall be first determined. I say do not let us commit the Government to any route, either by indirection or by leaving it open to construction, but let the engineers select the best route before we commence the expenditure of any of the money.

Then, again, the routes required by this amendment to be surveyed have demonstrated by the report of the engineers surveying Rock River for its improvement that there is a depression between the Rock and Mississippi Rivers in a direct line between the summit of this canal and Fulton which furnishes a route by which this canal can be constructed probably as cheaply as by the route farther south. It is claimed that the route is feasible and economical, and would save, if adopted, twenty-five feet of lockage and fifty miles of river navigation, and the canal perhaps could be constructed more cheaply than across to Rock Island, as the land through which it would pass is low, swamp land, and less cutting would be necessary than upon any other route.

But independent of the question of further surveys and ultimate location, I am opposed to the passage of the bill at this time. If you will vote to-day that Fulton shall be the terminus on the Mississippi River, I should feel, in view of the considerations that have been presented by my colleague on the Committee on Ways and Means, the gentleman from New York, [Mr. ELLIS H. ROBERTS,] that I ought to vote against the passage of the bill at this time, and I should vote against it. And let me say here that if the great advantages claimed by its friends are to be realized by any portion of the State, they must accrue to that portion which I represent on this floor. I admit that Chicago might be benefited. If a portion of the grain that is now carried to Saint Louis and Milwaukee and other lake ports can be diverted to Chicago by this canal so as to give to Chicago the handling of additional millions of bushels of grain, thus enlarging its commerce, Chicago would be benefited to that extent. But Chicago ought not to come here, and does not I believe come here, asking that the General Government shall construct this canal or make appropriations in order to divert trade from the natural or artificial channels of commerce by railroads or by water routes for the sake merely of building up Chicago at the expense of other towns and other cities on the lake or on the Mississippi River.

This project has no claim to consideration unless it can confer benefits without inflicting injuries. The people of the western country asking for cheap transportation, on whose behalf some gentlemen from the West have been speaking, urge that this will give cheaper transportation from the Upper Mississippi. If any part of the country is to be benefited, it is the district directly within the basin of the proposed canal and of the Mississippi River above its terminus and the country contiguous to it, extending perhaps twenty or thirty miles on each side of the canal and Upper Mississippi. This proposed canal with its navigable feeder will pass through the district that I represent. It will cross its southern part or skirt it within a few miles of its southern boundary. The Mississippi River above for nearly eighty miles bounds the district on the west. If the canal will afford cheaper transportation for the products of any part of Illinois, it is of that portion only represented by my colleague from the Rock Island district and by myself. It cannot possibly affect freights south of the Illinois River or north of it away from its own basin or western water connections. The southern and extreme northern portions of the State could not be locally benefited by the canal, and cannot feel and never have manifested any interest in its construction by the State.

If this bill has merits and ought now to be passed, it is not on account of the great benefit and cheaper transportation it will afford to the people of the State of Illinois, but to the advantages, if any, that must accrue to the producers adjoining and west of the Upper Mississippi. I know it is urged and supported by some as an Illinois measure.

It may be claimed that I am not speaking the sentiments of the State of Illinois or perhaps the sentiments of the district that I represent. The extension of the Illinois and Michigan Canal is no new project. It was proposed years ago that the State, in conjunction with the General Government, should construct the canal from the Illinois River to the Mississippi River. At one time the Legislature of Illinois so far favored this project as to pass a bill providing for an annual tax upon the people and appointing commissioners, and directed them to go to Congress and ask for an appropriation of half the amount necessary to enlarge and extend the Illinois and Michigan Canal to the Mississippi River. Those commissioners were appointed, and my distinguished colleague, the member of the Committee on Railways and Canals who reports this bill, [Mr. HURLBUT,] was one of those commissioners; and in an able memorial, which has been printed and which is upon our files, they explain the advantages of that improvement. They asked that Congress should make an appropriation of \$7,000,000. That was in 1867 or 1868. And Congress then, although it was urged to do it, and although there was a surplus of nearly \$100,000,000 in the Treasury, nevertheless failed to make an appropriation. Is this an opportune time when, in order to keep up the credit of the Government and to meet our current expenditures, we will find it necessary to put on additional taxation? Congress was then unwilling to aid the enterprise when Illinois offered to defray half the expense.

After that memorial was presented and after the law authorizing the State to aid in constructing the canal had passed, a constitutional convention was called in Illinois, meeting in 1870, and again the canal question was brought up for consideration by the members of the convention, should the State sell the canal, or should it extend, enlarge, and complete it? Why was not the State permitted to proceed to build this, if it be such a grand enterprise; if there be \$5,000,000 of profit in it, as gentlemen have said? Is there not private enterprise enough in the State of Illinois, having its \$2,000,000,000 of taxable property, under the true valuation, to build it? With all the capital that is in that State, is there not money enough to build a canal if it can pay for itself, as is asserted, in one year?

The whole merits of the enterprise were discussed in that constitutional convention, and after they had concluded the debate it was first proposed to allow the Legislature to vote appropriations. After lengthy debate an amendment was proposed and carried in the convention, by 49 yeas to 11 noes, prohibiting the State of Illinois from ever voting to loan its credit to build this canal, and by a vote of 35 yeas to 25 nays prohibiting it from appropriating a dollar for the purpose.

And let me here refer to some of the men who took part in the proceedings of that convention, men who are distinguished in the history of Illinois. There was John Dement, who represented the county of Lee, a man who had been treasurer of the State of Illinois, who was a member of the second constitutional convention, and again a member of this constitutional convention, running at his election fifteen hundred above his party, and elected because of his ability and integrity. He made a speech in favor of the constitutional amendment prohibiting the loan of the credit or the appropriation of the money of the State to construct railroads and canals. I will read a few words from what he said and commend it to my colleagues from the State of Illinois, and to other members of this House.

Mr. Dement said:

I would not in the embarrassed condition of the treasury of the State, at this time, and while the taxes remain so oppressive, vote an appropriation to commence work of such magnitude, as it is plain that the gentleman's plan would necessarily have to carry numerous other objects, the cost of which no one can foresee or provide for. I would not tax the people in the present embarrassed condition of the treasury to commence what must become an extensive system of canals.

No one voted against that proposition but delegates to the convention living along the line of the canal or its proposed extension. I might read to you the remarks to the same effect of Mr. Turner, who represented another county of the district. Every delegate from the counties north of the proposed canal from the lake to the Mississippi River voted against it. The State of Illinois as a State has not been clamoring for the construction of this canal by the State.

The amendment to the constitution to which I have referred was submitted to the people with the constitution as a separate article, and was adopted by a vote of 142,540 yeas to 27,017 nays, and provides that—

The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall have first been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election.

The General Assembly shall never loan the credit of the State, or make appropriations from the treasury thereof, in aid of railroads or canals; *Provided*, That any surplus earnings of any canal may be appropriated for its enlargement or extension.

I have the estimates made in regard to the cost of this canal. The cheapest plan would not be less than \$4,000,000 for this canal, and for the large canal over \$12,000,000. I have here the report of the engineer in charge, I wish I had time to read it. He says in that report that the estimate for the completion of the work and improvement of the present canal and Illinois River on the enlarged plan would be \$20,000,000; and he says that the construction of this canal would be useless unless the eastern portion of the canal be enlarged upon the same general plan. This bill proposes a canal of not less than seventy feet in width, with locks of not less than one hundred and fifty feet in length.

Mr. HAWLEY, of Illinois. I do not want to waste time, but I should like to ask my colleague whether the demand made in this bill is not a very small one considering the magnitude of the work.

Mr. BURCHARD. My colleague claims that this is a small demand, but the engineer in charge is not limited by the bill to the smaller canal. The purpose of the canal as defined by the bill is for "military and naval" as well as commercial purposes. In his report the engineer recommends the enlargement of the canal above La Salle on the same scale as that on which the State of Illinois is now carrying on the work of improving the Illinois River below La Salle; and last year Congress appropriated over \$100,000 for dams and locks in the Illinois River; and now it is proposed to continue that work at an expense of not less than \$2,000,000, so as to make a passage from the Mississippi River to Chicago of seven or eight feet in the Illinois River.

Mr. HAWLEY, of Illinois. Does the gentleman say that the State of Illinois proposes to abandon those improvements?

Mr. BURCHARD. I do not say that it is intended to abandon those improvements, but here is a proposition to extend the same system of improvements so as to accommodate gun-boats and military operations as well as navigation, and your engineers have made a survey for the purpose indicated. In the report which I hold in my hand, of constructing a large canal across to the Mississippi River, is the following language:

The most important and costly part of the route across this section of country is the portion between Hennepin and Chicago, for this part is essential as affording an eastern outlet for the Hennepin Canal traffic and for perfecting the navigation to Chicago from the Lower Mississippi River through the Illinois River, which is now being improved for steamboat navigation from Hennepin basin down to the Mississippi River. Indeed, the Hennepin Canal, without the improvement of the Upper Illinois River and the enlargement of the eastern portion of the Illinois and Michigan Canal, would be useless as an outlet for the freights of the Upper Mississippi River.

Colonel Macomb concludes his report as follows:

It will be seen by the report of the assistant engineer that the estimate for the route above sketched out for a navigable water-way from the Mississippi River, near Rock Island, to Chicago, on Lake Michigan, is \$19,780,535, to which should be added the amount of increase in estimate for locks of proper size on Hennepin Canal, \$641,284; making a grand total of \$20,421,819.

It has been claimed that an immense amount of grain will be transported through this canal if it be constructed. The whole amount of grain that was received in Chicago in 1872 was 26,266,000 bushels of wheat and about 38,000,000 bushels of corn. That was the amount received from the Illinois and Michigan Canal and all the railroads running into Chicago, not only on the southern side and stretching away hundreds of miles from the course of this canal, but on the northern side. The Chicago and Northwestern Railroad, which is the only one perhaps which would come in competition with this canal for freight to Chicago, carried to Chicago in 1873 only twelve million bushels of wheat, and the remainder of the wheat received in Chicago was carried by other roads. If the tolls are fixed at the rate of three mills per ton per mile on this canal, as now charged on the eastern portion and on the Erie Canal, all the grain actually transported to Chicago from the region north of the canal would not pay the interest on the cost of the investment after taking out the expenses. At the rate of three mills per ton per mile to obtain 6 per cent. interest on \$4,000,000 there must be carried yearly over the canal forty million bushels of grain, and to pay expenses of maintenance as much more grain or freight of other description. Forty million bushels is more than was actually transported during the year 1873 in every direction in wheat or flour from all the territory that pours its trade into Chicago. At present we have a canal over one hundred miles long, which has cost the State from eight to eleven million dollars, as estimated by the State commissioner and the engineer in charge, and the State is now only receiving \$144,000 a year in tolls, and half of that is expended in the cost of keeping up the canal; giving an actual net return of \$70,000, or less than $\frac{1}{10}$ of 1 per cent. on an expenditure of \$8,000,000. The small canal of seventy feet in width I verily believe, constructed at the lowest estimate, would not pay 1 per cent. on the cost of its construction.

Well, now, Mr. Speaker, it is said that the construction of this canal will bring down the cost of the transportation of grain. I have here the statement of competent engineers, published by the Cheap Transportation Committee of the Senate, in which they say that the cost of transportation on an all-freight line for transportation of grain can be reduced to 5 mills per ton per mile. I have a report to substantiate the statement that the cost of transportation on this canal would be 10.2 mills per ton per mile. Upon the New York Central Railroad it costs for through as well as local transportation 16.9 mills per ton per mile. I have here an estimate showing this fact, and I wish I could stop to read it. I have also an estimate from Mr. Finck, vice-president of the Louisville and Nashville Railroad, in which he says that by an estimate of cost he knows that the transportation of grain on a double track railroad can be reduced to 24 mills, with a half mill added for interest, making 3 mills in all per ton per mile.

The following table shows the tonnage and cost of transporting freight on the Erie Canal and Erie and New York Central Railroads for the years indicated:

New York canals and railroads compared.

Year.	NEW YORK CANALS.		NEW YORK CENTRAL RAILROAD.		ERIE RAILWAY.	
	Tons moved one mile.	Receipts per ton per mile, tolls and freight.	Tons moved one mile.	Receipts per ton per mile.	Tons moved one mile.	Receipts per ton per mile.
1860.....	809,524,596	Cents. 0.994	199,231,392	2.06	214,084,395	Cents. 1.48
1861.....	863,623,507	1.08	237,392,974	1.96	251,350,127	1.73
1870.....	904,351,572	0.83	769,087,777	1.86	898,862,718	1.37
1871.....	1,048,575,911	1.02	1,020,908,902	1.69	950,708,902	1.52

(See report of State engineer and surveyor of New York for 1872, page 12.)

Now, a double-track railroad could be built for less money than would be required for the construction of this canal between Chicago and Rock Island. The Chicago, Rock Island and Pacific Railroad, parallel with this proposed canal, now carries as much freight as is carried on the canal. That road transports as much grain and more coal than the canal. The road alone, both striking the coal region at La Salle, carried eighteen thousand tons during the year 1873, while the Illinois and Michigan Canal only carried seventeen thousand tons

during the same time. The following will show the comparative business of the railroads and canal terminating at Chicago for 1873:

Illinois and Michigan Canal compared with railroads.

	Flour.	Wheat.	Corn.
	<i>Barrels.</i>	<i>Bushels.</i>	<i>Bushels.</i>
Illinois and Michigan Canal	15, 180	20, 915	6, 880, 938
Chicago and Northwestern Railroad.....	1, 202, 002	12, 824, 663	1, 660, 424
Chicago, Rock Island and Pacific Railroad.....	133, 535	3, 560, 950	4, 471, 323
Chicago, Burlington and Quincy Railroad.....	238, 831	5, 095, 679	9, 143, 520
Chicago and Alton Railroad.....	87, 100	51, 120	7, 961, 576
Total from all other sources.....	2, 487, 376	26, 266, 562	38, 157, 232

	Oats.	Rye.	Coal.
	<i>Bushels.</i>	<i>Bushels.</i>	<i>Tons.</i>
Illinois and Michigan Canal	979, 757	9, 545	17, 118
Chicago and Northwestern Railroad.....	3, 676, 556	204, 174	3, 343
Chicago, Rock Island and Pacific Railroad.....	2, 875, 018	315, 940	18, 769
Chicago, Burlington and Quincy Railroad.....	6, 691, 435	447, 366	55, 764
Chicago and Alton Railroad.....	907, 960	79, 590	271, 817
Total from all other sources.....	17, 888, 724	1, 189, 464	.....

See Trade and Commerce of Chicago for 1873, page 61.

I promised to yield a portion of my time to several other gentlemen, and must conclude my remarks. This measure will injure rather than benefit portions of the State of Illinois which I represent. The large canal, should it be built, will take from Rock River a large per cent. of the water of that river now used for manufacturing purposes. The engineer's lowest estimate shows at least nine hundred and one cubic feet per second of the water of that river, estimated by him to be twenty-four hundred and forty-six cubic feet per second. The estimates of other engineers are much higher, and in low water it is claimed that the canal would take over half the water of the river. The small canal he estimates would take 10 per cent. of the water. That noble river in an ordinary stage of water furnishes more manufacturing power than any other river west of the Alleghany Mountains. In the driest season of the year there is not now sufficient water to move the manufacturing establishments that have at different points been erected upon it. In the county of Whiteside, through which this canal is to be built, six or eight of these dams could be constructed for manufacturing purposes, and the canal would largely injure those structures. You have said to us again and again, "Build up your manufactures in the West." This canal would injure and almost destroy some of them; would not confer the general benefit which is claimed for it; the Treasury cannot spare the money for it at this time; and for these reasons I hope the House will not pass the bill.

I now yield fifteen minutes to the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. TOWNSEND. The time has now arrived when the people of the United States, through their Representatives in Congress, must determine whether or not they are willing to embark in a great scheme of internal improvements. I trust that we will write upon our records to-day the sentiments of old Father Ritchie, who in former times, in the height of his power in Virginia, inscribed at the head of his journal, the *Richmond Inquirer*, the sound Latin sentiment "*obsta principis*"—resist beginnings.

I call upon the Congress of the United States to decide whether or not they will, by passing this bill, enter upon a system of internal improvements the like of which for magnitude has never been known in the world before. This bill is supported by some gentlemen who are in favor of this great system, and it is but the entering-wedge, but a feeler of the temper of the people. It is simply to ascertain whether or not we shall undertake the great project which has been laid out before us by sanguine projectors, of a canal from the Ohio to the James River, and another from the Mississippi to the Savannah, and others from the lakes to the Saint Lawrence. This bill is but a small one, involving at first but the expenditure of \$1,000,000, and some \$3,000,000 hereafter. Yet if it shall be adopted, its consequences will be felt for all time to come. It is brought before you now, with an endeavor to secure for it the support of the great West, under the guise of cheap transportation. It is a plausible disguise, and one that in all probability will command support from a portion of the members from the Western States, and from some of the members from the Southern States as well, who may wish for support of similar measures of their own.

It is the old whig doctrine of internal improvements that was advocated during the time of Henry Clay and the statesmen of that day, and which was good enough when the country was poor and capital limited, but which is now obsolete and unnecessary because of the abundance of capital unemployed. It received an emphatic rebuke from the democratic party through General Jackson's veto of the Cumberland and Maysville military road bill. I commend to the democratic party of this House the argument of that President, the great oracle of democracy. His objection to that bill was placed upon grounds which are just as good to-day as they were on that occasion; nay more, they are still stronger now. He vetoed it be-

cause he considered that the public debt of the nation was a sacred trust which had to be discharged in full faith; that while that debt remained upon the people it was a betrayal of that trust for the Congress of the United States and for the executive power to add anything in the way of burdens on the nation. That argument, potent as it was with the democratic party then, should be still more potent with us all to-day. We then had a debt of less than one hundred million dollars; now our debt, interest-paying and non-interest-bearing, exceeds twenty-two hundred millions.

That policy was abandoned at that time by the democratic and whig parties. It was measurably resurrected again by the democratic party when they began their land grants to railroads, commencing with the Illinois Central, and it extended through democratic and republican administrations down to the end of the Forty-first Congress. It was not so obnoxious then, because corporations and not the General Government prosecuted the great undertakings for which aid was given; yet the people of the United States arose in their majesty and earnestly pronounced against it. The policy, though thus ameliorated, was again abandoned, and from that time down to the present hour we have made no land grants, we have made no subsidies for anything within our borders. The only subsidy that we have made has been one that was to enable us to enter into commercial competition with foreign nations and to draw into our harbors that foreign commerce which with that aid was thought to be within our reach.

It is now proposed to reopen that policy in its most obnoxious form when we have an empty Treasury and the Secretary of the Treasury asking us so to legislate as to enable him to pay his daily expenses. It is to be carried no one knows where. It is to be extended from one end of the Union to the other, from the Mississippi to the Atlantic, from the lakes to the ocean, in various directions, involving the expenditure of hundreds of millions of the public money. There is no policy that a government, whether State or national, can inaugurate so destructive of the best interests of the people as the policy of undertaking great works of internal improvements when the capital of the people is sufficient for that end. We have that capital now. Our banks and savings institutions are loaded down with unemployed deposits abundantly sufficient to compass any profitable, not speculative, enterprise.

We in Pennsylvania have gone through that torture of an internal improvement system managed by the State. We undertook to make a railroad at public expense from Philadelphia to Pittsburgh. We built it with the State treasure. We had it officered with men appointed under the authority of the State administration. The expenditures of Pennsylvania went on increasing, never decreasing, but with the increasing horde of office-holders and dependents, and hangers-on of the public works, until the whole State became as it were a hospital for political bummers, a mere appendage to the administrators of the public works. They ruled the State, they ruled elections, they carried everything with a high hand, squandering money in every direction, until a disgusted people demanded the sale of the public works and let them go at half their cost. From a remark that was made by the gentleman from New York, [Mr. ELLIS H. ROBERTS,] I have very little doubt that the experience of the great State of New York was not less unfortunate than our own.

This scheme that is got up and is before us to-day is a Government work. It does not come in the guise of a subsidy or loan of credit or direct aid to a corporation; but it comes before us as a work to be undertaken by the General Government inside of State lines, and therefore obnoxious to the same constitutional objection that was made by General Jackson with regard to the Maysville road. It is to be managed from one end to the other by engineers appointed by the Government, by managers, by look-keepers, and employes of all kinds that are to be appointed by Executive power and to add to the immense official patronage which the General Government holds to-day hundreds, nay thousands of hungry dependents willing and anxious to serve whatever administration may be in power.

All these great public works, of which this is merely a forerunner, will tend to the great demoralization of the people. We have had notice that this bill is but the entering-wedge of a grand system of internal improvements that is to be carried on in every direction, north as well as south, not merely in the shape of aid to these works, but in the shape of works created, owned, and worked by the Government itself. It will then, as I said before, multiply immensely the office-holders and dependents of whatever administration that may be in power. In fact, if the schemes that have now been concocted and which will be pressing upon Congress in course of time, probably at the next session, should be carried out, they will provide for over ten thousand office-holders of one kind or another to build and manage the canals which are intended to be created at the expense of the people.

My friend from New Hampshire [Mr. PARKER] says there will be no chance for that at the next session of Congress. I trust that he is right. But more than all, and worse than all, these vast expenditures of public money, these hundreds of millions of dollars which will be necessary to carry out the works projected, will be vast corruption funds, jobs greater than ever were concocted by the Credit Mobilier, greater than ever were got up by men professing to work for the Pacific Mail subsidy, greater than any ever suggested in the Memphis and El Paso Railroad that was spoken of the other day in

the newspapers, in which millions of stock were said to have been distributed among the adherents of the measure and those whose support was intended to be purchased.

Now, Mr. Speaker, in addition to this demoralization of all those that are immediately connected with it by the vast expenditure of these immense sums, it will lead to great extravagance among the people, as all vast expenditures inevitably do. It will add to the public debt which we are endeavoring now to pay off hundreds of millions of dollars—an amount which no man here to-day can foretell. It will impose upon the people additional burdens and taxation in order to defray the interest that will be incurred and continually running upon the bonds that will have to be issued to carry out these schemes. It will increase the public debt to so great an extent, that the burdens will become too great for the people to bear, and will eventuate in repudiation, as in some of the States much more lightly burdened in the erection of public works has happened heretofore.

There is nothing to my mind so terrible in the future as this vast project which is opening here to-day in this little bill. As I look down the vista of time, as I look along the first half century, I cannot but see vast jobs, great corruption, wide-spread demoralization, and, above all, an infraction of the spirit of the Constitution; for I do not believe that there is power in the General Government to go into the States and take up land, as is provided by this bill—to usurp the authority of the State—unless the State shall first grant that privilege through and by its Legislature.

Mr. HURLBUT. The gentleman will permit me to say that the State has done that.

Mr. TOWNSEND. I end as I began, with the hope that Congress will "resist beginnings" and defeat this bill.

[Here the hammer fell.]

Mr. BURCHARD. I yield for a few minutes to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. Mr. Speaker, I have not sought the floor for the purpose of discussing the merits of this bill either as a particular measure or as part of any plan of internal improvements proper to be entered upon at any time by the Government. But it has impressed itself upon my mind that the Committee on Ways and Means, of which I am a member, would not be entirely true to their duty to this House if they should sit here and permit this bill to pass without communicating to the House, so far as it is in their power, the relations of the Treasury at this time to this measure.

I shall not discuss whether at some time or other this may not be a proper measure; but I shall ask the gentlemen having charge of this measure, in view of what I may state, to postpone action upon it at least until they shall see the temper of this House upon another question.

The House will recollect that at the commencement of this session the Secretary of the Treasury called our attention to the fact that upon the estimates of receipts and expenditures it would be necessary for us to raise by additional taxation more than \$20,000,000. I have to state to the House that during the last forty days the receipts have fallen short of that estimate by \$3,800,000; so that we must add to the estimated \$20,000,000, \$3,800,000 for the increase in the deficit within the last forty days. If that deficit should continue during the remainder of the year, \$50,000,000 would not meet the obligations of the Government between now and July. Therefore it would not be becoming that the Committee on Ways and Means, preparing as they are to present to the House within the next few days the condition and the demands of the Treasury, should sit silent here and without calling attention to these facts permit this debate to go on upon a bill which upon its passage takes \$1,000,000 out of the Treasury of the United States, which altogether by the lowest calculation of its advocates will cost \$4,000,000, and by the estimate of those of its opponents who live in the vicinity of the proposed work, will ultimately involve an expenditure of nearly \$20,000,000. When I have called attention to the condition and needs of the Treasury as bearing upon this measure, I shall have done all that I propose to do.

I am not here to say whether this is a wise or an unwise measure. I say if you insist on passing it now, attach to it one of two sections; one authorizing the Secretary of the Treasury to issue bonds of the United States to meet the exigency created by this bill, or another revenue measure to impose taxes to the amount of expenditure involved in this measure. But when the Treasury is running into debt every day, when the last month added to the public debt of the nation \$1,300,000, and when the receipts have fallen off within the last forty days almost \$4,000,000—I say when we discuss such a measure as this, whether involving \$1,000,000 or \$4,000,000 or \$20,000,000, it is our duty to carry along with it some provisions which shall meet the exigency of the case.

Sir, I do not desire to interfere in the discussion of this measure. My attention has been drawn elsewhere during the winter. I am not prepared to say it is not in itself a wise measure; I should however hesitate very much before I gave it my vote under any circumstances. But I am not here to discourage this measure. I am here asking that its friends shall postpone further action on it until the sense of this House has been first taken on a greater and more important question, which will be presented as soon as the Committee on Ways and Means can obtain the floor, and that is whether we will

meet our present obligations by increasing the present burdens upon the people.

[Here the hammer fell.]

[Mr. HOLMAN addressed the House. His remarks will appear in the Appendix.]

The SPEAKER *pro tempore*, (Mr. WOODWORTH in the chair.) The gentleman from Illinois [Mr. HAWLEY] is entitled to the floor.

Mr. SPEER. I would like to learn from the gentleman from Illinois [Mr. HAWLEY] what arrangement he proposes for the further consideration of this bill?

Mr. HAWLEY, of Illinois. It has not yet been fully determined by the Committee on Railways and Canals what course shall be pursued.

Mr. SPEER. I would be glad to hear what is proposed by the gentleman from Illinois [Mr. HURLBUT] who has charge of this bill.

Mr. HURLBUT. It is proposed to allow the present hour for debate to run out, and then let the House determine what shall be done.

Mr. SPEER. There are several gentlemen who desire to be heard on this bill.

Mr. HAWLEY, of Illinois. They will have an opportunity.

Mr. SPEER. I hope the gentleman in charge of the bill will not call the previous question this evening.

Mr. HURLBUT. There will be time for all reasonable debate.

Mr. SPEER. You do not propose to call the previous question to-day?

Mr. HURLBUT. I think not; there would hardly be sufficient time for debate on so important a question as this if that were done.

Mr. SPEER. Will the gentleman from Illinois [Mr. HAWLEY] yield now for a motion to adjourn?

Mr. HURLBUT. I trust not; let this hour for debate run out.

Mr. HAWLEY, of Illinois. Mr. Speaker, it has ever been a matter of surprise to me, since I have been a member of this House, that upon every occasion when a measure has been brought forward here in relation to the subject of transportation, proposing an alleviation of the burdens now resting upon the people, calling upon Congress to do something to improve the means of communication between the different sections of the country, it has uniformly met with more bitter opposition than any other measure brought to the attention of the House. I say this deliberately, and the history of every measure of that character that has been brought before the House proves the truth of what I say.

It is a matter of surprise to me that my colleague, [Mr. BURCHARD,] from a district adjoining my own in the State of Illinois, should feel called upon to take the floor to-day, and with more earnestness and vigor than I or any of you here ever have known him to manifest before, oppose a measure which has received the indorsement of the people of the Northwest with more unanimity than any other measure connected with the subject of transportation that has been discussed before or presented to that people.

He says that a certain constitutional convention of the State of Illinois adopted a provision in the constitution forbidding the State of Illinois from constructing this or any other canal. Does he mean to say that the people of the State of Illinois are opposed to this or like improvements? I hold in my hand a telegram from the governor of Illinois, containing resolutions passed by the State Legislature day before yesterday, instructing their Senators in Congress and requesting their Representatives not only to vote for but to use all their influence to secure the passage of this bill. I will ask the Clerk to read that telegram as an answer to what my colleague has said.

The Clerk read as follows:

SPRINGFIELD, ILLINOIS, February 4, 1875.

Hon. JOHN B. HAWLEY:

I am requested to telegraph you the following resolutions passed this day by the Illinois Legislature:

"Whereas a bill is now pending in Congress providing for constructing a canal from the Illinois River, at Hennepin, to the Mississippi, at or above Rock Island: Therefore,

"Be it resolved by the senate, (the house concurring therein,) That our Senators in Congress be, and are hereby, instructed, and our Representatives be requested, to vote for and use their influence to procure the passage of said bill known as the Hennepin Canal bill.

"Resolved, That the governor is hereby requested to telegraph the same to Hon. JOHN B. HAWLEY Representative in Congress from the sixth district of this State."

JOHN L. BEVERIDGE.

Mr. HAWLEY, of Illinois. Now, that telegram contains the resolutions passed by the Legislature of the State of Illinois upon the 4th instant. That Legislature was elected in November last, and must be considered as giving a fair expression of the will and wish of the people of the State of Illinois upon this subject. A year ago the State Legislature of Illinois sent a memorial to Congress, almost without a dissenting vote, as this resolution was passed, calling upon Congress to aid in the construction of this work.

The State Farmer's Association for the last three years, I believe, at each annual meeting fully indorsed this measure.

Then go to the State of Iowa on the west. That State last winter, through its Legislature, memorialized Congress in favor of this work. Petitions of thousands of citizens have been sent here; petitions and memorials have been sent here by many corporate bodies throughout the Northwest, and so far as I know to this day not a remonstrance

has been sent here against this measure, nor has a man been found to stand in his place here and oppose this measure.

And because, forsooth, one county in the district of my colleague is opposed to this measure, because it is thought that the people of a town in my district or that the people of my district may be favored by this bill more than some of the people in my colleague's district, this bill is opposed by my colleague to-day. In one breath he tells you that it is an advantage to his district, and in the next he tells you it is against the interests of his district.

And finally, in winding up, he tells you as an apology for his opposition to this bill, that it will take too much water from Rock River. Will it not take as much water from Rock River if the canal goes to Dixon as if it went to Sterling? Every drop of water must come from Rock River in either case, and consequently every drop taken from the river must damage Dixon as much as Sterling, if it is a damage at all. I say that is too low a view to take of a great subject like this.

It is said by the gentleman from New York [Mr. ELLIS H. ROBERTS] that this is not a national work. My colleague [Mr. BURCHARD] says it is not such a work that Congress ought to do anything to help it; that it is located in the State of Illinois. My colleague [Mr. BURCHARD] says, and the gentleman from Indiana [Mr. HOLMAN] says, why does not the State of Illinois do this work? I will furnish you the answer. There is a canal in that State from Lake Michigan, extending west, connecting with the Illinois River at La Salle, a distance of one hundred miles, upon which nearly \$12,000,000 have been expended. The State of Illinois has expended upon it within the last five years, I believe, nearly or quite \$3,000,000. That State does not receive one cent of profit from the canal. After the State has paid the cost of operating it, every additional dollar received goes for the improvement of the Illinois River, which is itself a navigable river, and for the improvement of which Congress has time and again made appropriations. But further, within the last four years the State of Illinois has not only taken all the net earnings of the canal, amounting to some \$417,000, but has taken \$400,000 additional out of the State treasury, and appropriated it to the improvement of the Illinois River, making \$817,000 taken by the State and expended upon that river within the last four or five years.

Illinois is less interested in the continuance of this canal to the Mississippi River than the country west or north or even the east, for this canal is only for the distance of about sixty-five miles upon the western border of that State. The great body of that State lies south and north and east of this proposed work. There is but a small part of the State of Illinois comparatively to be directly affected by it. Why the eagerness of gentlemen on this floor from Iowa, from Minnesota, from Nebraska, and Kansas? Because to them it is deliverance; because for every State that borders upon the Upper Mississippi River and its tributaries it furnishes the only outlet to the East by water. If the State of Illinois is to do the work, she must charge tolls upon it to compensate her for her expenditure. The work is of a national character, and not local, and therefore should be constructed by the Government.

Now, I submit to the gentlemen of this House in all candor and sincerity, can it make any difference upon the question of the power of Congress over this subject whether this canal lies in a single State or whether it runs through several States? The question simply is, will the commerce of States pass through this canal? That is the question; and it is the only question so far as the point raised by the gentleman from Indiana is concerned. Is this a national work? Is it such a work that when completed other States will participate in its benefits? I shall endeavor, Mr. Speaker, to show that it is as important and as much a national work to construct this canal as it is to improve the great rivers and harbors of this country. What does it do? It connects for the first time the great chain of lakes of the North with the Upper Mississippi River. There is a great inland system of water communication which nature herself has placed in the heart of this country. What is lacking to complete this line? Simply that this canal shall be extended westward from the town of Hennepin to the Mississippi River. When that is done the waters of all the lakes of the North, the waters of the Illinois River, the waters of the Mississippi River and all its tributaries will be connected for the first time. Now, where is the gentleman who will rise in his place and tell me that this is not a national work, that it is a local work?

If this canal was completed, canal-boats would be loaded at different points on the Mississippi River, and would be towed to and through the canal to the lakes, and their freight reshipped on steam-barges, and sent East. The water way to the East would be complete.

Now, my colleague [Mr. BURCHARD] has sought to belittle the enterprise by saying that but little benefit would accrue from it to the Northwest or to the East or any portion of the country. Mr. Speaker, I shall endeavor to show the necessity to the whole Northwest of the construction of this work and the improvement of the Mississippi River. These two great works, one to the south and the other to the east, are not only in the interest of the Northwest but in the interest of the East and the South; and the day is not far distant, I may say to gentlemen of this House, when these two works will be accomplished. If you will not do these two things, the day is not far distant when others will come here who will execute them. Such

is the demand of this country; the voice of the people is a unit upon this question, and they will be heard.

It is said that this work costs money. Certainly it does. It costs money every year to make an appropriation of five or six million dollars for our rivers and harbors. Yet we make that appropriation. We have not stopped simply because it costs money. The question is shall we spend enough to accomplish some new results. We have gone on digging the sand-bars for a mere temporary purpose. We must go to work now and make some improvement at the mouth of the Mississippi, either by the jettee system or by a canal that will enable sea-going vessels to come up to New Orleans. We must improve that great river so that we can go out and come in by way of it. We must open water communication East, which we have not done. The great body of our commerce is internal, not foreign. Why, sir, of all the grain raised in this country only about one-thirtieth part goes abroad. We of the Northwest raise the grain—the corn, the wheat, the rye, the barley, and the oats, and ship them to all parts of the country. The same is true with regard to pork, beef, and other meats. It is the interest of the South, it is the interest of the East, it is the interest of the whole country, that there shall be cheap transportation between you and us. We desire to have cheap transportation in every direction; and it will be profitable alike to you and to us. What advantage is it to you or to us that our section of the country is everywhere filled with plenty and to spare, if the prices of transportation are so great that we cannot sell and you cannot buy our surplus?

In our portion of the country there is greater demand for cheap transportation than anywhere else. Ours is not only the great producing section, but it is farther removed from market than any other section, and hence the greater reason why something should be done to enable the people of the Northwest to transport their products to the markets of the country. It is to our mutual advantage that we should interchange at the cheapest possible rates the products of the different sections.

Now, Mr. Speaker, I propose to indulge in some figures to show how my colleague misled the House in regard to the advantages of this proposed work. He stated to the House in his remarks that there would be but a few mills per bushel saved in transportation by the construction of this work to the Mississippi River. I hold in my hand the report of the Senate Select Committee on Transportation to the Sea-board. It will be conceded by every gentleman who has ever given it any attention to be the ablest production of the kind, the most comprehensive, the most complete and accurate ever presented to the country. It is the report of an able committee of the Senate of the United States which occupied I believe nearly a year in gathering the information upon which it is based. It has been everywhere approved, and is all that could be desired on the subject. Let me call attention to a few facts as to the cost of transportation from the East to the West and what is to be effected by this improvement. I read now from page 247 of that report:

From all points on the Mississippi River between Minneapolis, Minnesota, and Quincy, Illinois, the average railway rate to lake ports in 1872 was 17 cents per bushel of sixty pounds. From Chicago to New York, by rail, the average charge during that year was 33½ cents per bushel, and the average rate by water was 26½ cents per bushel, making the all-rail charges through from the Mississippi to New York 50½ cents, and the rail and water charges, exclusive of terminals, 43½ cents per bushel.

Now, Mr. Speaker, it will be apparent from subsequent figures and statements that the great burden upon the people of the Northwest is found in the fact that transportation is so high between the Lakes and the Mississippi River. It is true that to-day between the Lakes and the Mississippi River the charges for the transportation of freight are nearly as great as the charges from Chicago to the city of New York. I cannot better show what improvements have been made in the cost of transportation from Chicago to the East, and the advantages now derived by the country from new appliances upon the lakes and in canal navigation, than by having read two short extracts from the remarks of Mr. D. P. Dobbins, of Buffalo, made at the national cheap transportation convention held at Richmond early in December last.

The Clerk read as follows:

But a short time since our lake vessels were mostly small sail-vessels, carrying a cargo of from twenty to thirty thousand bushels of wheat or corn, and making the trip from Chicago to Buffalo in from eight to ten days. Now we have large steam-barges, carrying from fifty to eighty thousand bushels, and towing a consort barge or two, each carrying as much or more than the steamer, and making the trip in from four to five days. The rate of freight paid the former vessels was from ten to fifteen cents per bushel. The rate of the latter during the year 1874 averaged four and a half cents per bushel on wheat. Here we have a great increase in speed and a great reduction in the rate of freight, and all of this by the introduction of steam within the last three or four years.

Mr. HAWLEY, of Illinois. No w, Mr. Speaker, to show how transportation has been cheapened on the Erie Canal by the adoption of the Baxter steamers, as compared with mule or horse power in towing canal-boats, I ask the Clerk to read what Mr. Dobbins says upon that subject.

The Clerk read as follows:

These Baxter steamers have repeatedly made the trip from Buffalo to New York in less than six days, as against fourteen days usually consumed by the horse-boats, and have done it at the rate of ten cents per mile for steam-power, as against thirty-five cents per mile, the usual cost of towing a boat by horse or mule power, and that the rate of freight has been reduced from twelve and fifteen cents per

bushel to eight and ten cents per bushel. Here is cheap and rapid transportation in actual operation, and now that steam has proved a success the Legislature will most assuredly reduce the tolls two or three cents on the bushel of wheat, will bottom out the canal to seven or eight feet of water, lop off the lateral, useless canals from the main trunk, and do away with the useless and costly weighlocks, and by so doing enable steamers to increase their speed with the same power, and transport wheat from Buffalo to New York at from five to six cents per bushel at a profit. We thus will bring New York within ten days of Chicago by water, and give you transportation at about ten cents per bushel on wheat.

Mr. HAWLEY, of Illinois. It will be observed that great improvement has been made in the last three years. Transportation is now only about 10 cents a bushel from Chicago to New York by water, whereas three years ago it was 26 cents by water and 33 cents by rail. Observe they carried last season from Chicago to New York for about 10 cents a bushel, while during the same time it cost to carry from the Mississippi River, an average distance of about two hundred miles, 17 cents a bushel. It is necessary that the same advantage should be enjoyed by the people of the Northwest which is now enjoyed by the people farther east. I call upon every gentleman to mark what a great change has taken place in this respect. See what a change there is in the cost of transportation between Chicago and New York, while from Chicago to the Mississippi River there is no perceptible change. If this work can be completed as is shown in the Senate report we can transport from the Mississippi River to New York by water at a cost not greater than 15 cents per bushel on wheat. That is to say, the price will not be more than five cents per bushel on wheat from the Mississippi River to Chicago, and not more than 10 cents from Chicago to New York.

Sir, is it not to the interest and advantage of the people of this country to accomplish such a result? Are we to be met by gentlemen on this floor who tell us that it costs money—gentlemen who sit here session after session, and join in appropriating millions of money to erect fine public buildings that will cost from five to seven millions of dollars each? It seems to me that when this question of economy or expense is to be discussed, it would be a better time and a better place to raise such an objection on some other subject than when the subject of internal improvements is presented to Congress. But, sir, it is upon such an occasion as this, and it has always been upon such occasions since I have been here, that the cry has come from the members of the Committee on Ways and Means and from other gentlemen that nothing can be appropriated from the public Treasury for such a purpose, because the Treasury cannot afford it.

Mr. Speaker, my colleague in his remarks, as I have already said, stated that the cost of transportation between Chicago and the Mississippi River would not be materially diminished if this canal were completed, and he sought to illustrate that statement by citing some figures to show, as he supposed, the comparative cost of transportation by the present canal and by the railroad; and he stated to the House that the canal now constructed for one hundred miles from Chicago to La Salle he did not believe carried as much as the railroad. I ask the Clerk to read from the Senate report, under the head of "Rock Island and Hennepin Canal," what I have marked on that subject.

The Clerk read as follows:

The general effect of the construction of the Hennepin Canal in reducing the cost of transportation from the Mississippi River and the territory west of that river may also be inferred from the actual result of transport on that part of this water line which has already been constructed from Chicago to La Salle. The Illinois and Michigan Canal competes with the Rock Island and Pacific Railroad for the transport of grain from La Salle to Chicago—one hundred miles.

The following statement gives the average rail-freight charges from this point to Chicago, and also from points on the railroads equally distant from Chicago to that city. This statement is computed from data furnished by Hon. Joseph Uley, president of the Illinois and Michigan Canal, which may be found on page 93 of the appendix.

Comparative charges for the transport of grain to Chicago by rail from points one hundred miles distant on five different railroads:

	Average charge.
Chicago, Rock Island and Pacific.....per 100 pounds.	8 cents.
Chicago, Burlington and Quincy.....do.	14 cents.
Chicago and Northwestern.....do.	18 cents.
Chicago and Alton.....do.	12 cents.
Illinois Central.....do.	16 cents.

The rate on the Chicago, Rock Island and Pacific Railroad, which competes with the Illinois and Michigan Canal, appears to be only 53 per cent. of the average charge for the same distances on the other roads.

Mr. HAWLEY, of Illinois. Now, Mr. Speaker, for the purpose of calling the attention of the House more distinctly to this subject, I read from the memorial of the Rock Island convention held over a year ago, a convention at which more than one thousand delegates were present. In memorializing Congress upon this subject, and in referring to the business done on the canal already constructed one hundred miles from Chicago to La Salle, they use these words:

The tonnage to and from Chicago on this canal for the year 1873 was 688,929 tons. The cost of transporting this amount of freight on the canal was about \$600,000.

The cost by rail at the ordinary rates west of Lake Michigan, away from water competition, would have been \$1,722,323. This makes a saving to the people of more than \$1,000,000 in one year by one little sectional canal.

It will be seen that the price of freight upon the Chicago, Rock Island and Pacific Road was only 53 per cent. of the prices upon the other four roads named. Now, I ask, why was that true? Simply because that railroad ran alongside the canal and the others did not compete with any water line.

Now, suppose the canal could be extended to the Mississippi River; the advantage which the people enjoyed along that line of canal at that time would be enjoyed by the great body of the people in the

Northwest. We legislated upon the subject of transportation at the past session. We sought then by law to regulate the price of freight, or at least to provide a commission that should regulate the price of freight transported by railroad. We have been met by a series of objections at every step in the progress of that bill or any similar measure. Now, if this measure could be carried, it would not only be of great benefit in the way of cheap transportation, so far as everything which was carried over this canal was concerned, but gentlemen will observe that it comes in competition with every railroad that crosses the whole Northwest. And what is the tonnage of these roads? I read from the same memorial:

The commerce between Lake Michigan and the Upper Mississippi is already immense. The business of the Illinois and Michigan Canal for the year 1873 amounted to nearly seven hundred thousand tons.

That of the Chicago and Northwestern Railroad for the year 1873 to nearly two million.

That of the Chicago, Rock Island and Pacific Railroad to nearly one million tons. That of the Chicago, Burlington and Quincy to more than one million five hundred thousand tons.

The tonnage upon the three railroads and the canal was more than five million tons for the year 1873. There are other railway and water channels which share the business of the Northwest. The aggregate tonnage cannot have been less than seven million tons for the year 1873. What it will be ten or twenty years hence, in view of such facts and the capacity of this section of country for development, becomes a very important question.

The charges upon the railways west of Lake Michigan are about double the rates east of that lake, except when influenced by the canal.

The very best evidence of urgent demand for the extension of the Illinois and Michigan Canal to the Mississippi is furnished in the reports of the business and effect of that portion now in operation.

Mr. Speaker, I have shown you that the commerce of the Upper Mississippi Valley, carried almost exclusively heretofore to Chicago, by railroad amounted to nearly seven million tons annually. I have shown you that by the construction of this canal through that section of the country where this commerce passes the cost of transportation will be reduced one-half or two-thirds. There will be a reduction in the cost of transportation on all the railroads in that section.

Now, the question is raised whether the canal will do a large business. In answer to that I say you will find that it will furnish the means of competition with the railroads in that section of the country. What we want is competition. Between the railroads themselves there is no competition. There are three railroads from Chicago to Omaha; there is no competition. If you want to ship freight from Chicago to Omaha, it makes no difference to the railroads which road you ship on. They divide their earnings; but when you have improved your water-ways, which are the cheapest of all modes of transporting heavy freight, you will compel the railroads to reduce their rates; and this is the only way in which you can do it unless you compel them by law to reduce their rates. If you expect that the rates of transportation on railroads can be reduced by competition among themselves, you are mistaken; all the past history of the country shows that you will be disappointed.

Now, what is the necessity of this canal? There is the great north-western country, the development of which has but just begun. It is in its infancy. We cannot measure its future growth or guess what it will be in twenty or fifty years from now. It appears by the report of the Committee on Transportation of the Senate that the capacity of the canal would be 4,838,400 tons annually. The amount of business that may be done by it is more than could be done by one hundred trains of cars. You see the immense capacity of this canal. It may transport in a single year one and a half times as much grain as was ever received at Chicago in the same period.

But, Mr. Speaker, I come now to the question of cost, because that seems to trouble gentlemen. I should have no fear of this bill if it were not for that one question. I have confidence, however, that this House, in view of all the memorials that have come to it, in view of all the resolutions passed by State Legislatures and by corporate bodies in favor of this measure, in view of the platforms adopted by party conventions of all shades of opinion, and in view of its great importance, will see that even that objection is not sufficient to prevent the beginning of the work. My colleague [Mr. BURCHARD] told us that he thought the work would cost \$20,000,000. How my colleague with a report of the engineer before him and the bill now pending before him can rise in his place and say as a member of this House that it may cost \$20,000,000 is beyond my comprehension.

Mr. BURCHARD. Allow me to say that although the report made by the engineer on the 25th day of January limits the amount to \$25,000,000, there is no limitation upon the expense in this bill. It does not say that the canal shall not exceed seventy feet in width or that it shall be less than that in width.

Mr. HAWLEY, of Illinois. I do not stand corrected at all. My statement is correct. I do not care whether the amount estimated for some other canal is twenty or fifty million dollars. I have here before me the bill; it provides for the construction of this canal, a canal seventy feet wide, and I speak of it and the estimates for its construction.

Mr. BURCHARD. Not less than seventy feet wide.

Mr. HAWLEY, of Illinois. Do you expect the Secretary of War will go beyond the limitation in the bill?

Mr. BURCHARD. What limitation?

Mr. HAWLEY, of Illinois. Here is the estimate made in 1871,

which tells the House that it will take less than \$4,000,000. This estimate was made in 1871 when the price of materials and labor was higher than it is now. I am assured that responsible parties will give ample security to construct the canal as provided for in this bill for \$3,500,000.

Mr. CHITTENDEN. Will the gentleman allow me to ask him a question?

Mr. HAWLEY, of Illinois. Certainly.

Mr. CHITTENDEN. Can you cite an instance in the history of similar enterprises, under the management of individuals or of the Government, where the estimates have not been doubled or nearly doubled in the execution of the work?

Mr. HAWLEY, of Illinois. I can, but I have not time to do it now.

It is proposed that this canal shall be constructed by the Government entirely, and that it shall not be more than seventy feet wide, with locks twenty-one feet wide and one hundred and fifty feet long. As to the question of expenditures exceeding estimates, I have to say that the expenditures for the improvement of the Rock Island Rapids only exceeded the estimates some \$200,000, and that \$200,000 was not really in excess of the estimates, but was for work afterward done and independent of the original estimates.

The expenditures for the improvement of the Des Moines Rapids, where some \$3,000,000 have been expended, I believe, have not, as I am informed, exceeded the estimates a single dollar.

I remember very well that in passing by steamer up through the improvement of the Rock Island Rapids in company with General Wilson, one of the first engineers in the United States, I asked him why it was that he had exceeded the estimates in that improvement. He said that they had not exceeded the estimates one dollar, but that when they had completed the work, or nearly completed it, they found that some portions of the work which had been before completed were not quite good enough, and they thought a further expenditure advisable.

I have given the gentleman two cases where the estimates were not exceeded.

Mr. CHITTENDEN. This canal is about sixty-four miles long.

Mr. HAWLEY, of Illinois. Yes, sir.

Mr. CHITTENDEN. No man who has ever had any experience in similar enterprises has failed to learn that in going sixty-four miles you will find obstacles that no engineer can perceive in advance.

Mr. HAWLEY, of Illinois. I desire to show my good faith by the statement I am about to make. If this House is afraid of the question of cost, if it is afraid that the amount of estimates may be exceeded, I am perfectly willing that there shall be a provision put into this bill, in the most stringent terms, that the cost of this canal shall not exceed the estimates, and that if it cannot be constructed within the estimates, then the engineers may reduce the size of the canal to sixty feet.

Mr. BURCHARD. I want to say—

Mr. HAWLEY, of Illinois. I cannot yield any further now.

Mr. BURCHARD. The gentleman seems to impugn my motives to some extent, and I ask an opportunity to say a word.

Mr. HAWLEY, of Illinois. Very well.

Mr. BURCHARD. I want to refer to the report of the committee that accompanies this bill. In that report it is said:

It is now asked by the bill referred to us, by the memorials of the States of Iowa and Illinois, and the petitions of a very large number of citizens, to construct a canal from the Illinois River, at or near the city of Hennepin, to some point on the Mississippi River, and thus complete the system, embracing by this last-mentioned improvement the whole territory above Rock Island on the Upper Mississippi and its tributaries, as the main canal is proposed to do with that river and its tributaries below or near the mouth of the Illinois.

That proposition is to have locks three hundred and fifty feet long. There is nothing in this bill that limits it, but it says that they shall not be less than seventy feet in width.

Mr. HAWLEY, of Illinois. I am amused by the remarks of my colleague [Mr. BURCHARD] in regard to this subject. I have just stated that he might insert a provision in this bill to limit these locks, as estimated by the engineer, to twenty-one feet wide and one hundred and fifty feet long; that is the estimate of the engineer, and the bill provides for locks of exactly that size. If the gentleman can put in the bill any language that can make it more certain and specific, I am willing that he shall do so. I will say further, there is the bill; any gentleman can read it, and I will leave him to say if it is not now entirely free in every particular for the engineers upon further survey to locate the canal where they please. If the English language can make it more plain than it is, I am willing that such words may be put in as will make it so.

I have before me the bill and survey. The bill follows the survey. My colleague [Mr. BURCHARD] is afraid that the termini of the canal are not left sufficiently transitory; that you cannot change them around enough. I say put in any words that are necessary in that respect. The bill now says that the canal is to be located upon the "surveys now made and hereafter to be made." I never supposed for a moment that, if this bill should pass, the surveys already made were to be a finality upon that subject. I had supposed that if Congress should make an appropriation for this work the engineers would need a more accurate survey of it. I should think they would neglect their duty if they failed to make it.

I say that this canal cannot cost more than \$4,000,000; that it may be limited by law not to exceed that amount. These estimates were

made at a time when labor and material were more expensive than they are now. Men are now ready to take a contract as the bill provides for \$3,500,000. Then why should gentlemen rise in their places here; why should my colleague, [Mr. BURCHARD,] coming from my section of Illinois, rise in his place and endeavor to defeat a measure which every portion of the Northwest except the county of Whiteside demands?

I think my colleague has failed in his duty to-day. I cannot believe it is his duty to oppose this bill, or that he represents the people of his district—he, and not I, is responsible for that, when he stands here and opposes this measure by such arguments as he urges to-day, by seeking to show this House that this canal will cost \$20,000,000, when I have demonstrated, if anything can be demonstrated, that it cannot cost \$4,000,000. And I am willing to have it limited by law to that amount. I do not know any other statement I can make to answer the objection which gentlemen have made against this bill, or to show its feasibility, and how much it is needed by the Northwest, or to show what will be the cost of this work; I do not know what more I can say than I have said. But that I may answer finally, once for all, the objection which my colleague makes and which is his most serious one, the one upon which his opposition hinges, I call the attention of the House to the report of the engineer making this survey as to the amount of water that will be taken out of Rock River by this canal.

A great many gentlemen on this floor have been told publicly and privately that if this canal be constructed it will ruin the water-power of Rock River; that the river will then be worthless for navigation, for milling, or for any other purpose. Now, I read from the report, in which the engineer says:

We were fortunate in making a careful measurement of the amount of water flowing in the Rock River at a time, October 11, 1870, when, according to the residents of that city, the river was at its lowest known stage. The amount of water at that date was found to be 2,446 cubic feet per second, which, under the present available head of seven feet, gives theoretically 1,943 horse-power.

I turn to another portion of the report where the engineer speaks of the amount of water necessary for the purpose of operating this canal at its fullest capacity. He says:

The amount of water required for this canal is estimated as follows: For evaporation and leakage, 1.33 cubic feet per mile per second, or 130 cubic feet per second for canal and feeder; for 200 lockages in twenty-four hours, 87 cubic feet per second, making a total demand from Rock River at Dixon of 217 cubic feet per second.

Thus it will be seen that less than one-tenth of the water is to be taken from Rock River at its very lowest stage, for the engineer states that it was at its lowest stage when he made the survey; and not only that, but it will take less than one-tenth when the canal is operated to its fullest capacity. How often could that occur? It is not probable that in the history of this work, if it should be completed, it would ever occur that the river would be so low and the canal at the same time be operated to its fullest capacity. I regard this objection therefore as simply trivial, as entirely frivolous.

I do not think my colleague is justified in seeking to defeat this measure upon the ground that some of the people of Whiteside County may be injured by this work. I have the highest respect for the people of Whiteside County; I have the highest respect also for the people of the city of Sterling. I would do nothing to interfere with their rights. But I cannot think that their rights are to be injured by this measure; nor do I believe that such an argument ought to be presented to this House as a reason why this bill should not pass.

I believe this to be a measure of great merit. It is demanded by the people, if anything was ever demanded. Of all public works that have been presented to Congress, I know of no measure that promises so great results for so small an expenditure of money. Sir, there can be no "job" in this; it is no subsidy. No private corporation is to be created or benefited by it. Nobody is to be benefited but the people. The work is to be executed by the Government itself, to be carried out under the direction of the War Department; and if in this country there be honest men, if our history gives any guarantee for the honesty of anybody, it certainly goes to prove that among our Army officers there is honesty and integrity. No body of men in all the world have ever shown a better record than they. Do gentlemen mean to say that they are afraid to trust the Engineer Corps or the War Department in the expenditure of this money?

It is very unfair, I submit, for gentlemen to talk here about the "Pacific Mail" and the "Credit Mobilier" and the Union Pacific Railroad and the Central Pacific Railroad. Sir, these have nothing to do with the question, and they are introduced, I must believe, simply to prejudice this bill and prevent its passage. I hope the bill will pass; I am sure it ought to pass. I am sure this House will not do its duty if it fails to pass the bill as it is now presented.

If I have any time remaining I yield it to the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. MAYNARD. Mr. Speaker, I sought the floor in the first place for the purpose of presenting a single question; but after listening to some gentlemen around me one or two other ideas have suggested themselves in connection with this bill. My excellent and distinguished friend, [Mr. DAWES,] the chairman of the Committee on Ways and Means, reiterates an argument which we have often heard here, that we have no money for a work like this. I am sorry to see a gentleman occupying his position in this House take that ground upon any question. The people of the United States have money for any-

thing necessary for them to do; they have no money for anything that is unnecessary to be done. In our experience since he and I have been members of this House we have seen the people of the country rally with marvelous spirit and purpose, and submit to taxation far beyond anything that the most sanguine in the early days of our history would ever have dreamed. The question, then, it seems to me, is whether this contemplated work be necessary, using the word "necessary" as it is always used and understood by statesmen.

This bill is opposed here on the ground that it looks to a system of internal improvements by the General Government, and such a system gentlemen object to. I confess, Mr. Speaker, that I should have listened more patiently, probably more respectfully, to objections coming from almost anywhere else than from the two populous, powerful, and wealthy States of New York and Pennsylvania. Those two prominent members of the sisterhood of States have their systems of internal improvements completed to their satisfaction.

Mr. ELLIS H. ROBERTS. Not by the National Government.

Mr. MAYNARD. "Not by the National Government," says the gentleman from New York—precisely the response that I anticipated and was waiting to give him an opportunity to make. "Not by the National Government." Very true, sir; but what have those States done? They have from their own resources, by their credit and other means, constructed their system of public works, and then taxed the people of the United States to pay for them. In looking over the report of the Board of Trade of the city of New York for the last year, I discover that New York's system of canals has been fully paid for by the profits derived from her tolls. How were those profits made? From the transportation of the grain and produce of the West.

Mr. ELLIS H. ROBERTS. Has not the Erie Canal tended to reduce the cost of transportation? Is not that one of the arguments here to-day—that the State of New York by its internal improvements has reduced the cost of transportation from the West?

Mr. MAYNARD. Undoubtedly.

Mr. HOSKINS. Is not that canal the only check upon excessive charges by the railroads?

Mr. MAYNARD. Undoubtedly; but I ask gentlemen to hear me. The State of Pennsylvania, if I mistake not, imposes no direct taxation upon the property of her people, but supports her government altogether from the income derived from her transportation companies and perhaps some others. Now, I venture to say (if I am not mistaken in my estimate of the character of this contemplated improvement) that if the State of Illinois should build this canal from her own treasury, and for the next twenty years hold it as the State of New York has held her public works, taxing all the trade from the West, including Iowa, a portion of Missouri, Kansas, and Nebraska, she would then own the canal, and could thenceforward impose just such tax as she might please for the support of the government of her State. My object in the construction of these works by the National Government would be that Illinois should not have it in her power to do that; so that she could not by her legislative voice impose such taxation as she might please upon the trade that would be obliged, commercially obliged, to pass through this canal. If those great works of the State of New York were owned by the General Government instead of the State, so that we could reduce the tolls so as to cover merely the expense of operating those works and keeping them in order, then, if I am not altogether misadvised, the commerce of the West would be in a better condition even than it is now; and I admit that its present condition is infinitely better than it would be if those works had not been constructed.

[Here the hammer fell.]

Mr. MAYNARD. I hope I may be permitted to say a single word further.

Several MEMBERS. Go on.

Mr. MAYNARD. The purpose for which I rose was to call the attention of the gentlemen having charge of the bill to a communication which I found in a Chicago paper of the other day—a very well written and well-considered article—touching the practicability and the expediency of this particular work. The Chicago Inter-Ocean of the 1st of February contains the following, which I incorporate as a part of my remarks:

CHICAGO, ILLINOIS, January 30, 1875.

TO THE EDITOR OF THE INTER-OCEAN:

As articles have lately appeared in the columns of your paper in advocacy of the Hennepin Canal scheme, I desire to present to your readers a few reasons why that work should not be undertaken unless careful surveys prove that it can be supplied with sufficient water without taking a supply from Rock River at Dixon or any other point above the lowest water-power upon that beautiful stream. In the outset I tender the Inter-Ocean my hearty and sincere thanks for its able advocacy of the general system of improving our rivers and harbors by the General Government, believing as I do that if our Government expended \$50,000,000 a year upon such works the nation would be greatly enriched thereby.

The investigation which I have given this subject has satisfied me that if Rock River is tapped at Dixon to feed the proposed canal, it will immediately greatly lessen the value of the water-powers below that point, and in time almost destroy them, except in the winter season.

If Rock River took its rise within a vast range of primeval forest, and many years would elapse before the woodman's ax should make much impression upon it, there would be much less danger to be apprehended by serious injury resulting to the water-powers on that stream by the construction of the proposed canal; but unfortunately it does not, as the forests about its head-waters are of very moderate extent and melting away like dew before the sun, and the area drained by it being brought under higher cultivation each succeeding year.

The experience of every country proves that as lands are denuded of forests and brought under careful cultivation the freshets in streams become more violent, waters flowing from the well-drained lands much more quickly, and the volume available for use as power lessening each succeeding year. For several years past, for two months or more in summer, every quart of water at Sterling has passed through the canals, and made to do duty in propelling her machinery before it went further, and the supply insufficient to carry all the works, so that many of her manufacturers in order to turn out full work have been obliged to employ extra hands and run nights. Lyndon, some fifteen miles below, has only lately completed a costly dam, and if undisturbed in her power will in a few years gather thousands of the most thrifty and enterprising people about it, and a beautiful city of happy homes will arise.

If the power should be undisturbed, I venture to say that within two years from the date of a return of prosperity to our county some of the manufacturers at Sterling will be obliged to supplement their power by adding steam. Go up and down the New England valleys to-day, and what do you find? Nothing less than thousands of steam-engines supplementing the declining water-powers, and the number being increased every year. Waterbury, Connecticut, is the seat of the manufacture of brass goods of the country, and some of the establishments are very large. In the rolling-mills it has repeatedly happened in the dry season that the water-wheel would cease to move at a critical moment when large plates were passing through rolls, and the costly train of rolls would be snapped like pipe-stems.

It is simply a question of time when every manufacturer at Sterling, Rock Falls, and every other power below upon that stream will be obliged to supplement their power by steam. But the water-powers they have bought and paid for, and if the present Congress votes for a measure that shall despoil them of their property, future Congresses will be compelled to vote large sums to compensate them, in part at least, for such spoliation, and by the time the accounts are settled the people will find the Hennepin Canal one of the most costly ever built.

Every person who has ever given these questions any investigation knows that a stream or canal passing through a sandy region of country loses water by evaporation with amazing rapidity. That Dixon feeder, if constructed, will pass for miles through a sandy section of country, and the drain upon Rock River by the rapid evaporation of water would be great. Look at the streams that flow from the western slope of the Humboldt range of mountains and run through a sandy region to the valleys below, some of them that in spring while the melting of the snow is going on run a long distance, in mid or late summer scarcely run ten miles.

Sterling and her twin sister across the river, Rock Falls, last year turned out manufactured goods and wares exceeding \$4,000,000 in value, and many thousand dollars' worth of raw materials for her manufactures are purchased in Chicago; and when converted into finished products, many thousands of dollars' worth are returned here for sale and distribution, and that on a rapidly increasing scale. Some of the merchants of Sterling do a very heavy business, and the aggregate of merchandise we send there and Rock Falls counts by hundreds of thousands. The Williams & Orton Machine Works have a warehouse of their own on Canal street for the sale of machinery, and doing a most prosperous business. Several of our largest school-houses have been filled with the superior furniture and seats made by the Sterling School Furniture Company, and it is only a few weeks since they furnished a large school-house in Fall River, Massachusetts, and their business now extends from Maine to California. Sterling, Rock Falls, Lyndon, and other points below upon Rock River, if their water-power is undisturbed, will continue a perennial source of prosperity to Chicago, and let our members of Congress beware how they vote to dry up these important sources of revenue to our community and at the same time prepare to levy a tax upon all our citizens to compensate those communities for the spoliation of their property.

Let our members labor in season and out of season to secure an appropriation to carry forward the improvement of the Illinois River, and hasten its completion, and the Wisconsin improvement also. These two grand improvements when completed will act as great regulators and balance-wheels, and our railroads will then be compelled to lower freights for all time; and when completed, it will probably be found that the Hennepin Canal will not be needed, but if it is, and it can be supplied with water from sources so as in no way to interfere with the water-powers on Rock River, no one will be more gratified to see it built than myself.

Mr. ELLIS H. ROBERTS. Will the gentleman from Tennessee [Mr. MAYNARD] allow me to have printed in the same connection an article from the Chicago Tribune about the same thing?

Mr. MAYNARD. I have no objection to the gentleman printing any number of articles he pleases. This article, however, is in the line of the argument of the gentleman from Illinois. If the writer of the article is not mistaken, it presents, I submit to my friend from Illinois, a very serious question; whether whatever we may think of the general system of internal improvement, whatever we may think of communications between the lakes and the Mississippi River, this expenditure, be it three and a half million dollars or twenty million dollars, is expedient and wise; and it was for the purpose of directing his attention to that and to an argument coming from his own locality that I sought the floor.

Mr. GUNCKEL, Mr. HAWLEY of Illinois, and Mr. WILLARD of Vermont, rose.

The SPEAKER *pro tempore*, (Mr. WOODWORTH.) The gentleman from Ohio [Mr. GUNCKEL] is recognized.

Mr. HAWLEY, of Illinois. I sought the floor to say a single word in reply to the gentleman from Tennessee.

Mr. GUNCKEL. I believe I have the floor. I move that this bill do lie on the table.

Mr. WILLARD, of Vermont. I hope that motion will not be pressed now. I rose to obtain the floor and to yield for a motion to adjourn.

Mr. GUNCKEL. I think we have consumed time enough upon this bill.

Mr. WILLARD, of Vermont. I think, many gentlemen having gone away, we should not vote to-night.

Mr. McCRARY. I understood that some gentleman in favor of this bill was prepared to make the motion to adjourn. A good many gentlemen have left with the idea that there would be no vote to-night. I desire now to make that motion.

Mr. WILLARD, of Vermont. Mr. Speaker, I rose immediately upon the conclusion of the remarks of the gentleman from Tennessee, understanding that I was to be recognized next, and addressed the Chair. So I suppose I am entitled to the floor; and if so, I yield for a motion to adjourn.

Mr. McCRARY. I move that the House adjourn.

Mr. GUNCKEL. I believe I was recognized. I will yield for a motion to adjourn.

Mr. HURLBUT. I desire to say as a matter of good faith that I promised a good many gentlemen that the bill would not be brought to a vote to-night.

Mr. MCCRARY. I appeal to the gentleman from Ohio, [Mr. GUNCKEL,] if he has the floor, to withdraw his motion for the present. Mr. GUNCKEL. I yield for a motion to adjourn.

Mr. MCCRARY. Then I move that the House adjourn.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes;

An act (H. R. No. 650) for the relief of John Brennan;

An act (H. R. No. 1519) for the relief of Joseph J. Petri;

An act (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky;

An act (H. R. No. 2844) granting relief to Francis Dodge;

An act (H. R. No. 3177) for the relief of De Witt C. Chipman;

An act (H. R. No. 3179) granting relief to John L. Williams, of New York;

An act (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts; and

An act (H. R. No. 4545) to provide for the relief of persons suffering from the ravages of grasshoppers.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER. The Chair announces as conferees on the part of the House on the disagreeing votes of the two Houses on the legislative, &c., appropriation bill, Mr. GARFIELD of Ohio, Mr. STARK-WEATHER of Connecticut, and Mr. ARCHER of Maryland.

FEES OF CLERKS, MARSHALS, ETC.

The SPEAKER. The Chair also announces as conferees on the part of the House on the disagreeing votes of the two Houses on the bill to amend the twenty-third paragraph of section 23 of an act entitled "An act to regulate fees and costs to be allowed clerks, marshals," &c., Mr. SENER of Virginia, Mr. HOSKINS of New York, and Mr. SPEER of Pennsylvania.

AUBURN, NEW YORK, NATIONAL BANKS.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 4576) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. MACDOUGALL. I ask unanimous consent that the committee may have leave to report at any time.

Mr. HOLMAN. I must object.

MAJOR J. W. NICHOLLS.

Mr. PARKER, of Missouri. At the request of the gentleman from Oregon [Mr. NESMITH] I present a report from the Committee on Military Affairs, to accompany Senate bill No. 769, for the relief of Major J. W. Nicholls, paymaster of the United States Army; and move that it be printed and recommitted.

There was no objection, and it was so ordered.

MRS. JULIA S. W. EVANS.

Mr. PARSONS, by unanimous consent, introduced a bill (H. R. No. 4577) for the relief of Mrs. Julia S. W. Evans, of Cleveland, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. EDEN, by unanimous consent, obtained leave of absence for an indefinite time.

PAPERS WITHDRAWN.

On motion of Mr. SPRAGUE, leave was given to withdraw papers in the case of A. W. McCarty.

On motion of Mr. CHIPMAN, leave was given to withdraw papers in the case of J. H. Merritt; also, papers in the case of Thomas Malone; also, papers in the case of Thomas Galloway; also, papers in the case of Mrs. Maria T. Brown and Captain M. N. Falls.

On motion of Mr. LOWNDES, leave was given to Philip J. Buckley and John Magee to withdraw their papers from the files of the House.

On motion of Mr. BUTLER, of Massachusetts, leave was given to withdraw papers in the case of James Toole, alias John Lambert.

On motion of Mr. VANCE, leave was given to withdraw papers in the case of Westley Helmsley.

On motion of Mr. WARD, of Illinois, leave was given to withdraw papers in the case of Hibbin & Co.

On motion of Mr. KASSON, leave was given to withdraw papers in the case of Joseph Parkins.

On motion of Mr. ALBERT, leave was given to withdraw papers in the case of Mrs. Maria Lee.

On motion of Mr. NIBLACK, leave was given to withdraw papers in the case of John Burk.

On motion of Mr. PLATT, of Virginia, leave was given to withdraw papers in the case of A. G. Tebaceit.

LEAVE TO PRINT.

Mr. HAGANS, by unanimous consent, obtained leave to print some remarks on that portion of the President's message relating to Cuban affairs. (See Appendix.)

STATISTICAL CONVENTION.

Mr. MYERS, by unanimous consent, submitted the following resolution; which was read, and referred, under the law, to the Committee on Printing:

Resolved by the House of Representatives of the United States. That there be printed of the report of the delegates from the United States to the international statistical convention at St. Petersburg six hundred extra copies bound, three hundred for the Department of State and three hundred for the delegates.

The question was taken on the motion of Mr. MCCRARY, and it was agreed to, and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BURLEIGH: Petitions of V. T. Palmer and others and Stephen Hincley and others, for legislation to enforce payment of municipal bonds, to the Committee on the Judiciary.

By Mr. COBURN: The petition of plate-glass manufacturers at New Albany, Indiana, for such tariff duties on plate-glass as will enable American manufacturers to compete with foreign makers, to the Committee on Ways and Means.

By Mr. HATCHER: A paper to establish additional post-routes in Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. HYDE: The petition of Sarah Knox, of Livingston County, Missouri, for a bounty land-warrant, to the Committee on the Public Lands.

By Mr. McDILL, of Wisconsin: Two petitions of masters of vessels and others interested in the commerce of Lake Superior, for the erection of a pier and light-house at Bayfield, Wisconsin, to the Committee on Commerce.

By Mr. NIBLACK: The petition of plate-glass manufacturers at New Albany, Indiana, for such tariff duties on plate-glass as will enable American manufacturers to compete with foreign makers, to the Committee on Ways and Means.

Also, several petitions of citizens of Indiana and West Virginia, for appropriations to improve the navigation of the Ohio River, to the Committee on Commerce.

By Mr. PIERCE: The petition of Samuel C. Perkins and Julius A. Palmer, of Massachusetts, for issuance of registry to an American vessel, formerly owned by foreign proprietors, but now repaired from wrecked condition and owned by American citizens, to the same committee.

By Mr. SAYLER, of Indiana: Papers relating to the claim of Columbus C. Bennett, for property taken and used by United States troops in the late rebellion, to the Committee on War Claims.

By Mr. SCUDDER, of New York: Resolutions of the Legislature of the State of New York, asking the aid and co-operation of the United States to secure to settlers on the Allegany Indian reservation the ratification of their leases, to the Committee on Indian Affairs.

Also, the petition of masters of vessels navigating Staten Island Sound and Kill Von Kull, that the present channel south of Shooter's Island be closed and a new channel north of Shooter's Island opened, to the Committee on Commerce.

By Mr. SOUTHARD: The petition of W. A. Robertson and 60 others, of Utica, Licking County, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and remonstrating against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SPEER: Petitions of citizens of Blair County, Pennsylvania, and of Lewistown, Pennsylvania, of similar import, to the same committee.

By Mr. STRAWBRIDGE: The petition of citizens of Danville, Pennsylvania, of similar import, to the same committee.

By Mr. WOODWORTH: The petition of A. Howells and 106 others, of Massillon, Ohio, that the United States guarantee the bonds of the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

IN SENATE.

MONDAY, February 8, 1875.

Prayer by Rev. J. FORD SUTTON, of Philadelphia, Pennsylvania. The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, and had agreed to further amendments of the Senate to the said bill with amendments, asked a conference with the Senate on

the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. HENRY H. STARKWEATHER of Connecticut, and Mr. STEVENSON ARCHER of Maryland, managers at the conference on its part.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, asked a conference on the disagreeing votes thereon, and had appointed Mr. JAMES B. SENER of Virginia, Mr. GEORGE G. HOSKINS of New York, and Mr. R. MILTON SPEER of Pennsylvania, managers at the same on its part.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3208) for the relief of John Henderson; and
A bill (H. R. No. 4568) in relation to the transfer of causes in the United States circuit courts of Alabama.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes;
A bill (H. R. No. 650) for the relief of John Brennan;
A bill (H. R. No. 1519) for the relief of Joseph J. Petri;
A bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky;
A bill (H. R. No. 2844) granting relief to Francis Dodge;
A bill (H. R. No. 3177) for the relief of DeWitt C. Chipman;
A bill (H. R. No. 3179) granting relief to John L. Williams, of New York;
A bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts; and
A bill (H. R. No. 4545) to provide for the relief of persons suffering from the ravages of grasshoppers.

PETITIONS AND MEMORIALS.

Mr. COOPER presented a memorial of citizens of Tennessee, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. SCOTT presented a memorial of citizens of Lewistown, Pennsylvania, and a memorial of citizens of Dudley, Pennsylvania, remonstrating against the restoration of the duties on tea and coffee and the revival of internal taxes and asking the repeal of the act of 1872 which reduced the duties on certain imports 10 per cent.; which were referred to the Committee on Finance.

Mr. CHANDLER presented a joint resolution of the Legislature of the State of Michigan, in favor of an appropriation in money for the improvement of the harbor at Saint Joseph, Benton Harbor, and New Buffalo Harbor, in Berrien County in that State; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation in money for the improvement of the harbor at Alpena, in Alpena County, in that State; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation for the improvement of Eagle Harbor, Keweenaw County, in that State; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation to aid in the improvement of the navigation of Pine River, in Charlevoix County, on Lake Michigan; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation to repair and improve the harbor at South Haven, on Lake Michigan; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation in money for the improvement of the harbor at Saugatuk, in the County of Allegan, in that State; which was referred to the Committee on Commerce.

Mr. ALLISON presented a petition of George L. Torbert and other citizens of Dubuque, Iowa, asking liberal appropriations for the signal service, and that the service be placed upon an independent basis and in the control of men of science; which was referred to the Committee on Military Affairs.

Mr. FERRY, of Michigan, presented a joint resolution of the Legislature of Michigan, in favor of the establishment of a United States judicial circuit in the upper peninsula of that State by the passage of a bill now pending in the Senate for that purpose; which was referred to the Committee on the Judiciary.

He also presented a concurrent resolution of the Legislature of Michigan, in favor of the passage of a bill granting one hundred and sixty acres of Government land to each of the soldiers and sailors of the late war without regard to occupation of the same; which was referred to the Committee on Military Affairs.

He also presented a concurrent resolution of the Legislature of Michigan, in favor of the passage of a bill by Congress to equalize the bounties of soldiers and sailors of the late war; which was referred to the Committee on Military Affairs.

Mr. WADLEIGH presented the memorial of James A. Whitney, president of the New York Society of Practical Engineering, protesting against the passage of the bill (S. No. 1229) to amend so much of the Revised Statutes of the United States, approved June 22, 1874, as relates to the Patent Office, patents, and copyrights; which was referred to the Committee on Patents.

Mr. OGLESBY. I present the memorial of Dr. Joseph Robbins, praying compensation or a just allowance to him as examining surgeon composing one of a board of examining surgeons in the city of Quincy, Illinois. He states that his compensation as examining surgeon was reduced from \$1.50 to seventy-five cents a case because he was put on a board with another physician. He has been one of the most excellent and one of the most industrious and faithful of examining surgeons. He now petitions Congress to allow the addition of seventy-five cents in each case, covering several hundred cases for several years back. It is pretty late in the session; but as the claim is an eminently just one and only for a small amount, I ask that it be received and referred to the Committee on Claims in the hope that they will report a bill for his relief.

The VICE-PRESIDENT. The petition will be so referred.

Mr. HITCHCOCK presented a petition of citizens of the State of Nebraska, praying for the sale of Pawnee and Otoe Indian reservations and the removal of those Indians to the Indian Territory; which was referred to the Committee on Indian Affairs.

Mr. MORRILL, of Maine. I present sundry petitions from citizens of the District of Columbia, who pray for the passage of the bill reported by the Joint Select Committee on the District Government, with an amendment, providing for the election of a Delegate in Congress. I move that these petitions lie on the table, as the measure is now before the Senate.

The motion was agreed to.

Mr. BAYARD presented the memorial of H. B. Seidel and others, of Wilmington, Delaware, remonstrating against the restoration of the duties on tea and coffee, the revival of internal taxes, and asking the repeal of the act of 1872 reducing the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

Mr. SCHURZ. I have been requested to present a petition signed by 62 citizens of Detroit, Michigan, praying for the enactment of certain amendments to the Constitution involving great changes in the constitution of the executive and legislative branches of the Government. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING presented a memorial of citizens of Little Falls, Herkimer County, New York, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. HAMILTON, of Maryland, presented a petition of Charles F. Goldsborough and others, of Dorchester County, Maryland, praying that the lines of the customs district for the eastern district of that State may be so changed that the boundaries of the same may extend to the south shore of the Great Choptank River and that the custom-house located at Fox Creek may be removed to Cambridge, in that county; which was referred to the Committee on Commerce.

Mr. SARGENT presented a memorial of the Women's Suffrage Association convention, held at Washington January 15, 1875, praying equal rights for citizens without regard to sex; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. FERRY, of Connecticut, from the Committee on Patents, to whom was referred the petition of Moses Marshall, praying for an extension of his patent for an improvement in knitting-machines, submitted a report accompanied by a bill (S. No. 1261) for the relief of Moses Marshall.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. SCOTT. I am instructed by the Committee on Railroads, to whom was referred the bill (S. No. 1035) to aid the Washington, Cincinnati, and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, to report it back with the recommendation that it ought not to pass, and to move its indefinite postponement.

Mr. DAVIS. As the Senator from Virginia who sits on my left [Mr. LEWIS] is not present, and asked me to look out for that bill for him, I request that it go on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SCOTT, from the Committee on Railroads, to whom was referred the bill (S. No. 1059) to incorporate the Dakota and Montana Railroad Company, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1100) chartering the Forty-first Parallel Railroad Company of

the United States of America from Lake Erie to the Missouri River, and to limit the rates of freight thereon, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 661) to give jurisdiction to the Court of Claims to hear the claim of G. W. Custis Lee to Arlington, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the memorial of G. W. Custis Lee, of Virginia, proposing an adjustment of his claim to the Arlington estate and asking a just compensation therefor, &c., asked to be discharged from its further consideration; which was agreed to.

Mr. DORSEY. I am instructed by a majority of the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1201) to establish certain telegraphic lines in the several States and Territories as post-roads, and to regulate the transmission of commercial and other intelligence by telegraph from one State to another, to report it back with amendments and to submit a report thereon.

The report was ordered to be printed.

BILL RECOMMENDED.

Mr. FRELINGHUYSEN. I move that the bill (S. No. 1051) authorizing the extension of the patent granted to Harvey Lull, of Hoboken, New Jersey, for a self-locking shutter-hinge, be recommended to the Committee on Patents. It has been reported upon adversely by the Committee on Patents, and I move that it be recommended, as new evidence has been discovered relative to it.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1262) to apportion Representatives in Congress for the State of Alabama; which was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1263) to amend an act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1264) referring the claim of the heirs of Chauncey M. Lockwood to the Court of Claims; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. SARGENT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1265) relating to the promotion of rear-admirals on the retired list of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1266) to change the boundaries of the customs district for the eastern customs district of Maryland; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1267) respecting the retirement of Major-General Daniel E. Sickles; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RANSOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1268) to repeal an act entitled "An act supplementary to the act entitled 'An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia,' approved January 22, 1873;" which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

BUSINESS OF COMMITTEE ON PATENTS.

The VICE PRESIDENT. According to the order of the Senate, the Committee on Patents have the residue of the morning hour.

Mr. FERRY, of Connecticut. I ask permission to sit while I am presenting the business of the Committee on Patents.

The VICE PRESIDENT. If there be no objection, the Senator will retain his seat.

JOHN HAZELTINE.

Mr. FERRY, of Connecticut. I call up the bill (S. No. 620) authorizing the extension of the patent granted to John Hazeltine for a new and useful water-wheel. I ask to substitute for that House bill No. 4335, which is precisely the same.

The bill (H. R. No. 4335) authorizing John Hazeltine to make application to the Commissioner of Patents for the extension of his patent for a new and useful water-wheel was considered as in Committee of the Whole.

The Commissioner of Patents, upon due application made to him therefor, and upon the same evidence and rules of law as in ordinary extension cases, is by the bill authorized to extend the patent of John

Hazeltine for a new and useful water-wheel, issued to him March 25, 1856, for the further term of seven years from and after the passage of the act. The patent so extended is to have the same effect in law as if originally granted for the term for which it shall be so extended; but no person shall be liable for infringing such extended patent by reason of any manufacture, use, or sale subsequent to the 25th day of March, 1870, and prior to the passage of the act.

Mr. FERRY, of Connecticut. I wish to state that the bill is merely to enable Hazeltine to make his application to the Commissioner of Patents for an extension, he having by a mistake failed in presenting his application at the expiration of the first term of his patent to the Commissioner in time, so that there were not ninety days left in which to give the requisite notice. The committee find that it was without any laches on the part of Hazeltine, and it is one of those cases in which by the practice of the committee we have always given the relief which is proposed to be granted by this bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. Senate bill No. 620 will be postponed indefinitely, if there be no objection, so as to get it off the Calendar.

ANN JENNETTE HATHAWAY.

Mr. FERRY, of Connecticut. The next bill I call up is Senate bill No. 544, relative to the case of Hathaway. In that case also the House bill has been placed in my hands with the request to have it substituted for the Senate bill.

The bill (H. R. No. 1317) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The bill (S. No. 544) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion will be considered as indefinitely postponed, so as to get it off the Calendar.

REYNOLDS'S PATENTED BRAKE.

Mr. FERRY, of Connecticut. I call up next Senate bill No. 537. The bill (S. No. 537) for the extension of the patent known as Reynolds's patented brake for power-looms, was considered as in Committee of the Whole. It grants to Henry S. Van De Carr and Elsie M. Reynolds, administrators of the estate of Rensselaer Reynolds, deceased, and Gordon B. Reynolds, all of Stockport, Columbia County, New York, leave to make application to the Commissioner of Patents for an extension of the letters-patent granted to Rensselaer Reynolds and Gordon B. Reynolds for improvements in brakes for power-looms, under date of June 21, 1859, for the term of seven years from and after the expiration of the original term of fourteen years for which the letters-patent were granted; the application to be made in the same manner and have the same effect as if the same had been filed not less than ninety days before the expiration of the original term of the patent; and upon such application so filed, the Commissioner of Patents is to consider and determine the same in the same manner, upon giving the same notice, and with the same effect as if the application had been duly filed within the time prescribed by law, and as if the original term of the patent had not expired. No person is to be held liable for the infringement of the patent, if extended, for making use of such invention since the expiration of the original term and prior to the date of the extension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. MARSH.

Mr. FERRY, of Connecticut. I ask for the consideration of House bill No. 3170.

The bill (H. R. No. 3170) for the relief of John W. Marsh was considered as in Committee of the Whole.

The Commissioner of Patents, upon due application made to him, is by the bill authorized to extend the patent of John W. Marsh, of Oxford, Massachusetts, for a trimming attachment to sewing-machines, issued to him October 27, 1857, and reissued on the 6th day of September, 1859, and numbered in the reissue 809, for the period of seven years from the passage of the act, upon the same evidence and principle as if application had been made to him by the patentee in due time prior to the expiration of the patent; but no person or corporation is to be held liable for the infringement of the patent, if extended, for having made use of the invention therein patented since the expiration of the original time of the patent and prior to the date of the extension; and the extension, if granted, is not to impair in any manner the rights acquired by contract with the patentee prior to the extension, of any person or corporation, to use the invention.

Mr. SCOTT. I notice that the bill is for the extension of a sewing-machine patent. I should like to hear the report, if there is one in the case.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The report will be read.

Mr. DAVIS. I understand it to be a shaving-machine.

Mr. HAMILTON, of Maryland. A trimming-machine. The Chief Clerk read the following report submitted by Mr. WADLEIGH on the 6th of January:

The Committee on Patents, to whom was referred the bill (H. R. No. 3170) for the relief of John W. Marsh, having had the same under consideration, report:

This bill authorizes the Commissioner of Patents to extend, for the period of seven years from its passage, the patent of John W. Marsh, for a trimming-attachment to sewing-machines, issued to him October 27, 1857, and reissued September 6, 1859. It also provides that no person or corporation shall be held liable for the infringement of said patent, if extended, for having used the invention after the expiration of the patent and prior to its extension, and validates the contracts made by the patentee for the use of said invention.

The invention forms no part of the sewing-machine itself, but consists of a knife which may be attached to the machine and operated in connection with the needle. It is not adapted for use on the ordinary family sewing-machines, but only on the heavy machines for manufacturing certain kinds of ladies' and misses' boots and shoes. That its use cheapens the cost of manufacturing such goods is shown by the affidavits of leading manufacturers. The applicant is a mechanic in humble circumstances, with a family dependent upon his daily labor for support. His poverty and obscurity, with the discouraging opposition which he encountered, prevented his making application for an extension of the patent within the time limited by law. Your committee believe that he used all the means in his power to put his invention before the public and render it profitable, but that he has never realized any substantial benefit from it. No opposition has been made to the bill so far as your committee know, and the evidence shows that the applicant has made no assignment of the invention.

Under these circumstances your committee recommend the passage of the bill without amendment.

Mr. SCOTT. That brings up a class of extensions to which I think there is quite general opposition. I understand that this patent, while it is said to be no part of the sewing-machine, is yet an attachment to the sewing-machine; and thus by the successive renewals of the improvements which have been made to sewing-machines, the original patent having expired, the proprietors are enabled to keep up the monopoly and keep up the price of sewing-machines. I do not exactly understand why, if this invention was of importance enough to make it desirable to the boot and shoe trade, it was not profitable to the inventor during a period of some sixteen or seventeen years which it has run. If it was profitable, then the patent ought not to be extended. If it is not profitable, then it does not deserve an extension, for it is not very useful. I should like to have some explanation before I consent to the extension of a patent for anything connected with a sewing-machine.

Mr. FERRY, of Connecticut. Mr. President, the Senator from Pennsylvania is under a misapprehension, I perceive, as to the character of the bill. All patentees at the expiration of the first term of their patent, which is for fourteen years under the law applicable to this particular patent, are entitled to make an application to the Commissioner of Patents for a seven years' extension. This patentee, through mistake, did not make that application in time to allow ninety days, which the law requires for notice to be given so as to have the Commissioner have jurisdiction. The bill permits him, notwithstanding his failure to present his application so as to give the requisite ninety days of time, to make it now, and then the Commissioner proceeds under the ordinary rules. So much for the character of the bill. It is not an extension in any shape.

In the next place, as is said in the report, this little invention is a knife, a cutting implement which can be attached to the sewing-machine in the manufacture of boots and shoes. It is good for nothing else. Like most other improvements, it failed during the first term to bring any remuneration to the inventor; and even if it had brought remuneration to the inventor during the first term, he had under the statute the right to go to the Commissioner and make an application and let the Commissioner decide upon that question. We decide nothing about it; we simply say, "For this mistake into which you have fallen with regard to the length of time in which you should make your application to the Commissioner you have been guilty of no negligence, no fault, and we allow you to go and make your application, and we give the Commissioner jurisdiction." That is all the bill does. The only misfortune in the case is the prejudice attaching to anything connected with the sewing-machine.

Mr. SCOTT. I did not misapprehend it. I understood that this was a bill granting to this party a right which he has lost by the failure to make the application which the law permitted him to make. There may be circumstances which would account for the failure; but if it be a valuable invention, certainly the attention of the proprietor would have been directed to the importance of renewing his patent within the time allowed him by law. It seems he had not his attention directed to it; he permitted the time to go by; and we are now simply relieving him from the consequences of his own negligence, for the purpose of perpetuating another of these patents which are attached to sewing-machines. It is just as important to relieve the boot and shoe business from the monopoly of this invention as it is to relieve the homes of the country from the monopoly for the other improvements which have been made on sewing-machines.

I simply wished to arrest the attention of the Senate a moment to the fact that they are making another extension, or permitting application to be made for another extension of one of the monopolies on sewing-machines. I shall vote against it myself.

Mr. WADLEIGH. Mr. President, this is not an attachment to a sewing-machine in any such sense as the Senator from Pennsylvania has intimated to the Senate.

Mr. SCOTT. Then I will ask, is it of any use unless it is attached to a sewing-machine?

Mr. WADLEIGH. It is of no use unless it is attached to a sewing-machine, because it is only used with certain sewing-machines for certain kinds of work in making boots and shoes. It is good for nothing else. It can be used with sewing-machines or can be used without. It can be attached or not attached. It is not a part of the sewing-machine at all. This is a case where a poor man made the invention; on account of his poverty he was unable to procure any remuneration. He is justly entitled to it; and I think in conscience, in good faith to him as an inventor the Senate should pass the bill. There was no opposition to this bill from any quarter. Quite a number of leading manufacturers testified that the invention was a valuable one. It is a case such as often occurs, where a poor inventor has been unable to procure any remuneration for his valuable invention, and in this case his poverty was one of the reasons why he did not make the application in season.

Mr. HAGER. How long has the patent run?

Mr. WADLEIGH. Only fourteen years.

Mr. WRIGHT. I should like to ask the Senator from New Hampshire, who has the bill in charge, a question. He says there was a failure to apply within the ninety days, and he now asks to be relieved from the difficulty arising from the failure to apply within that time. Why did he not apply?

Mr. WADLEIGH. The main reason why he did not apply was on account of his poverty and his inability to comply with the law by furnishing the necessary funds. It is a case of extreme poverty where a poor man should be entitled to an extension.

Mr. WRIGHT. How long since that time has expired?

Mr. WADLEIGH. I do not recollect the time, but the report will show.

Mr. FERRY, of Connecticut. A very short time. All these cases are short.

Mr. CAMERON. I trust we shall not grant this request. It is only another means of extending the patents for sewing-machines. If this thing is so valuable as the Senator from New Hampshire says it is to this very poor man, why cannot the rich owners of the patent-right for sewing-machines pay him for his invention? They cannot use it without his permission, and if they will pay him a fair price for it, it will become a part of their property; but on the other hand, if you give him a patent-right now for that, it makes the monopoly of the original machine live as long as this patent-right, if it is reissued, lives. In other words, those people who have had fourteen years exclusive right to the use of their machine, will, by patenting this little knife as it is called, get it for twenty-eight years—fourteen years more.

It is time the Senate and Congress should stop this system of giving patents for portions of this machine which operate so strongly against the interests of the poor. Sewing-machines are used almost entirely in the houses of the poor, generally in the houses of the very poor, and they cost from seventy to eighty dollars and sometimes more for a single machine. You can buy a sewing-machine for twenty dollars in England. They can be made in this country without the ornaments which they often have upon them for fifteen dollars. Immense fortunes have been made already, and it is time the public should have the benefit of this machine for which the public has already paid so much money. I shall never vote, as long as I am here, for any bill which goes to give any further life to a patent-right connected with sewing-machines.

Mr. MORRILL, of Vermont. I think there is a misapprehension about this attachment applying to the ordinary sewing-machine. It does not, so far as I am informed, apply to anything except the machines that are used for making shoes and boots; and it has so much of merit that I understand the manufacturers of leather make no protest whatever against this poor man's having this extension of his patent.

Mr. CRAGIN. This attachment does not apply to the general manufacture of boots and shoes, but only to those ladies' shoes which are foxed or have enameled leather put on over cloth and stitched with white stitches, and this follows right around the needle and trims the leather, instead of doing it by hand. It is good for nothing else. It applies to no sewing-machine for any other purpose whatever. It is just simply for manufacturing a certain class of ladies' shoes that it is necessary to trim around the stitches in scalloped form.

The bill was reported to the Senate without amendment.

Mr. CAMERON. I ask for the yeas and nays on ordering the bill to a third reading.

The yeas and nays were ordered.

Mr. FERRY, of Michigan. If I understand the chairman who has reported this bill, the right which is proposed to be given to the inventor of this knife gives no right whatever to the sewing-machines.

Mr. FERRY, of Connecticut. Not the least. It is just what the Senator from New Hampshire said.

Mr. FERRY, of Michigan. It is simply an attachment. If the right of any owner of a sewing-machine is affected, I cannot see it. If an owner of a machine uses this attachment, the right to it is a privilege the owner may exercise in ordinary circumstances. It gives him no additional right. I do not understand this to be giving additional life to any sewing-machine patents now in existence. I shall therefore vote for the bill.

Mr. HAMILTON, of Maryland. I think there is a misunderstanding about this bill. It is not about sewing-machines. This is a clipping-machine. I voted against the sewing-machine patents last year.

The question being taken by yeas and nays, resulted—yeas 14, nays 25; as follows:

YEAS—Messrs. Clayton, Cooper, Cragin, Edmunds, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Hamilton of Maryland, Hitchcock, Howe, Morrill of Vermont, Morton, Sargent, and Wadleigh—14.

NAYS—Messrs. Allison, Boggs, Boreman, Cameron, Chandler, Davis, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Texas, Ingalls, Kelly, McCreery, Merriam, Mitchell, Patterson, Pratt, Ramsey, Scott, Sprague, Thurman, Tipton, West, and Wright—25.

ABSENT—Messrs. Allison, Anthony, Bayard, Boutwell, Brownlow, Carpenter, Conkling, Conover, Dennis, Dorsey, Fenton, Gordon, Hamlin, Harvey, Johnston, Jones, Lewis, Logan, Morrill of Maine, Norwood, Oglesby, Pease, Ransom, Robertson, Saulsbury, Schurz, Sherman, Spencer, Stevenson, Stewart, Stockton, Washburn, and Windom—33.

So the bill was rejected.

Mr. PRATT subsequently moved a reconsideration of the vote by which the Senate refused to order the bill to a third reading; and the motion to reconsider was entered.

THOMAS AND WILLIAM L. WINANS.

The PRESIDING OFFICER. The morning hour having expired it becomes the duty of the Chair to call up the unfinished business.

Mr. FERRY, of Connecticut. I ask for half an hour longer. I think in half an hour we can finish three or four more bills from the Committee on Patents.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and the Committee on Patents will have an additional half-hour.

Mr. FERRY, of Connecticut. I call up House bill No. 3424.

The bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans was considered as in Committee of the Whole. It authorizes the parties named to renew, at any time within six months from the date of the passage of the act, an application heretofore made by them on or about the 7th day of May, in the year 1866, for letters-patent of the United States for certain improvements in the construction of steam-vessels, and the Commissioner of Patents is authorized to hear, examine, and decide upon such renewed application as though the same had been made within the time now prescribed by law.

Mr. CAMERON. I wish to know whether there is any report in connection with that case.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. JOHNSTON on the 19th of June, 1874:

The Senate Committee on Patents, to whom was referred the bill (H. R. No. 3424), adopt the following report by the Committee on Patents of the House of Representatives:

"To the House of Representatives:

"Your committee, to whom was referred the petition of Thomas and William L. Winans, asking that the Commissioner of Patents may be authorized to hear and act upon an application for letters-patent which was made on or about the 7th of May, 1866, and rejected on the 11th of August of the same year, for an improvement which the applicants believed they had made in the construction of steam-vessels, report as follows:

"It appears that on the 26th of October, 1858, Thomas Winans, one of the petitioners, and Ross Winans, obtained letters-patent for an improvement in the construction of the hulls of steam-vessels, the longitudinal sections of which were all arcs of, and the cross-sections of which were all true, circles. The vessel, the form of which was thus patented, is popularly known as the "cigar-steamer." The patentees, Ross and Thomas Winans, seem to have commenced actual experiments to test the value of this novel form of construction by building a vessel of upward of two hundred and fifty tons burden in Baltimore, not long after they had obtained this patent, and with this, trials, involving alterations in the length and outline of the hull, and in other respects, were made up to the breaking out of the rebellion, which put a stop to them in this country, and obliged them to continue them in England, where a large experimental vessel was built; another, also experimental, in France; and a third in Russia, also for experiment; making in all four vessels, whose only value consisted in the facility they afford for testing the merits of this most original principle of construction. The novelty of the idea, the change of all preconceived notions that it involves, made it necessary that the patentees should be at the expense of all experiments that were made, and, indeed, of every outlay connected with the invention. This outlay, thus borne by the patentees, amounted in October last to upward of \$1,200,000, and has resulted in demonstrating, to the satisfaction, at all events, of the patentees, the success of this idea so far that they are said to be about commencing the construction at an early day, at their own cost, of two ocean-steamers for transit between Europe and the United States. The facts here stated are taken from copies of the testimony laid before the Commissioner of Patents, when, on the 26th of October, 1872, he extended the letters-patent here referred to.

"While these experiments were in progress, and before any definite conclusion had been reached by the patentees, Thomas Winans and his brother, the petitioner, William L. Winans, invented an improvement upon the invention so as aforesaid patented by Ross and Thomas Winans, looking to the best mode of constructing the decks of the spindle-shaped vessel. This was in the year 1866, when Thomas and William L. Winans, the latter being then interested in the original patent, were busily engaged with their English vessel near London. For this improvement the application was renewed for letters-patent, already mentioned, in 1872, when the petitioners were advised of said rejection; besides, being absent from the United States and engrossed in the experiments referred to, they were by no means confident that they would be able to surmount the difficulties and discouragements they met with, and, unless they did overcome them, there would be no occasion for any such improvement as the invention contemplated; unless the vessel were a success the deck must necessarily be valueless, existing only in the description of a specification to letters-patent.

"At this time, August, 1866, there was no limitation as to the time within which a rejected application for letters-patent might be renewed, and the applicants seem to have thought it unnecessary to press said application until the success of the steamer itself was more assured. At last, when this ceased to be longer doubtful, they renewed, within a few months past, their application, only to find that in the mean time the act of 1870 had been passed relating to patents, the thirty-fifth section of which provided that when an application has been rejected or withdrawn prior to the passage of the act, the applicant shall have six months from the date of such passage to renew his application or to file a new one.

"Looking to all the circumstances here stated, the committee had thought it not more than proper that the petitioners should be permitted to go again before the Commissioner of Patents and prosecute their application as though they had done so within the time limited by the act of 1870. Looking to the extraordinary expense incurred by Ross and Thomas Winans, with whom the committee have been informed William L. Winans is identified in this matter, it seems no more than reasonable that if an invention peculiar to the hull of the vessel has been made by two of the parties, an omission to conform to a change in the law of which they were ignorant should not deprive them of an opportunity of making good their claim to originality, should it be in their power to do so."

The committee therefore recommend the passage of the accompanying bill.

Mr. CAMERON. I know something about this matter, and I can see no objection to the bill. I know Mr. William L. Winans very well. He is a man of great enterprise and great fortune, and he is spending his fortune in making what he believes to be improvements in the hulls of steam-vessels. There is nothing here that can interfere with the interest of anybody, and a great deal that may be a public blessing if he succeeds.

Mr. William L. Winans was one of the first men I met in Europe after the beginning of our war who invested his money in our funds. In May, 1862, he took \$500,000 of our bonds, and paid for them par in gold. He did so only because he had a great desire that the Republic should be sustained in its unity.

As to this machine of his, I have heard of it for several years, and I know that he has been paying great attention to the subject for the last eight or ten years. These gentlemen believe they can invent such a vessel as will enable them to go from Baltimore to Liverpool in from five to six days, or perhaps in less time. Certainly this extension can do no harm to anybody.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

INDUCTION-APPARATUS AND CIRCUIT-BREAKERS.

Mr. FERRY, of Connecticut. I ask for the consideration of Senate bill No. 1149.

The bill (S. No. 1149) declaring the meaning of an act approved March 9, 1868, relative to a patent for induction-apparatus and circuit-breakers, was considered as in Committee of the Whole. It declares that the act approved March 9, 1868, authorizing the issue of a patent for "induction-apparatus and circuit breakers" shall not be construed as authorizing the issue of a patent for any invention applicable to telegraphic apparatus; and any issue under color of that act of letters-patent for any such invention applicable to telegraphic apparatus is declared to be null and void, as contrary to the meaning and intention of the act.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONKLING subsequently said: A few moments ago a bill passed on the report of the Committee on Patents which I supposed to be in charge of another committee of the Senate, and as to which I wanted to be heard. It is Senate bill No. 1149, proposing to construe the rights involved in certain judicial questions which may have arisen under an act passed in 1868. The bill is entitled "An act declaring the meaning of an act approved March 9, 1868, relative to a patent for induction-apparatus and circuit-breakers." I move to reconsider the vote by which the bill passed. I presume the Senator from Connecticut will not object to it, as I was misled, believing it was before another committee and not having my attention directed to it.

Mr. FERRY, of Connecticut. O, no; I make no objection.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the bill was passed.

The motion was agreed to.

Mr. CONKLING. The bill now takes its place on the Calendar, I suppose, without my moving to reconsider the vote by which it was read the third time. I ask that it resume its place on the Calendar. I suppose the Senator from Connecticut would not like to have me exhaust the residue of his time, which has nearly expired now. Whenever it is to be considered, I want to be heard in regard to it.

Mr. FERRY, of Connecticut. I should like to get that bill out of the way. I have no feeling at all in regard to it, but I have a perfect knowledge of the facts. Still it may go on the Calendar, if the Senator desires.

The PRESIDING OFFICER. The bill will take its place on the Calendar.

LUTHER HALL.

Mr. FERRY, of Connecticut. I now call up Senate bill No. 993.

The bill (S. No. 993) for the relief of Luther Hall was considered as in Committee of the Whole. It provides that the Commissioner of Patents, upon due application made to him therefor, and upon the same evidence and rules of law as in ordinary extension cases, may extend the patent granted to Luther Hall and S. S. Hemenway September 28, 1859, and numbered 25605, for a machine for shaping heels of boots and shoes, for the term of seven years from and after the passage of the act.

The bill was reported to the Senate without amendment.

Mr. WRIGHT. I ask the Senator from New Hampshire who reported this bill and has it in charge to state to us some reasons why it should be passed.

Mr. WADLEIGH. In this case the patentee, as the evidence showed, has not received a sufficient remuneration for his invention. It was

put into the hands of a corporation called the McCay Manufacturing Company or something of that kind, who used it and whom he was compelled to allow to use it, but the amount paid by them was not sufficient remuneration. In fact he has received nothing for his invention beyond his expenses. He made an agreement in writing with this company by which they were to apply to the Commissioner of Patents for the extension of that patent. Either from design or mistake they did not make that application; and immediately upon his learning that they had not performed that contract he applied to Congress for leave to make the application which they had agreed to make, but which for the purpose of defrauding him, or for some other purpose, they did not make.

Mr. WRIGHT. I would like to have one further explanation, and that is, how long was it after this patent expired before the patentee found out that the company had not made the application? When did the time expire?

Mr. WADLEIGH. Immediately upon his learning that they had not made the application, as they agreed to do, he applied to Congress. It was some months after that that he applied for relief.

Mr. WRIGHT. That still does not answer my question. The question I asked is this: after the term of fourteen years expired, how long was it before he made his application?

Mr. WADLEIGH. The fourteen years expired I think in 1873. He made this application I think some nine months after the expiration of the time, as soon as he ascertained the fact.

Mr. FERRY, of Connecticut. At the very next session of Congress?

Mr. WADLEIGH. At the very next session of Congress.

Mr. SCOTT. I should like to ask one further question. Is the corporation with which he made this contract still entitled to the benefit of the patent if it be renewed?

Mr. WADLEIGH. Not at all. When he ascertained that that corporation had not performed their written contract with him, he made application to friends who assisted him in carrying on this application for leave to apply to extend the patent. That company has nothing to do with this application.

Mr. FRELINGHUYSEN. They have been using it ever since?

Mr. WADLEIGH. They have been using it ever since.

The bill was reported to the Senate without amendment.

Mr. WRIGHT. Allow me to ask one other question. I understood the Senator from New Hampshire to say just now that this company with which he had the contract had been using this machine all the time and up to the time that this application was made to Congress, for nine months, without any patent. I should like to know how that is.

Mr. WADLEIGH. I suppose that this corporation have been using it. They were manufacturing this machine when they made this written contract with the patentee to apply for the extension of the patent, and as I understand they have been managing it ever since. The question for the Senate is whether this company is to profit by what seems to the committee to be a fraud on this poor man, the patentee; and if my friend from Iowa intends to further their plans in committing that fraud, he will vote against this bill.

Mr. WRIGHT. I do not propose to do that, but I propose to know and ascertain for certainty that this company will not get the benefit of the extension if it be made. I cannot see but that the company are to get the benefit of this extension. They have been using the patent ever since, and no doubt under some contract in writing as they suppose. Up to the time of the expiration of the patent and since that time they have been using it, doubtless because they supposed they had a right to do so under their contract. As far as I can see, if this extension be granted they get the benefit, and not this poor man.

Mr. WADLEIGH. That is the thing the committee have investigated, and they find, as I said before, that such will not be the case. This company have no right in extending the invention. To be sure they went on using the invention before the time expired under the contract with this patentee, which expired with the expiration of the patent, and since that time they have been using it because, there being no patent in existence, they neglecting to perform their contract and make application for its extension, they have a right of use against this inventor. Now, it is proposed to give him an opportunity to apply to the Commissioner to extend the patent which he had and which he lost by the neglect of this very corporation, the only party in this country that is making these machines. It is to allow him to apply for the extension they agreed to apply for the benefit of the patentee, and there is no contract under which that company will receive any benefit from this extension.

Mr. SCOTT. That induces one further question. Is this a responsible incorporation? Because if it is, then this patentee ought to proceed against them for damages upon that contract to recover from them the value of his patent for not having it renewed according to the contract.

Mr. FERRY, of Connecticut. He is not worth six dollars in the world.

Mr. SCOTT. I am speaking of the corporation?

Mr. FERRY, of Connecticut. The truth is he cannot sue that corporation; he has not the means practically, and there is no relief except from Congress.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTIANA L. WILLIAMS.

Mr. FERRY, of Connecticut. I call up House bill No. 4202.

The bill (H. R. No. 4202) to enable Mrs. Christiana L. Williams, administratrix of the estate of C. W. Williams, deceased, to make application to the Commissioner of Patents for an extension of letters-patent for improvements in canal locks and gates was considered as in Committee of the Whole.

It grants to Christiana L. Williams, as administratrix of the last will and testament of C. W. Williams, deceased, of Port Jervis, leave to make application to the Commissioner of Patents for an extension of the letters-patent granted to C. W. Williams for improvements in canal gates and locks, of date the 29th day of November, 1859, for the term of seven years from and after the expiration of the original term of fourteen years, for which the letters-patent were granted.

Mr. CAMERON. Mr. President, I think we had better not pass this bill. The State of New York and the State of Pennsylvania are perhaps the only two States in this country that are largely interested in canal-locks. I do not think there has been an invention in many years to improve the value of canal-locks, and all these extensions only give trouble to people engaged in the canal business without benefiting any persons except the patentees. This whole system of interference by Congress with patent-rights is wrong. By general laws I believe the officers of the Patent Office have a right to extend under certain regulations a patent for seven years.

Mr. FERRY, of Connecticut. This patent has run fourteen years, and by a mistake of the attorney of the patentee, who was to apply to the Commissioner for an extension for seven years under the existing law, the application failed to reach the Patent Office in time; and the petitioner asks that she may present her application at the Patent Office for the seven years' extension that is provided by law.

Mr. CAMERON. That is a very plausible excuse; but if this patent is worth anything to the owners they would have taken care to protect their interests; their attorneys would have been there in time. There is no difficulty about getting a patent renewed under the existing laws at the Patent-Office. There persons are employed to investigate all these cases. They understand all the laws; they understand the merits of the applications. We come here without any time to investigate them. Generally we are governed by feeling, and often we are not informed on the subject at all. Bills are brought in as they are to-day without possibly anybody except the chairman of the committee having examined them at all. He possibly has not had time to look into the case thoroughly. I think the better way is to vote them all down; and let us rely on the laws, which are very liberal for the reward of inventors.

Mr. FERRY, of Connecticut. One word. This bill is simply to rectify an inadvertence which could not have been prevented. I read from the report:

Within ample time, as prescribed by the law, said Williams forwarded to his attorney resident in the city of Washington his statement of facts and the proofs in the case, with instructions to apply to the Commissioner of Patents for an extension. The affidavit of the attorney submitted in the case states that owing to his absence from the city he did not receive the papers and instructions until the time for making said application for extension of said patent as required by law had expired some two or three days.

He asks, and the committee report in favor of letting this petitioner go to the Commissioner notwithstanding this mistake.

The bill was reported to the Senate without amendment, and ordered to a third reading.

The PRESIDING OFFICER. The question is on the third reading of the bill.

Mr. CAMERON called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 14, nays 25, as follows:

YEAS—Messrs. Allison, Boutwell, Ferry of Connecticut, Frelinghuysen, Hamilton of Maryland, Howe, Johnston, Mitchell, Morrill of Maine, Pratt, Ramsey, Spencer, Sprague, and Wadleigh—14.

NAYS—Messrs. Alcorn, Bayard, Cameron, Clayton, Cooper, Cragin, Davis, Ferry of Michigan, Flanagan, Gilbert, Hager, Hamilton of Texas, Ingalls, McCreery, Merrimon, Norwood, Ransom, Robertson, Sargent, Scott, Thurman, Tipton, West, Windom, and Wright—25.

ABSENT—Messrs. Anthony, Bogy, Boreman, Brownlow, Carpenter, Chandler, Conkling, Conover, Dennis, Dorsey, Edmunds, Fenton, Goldthwaite, Gordon, Hamlin, Harvey, Hitchcock, Jones, Kelly, Lewis, Logan, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Saulsbury, Schurz, Sherman, Stevenson, Stewart, Stockton, and Washburn—33.

So the bill was rejected.

ARKANSAS BOUNDARY LINE.

Mr. CHANDLER. I now ask for the regular order.

The PRESIDING OFFICER. The time allotted to the Committee on Patents having expired, the regular order comes up, which is the unfinished business of Saturday—the steamboat bill, so called.

Mr. McCREERY. I ask unanimous consent to proceed to the consideration of Senate bill No. 679.

Mr. CHANDLER. I object, and insist on the regular order.

Mr. CLAYTON. I hope the Senator from Michigan will allow us to take up this bill. I do not think it will take five minutes to pass it.

Mr. THURMAN. If the request of the Senator from Kentucky is that the pending order may be passed by informally so that we may call it up at any time we please, I shall not object to his application.

The PRESIDING OFFICER. The Chair understands such to be the application of the Senator from Kentucky.

Mr. CHANDLER. With that understanding, I shall not object.
Mr. MCCREERY. It is the bill relative to the boundary line between the State of Arkansas and the Indian country.

There being no objection, the bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country was considered as in Committee of the Whole.

Mr. SARGENT. I want an explanation of this bill. If this bill takes land from the Indian Territory, circumscribes the Indian Territory west of the Arkansas line, a liability of the Government to pay indemnity to the Indian tribes is created by this bill. If there is a doubtful question between the Indian Territory and the citizens of Arkansas which is settled by this bill, the liability still arises. Now, I wish to know whether, by the passage of this bill in this summary way, we are laying the foundation for a claim on behalf of the owners of land in the Indian Territory for large payments of money, hereafter to be settled by negotiation, by treaty, or by some other method, by which the United States will be burdened. I should like to know that there is nothing of that kind in this bill. If there is, I for one shall oppose the bill.

Mr. CLAYTON. I think I can give the necessary information. Some forty years ago a line was established by the United States between the State of Arkansas and the Indian Territory. Upon that line the Government surveys were made and closed, and the land thus surveyed to that line was settled by settlers and patents given to the settlers. The settlers have been in possession of the land from that day to this. Some ten or twelve years ago, I think, a new line was surveyed, which was intended to be a correction of the first survey. This new line varied very much from the original line.

Mr. THURMAN. Under what authority was the new line run?

Mr. CLAYTON. I do not remember whether by Congress or by the authority of the Secretary of the Interior. This is the condition of affairs. It will be readily seen that the line upon which the Government surveys were run and titles given to the lands ought to be made the line between the Territory and the State of Arkansas. It would lead to endless confusion if any other line were established. It would throw citizens of Arkansas into the Indian Territory; it would leave those citizens with a claim upon the United States for the lands that the United States has patented to them. It would lead to endless confusion. This proposition is to establish as the permanent line the line which was first established by the General Government, and upon which the surveys were closed and titles given to the lands. It does not give any claim at all to the Indians more than they now possess. The citizens of Arkansas are upon these lands, and it is merely to quiet their title and avoid confusion as to taxation and citizenship that this line should be fixed as the permanent line. I hope there will be no objection to the bill. It is a matter of considerable importance to the citizens of that State living on that line.

Mr. THURMAN. Does the State of Arkansas object?

Mr. CLAYTON. No, sir; the State has no objection. We desire it.

Mr. THURMAN. Has the Legislature petitioned for it?

Mr. CLAYTON. Frequently. I understand this bill was thoroughly investigated by the Committee on Indian Affairs and reported unanimously. I think if any person will look into it he will see the necessity of its passage.

Mr. SARGENT. It may be that the bill is very necessary; but it seems to me that some gentleman who has critically examined it should be able to explain to us under what authority the new line was run some ten or twelve years ago; what equities of the Indians led the Government to investigate that matter and order a new line to be run. I should like also to be informed on the legal proposition whether by running that line the Government became a guarantor for the Indians that they should be retained there, and consequently if there is a legal liability for the lands which, by establishing this line over again, we divest the titles of the Indians to.

Mr. CLAYTON. I will ask the Secretary to read the report from the Land Department.

Mr. CHANDLER. I call for the regular order.

Mr. CLAYTON. I hope the Senator will not do it.

Mr. CHANDLER. I must. The understanding was that this bill should not lead to debate.

Mr. CLAYTON. If the Senator will allow the report to be read, I will withdraw any further opposition if there is debate after that.

Mr. CHANDLER. This bill can come up after the passage of the steamboat bill.

Mr. CLAYTON. Will the Senator allow the report to be read?

Mr. CHANDLER. I call for the regular order.

STEAMBOAT LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes.

Mr. CONKLING. Mr. President, I regret the objection made by the Senator from Michigan—

Mr. THURMAN. Will the Senator allow me to make a motion to strike out?

Mr. CONKLING. Not at this moment. I will not interfere with the Senator at the proper time, but he interrupts me in the midst of a different suggestion. I had commenced to express my regret that the Senator from Michigan feels moved to object to the consideration

for the moment of the bill pressed by the Senator from Arkansas, for the reason, among others, that the business the Chair calls up is too grave to proceed without a quorum of the Senate. There is, I think, no quorum present; and I question very much whether any great headway is to be made in the consideration of the steamboat bill in such a condition of the body. There are in the proposed bill seventy-three sections. I have amendments which I wish to offer to forty-odd of these sections. I think other Senators have other amendments; but to that point they will speak. I wish to offer two amendments to the first section of the bill; and I should like to have them passed upon by the Senate, not in the absence of the Senate. If Senators insist upon proceeding with the steamboat bill so called, and insist that the argument of those who distrust it shall be made in the absence of those by whom the votes are to be given, I think a time will come when we shall have a right to insist that we do not go on unless there be a quorum of the Senate. I do not believe it is an economy of time to attempt to proceed now with the steamboat bill. It is a contested matter, and it will occupy some time. There being a refusal virtually on the part of all those supposed to espouse it to make any explanation in its behalf, and those who distrust it being called upon to assign their objections to it, I for one shall have to wander blindfold; and although I need not assure the Senate that I shall not be guilty of the disrespect of addressing the Senate for the sake of consuming time, I shall be obliged, if I must proceed without explanation of the effect of the bill or the changes it makes, to go somewhat at large into the reasons which weigh with me against this proposed voluminous legislation. Having my copy of the bill before me, I have marked it section by section; and, as the Senator from Pennsylvania [Mr. SCOTT] will confirm me in saying, there is in the mode of proceeding to which we are committed no way for me except to take up the bill and point out step by step the defects and objections which I find. If there be no other way, I will proceed to do it; but, as I have already said, I should like the Senate to be here and not be absent when the subject proceeds.

Mr. CAMERON. I think we had better let this bill lie over for a day or so. I shall have some amendments to offer to it myself. I do not often consume the time of the Senate; but this bill is one in which my constituents have a great deal of interest, a great deal more than they usually have in measures considered here. It may affect them much more largely than the Senate now thinks. Therefore I should prefer to have the bill lie over for another day. Above all things, I would be unwilling, like the Senator from New York, to take up this important bill with so thin a Senate as we have to-day. I can see no harm to arise to anybody or anything by letting it lie over; and I move that the Senate pass it over.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to postpone the further consideration of the bill until tomorrow.

Mr. THURMAN. Has the Senator from New York yielded the floor?

Mr. CONKLING. I will state the facts to the Senator, and he can judge as well as I can. I wish, at some time when I do not incommode any other Senator, to address the Senate touching the bill now pending; but if I am compelled to proceed in the absence of I think nearly two-thirds of the Senate, as I have already said, I shall submit, as I always do, to the pleasure of the Senate; and yet I would very much prefer to have this bill acted on in a different way. I have no speech to make. I do not wish to do anything in regard to this bill except to discharge my duty in bringing to the Senate such information as I have; and I will say further, as I intended to do it before, that there are several Senators—perhaps I may be pardoned for referring to one—the Senator from Vermont [Mr. EDMUNDS]—peremptorily constrained this morning to be elsewhere, who would like to be here, who have something to say and suggest about this bill; and therefore, as well on their behalf as on my own, I should like to have it go over for a day or two until we can consider it under circumstances a little more favorable than those which present themselves now. Whether that amounts to a vacation of the floor the honorable Senator can judge as well as I can.

Mr. THURMAN. I inquired of my friend from New York whether he had yielded the floor. I confess that I am no wiser after having heard him than I was when I put the question. It results from the fact, I suppose, that he did not, to use his own language in reference to the Senator from Pennsylvania nearest me [Mr. SCOTT] yesterday emphatically take his seat. What "emphatically taking a seat" is, I confess I do not quite understand. The Senator said yesterday that the Senator from Pennsylvania nearest me "certainly did emphatically take his seat." As I did not know whether the Senator from New York took his seat emphatically or otherwise, I asked him whether he had taken his seat at all.

Mr. CONKLING. He has taken his seat *de bene esse*. [Laughter.]

Mr. THURMAN. Because if he had not taken his seat, then the Senator from Pennsylvania [Mr. CAMERON] had no right to make the motion to postpone the bill. But to leave all this, Mr. President, I do not care whether the motion to postpone be made or not. I am as desirous as any one to hear the Senator from New York. We all are. We all want to know everything that can be properly said for or against this bill. But I submit to the Senator that if he is to take the floor at two o'clock, which happens to be lunch-time, any day between now and the 4th day of March, he will very probably

find that there is not a quorum of the Senate present; but he will not speak long before there will be a quorum present. It is a very disagreeable thing, I know, to speak when nearly all the seats in the Senate are empty. I recollect, the Senator will recollect, that I had to proceed once to address the Senate on the subject of the distribution of the Alabama award, involving fifteen and a half million dollars, with interest, when there was not one-third of the Senate present, and the men that were not present were the men who came in afterward and by their votes determined the question and determined it egregiously wrong, in my humble judgment. That is a fate that may befall us all. I know the Senate desire to hear the Senator from New York, and I think as soon as it is known that he is speaking on this bill they will all come flocking into their seats. The moment it is known that his flag is up and his sword drawn, they will all be here. He need not have the slightest fear that he will not have audience. He will sound the alarm-whistle, for it will be a matter of alarm, that there are breakers ahead of this bill and that it is necessary for everybody to be on the lookout. I hope, therefore, my friend from New York will proceed; he will never have a better hearing than he will have to-day.

We know this bill was lost before at the short session because there was not time to consider it. If that is to be its fate again I shall regret it exceedingly. It is a bill that is deeply interesting to a very large interest of this country, and it ought to be fairly considered. It is now before us. It has passed the House of Representatives; it is here for disposition; and there is little enough time to consider it and dispose of it. In a day or two the Senator from Maine [Mr. MORRILL] will be up here with appropriation bills, and then we know everybody has to get out of the way. You can no more stand in the face of one of those bills than you could stand in the face of a locomotive. You would meet about the same fate if you were to undertake to antagonize one of his bills as to undertake to throw a locomotive off the track with your head. We know therefore what is the fate of putting this bill off. I hope, then, the Senator from New York will consent to go on to-day, and I am quite sure he will have the audience of as large a Senate as he will any day that he may speak on this bill. I have not the slightest doubt about it. He knows that he is always listened to with attention, and he knows that he always draws a full house.

Mr. CONKLING. The Senator from Ohio is unusually facetious this morning. He has proposed that we should blow a steamboat whistle. After hearing him I should prefer to blow a fog-horn. I feel like ringing my fog-bells after hearing my honorable friend. He says that lunch-time is two o'clock. That is a piece of news to most of us. I never find time to eat lunch myself, and especially not at two o'clock. I did not know that two o'clock was lunch time. I did observe that shortly after one the Secretary paused for a long time for want of a quorum on a call of the yeas and nays upon a patent bill; and finally, when the Senator from Texas [Mr. HAMILTON] happened to come in at that moment, that one unit made a bare quorum and enabled the Secretary to report the vote. But the Senator from Ohio tells us that the Senators are out eating lunch and that two o'clock is lunch-hour, and taking the whole facts together I judge that they retired half an hour in advance in order to prepare their minds for that interesting ceremony.

Now, Mr. President, the Senator relates as a part of his marvelous experience that he once addressed the Senate in the absence of two-thirds of the body and he charged me with remembering it. I remember no such thing. I remember nothing about the Senate on that occasion. My memory of the Senator's speech is so vivid that it is impossible for me to recollect anything in regard to the Senate or anybody else except the Senator himself. I did not suppose that it would be possible that such a thing as he alleges could have happened.

But, Mr. President, to be serious, I know as well as does the Senator from Ohio that it is a matter of very small moment whether I have audience, in the sense in which he employs that word, touching the bill before us. It is, however, of great consequence whether a majority of the Senate, whose votes are to decide this bill, know anything about it or not. Thus far, as I shall show I think when I come to that, it has received no consideration at any time in the Senate or in any committee of the Senate which would satisfy the requirement in the case of the most trivial measure of legislation. It was once discussed in the Senate at an evening session; it never has been considered at any other time; and I insist that a measure so important, before it becomes or fails to become a law, ought at some time to receive as much attention from the Senate as is given to a motion to adjourn or to go into executive session. It requires a quorum to go into executive session.

The Senator says that it is highly important to a large interest in the country; and then, as at other times, the Senator is pleased to utter himself as if there was something local, something sectional, something of geography in the residence of those concerned in this bill. I beg to say to the honorable Senator that I have the honor to represent in this Chamber more men interested in this bill than he does. I should like to know what State of this Union is interested in the navigation of this continent and the laws that govern it, if New York is not interested. The Senator speaks of western rivers, as if rivers prevailed wholly in the West. He seems to have blotted from his map the Saint Lawrence and the Hudson and other rivers

of which some of us know, or else he seems to forget that he has here a measure applying not only to western rivers but to all the arms of the sea in the vicinity not only of New York but of all New England and of every State that touches the coast for three thousand miles of coast-line and every State which has internal navigation within it or approaching its borders. There is nothing therefore of section or locality in the measure before us. It appeals to the common interest of all, and to the interest of commerce and navigation wherever that interest is, from sea to sea, and from the Saint Lawrence to the mediterranean sea of Mexico. I believe that those whom I represent have an interest greater than that of money in this measure. They who are owners of steamboats believe they have; and no men are more earnest in their remonstrance against some of the provisions of this bill than men who have great sums of money embarked in steamboat ventures. Certainly, one thing that I shall not be called upon to do, is to say anything in disparagement of the class of citizens to whom I now refer. They are among my constituents in great numbers; "steamboat men," as they are called, are among my personal and political friends in great numbers; and I have nothing to say about this bill which I would not say in their presence and hearing, and as I have a right to say, with their approval and commendation, for steamboat men in the State of New York do not more than other upright men want anything done that is wrong, even though by dint of it they might put money in their purse. Therefore I hope that gentlemen on the other side will cease to treat this as if it was a war to be made upon some interest, and more especially upon some locality or an interest residing in some locality. It is not that, Mr. President; but it is a question upon which every Senator, regardless of party or regardless of residence, ought to be able to stand up or sit down and look at the real merits of the legislation itself. It is that to which I would invite the Senate. I cannot invite the Senate in its absence; but I leave the point by assuring the Senator from Ohio that the pleasure of having these seats filled while in the act of speaking is no part of my reason for the suggestion I made.

I shall vote for the motion of the Senator from Pennsylvania, and I say to the Senator from Ohio that any day when the Senate is disposed to take up this measure when the Senate is here, I will vote with him to take it up. I venture to make another suggestion to the Senator. If the friends of this bill will consent that it be committed to any committee of this body—they may select their own committee—which will undertake to give it one consideration in comparison with existing law, I promise the Senate that then when it comes back I will be exceedingly brief and sparing in the time I occupy in attempting to point out objections to it. If the Senator from Ohio will move a special committee of which he shall be chairman, undertaking to give this bill one consideration and report it back, I promise him that no time shall be lost by reason of that.

AFFAIRS IN ARKANSAS.

A message in writing was received from the President of the United States, by Mr. O. E. BABCOCK, his Secretary.

Mr. CLAYTON. I ask to have the message read which has just been received from the President of the United States.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair will lay before the Senate a message from the President of the United States.

The Chief Clerk read as follows:

To the Senate of the United States:

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession not heretofore furnished, relating to affairs in the State of Arkansas.

I venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was by violence, intimidation, and revolutionary proceedings overthrown, and a new constitution adopted and a new State government established.

These proceedings, if permitted to stand, practically ignore all rights of minorities in all the States. Also, what is there to prevent each of the States recently readmitted to Federal relations on certain conditions, changing their constitutions and violating their pledges, if this action in Arkansas is acquiesced in?

I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress. I earnestly ask that Congress will take definite action in this matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

EXECUTIVE MANSION, February 8, 1875.

Mr. CLAYTON. I move that the message and accompanying report be printed and referred to the Committee on Privileges and Elections.

Mr. THURMAN. No—

Mr. CLAYTON. The Senator will excuse me. A memorial was introduced here a few days ago bearing on this subject which was referred to that committee. That committee I understand have the question now under consideration. These papers were called for by a resolution offered by myself intended to shed light for the guidance of that committee.

Mr. THURMAN. I move to amend by substituting the Committee on the Judiciary. This is not a question of elections. This is a question of the right of a people to change their constitution. It is not a question that belongs to the Committee on Privileges and Elections. The whole question is whether the constitution of Arkansas has been law-

fully changed. If it has been, then there is a lawful government there. It is therefore a question of law and not a question of privileges and elections. This message should go to the Committee on the Judiciary; and let us see whether or not that change in the constitution of Arkansas has been made pursuant to law or not, or whether it has validity or not.

Mr. CLAYTON. I think the Senator from Ohio is mistaken when he says this is not a question of elections. I think, if he will recall his attention to the first portion of the message, he will see that it does relate to the election as well as to the validity of the State government there. The very language of the message itself refers to the election which took place in 1872 as between Brooks and Baxter; and I think in view of the fact that this question is already before the Committee on Privileges and Elections and under investigation, this information should go to it.

Mr. THURMAN. I call for the regular order. Let this matter lie over until to-morrow.

Mr. CONKLING. Is not this the regular order, Mr. President?

The PRESIDING OFFICER. The Chair understands this motion has been entertained by unanimous consent only, the regular order being the motion of the Senator from Pennsylvania [Mr. CAMERON] to postpone the steamboat bill until to-morrow.

Mr. CONKLING. I do not wish to wrestle with the judgment of the Chair; but I submit that a message being received from the President of the United States and entertained, although by unanimous consent, and on its being so entertained a motion being made to refer it to a committee, it is too late for any Senator to say that because business was pending when the message was received, it is now subject to a single objection. I do not think that has been the usage of the Senate; and although it is not very important in this case, I would not like to have the suggestion of the Chair (unless upon reflection he confirms it) taken as a precedent which may govern us in the future. I feel quite certain that the usage of the Senate has been otherwise.

Mr. THURMAN. The Chair is undoubtedly correct. This message was read simply by tacit consent. The assent of the Senate was not even asked to its being read.

Mr. CONKLING. Then a motion was made.

Mr. THURMAN. I know it was.

Mr. CONKLING. Then the Senator himself moved to amend that motion.

Mr. THURMAN. That is all very true; but no one thought of giving up the pending order, and when it was seen that this would lead to debate I had a right to insist upon the pending order. If we are to be put to such sharp practice as that, we shall have to be on the *qui vive* all the time, and not allow anything, however convenient it would be, to be read to interfere with the pending order. But we do it every day. On the Louisiana resolutions that have been introduced here, while the debate has been going on, again and again and again have messages been received from the House or from the President and for the time being we would occupy ourselves with them for a little while without anybody ever imagining that the pending order was displaced by any such proceeding. If we are to get on without that convenient and amiable—if I may use the word—mode of procedure in the Senate, and are to be held up to sharp practice all the time, then let us see what will come of that. But I hope never to see that day. We have not been accustomed to do business in that way in the Senate of the United States. Let this matter lie over. I know of no graver question than what is raised by this message. I confess that I am astounded by the message, and I want time to consider about it.

Mr. BAYARD. Mr. President, without stopping—

The PRESIDING OFFICER. Before the Senator from Delaware proceeds the Chair will take this opportunity to state that in the opinion of the Chair the question is upon the motion made by the Senator from Pennsylvania [Mr. CAMERON] to postpone the steamboat bill until to-morrow. The rules are very clear that when a question is under debate the order of business can be interrupted only in the ways pointed out in the eleventh rule; and the consideration of the message of the President was by unanimous consent only, and this debate can proceed by unanimous consent only; and if objection is made the question will recur on the motion of the Senator from Pennsylvania.

Mr. MORRILL, of Maine. Let us have the regular order, Mr. President.

Mr. BAYARD. As I understand the decision of the Chair, there is nothing before the Senate as to the message.

The PRESIDING OFFICER. The question before the Senate is on the motion of the Senator from Pennsylvania [Mr. CAMERON] to postpone the steamboat bill so called until to-morrow.

Mr. MORRILL, of Maine. Evidently, I think, there is no disposition on the part of a portion of the Senate at least to proceed with this subject to-day. I do not rise to discuss the propriety of that one way or the other, but I rise to see if an arrangement cannot be made which will satisfactorily prevent delay and enable us in the mean time to go on with some business important to the Senate and to the country. I refer particularly to the bill reported by a select committee of Congress on the first day of this session, about the propriety of which and the possibility of action on which there has been some hesitation. I am satisfied that that bill could be passed at the present

time, and it could be passed by general consent. I am satisfied that the sentiment in the District is almost entirely in favor of the passage of that bill. The numerous petitions presented here this morning praying earnestly for the passage of that bill satisfied me that outside the sentiment is almost universal in favor of the passage of that bill, and certainly Congress cannot entertain the idea for a moment of adjourning without passing some bill for good government in this District. Now, if it suits the convenience of gentlemen on both sides, I suggest that this steamboat bill go over until to-morrow, and I would like to take up the District bill this afternoon. I do not propose to antagonize it against the pending order, but if those who have charge of that are disposed to allow it to go over, the time can be occupied this afternoon profitably, I am satisfied, by taking up the District bill.

Mr. SCOTT. Mr. President, it is hardly necessary to recall again the history of this bill for the purpose of showing the danger of postponing it for a single day. The Senator from Ohio has recalled the history of a former bill. Now, upon taking up this bill we find that it passed the House of Representatives on the 15th of May last. It did not come over at this session, but it passed the House at the last session of Congress. It was referred on the 15th of May to the Committee on Commerce, and it came out of that committee after more than a month, on the 19th of June. All the members of the Senate have had the whole vacation to examine this bill. If it has not been examined in this time, it is hardly probable that with the pressing engagements of Senators between this and to-morrow morning it will receive much further consideration. I do not feel myself committed to any of its provisions, although I desire to have the bill fairly discussed and disposed of; but I think those who desire to have the bill disposed of may make up their minds that if it goes over now we are losing the opportunity of considering and passing it in any form at this session.

Mr. CLAYTON. I would like to ask the Senator from Ohio whether his objection is to the printing of the message?

Mr. THURMAN. Certainly not. It should be printed as a matter of course. Let it lie on the table and be printed.

The PRESIDING OFFICER. That order will be made if there be no objection. The message and documents will lie on the table and be printed.

Mr. THURMAN. I am very anxious to see it in print.

Mr. CLAYTON. I think that after the postponement of the steamboat bill is disposed of, the question of the reference of the message ought to be settled.

The PRESIDING OFFICER. The Senator can then take it up from the table, if he desires.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, disagreed to by the House of Representatives and the amendments of the House of Representatives to certain other amendments of the Senate to the said bill; and

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and disagree to the amendments of the House to other amendments of the Senate thereto; and that it agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

STEAMBOAT LAW.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania [Mr. CAMERON] to postpone until to-morrow the further consideration of the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes.

Mr. CHANDLER. I hope that motion will not be agreed to and that the Senate will go on with the bill.

The motion to postpone was not agreed to.

Mr. CONKLING. Mr. President, I move to amend the bill, in line 9 of the first section, by striking out the words "inspection required by" and inserting "complying with the terms of."

Mr. CHANDLER. I hope the amendment will not be adopted. I hope the friends of the bill will stand by the bill as it is.

Mr. CONKLING. Mr. President, I hope the whole Senate hears the Senator from Michigan say that he asks the Senate to stand by the bill as it is.

Mr. BOUTWELL. The friends of the bill.

Mr. CONKLING. And more especially the friends of the bill. I hope that will be borne in mind in the future stages of the bill, because I venture to predict that a time will come when there will be very few Senators here who will have courage enough to comply with that request.

As to this amendment, in answer to the Senator, I ask the attention of the Senate. The existing law prohibits the enrollment, license, and navigation of any vessel propelled in whole or in part by steam not complying with the terms of the act. The bill before us proposes to drop the latter words and substitute "without the inspection re-

quired by this act," so that, no matter what the deficiencies may be, no matter what the willful neglect of safeguards may be, no matter what the known violation of the statute may be, no penalty is to be incurred by anybody and no unlawful act done provided an inspection of the vessel has taken place. The Senate will see, without my multiplying words, the design of this. The law as it stands subjects the vessel to the law. The law as it is proposed makes vessel and owner scot-free where an inspection has taken place, no matter what may be the violation of the law.

I ask for the yeas and nays on the amendment to see whether without anything further the summons of the Senator from Michigan to stand by the bill as it is will be complied with.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN, (when his name was called.) On this bill and I suppose on this amendment I am paired with the Senator from Ohio, [Mr. SHERMAN.] I should vote "yea" if he were present, and I presume he would vote "nay" on this amendment.

The result was announced—yeas 8, nays 29; as follows:

YEAS—Messrs. Boutwell, Cameron, Conkling, Ferry of Connecticut, Flanagan, Gilbert, Hamilton of Texas, and Sargent—8.

NAYS—Messrs. Alcorn, Allison, Bayard, Boggy, Boreman, Chandler, Cooper, Ferry of Michigan, Goldthwaite, Gordon, Hager, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Morton, Norwood, Patterson, Pratt, Ramsey, Ransom, Robertson, Schurz, Scott, Thurman, Tipton, and Wadleigh—29.

ABSENT—Messrs. Anthony, Brownlow, Carpenter, Clayton, Conover, Cragin, Davis, Dennis, Dorsey, Edmunds, Fenton, Frelinghuysen, Hamilton of Maryland, Hamlin, Harvey, Hitchcock, Howe, Jones, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Saulsbury, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Washburn, West, Windom, and Wright—35.

So the amendment was rejected.

Mr. CONKLING. I move in section 2, line 2, after the word "passengers," to insert the words "or freight;" so as to make the clause read:

That every steamer so propelled and carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler, &c.

I shall ask for the yeas and nays on this amendment also, encouraged by the last vote to do so. Before I ask for them, however, I will endeavor to draw the attention of the Senators who are present to the purpose of this amendment.

Section 2 of the bill is intended ostensibly to provide safeguards for the lives of those traveling on vessels propelled by steam, and it applies to all vessels thus propelled, as well ferry-boats and tugs and vessels moving in crowded harbors as to any other craft. As the section stands, it provides:

That every steamer so propelled, and carrying passengers shall be provided with suitable pipes and valves attached to the boiler to convey steam into the hold and the different compartments thereof to extinguish fire; and every stove used on board of any such vessel shall be well and securely fastened; and all wood-work or other ignitable substances about the boiler, chimneys, cook-houses, and stove-pipes exposed to ignition shall be thoroughly shielded by some incombustible material.

The draughtsman of this section seems to suppose that there is reason in confining to passenger-boats these precautions. I suppose I need hardly tell Senators that in a great majority of instances casualties occurring in the harbor of New York and in all waters in which steam-boats rendezvous originate in craft which do not carry passengers. Fires occurring in tugs running about the harbor of New York, explosions taking place, are just as likely to carry their evil results to passenger-vessels as if it had been a passenger-vessel with which the difficulty originated. Recently in the harbor of New York an accident set fire to petroleum and it ran upon the surface of the water long distances out into and crosswise of the harbor and set vessels on fire and burned them. Here is a provision aimed at the most indispensable requisites of safety and confined wholly to vessels engaged in carrying passengers. I turn now to the corresponding provision in the existing statute. What is it?

That every steamer so propelled, and carrying passengers or freight, shall be provided with suitable pipes and valves attached to the boiler to convey steam into the hold, &c.

And yet, with the view of saving the trifling expense of suitable pipes and valves attached to the boiler to convey steam into the hold to extinguish fire, and the expense of fastening stoves securely so that they will not move or be thrown about, and the expense of sheathing the wood-work about boilers, chimneys, cook-houses, and stove-pipes with tin or some incombustible material, it is proposed to change the law and confine to passenger-boats alone these inexpensive and elementary safeguards. I do not stop now to dilate upon the point; I simply call attention to it, and I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. BOGgy. I hope the amendment will not be adopted. The section is intended to protect life, and not property. There are other provisions for property.

Mr. CONKLING. I venture to suggest to the Senator from Missouri that he did not hear the reason, and the only reason as far as I suggested one, which I gave for my amendment. It was not that property might be protected. It was that a fire taking place on a freight-vessel, unless she is so isolated that the flames do not and cannot communicate anywhere else, the combustion is just as likely to produce injury upon other vessels, and to other vessels which carry passengers, as if the vessel on which the fire originated were itself a

passenger-boat. I reminded the Senate that recently in the harbor of New York a fire occurring which set petroleum burning had passed long distances, the burning petroleum itself spread over the water and set fire to vessels in that way. I hope the Senate will not vote upon the amendment with the idea that I offer it for the purpose of protecting property. It is not that at all; but my argument is that this change in the law will have directly the effect of exposing life to hazard.

Mr. BOGgy. The theory of the bill, as far as this section is concerned, is merely to protect life. Property in danger of fire is sufficiently guarded in other places. The object of this section is protection to the lives of persons who are on passenger steamboats.

Mr. THURMAN. I do not want to take up time in discussing every one of the amendments that may be offered; but I wish to remind those who have studied this bill, because some of us have thought about it, that there are in the judgment of those most interested in it ample protections against fire so far as the nature of the case will admit in respect to freight-boats, and there is no necessity for this provision in regard to freight-boats. The Senator from New York alluded to the cases of petroleum-vessels that were burned in the harbor of New York. It so happens that I believe I saw both those fires. One of them was a French vessel that lay in the North River nearer the New Jersey shore than to New York, but out in the stream. The others were vessels that were burned at Hunter's Point, Long Island. No lives were lost by either of those conflagrations. Not a single life was lost, and no such provision as is contained in this section could by any possibility have saved either of those vessels.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York, [Mr. CONKLING,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays 27; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Conkling, Ferry of Connecticut, Flanagan, Gilbert, Hamilton of Maryland, Hamilton of Texas, Howe, Morrill of Vermont, and Wright—12.

NAYS—Messrs. Alcorn, Bayard, Boggy, Boreman, Chandler, Clayton, Cooper, Davis, Goldthwaite, Gordon, Hager, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Pratt, Ransom, Schurz, Scott, Thurman, Tipton, and West—27.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Conover, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hamlin, Harvey, Hitchcock, Jones, Lewis, Logan, Morrill of Maine, Patterson, Pease, Ramsey, Robertson, Sargent, Saulsbury, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Wadleigh, Washburn, and Windom—33.

So the amendment was rejected.

Mr. CONKLING. I move now in section 3, line 3, to strike out the word "hand" and insert the word "steam;" so as to read:

That every steamer, except as hereinafter specified, shall be provided with two good double-acting fire-pumps, to be worked by steam.

I will only say that the existing law requires a double-acting steam-fire-pump. The alteration at this point is to strike that out and provide that these pumps are to be worked by hand, a change the effect of which every Senator must see, and I should like the vote of the Senate upon that also.

Mr. THURMAN. If I am not mistaken the Senator from New York is entirely incorrect as to the present law. The present law is as follows:

And every steamer exceeding two hundred tons burden, and carrying passengers, shall be provided with two good double-acting fire-pumps, to be worked by hand.

This bill reads:

That every steamer, except as hereinafter specified, shall be provided with two good double-acting fire-pumps, to be worked by hand, * * * and in addition to such hand-fire-pumps there shall be provided on all passenger-steamers, except as hereinafter specified, a good double-acting steam-fire-pump of a capacity equal to a single-acting pump of one cubic inch for every three tons measurement of vessel.

The present law requires, as I said, two fire-pumps to be worked by hand. The bill provides for two fire-pumps to be worked by hand and in addition a steam-fire-pump, which is one more, as I understand, than the present law requires. If the amendment prevails, all the pumps are to be worked by steam, so that if any accident should happen by which they could not be worked by steam there would be no pump on the vessels at all. I think the Senator will see that his amendment, if adopted, would lessen the security of life instead of increasing it.

Mr. CONKLING. If the Senator from Ohio had looked at the right place in the bill and in the existing law, he certainly would not have made the statement he has just submitted. His remarks apply to a subject to which this amendment does not apply at all. Section 3 of the existing law provides:

That every steamer permitted by her certificate of inspection to carry as many as fifty passengers or upwards, or any steamer carrying passengers—

However few, bear in mind—

and which shall also carry cotton, hay, or hemp, shall be provided with a good double-acting steam-fire-pump.

In lieu of that the bill proposes:

That every steamer, except as hereinafter specified, shall be provided with two good double-acting fire-pumps, to be worked by hand.

And then follows in the law as the Senator has read in respect of other pumps and in the bill the corresponding provisions altering the existing law somewhat; but I call attention to the two provis-

ions corresponding with each other, the one existing and the other proposed, and the effect is to put hand-pumps in the place of steam-pumps on passenger-vessels. There can be no mistake about that.

Mr. THURMAN. The Senator is just as certainly mistaken as anything can be. It is simply because there has been a transposition of the provisions and the provision for steam-pumps is later down in the section than it is in the law. The provision in regard to hand-pumps is the same in the law and the same in the bill. The provision in regard to steam-pumps is the same in the law that it is in the bill. They are exactly the same. The only difference is that there is a transposition. In order to draught the section more conveniently this provision in regard to pumps to be worked by hand comes first in the bill, whereas in the law the provision in regard to a steam-pump comes first; but the provision in the bill, as I said, is precisely the same as it is in the law. The law is:

And every steamer exceeding two hundred tons burden and carrying passengers, shall be provided with two good double-acting fire-pumps, to be worked by hand.

The provision in the bill is:

That every steamer, except as hereinafter specified, shall be provided with two good double-acting fire-pumps, to be worked by hand.

They are precisely the same. Then the first provision in the law, in regard to a pump to be worked by steam, is put down later in the section in the bill, in lines 21 and those that follow:

And in addition to such hand-fire-pumps, there shall be provided on passenger-steamers, except as hereinafter specified, a good double-acting steam-fire-pump of a capacity equal, &c.

Mr. CONKLING. Then the Senator thinks the object of this bill is to transpose the branches of the section. I say it is to dispense with the steam-pump.

Mr. MORTON. Mr. President, I regard this bill as very important to the interests of navigation upon all the western rivers and lakes; and in view of the past history of the bill, I think the friends of it ought to stand by it and vote down all amendments that may be offered to it. I believe the bill has been well prepared and well examined by those who understand the subject perhaps better than I do and perhaps better than most gentlemen on this floor. I hope, therefore, the friends of the bill will stand by it and vote down all these amendments.

Mr. BOUTWELL. I wish the Senator from Indiana would inform us exactly in what particulars this bill would be of advantage to the steamboat proprietors of the West as compared with existing law. That is the thing that I have been anxious to find out; and I have never yet seen a person who could state the particulars in which this bill is to be advantageous as compared with existing law.

Mr. MORTON. I do not intend to be drawn into debate on this bill at this late hour. I understand that the objects contemplated by this bill are not only important but numerous, so far as our western interests are concerned, and I cannot understand why there ought to be any objection to it in other parts of the country.

Mr. CHANDLER. The law, as it now stands, requires that—

Every steamer exceeding two hundred tons burden, and carrying passengers, shall be provided with two good double-acting fire-pumps, to be worked by hand; each chamber of said pumps shall be of sufficient capacity to contain not less than one hundred cubic inches of water.

Now, it has proved in practice that one hundred cubic inches of water is too heavy a load to be worked by hand. This reduces the size of the pumps, and instead of being useless, makes them useful; that is all. Each steamer is now compelled to carry a testing-pump, a pump that is used but once in a year, which costs \$250. It is simply to test the boiler. This bill leaves that out; for the inspector can furnish one testing-pump that will test every steamer which sails on the waters where he inspects, whereas at present every steamboat is compelled by law to buy a testing-pump, which is used but once a year. I hope this amendment will not be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was rejected.

Mr. CONKLING. I now move to strike out the words "except on ferry-boats," in the first line of the fourth section; so that the section will read:

That no loose hay, (unless for feeding stock on board,) loose cotton, or loose hemp, &c.

The Senator from Indiana has repeated the notice given by other Senators that those engaged in this bill expect every man to do his duty by standing by it as it is. Notwithstanding that, and notwithstanding the votes which have been taken, I am not without hope that this section will arrest the attention of the Senate. The fourth section relates to permission to passenger-boats to carry hay, hemp, cotton, or any other combustible material, not excepting gunpowder, along with nitro-glycerine or any other dangerous chemical. Under this section hay and nitro-glycerine, may be carried on ferry-boats, put together on the top of the boiler, if I understand, and if others more skilled than I understand, the terms and force of the section.

I have now moved to strike out the words "except on ferry-boats." Were these words stricken out, such precautions as there are here would apply to ferry-boats as well as others. With the words standing as they do, there is no restriction whatever applicable to any vessel which is by description a ferry-boat. I call attention to the definition given by the bill itself of "ferry-boats" on page 78. There,

for the purposes of this act and the several enactments in it mentioned, the meaning is thus given:

Ferry-boats.—Steamers running under charters or license, as such, from State, county, or municipal authorities, between special points or places.

Any vessel which plies across rivers, harbors, arms of the sea, or to and fro along harbors, arms of the sea, or other bodies of water, between special points or places, is a ferry-boat; and under the proposed section all such boats, without restrictions, without safeguard of any kind, may carry combustible chemicals and combustible material.

The Senator from Ohio [Mr. THURMAN] on Saturday made an excuse for this section as he understood it. I have his remarks in my hand. I intend to read an extract from them to the Senate, and then to show, as I think I can, that they are totally irrelevant to the section; that it contains no such provisions as he supposes, has no such effect, and can be excused by no such reason. The Senator said, referring to the remarks of the Senator from Massachusetts, [Mr. BOUTWELL:]

In the first place he alluded to the fact that petroleum and other combustible material may be carried on steam-vessels. That is the present law. The only difference that I am aware of between the present law and this bill is this, that the present law requires these combustible materials to be carried upon the guards of the forecastle of the vessel. That has been found impracticable with respect to certain vessels embraced by the laws as they now exist, for there are vessels without guards, as the coasting-vessels. The consequence has been that the law could not be complied with. The only change in that respect which is made, as I understand, by this bill is by adding in the thirty-third and thirty-fourth lines of the fourth section, in reference to the place where these combustible materials may be carried, that they may be carried "in such other part of the steamer as the local inspectors shall designate in writing." It leaves the law to stand as it is, that this material "may be carried on the decks, guards, or forecastle of any such steamer, at a secure distance from any fire or heat." That is the present law, and this bill adds to it, "or in such other part of the steamer as the local inspectors shall designate in writing."

The Senator, when inquired of whether that was the only change made by this section, replied:

The only material change. There may be some others. If there are others, they have escaped my attention.

I venture to say, first, that no such change is made by the section as the Senator affirms; second, that he misunderstands the provisions of the existing law and misunderstands the effect of this section. The existing law provides:

That no loose hay, loose cotton, or loose hemp, camphene, nitro-glycerine, naphtha, benzene, benzole, coal-oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers.

That is absolute, and applicable to all passenger-steamers. Now, I beg Senators to observe this proposed provision, "that, except on ferry boats," thus at once removing from all restriction that numberless multitude of craft, large and small, embraced in the definition contained in this same bill, of ferry-boats, to wit: vessels running between specified points or places. I ask Senators to observe that all this great body of steam-vessels is put absolutely beyond restriction, so that they may carry nitro-glycerine and petroleum together where they please and as they please:

That, except on ferry-boats, no loose hay (unless for feeding stock on board)—

There is no such thing in the existing law. The existing law is precisely the reverse. Loose hay may not be carried for feeding stock on board because if it is present and loose, it does little to diminish the danger that the motive is to feed stock on board—

Loose cotton, &c., or other like explosive burning-fluids—

There is a change there which I do not stop to comment upon—shall be carried as freight—

There the words of the existing law are dropped "or used as stores," for they are an express prohibition now. This bill is:

Shall be carried as freight on any steamer carrying passengers—

And now I beg Senators to note the following words:—except where there is no other public means of conveyance.

Look at these two changes. The existing law prohibits all vessels whatever carrying passengers from transporting these articles, whether used for stores or not. This provision is to authorize all ferry-boats whatever to carry them, and to authorize all other boats to carry them "where there is no other public means of conveyance." Can it be said that any steamboat suffers for the want of such a license as that? No matter what may have been said about swallowing this bill in the lump as it is, I ask Senators to contemplate for one moment such a change of the law, allowing every ferry-boat that plies from the city of New York to any other point, every ferry-boat that plies on the river Saint Lawrence, every ferry-boat that plies on Lake Champlain, every ferry-boat that plies in this hemisphere, so far as this continent occupies this hemisphere, to carry, without let or hindrance, along with men, women, and children, nitro-glycerine, camphene, benzole, benzene, loose hay, loose hemp, and loose cotton, all in one cargo. Is it possible that Senators, speaking no matter for what interest or what section, can justify such legislation as that?

There are other changes almost equally aggravating, but as I am not speaking for the purpose of consuming unnecessarily a moment's time, I pass them over and come to the allegation of the Senator from Ohio. What did he tell us? That the object of this proposed sec-

tion was to emancipate boats from existing statutes which required them to carry on the guards these materials. There is no such thing in the existing law. I read from section 4:

Nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof—

There are the words which the Senator from Ohio quotes. Now observe—

or in such other safe part of the vessel as shall be prescribed by the inspectors.

That he says is the freedom he wants. That is in the law now. No change is proposed in order to effect that. Again:

And oil or spirits of turpentine may be carried on any such steamer when the same shall be put in good metallic vessels, or casks or barrels well and securely bound with iron, and stowed in a secure part of the vessel.

Not on the guards, not on the decks, but in a secure part of the vessel. Again:

Friction matches may also be carried on such steamers when securely packed, &c., and stowed in a safe part of the vessel, at a secure distance from any fire or heat.

Where, I ask the Senator who has the book before him, is to be found such a change as he told us lay at the bottom of this section? Here I read in the section rewritten: "Friction matches when securely packed," and so on, "may be carried on the decks, guards, or the fore-castle of any such steamer at a secure distance from any fire or heat, or in such other part of the steamer as the local inspector shall designate in writing." Except the words "designate in writing," that part of the section in the proposed bill is equivalent to the section as it stands now; and yet the Senator from Ohio on Saturday undertook to apologize for this section by telling us that its object was to enable these articles to be carried not alone on the guards or decks but to be carried where the inspector might permit. I say the existing law is not as stated by the Senator, and I say the proposed bill makes no such change. On the contrary the existing law commits to the inspector the duty of defining where these articles shall be stowed or carried. Nowhere in this section are they located upon the guards or deck without discretion to carry them elsewhere, and in the proposed section the same thing in that regard is true.

Mr. SCOTT. Will the Senator from New York permit me to call his attention—as the Senator from Ohio has been out—to the fact that in the exercise of that discretion in providing rules, rule 11 of the "laws, rules, and regulations governing the steamboat inspection service," provides that:

Refined petroleum which will not ignite at a temperature less than 110 degrees Fahrenheit may, upon routes where there is no other practicable means of transportation, be carried upon passenger steamboats upon the guards or forward main deck thereof, at a safe distance from any fire.

That, I presume, is the provision to which the Senator from Ohio referred, and I call attention to it, as he is now in.

Mr. CONKLING. If my honorable friend from Pennsylvania will pardon me, that has no relation in the world to what the Senator from Ohio said. I have the remarks of the Senator from Ohio before me; and speaking of combustible material in general, he said:

The only difference that I am aware of between the present law and this bill is this, that the present law requires these combustible materials to be carried upon the guards or the fore-castle of the vessel.

Now, the Senator from Pennsylvania calls attention to the fact that by a rule an inspector defined the place where petroleum should be carried. Under this proposed section has not the inspector the right to reaffirm that rule? What does it say? "May be carried on the deck, guards, or fore-castle of any steamer at such distance from any fire or heat, or in such other part of the steamer as such local inspector shall designate in writing." That is just what is done in the eleventh rule, except that "in writing" is not in the present rule.

Mr. THURMAN. Will the Senator allow me to interrupt him right there?

Mr. CONKLING. Certainly.

Mr. THURMAN. I do not know but that I ought to have been a little more guarded in my language. When I spoke about the law, I spoke of that which had operation and effect as law. The rules made by the board of supervising inspectors have, as I understand, by the statute the effect and operation and binding force of law. I did not mean to be understood as saying that the statute provided that these articles should be carried on the guards or fore-castle.

Mr. CONKLING. The honorable Senator entirely misunderstands the point, which is owing in part to his having been out. Now I beg to state it to him. In the first place, the rule which the Senator from Pennsylvania refers to relates to petroleum alone. In the next place, under this proposed section it is just as competent for the inspector to make that rule as it is now. Therefore this section makes no change in that respect. But if it did I am not speaking of any such thing. Let us deal with one thing at a time. The Senator stated that the defect in existing law was that these combustibles, not petroleum alone but all combustible substances, many of which are enumerated, must now be carried on the deck or guard; and, said the Senator, coastwise vessels have no guard and it is impracticable, and therefore the object is to commit to the inspector the right to designate other places. I turn to the existing law and I find that the inspectors have now three times over in the section the right to designate any place, whether it is the guard, the deck, the hold, or any part of the vessel, where freight may be carried, and I find that they

have no greater right under the proposed section than the present law gives them. Then looking into the proposed section I find that in place of the fact being as the Senator asserted that the change I have just considered was the only material one in the section, it makes no such change, but makes other changes which are far more important than that change would be; that it allows all ferry-boats, without any restriction or precaution, to carry all these explosive chemicals along with combustible materials, and that it permits all other steam-vessels not ferry-boats to carry the same things in all cases where there is no other public means of conveyance. The result is that this proposed section imports into the law these two enormities, as I think they are: First, all ferry-boats may carry men, women, and children, with gunpowder, nitro-glycerine, and loose hay piled on the boiler if they choose; and, second, all other steam-vessels carrying passengers may do the like provided there is no other public mode of conveyance. These two changes are introduced into this section. It introduces a good opportunity for patent-rights also, as I understand, in another part of it, but I do not speak of that now.

That there may be no mistake about petroleum, I call the attention of the Senate to line 20 of this section:

Nor shall oil of vitriol, nitric acid, or other dangerous chemicals be carried on such steamers, except on the decks or guards thereof.

That is this bill that we are now considering, exactly reversing what the Senator from Ohio said. Why do I say that? Because I turn and read in the existing law words which I beg the Senator to observe are omitted in the pending bill:

Or in such other safe part of the vessel as shall be prescribed by the inspector.

So that in place of the Senator's statement on Saturday being correct, the precise reverse is true. The existing law commits it to the discretion of the inspector to say where the location shall be in the case of these articles, and the section before us ties it up to the guards or decks; and yet I suppose the Senator from Ohio will vote for the section. He sustained it on Saturday by reason which turns out to be precisely the reverse, and on Monday when it is pointed out, I hardly dare hope the Senator will join me in making the amendment I offer. I have moved, and I shall ask the yeas and nays of the Senate upon it, to strike out this exception of ferry-boats. Western rivers are not the only places on which ferry-boats run. If our rights and interests here in this subject are to be tested by geography, I may be permitted at least to speak for those who literally by millions every day commit their lives to ferry-boats, and to insist that on the arms of the sea about New York, on the Hudson, Saint Lawrence, and other Rivers, pressed hay, gunpowder, nitro-glycerine, petroleum, shall not be carried anywhere on steamboats where men, women, and children are carried. That is my motion, and I think that any interest which is represented here will be able to survive without conferring upon ferry-boats the right to carry all these death-dealing materials. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SARGENT. Mr. President, I think it would be a misfortune to the public if the present law should be so modified that such articles as those enumerated in the first part of section 4 could be carried in ferry-boats—"loose hay, loose cotton or loose hemp, camphene, nitro-glycerine, naphtha, benzine, coal-oil, crude or refined petroleum, or other like explosive burning fluids." Across the bay of San Francisco there pass annually from a million and a half to two million ferry passengers. Over these ferry-boats go all the overland passengers. There are single trips of steamers, not speaking of mere excursions, where from five hundred to a thousand persons pass at once—men, women, and children. The steamers are large. Now, if upon these steamers that most destructive, treacherous, and death-dealing ingredient, nitro-glycerine, can be carried, there is reason to apprehend the most grave consequences. I know something with reference to that explosive agent. It is a very treacherous devil. Put it up as strongly as you may in tin or in iron, it will find vent through leak-holes; and if the leakage comes to any wood inclosing the boxes or otherwise, it makes it so highly inflammable and explosive that a slight tap, even of a boot heel or the jobbing of a pen-knife by a careless passenger into the wood, will cause an explosion setting off the whole mass, which carries death and destruction in a worse form than ever has been displayed upon any field of battle or by the most infernal ingenuity of man. There was a single case containing a few gallons of nitro-glycerine that a few years ago exploded in the express office of Wells, Fargo & Co., on Montgomery street, in San Francisco. A clerk or porter, not knowing the contents of the package, was turning it over and over so as to get it into the express office, and at the first revolution that it made on its coming down on the pavement it burst, tore the building to pieces, and the next one, killed a number of persons, and produced a shock like an earthquake in that city. It is an explosive so treacherous, so difficult to handle, that although useful in the mines, although powerful, so that if it could be used with any degree of safety the miners would gladly avail themselves of it, they are afraid to use it on account of the frequent loss of life from it on account of the impossibility, without the very greatest care, of handling such a substance except at the risk of almost certain death to those who handle it. The endeavor has been made to disguise it in different forms, to modify it by sawdust, which heats it and leaves it still explosive, by importing a silicious fluid and mixing it with that; and yet, after all these precautions, a few weeks ago there was a terrific

explosion of this substance which had been thought to be tamed, called "giant-powder."

Now, to allow nitro-glycerine in its worst form, in its most fiendish shape, to be carried under the feet of five hundred or a thousand men, women, and children crossing the bay of San Francisco, where it is largely imported for the purpose of making this very "giant-powder," is simply to put an element of destruction into that community that may and is certain to destroy the lives of scores, hundreds, and thousands of people. Sir, on behalf of the people who travel across the bay of San Francisco to and from Oakland, and upon the river Sacramento, I protest against this exception of ferry-boats carrying passengers. I protest that you ought not to put that death-dealing ingredient under the feet of innocent people whose lives will be continually exposed by such legislation as this. I say that it ought to arouse the attention of the Senate. I say that that exception ought not to be allowed, and the same rule should be applied to them as is applied to other steamers, because here, in the most condensed and rapid form, are collected large numbers of persons who are crowded on these boats. They are not like the steamers which take long trips, where there are fewer passengers, where they can go to sleep, and where the number of passengers is usually reckoned by the sleeping accommodations on board, but they are steamers which carry as many persons generally as can stand upon the available space of the different decks. As their trips are short, the inconvenience of being compelled to stand up is not very great, and consequently they pile them in by hundreds; and right in the midst of this dense mass of humanity you will put this infernal explosive material in order that they may be blown into eternity. I say that is not wise legislation; I say that it is unwise legislation; and were it in almost any other presence I would say that it seems to me it is a criminal carelessness which would amend a law that provides a safeguard in particulars like these, and allow this death-dealing ingredient to be placed in the body of these masses of people. I therefore join most heartily with the Senator from New York in this amendment, and trust it may be adopted.

Mr. THURMAN. Mr. President, I quite agree with the Senator from California that Congress ought not to provide for creating any more earthquakes in San Francisco by artificial means, for nature herself has as much of that kind of amusement there as is agreeable to the people. I quite agree with him, too, that nitro-glycerine is a very powerful and very dangerous thing, indeed so powerful and so dangerous that an old keg which once contained it and which had lain down there at the presidio near the city, as I was told by an officer who witnessed the thing, which had lain out of doors for six months, happening to be kicked by a soldier put an end to that soldier and left very little of him ever to be found.

The object of this bill, however, in this respect does not seem to me to deserve all the denunciation it has received. Let us look at it in a practical way. The bill excepts ferry-boats from the operation of the section. Why that? The bill reads:

That, except on ferry-boats, no loose hay, (unless for feeding stock on board,) loose cotton, or loose hemp, camphene, nitro-glycerine, naphtha, benzene, benzole, coal-oil, crude or refined petroleum, or other like explosive burning-fluids, shall be carried as freight.

Let us see what the law now is:

That no loose hay, loose cotton, or loose hemp, camphene, nitro-glycerine, naphtha, benzene, benzole, coal-oil, crude or refined petroleum, or other like explosive burning-fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers, &c.

That is the present law. The bill excepts ferry-boats from the operation of that. Why? Because it is utterly impracticable for the ferry-boat men to comply with that law. In the very case which the Senator supposes it is impracticable. A ferry-boat does not have a manifest; a ferry-boat does not have a clearance; a ferry-boat does not have a bill of lading every trip that she makes from Oakland to San Francisco or from San Francisco to Oakland, from Jersey City to New York City or on her return; but a steamer not a ferry-boat has a bill of lading, has a manifest for every particle of cargo on board, and the person delivering the cargo to her is bound to show what his cargo is and it appears in the bill of lading. Therefore the master of that steamer knows whether he is taking upon it benzene, or coal-oil, or naphtha, or nitro-glycerine; he knows it if there is no fraud practiced upon him, because the very bill of lading that he signs shows that that is the article, and therefore the law very properly requires that if he carries passengers he shall not carry these articles. When the shipper comes to him and says to him "I want you to carry for me so many barrels of petroleum," or so much benzene, or so much naphtha, or so much nitro-glycerine, the law tells him "Do not receive that freight" and he can refuse it. But what can the ferry-boat man do? A dray drives on a ferry-boat at Jersey City. It is full of merchandise; there is no bill of lading with it; there is no inspection of it. How can there be an inspection of it? Are you to have inspectors there to examine everything that is in that dray-load of merchandise to find whether or not there is some nitro-glycerine in it? A man may carry enough nitro-glycerine in his pocket to blow up a ferry-boat and send all those five hundred people of whom the Senator from California speaks, to kingdom come. Are you to inspect every man's pocket on a ferry-boat between Oakland and San Francisco? How can you do it? Where is the law that authorizes you to do it? It is simply because this law cannot be carried into effect in regard

to this class of boats which give no bill of lading, which have no manifest, in respect to whose freight there is no inspection and can be no inspection, that they are left out of the operation of the bill, and they make trips every five minutes and the people are ready to mob them if they stay one minute later than their time.

But, sir, one word as to the remarks of the Senator from New York in reference to what I said on Saturday. I shall not take up much time. If the Senator has pointed out any mistake into which I fell, I am obliged to him for it. I have no claims to infallibility, and I do not know that any one can achieve any very great amount of renown or greatness by proving that I have made mistakes on more occasions than one, and yet I do not think I made any mistake at all on Saturday. It does not seem to me so. I spoke of the law requiring these articles to be carried on the fore-castle or guards of the boat. I did not mean by that to say that the statute did it, although perhaps I was so understood.

Mr. CONKLING. Which articles?

Mr. THURMAN. Refined petroleum. You think it is limited to that.

Mr. CONKLING. O, no.

Mr. THURMAN. Do you not say they are limited to that?

Mr. CONKLING. Yes; but the Senator's remark was not limited to that, nor is the section limited to that.

Mr. THURMAN. I agree to that, and I may have spoken too broadly, speaking on the haste of the occasion, in respect to that. If so, I am corrected; that is all.

Mr. CONKLING. I hope the Senator does not suppose that it was any part of my purpose to show that he had fallen into an error for the sake of proving that. I was in hopes that when I showed the Senator that instead of the section having the effect ascribed to it it had in that respect the reverse effect—

Mr. THURMAN. I do not understand that yet.

Mr. CONKLING. When I showed that it went to diminish and not to enlarge the discretion of the inspector, and when I went further and showed him that it involved that among other things which the Senator from California has pointed out and still other surprising relaxations of the present rule, I was in hopes that the Senator would recall his judgment; but I beg to assure him that no part of my motive was to convict him of having fallen into an error.

Mr. THURMAN. If the Senator had allowed me when I requested it to explain what is the difference between the law and this section in that particular, he would have seen at once what that difference is, and why I think this bill is better than the law. I grant that the board of inspectors have power under the existing law to prescribe where these articles shall be carried when they are permitted to be carried at all. I never undertook to deny that. That is what I intended to assert. What difference does this provision to which I referred on Saturday in the bill operate? It provides in the act itself, so that there may be no mistake about it, that they may be carried in such places, and then "or in such other parts of the steamer as the local inspector shall designate in writing." That is the difference between it and the present law. Now the board of inspectors must make the rule. Then it is a universal rule. If this bill passes, the local inspector having reference to the particular vessel under his eye, seeing her make, her build, her conformation, may say "on this vessel called the Mary Jones these articles may be carried in a particular place" and he may say in regard to another vessel, the Sally Ann, they shall be carried in a different place, because each vessel has its own individuality. That is the object of this section. Instead of requiring that absolute rule which must be general when promulgated by the whole board of inspectors, it allows in this particular case the local inspector, who has knowledge of the vessel—the very man who inspects her—the very man who knows all about her, to say where is the safest place on that vessel; and that is just where it ought to be.

Mr. SARGENT. I do not think it is a satisfactory answer to the considerations which I have urged, that in particulars which the law as it at present exists does not cover there may be mischief done to passengers on ferry-boats because a man may carry in his pocket nitro-glycerine or some explosive fluid and endanger the lives of the many. I think that is not an argument why the bars should be thrown down completely and all restrictions taken off and on these ferry-boats, where so many people are continually traveling backward and forward, the most destructive agencies should be allowed to be carried.

The law as it at present exists must be a restriction to a certain degree upon the carrying of these explosive compounds. If it is a restriction in any degree, so far it is useful; and my objection is to taking off a restriction. The people who own ferry-boats and run them, finding that perhaps they could make more money provided they could carry on a more dangerous business—dangerous to their passengers—complain that this is an oppression on them. If it is an oppression on them, it must be because it is effectual, because it restrains them from doing a dangerous business. Now, we desire to restrain them from doing a dangerous business, because it is dangerous to the lives of innocent people who trust themselves to their care. The argument of the Senator from Ohio therefore does not reach the point which I made.

I hope the amendment will be adopted.

Mr. CONKLING. I wish to supplement the remarks of the Sen-

ator from California, by saying that there is another complete answer to the Senator from Ohio. Every common carrier is bound by law to accept any goods offered to him for carriage, which the law permits any person to offer. As this provision now stands, every common carrier who runs a ferry-boat has a right to refuse to permit nitro-glycerine, camphene, and these other combustibles to be brought upon or near his boat. Enact this section and you strike down that barrier behind which he may intrench himself. My honorable friend from Ohio shakes his head, and I hope there is more argument in it than there is in the speech which he made here. I say it does. Enact this provision and every common carrier is just as much bound running a ferry-boat to receive gunpowder or nitro-glycerine wheeled on with a wheel-barrow as he is to receive a barrel of flour. When you remit the carrier to the common law and re-enforce the common law with a statute which by exclusion says that he shall carry nitro-glycerine, why is he not bound to receive it?

Mr. THURMAN. Does the Senator want an answer?

Mr. CONKLING. I do indeed.

Mr. THURMAN. I say that if I establish a ferry from Jersey City to New York I may limit it only and entirely to passengers, and no man in the world has a right to demand that I carry anything but a human being. I say further that a stage company are common carriers, and the Senator from New York has no right to thrust into a stage-coach a keg of guano for the olfactories of the people traveling therein under the idea that a stage-coach company is a common carrier.

Mr. CONKLING. The Senator's remark is full of wit and full of technical sharpness and full of legal untruth, as I can demonstrate. Now the Senator tries to impale me on the technicality of a ferry charter. To use a phrase to which he often treats us, "that won't do." Ferry charters are rarely so limited. Does the Senator from Ohio suppose that every tug that plies in the waters of New York is tied up by State license to carry passengers alone albeit she is authorized to carry passengers? Not at all. She is a common carrier, burdened with all the obligations and invested with all the immunities of a common carrier at common law, except so far as the statute has altered them. I ask the Senator from California, who is usually very accurate, whether it is true that all the vessels plying in the harbor of San Francisco are tied up by State charters confining them to carrying passengers if they do carry them, and not allowing them to carry freight?

Mr. SARGENT. Certainly not.

Mr. CONKLING. Very well; there is the answer and a sufficient answer to the Senator from Ohio.

Now, Mr. President, what do we find? As the Senator from California says, here is a complaint that a restriction is onerous because it applies to ferry-boats. Up gets the Senator from Ohio and he says "not at all; it is mere *brutum fulmen*; it has no force at all." Why? Because a ferry-boat does not carry a manifest. O, Mr. President, every ferry-boat owner who does not want to carry smuggled goods across the Saint Lawrence has his own mode of finding whether those goods are smuggled although he does not carry a manifest in the particular case. Every ferry-boat runner who does not wish to carry gunpowder, nitro-glycerine, oil of vitriol, benzine, benzole, camphene, and other explosive chemicals has those olfactories which the Senator fears might be offended in a stage-coach by the indication of guano; he has other means of finding out. Now the Senator proposes to say that he need not exercise the wit which nature gave him, he need not open his eyes and see, he need not interpose even if he is told in so many words that they are explosive chemicals; but on the contrary we shall strike down that provision of law which alone today enables him to refuse unless, as in sporadic cases, he has something in his charter behind which he can hide.

It is manifest that now there is a provision, lacking if you please in complete and thorough efficiency, in spite of which chemicals may be carried on ferry-boats, in spite of which men and women may be blown to destruction. But be that restriction more or less, it is useful, it tends in the right direction, and the Senator from Ohio proposes to strike it down, he appearing as the champion of river-going steamers traversing the rivers of the West. The application to them in any case is but slight. The application here is to ferry-boats, as described in this bill; and the description greatly enhances the number of boats known in common parlance as ferry-boats, covering in the language of this bill—

All steamers running under charter or license as such from State, county, or municipal authorities, between special points or places.

Not necessarily opposite to each other on rivers or bays, but plying to and fro between specified termini. Every such vessel without let or hindrance, with or without manifest, may carry all these articles mixed up with women and children. I say, Mr. President, it is a violation of humanity and of the laws of common sense.

But I have said enough to bring it to the attention of the Senate, and I take my seat feeling that I have acquitted myself of one part of my duty, however the Senators to whom the appeal is made to stand by this bill may put it through without the dot of an *i* or the cross of a *t*, but I hope every Senator who does so will be able to find some broader standing for his feet than the argument which has been made by the honorable Senator from Ohio.

Mr. HAGER. Mr. President, in examining this fourth section I see that there are classifications made by the provisions contained there-

in with regard to these explosive materials. As the section commences, "except on ferry-boats, no loose hay," &c., shall be carried. In a subsequent part of the section there is an exception to these general provisions:

Nor shall gunpowder be carried on any such vessel, except in case of special license granted by inspectors as hereinafter provided.

The proper remedy for the evil suggested by the Senator from New York, according to my notions, would be to increase the provisions contained in the latter schedule that I have referred to; that is, the exceptional part. I see no objection to enlarging these exceptional articles by proposing to amend where the word "gunpowder" occurs in the sixteenth line, by adding that no other explosive material shall be carried unless on license granted by the inspectors. Nitro-glycerine, as we all understand, is a liquid that is not necessarily explosive—not so much so as gunpowder; but I happened to escape with my life by about one minute when the occurrence took place at San Francisco which has been referred to. The explosion took place in the express office of Wells & Fargo. A club-house above that was filled with gentlemen and the explosion took place underneath and a great many, as we know, were killed. It was not an explosion, though, in consequence of ignition, but in consequence of concussion in opening the box containing the nitro-glycerine. One of the cans had got opened in some way and saturated the pine wood and by concussion, resulting from the use of a hammer, the explosion took place. We understand that for nitro-glycerine to explode requires concussion, unless there be an accidental cause, rather than ignition by fire.

Now, to obviate the objection that is made here by the Senator from New York and by my colleague, I propose to strike out "nitro-glycerine" in the place where it occurs in line 3 and substitute it in line 16, and amend the section so as to read:

Nor shall gun or other explosive powder or nitro-glycerine be carried on any such vessel except in case of special license granted by inspectors as hereinafter provided.

To require that ferry-boats passing between New York and Jersey City, for instance, should exclude everything that is here enumerated would be a great hardship upon those who are dealing between the different cities where they have to cross a river. The amendment I propose I think will effect the purpose my colleague and the Senator from New York have in view, and then the enumerated articles here may be enlarged to any extent that Senators see fit to transfer them from the first paragraph down to the one that I propose to amend. My amendment is to strike out "nitro-glycerine" in the third line and strike out "and gunpowder" in the sixteenth line and substitute "gun or other explosive powder or nitro-glycerine," so that in case these articles are carried upon any of these vessels it shall be by the license of an inspector.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment proposed by the Senator from New York.

Mr. BOGY. I did not distinctly hear the amendment suggested by the Senator from California; but I take it for granted that it is an amendment to the amendment offered by the Senator from New York; otherwise it is not pending before the Senate.

The PRESIDING OFFICER. The amendment suggested by the Senator from California is not pending.

Mr. BOGY. The object of the amendment offered by the Senator from New York is to bring under the same regulations that are intended for steamboats on long voyages all the ferry-boats of this country that ply from one place to another over the little streams throughout the United States. The amendment is plausible, argued in the way it has been argued by the Senator from New York and the Senator from California; that is, that these materials are really very combustible and very dangerous and that human life should not be thus exposed. In the abstract this is very true; but I say it is simply ridiculous to make the same law for ferry-boats that is made for steamboats running from Saint Louis to New Orleans or from any other distant point.

Mr. SARGENT. Allow me to ask a question. I call attention to page 78, to the wording of the 17th, 18th, and 19th lines; and I inquire of the Senator whether these words "ferry-boats" are understood to include—

Steamers running under charter or license as such, from State, county, or municipal authorities, between special points or places.

That is, specially fixed points and places. The definition would not embrace steamers running from Saint Louis to New Orleans, provided those were the fixed special points between which they were to ply.

Mr. BOGY. When we get to page 78—and the way we are traveling we shall not be likely to reach it before doomsday—

Mr. SCOTT. Allow me to make a suggestion. Does the Senator from California suppose that the city authorities of Saint Louis or the State authorities of Missouri have the right to grant licenses to run outside the State? It must be confined to termini within the State granting the license.

Mr. SARGENT. That may be a complete answer to my question where a State line is crossed, but that would be a ferry-boat under this definition which passes from one extremity of a State to another, which in many cases, as in my own State, would be hundreds of miles.

Mr. SCOTT. But the license is to a ferry-boat "as such."

Mr. SARGENT. "Running between special points." This enlarges the meaning of "ferry-boats."

Mr. BOGY. I think the objection raised by the Senator from California has been very well answered by the Senator from Pennsylvania. I repeat that all ferry-boats have to be licensed by State or municipal authority, and the points have to be designated; but no ferry-boat will be licensed from Saint Louis to New Orleans. A ferry-boat means a craft intended to cross a river from one point to another in the shortest possible convenient way. That is the common meaning of a ferry-boat, and as such these boats are licensed by the different State and town authorities, and they can be nothing else. Therefore, with this understanding that a ferry-boat is a craft intended to cross a river, large or small, from one point to another nearly opposite, I say that it would be simply ridiculous to make the same law that is applicable to a steamboat having long voyages to perform applicable to these ferry-boats. A ferry-boat as such carries no freight; it carries nothing that is called freight. I carries a load, a wagon-load or a dray-load, and in that wagon or dray-load there may be a great variety of materials, and it would be impossible for the owner of that ferry-boat to compel an enumeration of those things that may be upon that dray-load or wagon-load. Again, ferry-boats are compelled to carry everything on all the streams of this country, from Cincinnati to Covington, from Saint Louis to East Saint Louis, and so on.

But at last the objection in regard to camphene, benzole, benzine, whisky, and powder, and all those things which are explosive, lies in the municipal regulations of our towns and cities. These things cannot be carried in the streets unless under certain rules and regulations; they cannot be taken into the houses in cities except under certain rules and regulations. Society protects itself in that way; and it cannot be supposed that the owners of ferry-boats would permit loose powder or benzine or benzole not properly protected to be carried on their boats if they knew it, and how can they know it? Can the owner call on a man who comes there with a dray-load of merchandise going from New York to Jersey City to enumerate to him what he may have in that dray-load? The thing is an impossibility. Hence it would be perfectly absurd to make the same law applicable to a ferry-boat which is applicable to a boat having long voyages to perform.

Again, is a steamboat compelled under the common law, as the Senator from New York says, to take on board everything which may be offered to it?

Mr. CONKLING. Which is lawfully offered to it; yes, sir.

Mr. BOGY. That qualification "lawfully" means a great deal. I say that under the common law the owner is not compelled to carry everything which may be lawfully offered to him. It may be too dangerous. If he is offered liquid fire in a wooden vessel, certainly the owner of the ferry-boat would have a perfect right to refuse it because it would endanger life and property. But there is another rule of common sense governing these things. The owners of ferry-boats have their property at stake; the persons on those boats have their lives at stake; and the municipal regulations regulate these things, and taking everything into account society is well protected. It may be that from San Francisco to a place opposite on that broad bay the trip is very long, but even there ferry-boats are well protected, except in regard to the fact that you cannot tell what may be in the load of a wagon or dray that is on the boat. But as to the lives of the passengers, they are protected in this very bill by requiring all these ferry-boats to have hand-pumps and steam-pumps to extinguish fires in the event that a fire shall take place. If there should be an explosion, as a matter of course they would not be well protected.

The Senator from California argues the matter as if persons would carry on these ferry-boats very explosive material in the most exposed condition. That view is not correct. I say that it is impossible to make the same law for ferry-boats that is made for other boats. Ferry-boats carry no freight; they carry a load. They are bound to carry loose hay, because it is so made up for retail business, and a ferry-boat is a boat that necessarily has but a very short voyage, running from one place to another place opposite or nearly opposite.

There are other sections of the bill that amply protect this thing, and I hope that the amendment will not be adopted. I can very well see that it strikes the mind of Senators as something very dangerous to permit ferry-boats to carry such dangerous articles, but in point of fact there is but little danger, because of course you can transport those things into cities and towns only under municipal regulations; you cannot put them on board a boat unless they have undergone an inspection somewhere, and to require these strict rules would destroy the business of all the ferry-boats of the country.

Mr. EDMUNDS. Mr. President, I have not given as much attention to this bill as I ought to have done considering its importance; but I confess from what I have seen of it that I think a good many amendments ought to be made to it besides the one that the Senator from New York has proposed.

It is only a few years ago that under the stress of some prodigious accident that had happened we undertook to guard the people who were riding in ferry-boats in cities and elsewhere from the extreme danger to which they were put by the carrying of explosive substances on such vessels, and we made the law as stringent as it is now. Here it is proposed by this bill, under the definition of ferry-boats and under the provisions of the fourth section as to what ferry-boats may do, to mitigate that stringency to a very large degree;

and the question that occurs to me is what evidence have we of extreme injury to the owners of vessels which should lead us to expose to greater risk than they are now exposed to the citizens of the United States who everywhere, upon our rivers and in our bays, are constantly obliged to put their lives, without being able to stop for an examination, into the hands of those who run steamers.

The Senator from Missouri says, why, here is private interest enough to protect the public, because the owners of boats do not wish to blow them up. Why, Mr. President, all human experience has shown that private interest is not a sufficient safeguard against public peril in respect of a great class of the operations of society. Private interest is not enough certainly, in manufacturing towns in any civilized country, to protect the youth of those towns from being overworked by too long hours, from being under-fed and improperly taken care of in respect to the ventilation of such buildings, or in protecting the lives of the operatives in factories against fires that may take place, although the destruction of a factory by fire might of course and generally does entail ruin upon the owner of it. And yet, unless State laws compel such factories to limit their hours for the labor of certain classes of young people, unless State laws compel them to have certain means of fire escape, human experience has shown that you do not have security enough. So that the argument of private interest in securing travelers and people who are obliged to place themselves upon vessels suddenly and without having an opportunity to go to a steamboat inspector to see that it is all right, or without having the right to inspect the character of whatever may be laden upon the vessel to see that that is all right, is not very conclusive and persuasive.

If we are legislating for the preservation of life, for the security of the public against the dangers to which the temptation to profit may expose them through the operations of these vessels, instead of letting down from the securities that we now have, we ought to intensify and strengthen those securities; and I am astonished, I must confess, at this bill in these respects being pressed with so much pertinacity in the absence of any definite information which is laid before us that in any given number of cases it has been found that the existing regulations bore too severely upon the ship-owners and too favorably for the people who are to travel.

Mr. BOGY. Will the Senator from Vermont permit me one word to show how hard it is to comply with the present law? I know of my own knowledge that the ferry-boats in my own section of the country, and I believe throughout the whole country, violate the law every day now. They cannot comply with the law. They are bound to carry loose hay; they do not know what is loaded on a dray or a wagon; they cannot tell, it is impossible because there is no enumeration of the articles on those drays and wagons. They carry by the load, and they do now break the law every day continually.

Mr. EDMUNDS. Well, Mr. President, it strikes me that the officers of a ferry company that stand at the gate to take their penny a man and their twenty-five cents a team, or whatever it may be, ought to have eyes sharp enough to tell whether a dray stopping to pay its twenty-five cents to the guardian is loaded with loose hay or whether it is loaded with pig-iron. I should think that most people intrusted with that sort of duty might be able to tell what is laden upon a cart. Of course, it is just possible that some loose hay might be hidden in the midst of a bulk of other things and boxes so that it would not be easy to perceive it. That is possible, just as it is possible under the customs laws, that in the center of a hoghead of sugar there may be a quart of nutmegs or a piece of silk wrapped up and inclosed in tin or lead or something that would preserve it, and it get in. Violations of the law of that kind occur, but they are not violations which the necessity of the case imposes. I take it, it would not be a violation of the law for a steamboat owner, if he employed proper guardians at his ferry-house gates, to see that drays did not bring on nitroglycerine, did not bring on loose hay, did not bring on a variety of these things. If it turned out that in a given case these forbidden articles were so secreted that he with the exercise of just diligence failed to see it, he would not be guilty of a crime. I do not think that that argument ought to have very great weight. There is no statute of the United State or of any State that I know of which is not violated more or less every day somewhere. That does not prove that it is not a good statute. It may prove that it is a very good one; it certainly does not prove that it is a bad one.

The argument that we ought to mitigate the affirmative securities that we now have upon the theory that it sometimes happens that they are violated, is one which does not commend itself to my understanding. No man has the right to engage in the business of running a ferry except under conditions which are in conformity with the security of the masses of the people who are obliged to travel on ferry-boats or who are obliged to be at the place where they land whether they are traveling or not, which furnish security for people on other vessels and ships in crowded harbors where ferry-boats are lying at anchor and other vessels are, and through which the ferry-boats when under way are constantly passing. That is our paramount duty, as it appears to me; and therefore no moderate amount of inconvenience, if there could be any amount which would justify it, should justify us in authorizing the proprietors of these vessels which are operating for profit, to make their profit at any hazard at all that human foresight can provide against to the body of the community who are brought in contact with them. It seems to

me that is a just principle. If it be so, instead of letting down the bars which have now been put up by Congress after a careful investigation of the subject, we ought rather to strengthen them.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays 30; as follows:

YEAS—Messrs. Allison, Anthony, Conkling, Edmunds, Flanagan, Gilbert, Hamilton of Maryland, Hamilton of Texas, Morrill of Maine, Morrill of Vermont, Ransom, and Sargent—12.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boreman, Chandler, Cooper, Cragin, Davis, Ferry of Michigan, Goldthwaite, Gordon, Hager, Hitchcock, Howe, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Ramsey, Robertson, Schurz, Scott, Thurman, Wadleigh, and Wright—30.

ABSENT—Messrs. Boutwell, Brownlow, Cameron, Carpenter, Clayton, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Frelinghuysen, Hamlin, Harvey, Jones, Lewis, Logan, Patterson, Pease, Pratt, Saulsbury, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Tipton, Washburn, West, and Wiudom—30.

So the amendment was rejected.

Mr. FRELINGHUYSEN. I move that the Senate do now adjourn.

Mr. MORTON. Will not the Senator withdraw that motion until I can submit a report?

Mr. FRELINGHUYSEN. Certainly.

SENATOR FROM LOUISIANA.

Mr. MORTON. I am instructed by the Committee on Privileges and Elections to submit a report in regard to the credentials of P. B. S. Pinchback to a seat in this body, which I ask to have printed; and I give notice that at an early day I will call it up for consideration.

The PRESIDING OFFICER. (Mr. ANTHONY.) The report will be printed, if there be no objection.

The report concluded with the following resolution:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years beginning on the 4th of March, 1873.

Mr. HAMILTON, of Maryland. There is a question of order upon that report. That report, I am advised, purports to be the report of a majority of the committee, and as a member of the committee I raise this question of order, whether, as it is not the agreement of five members of the committee, it can be received as a report of the committee. That report is submitted by four members of that committee. There are nine upon it; and I raise the question of order whether it can be received as a majority report of that committee.

Mr. MORTON. I desire to make a single remark so that there may be no misunderstanding. When the question was considered by the committee there were seven members present; five would have been a quorum; there were two over a quorum. The report was agreed to by four out of the seven.

Mr. HAMILTON, of Maryland. That is true.

Mr. MORTON. The point my friend makes is that it requires a majority of all the members of the committee, whether they are present or not, to make a report. I will say to my friend that I never heard of that before. He may be right in it, but I think not.

Mr. HAMILTON, of Maryland. I have been advised that I am right. It is a question just sprung on me, to which I have given no examination, and therefore I cannot speak as to the precedents; but the fact is that but four members of the committee agreed to the report, when we know that it comprises nine, and therefore it cannot be received as a majority report from that committee.

Mr. FERRY, of Michigan. I should like to ask the Senator from Maryland how many members of the committee were present.

Mr. HAMILTON, of Maryland. Seven, as stated by the Senator from Indiana.

Mr. FERRY, of Michigan. There was then a quorum when the subject was considered?

Mr. HAMILTON, of Maryland. A quorum was present.

Mr. MORTON. I desire to correct my friend. I do not submit it as the report of the majority. I submit it as the report of the committee.

Mr. HAMILTON, of Maryland. It is certainly not the report of the committee. It cannot be the report of the committee.

Mr. HITCHCOCK. If the Senator from New Jersey will waive his motion, I desire to move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. A question of order is pending.

Mr. THURMAN. I wish to have an understanding of the status of this question. It is a new question to me, I confess. The Senator from Indiana very truly says that he makes the report of the committee, for whenever a majority of a committee agree to a report, that is the report of the committee. The majority makes the report of the committee, but the minority may submit their views, and for the convenience of speech we speak of the report of the majority and the report of a minority. Now, the point is made whether four out of a committee of nine can make a report as the report of that committee. It is said they can do it, because there were but seven in the committee at the time the report was agreed upon. Now, here is a point that troubles me: I do not know any right that we have to know how many there were in that committee at the time the report was agreed upon.

Mr. MORTON. The Senator from Maryland is responsible for that statement.

Mr. THURMAN. I do not know what right we have to know who were there. This report as I understand is signed by four gentlemen who are members of the committee. They are not a majority. I do not know that we have any right to go into an inquiry whether there were seven or nine present at the time that report was agreed upon. It may be said, and perhaps truly said, that it is not necessary for anybody to sign the report; that if it is presented by the chairman of the committee or by a member of the committee as the report of the committee *prima facie* it is so.

Mr. MORRILL, of Maine. I do not understand the report to be signed.

Mr. THURMAN. I understand it to be signed.

Mr. MORRILL, of Maine. No; it is made as the report of the committee, I understand.

Mr. THURMAN. I understand that it is signed by four members of the committee.

Mr. HAMILTON, of Maryland. It was agreed to by four.

Mr. THURMAN. At all events, I rose to say that I wish the objection to be considered as pending so that when we come to that report we may consider in the first place the objection that has been made to it, whether it is a report of the committee or not.

Mr. EDMUNDS. I think this question is too important to have it pending at any other time than now. Here is a committee of nine, and it appears to us, as we have a right to know on any question of the regularity of its procedure, that seven participated in a certain deliberation, a quorum of the committee and a majority of that quorum direct that a bill shall be reported and it is reported by the chairman. Now the point of order is made that that is not the report of the committee. There is nothing in the point at all, and it ought to be overruled at once.

Mr. HAMILTON, of Maryland. I know one thing very well, that whenever a measure of any importance is before us the majority of the committee is always consulted as to its approval of the proposition. I never knew it to be otherwise. Can four members make a report from a committee of nine? I know in my own limited experience of committees the endeavor has always been to secure the concurrence of a majority. Knowing that this report only received the approval of four members of the committee when it was presented as the report of the committee, I felt it my duty to raise the question, to know whether the Senate regarded that as a report at all upon the part of that committee. It is the report of four members of that committee, a minority of the committee. The real assumption in law would be that a majority of that committee would be adverse to the report. In fact I cannot speak about matters that occurred in committee; it is not right on this floor to do so; but we know that there is trouble in respect to that very report, and that five members of the committee cannot be had to make a report in favor of Pinchback to a seat on this floor.

The PRESIDING OFFICER. The Chair understands that a quorum of a committee is competent to transact business and that a majority of that quorum represents the committee. The Chair therefore thinks that the point of order is not well taken.

Mr. HITCHCOCK. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. HAMILTON, of Maryland. Before that motion is put, I beg leave to state that I will submit the views of the minority of the committee.

Mr. SCHURZ. I suggest to the Senator from Maryland that he had better submit the views of the majority. [Laughter.]

EXECUTIVE SESSION.

Mr. HITCHCOCK. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at four o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 8, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at fifteen minutes after twelve o'clock.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the bill (H. R. No. 4563) to make an appropriation to the contingent fund of the House.

The message also announced that the Senate had passed a bill (S. No. 463) supplementary of the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

The message further announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. MORRILL of Vermont, and Mr. BAYARD, conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the House of the following titles, with amendments; in which he was directed to ask the concurrence of the House of Representatives:

A bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company; and

A bill (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation.

AMENDMENT OF THE REVISED STATUTES.

Mr. EAMES introduced a bill (H. R. No. 4578) to amend chapter 7 of title 34 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. SPEER called for the reading of the bill, and it was read.

HENRY OSTERHELD.

Mr. DUELL introduced a bill (H. R. No. 4579) for the relief of Henry Osterheld, late first lieutenant Sixty-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK SIPPELINS.

Mr. DUELL also introduced a bill (H. R. No. 4580) for the relief of Frank Sippelins, late first lieutenant Sixty-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF WILLIAM STEVENS.

Mr. CLARKE, of New York, introduced a bill (H. R. No. 4581) for the relief of the heirs of William Stevens, late of the Territory of Dakota; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

WILLIAM H. FRENCH, JR.

Mr. MACDOUGALL introduced a bill (H. R. No. 4582) for the relief of William H. French, jr., late Indian agent Crow Creek, Dakota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALLEGANY RESERVATION, NEW YORK.

Mr. MACDOUGALL also presented joint resolutions of the Legislative Assembly of the State of New York, relative to the confirmation of leases between Indians and white settlers on the Allegany reservation in said State; which were read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. RANDALL called for the reading of the joint resolutions, and they were read.

REVENUE AND INTEREST ON PUBLIC DEBT.

Mr. KELLEY introduced a bill (H. R. No. 4583) to increase the public revenues and reduce the interest on the Government debt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF THE OHIO.

Mr. ALBRIGHT presented the following joint resolution of the Legislature of the State of Pennsylvania; which was read, referred to the Committee on Commerce, and ordered to be printed:

Resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met, That our Senators be instructed, and members of the House of Representatives requested, to vote for and use all proper means of securing from Congress an appropriation for the improvement of the Ohio River navigation; and that the governor be requested to transmit copies of this resolution to our Senators and Members in Congress.

Attest:

RUSSELL ERRETT,

Clerk of the Senate.

ADAM WOOLEVER,

Clerk of the House of Representatives.

LOYAL RESIDENTS OF STATES IN REBELLION.

Mr. TODD introduced a bill (H. R. No. 4584) to amend section 1460 of the Revised Statutes by adding thereto the words specified in the within bill, to wit: "or who being at the outbreak of the late war of the rebellion citizens of any State which engaged in such rebellion exhibited marked fidelity to the Union in adhering to the flag of the United States;" which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENNSYLVANIA RESERVE CORPS.

Mr. THOMPSON introduced a bill (H. R. No. 4585) in relation to the pay of certain officers of the Pennsylvania Reserve Corps; which was read a first and second time.

Mr. RANDALL called for the reading of the bill, and it was read. The bill was then referred to the Committee on Military Affairs, and ordered to be printed.

GAUGERS FOR PHILADELPHIA.

Mr. MYERS introduced a joint resolution (H. R. No. 151) authorizing the appointment of gaugers for the customs service at the port of Philadelphia; which was read a first and second time.

Mr. RANDALL. I ask that that be read now; otherwise we may never know what the joint resolution contains.

The joint resolution was read, referred to the Committee on Ways and Means, and ordered to be printed.

SMITH'S POINT, POTOMAC RIVER.

Mr. SENER introduced a bill (H. R. No. 4586) making an appropriation for the construction of a breakwater off Smith's Point, on Potomac River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WEST POINT, VIRGINIA.

Mr. SENER also introduced a bill (H. R. No. 4587) making West Point, in the State of Virginia, a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DAMERON'S MARSH, VIRGINIA.

Mr. SENER also introduced a bill (H. R. No. 4588) to establish a light-house on Dameron's Marsh, mouth of Great Wicomico River, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWARD K. SNEAD.

Mr. SENER also introduced a bill (H. R. No. 4589) for the relief of Edward K. Snead, late collector first internal-revenue district of Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HERBERT SMITH AND JOEL S. EASTERLING.

Mr. RAINEY introduced a bill (H. R. No. 4590) for the relief of Herbert Smith and Joel S. Easterling, of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CARTERSVILLE, GEORGIA, BAPTIST CHURCH.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 4591) for the relief of the members of the Baptist church at Cartersville, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEAMBOAT CLYDE.

Mr. SLOAN introduced a bill (H. R. No. 4592) to authorize the Secretary of the Treasury to change the name of the steamboat Clyde, of Savannah, Georgia, to Ida, and grant proper marine papers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

APPORTIONMENT OF ALABAMA.

Mr. SHEATS introduced a bill (H. R. No. 4593) to apportion Representatives in Congress for the State of Alabama; which was read a first and second time.

Mr. SLOSS called for the reading of the bill, and it was read. The bill was then referred to the Committee on the Judiciary, and ordered to be printed.

ORGANIZATION OF THE PATENT OFFICE.

Mr. SLOSS introduced a bill (H. R. No. 4594) for the better organization of the Patent Office; which was read a first and second time.

Mr. RANDALL called for the reading of the bill, and it was read. The bill was then referred to the Committee on Patents, and ordered to be printed.

TITLE OF CERTAIN OFFICERS IN THE NAVY.

Mr. HAYS introduced a bill (H. R. No. 4595) to fix the title of certain officers in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

UNITED STATES DREDGING COMPANY.

Mr. SHELDON introduced a bill (H. R. No. 4596) to enable the United States Dredging Company to make application to the Commissioner of Patents for extension of letters-patent for improvement in dredging-machines; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PIERRE J. FRANCIZ AND EMETILDE GUILBEAU.

Mr. DARRALL introduced a bill (H. R. No. 4597) for the relief of Pierre J. Franciz and Emetilde Guilbeau, heirs of Ursin Bernard, late of Lafayette Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW RAYMOND RICE.

Mr. DARRALL also introduced a bill (H. R. No. 4598) for the relief of the Widow Raymond Rice, of Lafayette Parish, Louisiana; which

was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRANCH MINT AT DAYTON, OHIO.

Mr. GUNCKEL introduced a bill (H. R. No. 4599) to establish a branch of the Mint of the United States at Dayton, Ohio; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

OHIO AGRICULTURAL COLLEGE.

Mr. BUNDY introduced a bill (H. R. No. 4600) to grant to the State of Ohio for the use of the agricultural and mechanical college the unsold and unappropriated lands in that State and to subrogate said college to the rights of said State under the provisions of the act of March 2, 1855, entitled "An act for the relief of purchasers and locaters of swamp and overflowed lands;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MRS. SIDNEY J. WOOD.

Mr. WOODWORTH introduced a bill (H. R. No. 4601) for the relief of Mrs. Sidney J. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. WOODWORTH also introduced a bill (H. R. No. 4602) granting condemned cannon to the Soldiers' Monumental Association of Salem, Ohio, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN H. JONES AND THOMAS D. HARRIS.

Mr. WOODWORTH also introduced a bill (H. R. No. 4603) for the relief of John H. Jones and Thomas D. Harris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY D. JONES.

Mr. WOODWORTH also introduced a bill (H. R. No. 4604) granting a pension to Mary D. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD B. SMITH.

Mr. MILLIKEN introduced a bill (H. R. No. 4605) for the relief of Edward B. Smith, late a private in Company I, First Regiment Kentucky Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES W. SIMPSON.

Mr. MILLIKEN also introduced a bill (H. R. No. 4606) for the relief of Charles W. Simpson, late a private in Company I, First Regiment Kentucky Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STOKELY AND MARGARET B. SMITH.

Mr. READ introduced a bill (H. R. No. 4607) for the benefit of Stokely Smith and Margaret B. Smith, of Hart County, Kentucky, allowing them bounty for their son who died in the Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCOME TAX.

Mr. CROSSLAND introduced a bill (H. R. No. 4608) to provide for the collection of a tax on incomes in excess of \$2,000; which was read a first and second time.

Mr. RANDALL called for the reading of the bill, and it was read. The bill was referred to the Committee on Ways and Means, and ordered to be printed.

JOHN CLARK.

Mr. CROSSLAND also introduced a bill (H. R. No. 4609) granting a pension to John Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ARMSTRONG, JR.

Mr. ARTHUR introduced a bill (H. R. No. 4610) for the relief of John Armstrong, jr., of the county of Kenton, and State of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM GOUGE.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 4611) for the relief of William Gouge, late private Company B, Twelfth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL BANKS.

Mr. MAYNARD introduced a bill (H. R. No. 4612) to further regulate national banks, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. ATKINS introduced a bill (H. R. No. 4613) to repeal an act to declare the sense of an act entitled "An act to restrict the jurisdiction

of the Court of Claims, and for other purposes, passed February 21, 1867;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARBITRATION AWARD.

Mr. WILSON, of Indiana, (by request,) introduced a bill (H. R. No. 4614) to amend an act entitled "An act for the adjudication and disposition of certain moneys received into the Treasury under the award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington 8th of May, A. D. 1871, between the United States and the Queen of Great Britain," approved June 27, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS SIMPSON.

Mr. WOLFE introduced a bill (H. R. No. 4615) granting a pension to Thomas Simpson, of Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BARR.

Mr. SAYLER, of Indiana, introduced a bill (H. R. No. 4616) granting a pension to Mary Barr, widow of Martin Barr, late private in Company F, One hundred and forty-second Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL O. GREGORY.

Mr. PACKARD introduced a bill (H. R. No. 4617) for the relief of Samuel O. Gregory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSION TO SURVIVORS OF MEXICAN WAR.

Mr. HOLMAN presented a joint resolution of the State of Indiana, in favor of the passage of a law, without favor or discrimination, giving to those who served in the Mexican war for the period of sixty days or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives; which was referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

TAXES IN DISTRICT OF COLUMBIA.

Mr. FORT introduced a bill (H. R. No. 4618) to provide for levying taxes on all property in the District of Columbia to defray a portion of the expenses of said District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

IMPROVEMENT OF MISSOURI RIVER.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 4619) to appropriate \$1,000,000 to be expended in deepening and permanently locating the channel of the Missouri River, with a view of securing a navigable depth of five feet during low water from Sioux City to the mouth of said river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RECENT OCCURRENCES IN LOUISIANA.

Mr. CLARK, of Missouri, also presented concurrent resolutions of the joint assembly of Missouri, concerning recent occurrences in Louisiana; which were read, referred to the Select Committee on Louisiana Affairs, and ordered to be printed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

Mr. STANARD introduced a bill (H. R. No. 4620) for the improvement of the mouth of the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VAN HORN BATTALION RESERVE CORPS.

Mr. COMINGO introduced a joint resolution (H. R. No. 152) granting a bounty to the Van Horn Battalion Reserve Corps; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORECLOSURE OF MORTGAGES.

Mr. WELLS introduced a bill (H. R. No. 4621) concerning action and suits of foreclosure of mortgages relating to particular property; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BUREAU OF ARCHITECTURE.

Mr. FIELD introduced a bill (H. R. No. 4622) to establish a bureau of architecture; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

EMPLOYMENT OF THE PEOPLE.

Mr. FIELD also introduced a bill (H. R. No. 4623) to improve the customs revenue by increasing the taxation on foreign productions, to secure a favorable balance to foreign trade and to assure the resumption of the domestic employment of the people; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF ALPENA HARBOR.

Mr. FIELD also presented a joint resolution of the Legislature of Michigan, asking Congress for an appropriation for the improvement of

the harbor at Alpena, on Lake Huron; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF SOUTH HAVEN, LAKE MICHIGAN.

Mr. FIELD also presented a joint resolution of the Legislature of Michigan, for an appropriation to repair and improve the harbor at South Haven, on Lake Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

JUDICIAL CIRCUIT, UPPER PENINSULA, MICHIGAN.

Mr. FIELD also presented a joint resolution of the Legislature of Michigan, asking Congress to establish a United States judicial circuit in the Upper Peninsula of Michigan; which was referred to the Committee on the Judiciary, and ordered to be printed.

HARBORS AT SAINT JOSEPH, NEW BUFFALO, ETC.

Mr. FIELD also presented a joint resolution of the Legislature of Michigan, asking Congress for an appropriation for the improvement of the harbors at Saint Joseph and New Buffalo; also Benton Harbor, on Lake Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

EAGLE HARBOR.

Mr. FIELD also presented a joint resolution of the Legislature of Michigan, asking Congress for an appropriation for the improvement of Eagle Harbor, on Lake Superior; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DAWES. Has the morning hour expired?

The SPEAKER. It has.

Mr. DAWES. I rise to a privileged question.

The SPEAKER. The Chair desires the gentleman from Massachusetts will postpone doing so for a moment until the remainder of the States are called.

Mr. DAWES. Very well.

HARBOR AT SAUGATUCK.

Mr. FIELD also presented a joint resolution of the Legislature of Michigan, asking Congress for an appropriation for the improvement of the harbor of Saugatuck, on Lake Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

NAVIGATION OF PINE RIVER.

Mr. FIELD also presented a joint resolution of the Legislature of Michigan, asking Congress for an appropriation to aid in the improvement of the navigation of Pine River, in Charlevoix County, on Lake Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

GRANTS OF LAND TO SOLDIERS AND SAILORS.

Mr. FIELD also presented a concurrent resolution of the Legislature of Michigan, asking Congress to pass a bill granting one hundred and sixty acres of land to soldiers and sailors, without regard to occupation; which was referred to the Committee on the Public Lands, and ordered to be printed.

TAX ON BANK CIRCULATION.

Mr. HUBBELL introduced a bill (H. R. No. 4624) to amend section 110 of the act of June 30, 1864, and section 9 of the act of July 13, 1866, imposing taxes upon the circulation of other than national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. WILLARD, of Michigan, presented a concurrent resolution of the Legislature of Michigan, to urge the passage of a bill by the Congress of the United States to equalize the bounties of soldiers and sailors; which was referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES H. JOHNSTON.

Mr. WALDRON introduced a bill (H. R. No. 4625) for the relief of Charles H. Johnston; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THUNDER BAY RIVER, MICHIGAN.

Mr. BRADLEY introduced a bill (H. R. No. 4625) making an appropriation for improving the mouth of Thunder Bay River, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER AT DUBUQUE.

Mr. DONNAN introduced a bill (H. R. No. 4627) to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES K. BROWN.

Mr. RUSK introduced a bill (H. R. No. 4628) granting a pension to Charles K. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE AT BAYFIELD, WISCONSIN.

Mr. McDILL, of Wisconsin, introduced a bill (H. R. No. 4629) for

the erection of a light-house at Bayfield, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PORT OF DELIVERY.

Mr. McDILL, of Wisconsin, also introduced a bill (H. R. No. 4630) to constitute Ashland, Wisconsin, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. SAWYER introduced a bill (H. R. No. 4631) to amend the act authorizing the appointment of shipping commissioners, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF RACINE HARBOR.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 4632) for continuing the improvement of the harbor at Racine, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR OF KENOSHA, WISCONSIN.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 4633) for continuing the improvement of the harbor of Kenosha, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CIRCUIT COURT IN CALIFORNIA, OREGON, AND NEVADA.

Mr. HOUGHTON introduced a bill (H. R. No. 4634) fixing the times for holding the circuit court of the United States in the district of California, Oregon, and Nevada; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TELEGRAPHIC COMMUNICATIONS BETWEEN AMERICA AND ASIA.

Mr. HOUGHTON also introduced a bill (H. R. No. 4635) to encourage and promote telegraphic communication between America and Asia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SIGNALS ON SEA-GOING VESSELS.

Mr. CLAYTON introduced a bill (H. R. No. 4636) to authorize the employment of signals on sea-going vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAAC SLOCUM.

Mr. DUNNELL introduced a bill (H. R. No. 4637) for the relief of Isaac Slocum; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN C. FEUSCKA.

Mr. STRAIT introduced a bill (H. R. No. 4638) granting a pension to John C. Feuscka; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED MÜLLER.

Mr. STRAIT also introduced a bill (H. R. No. 4639) for the relief of Alfred Müller, late acting assistant surgeon United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOMESTEADS ON THE PUBLIC LANDS.

Mr. AVERILL introduced a bill (H. R. No. 4640) to amend an act entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States,' and the amendments thereto;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RIGHT OF WAY FOR A RAILROAD.

Mr. AVERILL also introduced a bill (H. R. No. 4641) granting the right of way for a railroad from Du Luth to Mesable Heights, in Minnesota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EXTENSION OF PATENTS BY CONGRESS.

Mr. LOWE presented joint resolutions of the Legislature of the State of Kansas, remonstrating against the extension of patents by Congress; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FEDERAL INTERFERENCE IN LOUISIANA.

Mr. HEREFORD presented joint resolutions of the State of West Virginia, protesting against Federal interference in civil affairs of the State of Louisiana; which were read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PHINEAS GANO.

Mr. DAVIS introduced a bill (H. R. No. 4642) for the relief of Phineas Gano, of Doddridge County, West Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

He also introduced a bill (H. R. No. 4643) granting a pension to Phineas Gano, of Doddridge County, West Virginia, late first

lieutenant Twenty-fifth Regiment Ohio Veteran Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRANCH MINT AT OMAHA, NEBRASKA.

Mr. CROUNSE introduced a bill (H. R. No. 4344) to establish a branch mint of the United States at Omaha, in the State of Nebraska; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

COLORED SCHOOLS OF GEORGETOWN, DISTRICT OF COLUMBIA.

Mr. CHIPMAN introduced a bill (H. R. No. 4645) to provide a new school-house for the colored schools of the city of Georgetown, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BREVET MAJOR-GENERAL W. H. EMORY.

Mr. CHIPMAN also introduced a bill (H. R. No. 4646) to place Colonel and Brevet Major-General W. H. Emory on the retired list of the Army as brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUTCHERS' DROVE-YARD COMPANY, DISTRICT OF COLUMBIA.

Mr. CHIPMAN also introduced a bill (H. R. No. 4647) to incorporate the Butchers' Drove-yard Company of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON MARKET COMPANY.

Mr. CHIPMAN also introduced a bill (H. R. No. 4648) to compel the Washington Market Company to pay to the District of Columbia the amount due from it to the poor fund; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM BOWEN.

Mr. CHIPMAN also introduced a bill (H. R. No. 4649) for the relief of William Bowen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMOS J. GUNNING.

Mr. CHIPMAN also introduced a bill (H. R. No. 4650) for the relief of Amos J. Gunning, late watchman of the United States Treasury building extension; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. CHIPMAN also introduced a bill (H. R. No. 4651) to give the Court of Claims jurisdiction in cases arising under the joint resolution of Congress entitled "Joint resolution giving additional compensation to certain employes in the civil service of the Government at Washington," approved February 28, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIABILITIES OF THE DISTRICT, ETC.

Mr. CHIPMAN also introduced a bill (H. R. No. 4652) to provide for the payment of certain liabilities of the District of Columbia and the late board of public works; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TITLES IN THE DISTRICT.

Mr. CHIPMAN also introduced a bill (H. R. No. 4653) to prevent the indirect defeat of titles in the District of Columbia of wives by husbands and husbands by wives; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GOVERNMENT OF THE DISTRICT.

Mr. CHIPMAN also introduced a bill (H. R. No. 4654) to amend the forty-first section of an act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CHIPMAN. I ask to have printed as a miscellaneous document a letter of the commissioners of the District of Columbia which accompanies this bill.

No objection was made.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories having been concluded for the introduction of bills and joint resolutions for reference, the Chair will entertain propositions for the same purpose from members who were not in at the time the States were called.

MATTHEW MAGEE.

Mr. BURCHARD introduced a bill (H. R. No. 4655) granting a pension to Matthew Magee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. STEVENS, of Massachusetts, introduced a bill (H. R. No. 4656) granting condemned cannon to the Grand Army of the Republic at

Holyoke, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF THE HARBOR OF CHARLESTON, SOUTH CAROLINA.

Mr. CARPENTER introduced a bill (H. R. No. 4657) making appropriations for the improvement of the harbor of Charleston, South Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WESTERN DISTRICT COURT OF SOUTH CAROLINA.

Mr. CARPENTER also introduced a bill (H. R. No. 4658) to abolish the circuit court powers of the district court of the western district of the State of South Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 4659) to amend an act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury of the United States under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington on the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BOUNTIES AND PENSIONS TO COLORED SOLDIERS.

Mr. BUTLER, of Massachusetts, also introduced a joint resolution (H. R. No. 153) construing the act entitled "An act to place colored persons who enlisted in the Army on the same footing as other soldiers as to bounty and pensions;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLERKS AND AGENTS OF QUARTERMASTER'S DEPARTMENT.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 4660) for the relief of certain clerks and agents of the Quartermaster's Department, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. GARFIELD introduced a bill (H. R. No. 4661) authorizing the Secretary of War to deliver condemned ordnance to Post No. 38, Grand Army of the Republic, of Geneva, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARSHAL FOR NORTHERN DISTRICT OF GEORGIA.

Mr. FREEMAN introduced a bill (H. R. No. 4662) to change the location of the office of the United States marshal in the northern district of Georgia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BENJAMIN F. GARVIN AND HENRY H. STEWART.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 4663) relative to Benjamin F. Garvin and Henry H. Stewart, chief engineers in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REVOLUTIONARY PENSIONS.

Mr. LAMISON introduced a bill (H. R. No. 4664) for the relief of surviving widows and children of certain officers and soldiers of the Revolution; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. SMITH, of New York, introduced a bill (H. R. No. 4665) granting condemned cannon to the Grand Army of the Republic for the erection of a monument to the Union soldiers buried in Woodlawn Cemetery, in the State of New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN LEASES.

Mr. COX presented concurrent resolutions of the Legislature of the State of New York in relation to certain Indian leases; which were referred to the Committee on Indian Affairs, and ordered to be printed.

WASHINGTON AND POINT LOOKOUT RAILROAD.

Mr. MACDOUGALL introduced a bill (H. R. No. 4666) to repeal an act entitled "An act supplementary to an act entitled 'An act to authorize the Washington City and Point Lookout Railroad Company to extend their railroad into and within the District of Columbia,'" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MAJOR-GENERAL DANIEL E. SICKLES.

Mr. MACDOUGALL also introduced a joint resolution (H. R. No. 154) respecting the retirement of Major-General Daniel E. Sickles; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BOUNTIES.

The SPEAKER. When the House adjourned last Monday it had under consideration a motion to suspend the rules and pass a bill (H. R. No. 4667) presented by the gentleman from New Jersey [Mr. WARD] granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year and who were killed or have died by reason of such service. The motion to suspend the rules was seconded, and the question on suspending the rules was ordered to be taken by yeas and nays. The bill will be again read.

The bill was read, as follows:

Be it enacted, etc., That the heirs of any soldier who was killed or died while in the military service of the United States, in the line of duty, during the war for the suppression of the rebellion, whose period of enlistment was for less than one year, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the same bounties as if said soldier had enlisted for three years: *Provided*, That the heirs so entitled shall be such only as are named in the first section of the act of July 11, 1862: *And provided further*, That nothing in this act shall authorize the payment on account of any soldier who has received bounty from the Government of the United States.

Mr. DUNNELL. In order to make this bill harmonious with other pension laws the word "heirs" should be stricken out and the words "widow or minor children" inserted.

Mr. WARD, of New Jersey. They are included in this bill.

Mr. YOUNG, of Georgia. Is not this bill already before the Committee on Military Affairs?

Mr. HOLMAN. I hope the gentleman from New Jersey will consent to strike out the words "less than one year" and insert "one year or a less period." Unless this change be made the bill will not apply to one year's men.

The SPEAKER. The yeas and nays have been ordered on the motion to suspend the rules; and it will require unanimous consent to modify the proposition.

Mr. GUNCKEL. Will not the gentleman from New Jersey consent to fix a day for considering all these bounty bills—the whole subject of equalizing bounties?

Mr. SAYLER, of Indiana. O, no; we want to pass this now.

Mr. GARFIELD. Does this bill apply to "heirs" or "children?"

Mr. SAYLER, of Indiana. It applies to the same persons that are mentioned in the act of 1862.

Mr. SPEER. I think there is no serious objection to this bill. I hope we shall not consume time by taking the yeas and nays.

Mr. FORT. I ask unanimous consent that the bill be modified by inserting before "heirs" the words "widow and minor children."

Mr. WARD, of New Jersey. Widows are included under this bill. The bill refers to the act of July 11, 1862.

Mr. FORT. But we all know what strange rulings are sometimes made in the Pension Office.

Mr. WARD, of New Jersey. But the bill is very explicit. It refers to the act of July 11, 1862, the language of which I ask the Clerk to read.

Mr. FORT. What is the objection to inserting "minors?"

Mr. WARD, of New Jersey. Because they are already included.

The Clerk read as follows:

Provided, That said bounty shall be paid to the following persons, and in the order following, and to no other person, to wit: First, to the widow of such deceased soldier, if there be one; second, if there be no widow, then to the children of such deceased soldier, share and share alike; third, if such soldier left neither a widow or child or children, then and in that case such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: First, to his father; or, if he shall not be living or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

Mr. GUNCKEL. The insertion of the word "minor," so that the benefits of the act shall extend only to minor children, would save \$100,000.

Mr. SAYLER, of Indiana. But that would make an invidious distinction among different soldiers who gave their lives for the preservation of the Republic; and that we ought not to do in our legislation.

Mr. MAYNARD. It seems to me there is no difficulty about this matter. The bill provides for granting certain benefits to the "heirs of any soldier," &c., and then the proviso declares that the heirs so entitled shall be such only as are named in the first section of the act of July 11, 1862, which as I understand has just been read.

Mr. SAYLER, of Indiana. The bill puts the heirs of one dead soldier upon exactly the same level with those of every other dead soldier.

Mr. COTTON. I move to reconsider the vote by which the yeas and nays were ordered.

The motion to reconsider was agreed to; there being yeas 87, noes not counted.

The question recurring on ordering the yeas and nays, they were again ordered.

The question was taken; and it was decided in the affirmative—yeas 190, nays 21, not voting 78; as follows:

YEAS—Messrs. Adams, Albert, Albright, Averill, Banning, Barber, Barrere, Bass, Begole, Biery, Bland, Bradley, Bromberg, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Caulfield, Cessna, Chittenden, Amos Clark, Jr., Freeman Clarke, Clayton, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Cox, Crittenden, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Eldredge, Farwell, Field, Finck, Fort, Garfield, Glover, Gooch, Gunckel, Hagans, Hamilton,

Benjamin W. Harris, Harrison, Hatcher, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, E. Rockwood Hoar, Hodges, Holman, Hoskins, Houghton, Howe, Hubbell, Kelley, Kellogg, Knapp, Lamson, Lampert, Lansing, Lawrence, Lawson, Leach, Loughridge, Lowe, Lowndes, Lynch, Magee, Martin, Maynard, McCrary, Alexander S. McMill, James W. McDill, MacDougall, McNulta, Merriam, Mills, Mitchell, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Niblack, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Pierce, Pike, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Raudall, Rapier, Ray, Richmond, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheets, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Spear, Sprague, Stanard, Starkweather, Charles A. Stevens, Stone, Storm, Stowell, Strait, Strawberry, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tynes, Vance, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—140.

NAYS—Messrs. Ashe, Atkins, Beck, Bell, Bowen, Brown, Caldwell, John B. Clark, Jr., Crossland, Durham, Giddings, Henry R. Harris, Havens, Herndon, Hurlbut, Milliken, O'Brien, Robbins, Ellis H. Roberts, Whitthorne, and Charles W. Willard—21.

NOT VOTING—Messrs. Archer, Arthur, Barnum, Barry, Berry, Blount, Bright, Buckner, Burchard, Cain, Clements, Clinton L. Cobb, Cook, Creamer, Crooke, Danford, Davis, Dawes, DeWitt, Eden, Foster, Freeman, Frye, Gunter, Eugene Hale, Robert S. Hale, Hancock, Harmer, John T. Harris, Hathorn, Joseph R. Hawley, Hendee, George F. Hoar, Hooper, Hunter, Hunton, Hyde, Hynes, Kasson, Kendall, Killinger, Lamar, Lewis, Lofland, Luttrell, Marshall, McKee, McLean, Nesmith, Niles, Nunn, Perry, Phillips, Potter, Purman, Ransier, Read, William R. Roberts, Schell, John G. Schumaker, Scofield, Sener, Small, Smart, George L. Smith, Standiford, Alexander H. Stephens, St. John, Sypher, Wells, Wheeler, Whitehead, Whitehouse, Wilber, Willie, Ephraim K. Wilson, Wood, and Pierce M. B. Young—78.

So the rules were suspended, and the bill was passed.

During the vote—

Mr. GUNCKEL moved to dispense with the reading of the names.

The motion was agreed to.

The vote was then announced as above recorded.

WINONA AND SAINT PETER RAILROAD COMPANY.

Mr. DUNNELL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. No. 3904) to carry into effect the provisions of the act of Congress approved January 10, 1873, entitled "An act for the extension of time to the Winona and Saint Peter Railroad Company for the completion of its road."

Mr. HOLMAN. Let the bill be read in full, so we may know what it is.

The bill, which was read, provides that whenever it shall be made to appear to the Secretary of the Interior that the railroad company completed its railroad referred to in the act of January 10, 1873, in the manner required by law, and within the time provided by the act, the Secretary is authorized and directed to certify to the State of Minnesota, for the benefit and use of the railroad company, the odd-numbered sections of land that may have been, or shall be, selected by the State for the construction of the railroad, within the limits of twenty miles on each side of the road to its terminus, as now constructed in the Territory of Dakota, but not exceeding, however, in amount of land per mile of such actually constructed road the quantity of land heretofore granted per mile of road by the acts of Congress granting lands to aid in the construction of the railroad, and which have not heretofore been reserved to the United States by any act of Congress or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever; provided, however, that the act shall in no way affect the rights of any bona fide settlers on any of the lands acquired prior to the receipt, by the register and receiver of the United States land office at Yankton, of the order of the Commissioner of the General Land Office of November 11, 1873, withdrawing the lands from sale and entry in the district.

Mr. SPEER. Does the gentleman from Minnesota propose to bring the bill before the House for consideration or to pass it?

Mr. DUNNELL. I have moved to suspend the rules and pass the bill. I can state in a few words the reason for it.

Mr. HOLMAN. The bill should be brought before the House and a reasonable time given for discussion.

Mr. SPEER. Let me suggest the gentleman change his motion and make the motion to suspend the rules to bring the bill before the House for consideration. It is too important a bill to be passed without discussion.

Mr. DUNNELL. I can state in a few minutes what the bill is.

Mr. SENER. I object to debate.

Mr. SPEER. This bill should not pass without the House knowing fully what it is.

Mr. DUNNELL. I will state in one minute to the House precisely what it is.

Mr. SENER. I have interposed objection.

Mr. DUNNELL. I move to suspend the rules only to bring the bill before the House for consideration.

Mr. BURCHARD. Then a majority can pass it.

Mr. COTTON. I hope reservation will be made that it is not to consume more than an hour.

Mr. DUNNELL. It will not take more than twenty minutes.

Mr. HOLMAN. We insist on reasonable discussion of a bill of this character.

The SPEAKER. If the bill is to be brought before the House for consideration it had better be postponed to some other day.

Mr. DUNNELL. If we have thirty minutes for the consideration of the bill, I think I can show the House it ought to pass at once. It is all in a nutshell. I make the motion that the rules be suspended to bring the bill before the House and after half an hour that the vote be taken on its passage.

Mr. SAYLER, of Indiana. If the rules are suspended and the bill is brought before the House for consideration at this time, will not a simple majority vote pass it?

The SPEAKER. It will require but a majority to pass it in that event.

The question recurred on seconding the motion to suspend the rules. The House divided; and there were—ayes 38, noes 52; no quorum voting.

The SPEAKER appointed Mr. DUNNELL and Mr. HUNTON as tellers.

The House again divided; and the tellers reported—ayes 47, noes 54. So the motion to suspend the rules was not seconded.

Mr. DUNNELL. I ask unanimous consent to make a statement. Objection was made.

MISSISSIPPI LEVEES.

Mr. MOREY. I move to suspend the rules for the purpose of passing the following resolution:

Resolved, That when the river and harbor appropriation bill shall be reported to the House for action it shall be in order for the Committee on the Mississippi Levees to move an amendment thereto making an appropriation for closing the existing crevasses or breaks in the levees of the Mississippi River, and for making surveys for a permanent plan for reclamation of the alluvial basin of the Mississippi River subject to inundation, in conformity with estimates and recommendations made by the commission of engineers to the President of the United States, and transmitted by him to this House January 25, 1875.

The question was on seconding the motion to suspend the rules.

Tellers were ordered; and Mr. PLATT, of New York, and Mr. MOREY were appointed.

The House divided; and the tellers reported—ayes 105, noes 41.

So the motion to suspend the rules was seconded.

The question recurred on suspending the rules and adopting the resolution.

Mr. SAYLER, of Indiana. I call for the yeas and nays.

Mr. CONGER. I rise to a question of order. That matter has been—

Mr. MOREY. I object to debate.

The SPEAKER. The gentleman from Michigan states that he rises to a question of order. The Chair will hear him.

Mr. CONGER. It is this: whether, that matter having been committed to a special committee, it is in order to load down the river and harbor bill with their report?

The SPEAKER. Under the rules there would be some point in that; but this is to suspend the rules.

Mr. CONGER. I hope the House will vote it down.

Mr. WILLARD, of Vermont. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 73, not voting 94; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Ashe, Atkins, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Carpenter, Caulfield, Cessna, John B. Clark, Jr., Clymer, Clinton L. Cobb, Comingo, Cook, Crittenden, Crossland, Crutchfield, Darrall, Donnan, Dunnell, Durham, Farwell, Field, Foster, Freeman, Giddings, Glover, Gunter, Hagans, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, John B. Hawley, Hays, Hereford, Hodges, Howe, Hunter, Hunton, Hynes, Kelley, Knapp, Lamar, Lamson, Leach, Lewis, Loughbridge, Lowndes, Lynch, Magee, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McNulta, Milliken, Mills, Morey, Morrison, Myers, Negley, Niblack, O'Brien, Orr, Orth, Pelham, Phillips, Pierce, Thomas C. Platt, Pratt, Rainey, Randall, Rapier, Read, Richmond, Robbins, James C. Robinson, Milton Sayler, Schell, Isaac W. Scudder, Sener, Sheats, Sheldon, Sloan, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stone, Sypher, Thornburgh, Vance, Wallace, Walls, Wells, White, Whitehead, Whitthorne, John M. S. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—122.

NAYS—Messrs. Albright, Bass, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Freeman Clarke, Stephen A. Cobb, Cougar, Cotton, Curtis, Dawes, Dobbins, Eames, Finck, Fort, Gooch, Gunckel, Eugene Hale, Hamilton, John W. Hazelton, Holman, Hoskins, Houghton, Kasson, Lawrence, Lawson, MacDougall, Merriam, Mitchell, Monroe, Moore, Neal, Packard, Packer, Page, Hosea W. Parker, Pendleton, James H. Platt, Jr., Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Storm, Strait, Strawbridge, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Waldron, Charles W. Willard, George Willard, William Williams, and William B. Williams—73.

NOT VOTING—Messrs. Archer, Averill, Banning, Barber, Barnum, Barry, Bromberg, Buckner, Bundy, Burrows, Cannon, Cason, Chittenden, Amos Clark, Jr., Clayton, Clements, Coburn, Corwin, Cox, Creamer, Crooke, Crounse, Danford, Davis, DeWitt, Duell, Eden, Eldredge, Frye, Garfield, Robert S. Hale, Harmer, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hubbell, Hurlbat, Hyde, Kellogg, Kendall, Killinger, Lampont, Lansing, Lohand, Lowe, Luttrell, Marshall, McKee, McLenn, Nesmith, Niles, Nunn, O'Neill, Isaac C. Parker, Parsons, Perry, Phelps, Pike, Poland, Potter, Purman, Ransier, William R. Roberts, Rusk, John G. Schumaker, Scofield, Henry J. Scudder, Sloss, George L. Smith, Stanard, Standiford, Starkweather, Alexander H. Stephens, Charles A. Stevens, St. John, Stowell, Swann, Tremain, Waddell, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Whiteley, Wilber, Charles G. Williams, Willie, and Woodworth—94.

So (two-thirds not voting in favor thereof) the rules were not suspended.

WESTERN DISTRICT OF ARKANSAS.

Mr. SENER. I ask unanimous consent that the bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes,

which has been returned from the Senate with amendments, be taken from the Speaker's table and referred with the amendments to the Committee on Expenditures in the Department of Justice.

There was no objection, and it was so ordered.

Mr. SENER moved to reconsider the vote by which the bill and amendments were referred to the Committee on Expenditures in the Department of Justice; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. DOUGLASS.

Mr. SCOTFIELD. I move to suspend the rules to enable me to introduce, and the House to pass, a bill for the relief of John W. Douglass. This is the present Commissioner of Internal Revenue. The Committee on Claims have agreed to the bill, but have had no opportunity to report it.

The bill was read. It authorizes the Secretary of the Treasury to pay to J. W. Douglass, late collector of internal revenue of the nineteenth district of Pennsylvania, out of any money in the Treasury not otherwise appropriated, the sum of \$5,948.68, and also to credit the said late collector, on his revenue account, the sum of \$915.99, both sums amounting to \$6,865.67, being balance of which said late Collector Douglass was robbed by a deputy collector, after deducting the amount realized from the sale of said deputy's property.

Mr. SPEER. Does my colleague say that this bill has been unanimously agreed to by the Committee on Claims?

Mr. SCOTFIELD. I do not know whether it has been agreed to by the committee unanimously. The gentleman who has it in charge informed me that the committee had agreed to it.

Mr. SPEER. Does my colleague have personal knowledge that Mr. Douglass was robbed of this money?

Mr. SCOTFIELD. It is within my personal knowledge that he was robbed, but I do not myself know of what amount.

The motion to suspend the rules having been seconded, the rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. No. 4668) was passed.

ORDER OF BUSINESS.

Mr. PIERCE. I rise to submit a motion to suspend the rules.

Mr. GARFIELD. I give notice that in about fifteen minutes hence I will ask the House to go into Committee of the Whole on an appropriation bill.

DONATION OF CONDEMNED CANNON.

Mr. PIERCE. I move that the rules be suspended and that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes, and that the same be passed.

The bill was read. It authorizes the Secretary of War to deliver to the Joseph Warren Monument Association of Boston, Massachusetts, ten pieces of condemned brass cannon, to be used in the erection of a statue of Joseph Warren, in Boston, Massachusetts.

The motion to suspend the rules having been seconded, the rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

THIRD TERM FOR PRESIDENT.

Mr. SPEER. I move that the rules be suspended and the following resolution be adopted:

Resolved, That in the judgment of this House the election of a President for a third term is against the traditions of the Republic, is in violation of the example of Washington, now sacred as law itself, and would be hazardous alike to the liberties of the people and the free institutions of the country.

Upon seconding the motion to suspend the rules tellers were ordered; and Mr. SPEER and Mr. MAYNARD were appointed.

Mr. CESSNA. Is it in order for me now—

Mr. SPEER. I object absolutely to debate.

Mr. SHEATS. Is it in order to move to lay that resolution on the table?

The SPEAKER. It is not while the House is dividing on seconding the motion, because the resolution is not before the House.

The House divided; and the tellers reported—ayes 57, noes 102.

So the motion to suspend the rules was not seconded.

EQUALIZATION OF BOUNTIES.

Mr. GUNCKEL. I move that the rules be suspended and the following resolution adopted:

Resolved, That the rules be so suspended that House bill No. 3341, entitled "A bill to equalize the bounties of soldiers who served in the late war for the Union," shall be reported by the Committee on Military Affairs on Saturday, the 13th day of February, at two o'clock p. m., and be considered in the House, and that the previous question shall be called upon the same at four o'clock on that day.

I will state that this is simply a proposition to consider the question. Mr. MAYNARD. I suggest to the gentleman that inasmuch as this bill is well understood by the House, he change his motion so as to bring the bill before the House for consideration now.

Mr. GUNCKEL. O, no; this motion will bring the whole subject before the House.

Mr. MAYNARD. But the House understands it perfectly well now.

Mr. SPEER. Will amendments be in order?

Mr. COBURN. All amendments will be admissible.

Upon seconding the motion to suspend the rules tellers were ordered; and Mr. GUNCKEL and Mr. KASSON were appointed.

The House divided; and the tellers reported ayes 79, noes not counted.

So the motion was seconded.

The question was taken on suspending the rules; and (two-thirds voting in favor thereof) the rules were suspended and the resolution was agreed to.

SENECA INDIANS IN NEW YORK.

Mr. HARRIS, of Massachusetts. I move, on behalf of the Committee on Indian Affairs, that the rules be so suspended that the House shall non-concur in the amendments of the Senate to the bill now on the Speaker's table to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservation and to confirm existing leases, and ask a conference on the disagreeing votes of the two Houses thereon.

The question was put; and (two-thirds voting in favor thereof) the rules were suspended and the motion was agreed to.

ELECTION OF REPRESENTATIVES IN CONGRESS.

Mr. DAWES. I move that the rules be suspended and the resolution adopted which I send to the Clerk's desk. I will state that it proposes a change in the law which is absolutely necessary, because it would be impossible for that law to be carried out without a change in the constitutions of several States so as to carry it into effect. I therefore ask that this resolution be adopted.

The Clerk read the resolution, as follows:

Resolved, That it shall be in order in Committee of the Whole pending the consideration of an appropriation bill to consider an amendment for the modification, suspension, or repeal of section 25 of the Revised Statutes, regulating the time for holding elections of Representatives in Congress.

Mr. DAWES. That provision of the law makes the day for the election of Representatives in Congress uniform in all the States after the year 1876. In order to carry out that law the constitutions of several States would have to be changed between now and then.

Mr. NIBLACK. I understand that the record in relation to the law which requires the election of Representatives in Congress to be held on the same day in the several States, does not disclose the fact that that bill ever passed the House. There seems to have been some mistake about it.

Mr. DAWES. I am so informed, and I suggest this as the easiest mode of avoiding the difficulty.

Mr. MAYNARD. That is a very remarkable statement, that the constitutions of the States can interfere with the election of Representatives in Congress.

Mr. DAWES. It would be a remarkable statement if I had made it. Mr. MAYNARD. Then if the gentleman did not make it he said nothing worthy of consideration.

Upon seconding the motion to suspend the rules tellers were ordered; and Mr. DAWES and Mr. STORM were appointed.

The House divided; and the tellers reported—ayes 100, noes not counted.

So the motion was seconded.

The question recurred upon the motion to suspend the rules and pass the resolution.

Mr. ELDREDGE. On that question I call for the yeas and nays.

The yeas and nays were ordered, 27 members voting therefor.

The question was taken; and there were—yeas 161, nays 65, not voting 63; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Bruntin, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Cotton, Crouse, Darrah, Dawes, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Kasson, Kelley, Kellogg, Lansing, Lawson, Lewis, Longbridge, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niblack, O'Brien, O'Neill, Orr, Orth, Packard, Parker, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Sencer, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Stowell, Strait, Strawbridge, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—161.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Caldwell, Cannon, Canfield, John B. Clark, jr., Clymer, Comings, Cook, Cox, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatchers, Hereford, Herndon, Holman, Hunton, Knapp, Lamson, Leach, Magee, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Hosca W. Parker, Randall, Read, Robbins, James C. Robinson, Schell, Southard, Stone, Storm, Swann, Vance, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—65.

NOT VOTING—Messrs. Archer, Barnum, Barry, Blount, Backner, Benjamin F. Butler, Clinton L. Cobb, Corwin, Creamer, Crooke, Crutchfield, Curtis, Danford, DeWitt, Dobbins, Eden, Frye, Robert S. Hale, Harmer, Joseph R. Hawley, Hays, George F. Hoar, Harbunt, Hyde, Hynes, Kendall, Killinger, Lamar, Lampert, Lawrence, Lofland, Luttrell, Marshall, Maynard, McLean, Niles, Nunn, Pelham, Perry,

Phelps, Pike, Potter, Purman, Ransier, Rapier, William R. Roberts, Milton Saylor, John G. Schumaker, Isaac W. Scudder, Sheets, Sloss, George L. Smith, Speer, Standford, Alexander H. Stephens, St. John, Waddell, Wells, Wheeler, Whitehouse, Wilber, Wolfe, and Wood—63.

So (two-thirds voting in favor thereof) the rules were suspended, and the resolution adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1317) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent, for improved device for converting reciprocal into rotary motion;

A bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans; and

A bill (H. R. No. 4335) authorizing John Hazeltine to make application to the Commissioner of Patents for the extension of his patent for a new and useful water-wheel.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 537) for the extension of the patent known as Reynolds's patent brake for power-looms; and

A bill (S. No. 993) for the relief of Luther Hall.

RECUSANT WITNESS—WILLIAM S. KING.

Mr. DAWES. I rise to a question of privilege, and submit the preamble and resolution which I send to the Clerk's desk to be read:

The Clerk read as follows:

Whereas William S. King, of Minneapolis, Minnesota, temporarily residing in the city of Washington, for the purpose of avoiding the service of a summons duly issued by the Speaker of this House commanding him to appear before the Committee on Ways and Means charged with the investigation of certain allegations concerning the use of money by the Pacific Mail Steamship Company for the purpose of procuring legislation in the Forty-second Congress, has fled to the Dominion of Canada; and whereas the said William S. King was on the 2d day of February, A. D. 1875, summoned by a copy of a summons duly issued by the Speaker of this House, personally delivered to him in the town of Compton, in the province of Quebec in the Dominion of Canada, commanding him to appear and testify before the Committee on Ways and Means as aforesaid, and has without sufficient cause neglected to appear before said committee, pursuant to said summons: Therefore,

Resolved, That the Speaker issue his warrant directed to the Sergeant-at-Arms commanding him to take into custody the body of the said William S. King wherever to be found, and to have the same forthwith brought before the bar of the House to answer for contempt of the authority of the House in thus failing and neglecting to appear before said committee.

Mr. GARFIELD. It may be well to get him, but is it well to make war upon Great Britain in order to get him?

Mr. CONGER. Does the gentleman think he can beat the "King" in the Queen's dominions?

Mr. DAWES. The House will comprehend at once the question presented for their consideration. I have reported this resolution by direction of the Committee on Ways and Means, and I desire to make a statement of what has been done and to submit, under the instruction of the committee, the question to the House of Representatives; so that if the Speaker's warrant shall not issue it will not be because the Committee on Ways and Means have not laid the matter before the House, and if it shall issue it will be because the House of Representatives thinks this is a case that will justify it.

The witness had full knowledge of the fact that his presence before the Committee on Ways and Means was expected and desired. He left the city of Washington, as all the facts in the case indicate, and about which I think there is no dispute, for the very purpose of avoiding the service of this summons. He went to Canada, and being disturbed in his repose there, he crossed over the line into the State of New York, and spent some little time near the town of Malone, in the State of New York. As the officer of the House of Representatives approached the place where he was stopping, he fled across the border into Canada, and took up his residence at a hotel in Montreal without registering the name by which he is known in this country. Under the direction of the Sergeant-at-Arms, the officer discovered his whereabouts in the city of Montreal, and then Mr. King left for the town of Compton, one hundred and fifteen miles from Montreal, taking up his residence there with a friend. His place of abode was ascertained by the officer, who, upon going to the house and inquiring for a gentleman who sometimes resided there, succeeded in meeting Mr. King and putting in his hands a copy of the summons of the Speaker; Mr. King remarking at the time that being out of the jurisdiction of the United States of course it was of no avail. The subpoena has been returned; the person who served it is here; he knows Mr. King, and has known him for many years. The identity is without doubt; the fact that he left the country to avoid the service is clear; the service was made on him, but out of the jurisdiction of the United States.

It is not very likely that Mr. King intends to come within the jurisdiction of the United States, and of course no warrant can be served upon him out of that jurisdiction. But if he should come within the jurisdiction in time, so that the Committee on Ways and Means could be gratified by his presence as a witness before them, this would give us the opportunity of bringing him here. If the

House thinks this is not a case that would require or justify the issuing of a warrant, the committee will have discharged their duty in bringing the resolution before the House. It is thought by some, I see, that the resolution is a little too broad in its phraseology. Of course it can mean nothing more than his arrest wherever found within the jurisdiction of the United States.

Mr. HALE, of Maine. Why not put those words in the warrant?

Mr. DAWES. That would perhaps be better.

Mr. MAYNARD. How recently was this gentleman in the city of Washington?

Mr. DAWES. During the holidays the committee had the pleasure of his company to New York. At that time he intimated to the committee his own desire to appear before them as a witness, and they gave him notice that they would desire his early attendance. It was after the committee went to New York and after they had seen Mr. King that the peculiar evidence that renders his presence so necessary came before the committee. At the time he went to New York with the committee there was no special reason why his presence as a witness was needed.

Mr. GARFIELD. Was he summoned while here?

Mr. DAWES. No; he has never been summoned except in the manner now brought to the attention of the House. The committee do not urge the issuing of this warrant. They have brought the matter before the House because they had some doubt themselves whether it was proper to issue this warrant. They submit the question without recommending that the warrant shall or shall not issue.

Mr. MAYNARD. I have an impression that this man has been before the Committee on Ways and Means and has testified.

Mr. DAWES. He has never been before the present Committee on Ways and Means. In the last Congress he was a witness before the committee on the same subject.

Mr. MAYNARD. And testified very emphatically.

Mr. DAWES. And testified with great emphasis.

Mr. HALE, of Maine. In that part of the resolution relating to the arrest it seems to me the words "if within the jurisdiction of the United States" should be inserted.

Mr. SENER. Yes; that language ought to go in.

Mr. DAWES. The committee were of opinion that the most that could be said of this service was that this witness might be considered by the House as in contempt from the fact of his having escaped into Canada to avoid process, and from the fact that he has been requested by the House of Representatives to come here and testify; for that is all that can be said as to the legal effect of this summons served in Canada.

Mr. BUTLER, of Massachusetts. If my colleague [Mr. DAWES] will yield to me a few moments, I desire to call the attention of the House to the question whether it is of most consequence to issue what will be a useless warrant, (for if Mr. King has gone to Canada to avoid process he will undoubtedly remain there,) or whether it is best to maintain the integrity of the law and the dignity of the House of Representatives. How can a man be said to be in contempt of the House when he has never had process legally or truly served upon him? Can a man be in contempt of any court—has he legally been summoned before any court—when the process of the court has never been served on him by any person having the authority to do it? Would any judge of any court in the United States hold a man in contempt because he did not present himself as a witness when he had merely been asked to do so—because he did not come on a mere request when he had reason to suppose he would be wanted? It is very clear that Mr. King cannot be brought from Canada by any process of ours; nor can our Sergeant-at-Arms make legal service on him there. Now the question is what can we do? Is it proposed that an officer of the House of Representatives shall serve this warrant and undertake to kidnap this man from Canadian soil?

Mr. DAWES. Will my colleague [Mr. BUTLER, of Massachusetts] allow me to ask him a question?

Mr. BUTLER, of Massachusetts. I have not got mine answered yet.

Mr. DAWES. You have not got through putting it.

Mr. BUTLER, of Massachusetts. Well, I will try to finish it. I desire to know whether it is well for the House of Representatives, without right, to declare a man in contempt when in no legal sense can he be in contempt? Will my colleague answer that?

Mr. DAWES. I do not think it would be well. And now, Mr. Speaker, I want to put a question to my colleague.

Mr. BUTLER, of Massachusetts. I shall be very glad to answer it.

Mr. DAWES. Suppose a witness ran out of the court-room to avoid service of a summons and the sheriff ran after him.

Mr. BUTLER, of Massachusetts. And the sheriff did not catch him.

Mr. DAWES. And the sheriff did not catch him. Would he not be in contempt of the court?

Mr. BUTLER, of Massachusetts. By no means. I do not see how any lawyer could believe he would be. Can my colleague say upon his honor as a lawyer that he so believes?

Mr. DAWES. Well, I do not know whether he would or not.

Mr. BUTLER, of Massachusetts. I am very much obliged to my colleague for having given me so good an illustration of my point.

Mr. RANDALL. If my memory serves me aright a number of witnesses were upon an important occasion—I refer to the impeachment

trial of Andrew Johnson—subpœnaed in Canada. The gentleman from Massachusetts [Mr. BUTLER] will correct me if I am not accurate in this statement.

Mr. BUTLER, of Massachusetts. What is the gentleman's remark?

Mr. RANDALL. I say that if my memory is not at fault, quite a number of witnesses were, during the impeachment trial of Andrew Johnson, summoned in Canada.

Mr. BUTLER, of Massachusetts. No; none were subpœnaed.

Mr. RANDALL. Well, an attempt was made to subpœna them.

Mr. BUTLER, of Massachusetts. Some persons in Canada were requested to come, and they came.

Mr. RANDALL. Well we have requested Mr. King to come.

Mr. BUTLER, of Massachusetts. But we could not have done anything if those witnesses had not come.

Mr. RANDALL. Well, I can see no harm to come from the issue of the warrant in this case. If the warrant should meet Mr. King in the United States, his arrest under it would be immediate.

Mr. BUTLER, of Massachusetts. And his arrest under it would be wholly illegal and void, because he is not in contempt.

Mr. RANDALL. I am very sorry if such people can escape in this way.

Mr. DAWES. The committee propose to let the House of Representatives decide this question.

Mr. MAYNARD. I suggest that the proposition should be so modified as by no possibility to be construed as indicating an intention to arrest this witness in Canada.

Mr. DAWES. The resolution has been so modified.

Mr. SPEER. Mr. Speaker, I think it of the very highest importance that the record should show that this warrant, if authorized by the House to be issued, does not pretend to enforce the arrest of Mr. King beyond the jurisdiction of the United States.

Mr. DAWES. That has been so fixed.

The SPEAKER. "If within the jurisdiction of the United States," is the language of the resolution.

Mr. RANDALL. There is no harm in it.

Mr. SPEER. That is a proper amendment.

Mr. DAWES. I now yield to the gentleman from Maryland [Mr. O'BRIEN] to make a motion to test the sense of the House on this resolution.

Mr. O'BRIEN. With the consent of the gentleman from Massachusetts, I move that the resolution do lie upon the table.

Mr. SPEER. Let it be again reported as modified.

Mr. ELDREDGE. I will make an inquiry of the gentleman from Massachusetts. I should like to know upon what he predicates the arrest of Mr. King; whether he has been served with a summons or any process from the committee of this House up to this time?

Mr. DAWES. I have already stated to the House, that a copy of the summons issued by the Speaker had been put into his hands, but put into his hands in Canada, outside of our jurisdiction.

Mr. RANDALL. He is an American citizen.

Mr. DAWES. And the committee bring this matter before the House now to have the judgment of the House upon it.

Mr. ELDREDGE. I should like to make another inquiry of the gentleman from Massachusetts, because I wish to act understandingly on this matter. I suppose the warrant, if it comes at all, must have some predicate, either a criminal act of the person against whom the warrant is issued or else what amounts to a contempt against this House. Upon which of these grounds does the gentleman predicate authority to issue this warrant of arrest?

Mr. DAWES. Of course, Mr. Speaker, the warrant of arrest of a witness who fails to appear is because of contempt of the House.

Mr. ELDREDGE. In what does that contempt consist? What has this man done? I suppose it may be alleged upon rumor or something of that sort that he has evaded a subpoena. I have no doubt from what I have heard that is the fact. But, sir, is there that evidence presented to the House upon which we, acting in our legislative capacity, can issue a warrant against him for contempt?

Mr. DAWES. The resolution itself recites there is, if that be considered a sufficient ground.

Mr. ELDREDGE. It is alleged in papers I have seen—numerous papers—that Mr. King has been in the city of Washington and might have been subpœnaed. I should like to know from the gentleman from Massachusetts whether that is true or only one of those doubtful statements made by the newspapers.

Mr. DAWES. The Committee on Ways and Means have thoroughly investigated all the statements which have appeared in the public prints and elsewhere which have come to their knowledge, and they are satisfied Mr. King has not been in the city of Washington since the commencement of the holidays.

Mr. ELDREDGE. I wish to ask another question. Does the gentleman from Massachusetts undertake to say service of the subpoena of the House upon Mr. King in the Dominion of Canada will put him in contempt of this House for not there obeying its mandate?

Mr. DAWES. I thought I had made myself clearly understood by the House in saying that the Committee on Ways and Means express no opinion on that point. The committee have only brought to the notice of the House the fact that this witness has purposely evaded the summons of the House; that he has fled to Canada, and has had service upon him in Canada, and that the facts are now brought to the attention of the House for its action.

Mr. ELDREDGE. The gentleman from Massachusetts should inform the House fully on the subject. It seems to me his large experience, his ability, and his knowledge of law ought to have induced him to present to the House all necessary information before he asks us to issue out a warrant not in conformity to law but in violation of it.

Mr. DAWES. Everybody knows there are a great many things I ought to do which I do not do.

Mr. SPEER. I wish to ask the gentleman whether he does not know this witness has gone to Canada for the purpose of avoiding the service upon him of the subpoena of this House?

Mr. DAWES. That is alleged in the resolution.

Mr. ALBRIGHT. I object to debate.

Mr. KASSON. Will the gentleman from Maryland withdraw his motion to lie upon the table for a moment to let me say a word?

Mr. O'BRIEN. Certainly.

Mr. SPEER. Who is the gentleman from Pennsylvania who objects?

Mr. ALBRIGHT. I am the one.

Mr. SPEER. I only wished to see him.

Mr. KASSON. In casting the vote on this question my earnest desire is that all the facts should be understood. I will now state one fact in addition to those before stated. The first information that came to us was that this witness was in a town in Northern New York. It came to the committee through my hands. The Sergeant-at-Arms was immediately advised and a subpoena was sent to that place notifying this witness, then within the jurisdiction of the United States. After it had arrived at its destination this witness became aware of that specific fact. This has been shown to the committee. He then hastened on last Sunday week to escape into the Dominion of Canada. He succeeded. He escaped knowing that the Sergeant-at-Arms was in pursuit of him.

Mr. ELDREDGE. Who is to blame for his escape?

Mr. KASSON. Now the sole question—

Mr. HUBBELL. I move to lay the whole subject on the table.

Mr. KASSON. The gentleman cannot do that until I yield the floor. The whole question presented to the House is whether an attempt successfully made under those circumstances to evade the service of the process is a contempt of the House. And as one member of the Committee on Ways and Means I desire the point should be made perfectly clear whether a witness can thus escape from process already issued without being guilty of contempt of the House.

Mr. HUBBELL. I move to lay the whole subject on the table.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] still has the floor.

Mr. BUTLER, of Massachusetts. Allow me to put a single question. If we make this service on Mr. King in Canada, is not that a violation of the rights of sovereignty of Canada?

Mr. DAWES. We are not going over there to make this service.

Mr. BUTLER, of Massachusetts. I know that; but you are proceeding upon what has occurred in Canada, which you have no right to do. I am informed that when one of the Ku-Klux ran away to Canada we sent for him and had to return him again.

Mr. CANNON, of Illinois. I desire to ask the gentleman from Iowa [Mr. KASSON] if the Committee on Ways and Means is satisfied by affidavits before it that Mr. King is evading the service of this process?

Mr. KASSON. The chairman, speaking for the committee on that point, has stated the facts which show that Mr. King has run away from the service of the process.

Mr. CANNON, of Illinois. I will further ask the gentleman from Iowa if he ever knew a court when proof was made, by affidavit or otherwise, so that the court was satisfied that the person was evading service of subpoena as a witness, to refuse an attachment for such witness.

Mr. SAYLER, of Indiana. I wish to ask the gentleman whether there is a precedent in this or any other legislative body for this proceeding?

Mr. KASSON. No precedent has been cited, and I know of none personally. Having received the privilege of the floor from the gentleman from Maryland, [Mr. O'BRIEN,] I now return it.

Mr. DAWES. I ask the gentleman from Maryland to withdraw his motion to lay the resolution on the table, and I will then myself withdraw that resolution in order to offer a bill for passage under suspension of the rules.

Mr. O'BRIEN. I withdraw the motion to lay on the table.

SELECTION OF JURORS IN THE DISTRICT.

Mr. DAWES. I withdraw the resolution and send to the desk a bill to provide for the selection of grand and petit jurors in the District of Columbia; and I move that the rules be suspended and that the bill be passed.

I desire to say that a bill passed before the holidays extended the jury lists until the 1st of February. Under the existing laws there can be no grand jury until late in March; and that will be too late for the purposes which the committee have in view. I think when the bill has been read that there will be no objection to its passage. It has been prepared with great care, after conference between the courts and the Judiciary Committee.

Mr. NIBLACK. I hope the gentleman from Massachusetts will allow me to say that this will permit the grand jury to assemble much

earlier than they can under the present law, and thus catch a flagrant case which has been brought to the attention of the Committee on Ways and Means and which we think ought not to be allowed to escape.

Mr. DAWES. The statute of limitation will bar any process in this matter we have been discussing in about two weeks.

Mr. WILSON, of Indiana. I will say to the House that this bill has been submitted to three or four leading lawyers of this city, and the chief justice of the supreme court, and has their approval.

The bill was read.

Mr. ELDREDGE. I desire to make an inquiry of the gentleman from Massachusetts in reference to the qualifications of these jurors. As I gather from the reading of the bill, the only qualification that is required is that they shall not have been convicted of an infamous crime. Now, it seems to me that there ought to be other qualifications than that.

Mr. WILSON, of Indiana. I will state to the gentleman from Wisconsin that the qualifications are that they shall be tax-payers upon real estate; that they shall be householders; that they shall be residents of the District; and that they shall be citizens of the United States.

Mr. ELDREDGE. I wish the gentleman to add to that, that they shall be able to read and write and understand the English language.

Mr. WILSON, of Indiana. I have no objection to that.

Mr. DAWES. I will add those words.

Mr. COTTON. I object to that amendment.

The SPEAKER. The gentleman from Massachusetts has a right to modify his motion.

Mr. ELDREDGE. The words that I would suggest are: "that they shall be able to read and write in the English language."

Mr. DAWES. I agree to that.

The motion to suspend the rules having been seconded, the rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. No. 4669) was passed.

B. H. PETERSON.

Mr. ATKINS. I move that the rules be suspended and the following resolution adopted:

Resolved, That the Postmaster-General be, and he is hereby, requested to inform this House whether B. H. Peterson has not a contract for carrying the United States mails on the Mississippi River, and on the Red River, and on any other river; and if so, at what rate of compensation for each contract; and whether said Peterson is the owner or captain of any steamboat on either of said mail-routes, and whether he employs others who are owners or captains of boats to carry the mail for him; to whom the whole or any part of such compensation for carrying said mails is paid; and also whether the Postmaster-General did not lately determine to annul the said contracts with the said Peterson and give them to another party, at a great saving to the Government, giving the amount of such saving and the reason why he did not carry out such intention.

The motion to suspend the rules having been seconded, the rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

HENRY S. WETMORE.

Mr. LEWIS, by unanimous consent, introduced a bill (H. R. No. 4670) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy upon the retired list; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. KELLOGG. I move that the rules be so suspended as to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department of the United States, and for other purposes, and that it be considered in the House on Tuesday, February 16, at one o'clock p. m. It is the bill to reorganize the Treasury Department, and has been a special order for the last four months.

Mr. KASSON. And it reduces expenses, does it not?

Mr. KELLOGG. It reduces the expenses, and I only ask that it be considered in the House under the five-minute rule.

The question was put and (two-thirds voting in favor thereof) the rules were suspended; and the motion agreed to.

EVENING SESSION FOR WEDNESDAY.

Mr. RANDALL. I ask unanimous consent that there be an evening session on Wednesday next for debate only, no business whatever to be transacted.

There was no objection, and the order was made.

Mr. RANDALL moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDEMPTION OF OVERDUE BONDS.

Mr. TREMAIN. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 4001) entitled "A bill to provide for the redemption of overdue bonds of the United States known as Texas indemnity bonds," and that the same be now put upon its passage.

Mr. HOLMAN. I object, and move that the House do now adjourn.

AMENDMENT OF THE REVISED STATUTES.

Mr. POLAND. I desire to give notice to the House that to-morrow, immediately after the reading of the Journal, I shall ask the House to take up the bill for the correction of certain errors in the Revised Statutes, and for the reason that if the bill is passed now those amendments can be incorporated in the bound volume of the Revised Statutes. I shall ask, therefore, that immediately after the reading of the Journal to-morrow that bill be taken up for consideration in the House.

HENRY C. PARRY, M. D.

Mr. ALBRIGHT also, by unanimous consent, from the same committee, reported a bill (H. R. No. 4671) for the relief of Henry C. Parry, M. D., late assistant surgeon United States Army; which was read a first and second time, recommitted to the committee, and ordered to be printed.

FORT KEARNEY MILITARY RESERVATION.

Mr. ALBRIGHT, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 4672) to authorize the sale of the military reservation of Fort Kearney, in the State of Nebraska, and the Government buildings thereon; which was read a first and second time, recommitted to the committee, and ordered to be printed.

SENIOR ASSISTANT SURGEONS, UNITED STATES NAVY.

Mr. ALBRIGHT also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 3858) to authorize the promotion of the senior three assistant surgeons of the Army; which was recommitted to the committee, and ordered to be printed.

GENERAL SAMUEL W. CRAWFORD.

Mr. ALBRIGHT. I also ask unanimous consent that the amendments of the Senate to the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, which comes back from the Senate with amendments and is on the Speaker's table, be non-concurred in and a conference asked on the disagreeing votes of the two Houses thereon.

There was no objection, and the order was made.

REPORT OF THE SMITHSONIAN INSTITUTION.

Mr. E. R. HOAR, by unanimous consent, submitted the following resolution; which was read, and referred, under the law, to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1874 be printed, two thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and seven thousand five hundred for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

STAMP DUTIES ON BANK CHECKS.

Mr. COMINGO, by unanimous consent, introduced a bill (H. R. No. 4673) regulating stamp duties on bank checks; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LOYAL CREEK INDIANS.

Mr. PHILLIPS introduced a bill (H. R. No. 4674) for the benefit of the loyal Creek Indians, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEOGRAPHICAL EXPLORATIONS.

Mr. FORT, by unanimous consent, submitted the following resolution; which was read, and referred, under the law, to the Committee on Printing:

Resolved, That there be printed and bound in quarto form, by the Public Printer, for the use of Congress, five thousand copies of the reports, with illustrations and atlas sheets, of geographical explorations and surveys west of the one hundredth meridian.

JUDICIAL DISTRICTS IN MICHIGAN.

Mr. HUBBELL. I ask unanimous consent to submit the following resolution:

Resolved, That the bill (H. R. No. 4699) to divide the State of Michigan into three judicial districts and to establish the northern district of Michigan be made a special order to the exclusion of all other orders for consideration in the House as in Committee of the Whole on Thursday evening next.

Many members objected.

EXPENSES OF A SPECIAL COMMITTEE.

Mr. BUTLER, of Massachusetts, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the resolution of the House of February 1, 1875, authorizing the Clerk of the House to pay to the Sergeant-at-Arms \$9,000 for the use of the Special Committee on Louisiana Affairs be so amended as to make the receipt of the Sergeant-at-Arms a proper voucher for that amount in the settlement of his accounts with the Treasury Department.

PUBLIC BUILDING AT JERSEY CITY.

Mr. SCUDDER, of New Jersey. I ask unanimous consent to submit for consideration at this time the resolution I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That it shall be in order, when the bill making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, shall be under consideration in Committee of the Whole, to offer and consider an

amendment so changing existing laws as to limit the cost of a site for a public building at Jersey City, in the State of New Jersey, to the sum of \$150,000 instead of \$100,000, as provided for by act of Congress approved March 3, 1873.

Mr. HOLMAN. I object.

EVENING SESSION FOR PENSION BILLS.

Mr. RUSK. I ask unanimous consent that a session of the House be ordered for Tuesday evening of next week for the consideration of reports from the Committee on Invalid Pensions, and for no other purpose.

No objection was made, and it was so ordered.

PATENT FOR COTTON-BALE TIES.

Mr. DOBBINS, from the Committee on Patents, by unanimous consent, submitted an adverse report upon the application for extension of patent for cotton-bale ties; which was ordered to be printed and recommitted.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILROAD.

Mr. COTTON. I ask unanimous consent that House bill No. 2102, with Senate amendments, to incorporate the Capitol, North O Street and South Washington Railroad Company, be referred to the Committee on the District of Columbia and ordered to be printed.

No objection was made, and it was so ordered.

Mr. BURCHARD moved to reconsider the various votes just taken by which bills, &c., were referred or recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I ask consent to put on its passage now a bill to retire a paralyzed judge.

Mr. HOLMAN. I do not think our civil pension-list should be increased.

The SPEAKER. Objection is made.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Indiana [Mr. HOLMAN] that the House do now adjourn.

Mr. GARFIELD. I rise to a privileged question in relation to the business of the House.

The SPEAKER. That cannot be so highly privileged as the motion to adjourn.

Pending the motion to adjourn,

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 764) to remove the political disabilities of Henry Heth, of Virginia.

Mr. DARRALL, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes; and

An act (H. R. No. 4563) to make an appropriation to the contingent fund of the House of Representatives.

COMMITTEES OF CONFERENCE.

The SPEAKER announced the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. No. 3008) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, &c.: Mr. HARRIS of Massachusetts, Mr. SESSIONS of New York, and Mr. COMINGO of Missouri; and

A bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army: Mr. ALBRIGHT of Pennsylvania, Mr. MACDOUGALL of New York, and Mr. YOUNG of Georgia.

WILSON SEWING-MACHINE PATENTS.

Mr. SAYLER, of Indiana, by unanimous consent, submitted the following report from the Committee on Patents; which was adopted, ordered to be printed, and to be printed in the RECORD:

To the House of Representatives:

Your Committee on Patents, to whom was referred the memorial of Allen B. Wilson, asking for the extension of reissued letters-patent numbered respectively 346, 414, and 3430, report as follows:

Said patents cover the invention of friction feed devices in sewing-machines. The original patent therefor was granted to the memorialist on the 12th day of November, 1850. Extensions were granted to the memorialist for said patents for the term of seven years by the Commissioner of Patents, which extended term expired on the 12th day of November, 1871. Said invention is a very useful and valuable one, having gone into almost universal use, and affecting very materially many branches of manufacture and the domestic economy of the people. The memorialist has had the benefit of the full term provided for by law under any circumstances for the existence of a patent, to wit, twenty-one years. He has received from said patents at least \$130,000, and in the opinion of your committee he had ample opportunity to have received a much larger sum. It is perfectly safe to say that the combination or company owning said patents, together with others, has received from these patents alone more than \$2,000,000—probably much more. The memorialist is a member of said combination, with, however, a very small interest therein, the exact amount of which your committee is not advised.

Your committee is satisfied that the public has paid very heavily for said invention, and has not contributed to any failure, real or imaginary, of the memorialist to realize a greater sum from his said patents.

Your committee are therefore of the opinion that the prayer of the memorialist ought not to be granted, and recommend that the memorial do lie on the table

ADJOURNMENT.

The question recurred upon the motion to adjourn; and being taken, upon a division there were—ayes 67, noes 62.

Before the result of this vote was announced,

Mr. BUTLER, of Massachusetts, called for tellers.

Tellers were ordered and Mr. BUTLER, of Massachusetts, and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 83, noes 70.

Before the result of this vote was announced,

Mr. CONGER called for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. GARFIELD. I ask consent, before the roll is called on the motion to adjourn, to submit a resolution to fix the hour of daily meeting at eleven o'clock a. m.

Mr. BUTLER, of Massachusetts. O, no.

The question was then taken on the motion to adjourn; and there were—yeas 103, nays 91, not voting 95; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barrere, Beck, Bell, Berry, Bland, Bowen, Bright, Brown, Buffinton, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Corwin, Cox, Crittenden, Crossland, Donnan, Durham, Eldredge, Farwell, Finck, Garfield, Glover, Gunckel, Gunter, Hamilton, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hays, Gerry W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, Holman, Hoskins, Houghton, Hunter, Hunton, Hurlbut, Kasson, Knapp, Lawrence, Magee, Alexander S. McDill, James W. McDill, Merriam, Milliken, Mills, Mitchell, Morrison, O'Brien, Orr, Packard, Pendleton, Phillips, Pierce, Pratt, Randall, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Milton Sayler, Schell, Shanks, Sherman, Sloan, Small, Smart, H. Boardman Smith, John Q. Smith, Southard, Spear, Charles A. Stevens, Stone, Storm, Taylor, Thompson, Vance, Waddell, Wallace, Walls, Whitehead, Whitthorne, Charles W. Willard, George Willard, Willie, Ephraim K. Wilson, James Wilson, John D. Young, and Pierce M. B. Young—103.

NAYS—Messrs. Albert, Albright, Averill, Barber, Begole, Biery, Bradley, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cossna, Chittenden, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Cotton, Crutchfield, Dawes, Dobbins, Dunnell, Eames, Field, Fort, Foster, Harrison, Hathorn, John B. Hawley, John W. Hazelton, Hodges, Howe, Hubbell, Hynes, Kellogg, Lawson, Loughridge, Lynch, Maynard, McCrary, MacDougall, McNulta, Monroe, Myers, Negley, Niblack, O'Neill, Packer, Isaac C. Parker, Pelham, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Rapier, Ray, Rusk, Sawyer, Henry B. Sayler, Scofield, Sheats, Lazarus D. Shoemaker, A. Herr Smith, J. Ambler Smith, William A. Smith, Sprague, Stanard, Stowell, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Townsend, Treman, Tyner, Waldron, Jasper D. Ward, White, Whiteley, Charles G. Williams, John M. S. Williams, William B. Williams, and Woodworth—91.

NOT VOTING—Messrs. Archer, Barnum, Barry, Bass, Blount, Bromberg, Buckner, Freeman Clarke, Clinton L. Cobb, Comingo, Creamer, Crooke, Crounse, Curtis, Danford, Darrall, Davis, DeWitt, Duell, Eden, Freeman, Frye, Giddings, Gooch, Hagans, Eugene Hale, Robert S. Hale, Hancock, Harmer, Havens, Joseph R. Hawley, Hendee, George F. Hoar, Hooper, Hyde, Kelley, Kendall, Killingly, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Love, Lowndes, Luttrell, Marshall, Martin, McKee, McLean, Moore, Morey, Neal, Nesmith, Niles, Nunn, Orth, Page, Hosea W. Parker, Parsons, Perry, Potter, Purman, Ransier, Read, Richmond, William R. Roberts, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheldon, Sloss, George L. Smith, Snyder, Standiford, Starkweather, Alexander H. Stephens, St. John, Strait, Swann, Thornburgh, Todd, Marcus L. Ward, Wells, Wheeler, Whitehouse, Wilber, William Williams, Jeremiah M. Wilson, Wolfe, and Wood—95.

During the call of the roll,

Mr. CRITTENDEN said: My colleague, Mr. BUCKNER, has been called to Virginia to see his mother, who is sick.

So the motion to adjourn was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BARRERE: The petition of citizens of Peoria, Illinois, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. BEGOLE: Resolutions of the Legislature of Michigan, asking Congress to establish a United States judicial circuit in the Upper Peninsula of Michigan, to the Committee on the Judiciary.

Also, resolutions of the Legislature of Michigan, for an appropriation to improve the harbor of South Haven, to the Committee on Commerce.

Also, resolutions of the Legislature of Michigan, for an appropriation to improve the harbor of Saugatuck, to the same committee.

Also, resolutions of the Legislature of Michigan, for an appropriation to improve the harbor of Alpena, to the same committee.

Also, resolutions of the Legislature of Michigan, for appropriations to improve the harbor of Saint Joseph, Benton Harbor, and New Buffalo, to the same committee.

By Mr. BUTLER, of Massachusetts: The petition of citizens of Essex County, Massachusetts, for equalization of bounties, to the Committee on Military Affairs.

Also, the petition of Charles J. Brockway, of Newburyport, Massachusetts, for the payment of certain French spoliation claims, to the Committee on Foreign Affairs.

Also, the petition of clerks and agents of Quartermaster's Department United States Army, at Louisville, Kentucky, to be refunded certain amounts withheld from their pay during the year 1873-'74, to the Committee on Military Affairs.

By Mr. BUTLER, of Tennessee: The petition of William Gouge,

late private Company B, Twelfth Tennessee Cavalry, for relief, to the same committee.

Also, protest of the Cherokees against the establishment by Congress of a territorial government of the United States over them, to the Committee on the Territories.

Also, protest of the Osage Nation of Indians, of similar character, to the same committee.

By Mr. CASON: Resolutions of over 50 incorporated manufacturing companies doing business in the State of Indiana, in favor of such tariff duties on plate-glass as will enable the American manufacturer to compete with the foreign maker, to the Committee on Ways and Means.

By Mr. CLEMENTS: The petition of citizens of Illinois, for the adoption of the plan of the Engineer Department for the improvement of the navigation of the Ohio River, to the Committee on Commerce.

By Mr. COBURN: The petition of Nathaniel Z. Beachley, second assistant surgeon Sixty-ninth Indiana Volunteers, for relief, to the Committee on Military Affairs.

By Mr. COTTON: The petition of Jacob Rull, for relief, to the Committee on Claims.

Also, the petition of Elizabeth Rappert, for relief, to the same committee.

By Mr. CROUNSE: The petition of citizens of Omaha, Nebraska, for the establishment of a branch United States mint at Omaha, to the Committee on Coinage, Weights, and Measures.

By Mr. DARRALL: Papers relating to the claim of the estate of Ursin Bernard, for supplies furnished the United States, to the Committee on War Claims.

Also, the petition of Widow Raymond Rice, for relief, to the same committee.

By Mr. DONNAN: Petitions of the mayor and common council of Dubuque, Iowa, and of Dunleith, Illinois, and of citizens of both cities, for the construction of a ponton bridge across the Mississippi River at or near Dubuque, to the Committee on Commerce.

By Mr. FOSTER: The petition of Elizabeth A. Neibling, for a pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of New London, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872, to the Committee on Ways and Means.

By Mr. GLOVER: Resolutions of the Legislature of Missouri, memorializing Congress for an appropriation to improve the Gasconade River, to the Committee on Commerce.

By Mr. KELLEY: The petition of citizens of Philadelphia, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. KELLOGG: A paper for the establishment of a post-route from Clinton to Killingworth, in Middlesex County, Connecticut, to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: The petition of Dr. Joseph Robbins, of Quincy, Illinois, for additional compensation for services as examining surgeon for invalid pensioners, to the Committee on Claims.

By Mr. LEWIS: The petition of Henry S. Wetmore, late volunteer lieutenant United States Navy, for relief, to the Committee on Naval Affairs.

By Mr. LOWNDES: The petition of Union soldiers of Maryland, for the equalization of bounties, to the Committee on Military Affairs.

Also, the petition of John G. Marshall and others, for pensions to surviving soldiers of the Mexican war, to the Committee on Invalid Pensions.

By Mr. MACDOUGALL: The petition of William H. French, jr., late Indian agent Crow Creek agency, Dakota, for the passage of a law to enable the accounting officers of the Treasury to adjust his accounts equitably, to the Committee on Indian Affairs.

By Mr. McNULTA: Paper relating to the claims of Frank Suda and Frank Bennett, to the Committee on War Claims.

By Mr. MILLIKEN: The petition of Edward B. Smith, of Cumberland County, Kentucky, for relief, to the same committee.

Also, papers relating to the claim of Charles W. Simpson, to the same committee.

By Mr. NESMITH: The petition of citizens of Oregon, for the construction of a military wagon-road in said State, to the Committee on Military Affairs.

By Mr. NIBLACK: Petitions of citizens of Indiana, for an appropriation to improve the navigation of the Ohio River upon the plan submitted by the Engineer Corps, to the Committee on Commerce.

By Mr. PACKARD: The petition of Samuel C. Gregory, for the correction of his military record, to the Committee on Military Affairs.

By Mr. PACKER: Resolutions of the Legislature of Pennsylvania, in relation to an appropriation for the improvement of the navigation of the Ohio River, to the Committee on Commerce.

Also, the petition of citizens of Middletown, Pennsylvania, for the repeal of the 10 per cent. reduction of duties upon foreign goods and against imposition of duties upon tea and coffee, to the Committee on Ways and Means.

By Mr. PAGE: Resolutions of the annual encampment of the Grand Army of the Republic, in relation to additional travel pay due California Volunteers, to the Committee on Military Affairs.

By Mr. PHILLIPS: Memorial of the Legislature of Kansas, asking an appropriation of \$100,000 to purchase seeds for destitute settlers in the western part of that State, to the Committee on the Public Lands.

By Mr. RAINEY: The petition of Joel L. Easterling, of Marlborough County, South Carolina, to have his case reheard before the commissioners of southern claims, to the Committee on Claims.

Also, the petition of Herbert Smith, of Marlborough County, South Carolina, to have his claim reheard before the commissioners of southern claims, to the same committee.

By Mr. READ: Papers relating to the claim of Stokely Smith and Margaret Smith, for a pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of Big Spring, Kentucky, for a post-route between Garrett and Big Spring, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. RUSK: Papers relating to the claim of Charles K. Brown, for increase of pension, to the Committee on Invalid Pensions.

By Mr. SAYLER, of Indiana: The petition of Mary Barr, widow of Martin Barr, late private Company F, One hundred and forty-second Indiana Volunteers, for a pension, to the same committee.

By Mr. SLOAN: Resolutions of the Legislature of Georgia, relative to Louisiana matters, to the Committee on the Judiciary.

Also, the petition of Henry Love, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. STARKWEATHER: The petition of the Soldiers' Monument Committee of the town of Colchester, Connecticut, for the donation of two cannon, to the Committee on Military Affairs.

By Mr. WHITTHORNE: The petition of George H. Nixon and others, of Tennessee, for pensions to surviving soldiers of the Mexican war, to the Committee on Invalid Pensions.

Also, the petition of citizens of Wayne County, Tennessee, for the repeal of the 10 per cent. reduction of duties made in 1872, to the Committee on Ways and Means.

By Mr. WOODWORTH: The petition of 75 citizens of Columbiana County, Ohio, that the name of Mrs. Sidney J. Wood may be reinstated upon the pension-roll, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, February 9, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Hon. WILLIAM M. STEWART, from the State of Nevada, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 4667) granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or have died by reason of such service;

A bill (H. R. No. 4668) for the relief of John W. Douglass;

A bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes; and

A bill (H. R. No. 4669) to provide for the selection of grand and petit jurors in the District of Columbia.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHARLES ALBRIGHT of Pennsylvania, Mr. CLINTON D. MACDOUGALL of New York, and Mr. PIERCE M. B. YOUNG of Georgia, conferees on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENJAMIN W. HARRIS of Massachusetts, Mr. WALTER L. SESSIONS of New York, and Mr. ABRAHAM COMINGO of Missouri, conferees on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the Vice-President:

A bill (S. No. 764) to remove the political disabilities of Henry Heth, of Virginia;

A bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes; and

A bill (H. R. No. 4563) to make an appropriation to the contingent fund of the House of Representatives.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE-PRESIDENT appointed Messrs. MORRILL of Maine, SAR-

GENT, and DAVIS as the conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3208) for the relief of John Henderson, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 4568) in relation to the transfer of causes in the United States circuit courts of Alabama was read twice by its title, and referred to the Committee on the Judiciary.

FEES OF MARSHALS, ETC.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, disagreed to by the House of Representatives.

On motion of Mr. EDMUNDS it was—

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and disagree to the amendments of the House to other amendments of the Senate thereto; and that it agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Messrs. EDMUNDS, CONKLING, and THURMAN.

G. W. CUSTIS LEE.

Mr. JOHNSTON. I happened to be out yesterday when the Committee on the Judiciary reported adversely on the bill (S. No. 661) to give jurisdiction to the Court of Claims to hear the claim of G. W. Custis Lee to Arlington. I desire to-day to make a motion to reconsider the vote by which the bill was postponed indefinitely, and to have it placed on the Calendar.

Mr. WRIGHT. Let the motion be entered, to wait until the chairman of the committee shall come in.

Mr. JOHNSTON. I think he has no objection to letting the bill go on the Calendar.

The VICE-PRESIDENT. The motion to reconsider will be entered.

Mr. JOHNSTON subsequently said: I made a motion a little while ago to reconsider the vote indefinitely postponing Senate bill No. 661. The motion was entered, but a member of the Judiciary Committee asked me to wait until the chairman of the committee entered. The chairman is in his seat now, and I desire to have the motion acted upon.

Mr. EDMUNDS. I have no objection, as the Senator wishes to submit some observations on the bill at a future day, to have the vote to postpone indefinitely reconsidered, and the bill placed on the Calendar.

The VICE-PRESIDENT. The question is on the motion to reconsider the indefinite postponement of the bill.

The motion was agreed to.

Mr. JOHNSTON. I desire to state that at some time soon I will ask the Senate to give me half an hour to address the Senate on this bill.

The VICE-PRESIDENT. The bill will take its place on the Calendar.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of the chiefs of the confederated Kaskaskia, Peoria, Piankeshaw, and Wea Indians, now of the Indian Territory, praying for the restoration of certain sums of money to their tribal funds; which was referred to the Committee on Indian Affairs.

He also presented the concurrent resolution of the Legislature of Kansas, in favor of an appropriation by Congress of \$100,000 to aid the settlers on the western frontier of that State in the purchase of seed and to aid in their support the coming year; which was referred to the Committee on Agriculture.

Mr. SCHURZ presented a memorial signed by a large number of citizens of Henry County, Missouri, remonstrating against the repeal of duties on flax and hemp; which was referred to the Committee on Finance.

He also presented a petition of citizens of Clark County, Missouri, remonstrating against the restoration of the duty on tea and coffee and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which was referred to the Committee on Finance.

Mr. MORTON. I present a preamble and resolution adopted at a meeting of representatives of over fifty manufacturing companies of the State of Indiana, which, as it is short, I will ask to read and have referred to the Committee on Finance:

Whereas the plate-glass works at New Albany, Indiana, are the only works of the kind in America that are successfully making plate-glass: Therefore,
Resolved, As the sense of this meeting, that this important branch of manufacture ought to be encouraged by such tariff duties as will enable American manufacturers to successfully compete with the foreign plate-glass makers.

The resolution was referred to the Committee on Finance.

Mr. MORTON. I have a number of memorials, signed by citizens of Indiana, in which they say:

We, citizens of Indiana and your constituents, in a public meeting called to consider the question of cheaper transportation for the productive industries of the West, a question of vital importance to us individually and nationally, unanimously resolved, That we respectfully request our Senators and Representatives in Congress to procure the passage of the bills known as the Forty-first Parallel Railroad bill, the Washington, Cincinnati and Saint Louis Railroad bill, and its Chicago branch.

The memorials were ordered to lie on the table.

Mr. SCOTT presented a petition of citizens of Schuylkill County, Pennsylvania, praying the restoration of the 10 per cent. duty taken off leading foreign products in 1872 and praying the passage of the currency bill submitted by Hon. W. D. KELLEY providing for the issue of 3.65 convertible bonds; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Philadelphia, remonstrating against the restoration of the duty on tea and coffee and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which was referred to the Committee on Finance.

Mr. BOGY presented a memorial of the Chamber of Commerce of Saint Louis, Missouri, in favor of the opening of the Southwest Pass of the Mississippi River and remonstrating against the opening of the South Pass thereof; which was referred to the Committee on Transportation Routes to the Sea-board.

He also presented a memorial of workmen of Saint Louis, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. COOPER presented a memorial of James M. Sechler and sundry others, citizens of Tennessee, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. ALCORN presented a petition of members of the bar of North-east Mississippi, praying for the passage of the House bill providing for a district court to be held at Aberdeen in that State; which was referred to the Committee on the Judiciary.

Mr. HAMILTON, of Texas, presented the memorial of the Osage Nation of Indians, protesting against the organization of a territorial government in the Indian Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SARGENT presented a petition of citizens of, and officers in, California, praying that the Government authorize the extension of telegraph lines from the Northern Pacific Telegraph lines to the light-houses and life-saving stations on the coast of California and make an appropriation therefor; which was referred to the Committee on Commerce.

Mr. SPENCER presented the memorial of Acting Assistant Surgeon John D. Smith, of the United States Navy, praying to be placed on the retired list of the Navy; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print the report of the Secretary of the Senate, communicating, in obedience to law, a statement of the receipts and expenditures of the Senate from July 1, 1873, to July 1, 1874, reported in favor of the motion, and it was agreed to.

Mr. ANTHONY. The same committee, to whom was referred a motion to print the report of the Secretary of the Senate, made in obedience to law, containing a list of all property belonging to the United States in his possession, have instructed me to recommend that the motion be agreed to. There is no sort of use in printing either of these documents; but the expense is small, and upon consultation with some of our brethren on the other side of the Chamber I find that the democratic conscience is tender on the subject, and I think some of them apprehend that the Constitution will be in danger unless we annually place before the country a catalogue of the chairs, tables, spittoons, and hair-brushes in the committee-rooms. Therefore, out of regard for them, we recommend that this report be printed.

The motion to print was agreed to.

Mr. FERRY, of Connecticut, from the Committee on Patents, to whom was referred the memorial of James A. Whitney, president of the New York Society of Practical Engineering, remonstrating against the passage of Senate bill No. 1226, providing for the regulation and issuance of patents to inventors, asked to be discharged from its further consideration; which was agreed to.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 880) to provide for the payment of bounties to persons entitled thereto, but who have not received them by reason of having been transferred from the military to the naval or marine service, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3434) to provide for the sale of the Rush Valley military reservation in the Territory of Utah, reported it without amendment.

Mr. CAMERON, from the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 4466) permitting Lieutenant-Com-

mander Frederick Pearson, of the Navy, to accept a decoration from the Queen of Great Britain, reported adversely thereon.

Mr. CAMERON. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome, to report it back, and I ask the Senate to proceed to its present consideration.

Mr. SARGENT. I object.

Mr. CAMERON. I think the Senator from California will not object if he understands this joint resolution.

Mr. SARGENT. It is but very recently indeed that we appointed a commissioner to attend a convention of this kind at an expense to the Government, in salary and incidentals, of somewhere from \$10,000 to \$20,000. We have his report containing probably all the information we can get on the matter. I do not know that we have derived any benefit except the report. Whatever advantage is in it the report has gone out to the authorities who control these matters. Why this should be repeated is not obvious to me. There may be some reasons which I do not perceive; but if it is repeated now, I do not know why it may not be triplicated and so make this a regular institution. These positions, it seems to me, are sought by individuals who desire to hold them rather than for any particular advantage to the Government. Those are my only motives for objecting.

Mr. CAMERON. The objections are satisfactory to the gentleman; and as I do not want to occupy the time of the Senate, we will let it go for the present.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. CAMERON. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia, to report it without amendment, and I ask for its present consideration. Nobody will object to this bill. It is intended to authorize the owners of the property there to extend their building. The building is very desirable to the people connected with the fortifications there, and it will be serviceable to the whole country.

The bill was read.

Mr. EDMUNDS. I see that the bill refers to a joint resolution of a previous Congress. I should like to hear that read.

Mr. CLAYTON. If this is going to elicit discussion, I shall have to object to its consideration. We have some morning business to attend to.

Mr. CAMERON. I trust the Senator will not object.

Mr. CLAYTON. We have morning business which I want to dispose of, and I see this is going to lead to discussion. I must therefore object, if an objection is in order.

Mr. CAMERON. If it leads to discussion, I will withdraw it.

Mr. CLAYTON. It can be taken up hereafter and passed, I have no doubt.

The VICE-PRESIDENT. The Chair will suggest that it be temporarily passed over to allow the Senator from Vermont to find the joint resolution referred to.

Mr. CAMERON. Very well.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the petition of Royal W. Riddell, late of Company C, One hundred and forty-fifth Pennsylvania Volunteers, praying payment of the difference in compensation of a first sergeant and a first lieutenant, from January 13, 1864, to April 20, 1865, submitted a report accompanied by a bill (S. No. 1269) for the relief of Royal W. Riddell.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, reported a bill (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania; which was read and passed to a second reading.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. LOGAN. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army, have had the same under consideration, and have directed me to report it back with amendments. I should like very much to have the Senate take action on the bill at once. It will occupy but a moment.

Mr. DAVIS. Let the bill be read for information, subject to objection.

The bill was read.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army.

The first section provides that the Adjutant-General's Department of the Army shall hereafter consist of one Adjutant-General, with the rank, pay, and emoluments of a brigadier-general; two assistant adjutants-general, with the rank, pay, and emoluments of colonels; four assistant adjutants-general, with the rank, pay, and emoluments of lieutenant-colonels; and ten assistant adjutants-general, with the rank, pay, and emoluments of major.

Section 2 repeals so much of section 6 of the act making appropriations for the support of the Army for the year ending June 30,

1870, and for other purposes, approved March 3, 1869, as applies to the Adjutant-General's Department.

The first amendment reported by the Committee on Military Affairs was to strike out "four," in line 7 of section one, and insert "three;" so as to read:

Three assistant adjutants-general, with the rank, pay, and emoluments of lieutenant-colonels.

The amendment was agreed to.

The next amendment was in line 5, of section 2, to insert the words "promotions and appointments in;" so as to read:

That so much of section 6 of the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, as applies to promotions and appointments in the Adjutant-General's Department be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. LOGAN. Then there is another amendment at the end of section 1 which has not been read, abolishing all the vacancies in the Department except those mentioned in the bill.

Mr. SARGENT. I wish the Senator would state in a word or two, if he can, the object of the bill.

Mr. LOGAN. I will. It is a House bill, the title of which is "to reduce and fix the Adjutant-General's Department of the Army." As the House passed the bill it did not comply with the title; it did not reduce the Adjutant-General's corps. The Adjutant-General's corps, as it stands now, is sixteen in number—one brigadier-general, one colonel, three lieutenant-colonels, and eleven majors. Under the law as it exists they are entitled to a brigadier-general, two colonels, four lieutenant-colonels, and sixteen majors. We amend it so as to leave the Adjutant-General's Department just as it is to-day, except that we let the two colonel vacancies stand and let one vacancy be filled; we leave the three lieutenant-colonels that exist and abolish the fourth vacancy; we abolish five vacancies in the majors, leaving the corps to consist of ten majors, three lieutenant-colonels, two colonels, and one brigadier-general. That is the position in which it will stand if this bill passes, leaving just the number they have to-day; making one promotion and cutting off five vacancies in the majors and one vacancy in the lieutenant-colonels.

Mr. SARGENT. I am satisfied.

The amendment was agreed to, being at the end of the first section to insert:

And all vacancies existing in said Department other than those herein mentioned are hereby abolished.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL W. CRAWFORD—RETIRED OFFICERS.

On motion of Mr. LOGAN, the Senate proceeded to consider its amendment to the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist upon its amendment to the said bill disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing vote of the two Houses thereon.

By unanimous consent, it was

Ordered, That the Vice-President appoint the conferees on the part of the Senate.

BILLS INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1271) authorizing the Nebraska City Bridge Company to construct a ponton railway-bridge across the Missouri River at Nebraska City in Otoe County, Nebraska; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1272) for the relief of James Madison Wells, of Louisiana; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1273) for the purchase of the buildings and improvements of the Washington Market Company; which was read twice by its title.

Mr. SPENCER. I introduce this bill by request, and also present a memorial of the stockholders and officers of the Washington Market Company accompanying it. I move that the bill and memorial be referred to the Committee on the Judiciary, and that the bill be printed.

Mr. EDMUNDS. To guard against any misapprehension I will say that would not be the proper reference but for the fact that the Judiciary Committee has been instructed to inquire into the present condition of the affair. Therefore for the present I do not object to its being referred to that committee, although very likely we shall return it to go to the Committee on Public Buildings and Grounds.

The motion was agreed to.

ENGROSSMENT OF BILLS.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of engrossing the bills in print on their transmission from one House of Congress to the other.

AFFAIRS IN LOUISIANA.

Mr. DAVIS. I rise to present a joint resolution passed by the Legislature of the State of West Virginia, condemning the arbitrary, unlawful, and unjust action of all concerned in using the Army of the United States to trample upon the liberties of the people of Louisiana to suit party ends and purposes. I ask to be permitted to make a very few remarks, not exceeding five minutes, on presenting the resolution.

Mr. CLAYTON. I ask if that is in order now? I have some business that I want to bring up.

The VICE-PRESIDENT. The floor was given to the Senator from West Virginia to present a resolution.

Mr. CLAYTON. I understand this is a memorial that the Senator proposes to present.

The VICE-PRESIDENT. The Senator from West Virginia will state what the nature of his business is.

Mr. DAVIS. I have a joint resolution from the Legislature of the State of West Virginia, in regard to Louisiana, to present, and in presenting it I desire to submit a very few remarks, not exceeding five minutes in length, and I ask the consent of the Senate for that purpose.

Mr. CLAYTON. I will make no objection if the Senator from West Virginia will allow me to call up for reference the message of the President received yesterday in regard to Arkansas.

Mr. BAYARD. That will cause debate.

Mr. CLAYTON. Very well; let it cause debate.

The VICE-PRESIDENT. The Chair would suggest to the Senator from West Virginia that his resolution be sent to the Chair to be read.

Mr. DAVIS. I will do so, though I would rather reserve the reading until I have made my remarks.

The VICE-PRESIDENT. The resolution, according to custom, should be first read.

Mr. DAVIS. Very well.

The Chief Clerk read as follows:

Joint resolution No. 6, protesting against Federal interference in the civil affairs of the State of Louisiana.

Resolved by the Legislature of West Virginia—

1. That we have heard with surprise and alarm of the recent invasion of the house of representatives of our sister State of Louisiana by an armed force of Federal soldiers, and the forcible expulsion therefrom of a portion of its members, while in the peaceable and legitimate discharge of their appropriate duties, at the request of a corrupt and usurping official calling himself governor of the State; and we denounce and condemn such interference in the affairs and business of such legitimate Assembly as a gross violation of the Constitution and laws of the United States, and an act of usurpation and tyranny unparalleled in the history of any free government; and we most emphatically denounce and condemn all and every person or persons, regardless of their official position, who are in any way responsible for this the last and greatest outrage upon liberty and free government on this continent.

2. That while we recognize the right as well as the duty of the Government of the United States, under the Constitution, to guarantee to each State of this Union a republican form of government, we deny the right of any officer or department of the Government, civil or military, to interfere in the organization of the Legislature of any State, by declaring who are or who are not the legally elected members thereof, or otherwise; and that each house of such Legislature is the exclusive judge of the election, qualification, and return of its own members.

3. That we tender to the people of Louisiana and to their legally elected representatives our warmest sympathy in this their hour of peril, and we heartily congratulate them upon the firm yet peaceful manner in which they met this tyrannical invasion of their rights.

4. That the great outrage of which we complain is not confined in its consequences to Louisiana, but it is a deadly and insidious blow at free government in this country, and if permitted to stand as a precedent may be repeated, as the exigencies of parties may require, in any State of this Union and even in the Congress of the United States.

5. That the State of West Virginia, through her representatives now assembled, solemnly protests against the executive department of the General Government interfering, as it has done, with the legislative action and authority of the State of Louisiana; that if such interference is tolerated and allowed to prevail, it will subvert and overthrow the sovereignty of the States as established by our fathers, and will substitute in its stead a grand consolidated National Government, ruled and regulated by the power of the sword, of all tyrannies the most absolute and detestable, destroying the rights and liberties of the people, and subjecting them to the rule and control of the worst of despotisms.

6. That a copy of the foregoing resolutions be by the governor transmitted to each of the governors of the States of this Union, and to each Senator and member of the House of Representatives from this State in the Congress of the United States, and that our Senators be instructed and our Representatives requested to lay the same before their respective bodies as the solemn protest of West Virginia against the unconstitutional and tyrannical action of the Federal Executive in regard to the civil affairs of one of the sovereign States of this Union.

7. That our Senators and Representatives use their best efforts to have the troops of the United States withdrawn from the State of Louisiana.

Adopted January 22, 1875.

A copy. Teste:

J. B. PEYTON,

Clerk of the House of Delegates and Keeper of the Rolls.

Mr. CLAYTON. I move that the Senate now take up the message of the President on Arkansas affairs and that it be referred to the Committee on Privileges and Elections.

Mr. DAVIS. I believe I have the floor.

The VICE-PRESIDENT. The Senator from West Virginia was recognized, and presented a resolution of his State Legislature, and the Senator is claiming the floor, asking permission to make a few remarks.

Mr. DAVIS. I shall not occupy five minutes.

Mr. CLAYTON. I ask whether it is in order now to open up the discussion on the Louisiana question on the introduction of a resolution of a State Legislature. It seems to me that this resolution should have been presented during the early proceedings of the morning hour, at the time allotted to the introduction of memorials and petitions.

The VICE-PRESIDENT. The Chair will suggest to the Senator from Arkansas that the time for the presentation of these resolutions usually is the morning hour. The Senator from West Virginia desires to make some explanation or some statement in regard to the resolutions.

Mr. CLAYTON. The resolutions have been read at length.

Mr. DAVIS. Mr. President—

The VICE-PRESIDENT. The Chair is of opinion that the Senator from West Virginia is entitled to the floor.

Mr. CLAYTON. During the morning hour?

Mr. DAVIS. Mr. President, I believe the sentiments expressed in the resolution just read are indorsed by fully three-fourths of the people of West Virginia and the country at large.

Senators, think of it! A Legislature lawfully elected by a large majority of the people of a State meet at the place and time required by law, are engaged in a peaceable, quiet, proper, and legal way attending to the duties assigned them by the constitution and laws of their State, when by order of a usurping governor United States troops are marched into the legislative hall and a portion of the members, by force, at the point of the bayonet, taken from their seats so that the political complexion of the house shall be changed. The members forced out were elected by large majorities, some of them by one thousand or more. There was no legal protest against their occupying seats; there was no one contesting their right to them. And all this is done by United States troops acting under the order of a man calling himself governor, who had usurped that office under the protection of a portion of the armed force of the United States, acting under the midnight illegal order of a corrupt Federal judge. When you consider the midnight order of Judge Durell and the spectacle of United States troops overthrowing one State government and installing another; and, at a later date, the same troops, by order of the same *de facto* usurping governor, force from their seats enough members of a State Legislature to change its political complexion, surely there is no parallel in history, certainly not in a time of peace and under a republican form of government.

For the outrages committed by Kellogg and the army of the United States in Louisiana the President and his Cabinet are responsible to the people of this country. Cabinet officers Williams and Belknap have each, in the name of the President, indorsed by telegraph the acts committed in Louisiana by Kellogg, Durell, and the army.

The people of West Virginia, whose coat of arms bears the motto "*Montani semper liberi*," could not do more or less than respectfully, yet firmly and strongly, enter their protest against the use of the Federal Army in any State in such a manner as has more than once occurred in Louisiana.

Mr. President, I cannot imagine a more dishonorable act than an officer or representative of the people could engage in than to traduce and abuse the people who elected and trusted him to protect and defend their good name and interest. In my opinion the man who abuses a trust and misrepresents a helpless people who have confided in him is indeed a bad and an unworthy man.

The resolutions I present are respectful and to the point. I fully indorse them, and I have placed them on the records of this Senate so that West Virginia's protest, with that of other States, may appear in perpetual remembrance against the acts of the Administration in Louisiana in overturning a State government and interfering with a State Legislature by an armed force for political gain.

AFFAIRS IN ARKANSAS.

Mr. CLAYTON. I move that the message of the President on Arkansas affairs be taken up and referred to the Committee on Privileges and Elections.

Mr. BAYARD. This motion was made yesterday; but on a suggestion that the message of the President and the accompanying papers should be printed, that order was made, but it has not yet been complied with. The message and papers are not yet open to the inspection of Senators. The message itself is here, but the accompanying papers are not.

The question of reference I consider of moment, and it will lead I may say to some debate. I have been informed that as a matter of respect for the memory of a person late a member of this body, a motion to adjourn will probably be made at the expiration of the morning hour, now five minutes absent, and therefore I trust the Senator will waive his motion and not press it at the present time.

I will say that of course this matter touches subjects of the very gravest consideration, which are to be approached carefully, and time is required for their proper consideration. I ask, in view of the fact that the papers accompanying this message have not been printed and laid upon our desks in the usual form, that there should be a reasonable and proper delay before we enter into the debate which I am sure is to follow this question in all its stages, from the time it comes into this body until it shall finally be passed upon by this body; and therefore I suggest, in view of the lapse of time and the occurrence of those very proper manifestations of respect to a deceased brother, that the consideration of this motion be

postponed; and I trust that it will be withdrawn by the Senator who makes it.

Mr. CLAYTON. I had not yielded the floor to the Senator from Delaware.

Mr. BAYARD. I thought I had been recognized by the Chair.

Mr. CLAYTON. I made no objection at the time when the Senator took the floor, but I intended to make a short statement touching this question. If the Senator will withhold his remarks for the present I will proceed.

Mr. BAYARD. If I had supposed the Senator meant to claim the floor, I should not have interposed to deprive him of his right. I arose after I supposed his motion had been made and the Chair was about to entertain it, and asked to be heard upon the subject. I was not aware that I was occupying the floor in invasion of any right of the Senator.

Mr. CLAYTON. I was merely pausing to allow the Chair to put the motion to the Senate, and while I paused the Senator rose.

Mr. BAYARD. Then I ask the Senator's pardon; I did not wish to interfere with him.

Mr. CLAYTON. Not at all.

Mr. BAYARD. I supposed his object had been reached by simply bringing the matter before the Senate and that he proposed to take the question without discussion, and knowing that discussion would probably arise I thought it proper to interpose at the stage I did, in which I believe I was entirely in order.

Mr. CLAYTON. I simply desire to repeat what I said yesterday, that some days ago I presented a memorial from Hon. Joseph Brooks, of Arkansas, setting forth that he had been elected governor of that State at the election of 1872 and that he had been unlawfully kept out of the office. That memorial was referred to the Committee on Privileges and Elections. I suppose the committee have it under advisement at this time; at least I am so informed. In order to shed all the light on this subject which could be shed upon it, I introduced a resolution calling on the President to send to the Senate such information as he might have touching the question. Yesterday that information came and with it a message. Now it seems to me eminently proper that this information should go to the committee who are considering this question, and it seems to me that the objection made by the Senator from Delaware as to its not being printed and on our tables has no bearing at all in regard to the question of reference to this committee. If it is true, as he suggests, that we are to adjourn over to-day for a very proper reason, then I submit to him that as this message will probably be printed to-day, it should be in the hands of the proper committee whatever that may be. I must therefore insist upon the consideration of the motion.

The VICE-PRESIDENT. The Senator from Arkansas moves the reference of the papers and the President's message to the Committee on Privileges and Elections.

Mr. THURMAN. Mr. President, ordinarily there is no trouble about a reference; ordinarily the subject-matter sufficiently indicates the committee to whom it should be referred. This, however, is an exceptional case. It does seem to me that if anything can be demonstrated, it is that this message and the accompanying documents should go to the Judicial Committee of the Senate and not to the Committee on Privileges and Elections. I have not time before one o'clock to go at large into the reasons which induce me to entertain this opinion; it would take up more time than I wish to take up this morning on this subject; but I may say that no reference of this message can be made without some debate upon it. I am sure I wish to waste no time of the Senate, but I do wish for one to call the attention of the Senate to what, in my judgment, among all the extraordinary things we have witnessed in the last five or six years, is the most extraordinary and astounding of all, and to show that this question, which is a question of constitutional law, should go to the Law Committee of the Senate—

The VICE-PRESIDENT. The morning hour has expired.

Mr. THURMAN. I ask that the regular order be taken up, which is the steamboat bill.

STEAMBOAT LAW.

The VICE-PRESIDENT. The Chair will lay before the Senate the unfinished business of yesterday.

Mr. SARGENT rose.

Mr. THURMAN. After the bill is taken up then I have no objection to its being laid aside informally, subject to be called up at any moment in order to hear what the Senator from California has to say.

Mr. FERRY, of Connecticut. Mr. President—

Mr. THURMAN. Let the steamboat bill be taken up.

The VICE-PRESIDENT. The bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, is before the Senate as the unfinished business of yesterday.

FUNERAL OF SENATOR BUCKINGHAM.

Mr. FERRY, of Connecticut. Mr. President, it is now the day and the hour appointed for the funeral of my late colleague in this Chamber. As a token of respect for our deceased friend, I move that the Senate do now adjourn.

The motion was agreed to unanimously; and (at one o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 9, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday was read and approved.

EDUCATION.

Mr. MONROE, by unanimous consent, presented a memorial of the National Educational Association, relating to the interests of education; which was referred to the Committee on Education and Labor, and ordered to be printed in the RECORD. It is as follows:

To the Senate and House of Representatives in Congress assembled:

At a meeting of the department of superintendence of the National Educational Association recently held in Washington, District of Columbia, the following resolutions upon "the relation of the General Government to public education" were passed unanimously; and the undersigned, the committee who prepared and presented the resolutions, were instructed to embody them in the form of a memorial to Congress. In the performance of this duty we herewith present the proceedings above referred to, and most respectfully ask for them such consideration on the part of your honorable body as may be proper.

Resolved, That this body reiterate and affirm the positions taken at its meeting in this place one year ago, as follows: First, that the Federal Government should leave to the people and local governments of each State the management of their own educational affairs without interference; second, that great service was done to the cause of education by Congress in establishing and maintaining a Bureau or Department of Education, whereby appropriate information from all parts of the world may be gathered, digested, and distributed, and whereby much useful aid is furnished to the practical work of education throughout the country; third, that the proposition to set apart the public lands of the United States exclusively for the purposes of free education meets with our heartiest approval; fourth, that it is the duty of Congress to furnish special aid to the school authorities of the District of Columbia.

Resolved, That as, in order fully to perform the work pressing upon it and make its usefulness still more widely felt, we are satisfied the National Bureau of Education needs increased clerical force, and as it is equally plain to us that the distribution directly by the Bureau of at least ten thousand copies of its annual reports each year among school officers and those specially interested in the work of education in the different States and Territories would do an incalculable amount of good, we therefore respectfully petition Congress, in the interest of the education of the people, to take the necessary steps to bring about these desirable ends.

Resolved, That a reasonable appropriation by the General Government is necessary to secure a full and creditable representation of the educational interests of the country at the approaching centennial exposition to be held at Philadelphia, and we sincerely hope that such an appropriation may be made by the Congress now in session.

J. P. WICKERSHAM,
Superintendent of Public Instruction, Pennsylvania.
J. K. JILLSON,
Superintendent Public Instruction, South Carolina.
JOHN D. PHILBRICK,
Late Superintendent Public Schools, Boston.
ALONZO ABERNETHY,
Superintendent Public Instruction, Iowa.
ALEXANDER HOPKINS,
Superintendent Public Instruction, Indiana.
B. G. NORTHRUP,
Secretary Board of Education, Connecticut.

ISAAC N. BROWN.

Mr. HOWE, by unanimous consent, introduced a bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities; which was read a first and second time.

Mr. HOWE. I ask that this bill be put on its passage at once.

The SPEAKER. The bill is accompanied by the usual petition; and the gentleman from Mississippi [Mr. HOWE] asks unanimous consent that it be passed at once.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed; two-thirds voting in favor thereof.

DUTY ON SUGARS.

Mr. SYPHER. I ask unanimous consent to submit for adoption at the present time the following resolution:

Whereas the expenses of the Government require an additional revenue of from thirty to forty million dollars; and whereas by "An act to reduce internal taxes, and for other purposes," approved July 14, 1870, the duty on imported sugars was reduced at the rate of 33 1/3 per cent.; and whereas said reduction of duty diminished the revenues of the Government \$14,000,000 in gold annually without reducing the price of sugars to the consumers: Therefore,

Resolved, That the Committee on Ways and Means is hereby directed to inquire into the expediency of restoring the duty on all imported sugars to the rates of duty imposed by law previous to the passage of the aforesaid act.

Mr. FIELD. I hope this resolution will be adopted.

Mr. WILLARD, of Vermont. Let it be referred.

Mr. FIELD. I trust it will be adopted at once.

Mr. HOLMAN. I must object to the resolution unless the gentleman offering it consents that it be referred.

Mr. STORM. We cannot adopt such a resolution as this.

There being no objection, the resolution was referred to the Committee on Ways and Means.

IMPROVEMENT OF NEW YORK HARBOR.

Mr. COX, by unanimous consent, presented a memorial of the special committee of the Chamber of Commerce of New York, urging the vigorous prosecution of the public work in New York Harbor; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD. It is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, a special committee appointed by the chamber of commerce of this city, respectfully represent—

That the public work now in progress in this harbor, under the engineering care of General John Newton, is one of great magnitude and of a peculiar and exceptional character.

It is a work that cannot be intermitted without great loss, since the excavations under the rock bed of the river are liable to fill with water by the pressure of water from above. To prevent this pumps and engines are compelled to work both night and day. Besides this peculiarity, the workmen employed are for the most part men brought from the mines of England and Wales, and are retained here for this special service, and their detention, if allowed to remain idle, must impose considerable loss. Beyond both of these considerations it should be stated that the special boats and machinery, as well as the engineering force which are now engaged on this work, can be only profitably employed when the work is vigorously and continuously pushed forward. For these reasons we urge that the full appropriation asked for by General Newton should be granted and that no spirit of false economy should induce its curtailment even by one dollar.

General Newton is an Army officer of great merit; and it is only just to him to say that he will not, in any importunate way, urge the appropriation, but leave the whole subject to Congress.

The undersigned would further represent that there are two or three reefs in the East River which wholly prevent that important stream from being used by vessels drawing over from nineteen to twenty-one feet water. These reefs have been partially removed, but the harbor is suffering a diminution of its full capacity by these remaining impediments; and now that ships are made to draw fully twenty-four to twenty-six feet, the East River and the extensive docks which bound it are rendered useless for this class of vessels, and all by reason of these remaining reefs, which can be removed at an inconsiderable expense.

We, the undersigned, in view of the important interests we represent, respectfully urge a full and prompt compliance with the requisition of General Newton.

JACKSON S. SCHULTZ,
WM. E. DODGE,
AMBROSE SNOW,
GEORGE OPDYK,
F. S. LATHROP,
GEORGE WILSON.

Special Committee of the Chamber of Commerce New York.

NEW YORK, February 8, 1875.

COMMITTEE CLERK.

Mr. DUELL. I ask unanimous consent to submit for adoption at this time the following resolution:

Resolved, That the Committee on Expenditures on the Public Buildings and the Committee on Expenditures in the Post-Office Department have leave to employ a clerk conjointly during the present session of Congress at the usual rate of compensation; and the Clerk of the House of Representatives is hereby directed to pay the clerk of said committees his salary from the 1st day of October last, when he commenced work for said committees.

Mr. BUFFINTON. Let the resolution be referred to the Committee on Accounts.

There being no objection, the resolution was referred to the Committee on Accounts.

PRINTING THE REPORTS ON TERRITORIAL SURVEYS.

Mr. TOWNSEND, by unanimous consent, submitted the following resolution; which was read, and referred under the law to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed four thousand copies of the annual report on the geological and geographical survey of the Territories for 1874; two thousand copies for the Department of the Interior and two thousand copies for the Smithsonian Institution.

He also, by unanimous consent, submitted the following resolution; which was read, and referred under the law to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed and bound in quarto form one thousand copies of each of the final reports on the geological survey of the Territories, for distribution by the Smithsonian Institution.

PATENT MEDICINES, ETC.

Mr. YOUNG, of Georgia, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Commissioner of Patents be, and is hereby, directed to inform this House if any patents are now issued under the law for medicines and other chemical compounds; and if not, why not.

DANIEL S. MERSHON, JR.

The SPEAKER. A few days ago the bill (S. No. 134) for the relief of Daniel S. Mershon, jr., was erroneously referred to the Committee on Military Affairs instead of the Committee on Naval Affairs. If there be no objection the reference will be changed to the latter committee.

There being no objection, it was ordered accordingly.

SETTLERS ON SWAMP AND OVERFLOWED LANDS IN MISSOURI.

Mr. ORR, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 4676) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri; which was read a first and second time.

The bill, which was read, provides that in all cases in the State of Missouri where lands have theretofore been selected and claimed as swamp and overflowed lands by said State, and the various counties therein, by virtue of any act of Congress, and said lands have been withheld from market in consequence thereof by the General Government, and the said State and counties have sold said lands to actual settlers, and said settlers have improved the same to the value of \$100, said settlers, their heirs, assigns, and legal representatives who have continued to reside thereon, shall have priority of right to pre-empt or homestead all such lands as may be rejected by the United States as not being in fact swamp and overflowed lands; and it shall be the duty of the Secretary of the Interior to make such rules and regulations as may be necessary to carry into effect the provisions of the act; provided that nothing therein contained shall prejudice the rights of any person who may have made actual settlement upon

said lands under the pre-emption or homestead laws prior to the passage of the act.

Mr. ORR. I presume there will be no objection to the passage of the bill.

Mr. HOLMAN. From what committee does it come?

Mr. ORR. From the Committee on Public Lands.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ORR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HAYDEN'S GEOLOGICAL AND GEOGRAPHICAL REPORT.

Mr. DONNAN, from the Committee on Printing, reported the following resolution.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed fifty-five hundred copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873; three thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and fifteen hundred for the Smithsonian Institution.

Mr. DONNAN. The resolution differs only from the one referred to the Committee on Printing in the number for distribution by the Smithsonian Institution, giving it fifteen hundred instead of one thousand.

The resolution was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENNEPIN CANAL.

Mr. HURLBUT. I demand the regular order of business.

The SPEAKER. The regular order of business being called for, the House resumes the consideration of the bill (H. R. No. 145) for the construction of a canal connecting the waters of Lake Michigan and of the Illinois, the Mississippi, and the Rock Rivers. When the House adjourned on Saturday last the pending motion was that made by the gentleman from Ohio [Mr. GUNCKEL] that the bill be laid upon the table.

Mr. HOLMAN. On that motion I demand the yeas and nays.

OMISSIONS IN REVISED STATUTES.

Mr. POLAND. I understand the gentleman yields for the purpose of allowing me to make a report from the Committee on the Revision of the Laws of the United States.

Mr. HURLBUT. I yield for that purpose.

Mr. POLAND, from the Committee on the Revision of the Laws of the United States, reported back the bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States, with amendments.

The bill was read in full.

Mr. POLAND. I have some amendments the committee desire to make. I move to strike out after the word "amended," in line 194, down to and including the word "also," in line 195, namely:

By striking out, in the first line, the word "imported," and inserting "transported;" and also.

So the paragraph will then read:

Section 4347 is amended by striking out, at the end of the thirty-third line, the word "no" and inserting the word "on."

The amendment was agreed to.

Mr. POLAND. I move to strike out the paragraph beginning at line 220 and ending at line 229, as follows.

The Clerk read as follows:

Section 5192 is amended by striking out "Charleston," in the seventh line, and "Richmond," in the eighth line; and also by inserting after the word "Washington," in the ninth line, the following: "The cities of Charleston and Richmond may be added to the list of cities in the national associations of which other associations may keep three-fifths of their lawful money, whenever, in the opinion of the Comptroller of the Currency, the condition of the Southern States will warrant it."

Mr. POLAND. The committee, after reflection, consider the matter right as in the Revised Statutes.

The amendment was agreed to.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to ask if they propose to amend the Revised Statutes by putting the words "free whites" in the naturalization laws?

Mr. POLAND. I will come to that. The Committee on Revision of the Laws propose the following amendment to the bill, to come in after line 95.

The Clerk read as follows:

Section 1050 is amended by adding to the fourth paragraph the following additional proviso: *Provided also,* The jurisdiction of the Court of Claims shall not extend to any claim against the United States growing out of the destruction of, appropriation or damage to, property by the Army or Navy engaged in the suppression of the rebellion.

Mr. POLAND. I will say in reference to that and another I will offer next, that these amendments embrace the provisions of the act of July 4, 1864.

Mr. POTTER. Does the amendment just read come from the committee?

Mr. POLAND. It does. At the time we introduced our bill we

had not got through with examining all these matters, and we have some to bring in not embraced in the bill.

The amendment was agreed to.

Mr. POLAND. I offer the following amendment, to come in after line 43, and this embraces the residue of the act of July 4, 1864.

The Clerk read as follows:

Insert after line 43:

Chapter 4 of title 7 is amended by adding after section 300 the following sections:
SEC. 300. All claims of loyal citizens in States not in rebellion, for quartermaster's stores actually furnished to the Army of the United States and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just and of the loyalty of the claimant and that the stores have been actually received for the use of and used by the Army, then to report each case to the Third Auditor with a recommendation for settlement.

SEC. 300B. All claims of loyal citizens in States not in rebellion, for subsistence actually furnished to the Army and receipted for by the proper officer receiving the same, or which may have been taken by such officer without giving such receipt, may be submitted to the Commissary-General of Subsistence, accompanied by such proof as each claimant may have to offer; and it shall be the duty of the Commissary-General of Subsistence to cause each claim to be examined, and if convinced that it is just and of the loyalty of the claimant and that the stores had actually been received or taken for the use of and used by the Army, then to report each case for payment to the Third Auditor of the Treasury with the recommendation for settlement.

The provisions of the above two sections extend to the State of Tennessee, and to the counties of Berkeley and Jefferson in the State of West Virginia; but the provisions of the above two sections shall not authorize the payment of claims for the occupation of or injury to real estate in any State declared in insurrection during the rebellion.

Mr. POLAND. This amendment and the one adopted before this embrace the provisions of the act of July 4, 1864, and a subsequent refusal of authorization to these officers to allow the claims on real estate.

Mr. HARRISON. I desire to ask the gentleman from Vermont whether the amendment just read harmonizes with the provisions of the act of July, 1864? It must be remembered that the provisions of that act and the amended act or resolution bring certain States and parts of States within its provisions.

Mr. POLAND. That act of July 4, 1864, was afterward applied to the State of Tennessee, and also to the counties of Berkeley and Jefferson, in West Virginia; and these are embraced in my amendment.

So the amendment was agreed to.

Mr. POLAND. I offer the following amendment, to come in after line 95.

The Clerk read as follows:

Add to the amendment already adopted, after line 95, the following:

Section 1342 is amended by striking out in the third line of the thirty-eighth article the word "corporal" and also by adding to said article 38 the following words: "No court-martial shall sentence any soldier to be branded, marked, or tattooed."

The same section is also amended in the third line of article 82 by striking out the word "eighty-five" and inserting the word "eighty."

Mr. POLAND. This provision in relation to the punishment of soldiers was found in the middle of an appropriation bill. The committee overlooked it.

The amendment was agreed to.

Mr. POLAND. The committee offer the following amendment to come in after line 101.

The Clerk read as follows:

At the end of line 101 add the following:

Section 2146 is amended by adding at the end of the first line the following words: "Crimes committed by an Indian against the person or property of another Indian, nor to."

Mr. POLAND. That was an omission also.

The amendment was agreed to.

Mr. POLAND. The committee offer the following amendments, to come in after line 117.

The Clerk read as follows:

At the end of line 117 add the following:

Section 2730 is amended by inserting at the end of the first line the word "Pittsburgh."

The amendment was agreed to.

Mr. POLAND. The committee offer the following amendment, to come in after line 120.

The Clerk read as follows:

At the end of line 120 add the following:

Section 2997 is amended by inserting in the tenth line, after the word "Alabama," the words "Detroit, in Michigan."

The amendment was agreed to.

Mr. POLAND. The committee offer the following amendment.

The Clerk read as follows:

Strike out from line 173, down to and including line 176, the following:

Section 3811 is amended by striking out in the second line the words "national banks" and inserting "banks of the United States."

And insert in lieu thereof as follows:

Section 3811 is amended by striking out "Secretary of the Treasury" and inserting "Comptroller of the Currency;" also by adding after the word "banks," in the second line, the words "and banks under State and territorial laws."

The amendment was agreed to.

Mr. POLAND. The committee offer the following amendment.

The Clerk read as follows:

After line 237 add the following:

Section 5224 is amended by adding thereto the following:
And if any such bank shall fail to make a deposit and take up its bonds for

thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank, at public auction, in New York City; and after providing for the redemption and cancellation of said circulation, and the necessary expenses of the sale, pay over any balance remaining to the bank, or its legal representatives.

The amendment was agreed to.

Mr. POLAND. I now offer an additional section to come in at the end of the bill.

The Clerk read as follows:

Add at the end of the bill an additional section, as follows:

SEC. 2. The Secretary of State is directed, if practicable, to cause this act to be printed and bound in the volume of the Revised Statutes of the United States.

Mr. POLAND. I understand that if this bill is immediately passed these corrections can all be bound up in the volume of the statutes. It is highly desirable that they should go into the book itself, rather than have to be sought for in another volume.

The amendment was agreed to.

Mr. POLAND. These are all the amendments the committee propose. They have gone over this whole volume of the revision with very great diligence, and it will be observed that the errors we have corrected are most of them verbal, merely printer's errors, a few omissions having been supplied.

This work of revision was done by three commissioners, the work being divided between the three. There was occasionally some matter that was left out. We have endeavored, as far as in our power, to supply every omission of that kind. I shall be glad to answer any question in reference to any one of the matters we have corrected; but I feel it my duty to call the attention of the House to two matters that otherwise would have escaped their attention. The committee have felt bound, as we assured the House when we had the revision before the House at the last session, that it was the intention of the committee to make no change in the law whatever—we have felt it our duty where any error has come to our notice to bring it before the House, that it shall not be said there has been any change of law through the action of the committee that has not been sanctioned by Congress.

On the fifth page of this bill, beginning at the ninety-sixth line, section 1842 is amended by adding thereto the following proviso:

Provided, That so much of this section as provides for making any bill passed by the Legislative Assembly of a Territory a law without the approval of the governor shall not apply to the Territories of Utah and Arizona.

The commissioners who made the revision were undoubtedly authorized by the law under which they were appointed to make changes in the law to a greater or less extent, so as to produce harmony and symmetry. These territorial acts providing for the formation of Territories were all alike in their general scope, but there were differences in detail in their provisions, and perhaps there was no part of the work of the commissioners where they had done more in the way of change than they had in these acts establishing the Territories. They endeavored to make them symmetrical and to make them all alike, so that these minor differences between the various acts they struck out, making them all substantially alike.

The organic acts establishing the Territories contained provisions that where a bill passed by a territorial Legislature was disapproved by the governor or he refused to sign it the bill might be passed over his veto or his objection by a two-thirds majority of the Legislature, but that provision did not apply to the Territories of Arizona and Utah. The organic laws of those two Territories gave the governor an absolute veto upon the acts of the Legislature. But the revisers in going over the territorial laws struck out this difference and put Utah and Arizona on the same footing in this respect as the other Territories, and in a great many other particulars they had assimilated the territorial acts. Before this revision was accepted by the Committee on the Revision of the Laws under the act passed at the end of the last Congress, Mr. Durant was employed to go over the work of the commissioners and strike out every change they had made. The committee determined that it would be impossible to get the work of revision through Congress if it contained any new legislation. They therefore employed Mr. Durant to go over the work of the commissioners and eliminate every change which the commissioners had made, but this change he failed to notice, and the committee have therefore deemed it their duty to bring it before Congress with a proposition to make the law precisely the same as it was before in reference to the Territories of Arizona and Utah.

There is one other matter immediately following this on the same page. I will read the paragraph:

Section 2169 is amended by inserting in the first line, after the word "alien," the words "being free white persons, and to aliens."

The original naturalization laws only extended to free "white" persons. That was the condition of the naturalization laws for a great many years. A very few years since, upon some bill, Mr. Sumner of Massachusetts, then in the Senate, moved to strike out the word "white" from the naturalization laws, and it was objected to upon the ground that that would authorize the naturalization of this class of Asiatic immigrants that are so plentiful upon the Pacific Coast. After considerable debate, instead of striking out the word "white," it was provided that the naturalization laws should extend to Africans and persons of African descent. Precisely what the view of the gentleman was who revised the naturalization laws, I am unable to determine. He has left out the word "white" but has kept in the provision

in relation to Africans and persons of African descent. The leaving out of the word "white" would seem to leave the naturalization to extend to every species of alien, but that evidently was not the idea of the gentleman who revised that chapter, because he kept in the provision in relation to Africans or persons of African descent. We have proposed by this amendment to restore the law to just the condition in which it was before the revision was made.

The member of our committee who had this chapter on the naturalization laws to examine as a sub-committee failed to notice this change in the law or it would have been brought before the House when the revision was adopted.

With reference to either of these matters, if any gentleman thinks the committee have made a mistake, I will yield to him to move to strike out these provisions. I am not aware that any of the other provisions of the bill are of such interest that any gentleman desires to discuss them or to inquire concerning them; but I shall be very happy to answer any question in relation to any proposed amendment which the committee have put forward in this bill.

Mr. WILLARD, of Vermont. Will my colleague yield to me for a moment?

Mr. POLAND. I will do so.

Mr. WILLARD, of Vermont. I desire to call attention to the last question raised, the exclusion of the word "white" in the naturalization laws. I do it because this subject was referred during this session of Congress to the Committee on Foreign Affairs, of which I have the honor to be a member, and some little consideration has been given to it, and I was authorized by that committee to report adversely upon a bill which was submitted to the committee restoring the word "white" to the naturalization laws as now proposed by the Committee on the Revision of the Laws.

I understand that the Committee on the Revision of the Laws do not make this recommendation upon the merits of the question at all, but simply upon the general principle upon which they are proceeding, to restore this revision as nearly as possible to the condition in which the law was at the time the revision was passed. It occurs to me that there is no need of making this proposed correction of the revision of the laws, unless the House is thoroughly satisfied that the law as it now stands, with the word "white" stricken out, is not a wise statute. I understand that members from California and the Pacific coast make objection to the naturalization of Asiatics, more especially the Chinese. That question has been before Congress at different times. As has been suggested by my colleague [Mr. POLAND] it was squarely presented in the Senate by the proposition of Mr. Sumner to strike out the word "white" from the naturalization laws.

I cannot see why there should be this invidious distinction made against any class of foreigners. We invite immigrants to this country from all countries; we open our ports wide to every immigrant who comes to our shores. And if this word "white" shall be restored we will keep upon our statute a provision by which only a portion of those who come to this country can be naturalized, and certainly, as far as we know not by any means necessarily the least intelligent portion of the emigrants who come here. I merely call the attention of the House to this matter for the purpose of suggesting that if they are ready to say that this word "white" should be retained in the naturalization laws on principle, or on the merits of the question, of course it is proper for them to say so. But I think it is a good time now, inasmuch as we have it out of the law, to let it remain out. And as my colleague has yielded to me for the purpose of allowing an amendment to be moved to this bill, I will move to amend it by striking out the paragraph relating to this subject, which will leave the naturalization law to stand as the revisers left it, with the word "white" not in it at all. The paragraph I move to strike out is as follows:

Section 2169 is amended by inserting in the first line, after the word "alien," the words "being free white persons, and to aliens."

Mr. PAGE. I desire to be heard a few moments.

Mr. POLAND. I will yield to the gentleman.

Mr. PAGE. I hope the amendment of the gentleman from Vermont [Mr. WILLARD] will not prevail. As has been truthfully stated by the chairman of the Committee on the Revision of the Laws, [Mr. POLAND,] this change was made by the committee, not thinking that any change was being made at the time. All we ask is that the law be restored as it was prior to the change made by the committee.

The gentleman from Vermont [Mr. WILLARD] says that he knows no reason why this correction should now be made. The fifth article of the Burlingame treaty is very explicit upon one point; that is, that nothing in this treaty shall be construed as conferring the right of naturalization upon any subject of China. As one of the representatives of the Pacific coast, I think I can speak knowingly of the sentiment of the people of that coast upon this question of Chinese naturalization. I do not believe the Chinese themselves desire to be naturalized; they would only be used for corrupt purposes by corrupt individuals. I think that any one who knows anything about the history of this class of Chinese upon the Pacific coast, and who come there in great numbers, (and there are nearly eighty thousand,) will admit that the naturalizing of those people would be a great injustice to the people of California, where so many of these Chinese reside. It was not the intention of the treaty to give that right.

It was expressly stipulated in the treaty that the right of naturalization should not be conferred upon those people.

The people of my State are very emphatic upon this subject. In reply to my friend from Vermont, [Mr. WILLARD,] I suppose there is no Chinaman in his State, while, as I said before, upon the Pacific coast there are nearly eighty thousand. To permit this class of people to be naturalized would in my judgment be a great injustice; it would be demoralizing to those to whom it is proposed to extend the privilege.

I hope the change as reported from the Committee on the Revision of the Laws will be sustained. When this question was discussed in the Senate some three or four years ago, upon a motion of Mr. Sumner to strike out the word "white" from the naturalization laws, the Pacific coast Senators at that time prevailed upon him to consent to amend the naturalization laws so as to include persons of African descent, which would exclude Asiatics. It seems to me that the justice of this proposition must be evident to any person conversant with the history of the class of Chinese that come to this country, a class of people who, it is notorious, sell one another into slavery, and who sell their women for immoral purposes, as has been proved time and time again, and the evidence of which I now have here, and will at some future time submit to this House. It seems to me it must be evident to every one that they are a class of people wholly unworthy to be intrusted with the right of American citizenship.

Mr. POLAND. I now yield to the gentleman from Ohio, [Mr. SAYLER.]

Mr. SAYLER, of Ohio. I desire to say but a few words. I hope the amendment of the gentleman from Vermont [Mr. WILLARD] will not prevail. More than that, I hope that no discussion in regard to its merits will be entered into by the House. My reason for desiring that the amendment shall not prevail is not based on the merits or demerits of the proposition in any possible sense. I hope that no vote which will be cast by any gentleman with reference to it will be cast upon that basis. The Committee on the Revision of the Laws pledged themselves to give to the House, so far as they were able, in a single volume, a faithful transcript of the laws of the country. Now, in making that revision, this particular clause was by inadvertence omitted. We propose faithfully and in the honest discharge of the trust committed to us by the House to restore the law to what it really was. If that law is wrong, let there be separate and special legislation to effect a change. In the statutes of the United States there are no doubt many things which a great many gentlemen in this House would like to have corrected or changed in some manner; but it was never made the duty of this committee to undertake such changes. I hope, therefore, that this amendment of the gentleman from Vermont [Mr. WILLARD] will not even be entertained or discussed upon its merits, but that the bill as reported by the chairman of our committee will be adopted at once as the sense of the House, and as containing those amendments only which are necessary to make the work already reported what it was designed to be—an exact transcript of the laws of the United States.

Mr. RANDALL. I raise the point that the amendment of the gentleman from Vermont [Mr. WILLARD] is not proper here. It is not within the province of this committee to do otherwise than simply to revise existing laws.

The SPEAKER. As the Chair understands, the gentleman raises the point that the object of the bill is simply to correct errors in the revision, and not for the purpose of introducing new legislation changing the statutes. Does the Chair understand that new legislation is proposed?

Mr. POLAND. It is claimed that the revision as made at the last session of Congress did change the law. Our proposition now is to make it certain that the law is not changed—to restore the law as it existed prior to the revision.

The SPEAKER. That would of course be in the line of what the Chair understands to be the province of the committee.

Mr. POLAND. My colleague [Mr. WILLARD] says that although this particular change was made by somebody's mistake, it has made the law better and therefore ought to be retained.

Mr. RANDALL. If I understand the matter, the Committee on the Revision in their work of last session omitted something, and now they want to supply the omission by inserting the word "white." So far I believe the proceeding is correct. But the amendment of the gentleman from Vermont [Mr. WILLARD] goes further and practically proposes to adopt new legislation.

Mr. SPEER. To strike out a portion of the existing law.

The SPEAKER. The gentleman from Vermont [Mr. POLAND,] as the Chair understands, proposes to restore the law to precisely what it was, although it was not so incorporated in the revision.

Mr. RANDALL. That is the report of the committee.

Mr. SPEER. But there is an amendment of the other gentleman from Vermont [Mr. WILLARD] which proposes to strike out a portion of the existing law.

Mr. E. R. HOAR. Mr. Speaker, I wish to appeal to members of the House—to my friend from Vermont [Mr. WILLARD] among others—because it seems to me that this question involves the whole action of the House on this subject at the last session, if not the honor and good faith of the committee. We did our very best (getting all the assistance we could, calling on every member of the House to assist us) that our revision of the laws should not change the existing law

in any particular. It has been discovered that by misprints—by an occasional omission of a word, by perhaps some misapprehension of the revisers as to the effect of a phrase—the law in our judgment has been changed in some particulars by that revision. We have now introduced a bill simply to restore the law to what it was; and I think members of the House should not (because they may think particular legislation desirable) endeavor to hold on to what was accidentally done, without its being understood by the House or the committee. I submit that we should pass this bill just as it is; and if a change of the law upon any point be desired, let it be done by affirmative legislation.

Mr. WILLARD, of Vermont. I withdraw my amendment; but in doing so I desire to say that I should not have offered it, except for the reasons I have already stated. The matter had been submitted to the Committee on Foreign Affairs, of which the gentleman from Massachusetts [Mr. E. R. HOAR] is a member. The whole question was brought before our committee—

Mr. PAGE. I object to the gentleman stating anything that occurred in the committee.

Mr. WILLARD, of Vermont. I desire to say only that the whole subject was considered by the committee, who authorized me to report back the bill referred to us, restoring the law as now proposed by the Committee on the Revision, and to recommend that it lie on the table.

I deemed it my duty as the matter was to be presented to present it here, as I did not know I should have another opportunity. But, Mr. Speaker, inasmuch as it seems not to be proper to interfere with this bill, I withdraw it.

The SPEAKER. In answer to the point of order made by the gentleman from Pennsylvania, [Mr. RANDALL,] the Chair will state that the scope of the privilege given to the gentleman from Vermont [Mr. POLAND] to report this bill was to correct such errors as would make certain what the law was, and therefore amendments to make the law what gentlemen think it ought to be are not in order. It is only to certify what the statutes are, regardless of whether they are expedient or inexpedient. No amendment changing them would be in order under that privilege.

Mr. POLAND. I now demand the previous question.

Mr. COX. I ask the gentleman from Vermont to yield to me before he demands the previous question.

Mr. POLAND. I withdraw the demand, and yield to the gentleman from New York.

Mr. COX. Mr. Speaker, the other day when this matter came up about the tariff I made a statement here that the Committee on the Revision of the Laws had authorized the striking out, or had stricken out the word "white," and that brought about a certain trouble, and there being a law upon the statute-book to authorize the naturalization of all aliens and persons of African nativity and African descent, approved July 14, 1870, it became necessary for some purpose, humanitarian or otherwise, the Committee on Foreign Affairs should act in reference to the naturalization of the Chinese. I naturally asked the question therefore whether there had not been some little carelessness in the revision of the laws by which the whole Asiatic Malayan race were allowed to come in here and be naturalized. That excited a good deal of attention in the country and especially on the Pacific coast, and now when gentlemen have a chance to save our committee further trouble, when they can legislate on the word red or yellow, they escape the dilemma on a point of order raised by my honorable friend from Pennsylvania [Mr. RANDALL] by the strictness with which they are held by the Chair. If they want to naturalize the Chinese "as a man and a brother," let them try it now and at this time.

A MEMBER. Will the gentleman vote for it?

Mr. COX. I did not say I would vote for it; I did not vote for the naturalization of the black man, and *a fortiori* I would not do it for the yellow man.

Mr. MYERS. I wish to speak on this question when it comes before the House.

Mr. POLAND. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF REVISED STATUTES.

Mr. GARFIELD. I hope the Committee on Appropriations will now be allowed to report appropriation bills.

Mr. POLAND. I am not yet through with reports from the Committee on the Revision of the Laws. I now report back a bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States, with an amendment.

The bill, which was read, provides that the Secretary of State is hereby directed to furnish, for the use of the Senate, one thousand copies of the Revised Statutes of the United States, and for the use of the House of Representatives three thousand copies of the same, to be distributed to the members of the present Congress.

Mr. RANDALL. It is proposed that these Revised Statutes shall be published at a fixed price, to be sold to anybody who may desire to purchase them.

Mr. POLAND. These Revised Statutes are already printed, and the price has been fixed by law. This bill merely provides for their distribution to members of Congress.

Mr. RANDALL. I wish to ask the gentleman whether we ought to make this provision for their distribution when they can be purchased by everybody at a very small percentage above cost?

Mr. POLAND. I ask that the amendment of the committee be read; it is to add an additional section.

The Clerk read as follows:

SEC. 2. That the Secretary of State is hereby authorized to make arrangement with persons engaged in the business of selling books to keep for sale the Revised Statutes of the United States, but in any such arrangement it shall be provided the same shall be sold at the Government price to all purchasers; and the Secretary may allow to any such person keeping the Revised Statutes for sale such part of the 10 per cent. above the actual cost as he may deem just and reasonable.

The SPEAKER. Does the gentleman wish the bill to be referred to the Committee on Printing?

Mr. POLAND. No; I desire it shall be put on its passage. It merely provides for the distribution of these documents. They are published under the direction of the Secretary of State. He is required to sell them at cost, with 10 per cent. added. It is, of course, inconvenient the Secretary should be required to do this business himself. Therefore the second section merely authorizes him to arrange with booksellers throughout the country to keep these books for sale, to be sold at the Government price, and further, to allow them such part of the 10 per cent. above the cost as he may deem just and reasonable.

The amendment was agreed to.

Mr. HOLMAN. I submit to the gentleman reporting this bill whether, in view of the facilities for getting these statutes at a little above actual cost, it is not desirable to allow this number to be distributed in the same way, instead of in this way, among the members of the House and Senate.

Mr. POLAND. They are already printed.

Mr. HOLMAN. But is it just to the country to allow these to be distributed without pay?

Mr. POLAND. This revision of the statutes is the largest single work ever done by any one Congress. Not one single hour of the ordinary sessions of Congress was occupied with the revision. Every portion of time ordinarily devoted to business by Congress was given to that business. I think, therefore, this Congress is entitled at least to the small liberality this bill proposes.

Mr. HOLMAN. That is very true of the committee on the revision, and perhaps the others deserve it for having let them do it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

M. V. DAHLGREN.

Mr. GOOCH, by unanimous consent, from the Committee on Naval Affairs, presented a report on the petition of M. V. Dahlgren for compensation for invention of her late husband, Admiral Dahlgren, to accompany a bill now in Committee of the Whole on the Private Calendar; and the same was ordered to be printed and referred to the Committee of the Whole on the Private Calendar.

PENSION APPROPRIATION BILL.

Mr. O'NEILL, from the Committee on Appropriations, reported a bill (H. R. No. 4677) making appropriation for the payment of invalid and other pensions of the United States for the year ending June 30, 1876; which was read a first and second time, ordered to be printed, and referred to the Committee of the Whole on the state of the Union, and made a special order for to-morrow after the morning hour.

Mr. RANDALL. That bill could be taken up and passed now if the committee chose.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had rejected the bill (H. R. No. 4202) to enable Mrs. Christiana L. Williams, administratrix of the estate of C. W. Williams, deceased, to make application to the Commissioner of Patents for an extension of letters-patent for improvements in canal locks and gates.

The message also announced that the Senate had passed a bill of the following title, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army.

The message also announced that the Senate had insisted upon its amendments disagreed to by the House to the bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, had

agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. EDMUNDS, Mr. CONKLING, and Mr. THURMAN.

The message further announced that the Senate had insisted on its amendments disagreed to by the House to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, had disagreed to the amendments of the House to amendments of the Senate, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. MORRILL of Maine, Mr. SARGENT, and Mr. DAVIS as conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. LOUGHRIDGE. I move that the rules be suspended and that the House go into Committee of the Whole on the Indian appropriation bill.

The SPEAKER. Pending that, the gentleman from New York, [Mr. SMITH,] the chairman of the Committee on Elections, rises to what he claims to be a privileged question.

Mr. SMITH, of New York. I call up the report of the Committee on Elections in regard to the charges made against the Delegate from Utah Territory.

Mr. GARFIELD. I hope the House will go into Committee of the Whole now.

Mr. LOUGHRIDGE. I raise the question of consideration in regard to the question submitted by the gentleman from New York, [Mr. SMITH.]

The SPEAKER. The gentleman from New York, [Mr. HALE,] the colleague of the gentleman now on the floor, raised a point of order on this report of the Committee on Elections. The Chair does not see that gentleman in his seat at this moment.

Mr. SMITH, of New York. Two gentlemen raised the point of order; the gentleman from New York [Mr. HALE] and the gentleman from Massachusetts, [Mr. BUTLER.] The gentleman from Massachusetts is here now.

For two weeks the Committee on Elections have been endeavoring to get the floor to report this resolution. It would be a very unseemly thing that a resolution like this should be adopted in the very closing days of this Congress; and if the House should refuse to consider the resolution now, its action would be equivalent to tabling the resolution. I have myself no feeling about it. The committee simply desires to discharge its duty.

Mr. GARFIELD. It would require two days' debate.

Mr. SMITH, of New York. We propose to have it disposed of in two hours. That is the understanding between the gentlemen who will make the leading speeches on behalf of the majority and the minority of the committee. The gentlemen representing respectively the majority and minority of the committee have agreed that the debate shall be limited to two hours.

The SPEAKER. The Clerk will read the resolution reported by the Committee on Elections.

The Clerk read as follows:

Resolved, That GEORGE Q. CANNON, Delegate from Utah, being found, upon due consideration of the evidence submitted, and not controverted by said CANNON, to be an actual polygamist, and to have married his fourth wife, having three other wives then living, in the month of August, 1865, in open and notorious violation of the law of July 1, 1862, forbidding such marriage and declaring the same to be a crime punishable both by fine and imprisonment, and it appearing that he still maintains his polygamous practices in defiance of law, is deemed unworthy to occupy a seat in the House of Representatives as such Delegate, and that he be excluded therefrom.

The SPEAKER. The gentleman from Iowa [Mr. LOUGHRIDGE] raises upon this resolution the question of its consideration at this time.

Mr. DAWES. Back of that is the other question, whether it is before the House at all.

The SPEAKER. The Chair thinks not. Until the question of consideration is decided the resolution would not be sufficiently before the House to have a ruling upon the point of order. The ruling upon the point made by the gentleman from New York [Mr. HALE] could not be reached if the House refused to consider the resolution.

Mr. DAWES. The Chair then decides that the point of order is not waived by the House agreeing to take the resolution into consideration.

The SPEAKER. The point of order is not thereby waived. The resolution will be subject of course to the point of order, whatever weight that may have, after the House passes upon the question of consideration. The point of order is in the nature of debate, and cannot be entertained against the point of consideration, which must be decided *instantly*.

Mr. DAWES. I think the Chair is right in that ruling.

The question being put on considering at this time the resolution reported by the Committee on Elections, there were ayes 22, noes not counted.

So the House refused to consider the resolution at this time.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I now move that the House resolve itself into Committee of the Whole on the Indian appropriation bill; and pending that motion I move that all amendments be confined to the Choctaw and Chickasaw portions of the bill.

The SPEAKER. Gentlemen will remember that the bill, on coming out of the Committee of the Whole, had been gone over paragraph by paragraph. It was recommitted, and now stands really as an original bill. But it was recommitted upon two points, the Choctaw and Chickasaw amendments, so called. The gentleman from Iowa [Mr. LOUGHRIDGE] asks that all the remainder of the bill may be considered as agreed to when the House goes into Committee of the Whole, and that the consideration by the Committee of the Whole be limited to those two points.

Mr. HALE, of Maine. With the understanding that a separate vote may be taken on those in the House.

Mr. LOUGHRIDGE. Certainly.

The SPEAKER. That of course will be done if the gentleman from Iowa does not call the previous question. The gentleman who has charge of the bill can agree not to call the previous question when the committee reports.

Mr. HOLMAN. This being an original bill, those provisions are in the bill; and if not stricken out in the Committee of the Whole, there would not be a vote on them when reported back to the House.

The SPEAKER. But if the gentleman does not demand the previous question, then a motion to strike out those amendments will be in order in the House.

Mr. HALE, of Maine. That is why I wanted the stipulation made, so as to have that opportunity.

Mr. HOLMAN. I submit to the chairman of the Committee on Appropriations that it be understood in advance that these two propositions shall be voted on in the House.

The SPEAKER. That of course will be done if the gentleman having charge of the bill does not demand the previous question.

Mr. GARFIELD. Allow me to suggest, to save time, that the proposition made through the Speaker, is that the Indian appropriation bill be considered as acted on, except as to those two amendments which are to be pending in Committee of the Whole.

Mr. HOLMAN. That is right.

The SPEAKER. There is no use in making a circuitous understanding about a simple point. If the gentleman from Iowa, [Mr. LOUGHRIDGE,] who has charge of the bill, does not demand the previous question when the bill comes into the House, then a motion to strike out the amendments in relation to the Chickasaw and Choctaw claims will be in order. That is the simplest way of getting at it.

Mr. HALE, of Maine. I think the other understanding would be better, that when the bill comes back into the House these two amendments shall be considered as pending amendments to the bill, to the rest of which we now agree.

Mr. WILLARD, of Vermont. Is not this done by unanimous consent? And why should there not be unanimous consent to take a vote now on these amendments in the House?

The SPEAKER. Directly, without going into Committee of the Whole?

Mr. WILLARD, of Vermont. Exactly.

The SPEAKER. The gentleman from Vermont [Mr. WILLARD] suggests that the bill be brought before the House and a vote taken on these two amendments only.

Mr. HOLMAN. That they be considered as in Committee of the Whole, and that the yeas and nays be taken upon them. I do not know that any gentleman desires to discuss the matter further.

Mr. WILLARD, of Vermont. Then I suggest that the bill come before the House as in Committee of the Whole under the five-minute rule.

Mr. FORT. I shall object to that unless I can be permitted to offer another amendment.

The SPEAKER. Gentlemen will understand precisely the limitations of that understanding, that a motion to reconsider and lay on the table would not be in order, but that the yeas and nays would be in order.

Mr. BECK. Does not the bill go back into Committee of the Whole with the right to amend it all through?

The SPEAKER. In Committee of the Whole?

Mr. BECK. Yes, sir.

The SPEAKER. If the House goes into Committee of the Whole on the bill without any understanding, the bill must be read all through, and amendments will be in order to it.

Mr. LOUGHRIDGE. I will ask that nothing but the two controverted amendments shall be regarded as under consideration.

Mr. FORT. I have no objection to that, if the gentleman will allow another amendment which I wish to offer to be considered.

Mr. GARFIELD. It involves the matter of several days' time of the House whether we can or cannot make this arrangement.

Mr. PARKER, of Missouri. I think the gentleman from Kentucky [Mr. BECK] will give way.

Mr. BECK. What I desired was this: I have some amendments which I desired to offer to the bill which were not offered when it was before under consideration, and I desired to offer them in good faith; but understanding from members of the Committee on Appropriations that they will have them considered in the Senate, I will not further insist, but I will take my chances of their being considered in the Senate.

The SPEAKER. The Chair understands that it is proposed that the bill shall be brought before the House with all its provisions agreed to except the Chickasaw and Choctaw amendments, and that

those amendments are to be considered in the House under the five-minute rule as in Committee of the Whole. If there be no objection to that understanding, the bill is before the House.

Mr. FORT. I want it understood that I shall have an opportunity to offer an amendment.

The SPEAKER. To any other part of the bill than those amendments which the Chair has named?

Mr. FORT. Yes, sir.

The SPEAKER. To any other feature of the bill?

Mr. FORT. Yes, sir.

The SPEAKER. Then the gentleman from Illinois objects.

Mr. FORT. I wish to offer an additional section to the bill, which I ask to have read.

The Clerk read the proposed amendment, as follows:

And be it further enacted, That if the Secretary of the Interior and the Secretary of War shall deem it expedient, the Army clothing now on hand of patterns or style not in use shall be issued and delivered to Indians at the regulation price thereof, which shall be in lieu of any money hereinbefore specially appropriated for clothing; in which case the clothing to be so issued shall be turned over from the War Department to the Interior Department and properly receipted for.

The SPEAKER. Is there objection to allowing the gentleman from Illinois to offer this amendment?

Mr. SHANKS. I object; it is forcing old clothing upon my friends. It is bad enough to be an Indian without having old clothing forced on you.

Mr. FORT. Then I will insist upon my objection.

The SPEAKER. If the gentleman from Illinois [Mr. FORT] persists in his objection it will not avail him anything, because should he offer his amendment in Committee of the Whole the gentleman from Indiana [Mr. SHANKS] or any other gentleman could raise the point of order that it was new legislation, and therefore must be excluded.

Mr. FORT. If he chooses to take that responsibility—

Mr. SHANKS. I take the responsibility not to have old clothes forced on my friends.

Mr. FORT. Then I will insist upon my objection.

Mr. LOUGHRIDGE. Then I must move to go into Committee of the Whole on the Indian appropriation bill.

Mr. BUTLER, of Massachusetts. I suggest to the Committee on Appropriations to take up some other appropriation bill and let this go over until Monday next, when the rules can be suspended.

Mr. RANDALL. There is the pension appropriation bill.

Mr. SHANKS. I will withdraw my objection in order to facilitate business.

Mr. FORT. Then I will withdraw my objection.

The SPEAKER. Objection being withdrawn, the bill is now before the House, and agreed to by the House, except the provisions in relation to the Choctaw and Chickasaw claims, which are to be regarded as pending amendments, and to be considered under the five-minute rule as in Committee of the Whole.

Mr. LOUGHRIDGE. I now ask permission to correct an error in the printed bill now before the House. The two provisions relating to the Choctaw and Chickasaw claims are printed as one section. The clause in relation to the Chickasaws was a separate amendment, put on by a distinct vote, and should not be connected with the Choctaw provision at all. I therefore ask that the Chickasaw provision be regarded as a separate section, as section 11.

The SPEAKER. They were separate amendments, there is no question of that; they were so considered in the understanding just agreed to, and will be now so treated.

The amendment in relation to the Choctaw claim, printed as section 10 of the bill, was then read, as follows:

SEC. 10. That in order to fulfill and discharge the obligations of the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes or nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate, made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to pay to the treasurer of said Choctaw Nation, or to such other agent as the council may designate, in bonds of the United States, bearing interest at 4½ per cent., of the description authorized by the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," the sum of \$2,332,561, the amount of the said award, with interest thereon at the rate of 5 per cent. per annum, from the date of said award until the payment thereof, as herein provided: *Provided, however*, That the sum of \$250,000, heretofore paid in part discharge of said award, shall be deducted from the amount at the date of said part payment; and that the payment of said award, as herein directed, shall be in full satisfaction and discharge of all the claims of the said nation, and of those of the individual members thereof, on account of said award: *And provided further*, That the said sum shall be paid by said treasurer or agent under the direction and supervision of the United States Indian agent to the claimants entitled thereto, as is provided and required by the twelfth article of said treaty of 1855: *And provided further*, That before the Secretary of the Treasury shall pay the said award, as herein provided, the national council of the Choctaw Nation shall pass an act in approval of this act, and shall accept the payment of the said award, as herein provided, as a full discharge and satisfaction of all the claims of the said nation, or of individual members thereof, on account of the said award: *Provided*, That the Secretary of the Treasury shall not recognize, allow, or pay any claims, or pretended claims, which have heretofore been demanded, or which may hereafter be demanded, by any attorney or claim agent, or any pretended owner of said award, or any part thereof, or any pretended purchaser, or any contract, or pretended contract, made on behalf of said Choctaw Nation for the payment of any compensation or fees for the prosecution of the claim of said nation against the Government of the United States.

Mr. PARKER, of Missouri. I desire to move a substitute for the section just read.

Mr. CESSNA. Before that is done, I desire to state that there is a slight difference of opinion among members as to the true condition of this bill. Some are of opinion that this bill, as it stands upon the Journal, contains what are called the two amendments, the Choctaw and Chickasaw amendments, and that we are to proceed upon motions to strike them out. Others regard the position as this: that the bill does not contain those two provisions, but they are to be treated as propositions to be added to the bill. Before proceeding further it is of importance that this question should be determined, so that we may know exactly the true position of the case.

The SPEAKER *pro tempore*, (Mr. POLAND.) The Chair understands the arrangement to be that sections 10 and 11 are to be treated as amendments pending to the bill. The Chair did not pay very particular attention to the proposed arrangement, but he understands that those sections are to be treated as amendments pending to the bill.

Mr. CESSNA. And the bill to be regarded as not containing those two sections?

The SPEAKER *pro tempore*. As the Chair understands, they are to be treated as amendments pending.

Mr. LOUGHRIDGE. I understand, and I made the proposition, that these sections were to be considered as in the bill when the bill came before the House, and that there should be a vote upon them in the House.

Mr. SPEER. O, no.

Mr. FIELD. That was the bargain.

The SPEAKER *pro tempore*. The Chair understands from the Clerk that it was understood at the Clerk's desk that these two sections were to be treated as amendments pending to the bill, and not as portions of the bill itself.

Mr. HALE, of Maine. That was precisely the understanding. After the gentleman from Iowa [Mr. LOUGHRIDGE] had made his proposition, it was suggested that as we were asked to agree to all the rest of the bill, it might be brought before the House as a bill agreed to with these two propositions pending as amendments. That was so stated by the Speaker before the agreement was made.

Mr. CESSNA. I submit it can make no possible difference in the world, except in the case of a tie vote, whether it is a motion to add to or a motion to strike out.

The SPEAKER. The understanding submitted by the Chair was that these two sections were to be regarded as pending to the bill, but it makes not a particle of difference.

Mr. CESSNA. Certainly not.

The SPEAKER. That is the understanding, and there is no necessity of making any point upon it.

Mr. CESSNA. I do not want to make any point at all, but I want the House to understand what the fact is.

The SPEAKER. The two sections, sections 10 and 11 in the printed bill, are to be treated as amendments pending to the bill. The gentleman from Missouri [Mr. PARKER] moves a substitute for section 10.

Mr. FORT. I would like to know how the amendment of the gentleman from Missouri can be pending under the arrangement. I thought it was distinctly understood that there were only two questions to be voted on—one the Chickasaw amendment and the other the Choctaw amendment.

The SPEAKER. They were to be open to debate and amendment as in Committee of the Whole. Amendments are not in order except to those portions of the bill. But it was the distinct understanding that to these particular parts amendments might be offered.

Mr. FORT. But I do not understand that that amendment was proposed at all.

The SPEAKER. The Chair knew nothing about any particular amendment; but the understanding was that the Choctaw and Chickasaw amendments should be open to debate and amendment as in Committee of the Whole.

Mr. CESSNA. And under that arrangement any gentleman can offer an amendment to either section if not prevented by a call of the previous question.

The SPEAKER. Certainly; these amendments are open to amendment until the previous question shuts off amendments, which in this case is synonymous with the Committee of the Whole rising. The amendment of the gentleman from Missouri [Mr. PARKER] will be read.

The Clerk read as follows:

Strike out section 10 of the printed bill and insert the following:

SECTION.—That in order to fulfill and discharge the obligations of the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes or nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required upon the passage of this act to execute bonds of the United States, bearing interest at the rate of 3 per cent. per annum, of any issue heretofore authorized by law, to the amount of \$2,332,560.85 and the interest thereon at the rate of 4½ per cent. per annum from the date of said award until the payment thereof as herein provided: *Provided, however,* The sum of \$250,000 heretofore paid in part discharge of said award shall be deducted from the amount at the date of said part payment; and that the payment of said award as herein directed shall be in full satisfaction and discharge of all the claims of the said nation, and of those of the individual members thereof, an account of said award: *And provided further,* That the said bonds when executed shall be held by the Secretary of the Treasury for the exclusive use and benefit of the Choctaw Nation until such time as all the claims due the individual members of said Choctaw Nation from said nation shall be audited and allowed by a tribunal to be legally constituted by the Choctaw Nation; a full and

complete list of said claims, properly and lawfully certified, shall be filed with the Secretary of the Treasury, when said Secretary shall pay to the treasurer of the Choctaw Nation such an amount of said bonds as shall be necessary to pay said individual claims; and if any of said amount hereby appropriated shall remain after paying said individual claims, the same shall be held in trust by the Secretary of the Treasury to constitute a general Choctaw fund, yielding an annual interest of not less than 5 per cent., and no part of which shall be paid out as annuities but shall be regularly and judiciously applied under the direction of the general council of the Choctaw Nation to the support of their government for the purposes of education and such other objects as may be best calculated to promote and advance the improvement, welfare, and happiness of the Choctaw people and their descendants. But if the amount hereby appropriated shall not be sufficient to pay the whole of said claims of individual Indians against the Choctaw Nation, then said claims are to be paid *pro rata*, under the award of the Senate made on the 9th day of March, 1859, under the provisions of article 11 of the Treaty of June 22, 1855: *Provided,* That nothing is to be paid by the Secretary of the Treasury until the provisions of this law are accepted by the Choctaw Nation through their general council: *And provided further,* That the Secretary of the Treasury shall not recognize, allow, or pay any claims or pretended claims which have heretofore been demanded, or which may hereafter be demanded, by any attorney or claim agent, or any pretended owner of said award, or any part thereof, or any pretended purchaser, or any contract or pretended contract, made on behalf of said Choctaw Nation for the payment of any compensation or fees for the prosecution of the claim of said nation against the Government of the United States.

Mr. PARKER, of Missouri. I desire to say but a few words in explanation of this amendment. The eleventh and twelfth articles of the treaty of 1855 provide that the claims of the individual Indians shall be first satisfied, and that if any amount remains after settling these claims, it shall be held in trust by the Secretary of the Treasury. The amendment provides that these bonds shall all be held by the Secretary of the Treasury until these people audit and adjust these individual claims and present to the Secretary of the Treasury a certified list of them, legally and properly ascertained; that when this is done he shall pay to the treasurer of the tribe, out of this appropriation, such amount as is necessary to satisfy these individual claims; that if anything remains after paying these claims as thus ascertained, the Secretary of the Treasury shall retain that amount as a trust fund. Thus the amendment is in exact accordance with the requirements of the eleventh and twelfth sections of the treaty of 1855.

Mr. GUNCKEL. I wish to put an inquiry to the gentleman from Missouri [Mr. PARKER] in regard to the effect of his amendment. It is reliably stated that these claims have been bought up by speculators at a small price, and are now held by them. I wish to know whether there is anything in the gentleman's amendment which will prevent this money from being paid to these speculators, who now own or control these claims.

Mr. PARKER, of Missouri. As I understand the language of my substitute, it prevents the payment of any of this money to that class of persons. That is my object at least. My amendment contemplates that the money shall be paid to the Indians; that it shall be held by the Secretary of the Treasury until these Indians shall have ascertained the amount of liabilities of the tribe to the individual Indians; and when such liability has been presented in a certified form to the Secretary of the Treasury, he is to pay to the treasurer of the nation such amount as is necessary to satisfy those claims. If any amount remains, that is to be retained by him as a trust fund, the interest upon which is to be paid by him as on other trust funds. The last part of the amendment, as I understand, cuts out all claims whatever except those designated in the amendment; that is, those of the Indians.

Mr. GUNCKEL. I ask the attention of the House to the last clause of the amendment. The amendment has not been printed, and I only speak from hearing it read; but I am very sure that the last clause provides simply that no attorney or claimant for fees shall receive any part of the money. There is no provision that the speculators who are said to have bought up these claims at a very small price shall not be paid in full. It is desirable that the House should know whether we are appropriating these millions of money for the benefit of the Indians or for speculators.

Mr. SHANKS. I would like to have read a provision of the act of May 21, 1872, regulating the mode of making private contracts with Indians. Under this provision no one can get this money unless entitled to it under such circumstances as leave no doubt of the propriety of the payment.

The SPEAKER. The last proviso of the amendment will be read.

The Clerk read as follows:

And provided further, That the Secretary of the Treasury shall not recognize, allow, or pay any claims, or pretended claims, which have heretofore been demanded or which may hereafter be demanded by any attorney or claim agent, or any pretended owner of said award, or any part thereof, or pretended purchaser of any contract, or pretended contract, made on behalf of said Choctaw Nation for the payment of any compensation or fees for the prosecution of the claim of said nation against the United States.

Mr. GUNCKEL. That proviso merely guards against the payment of fees or like compensation; but what is there to prevent the payment of these claims?

Mr. PARKER, of Missouri. It covers all manner of claims, whether parties claim title by reason of service or by reason of purchase. I do not possibly see how we can make the language stronger.

Mr. McNULTA. Does not this, while directing the Treasurer of the United States shall not recognize or pay any claims for attorney's fees or other compensation, in fact direct the payment of this money to the treasurer of this tribe of Indians, who will of course pay the lobby? In other words, it prohibits the payment of the lobby

by the Treasurer of the United States, but puts the money in the hands of the treasurer of the Choctaw tribe, who is bound to pay the lobby under the contracts with these Indians. I should like to ask the gentleman further whether he believes the Choctaw Indians will ever get one dollar of this money?

Mr. PARKER, of Missouri. The gentleman from Illinois indicates by his question that the only way by which the Indian can get any of this money is to provide that it shall not be paid to anybody—to the Indians or anybody else.

Mr. McNULTA. Not at all; but I wish to have the money paid to the individual Indians or to their heirs. The Indian Commissioner unites with us in this view.

Mr. PARKER, of Missouri. Mr. Speaker, in 1855, when the Senate made this award, they thought these Choctaw people were capable of taking care of themselves. Therefore by the terms of the award, and by the terms of the treaty, the award being made in 1859 and the treaty in 1855, they provided that this money should be paid in a certain manner. This amendment provides it shall be paid in the precise method prescribed by the treaty of 1855 and the terms of the award in 1859.

My friend from Illinois [Mr. McNULTA] suggests that it should be paid to the individual Indians. Well, who are you going to have pay it to these Indians? Are you going to have each individual Indian of that tribe, with his squaw and papoose, come here to the door of the Treasury and demand of the Treasury of the United States, "I want my *pro rata* share of this money?" From my observation of the way Indians are treated when they come here to Washington I think they would respectfully decline to come here to draw this amount of money in that manner, or any other amount.

There is no other way of making this possible unless you pay to somebody for this people. It is an absolute impossibility the individual claimants of this money in the nation should come here in a body to get it. The treaty contemplates these men should not come to the Treasurer of the United States for it, but that they should go to the tribe. Their claim is a claim against the tribe. The tribe under the treaty obligates itself by reason of its relation to the individual members of the tribe to make the claim against the Government of the United States, to collect it and distribute the award among the members of the tribe.

If there is any other way to make it safer than we prescribe in this amendment, I profess I do not know what it is. The Committee on Appropriations believe it is the safest way in which it can be paid. I understand the Committee on Indian Affairs have come to the same conclusion.

Mr. McNULTA. I do not understand it that way.

Mr. PARKER, of Missouri. I understand the report of the majority of a committee is the committee's report, and the majority of the Committee on Indian Affairs have reported almost precisely this very amendment, or agreed upon it for report to the House. Therefore the majority of that committee, being the committee so far as reporting is concerned, have agreed to the same thing.

When gentlemen assert it can be paid to the individual members of the tribe, it seems to me to be only an indirect way of avoiding the payment of our obligation to these Indians. Why not come manfully, boldly, and bravely and say we ought not to pay these Indians and will not pay them? My friend from Illinois [Mr. FORT] meets it in that way. Here is another gentleman who says he will meet it in the same way.

A MEMBER. And so do I.

Mr. PARKER, of Missouri. These gentlemen came to it by induction. When you do that you simply say, after the Senate fixed the amount of money due these people, after Congress has recognized this contract as binding by appropriating the sum of \$500,000, you will at this late day repudiate your obligations after they have been determined and fixed by the highest court known in the world. There is no principle of international law which has ever been known to a civilized nation which permits a nation to go back of an award when that award is in the precise terms of the treaty submitting the matter to arbitration. No writer of international law has ever laid down any such principle. Suppose the Geneva award had been made within the terms of the treaty submitting the differences between this Government and Great Britain to arbitration, and the payment of that award had been withheld for fifteen years, and that the British Parliament then, when the appropriation of money was to be made to pay that award, should say, "We repudiate it; we will not pay it." Yet that is the case precisely. It is precisely parallel to the case here when we propose, after the Senate has made the award in favor of the Choctaw Indians of the amount due them, to say we will repudiate the payment of that award.

Well, that is a matter that gentlemen can settle with themselves; but I assert it as a principle that there never was an award, where that award was within the precise terms of the proposition submitting it to an umpire, that has ever yet been repudiated by a civilized nation. You may repudiate this, but when you do it you say to these men that you make a treaty with them by the terms of which you hold them fast while at the same time you propose to be loose.

Suppose the Senate had decided in 1859 that there was nothing due these people; is anybody so foolish as to believe that any gentleman on this floor would have got up here and asked that we should repudiate that finding? It would have been all right then. And it is a

very different thing for us to do this from what our doing it would be if this nation were powerful; if they could hold us responsible before that great tribunal which makes and unmakes nations, the tribunal of war. But they are weak; they are an inoffensive people, with no power to compel the enforcement of this. This is all in our own hands, and when we repudiate our obligation we do it contrary to every principle of law, contrary to every principle of justice, and contrary to every principle of right that has ever been recognized among civilized people.

When the Senate made this finding it had all the documents in its possession.

Mr. THOMPSON. Will the gentleman allow me to ask him a question?

Mr. PARKER, of Missouri. Yes, sir.

Mr. THOMPSON. I wish to inquire whether the gentleman from Missouri holds that the Senate of the United States, without the knowledge of this branch of the Legislature, can enter upon an agreement with the Choctaws or any other persons, constituting themselves a board of arbitrators, and find an award without the knowledge or consent of this body that will be binding either in law or in honor upon the nation?

Mr. PARKER, of Missouri. I answer the gentleman from Pennsylvania in this way. Ever since the foundation of our Government the power to make treaties with foreign nations and with domestic nations known as Indian tribes has reposed in the President and the Senate. When that treaty is made it is tantamount to a law of Congress. It can be repealed by a law of Congress, and until it is repealed it has an equal dignity and an equal power with a law of Congress. This award made by the Senate of the United States was made in pursuance of a solemn treaty entered into by the treaty-making power and consequently the law-making power; and in pursuance of that law, which is known as a treaty, this award and this finding were made by the Senate of the United States.

Mr. THOMPSON. The gentleman does not answer my question. It is this: Does the gentleman hold that the Senate of the United States, disregarding the duties and rights of this body, can make a treaty and by that treaty constitute itself a tribunal to whom are to be referred this important question, and then decide one way or the other, and that that decision shall be final in law or honor?

Mr. PARKER, of Missouri. I will answer the gentleman: The Senate of the United States can, with the President, together, make a law by which they agree to submit a proposition in pursuance of and within the terms of that law to anybody they please. They have the right to make treaties. It is true that, if there is any money to be provided for under the provisions of the treaty, that has to be appropriated by the whole of Congress, consisting of the House and the Senate. And the Senate in this treaty recognized that fact, and it provided solemnly, after deliberate investigation of the thing, that the treaty made by it, or that the finding made by it, in 1859 should be final, and that the commissioner in chancery, in that case the Secretary of the Interior, should report his action not to the Senate but to Congress. He did report it to Congress. Congress approved that action by passing in 1861 an appropriation in part payment of it, thereby recognizing the power of the Senate, thereby recognizing the validity of the claim, thereby recognizing the justice of the demand.

Mr. THOMPSON. I will make this further inquiry of the gentleman. I wish him to answer distinctly whether he bases the liability of the Government to pay this award on the validity of the treaty and the award itself, or whether he alleges that the act of 1861, appropriating the money, operated as an estoppel?

Mr. PARKER, of Missouri. The Senate of the United States and the President, I will answer the gentleman, made a treaty, by which they agreed to submit certain things to a board of arbitrators at Geneva. That board made a finding. We have accepted the money as the result of that finding. And do you now undertake to say that the Senate had no right by treaty to provide for that award in that case? This is precisely a parallel case.

[Here the hammer fell.]

Mr. McNULTA rose.

Mr. FORT. I would like before my colleague [Mr. McNULTA] goes on to have an understanding how this debate is proceeding. Is it under the five-minute rule?

The SPEAKER. The gentleman from Missouri got a liberal allowance for his five minutes.

Mr. FORT. We have not had a show on this side of the question yet.

Mr. McNULTA. Inasmuch as the gentleman from Missouri has referred to the action of the Committee on Indian Affairs, I may say that I do not understand that the manner of the payment of this money has ever received the full indorsement of that committee, or if it has, it has been without my knowledge as a member of the committee. I believe it is conceded, or at least I concede the point, that this money is due to the Choctaws.

Mr. SHANKS. I want to say that the committee has passed upon it, but the gentleman from Illinois, who is often absent, was unfortunately not present on the occasion.

Mr. McNULTA. I am very often there, however, when my colleague on the Committee on Indian Affairs from Indiana [Mr. SHANKS] is absent. I have attended every meeting of that committee, except when prevented by sickness, which has occurred several

times within the last two weeks. I was not there on the morning when I am informed this matter was discussed; but I was there when there was a motion pending representing the views of the minority of that committee providing for the payment of this money directly to the individual Choctaws.

Mr. HARRIS, of Massachusetts. I desire to say to my friend from Illinois, [Mr. McNULTA,] if he will permit me, that in his absence a sub-committee of the Committee on Indian Affairs prepared an amendment very carefully, which it was supposed would be adopted by the Committee on Appropriations. That amendment is now in the hands of the gentleman from Missouri, [Mr. COMINGO,] who is trying to get an opportunity to offer it. I think it will cover the whole ground.

Mr. McNULTA. I shall be glad to yield to the gentleman from Missouri when the five minutes allowed me have expired. Mr. Speaker, I believe that justice and the honor of the nation demands that this payment should be made to these individual Indians; but the reason the minority resist this measure is that they believe that the Choctaw Indians will never receive a dollar of this money under the pending bill. I will in the committee or in the House cheerfully support a proposition to pay this money to the individual Indians, to whom it is actually due, and exists as a just and subsisting demand upon the Government, not only for the amount proposed to be appropriated in this bill, but for the full amount reported by the committee to be due to the Indians.

Mr. ATKINS. I ask the gentleman from Illinois to tell us why he does not believe that the Indians will ever get this money.

Mr. McNULTA. In the first place, I believe they would not get this money because every proposition made to pay it directly to the individual Indians is resisted by gentlemen favoring this amendment. That is one reason. I do it, for the second reason, that around the committee room there is a rumor that the lobby that hangs around Washington owns every dollar of this claim; and while I have no direct tangible evidence of this, I doubt not such is the fact. The spirit of the treaty is for the protection of the individual Indian claimants. This spirit and purpose are not being pursued by any proposition so far, but are being destroyed in a strained effort to maintain what is claimed to be the letter of the treaty. My colleague from Missouri [Mr. COMINGO] will, I think, admit that the individual claims under article 12 amount to nearly a million dollars in excess of the Senate award. If these Indians and their heirs are to receive this money, it is manifestly the best way to pay the individuals direct from the Treasury, without the interposition of the treasurer or other agent of the Choctaw Nation; and if it should appear that there is a surplus, let it go direct to the general Choctaw fund, held in trust for their benefit by the Government. The conferring of power of payment upon any agent of the Choctaws, who is in no way accountable to the United States Government, can only operate to give an opportunity for pretended owners of this claim to get possession of the money appropriated for the Indians; and my limited experience in Indian affairs teaches me to believe the Indians get their just dues only where the greatest care is exercised by the representatives of the Government and the strongest safeguards thrown around their property—such safeguards as do not appear in this measure. I yield to my colleague from Missouri, [Mr. COMINGO.]

Mr. COMINGO. I propose to offer a substitute for the substitute of my colleague from Missouri, [Mr. PARKER,] and I ask that it be read.

The Clerk read as follows:

Sec. 10. That in order to fulfill and discharge the obligations of the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw tribes or nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate, made on the 9th day of March, 1859, under the provisions of article 11 of said treaty, the Secretary of the Treasury is hereby authorized and required, upon the passage of this act, to execute bonds of the United States, of any issue now authorized by law, bearing interest at the rate of 4½ per cent. per annum, to the amount of \$2,332,560.85, with interest thereon at the rate of 5 per cent. per annum from the date of said award to the passage of this act: *Provided, however,* That the sum of \$250,000 heretofore paid in part discharge of said award shall be deducted from the amount as of the date of said part payment. And said bonds when executed as aforesaid shall be held by the Secretary of the Treasury for the purpose of satisfying said award as hereinafter provided: *And it is hereby further enacted,* That as soon as the proper authorities of said Choctaw Nation shall have ascertained and determined the amount of the claims due to individuals of said nation, the payment of which is assumed by the terms of the twelfth article of said treaty, and shall have filed with said Secretary of the Treasury a list of the same showing the amount thereof, properly authenticated, said Secretary shall deliver to the treasurer of said nation such an amount of said bonds as shall be equal to the amount of said claims so ascertained and certified; and if any part of said bonds shall remain they shall be held by said Secretary in trust as a part of the general Choctaw fund, as provided in the thirteenth article of said treaty; and out of the proceeds of said bonds so delivered to the treasurer of said nation he shall, under the direction and supervision of the United States Indian agent, pay to the claimants found and determined to be entitled thereto as herein provided the amount of their respective claims: *And provided further,* That before the Secretary of the Treasury shall deliver said bonds as herein provided the national council of the Choctaw Nation shall pass an act in approval of this act, and shall accept its provisions as a full discharge and satisfaction of all the claims of the said nation, or of individual members thereof, on account of the said award. And if the proceeds of said bonds shall be insufficient to pay the amount of said claims, the same shall be paid *pro rata*: *And it is further provided,* That no part of the proceeds of said bonds shall be paid to any assignee of said claimants, but that all payments made in pursuance of this act shall be made to the original claimants, or their lawful heirs, devisees, or personal representatives.

Mr. COMINGO. I wish to state to the House that the amendment just read is one that was agreed upon by a sub-committee of the Committee on Indian Affairs. We have endeavored as far as possible to

steer clear of the objections that have been urged by gentlemen against the payment of this money. The idea seems to obtain to a very great extent either that this money is to be stolen from the United States, or is to be stolen by the lobby. As a matter of course gentlemen who entertain that idea will refuse to place this fund where it can be absorbed by the lobby. I think if my amendment is sufficiently understood no gentleman will further urge the objection that this money will not go into the hands of the Indians, or will not be used to pay the debt that is now resting upon the nation.

I believe I am correct in stating—I at least may assume so for the purpose of my argument—that there are not a dozen members on this floor who object to the payment of this money. I apprehend there are not a dozen members on this floor who do not admit the justice of this Choctaw claim. It is passing strange that any gentleman will assume that we do not owe this money, when the fact has been so conclusively determined. Admitting even that the Senate of the United States could not make an award which would be binding upon the Government, admitting even that we may reopen this case and reinvestigate it from beginning to end, there can be no good reason assigned why we should not pay the amount awarded. If gentlemen desire to do justice in the premises and wish to reinvestigate this whole claim, I presume the Choctaw Nation will not object.

I maintain, however, that the action of the Senate is final, that this is an award binding upon the people of the United States, and when we hesitate or delay to pay it we are disgracing the Government. It is manifest to every one who will examine this claim that we have done this people injustice in withholding this money from them. Not only that, but we have disgraced ourselves, if I may be allowed the use of that expression here, in refusing or delaying the payment. If gentlemen will refer to a report to which the gentleman from Iowa [Mr. LOUGHRIDGE] alluded, they will find that we have made these Indians bear the expense of our own bounty. Instead of paying them for their land, as was contemplated when the treaty of 1830 was consummated, we have deducted from the amount due them for that land every imaginable sum that we could conjure up against them as a debt. Not only so, but I state it here with shame that in this report, which was made by Mr. Sebastian, and which has been virtually adopted by this House, we make these poor people pay the expense of our own bounty. We make them pay the 5 per cent. on the proceeds of the sales of land, which 5 per cent. our Government in its beneficence gave to the State of Mississippi; we take it from these Indians and put it into the pockets of the people of Mississippi.

Not only that, but when our Government felt strong and rich enough to give every man a farm, we gave to the State of Mississippi nearly if not quite three hundred thousand acres of swamp and overflowed lands embraced within this Choctaw grant, and we make these people bear the expense of that munificence of the Government. We take from them the \$600,000, as proposed by Mr. Sebastian in his report, and as this Congress has done by an amendment ingrafted upon the original provision of the appropriation bill.

In view of the fact that these lands were sold by the Indians to the United States, and we have deducted from the amount due for the lands more than any man with a good conscience could deduct, is it right that we should still continue an act of injustice toward a weak and defenseless people which we never would attempt to commit against a nation with power to assert its right with a strong arm? I hope gentlemen will no longer delay an act of justice to a people who cannot compel the performance of it. I say with shame that I am to-day advocating the payment of a debt which should have been paid half a century ago.

[Here the hammer fell.]

Mr. FORT. There are many grave reasons why I oppose this amendment. The principal reason is that I am opposed to considering matters of this importance in connection with an appropriation bill. They cannot be fully discussed and understood. When they are brought before the House as amendments they are not printed, and there is no opportunity to understand and fully consider them. This amendment is longer than the average of bills that come before this House for consideration, appropriates a larger sum of money, and is ten times as important as most of them are. It is only in manuscript, and is read at the Clerk's desk, and with no opportunity offered for members to examine and see what its bearings may be. In my judgment this system of legislation is dangerous and is wholly vicious.

If this is an honest claim, if it has equity and justice with it, if it has the effect of an award to sustain it, then it does not need to be brought forward in this manner; it should have been introduced as a separate bill and referred to an appropriate committee, reported back to the House, and considered as other bills are considered, and then we could have voted upon it as an independent measure. If any one of my constituents or a constituent of any other gentleman here has a little claim of \$100 or more or less for a horse lost in the Government service, or any other claim, he is compelled to come here, have his bill introduced, printed, referred to a committee, and considered by itself. His application, if any member were so foolish as to make it, to ingraft it upon any appropriation bill, would be spurned at once and treated with contempt and derision, as it should be.

The regular appropriation bills, such as the one now before the House, should contain no provision nor appropriation of any sum of

money except for the expenses of the Government for the current fiscal year.

This must have been the view of the Committee on Appropriations when they reported this bill to the House; and I wish to respectfully and distinctly call the attention of gentlemen to the fact it did not then contain either the Choctaw or Chickasaw clause.

And further, Mr. Speaker, let it be remembered that no committee of this Congress has taken the responsibility of reporting in favor of either of these claims. It is brought in here by way of amendment. I believe this practice is dangerous and wrong, and I am reminded that most of the objectionable measures by way of appropriations which have passed this House recently came up in this very way as riders tacked on to appropriation bills. It occurs to me we have had some sad experience in this direction, which ought to warn us at least. I am reminded by my friend near me that the Pacific Mail subsidy, which has created some stir, was tacked on to an appropriation bill and went through the House in this way. I take it, sir, that it is not right to attempt to load down an appropriation bill with these objectionable riders; it is not right to use an appropriation bill to carry through an objectionable measure. If this claim is right and just, let it be presented in the ordinary way, and let it stand upon its own merits. Let a bill be brought in by the committee having charge of Indian affairs; let that committee indorse and manage the matter before the House, and then it can properly be considered.

I have other objections to this measure. The gentleman's amendment, even if the claim were just and right, is not in proper form. It makes the Treasury of the United States in a great measure the tribunal before whom these claimants and attorneys interested who claim they have rendered service for the Choctaws are to appear and prove their claims. It imposes on this officer a duty totally foreign to his legitimate business. If any persons have rendered any service for or advanced any money to the Choctaws, let them go to these Indians at their homes and demand to be paid. I consider this a scheme to enable attorneys to collect their enormous fees.

I am informed, but for the truth of which I do not vouch, that one single attorney claims a fee of \$125,000 for an opinion given to the Choctaws on this claim, and he is expecting to collect it under this amendment at the Treasury of the United States. Very convenient for him, but it might be very unfair for the Choctaw.

Mr. COMINGO. The gentleman misapprehends the amendment. These claims are to be audited by courts appointed by the council of the Indians, and a list of the claims is to be filed with the Secretary of the Interior; the Treasurer of the United States is not to adjudicate the claims.

Mr. FORT. Well, Mr. Speaker, why do we hear anything about these claims? Who knows anything about them? Who has a right to know? Why are we called upon to consider them here? My good friend from Missouri [Mr. COMINGO] will certainly admit that it is a very strange thing that we should be called upon to consider these pretended claims against the Choctaws at all. This amendment is offered upon the presumption that we owe the Choctaws and therefore ought to pay them. But considering the phraseology of this clause offered it would seem, and indeed we can hardly escape the conclusion, that it is claimed that the Choctaws owe somebody, and this was offered to assist such persons to make good their collections from the poor Choctaws. The Choctaws are now, I am informed, the richest community of people on the face of the earth, and if they owe anybody, let such persons go to the Choctaws and collect their claims.

Mr. COMINGO. If the gentleman will allow me to answer, I will state that the payment of these claims is provided for in the treaty of 1855. They are claims against the Choctaws themselves.

Mr. FORT. One single attorney has a bill of \$125,000; and since the gentleman has opened up the question and driven me to it, I will say that there now sits in the galleries, looking down upon us, men who within the last few days have said that they had stock in the Choctaw claim; some to the amount of \$1,000, some more, some less, to make it go. In fact, from what I am informed, I do believe this claim is nothing but a "pool" and a plaything, that is knocked and kicked from one end of Pennsylvania avenue to the other.

Mr. PARKER, of Missouri. Will the gentleman name the man to whom he refers?

Mr. FORT. I can give a committee the names of the persons if he desires it to be investigated. He can have more than one name, if I am not misinformed.

Mr. PARKER, of Missouri. Name them here. I want to know these facts myself.

Mr. FORT. I will give the gentleman the names whenever a committee is appointed to investigate this matter; and I hope one will be appointed. I know what I am talking about. I am not to be frightened by the gentleman from Missouri.

Now, sir, if this were a fair claim for money due to these Choctaws to be paid to them individually, we would hear very little said about these other claimants, about which there now seems to be some concern. If they are to be paid at all, I desire them to be paid in some way that they will actually get the money. It may be the proposition of the gentleman from Missouri [Mr. COMINGO] would accomplish that result, but I fear it will not. If we are to pay them at all, let us make a muster-roll of the whole Choctaw tribe, and send a paymaster out there and pay the money to them. But, sir, I main-

tain that even if this proposition is right, this is no time or place to consider it. The matter is too important to be tacked on to an appropriation bill and brought before the House to be voted upon without the amendment being even printed.

Here is over four \$4,000,000 to be appropriated by this clause upon an amendment not printed, and which has not been recommended to this House by the report of any committee.

Mr. COMINGO. Is the gentleman aware of the fact that every committee that has ever considered this claim has reported favorably upon it?

Mr. FORT. O, yes; I am glad the gentleman has called my attention to that point. We have been told heretofore and often, and with great emphasis, and we are told to-day, that committee after committee for forty years has examined this claim and reported favorably upon it. I repeat to the gentleman that no committee of this Congress has so reported; and if that be true, as they state, is it not likewise true that the Senate and House of Representatives during those same forty years have never sustained the report of any of these committees? Congress has steadily and persistently, time after time, refused to make this appropriation. Now, who have been wrong—these committees of which gentlemen speak or Congress? If committees have been in favor of the claim, Congress has year after year rejected it until it has grown old and hoary with age; and the only thing that seems to entitle it to respect to-day is its antiquity.

The very first session of the Senate that convened after this treaty and pretended award mentioned by gentlemen refused to appropriate any money upon it, and virtually rejected the claim.

Mr. Speaker, I believe that all the claim that ever did exist due from the Government to these Choctaws has been paid, and I ask the Clerk to read what the Secretary of the Treasury, Mr. BOUTWELL, says on this question. I think we should pause and take our reckoning before we launch out into this sea of sentimentalism and appropriate four millions of the people's money in response to the fanatical cry of "Lo! the poor Indian," and in response to this incessant hum that we hear from strange quarters about the "poor red man's wrongs." God knows I have no prejudice against the Indian. I claim to be his true friend. I want to pay these Choctaws if we owe them. But I am not yet convinced we owe them a single cent. I do not believe we do. They are not poor; as I said before, these Indians are the richest people on the earth. Yet if we owe them I want to pay them, but I would appropriate the money in a separate bill.

Mr. Speaker, I ask gentlemen to hear what the Secretary of the Treasury says about this claim.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
January 6, 1873.

SIR: I have the honor to transmit herewith a report made by the Solicitor of the Treasury upon the claim against the Government known as the Choctaw claim. In this report the origin, nature, and history of the claim are fully presented. The Solicitor finds that the claim has not only been paid, but that it is barred by a receipt or acknowledgment of full satisfaction given by the authorities of the Choctaw Nation in the year 1852. A photographic copy of the paper referred to is also transmitted.

After such an examination as I have been able to give to the subject, I concur in the conclusion reached by the Solicitor.

By the acts making appropriations for the current and contingent expenses of the Indian Department of March 2, 1861, and March 3, 1871, the Secretary of the Treasury is authorized to issue to the Choctaw tribe of Indians bonds of the United States to the amount of \$250,000.

The issue of these bonds has been delayed by the investigations that have taken place, chiefly with reference to the authority of certain persons claiming to be agents for the Choctaw Nation, but partly by proceedings in the supreme court of this District and in the Supreme Court of the United States, instituted for the purpose of compelling the Secretary of the Treasury to issue the bonds to one of the parties claimant.

These questions will be disposed of in the ordinary course of proceedings, and there will then remain no legal, and perhaps no valid, reason why the Secretary of the Treasury should not issue the bonds, unless Congress shall see fit to interpose by legislation.

Very respectfully,

GEO. S. BOUTWELL,
Secretary.

Hon. JAMES G. BLAINE,
Speaker House of Representatives, Washington, District of Columbia.

Mr. LAWRENCE. I have in my hand the receipt, which I ask the Clerk to read.

The Clerk read as follows:

Whereas by an act of Congress entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852, it is provided that after the 30th day of June, 1852, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease, and that the Secretary of the Interior be directed to pay said claimants the amount of principal awarded in each case respectively, and that amount necessary for this purpose be appropriated, not exceeding \$572,000; and that the final payment and satisfaction of said awards shall be first ratified and approved as a final release of all claims of such parties under the fourteenth article of said treaty, by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior: Now, be it known, that the said general council of the Choctaw Nation do hereby ratify and approve the final payment and satisfaction of said awards, agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties, under the fourteenth article of said treaty.

NOVEMBER 6, 1852.

Passed in the senate.

Approved.

A. NAIL, Speaker.

D. MCCOY, President.

GEORGE W. HARKINS.
GEORGE FOLSOM.

Mr. SHANKS. It will be observed that the receipt just read is dated November, 1852—just three years before the making of the treaty on which this claim rests!

Mr. LAWRENCE. This receipt is appended to an opinion of the Solicitor of the Treasury to the Secretary of the Treasury, in relation to the Choctaw claim, and is dated November 14, 1872. The opinion covers forty-six printed pages; and it is a full and masterly statement of the whole case, showing that the claim is utterly unfounded and ought not to be paid.

Mr. SAYLER, of Indiana. Mr. Speaker, a short time ago, in an impassioned appeal made by the gentleman from Missouri, [Mr. PARKER,] we were implored not to repudiate the solemn obligation of this Government. I hope I may escape any just aspersion on that ground. Great stress is laid upon the fact that this is based upon a treaty, and it is sought to carry along with it the idea that this is the same sort of a treaty which is made with foreign and independent powers. I know of no express grant of power in the Constitution to the President or the Senate authorizing them to make and ratify treaties with the Indian tribes. I take it these treaties have come down to us in accordance with usage; and all the difficulties we have had in reference to these Indians, and especially on subjects like the one now pending, have arisen from this usage.

Mr. LOUGHRIDGE. Let me interrupt the gentleman from Indiana to have read a paragraph from the decision of the Supreme Court in regard to these Indian treaties.

Mr. SAYLER, of Indiana. I do not like to be interrupted.

Mr. LOUGHRIDGE. I only ask to have read a short extract from the decision of the Supreme Court of the United States.

Mr. SAYLER, of Indiana. I understand what the gentleman asks to be read is a decision of the Supreme Court that we have power to make treaties with these Indians.

Mr. LOUGHRIDGE. It will not take more than a minute.

Mr. SAYLER, of Indiana. Very well; let it be read.

The Clerk read as follows:

It will scarcely be doubted by any one that, so far as the Indians as distinct communities have formed a connection with the Federal Government by treaties, such connection is political and is equally binding on both parties. This cannot be questioned except upon the ground that in making these treaties the Federal Government has transcended the treaty-making power. Such an objection, it is true, has been stated, but is one of modern invention which arises out of local circumstances; and it is not only opposed to the uniform practice of the Government, but also to the letter and spirit of the Constitution.

Mr. SAYLER, of Indiana. Very well. I think our fathers made a serious mistake in the treatment of this Indian question. I think we ought never to have recognized any independent nationality in our midst. How would it have appeared to our fathers had they been asked to recognize an independent Spanish nationality at New Orleans, or an independent French nationality at Vincennes?

Now, I take it that many of our difficulties and troubles have grown out of this usage in making treaties with Indian tribes; and that we had better now, even at this late day, turn back upon that usage and treat these Indians as individuals, bringing them together as we already have done under treaty stipulation in the Indian Territory, giving them reservations upon which they may live, and there holding them responsible for due observance of law.

But that is not the question here. Any treaty made between independent powers is subject to protest by either party. Any arbitration made by parties or by umpires between parties in court may be set aside by any court of competent jurisdiction. Any agreement entered into may be subject to modification by the parties agreeing thereto, and especially where there is any reason to believe there has been haste or inadvertence.

Take this treaty, then, if you please, of 1855, and this award under it of 1859, and what do you see? At the very next session of the Senate, after that award was made by the Senate itself, that body repudiated that award by refusing to make the necessary appropriation under it.

A MEMBER. How?

Mr. SAYLER, of Indiana. They repudiated it by refusing to vote an appropriation to carry it out in the Indian appropriation bill. I have reference to the first session of the Thirty-sixth Congress.

Mr. PARKER, of Missouri. Why, let me call the gentleman's attention to the fact that the Senate at that time agreed to an appropriation of \$500,000 under that award.

Mr. SAYLER, of Indiana. That was in the second session of the Thirty-sixth Congress, while I am speaking of the first session of that Congress, after this award was made, and then the Senate itself refused to pass any appropriation to carry it out.

Mr. HARRIS, of Massachusetts. Did not the Senate adjourn—did not that Congress come to an end within a week from the time the award was made?

Mr. SAYLER, of Indiana. Yes, sir; that Congress came to an end in less than a week after the award, and the very reason given in the first session of the Thirty-sixth Congress why the Senate would not agree to any appropriation was that this award had been rendered hastily and without due consideration by the Senators themselves.

Now in 1786 the first treaty was made with these Indians. By that treaty they had the right to live and hunt in certain territories in Mississippi. In 1803, 1806, and 1816 subsequent treaties were made with them. We bought certain lands from them and paid for them. In 1820 we made a treaty by which we gave them fifteen million

acres of land west of the Mississippi to which we carried them free of charge, getting 10,423,139 acres in return.

Mr. PARKER, of Missouri. We did not get any ten millions. If the gentleman will look at the treaty he will see the specified amount we got. It shows we got four millions in round numbers.

Mr. SAYLER, of Indiana. I am speaking of the treaty of 1820—

Mr. PARKER, of Missouri. So am I.

Mr. SAYLER, of Indiana. Illustrated and carried out by the treaty of 1830. The two treaties go together. We got from them ten millions of land in which they had only an usufruct title, in which they had no fee-simple, and gave them fifteen million acres in fee-simple, very little of which was waste land. That is the report of the Secretary of the Interior.

What is the scope of this treaty of 1855, upon which so much stress is laid? I ask gentlemen to look at it carefully and candidly. Look at it critically, and you will find that there is here in immediate connection with the powers granted to the Senate an express and emphatic disclaimer or denial on the part of the Government of the claim of this tribe of Indians.

A MEMBER. Read it.

Mr. SAYLER, of Indiana. I will read it.

The Government of the United States, not being prepared to assent to the claim set up under the treaty of September the 27th, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States.

There then follows a statement of these two questions. The first question is whether we shall pay for this land so much an acre, deducting expenses; the second is whether we shall pay a sum in gross; and then the twelfth section provides how it shall be paid, if any award should be made.

But, sir, I wish to call the attention of the enthusiastic gentlemen supporting this measure to the fact that this claim for compensation for this land ceded to the Government in Mississippi was never made by the Choctaw tribe of Indians until 1853. All the claim prior to that was the claim under the fourteenth section of the treaty of 1830, by which the heads of Indian families were entitled to a section of land on their declaring their desire to become citizens of the United States. All their claim prior to 1853 was based on that and the nineteenth section, which provides for certain specific reservations to individual Indians and individual families. Up to 1853 that was the whole basis of their claims. They had had the claim which is referred to in the receipt that has been read from the Clerk's desk settled by a commission; and after they had received their pay for that, then they come in with this claim. I submit that it is not a proper adjudication, and that we ought to look to it very carefully, especially after such haste was evinced by the Senate in making the award.

[Here the hammer fell.]

Mr. HARRIS, of Massachusetts. When this question was last before the House, on behalf of the Indian Committee I expressed a desire to so limit the funds necessary to pay this claim as that it should go directly to the Indians who are supposed to be entitled to it. I then offered an amendment which was subsequently withdrawn. A sub-committee of the Committee on Indian Affairs was afterward appointed to take the amendment which is now before the House, to consider it, to carefully compare it with the treaties and with the statutes, and to prepare a new amendment. That amendment is the amendment which the gentleman from Missouri has just offered, and I desire to have the attention of the House just long enough to explain what that amendment is; for, Mr. Speaker, I have not taken the floor for the purpose of urging on this House the duty of fulfilling its obligations made under a solemn treaty award.

The amendment offered by the gentleman from Missouri [Mr. COMINGO] provides that an amount of bonds of any issue shall be executed by the Secretary of the Treasury; that they shall be placed aside and held by him until that court, which has been very well guarded and very properly established by the Choctaw Nation, shall have decided what claims of the Indians of that country shall be paid; that when the award of that court has been made, a copy of it shall be filed with the Secretary of the Treasury, and that an amount of bonds equal to the amount of the award shall be delivered to the treasurer of the Choctaw Nation, and shall be by him delivered, under the direction of the United States Indian agent, to the individual Indians entitled to the award.

It also provides that in case the whole amount of bonds is not sufficient to meet the whole amount of these awards, then the bonds shall be delivered to them *pro rata*. It also provides that no bond and no payment under this law shall be made by the treasurer of the Indian nation to any assignee of any Indian, but to the Indian himself, or to his children if living, and, if not, to his legal representatives. It seems to me, Mr. Speaker, if we are ever to pay this award in any form, it cannot be paid under better safeguards than these.

The amendment also provides that if in any event any portion of this should not be required to discharge the liabilities found to be due by the Indian court, it shall be passed into the treasury of the nation as a part of the Choctaw fund.

Mr. WILSON, of Indiana. Will the gentleman explain what constitutes this court?

Mr. HARRIS, of Massachusetts. By the legislature of the Cho-

taw Nation a court has been established by which judges, three or more, have been appointed to hear and determine all these claims and to make an award. That court was established soon after the treaty was made. It commenced its operations and is said to be as competent and thoroughly honest a court as any that could be organized.

Mr. McNULTA. Will the gentleman answer me a question?

Mr. HARRIS, of Massachusetts. My time is very short. Having stated the object of the amendment, and the purpose of it, I want to add a word in conclusion upon the subject of the treaty itself.

I do not propose, Mr. Speaker, to follow those gentlemen who have wandered back to 1850 or 1852, and to the receipt given in 1852 which only relates to one section of the claim. I want to call the attention of the House to the fact that in the year 1855, when that treaty was made, the Choctaw Nation surrendered all the claims it had under any treaties made up to that time and in place accepted certain conditions which we now propose to carry out.

Mr. BERRY. I desire to ask the gentleman whether these Indians did not receive fee-simple to lands west of the Mississippi in lieu of the lands which they ceded in the State of Mississippi?

Mr. HARRIS, of Massachusetts. Not unless the gentleman considers it fee-simple that they shall hold the lands in fee-simple so long as they occupy them in their tribal relations.

Mr. McNULTA. I desire to ask my colleague on the committee a question.

Mr. HARRIS, of Massachusetts. My time is so brief that I must really decline to be interrupted.

This claim has been called a "net-proceeds" claim. I want simply to call the attention of the House to the fact that as it now stands before the House it is a "net-profits" claim and nothing else, for the amount we now propose to pay the Indians is precisely the net profit derived by the Government from the transaction had with them in 1830 and no more. And, sir, we entered into a solemn treaty obligation with these Indians to pay them this. The profits which the Government has received and which it now holds is all that it is proposed to pay to them. Whatever gentlemen may say about treaties, this was a treaty made by the President and the Senate of the United States. It has been recognized as the law of the land from the year 1855 down to this time, and the only question that has ever agitated this House in reference to this claim is, will we obey the obligations of that treaty and appropriate the necessary fund to carry out the awards made under it? I grant you that until the House of Representatives does that it cannot be said to have recognized the binding authority of the treaty.

Mr. SPEER. Mr. Speaker, I shall not vote for this Choctaw claim in any shape or form or at any stage. I opposed it at the last session of Congress, and I shall oppose it consistently and persistently in this. In doing so I concede to the friends of the measure purity of purpose and an honest belief that the claim is just; but I do not believe the claim in the amount now presented is just, nor do I believe that the efforts to pass it are such as any honest man should approve.

Now, the first thing that strikes me as singular is that when this claim was before the House a week ago, its friends had control of the House on every vote except the direct vote to pass the bill containing it. On every dilatory motion, on every vote to reconsider or to recommit the bill, the Choctaw claim had a majority of the House; but when it came to a square, plump vote on the merits of the bill itself, some of them faltered, and finally the enemies of the bill succeeded in recommitting it to the Committee of the Whole.

Another fact is that from the first time this claim was presented to Congress to the present hour no two committees have agreed on the same amount as due to the Choctaws. Gentlemen talk of the reports made by committees in previous Congresses; but the committee in this Congress reported that there were \$600,000 more due to the Choctaws than was ever reported before, and the committee of every Congress differed from its predecessors as to the amount due. Some say the amount due is \$1,000,000, some \$2,000,000, and some that it comes up to nearly \$3,500,000.

Mr. LOUGHRIDGE. I desire to say to the gentleman that he is incorrect in this, that no committee of the present Congress has reported in favor of this claim. It was put in the Indian appropriation bill in Committee of the Whole on the state of the Union.

Mr. SPEER. I stand corrected there; but the amount put on the amendment in Committee of the Whole is \$600,000 more than any preceding committee has recommended. I am correct in that.

Now, I am told here that Congress is bound by the treaty. I do not recognize any such binding force in the alleged treaty that has been made. It is true that the Senate is the treaty-making power; but I deny that the Representatives of the people in this Congress are bound to sink their judgment on a question involving appropriations from the Treasury. We are here to exercise our judgment and conscience on this as on all other questions, and we are to be governed by justice and the merits of the measure, and we are not bound in this by an alleged treaty, evidently hastily and inadvertently made.

Now, I wish to read an extract from some remarks made upon this subject by Mr. Fessenden, of Maine, as honest and able a man as ever sat in the Senate of the United States, on the 5th of February, 1861, and which will be found upon page 705 of the Congressional Globe of that session:

The Senator from Arkansas says that this amendment only provides for so much as is undisputed. Now, sir, taking the action of the Senate two years ago to have

been an understanding, sensible action; supposing the Senate perfectly well knew what it was about at that time, and did not suffer itself by its own inattention to be misled into professing to do something which it did not do, it might be very true that nobody could object to this amount of money being paid. But, sir, last year when the proposition came up it occasioned a very considerable debate, and the debate went to the whole matter from the beginning to the end. I then said in the debate, after listening to it attentively throughout, knowing nothing about the specific claim, that it was evident to my mind the Senate never had understood the question, never had acted understandingly upon it at all, and ought not to be bound by its previous action. I remain of that opinion to this day.

Again, on page 832 he says this:

Mr. FESSENDEN. I do not mean to say anything more against this proposition; but I do protest utterly against this reiterated statement that this amount is undisputed. Nobody admits it, except gentlemen who are in favor of it and have made up their minds about it.

That is the language of as honest a Senator as ever sat in the Senate Chamber, denying the justice of this claim and the binding force of the award of the Senate. And are we to-day to have our mouths closed and to follow blindly under the lead of a manufactured majority to carry out a treaty which passed the Senate hastily and inadvertently years ago? Are we to be bound to the extent of three or four million dollars? I say not.

Again, this same question was referred in 1872 by Secretary BOWWELL to Mr. Banfield, the Solicitor of the Treasury. I hold in my hand his report, from which I read this brief extract:

From this history it appears beyond doubt that its basis is the alleged right to reservations under the fourteenth article of the treaty of 1830; that under this article a large number of reservations beyond what the Choctaws were legally entitled to were allowed by the Government, although, on the evidence, absolutely fraudulent. But however this may be, Congress, before they finally paid them, determined that the Choctaw Nation should give a solemn acknowledgment that they should never thereafter make claim again to reservations under the article, as a condition precedent to its action in paying those which had already been allowed. This the nation having done, the claim, as it seems to me, should be regarded as completely barred by Congress.

The Secretary communicates that opinion to the Speaker of this House with this statement:

After such an examination as I have been able to give the subject, I concur in the conclusion reached by the Solicitor.

Now, is this House to disregard the opinion of the law officer of the Treasury Department, specially directed to examine this claim, free from all prejudice, in the light of the legislation of the country, in the light of his sworn duty as an officer, and his professional knowledge of the law? Are we to disregard the opinion of the Secretary of the Treasury, communicating that opinion of his Solicitor to this House? Are we now, when the cry comes up from the Executive Departments of the Government that we must lay more taxes in order to secure the revenue needed by the Government—are we to appropriate pell-mell three or four million dollars? And for what and to whom? Who is to get it? It is to be paid to the treasurer of the nation. Who is the treasurer, and what is the treasurer to do with it? We are asked to appropriate \$3,000,000—

Mr. HALE, of Maine. It is nearly five millions, including interest.

Mr. SPEER. If the interest is added it will be nearly five millions of dollars to be paid to the treasurer of the Choctaw Nation, and by him to be paid to whom? It is an open secret that at least 25 per cent. of these claims is now pledged; and if this money is paid, a million of dollars will go into the hands of men who have been following the business of lobbying here during this session, and during previous sessions. And before many years we shall have the same scandal connected with this appropriation that we have now in connection with the Pacific Mail subsidy.

I implore this House to meet this question fairly and squarely. I deny the justice of the appropriation to this amount, even admitting that the claim has a valid foundation. And I say that the means used in this House and out of it to pass this claim deserve condemnation and should receive it at our hands.

[Here the hammer fell.]

Mr. SPEER. One word more, in reference to the substitutes now pending. There are two substitutes pending, neither of which has ever been printed; they are read at the Clerk's desk to a House of nearly three hundred members amid great confusion; and under these circumstances we are asked to vote millions of dollars.

Mr. FORT. Four millions.

Mr. SPEER. Four millions of dollars, upon a proposition that has never been printed. We should have the gold of Ophir, in order to stand appropriations and legislation like that.

Mr. SHANKS. I think it is a little ungracious that the Choctaw Indians should be made responsible for our tax bills. I think it extremely ungracious that we should be told, when the Choctaw Indians are asking for the payment of a just claim, that there are Christian lobbyists, white men, around this Capitol. I do not suppose the Choctaw Indians ought to be held responsible for the dishonor of this House or the dishonor of its surroundings. And it adds no virtue to the character of an American statesman for him to step back behind the lobby in order to cheat the Indian.

There is a duty that belongs to this House; and until the men who compose this House can afford to stand on their feet with their faces toward the people, their honor sustained by their conduct, they cannot hide their defamed reputations behind a Choctaw Indian. I am tired of this attempt to cheat these people because rascals somewhere have plundered and stolen somebody's money. That has nothing to do with this matter.

There is another question behind all this. Does the United States

of America owe the Choctaw Indians? That is the question. If it does owe them, and the amount due is found, how shall we pay it so that they will get it away from these bad men these gentlemen seem to know so much about? I am glad they do know about them, so that they may know what and where they are.

Now, I want to state clearly and in a few words the basis of this claim. Prior to 1820 the Choctaw Indians owned in the State of Mississippi 14,875,387.69 acres of land lying along the Mississippi River—nearly fifteen million acres of land. A portion of the tribe was opposing civilization. The leading members of the tribe said to themselves, "There is a part of our tribe who are not willing to labor, who are not willing to be civilized; we will sell to the United States 4,150,000 acres of our land for the purpose of obtaining a home west of the Mississippi to which we can send that portion of our tribe not willing to be civilized, and the balance of us will remain upon the other 11,000,000 acres." The purchase of the land west of the Mississippi for these Indians has nothing more to do with the land we got from them in 1830 than the grocery bill the gentleman from Pennsylvania paid last year has to do with the bill for the meat he bought to carry him over last Sunday.

It is disgusting to see men stand here and declaim about a thing that they do not know anything about, or in regard to which, if they do know anything, they are utterly reckless in their statements.

I repeat that the treaty of 1822 transferred to us 4,150,000 acres of land in payment for lands west of the Mississippi River on which the uncivilized portion of these Indians was to remove and did remove. But, sir, the white people wanted the balance of that land; they wanted it for cotton plantations; they pressed upon those Indians. The State of Mississippi assumed control over them. Up to that time there had been no provision by which the United States Government had control of these Indians. The State of Mississippi by her statute assumed the right to tax the lands of these Indians—to control their persons and property as it did those of other persons. It then became necessary to make another treaty; and by the treaty of 1830 those Indians sold us all the balance of their lands. They had over 10,000,000 acres. But they reserved the right to homesteads. After this, however, they were driven from the homesteads. Now, there is no controversy that the other claims arising out of that treaty have been all paid; the accounts show it. The matter in controversy here is as to the homesteads to which the Indians were entitled under their last treaty with us. Intending to remain as citizens of the State of Mississippi, but being driven from those lands, they demanded pay from the Government of the United States. By acts of Congress at different times commissioners were sent down there to determine the amount to which they were entitled; a portion of their claims was determined prior to 1852. For the amount thus determined scrip was issued in lieu of land. For instance, the head of a family being entitled to six hundred and forty acres, scrip would be issued to him to the amount of three hundred and twenty acres, and then it was stipulated that three hundred and twenty more acres should be given to him when he had gone west of the Mississippi River, following the wilder portion of the tribe. Thus a portion of the land to which they were entitled was given to them, but the other portion was not. Subsequently Congress passed an act funding the scrip, making it a debt in money; and after that we ordered it to be paid. The gentleman from Ohio [Mr. LAWRENCE] had read at the Clerk's desk what he proclaimed was a receipt for this Choctaw claim, but it was simply a receipt for \$352,000, the amount of the last half of the scrip. This was in 1852. Three years after that, in 1855, the treaty was made directing that the Senate of the United States—

[Here the hammer fell.]

Mr. SCOFIELD. Mr. Speaker, I have heard a great deal about this Choctaw Nation—

Mr. SHANKS. I ask further time to explain this matter.

Mr. SCOFIELD. I want a few minutes only and then the gentleman may have all the time he wants. I have heard a great deal about this Choctaw Nation, with whom it is said the United States have made not only a treaty but what all the gentlemen who have spoken say was "a solemn treaty," and it is said that we are bound by this "solemn treaty" to give to this great Choctaw Nation about \$5,000,000.

Mr. LOUGHRIDGE. I rise to correct the gentleman.

Mr. SCOFIELD. Between four and five million dollars.

Mr. LOUGHRIDGE. Will the gentleman allow me to correct him?

Mr. SCOFIELD. Mr. Speaker, I do not yield, because I notice that every man who gets up to say a word against this claim has a great many Choctaw voices interjected into his remarks.

Mr. LOUGHRIDGE. The gentleman does not state the amount correctly. I desired to correct him. The amount is between three and four millions.

Mr. SCOFIELD. I knew the gentleman would say that. If gentlemen who have had their turn would sit still they would find that I make no statement which I do not myself believe to be true; and if they do not think my statements correct, they might contradict me in their own speeches.

I was just going to say that I had not figured up the exact amount myself, but I have heard from others who have been figuring it that the amount is between four and five million dollars. Whether it is nearer \$4,000,000 or \$5,000,000 I am not prepared to say. Call it \$4,000,000, if you please—\$4,000,000! Now, how large is this great

Choctaw Nation with whom we made this awfully "solemn treaty?" I have had the curiosity to look at the report of the Secretary of the Interior for the last year, and I find that this Choctaw Nation has population enough to make a good-sized village or a small city. Sixteen thousand persons constitute the whole of this great Choctaw Nation, for whom gentlemen plead that we should now give them four or five million dollars. The poor Choctaws! They have eleven million acres of land, and scarcely a waste acre in the whole. So says the Secretary of the Interior in his last report. He ciphers it out that they have enough land to make five hundred and fifteen acres for every family. We propose to give four or five million dollars to sixteen thousand Indians who already own eleven million acres of land—five hundred and fifteen to every family. But that is not all that this poor Choctaw Nation has. The Secretary of the Interior tells us that these Indians have also a large endowment. They receive annually from the United States Government money enough to endow four or five schools and academies, enough to furnish school accommodations constantly for every Choctaw child capable of attending school, besides paying all the expenses of their council besides.

Not one dollar of taxation has to be raised for school or civil government, as it all comes from the United States. There are plenty of towns in this country of sixteen thousand population each whose whole assessment does not amount to four or five million dollars.

But gentlemen say it does not make any difference how rich these Choctaws are or how small in number; that we have made a *solemn treaty*, an *awfully solemn treaty*, with them, and there has been a *solemn award* under that treaty by the Senate. I undertake to say (and I do not want Choctaw gentlemen to jump up and say I am mistaken, for they can say it afterward in their own time)—I undertake to say that the Senate of the United States never made any award, *solemn or not solemn*, under the treaty of 1855. The Senate passed a resolution that the best way to settle was to allow a certain amount of land at \$1.25 per acre, deducting certain expenses. It passed another resolution, directing the Secretary of the Interior to make a calculation how much that would be and to report to the Senate.

Mr. PARKER, of Missouri. To report to Congress and not to the Senate?

Mr. SCOFIELD. To report to Congress; but it does not make any difference whether to Congress or to the Senate. I knew I could not get along very far without some champion for this great Choctaw claim, for these poor, poverty-stricken Choctaws, jumping up to interrupt me.

Mr. PARKER, of Missouri. I beg the gentleman's pardon. I simply rose to correct him, as he was not stating the fact, and I was determined he should state it.

Mr. SCOFIELD. You have got it in now. He was directed to report to Congress, and although that was done they never acted on it. And that is the award, the *terribly solemn award* they talk about! Because of that terribly solemn award they say we must now take four or five million dollars out of the Treasury to give to these sixteen thousand poor Choctaws, who have only eleven million acres of land, with all their schools and expenses of civil government all paid for them.

Now, Mr. Speaker, I know I am not fit to debate this question, because its details have gone from my mind. Many years ago, when I was a new member, (and they always bring it up when there are a great many new members present, and every time this Choctaw claim comes up it seems to be increased in amount, for when I was a new member they did not want to take so much out of the Treasury, and it was then only \$1,800,000 which was proposed to be inserted in an Indian appropriation bill)—I repeat, many years ago, when I was a new member, as I have said, I thought it was my duty to know something about this matter before I voted to tax the people to that enormous amount. Therefore I carefully studied the case. I went back over all the treaties made with these Indians or which had any connection with this subject. I do not remember all the details of my investigation, but I remember I came to the conclusion step by step, in my examination of the grounds upon which this Choctaw claim is based, that from beginning to end it is a fraud upon the General Government. They would get one Committee on Indian Affairs to make a report; some one outside of the committee would draw up the report and the Indian committee, without much knowledge of the subject, would adopt that report and make it to the House. The next Indian committee would adopt the same report—some man would copy the same report. Now and then members would try to understand it for themselves and would hesitate. When it came before the House we would be told about this solemn treaty and this equally solemn award. It made me almost tremble, Mr. Speaker, when my friend from Massachusetts, [Mr. HARRIS,] with his solemn face, pronounced that solemn word. Then we would be asked to pass an appropriation upon the solemn assurance contained in a report drawn up by somebody outside and which had been copied from time to time. It would take a week's time for any member really to understand all about this claim. I do not pretend that I know all about it. I can only remember the conclusion I arrived at when the whole subject was before me, and that is that I could not conscientiously vote for it.

Mr. HARRIS, of Massachusetts. Let me tell the gentleman from Pennsylvania why I consider this an obligation on the part of the Government. It is because the United States Government obtained

ten million acres of land and put into the Treasury \$2,300,000 as profit from it for which it has made no return. That is what makes it a solemn obligation in my mind.

Mr. WILSON, of Indiana. Mr. Speaker, on this solemn occasion, when the House is considering this solemn subject, as the gentleman from Pennsylvania [Mr. SCOFIELD] calls it, it seems to me there is one matter which ought to be taken into consideration. I do not pretend to be sufficiently advised with reference to this subject to express an opinion, and I would not as to the justice or injustice, the merit or demerit of this claim.

But, Mr. Speaker, my colleague has stated that the House has a duty to perform. For the sake of argument, conceding that this claim has all the merits its friends pretend and say it has; conceding for the sake of argument that it is a valid claim against the Government, the House, in my judgment, has an important duty to perform, and that duty is to protect these Indians, who are regarded as the wards of the nation, in its enjoyment. I undertake to say that neither of these substitutes which have been presented to this House do protect these Indians. If this is a meritorious claim, this House will not do its duty unless the bill is so framed that their rights will be protected.

Why, sir, it is charged by gentlemen on this floor—whether the charge is correct or no? I do not pretend to say, but it is charged—that a large percentage of this money is to go into the pockets of what is known as the “lobby.” Now, what is our duty? It is to protect these Indians against any improvident contract they may have made with the “lobby” that is said to infest the halls of Congress. Being the wards of the nation, as their guardians we should not permit them to be imposed upon by improvident contracts made to their injury. And I will say for one that, having examined the substitute of my friend from Missouri, [Mr. PARKER,] and I believe he has acted from the very best and the very purest of motives, it does not in my opinion accomplish what he seeks to accomplish by it. If that substitute is adopted, then every one of these swindling contracts with these Indians, if any such have been made, can be paid, and there is no protection to the Indian against them.

So far as the substitute of the other gentleman from Missouri [Mr. COMINGO] is concerned—I have not had the opportunity of reading it myself—but from the reading of it at the Clerk's desk it seems to me that it does not answer the purpose of affording the protection which that gentleman manifestly intended. And therefore, Mr. Speaker, I desire to move, if it is proper to do so now, that this whole subject be postponed until the day after to-morrow, that these substitutes may be printed, so that the House, upon this proposition, which seeks to take millions out of the Treasury, shall have an opportunity to know precisely what is being done and where this money is to go. I repeat that upon the merits of the scheme itself I do not feel sufficiently advised to offer any remarks. I make the motion that the further consideration of this subject be postponed until the day after to-morrow, after the morning hour, and that meanwhile the substitutes be printed.

Mr. HOLMAN. I raise the question of order whether that motion is in order under the rule under which the House is now acting.

Mr. WILSON, of Indiana. Let me say further that even if I were satisfied this were a valid claim, I could not vote for either of these substitutes in the form in which they are presented, because they do not, in my judgment, make sufficient provision against the money being diverted from those who should have it, if it is just, to those who are not entitled to it.

Mr. HALE, of Maine. I hope the gentleman from Indiana will not insist on that motion. The Committee on Appropriations have had no opportunity to continue their work and send bills to the Senate for more than a fortnight. During the time this matter has been lying over, members have had an opportunity of studying into it as fully as they could wish to do. And if the House is not ready to dispose of it to-day, I do not see that it can ever be.

Mr. SPEER. And this is the only amendment that prevents the immediate passage of the Indian appropriation bill?

Mr. HALE, of Maine. Yes; it is the only thing; but it obstructs the whole bill.

The SPEAKER. The point of order has been raised that under the rule under which the House is now considering this bill as in Committee of the Whole the motion to postpone is not in order. The point is rather a novel one. The Chair does not know of its having been raised before.

Mr. HOLMAN. If the motion of my colleague is simply directed to the pending amendments, I withdraw the point of order.

Mr. WILSON, of Indiana. My motion was that the further consideration of the subject be postponed until the day after to-morrow. In deference to the committee, who desire a vote now, I withdraw it.

Mr. THOMPSON. Could not the matter be arranged by the gentleman who has this special amendment in charge, as an amendment to this bill, withdrawing it, and allowing the House to pass the appropriation bill? That would obviate the difficulty, and this amendment, which I think should never be adopted, would be out of the way of the passage of the bill.

I knew nothing about this matter until within a few days, and consequently I am unbiased and uninfluenced by any previous action either of this House or of any committee of the House. I hold in my hand, however, a report by a committee of the House, as able and

upright a report as has been made on the subject; and in it I find some statements made which to me are wholly amazing and astounding. That committee reports that—

The consideration of the cession of this land to the United States is not stated.

Why, sir, the very second article of the treaty states in as explicit language as can be used—

In consideration of the provisions contained in the several articles of this treaty the Choctaws cede to the United States these lands in dispute.

And yet in face of this declaration written in the treaty itself, a solemn covenant as it has been termed here, it is said that there is no consideration expressed or implied.

Now what were some of the considerations? A cession of what turns out to be about fifteen million acres of land, in addition to the usufruct of what was granted by the treaty of 1820; a grant to the Choctaws of that valuable territory in fee. That was a consideration fully equivalent to the entire territory ceded to the United States in 1830.

Mr. HARRIS, of Massachusetts. It is in fee so long as they occupy it.

Mr. THOMPSON. That is not the language; it is as long as they remain a nation; in other words, as long as the world stands. And my friend's fee is no better in any land he owns. When the world is depopulated and all men turned off it, then it may be true.

Mr. HARRIS, of Massachusetts. My point is that under the law an Indian nation only holds lands in possession subject to the right of the nation to extinguish their title by conquest or purchase.

Mr. THOMPSON. But it is a title higher than any other title; it is a title in fee-simple, which the Government never can disturb except by force, and which it never can destroy except by fraud, and which it has never attempted to destroy. This committee report that—

In order that the injustice done to these people by this account stated, may be more clearly understood, your committee invite attention to those items of the account for which neither the treaty nor the award of the Senate furnish the slightest authority or justification.

Now, among those items are the cost of removal. Was not that one of the expenses contemplated by the treaty of 1830? Was it not one of the expenses contemplated by the treaty of 1855? Their removal cost \$800,000, but about \$200,000 more was expended for the cost of schools, and these were assumed by the treaty of 1855, and provided for as a lien on the Government by virtue of that treaty.

Mr. HARRIS, of Massachusetts. And under the treaty all those expenses were deducted.

Mr. THOMPSON. And they ought to have been deducted. Here is a proposition which is not justified either by the treaty or by the award of the Senate. Here is a proposition that the Choctaws who ceded their lands to the Government and received the money for it and receipted for it in full, shall not only receive the net profits of the land but the gross proceeds. That is the theory on which the present report proceeds.

[Here the hammer fell.]

Mr. LOUGHRIDGE. I desire now to call the previous question upon this question.

Mr. FORT. I think it is time we took a vote upon it.

Mr. LOUGHRIDGE. I rose for the purpose of moving the previous question; but before doing so I desire to say a single word.

Mr. BIERY. I ask the gentleman to allow me to say a word.

Mr. LOUGHRIDGE. I will yield to the gentleman for a few moments.

Mr. BIERY. I only want about three minutes.

Mr. LOUGHRIDGE. I surrender the floor to the gentleman for that time.

Mr. BIERY. In view of the arguments that have been made in favor of this proposition, I deem it my duty to make some observations upon it and to show what the proposition is. I was impressed by the solemnity of the treaty of 1855, which seems also to impress some other members upon this floor; and if I believed this was a just claim, I should advocate it as strongly as I could possibly. But I take it that the consideration set up for the payment of this money is not a valid consideration, and that this claim stands on no just foundation whatever. As I understand the treaties of 1820, 1830, and 1855, the treaties of 1820 and 1830 provided that in lieu of the rights which the Choctaw Nation claimed to lands in the State of Mississippi they were to receive and actually did receive land in fee-simple west of the Mississippi River. That point is disputed. It is said the lands were given in consideration of a part only of the lands ceded by the Choctaws in the State of Mississippi. I desire to call attention to a report upon this subject made by Secretary BOUTWELL, and I ask the careful attention of the House to it:

By this grant the Choctaws got no greater number of acres, it is true; but what they did get was held by a firm title in fee never possessed by them before, and not given them by the treaty of 1820. (Cherokee Case, 5 Peters, 48; Johnson vs. McIntosh, 8 Wheaton, 575; Worcester vs. State of Georgia, 6 Peters, 520.)

This fee was liable to be determined only in the event of their ceasing to exist as a nation. This estate could therefore continue forever, and may be considered in law as a fee-simple determinable.

I regard this feature of the treaty of 1830 one of the greatest importance, and hitherto overlooked in the consideration of these claims; for it did away with the vague title of occupancy, (the only title the Choctaws had up to this time, either at common law or under the prior treaty,) and substituted in its place a grant in perpetuity. So it was considered by the Attorney-General soon after the ratification of the treaty. (3 Opinions of Attorneys-General, 322.)

Now, sir, the consideration on which this claim is based fails. So far as my judgment goes concerning it, its payment would be a payment on the part of the Government for something for which it had received nothing; and if the amendment be ingrafted upon the bill I shall vote against the bill.

[Here the hammer fell.]

Mr. McNULTA. I desire to offer an amendment to the bill.

The SPEAKER. The gentleman from Illinois [Mr. FORT] is entitled to the floor to move the previous question if he desires to do so.

Mr. FORT. I will let the amendment of my colleague be read and then I will ask the previous question.

Mr. McNULTA. I move to strike out all in the amendment of the gentleman from Missouri [Mr. COMINGO] relating to the payment of this money to the treasurer of the Choctaw Nation, and to insert in lieu thereof the following:

Shall sell a sufficient amount of said bonds and with the proceeds pay the several claims so found to be due to the individual Choctaws originally entitled thereto or to their heirs under the Choctaw law, with the advice and under the direction of the United States agent for said tribe with the approval of the Secretary of the Interior.

Mr. SHANKS. I object to that amendment.

The SPEAKER. Does the gentleman admit that amendment?

Mr. FORT. No, sir; I do not admit it, but I will yield a few moments to the gentleman from Indiana [Mr. HOLMAN] before calling the previous question.

Mr. McNULTA. Does the gentleman from Indiana [Mr. SHANKS] object to the amendment?

The SPEAKER. The gentleman stated that he did object.

Mr. HOLMAN. I have sought the floor for a moment only to call attention to the fact that the gentlemen who are supporting this measure have avoided any reference to that provision of the treaty of 1830 on which it is alleged this award is predicated. I have heard no gentleman insist that by any fair interpretation of the eighteenth article of the treaty of 1830 by that provision the proceeds of the lands ceded after the payment of expenses were to inure to the benefit of the Choctaw tribe. And I say further that no gentleman here or elsewhere can stand up in his place and assert that any possible interpretation of that article of the treaty can be found which will justify the claim that by its provisions this tribe of Indians were entitled to the proceeds of the land sold, after the expenses were paid. No gentleman will assert that.

Mr. HARRIS, of Massachusetts. Will the gentleman allow me to call his attention to what is contained in the treaty upon that subject?

Mr. HOLMAN. I will.

Mr. HARRIS, of Massachusetts. The first clause in the treaty speaks of the fact that the Indians have agreed to sell their lands to the United States. One article of the treaty provides that the Government of the United States shall survey and sell this property. And it is upon these two provisions that the claim is founded.

Mr. HOLMAN. No person can claim that there was any foundation for this hasty award, so pronounced in the Senate when this subject was fresh, for Senator after Senator asserted that it was passed without proper consideration. The whole debate at that time did not exceed over three hours. This award stands upon these words in the treaty:

And for the payment of the several amounts secured in this treaty the lands hereby ceded are to remain a fund pledged to that purpose until the debt shall have been provided for and arranged.

Now, there is not another passage in the whole treaty upon which that award can rest; nothing except the words I have read. Yet those words are but a stipulation that the lands ceded shall be charged with the payment of the sum stipulated to be paid to the Choctaws, being the annuities to be paid from time to time. Now, will the gentlemen who advocate the binding force of this award upon this House explain why through a period of twenty years, as long as these annuities were being paid, no claim was set up, for the interpretation was sought to be placed upon this article of the treaty of 1830? How does it happen that a whole generation passed away before such a claim as this was asserted?

Mr. HARRIS, of Massachusetts. I desire to call the attention of the gentleman to the fact that Mr. Banfield in his report, which has been distributed here, and which has been referred to very often in this debate, declares upon the second page of it that the treaty was hardly signed before the Choctaw Nation claimed the net proceeds of these lands.

Mr. HOLMAN. "Scarcely signed." Why, sir, I have here the statement of the Indian Office exactly to the contrary. When this subject was referred to the Department of the Interior in 1868 by the Senate Committee on Indian Affairs, the following was stated by the Commissioner of Indian Affairs upon that subject:

What evidence is there, if any, that the Choctaws expected the treaty of 1830 to secure to them the proceeds or full actual value of their lands?

There is no other evidence known to this office than their own statements, never made until after the expiration of their annuities under the treaty.

And these annuities continued during a period of twenty years. Now, according to this official statement, these claims were not asserted until some thirty years had passed by.

[Here the hammer fell.]

Mr. LOUGHRIDGE. I now claim the right to call the previous question.

The SPEAKER. The gentleman from Illinois [Mr. FORT] made the motion by which the bill was recommitted to the Committee of the Whole.

Mr. LOUGHRIDGE. It was on my motion that it was taken out of Committee of the Whole.

The SPEAKER. It is not essential who makes the motion for the previous question.

The previous question was seconded and the main question ordered.

The first question was upon the substitute proposed by Mr. COMINGO to the amendment proposed by Mr. PARKER, of Missouri; and being taken, there were upon a division—ayes 31, noes 69; no quorum voting.

Tellers were ordered; and Mr. COMINGO, and Mr. PARKER of Missouri, were appointed.

The House divided; and the tellers reported that there were, ayes 37, noes not counted.

So the substitute of Mr. COMINGO was not agreed to.

The question recurred upon the substitute of Mr. PARKER, of Missouri, for the amendment adopted in Committee of the Whole; and being taken, it was agreed to.

The SPEAKER. The question now is, Will the House incorporate in the bill the substitute proposed by the gentleman from Missouri, [Mr. PARKER,] which has been adopted in lieu of the amendment agreed to by the Committee of the Whole?

Mr. SPEER. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 136, not voting 64; as follows:

YEAS—Messrs. Adams, Ashe, Averill, Barber, Barrere, Beck, Bowen, Bright, Buckner, Roderick R. Butler, Cain, Caldwell, Cason, Cessna, Comingo, Crittenden, Crossland, Crutchfield, Darrall, Dawes, Dunnell, Eames, Garfield, Giddings, Glover, Gunter, Hagans, Hancock, Harmer, Benjamin W. Harris, Hatcher, Hays, John W. Hazelton, Hendee, Hereford, Herndon, Hodges, Houghton, Hunter, Hunton, Hynes, Kelley, Kellogg, Leach, Lewis, Loughbridge, Lowe, Lowndes, McLean, Mills, Mitchell, Morey, Negley, Orth, Isaac C. Parker, Perry, Phillips, Thomas C. Platt, Poland, Rainey, Richmond, Robbins, Rusk, Sessions, Shanks, Sheats, Sloan, Sloss, J. Ambler Smith, William A. Smith, Snyder, Southard, Starkweather, St. John, Stone, Strait, Swann, Christopher Y. Thomas, Vance, Waddell, Wallace, Walls, White, Whitehead, Whitthorne, John M. S. Williams, William Williams, Willie, and John D. Young—89.

NAYS—Messrs. Albert, Albright, Archer, Arthur, Atkins, Banning, Bass, Beagle, Bell, Biery, Bland, Blount, Bradley, Bromberg, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Caulfield, Chittenden, Amos Clark, Jr., Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Cotton, Cox, Crounse, Curtis, Danford, Dobbins, Donnan, Duell, Durham, Farwell, Field, Finck, Fort, Foster, Freeman, Gunkel, Eugene Hale, Hamilton, Henry R. Harris, John T. Harris, Harrison, John B. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, Holman, Hoskins, Howe, Hubbell, Hurlbut, Kasson, Killinger, Lawrence, Lawson, Magee, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Milliken, Monroe, Moore, Morrison, Myers, Neal, O'Neill, Orr, Packard, Packer, Page, Hosea W. Parker, Pelham, Pendleton, Pierce, Pike, Potter, Randall, Ray, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Milton Sayler, Seofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Speer, Sprague, Stanard, Charles A. Stevens, Storm, Taylor, Charles R. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young—136.

NOT VOTING—Messrs. Barnum, Barry, Berry, Benjamin F. Butler, Carpenter, John B. Clark, Jr., Freeman Clarke, Clinton L. Cobb, Corwin, Creamer, Crooke, Davis, DeWitt, Eden, Eldredge, Frye, Gooch, Robert S. Hale, Hathorn, Havens, Joseph R. Hawley, George F. Hoar, Hooper, Hyde, Kendall, Knapp, Lamar, Lamson, Lampart, Lansing, Lofland, Luttrell, Lynch, Marshall, Maynard, McKee, Newmirth, Niblack, Niles, Nunn, O'Brien, Parsons, Phelps, James H. Platt, Jr., Pratt, Purman, Ransier, Rapier, Read, William R. Roberts, James C. Robinson, Schell, John G. Schumaker, George L. Smith, Standiford, Alexander H. Stephens, Stowell, Strawbridge, Sypher, Tremain, Wheeler, Whitehouse, Whiteley, and Wilber—64.

So the amendment, as amended, was not agreed to.

During the roll-call,

Mr. KELLOGG said: My colleague, Mr. HAWLEY, of Connecticut, is absent attending the funeral of the late Senator Buckingham. If here he would vote "ay."

The result of the vote was announced as above stated.

Mr. HALE, of Maine. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The SPEAKER. That cannot be done. The Clerk will read the next amendment.

The Clerk read as follows:

SEC. 11. That the Secretary of the Treasury is hereby authorized and required to pay to the Chickasaw tribe of Indians, upon the passage of this act, the following arrears of interest due to said tribe: Arrears of interest on \$90,000, Arkansas 6 per cent. bonds, from July 1, 1852, to July 4, 1866, \$75,000; arrears of interest on \$616,000, Tennessee 6 per cent. bonds, from January 1, 1861, to July 1, 1866, \$203,280; arrears of interest on \$66,666.66 $\frac{2}{3}$, Tennessee 5 $\frac{1}{2}$ bonds, from January 25, 1861, to July 1, 1866, \$19,010.25; and that the same be paid to the said tribe in bonds of the United States of any issue authorized by law and bearing 4 $\frac{1}{2}$ per cent. interest.

The amendment was not agreed to.

The SPEAKER. The question now recurs on ordering the bill, as amended, to be engrossed for a third reading.

Mr. FORT. There is another amendment pending—one which I sent up relating to the issue of clothing.

The SPEAKER. The Chair understood the gentleman to withdraw that.

Mr. FORT. If anybody objects to it I will not insist upon it; but it seems to me there can be no objection to it.

The Clerk read the amendment, as follows:

And be it further enacted, That if the Secretary of the Interior and the Secretary of War shall deem it expedient, the Army clothing now on hand of patterns or style not in use shall be issued and delivered to Indians at the regulation price thereof, which shall be in lieu of any money herein before specially appropriated for clothing. In which case the clothing to be so issued shall be turned over from the War Department to the Interior Department, and properly receipted for.

Mr. SHANKS. I rise to a point of order. As the gentleman from Illinois [Mr. FORT] does not know anything about this Choctaw claim, he does not know how to clothe these Indians.

Mr. CESSNA. That is not a point of order.

Mr. SHANKS. Well I make the point that this is new legislation—new legislation and old clothes!

Mr. FORT. The gentleman from Indiana [Mr. SHANKS] prefers to clothe the Indians in "shoddy."

The SPEAKER. The Chair thinks that the amendment proposes to change existing law so far as regards the payment of Indian annuities; and in that respect it is obnoxious to the point of order.

Mr. BUTLER, of Massachusetts. There is also another ground—that the law provides that this clothing shall be used for the Army. The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. BECK. I call for the yeas and nays on the passage of the bill.

The question being taken on ordering the yeas and nays, there were ayes 30, noes not counted.

The SPEAKER. The vote is so close that the Chair orders tellers and appoints the gentleman from Kentucky, Mr. BECK, and the gentleman from Illinois, Mr. FORT.

The House divided; and the tellers reported—yeas 41, noes 163.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 62, not voting 65; as follows:

YEAS—Messrs. Albert, Albright, Archer, Averill, Barber, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Chittenden, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Crounse, Crutchfield, Curtis, Danford, Dawes, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Freeman, Garfield, Gunkel, Hagans, Eugene Hale, Hancock, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Hubbard, Hunter, Hurlbut, Kasson, Kelley, Kellogg, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Pierce, Pike, Thomas C. Platt, Poland, Potter, Pratt, Rainey, Rapiet, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusak, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Speer, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Strawbridge, Swann, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—162.

NAYS—Messrs. Adams, Ashe, Atkins, Banning, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crossland, Davis, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hunton, Knapp, Leach, Magee, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Niblack, Randall, Robbins, James C. Robinson, Milton Saylor, Sloss, Southard, Stone, Storm, Waddell, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and Pierce M. B. Young—62.

NOT VOTING—Messrs. Arthur, Barnum, Barry, Carpenter, Freeman Clarke Creamer, Crooke, Darrall, DeWitt, Duell, Eden, Eldredge, Farwell, Frye, Gooch, Robert S. Hale, Joseph R. Hawley, Hays, Herndon, George F. Hoar, Hooper, Howe, Hyde, Hynes, Kendall, Killinger, Lamar, Lamison, Lamport, Lansing, Lofland, Loughridge, Luttrell, Marshall, McKee, Morey, Nesmith, Niles, Nunn, O'Brien, Hosea W. Parker, Phelps, Phillips, James H. Platt, jr., Purman, Ransier, Read, William R. Roberts, Scheil, John G. Schmucker, Sheets, Sheldon, George L. Smith, J. Ambler Smith, Snyder, Standiford, Alexander H. Stephens, Charles R. Thomas, Tremain, Wheeler, White, Whitehouse, Wilber, Wolfe, and Wood—65.

So the bill was passed.

Mr. LOUGHRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DESERT LANDS IN CALIFORNIA.

Mr. TOWNSEND, by unanimous consent, from the Committee on the Public Lands, reported back a bill (H. R. No. 4304) to provide for the sale of desert lands in Lassen County, California, with a substitute; which was ordered to be printed, and recommitted.

And then, on motion of Mr. RANDALL, (at ten minutes past five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAINE: The petition of Ara Cushman and others, of Auburn, Maine, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. COBURN: The petition of John Thomas, of Indianapolis, Indiana, for extension of patent for improvement in piling railroad bars for rerolling, to the Committee on Patents.

By Mr. HYNES: The petition of citizens of Perry County, Arkan-

sas, for an appropriation to improve the Fourche La Fave River, to the Committee on Commerce.

By Mr. MONROE: The petition of Rev. Eleazer Hale and wife, for an appropriation from the Treasury for a national contingent charity fund, to the Committee on Appropriations.

By Mr. RANDALL: The petition of William Moore, late colonel Seventy-third Pennsylvania Volunteers, to be reimbursed for loss of a horse, to the Committee on War Claims.

By Mr. RICHMOND: The petition of citizens of Sharon, Pennsylvania, for an appropriation to improve the navigation of the Ohio River from Cairo to Pittsburgh, to the Committee on Appropriations.

Also, petitions of citizens of West Middlesex, Grimville, and of Clarion County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a tax on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. RUSK: The petition of Daniel Miller, late teamster Quartermaster's Department, for a pension, to the Committee on Invalid Pensions.

By Mr. SPEER: The petition of citizens of Dudley, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. WADDELL: Remonstrance of pilots of Cape Fear River and bar, of the commissioners of navigation, and Chamber of Commerce of Wilmington, North Carolina, against a change in existing pilotage laws, to the Committee on Commerce.

By Mr. WILLARD, of Michigan: The petition of Phebe McIntosh, of Coldwater, Michigan, for a pension, to the Committee on Invalid Pensions.

By Mr. —: The petition of West Daggett for a pension for the loss of his two sons in the late rebellion, and for services of his father in the war of the Revolution, to the same committee.

IN SENATE.

WEDNESDAY, February 10, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

SAMUEL W. CRAWFORD—RETIRED OFFICERS.

The VICE-PRESIDENT appointed as the conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army, Messrs. LOGAN, SPENCER, and KELLY.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes; and

A bill (H. R. No. 4667) granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or have died by reason of such service.

The bill (H. R. No. 4668) for the relief of John W. Douglass was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 4669) to provide for the selection of grand and petit jurors in the District of Columbia was read twice by its title.

Mr. SARGENT. I move that the bill be referred to the Committee on the Judiciary, and that the amendment which I send to the Clerk's desk may accompany the bill and be printed.

The motion was agreed to.

CATTARAUGUS AND ALLEGANY INDIAN RESERVATIONS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

On motion of Mr. INGALLS, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the Vice-President appoint the conferees on the part of the Senate.

The VICE-PRESIDENT appointed Messrs. INGALLS, ALLISON, and BOGY as the conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. SCHURZ presented the petition of George Hopp, late of Company H, Seventh Regiment Missouri Volunteers, praying to be allowed a pension on account of disabilities contracted in the service; which was referred to the Committee on Pensions.

He also presented an additional petition of Robert Zum Hagen, M. D., of Saint Louis, Missouri, praying an amendment of the homestead law of January 8, 1872; which was referred to the Committee on Public Lands.

Mr. WRIGHT presented a memorial of the grand jurors of the district court of the United States for the southern district of

Iowa, protesting against the removal of said court and the place of holding it from Keokuk to Burlington, in that State; which was referred to the Committee on the Judiciary.

Mr. MERRIMON presented a resolution of the Legislature of North Carolina, in favor of an appropriation for the building of a post-office and custom-house at the town of New Berne, in that State; which was ordered to lie on the table and be printed.

Mr. SCOTT presented a memorial of citizens of Danville, Pennsylvania, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes, and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. BOGY presented a memorial of citizens of Saint Louis, Missouri, possessing large interests in the navigation of the western rivers, remonstrating against the passage of a bill to promote the efficiency of the light-house service of the United States; which was referred to the Committee on Commerce.

Mr. BOGY. I will also mention that yesterday I presented a memorial of the Chamber of Commerce of Saint Louis, Missouri, in favor of the opening of the Southwest Pass of the Mississippi River. It was my intention to ask for the printing of the memorial, so as to have it placed on the desks of members for their information. I did not do it. As it is a very important subject, I move that the memorial presented by me yesterday be printed.

The motion was agreed to.

Mr. INGALLS presented the petition of William London, late of Company C, Second Illinois Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. INGALLS. I also present a memorial numerously signed by members of the Cherokee Nation of Indians, representing that there has been great irregularity and illegality in the means used to obtain control of the executive authority of that nation, and that that authority, when obtained, has been used for partisan and political purposes; that their funds, particularly those devoted to orphan and school purposes, have been squandered for the benefit of a few individuals, to the detriment of the mass of the people; that the courts in that nation are made the means of political persecution instead of affording protection from crime; that industry and enterprise are paralyzed on account of this insecurity of life and property; that the present condition of the people requires more liberal legislation in regard to capital and labor, and that the interest of the people would be promoted by the institution of Federal courts in the country, and praying for the appointment of a commission to inquire into these alleged irregularities and abuses. I move that the memorial be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. INGALLS presented additional evidence in the case of Mrs. S. S. Cooper, widow of Major Wickliffe Cooper, in support of her application for a pension; which was referred to the Committee on Pensions.

Mr. CONKLING. I present the memorial of the Chamber of Commerce of the State of New York, touching the harbor of New York. This memorial, stating some suggestive facts, asks Congress to make such appropriations as will enable General John Newton to continue efficiently the work in which he is engaged. Could any words of mine secure the attention of the Committee on Commerce to this subject, those words would be spoken. The harbor of New York is so used and so abused now by those who are navigating it, that the time will soon be upon us when we shall all see that it concerns the interest of the nation to care for it and to see that it is not filled up with ashes and refuse cast into it by our own vessels, and that it is secured in time against the probabilities of the future. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

Mr. HARVEY presented a resolution of the Legislature of Kansas, indorsing the recent special message of the President of the United States relative to the condition of affairs in Louisiana, and expressing the highest confidence in the valor, patriotism, and integrity of Lieutenant-General Sheridan; which was ordered to lie on the table.

Mr. GORDON presented a memorial of the mayor and city council and leading merchants of Atlanta, Georgia, praying the passage of the House bill making Atlanta in that State a port of delivery; which was referred to the Committee on Commerce.

Mr. JOHNSTON presented a resolution of the Legislature of Virginia, in favor of the repeal of that clause of the national banking act which imposes a tax of 10 per cent. upon any circulating medium other than that authorized by Congress; which was referred to the Committee on Finance.

Mr. HOWE. I present twenty-four petitions signed by a large number of citizens of Wisconsin, praying that their lives, liberties, and pursuit of happiness may be secured to them by an amendment of the Constitution which will prohibit the manufacture, importation, and sale of all intoxicating liquors, to take effect after the 1st of January, 1876. I move the reference of these petitions to the Committee on the Judiciary.

The VICE-PRESIDENT. Such petitions have usually been referred to the Committee on Finance.

Mr. HOWE. Let them take the usual direction, then.

The petitions were referred to the Committee on Finance.

RECOMMITTAL OF A BILL.

On motion of Mr. GORDON, it was

Ordered, That the bill (H. R. No. 3474) to establish Atlanta, in the State of Georgia, a port of delivery be recommitted to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States;

A bill (H. R. No. 1546) to correct errors and supply omissions in the Revised Statutes of the United States;

A bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities; and

A bill (H. R. No. 4676) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri.

The message also announced that the House had passed a concurrent resolution for printing fifty-five hundred copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873; in which the concurrence of the Senate was requested.

REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom was referred the petition of Marcus Walker, praying compensation for ninety-nine bales of cotton taken possession of by the Government, report adversely. This petition was reported upon at the last Congress; the petitioner making additional showing, we have had it again under consideration, and again report adversely. I ask that the report be concurred in so as to get the case out of the way.

The adverse report was concurred in.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3693) granting a pension to Mary A. Hough, widow of Joseph Hough, late sergeant of Company B, Sixty-first Regiment of Pennsylvania Volunteers, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3703) granting a pension to Catharine Lee, widow of Jesse M. Lee, private Company B, Second Regiment Ohio Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 3186) for the relief of Treadwell S. Ayres, of Memphis, Tennessee, reported it without amendment.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3276) granting a pension to Davenport Downs, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3688) granting a pension to William O. Madison, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3711) granting a pension to Martin D. Chandler, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3258) to amend the acts of June 30, 1834, and February 13, 1862, to regulate trade and intercourse with the Indians, reported it without amendment.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Ezekiel Waire and others, heirs of John Waire, praying to be allowed a pension on account of services rendered by their father in the revolutionary war, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of George Tobin, late captain of Company D, Sixty-third Regiment New York Volunteers, praying to be allowed arrears of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of citizens of Franklin County, Vermont, praying that a pension may be allowed Uriah Bundy, late of the Seventh Vermont Regiment, submitted a report accompanied by a bill (S. No. 1274) granting a pension to Uriah Bundy.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mary Ryan, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 2765) granting a pension to John W. Darby, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the bill (S. No. 1210) to provide for the distribution of the reg-

ular official editions of certain public documents and of the CONGRESSIONAL RECORD, reported it with amendments.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (S. No. 72) to amend the act entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864, reported it with amendments.

He also, from the same committee, to whom was referred a memorial of citizens of Arkansas in constitutional convention, asking for an extension of the time for filing claims for payment for stores, &c., furnished the Army by loyal citizens in insurrectionary States, asked to be discharged from its further consideration, the subject being provided for in a bill now upon the Calendar; which was agreed to.

He also, from the same committee, to whom was referred the additional petition of Jearum Atkins, asking a rehearing of his case before the Committee on Claims on alleged newly discovered evidence, asked to be discharged from its further consideration; which was agreed to.

Mr. SCOTT. I am also instructed by the same committee, to whom was referred a memorial and joint resolution of the Legislature of Missouri concerning certain claims of her citizens against the United States for military services and supplies furnished during the war, have directed me to report back the same and ask to be discharged from its further consideration, upon the ground that a previous appropriation has already been made for such claims; and as this memorial only asks for a provision for claims which are now being audited and prepared, they deem it inexpedient to make that appropriation at present.

The committee was discharged from the further consideration of the memorial.

Mr. SCOTT. I am also instructed by the Committee on Claims, to whom was referred the bill (S. No. 1041) for the relief of Joseph R. Shannon, of Louisiana, accompanied by the petition of Joseph R. Shannon, praying to be allowed the value of the steamer W. Burton, taken by Admiral Farragut in 1862 at New Orleans, to report back the same and ask that the bill be indefinitely postponed. In making the report I desire to say, and am authorized by the committee to say, that in so far as the action of the committee can make a precedent, they intend this to be a precedent upon this subject. The petition asked for the allowance of such part of this petitioner's claim as was disallowed by the commissioners of claims who were authorized under the act of the 3d of March, 1871, to pass upon such claims. We have considered this petition as presenting the question to the committee whether, after parties have been heard, after an appropriation has been made and they have accepted what was given to them although filing a protest in the Treasury at the time, the committee would again open up the case and hear them. The committee have decided that they will not do so, and I give this public notice, that all other parties situated in such manner may have the advantage of the action of the committee.

The bill was indefinitely postponed.

Mr. CRAGIN. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 4502) for the relief of Mary L. Woolsey, widow of the late Commodore Melancthon B. Woolsey, of the Navy, to report it with an amendment. The circumstances of this case are such that I feel it my duty to ask for the present consideration of this bill. It is a very small matter, and I hope the Senate will agree that the bill may be acted upon now.

Mr. HAMILTON, of Texas. I object. I shall have something to say on that bill when it comes up. It is time to make some general law on the subject of bills of that character.

Mr. CRAGIN. I apprehend the Senator from Texas knows very little about the character of this bill, or he would not have made the remark he has.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. No. 388) for the relief of William Chandler, late a commander in the Navy of the United States;

A bill (S. No. 885) to authorize the purchase of harbor privileges and lands for the establishment of a naval and coaling station in the Samoan Islands;

A bill (S. No. 234) authorizing the President of the United States to appoint C. W. Cronk a first assistant engineer in the Navy of the United States; and

A bill (H. R. No. 2896) to authorize the appointment of Acting Master Robert Platt as acting lieutenant in the Navy of the United States.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred a resolution of the Legislature of Kansas in favor of the transfer of the Bureau of Indian Affairs to the War Department, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom were referred resolutions of the Legislature of Kansas in favor of a change in the management of the Indians and in the administration of the affairs of the Indian Bureau, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred a memorial

in relation to trespasses upon Indian lands of the Pawnees by white men, asked to be discharged from its further consideration; which was agreed to.

Mr. MERRIMON. On the 11th of May last, under instructions from the Committee on Claims, I submitted a report in the matter of the claim of Nathaniel P. Harben, for tobacco seized by United States troops in the State of Georgia in 1864, accompanied by a bill (S. No. 522) for his relief. The committee now instruct me to report another form of bill; and I move that it be printed, to the end that it may be offered as a substitute for the bill heretofore reported when it shall be called in its order.

The motion was agreed to.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the petition of Elmira E. Crarath and others, praying that Congress pass an act granting a pension to Elmira E. Crarath, widow of Isaac M. Crarath, late captain Twelfth Michigan Volunteer Infantry, submitted a report accompanied by a bill (S. No. 1275) granting a pension to Elmira E. Crarath.

The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1089) to amend the act entitled "An act granting a pension to Martha E. Orick, Mary J. Orick, and John J. Orick, minor children of John C. Orick, deceased," reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3704) granting a pension to Mary E. Stewart, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McCREERY, from the Committee on Indian Affairs, to whom were referred the bill (H. R. No. 3000) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others; and the bill (S. No. 945) for the relief of Samuel W. Davidson, Henry Smith, John Gray Bynum, and others, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. FERRY, of Connecticut. I introduce an amendment to the Indian appropriation bill, which passed the House yesterday, and I suppose will be here to-day. I move that it be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1276) construing the act entitled "An act to place colored persons who enlisted in the Army on the same footing as other soldiers as to bounty and pension;" which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SCOTT (at the request of the party interested) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1277) for the relief of Captain Bird S. Fletcher; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1278) fixing the times for holding the circuit court of the United States in the districts of California, Oregon, and Nevada; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1279) removing the political disabilities of O. R. Singleton, of Mississippi; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1280) to remove political disabilities of S. D. Lee, of Mississippi; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1281) to reinstate Charles E. Boggs on the active list of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1282) to change the place of holding the district and circuit courts of the United States for the district of Nevada; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1283) for the relief of Mary Thompson; which was read twice by its title, and referred to the Committee on Pensions, with accompanying papers.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1285) to amend the act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights;" which was read twice by its title.

Mr. CONKLING. I wish to say that this bill is prepared by a highly respectable constituent of mine, at whose request I introduce it, expressing no opinion now touching its merits. I move that it be printed and referred to the Committee on Patents.

The motion was agreed to.

Mr. CONKLING also asked, and by unanimous consent obtained,

leave to introduce a bill (S. No. 1284) regulating writs of error in criminal cases; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CLAYTON. I ask consent of the Senate to take up Senate bill No. 749. I will state that this is the bill which was up a few days ago in relation to the establishment of the boundary line between Arkansas and the Indian Territory. The Senator from California [Mr. SARGENT] who then objected to the bill has since examined it and withdraws his objection.

Mr. CAMERON. I am sorry to say I shall be compelled to object to taking up that bill now.

The VICE-PRESIDENT. If there be no resolutions—

Mr. CLAYTON. Does this objection carry this bill over? It has been up heretofore.

The VICE-PRESIDENT. The Chair is of the opinion it does in the morning hour.

Mr. CLAYTON. Is not the morning business finished?

The VICE-PRESIDENT. It is not yet closed. Resolutions are now in order.

Mr. CLAYTON. After the morning business is finished I will ask to have this bill taken up.

USE OF THE ARMY IN LOUISIANA.

Mr. SARGENT. I offer the following resolution, which I suppose, under the rules, will go to the Committee on Printing:

Resolved, That one thousand extra copies of the message of the President in response to the resolution of the Senate relating to the employment of the Army in Louisiana be printed for the use of the Senate.

The VICE-PRESIDENT. The resolution must be referred to the Committee on Printing.

Mr. SARGENT. I suppose so. I have had a number of calls for this document, and it is entirely exhausted. I suppose other Senators are in the same condition.

The resolution was referred to the Committee on Printing.

POST-OFFICE LAWS.

Mr. DORSEY submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire into the expediency of repealing section 134 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872.

DISTRICT 3.65 BONDS.

Mr. HITCHCOCK. I ask unanimous consent of the Senate to take up House bill No. 4444. This bill is upon the Calendar, reported favorably by the Senate Committee on the District Columbia, and the commissioners of the District of Columbia inform me that it is important that it should be passed at once. I presume there will be no objection to it. If any one desires to hear the report of the committee, it can be read.

Mr. MORRILL, of Vermont. I understand that this bill is merely to correct an error of engrossment; and of course under those circumstances I shall not object.

By unanimous consent, the bill (H. R. No. 4444) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, was considered as in Committee of the Whole.

The bill amends the seventh section of the act for the government of the District of Columbia, and for other purposes, approved June 20, 1874, by inserting the words "do so" after the fortieth word following the first period in that section; so that it will read:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

It is further provided that registered bonds may be issued in lieu of coupon bonds as provided in the act of June 20, 1874, or exchanged for coupon bonds already issued; and that the interest of all these bonds shall be payable at the Treasury of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PROPOSED EVENING SESSION.

Mr. MORRILL, of Maine. I move that at five o'clock this afternoon the Senate take a recess until seven o'clock this evening for the special purpose of considering the bill (S. No. 963) for the better government of the District of Columbia.

Mr. CONKLING. I would like to know before we vote on that question what is to be the disposition of the mean time.

Mr. MORRILL, of Maine. I supposed there was a regular order before the Senate. I would be very glad to go on with the District bill at one o'clock.

Mr. CHANDLER. I give notice that I shall press the steamboat bill this afternoon and evening until its final passage to-day.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine that at five o'clock the Senate take a recess until seven o'clock for the purpose of considering at the evening session the bill for the better government of the District of Columbia.

Mr. CHANDLER. I hope that motion will not prevail, for the reason that I shall endeavor to press the steamboat bill and secure its passage before the session of to-day closes, if possible. I hope no recess will be taken.

Mr. MORRILL, of Maine. I hope the Senator will have the good fortune to have his business out of the way before five o'clock.

The question being put, there were on a division—ayes 15, noes 30.

Mr. MORRILL, of Maine. I ask for the yeas and nays.

Mr. MERRIMON. What is the exact proposition?

The VICE-PRESIDENT. The proposition is to have a recess this afternoon and to consider this evening the District bill.

Mr. MORRILL, of Maine. I ask for the yeas and nays, and after they are ordered I desire to say a word.

The yeas and nays were ordered.

Mr. MORRILL, of Maine. Mr. President, I shall not undertake to antagonize this bill against the bill now under consideration as the regular order; but if a session is ordered to-night, that bill being out of the way, we can consider the bill to which I have referred. If we do not and that bill is not closed before that time, this order does not displace it; it will still be in the power of the Senate to proceed with it; but we have come now to that period in the session when we must make the most of our time. I take it for granted that it is the sense of the Senate that we should act on this bill and within two or three days following we shall be in a condition where we shall be obliged to consider other bills which have precedence. I hope therefore that it will be the general sense of the Senate that this order be made now, and if the bill of the Senator from Michigan is out of the way, very well; if it is not, the District bill cannot be in its way. It is the regular order and will have its course if the Senate chooses to sit; but if it does not choose to sit for that purpose, then I think it ought to sit for the consideration of the bill to which I have referred. I am quite surprised that under these circumstances there should be any disinclination on the part of the Senate to make this order. It does not interfere with the regular order at all unless the Senate choose to have it so. If it is the sense of the Senate that it will not consider the bill for the better government of the District of Columbia, then say so, and this is a good opportunity perhaps to say so. I only wish to understand it, and I shall govern myself accordingly. I can hardly see under these circumstances why the Senate should hesitate to make such an order as I have proposed.

Mr. SARGENT. I understand the condition of matters to be in this District that all law for its government expires in a month, and that after that time there will be no law for the levying of any taxes; that there will be no means by which the schools can be kept in operation; that the fire department will have no support; that all branches of administration in the city will cease for want of authority to levy and collect taxes to keep government going. Under these circumstances, either to-night or soon we ought to pass upon some form of bill for the government of the District. I think that I am not mistaken in these premises and in my conclusion, and I trust we may remain in session for this purpose. We are getting now near the close of the Congress; we have only a few weeks left. Very important business is pressing upon us, and this among the most important of all; and it seems to me it would be a matter of pain to ourselves to have to think, after this Congress adjourns until next December perhaps, that we had left this city in a state of chaos without any government, without any power to levy or collect taxes.

For these reasons it seems to me that this motion should carry, especially as the Senator who makes it states it is not his purpose to antagonize any business that may be under consideration during the day, and if that runs over to the evening session let it be attended to in the evening; but if it is disposed of then the Senate may proceed to the consideration of this matter.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine.

Mr. CHANDLER. Will the Clerk be kind enough to read the motion as made?

The VICE-PRESIDENT. The motion is that at five o'clock the Senate take a recess until seven o'clock for the purpose at that time of considering the bill (S. No. 963) for the better government of the District of Columbia, and on that motion the yeas and nays have been ordered by the Senate.

Mr. CHANDLER. If the latter part of the motion were stricken out I might possibly vote for the recess; that is, for the purpose of taking up any business. As I understand it, the steamboat bill will be the unfinished business, and I give notice that if the recess be taken, I shall still antagonize the steamboat bill against this or any other bill. I served that notice several days ago that when we got the steamboat bill up, I should not give way for anything, and I shall still, if the recess be taken, attempt to antagonize the steamboat bill against this. I hope the Senator will consent to strike out the latter part of his motion "for the purpose of taking up the District bill," and allow the motion for a recess to pass on its naked merits.

Mr. MORRILL, of Maine. It is not my purpose to antagonize the District bill against other business. I will withdraw my call for the yeas and nays, and content myself with dividing the Senate again on the question to save time.

Mr. MORTON. I understand the Senator from Maine now to say that it is not his purpose to antagonize the District bill against the bill before the Senate; that is to say, if the steamboat bill is not fin-

ished when the Senate meets at seven o'clock, he will not make a motion to substitute for it the District bill, but will let the steamboat bill go on. If that is the understanding, I shall vote for the motion.

Mr. CHANDLER. With that understanding I have no objection.

The VICE-PRESIDENT. The Senator from Maine withdraws the call for the yeas and nays.

Mr. CONKLING. With that understanding I think the Senator from Maine may succeed in having those who voted before exchange places with each other. If it is possible that the Senator from Maine consents to an arrangement by which when we are only able in the day-time to retain a bare quorum to consider the steamboat bill, an evening session is to be held to be attended by nobody except those who respond to the summons to vote down all amendments, no matter what they are—if the Senator from Maine proposes that, he may rest assured that some of those who voted with him before will not consent to do any such thing now.

As pertinent to this, I beg to make a suggestion, and I ask the attention of those who seem determined, without reference to the nature of amendments, to insist upon the steamboat bill as it is. I ask the attention of every Senator to this statement. The steamboat bill has never been read in any committee of this body; it has never been read in the Committee on Commerce. No amendment to it has ever been considered in that committee. No section of the steamboat bill has ever been considered by the Committee on Commerce. Now if the friends of the bill will allow it to go to the Committee on Commerce; or any other committee of this body—they may select their own committee—and with the understanding that it is to be reported back not later than next Monday morning, I will say in advance and having consulted some other Senators I think they will say the same thing—but I speak for myself—that I will hold myself acquitted in regard of opposition to the steamboat bill. If the friends of the bill will only allow it to be considered by a committee, I repeat, the reference being made with the understanding that it shall be reported back by next Monday, which certainly cannot jeopard its passage, and the committee come in reporting this bill without amendment, I will content myself with a very brief statement of my reasons for voting against it, and then so far as I am concerned the vote may be taken and all can record themselves. But if the friends of the bill persist that it shall be passed without the dot of an *i* or the cross of a *t*, that every amendment no matter what its merits, before they hear it, shall be voted down, be it so. I say it has had no consideration for reasons which I do not care to go into and for which I blame nobody; that vacant chair [pointing to Mr. Buckingham's seat] is one of the reasons why this bill has not been considered in the Committee on Commerce. Without imputing any dereliction to any Senator, for I mean no such thing, taking to myself all the blame that I intimate as applicable to anybody else, if there be any, I say that such a bill which has never been considered and passed upon by any committee of this body ought at least to be once considered. Let it go to the Committee on Commerce or to any other committee the Senator from Ohio who leads the bill or the Senator from Michigan who reported it may name. Let it go with the understanding that it shall be reported back in a certain number of days to be fixed, but next Monday is far enough off, and thus allow those of us who feel charged with some duty here to reconcile themselves by having discharged in some sort their duty, and the Senate will not be detained; but on the contrary if the present course is persisted in, all we can do is to present our amendments, to give in the shortest possible time the reasons for them, and ask the vote of the Senate.

Now, I appeal to my friend from Michigan, who has done all that he could to put forward this bill, who has relied, and perhaps justly, upon constituents and others who are in its favor—I appeal to him to allow the bill to go to the Committee on Commerce, or to any committee he chooses to name, making an understanding that it shall come back within a certain number of days a condition of the reference, so as to expose it to no danger from delay, and thus allow those of us who cannot vote for it as it stands to be able to say that we have in some measure at least discharged the duty incumbent upon us. Now, I suggest that that disposes of all this matter.

I submit, in conclusion—I will take my seat when I repeat—that, this being Wednesday, if the bill shall be reported back by Saturday or Monday, certainly my friend from Michigan, who I see has risen, cannot say that it is a movement designed by delay to jeopard the ultimate passage of the bill.

Mr. CHANDLER. Mr. President—

Mr. THURMAN. I rise to a question of order. I want to know what has become of the rule that requires the committees to be called in the morning hour?

The VICE-PRESIDENT. The whole debate is out of order entirely.

Mr. MORRILL, of Maine. The debate is out of order, but the motion is not.

The VICE-PRESIDENT. The business before the Senate is to divide on the motion of the Senator from Maine.

Mr. MORRILL, of Maine. I gain nothing, I perceive, by this motion at this time. I can make it at any time. It is a privileged motion. And therefore, reserving to myself the right to make the motion again, and giving notice that I will make it and call for the sense of the Senate on the District bill to which I will try to get attention at the earliest moment, I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

BUSINESS OF PUBLIC BUILDINGS COMMITTEE.

Mr. MORRILL, of Vermont. As the morning hour has been nearly consumed, I ask unanimous consent that the Committee on Public Buildings and Grounds shall have the usual hour after the close of the morning business.

The VICE-PRESIDENT. The Senator from Vermont asks that the Committee on Public Buildings and Grounds, which is entitled to a portion of the morning hour, have an hour from this time for its business.

Mr. MORRILL, of Vermont. I do not know that we shall use half the hour.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Revision of the Laws of the United States:

A bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States; and

A bill (H. R. No. 4546) to correct errors and supply omissions in the Revised Statutes of the United States.

The bill (H. R. No. 4675) to relieve Isaac N. Brown of his political disabilities was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 4676) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri was read twice by its title, and referred to the Committee on Public Lands.

HAYDEN'S GEOLOGICAL AND GEOGRAPHICAL REPORT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed fifty-five hundred copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873; three thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and fifteen hundred copies for the use of the Smithsonian Institution.

PUBLIC BUILDINGS AT COVINGTON, KENTUCKY.

Mr. MORRILL, of Vermont. I call up Senate bill No. 1019.

The bill (S. No. 1019) making an appropriation for public buildings at Covington, Kentucky, was considered as in Committee of the Whole. It appropriates \$150,000 for the completion of public buildings at Covington, Kentucky.

Mr. MORRILL, of Vermont. I will state that originally a smaller sum was appropriated, but was found insufficient, and at the last session of Congress an additional sum was authorized to be expended for the erection of public buildings at Covington. The buildings have been commenced, and upon reference to the Secretary of War he says that this amount is indispensable to their completion. Of course we do not like to leave them half completed, and the Committee on Public Buildings, while they have as yet reported no original measure for public buildings, report in favor of this additional sum.

Mr. HOWE. How much has been appropriated?

Mr. MORRILL, of Vermont. I think about \$100,000.

Mr. HOWE. What is the building?

Mr. MORRILL, of Vermont. A post-office and court-house.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOM-HOUSE IN LOUISVILLE.

Mr. MORRILL, of Vermont. I now call up House bill No. 2109.

The bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky, was considered as in Committee of the Whole. It empowers the Secretary of the Treasury to purchase from the owner or owners thereof, at a price not to exceed \$12,500, all that certain piece of ground in the city of Louisville, Kentucky, situate west of and adjoining the United States custom-house, fronting twenty-five feet on Green street, and extending back one hundred and fifty feet, parallel with and the same depth as the custom-house property; and for that purpose appropriates \$12,500.

Mr. MORRILL, of Vermont. The committee, on examination, find that this is essential to the security of the public building at Louisville. This ground is closely adjacent thereto, and in case of fire it would destroy that side of the building. Although the sum appears high, no more will be paid than is absolutely necessary; and from the testimony given before the Committee on Public Buildings and Grounds, it is not near so extravagant as was at first supposed. The land there is exceedingly valuable. The committee therefore report the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PEABODY SCHOOL IN SAINT AUGUSTINE, FLORIDA.

Mr. MORRILL, of Vermont. I call up Senate bill No. 782.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 782) to grant a site for the Peabody school in Saint Augustine, Florida; the pending question being on an amendment offered by Mr. EDMUNDS.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The bill will be read as it stands amended.

The CHIEF CLERK. The bill as amended when before under consideration reads:

That the western part of the lot of land in Saint Augustine, Florida, lying at the corner of Tolamato and King streets, and now the property of the United States, the said part of said lot having a south front upon King street of two hundred feet, and a west end upon Tolamato street of one hundred and sixty-seven and three-tenths feet, a rear upon the north of two hundred feet, and an east end of one hundred and sixty-seven and three-tenths feet, is hereby ceded, given, and granted to the board of education of the State of Florida for the use of a public free school in the city of Saint Augustine, Florida, and to their successors; and the said board of education are hereby fully authorized to erect thereon such a building as in their judgment shall be for the best advantage of the school.

Sec. 2. That this act shall take effect from its passage.

The amendment of Mr. EDMUNDS is to add to the first section the following:

Provided, That if at any time admission to said school shall be denied to any person on account of race, color, or previous condition of servitude, the grant hereby made shall cease, and the property hereby granted shall thereupon revert to the United States.

Mr. MORRILL, of Vermont. I will say that this ground is a portion of land owned by the United States that is of no use to the United States at the present time, and would be exceedingly convenient for a public school that is proposed. The school will be established entirely by the contributions of liberal-minded men of that place.

I will also state that there is a school there for colored children, and that the amendment which my colleague offered is therefore not required, and if he was here I should ask him to withdraw it, as it might interfere with the charity of these persons who propose to establish a first-class school there. I hope the amendment will not be adopted, but that the bill as reported by the Committee on Public Buildings and Grounds will be assented to.

Mr. MORTON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MORRILL, of Vermont. I simply desire to state, so that the Senate may understand it, that this is a proposition on the part of citizens of Saint Augustine to establish a first-class school. They have already there a school for colored persons that is supported by the contributions of the people there, as I understand, fully accommodating all that desire to attend. Now, I do not know that this would injure the bill in the estimation of those parties, but at the same time so anxious am I to have schools established upon any terms in the South either for the white race or the colored, that I would not embarrass the proposition by incumbering it with such a condition as is proposed. In my judgment, the application of that principle upon this bill is not at all necessary.

Mr. HOWE. It does seem to me a little late in the history of the world for the United States to undertake the endowment of schools from which any portion of its people shall be excluded. If there are those in the United States still left who are so anxious for the education of one kind of people, and only one kind, that they are willing to defray the expense of that, I am glad for those people, glad to have such citizens; but I do not want the United States of America to join that fraternity. When the United States lifts its hands or opens its purse or its resources for the purpose of education, I want it to do it for the education of its citizens, or the children of those citizens, without any distinction of race or—what is that other word?

Mr. ALLISON. Color.

Mr. MORRILL, of Vermont. Color or previous condition of servitude.

Mr. HOWE. Color. I am obliged to my friend from Iowa; and I am glad that even the Senator from Vermont had not forgotten it as I had. Without any distinction, then, of race or color—

Mr. CAMERON. Or previous condition.

Mr. HOWE. I omit those words; I see no object in them. Mr. President, I shall vote for the amendment, and if the amendment is refused a place on the bill I shall vote against the bill, if I live to vote upon it at all.

The PRESIDING OFFICER. The question is on the amendment, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 23, nays 24; as follows:

YEAS—Messrs. Alcorn, Allison, Clayton, Conkling, Cragin, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Hitchcock, Howe, Mitchell, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Sargent, Stewart, West, and Wright—23.

NAYS—Messrs. Bayard, Boggy, Cameron, Cooper, Davis, Dennis, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Ingalls, Johnston, Kelly, McCreery, Merrimon, Morrill of Vermont, Ransom, Saulsbury, Schurz, Sprague, Stockton, and Thurman—24.

ABSENT—Messrs. Anthony, Boreman, Boutwell, Brownlow, Carpenter, Chandler, Conover, Edmunds, Fenton, Hamilton of Texas, Hamlin, Jones, Lewis, Logan, Morrill of Maine, Norwood, Pease, Scott, Sherman, Spencer, Stevenson, Tipton, Wadleigh, Washburn, and Windom—25.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. ALCORN. I dislike very much to oppose the passage of a bill like this, being a friend of education; and yet in the present attitude

of the measure I shall be constrained to vote against it. There has been a vote of the Senate here which indicates the fact that the republicans are becoming terribly demoralized upon this colored question. Upon a direct issue here as to whether the colored children of the South shall be excluded from participation in the benefits of this school the Senate has declared that that discrimination shall or may be made. If there had been nothing said in regard to the amendment it might have been held that this school was for the benefit of all the children of the community; but when the question is asked, as it was asked in the form of an amendment, as to whether the trustees of this institution should have power to exclude colored children from that school, the Senate decides that they may have that power. There is an implied license here that they shall exercise that power, and with this implied license following as it does in quick and hot pursuit, I shall vote against the bill.

Mr. MORRILL, of Vermont. I merely desire to say that I think the bill is not open to the criticism of the Senator from Mississippi. It says nothing at all about the question, and leaves it entirely open; and I hope the trustees will allow all children the benefits of the school, but I do not know how that will be; I am not informed on the subject.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to grant a site for a public free school in Saint Augustine, Florida."

Mr. HOWE subsequently said: I move to reconsider the vote by which the bill making a grant of lands to establish a school in Saint Augustine, Florida, was passed.

The PRESIDING OFFICER. The motion to reconsider will be entered.

PUBLIC BUILDING AT TOPEKA, KANSAS.

Mr. MORRILL, of Vermont. I now call up Senate bill No. 55, and I will say in advance that I should not call up this bill, it having been reported at the last session and making an appropriation for a building not yet commenced, but that the Senator from Kansas [Mr. INGALLS] assures me that he will offer a substitute merely providing for a site and for a very small appropriation. This is at the capital of the State, where such a building has been asked for many, many years. I think they ought to have it as soon as we have any funds to construct it; and in order that we may be prepared for that, if the Senator from Kansas proposes an amendment which will only authorize the procurement of a site, I do not object to the consideration of the bill at the present time.

The bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas, was considered as in Committee of the Whole.

Mr. INGALLS. I am aware that the present is not an auspicious time for appropriations for public buildings. An empty Treasury and an anticipated deficiency in the revenue require the strictest economy and a rigid reduction in all our appropriations. But while I believe that the interests of the Government would be subserved, considering the amount of business transacted at the capital of the State of Kansas, the amount of rents that are already paid there for the accommodation of the various offices, and the risk that the records of those offices constantly incur from unsuitable accommodations, yet, on consultation with the chairman of the committee, I have concluded to offer a substitute for the bill providing for the location of these buildings and a very small appropriation for the procurement of a site, leaving the subject of the construction of the buildings to a more favorable time in our financial history. I offer the following as a substitute for the pending bill:

Strike out all after the enacting clause, and insert:

That the Secretary of the Treasury be authorized and directed to purchase at private sale, or procure by condemnation, a suitable tract of land in the city of Topeka, Kansas, for a site for a fire-proof building for the accommodation of the United States district and circuit courts, post-office, pension agency, land offices, and other Government offices in said city; said tract of land not to exceed in cost the sum of \$10,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated; but the same shall not be available until a valid title to the land shall be vested in the United States, nor until the State of Kansas shall relinquish its jurisdiction over the same and all right to tax or assess the same while owned by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize the purchase of a site for public buildings at Topeka, Kansas."

PUBLIC BUILDINGS AT HARRISBURGH, PENNSYLVANIA.

Mr. MORRILL, of Vermont. I now call up Senate bill No. 1270.

The bill (S. No. 1270) to authorize the purchase of a site for public buildings at Harrisburgh, Pennsylvania, was read the second time, and considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to purchase at private sale or procure by condemnation a suitable tract of ground in the city of Harrisburgh, Pennsylvania, for the erection thereon of a building for the accommodation of the post-office and other Government offices in said city, and an appropriation of \$160,000 for the purchase of the tract of ground. The sum appropriated is not to be available until a valid title to the

land shall be vested in the United States, and the State of Pennsylvania shall relinquish its jurisdiction over the same and all right to tax or assess the same while owned by the United States.

Mr. MORRILL, of Vermont. I will say that this bill is for the purpose of procuring a site for public buildings at Harrisburgh, the capital of one of the largest States of the Union, and where they have sought to have public buildings erected year after year. At the last session or the session before the last the Secretary of the Treasury was authorized to ascertain at what price a suitable site could be obtained. The commissioners appointed for that purpose have made an investigation and reported upon the subject. It is not expected that the cost of the land will amount to so much as is here appropriated, but for abundant caution the sum of \$160,000 has been inserted in the bill, as the land will have to be condemned and the valuation fixed by the court.

I believe that the public business requires a building there at some early day; and as I have already stated, it is the capital of the State, and it has been the principle and rule of the Committee on Public Buildings and Grounds, where such buildings were asked for, to grant those for the capitals of States first. This bill merely authorizes the purchase of a site.

Mr. WRIGHT. I wish to suggest to my friend from Vermont, not antagonizing this bill at all, that I notice that the usual—perhaps not exception—but the usual provision found in these bills is not here, "or so much thereof as may be necessary."

Mr. MORRILL, of Vermont. I will accept that as an amendment, "or so much thereof as may be necessary."

The PRESIDING OFFICER. The Chair hears no objection to that amendment being inserted.

Mr. THURMAN. I do not know any better occasion to make a question which I have long thought ought to have been sooner made, than on this bill. I have no objection to the bill, but I do object to one of the provisions in it, although that provision is to be found in many laws which have been passed for the erection of public buildings by the United States.

I move to strike out of the bill all that part which requires the State of Pennsylvania to surrender her jurisdiction to the United States. The Constitution provides that the United States shall have exclusive jurisdiction over the District of Columbia and over all real estate obtained with the consent of the States for forts, arsenals, and other necessary buildings. It is manifestly proper that where property is obtained for a fort or an arsenal or a navy-yard or any other military purpose, the jurisdiction of the United States should be exclusive; but there is no good reason why the United States should have exclusive jurisdiction over the ground occupied by a post-office, while there are many reasons why it should not.

The United States can become a property-owner and does become a property-owner throughout the Union. Whenever it rents property for a post-office or a custom-house or a land office, it is a property-owner there, a lessee, and it is at this very moment a property-owner in the city of Harrisburgh by virtue of its lease of ground for a post-office. There is no necessity, therefore, for the State of Pennsylvania to give her consent to a purchase of property by the United States for a post-office; nor is there any necessity that she should surrender jurisdiction in order to enable us to own a piece of property there and a building upon it to be used as a post-office. What possible good, then, can result from her surrender of jurisdiction? None whatsoever; but on the contrary much evil, for the first thing that results from her surrender of jurisdiction is that nobody committing a crime within that building thus under the exclusive jurisdiction of the United States can be punished in any judicial tribunal of the State of Pennsylvania. The city of Harrisburgh is ousted completely of her police jurisdiction over that building. No crimes committed there against the ordinances of the city, no crimes committed against the statutes of the State of Pennsylvania, nothing done there, can be made the subject of cognizance in any tribunal of Pennsylvania, whether State or municipal. The police of Harrisburgh, as I said, are as much excluded from it as if it was a portion of Austria instead of a portion of Pennsylvania. There is no reason in the world why that should be so.

This provision requiring States to release their jurisdiction to ground for post-offices and custom-houses has been creeping into our legislation of late. It was not formerly done; it has crept in of late and it is time to stop it, in my humble judgment, and I hope the Senate will now and in every other case of this sort strike out any such provision if it be proposed. I hope the Senate will pay attention to this matter, and manifest by its vote now to the committees having these matters in charge that henceforth they are to put no such provisions in their bill.

Mr. MORRILL, of Vermont. The Senator may be right or wrong, but I hope the little remnant that remains of our hour will not be consumed upon so technical an objection as he presents.

Mr. SHERMAN. It is not technical.

Mr. MORRILL, of Vermont. The Government of the United States and the people have got along very well with this provision in every bill, so far as my observation extends, from the foundation of the Government, and I therefore do not think it worth while to discuss the matter at the present time.

Mr. BAYARD. Mr. President, I do not think the honorable Senator from Vermont should term this a technical objection. It is one of great substance, and I think has been very reasonably stated by the

honorable Senator from Ohio. The effect of ceding jurisdiction by the State to the General Government over these buildings and the grounds attached to them is in some degree to create those buildings a sanctuary for those who may violate State law, from municipal or local jurisdiction. We all know that the freedom from taxation which accompanies and ought to accompany all grants of this kind can be readily had; that every property-owner is only too glad to have the Government of the United States purchase property and improve it in the expensive manner in which it generally does. It is very far from being a technical question, but is one of substance, and I think the proposition of the Senator from Ohio will recommend itself to every gentleman of the Senate who will give it his attention. Of course these buildings, although belonging to the General Government, are put there chiefly for local accommodation; they are for the accommodation chiefly of the citizens of the place where they are erected, and should be subject to their police control. It is as essential for the safety of the property of the Government as it is for the safety of the community in which the buildings are erected. I trust the honorable Senator from Vermont will see that it is a reasonable and substantial objection, and that he will understand the spirit in which the Senator from Ohio has offered the amendment. I think it is interesting and important both.

Mr. CAMERON. I do not care whether the amendment is put in or not, for I do not think it of any consequence. The bill, however, is drawn precisely as all the bills of this kind have been passed for fifty or more years, and I am sorry that my very good friend from Ohio did not think of his amendment when a large appropriation was made for his city of Columbus, and a larger one for his other city of Cincinnati, and others for other towns in Ohio for this same purpose. I am still more surprised that my friend from Delaware did not make his objection last year when we were giving him an appropriation for a building of this kind in his State capital.

It is rather unpleasant to me that this little lamb of mine should be sacrificed, as it will if we occupy fifteen minutes more, for that is all the time left to this committee. After waiting sixty or seventy years for a post-office at Harrisburgh, we are met by a constitutional question which nobody thought of until to-day. I am not surprised at it, because I know the care in legislation of my friend from Ohio. I know his watchfulness for the Constitution which we have all sworn to live and die by; but I wish he had let his objection rest for another day or until a case in another State came up. Remember we have a population of over forty thousand people in Harrisburgh; we have no public building of the United States there at all. The house in which the post-office is now kept is unfit for its use. We belong to one of the largest States, a state having nearly four millions of people. But, sir, I see how the hands of the clock are moving, and rather than loose my bill, I am willing that the amendment shall be carried, if that will stop the debate.

Mr. THURMAN. My friend from Pennsylvania cannot have had both his ears open or he would have known that I said I was for the appropriation. I want the bill to pass but do not want this objectionable provision in it, and I hope the Senator having the bill in charge will accept my amendment.

Mr. MORRILL, of Vermont. I cannot accept it, but it is entirely immaterial to me, so far as I am concerned, whether it is voted in or out. I think it unnecessary but I regard it as entirely immaterial.

Mr. THURMAN. Let the amendment be sustained then, and there will be no objection to the bill.

Mr. CAMERON. Very well.

Mr. CONKLING. Let us hear the amendment read.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. The amendment is to strike out in line 14 "its jurisdiction over the same and;" so as to make the proviso read:

Provided, That the sum hereby appropriated shall not be available until a valid title to the land shall be vested in the United States, and the State of Pennsylvania shall relinquish all right to tax or assess the same while owned by the United States.

Mr. CONKLING. I wish the Senator from Ohio would make this question in another way and make it in such wise that a committee can examine it and report upon it, and not move it as an amendment to one single bill. Were the amendment to prevail, we should have this anomaly: an unbroken current of precedents on this subject for a long time one way, containing this stereotyped phrase—the Senator from Ohio shakes his head, partly because he is so accustomed to do it when I say anything that it becomes almost involuntary. Therefore I take occasion to repeat that these words as they stand are contained in a long line of precedents going back precisely how far I do not know; I know of several of them in my own State; I have had occasion to look at them; and although the Senator from Ohio shakes his ambrosial curls, I repeat that such are the precedents. Now without the report of any committee, without anything but a passing vote in a very thin Senate to provide that in the capital of the State of Pennsylvania the rule on this subject shall be one way when in the capital city of New York, since the Senator has been in the Senate, he not objecting and nobody objecting, the other rule has been affirmed and established, the same thing in the city in which I reside, the same thing in other cities of the State of New York and in other States, I submit would be an anomaly which would be quite unwarrantable. If it is right for us to change not only the form but the substance in this regard, I submit it should be done upon the

report of a committee, done with deliberation, and should then by a general bill be made applicable to the cases which it befits. But to take out one isolated case and do it there proposing no general provision which is to correct this, if in truth it be wrong, in other cases, I think would be illogical and unjustifiable; and therefore, without expressing any opinion now upon the question raised by the Senator from Ohio, although as he is aware that question has been considered beyond the confines of this room and considered recently with great care and is a question the consideration flowing from which (not to speak of its own importance) require grave deliberation and deliberate action; assuming that the Senator is right, I submit to him that he ought to offer at some time some general measure which shall cure this and all these cases if it ought to be cured, and not leave the provision stand here, should it be adopted, applicable to one single instance picked out of the whole flock.

Mr. THURMAN. We have to begin somewhere, and we must begin when the first bill comes up. If the Senate manifests its disposition not to enact this provision into a law here, we are to presume that no committee hereafter will report it in any bill. At any rate by our vote now we can put a stop to this in my judgment very erroneous practice, and which if Senators will look into the legislation of the country they will see is by no means as universal as the Senator from New York supposes. I hope the amendment will prevail.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. THURMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 24; as follows:

YEAS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Hager, Hamilton of Maryland, Kelly, McCreery, Merrimon, Ransom, Saulsbury, Sprague, Stockton, and Thurman—15.

NAYS—Messrs. Allison, Anthony, Boreman, Cameron, Conkling, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hitchcock, Ingalls, Jones, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Stewart, and Wright—24.

ABSENT—Messrs. Alcorn, Boutwell, Brownlow, Carpenter, Chandler, Clayton, Conover, Cragin, Dorsey, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Texas, Hamlin, Harvey, Howe, Johnston, Lewis, Logan, Morrill of Maine, Morton, Norwood, Pease, Schurz, Sherman, Spencer, Stevenson, Tipton, Wadleigh, Washburn, West, and Windom—33.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT THE DALLES, OREGON.

Mr. MORRILL, of Vermont. I call up Senate bill No. 1097.

The bill (S. No. 1097) to donate to the State of Oregon a public building, lot, and material, situated at The Dalles, Oregon, was considered as in Committee of the Whole. It donates the mint building, material, and lot on which it is located, at The Dalles, Oregon, to the State of Oregon, on the condition that the building and lot shall be appropriated by the State to the use of some educational or charitable institution.

Mr. MORRILL, of Vermont. I merely desire to say that this building has been for several years and is rapidly being so much injured by the weather that it will soon be valueless. The Government of the United States has no use for it whatever, and I do not know what better we can do with it than donate it to the State of Oregon and get rid of having charge of it. It is some expense to take charge of it.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROADS IN WASHINGTON.

Mr. MORRILL, of Vermont. I now call up Senate bill No. 861.

The bill (S. No. 861) for a commission to regulate and arrange tracks and depots for steam-railways within the city of Washington was read the second time, and considered as in Committee of the Whole. It constitutes the chief officer of engineers of the Army of the United States, the engineer officer in charge of public buildings and grounds in the city of Washington, and three other suitable and competent persons, to be selected by the President of the United States, a commission to examine the whole subject of steam-railway tracks entering the District of Columbia, both as to existing roads and those in course of construction, and especially as to connections which will best accommodate travel and trade by land and water; the location and construction of tracks and depots, so as to diminish and limit the obstruction of streets, avenues, and public grounds as far as possible; and also to examine as to the location of horse-railways now existing or authorized, and what more are or will be required for the future accommodation of the city of Washington, and where such railroads may be properly established without interfering with public grounds and with the least convenience to avenue and streets; and further to examine and report upon some just and equitable system of taxation for horse-railways, based upon the amount of gross or net receipts, and to report a full and comprehensive plan, embracing all the points herein mentioned, and all matters properly connected therewith, to Congress, on the 1st of December, 1875.

Mr. ROBERTSON. I move that that bill be referred to the Committee on the District of Columbia.

Mr. MORRILL, of Vermont. I trust that will not be done. I sup-

posed that the Committee on the District of Columbia had no opposition to this provided they got their railroad bills through; I understood that they would even aid in the passage of this bill. I take it that there is not a member of the Senate who does not recognize the policy of having a commission of this sort. Here is the Baltimore and Ohio Railroad Company waiting for the action of the House before they establish their depot. The question is of sufficient magnitude to be assigned to a competent commission. I do not desire to occupy any time discussing it. I trust that the motion to refer the bill to another committee will be voted down and that we shall pass it at the present time.

Mr. ROBERTSON. The bill will create three more fat offices in this District, to which I am opposed. The Committee on the District of Columbia is the proper reference for the bill, and I therefore move to refer it to that committee.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

The question being put, a division was called for; and the yeas were 5—

Mr. MORRILL, of Vermont. We shall have to call the yeas and nays in order to get a quorum, I suspect.

The yeas and nays were ordered, and the Secretary proceeded to call the roll. Mr. ALCORN answered to his name.

Mr. ROBERTSON. I ask that the bill be read. I think Senators do not understand it. It creates additional offices, and I want Senators to know what they are voting on.

Mr. FRELINGHUYSEN. The roll-call cannot be stopped to read the bill.

The PRESIDING OFFICER. That point is correct; the roll-call will proceed; the reading of the bill is out of order now.

Mr. MORTON. I inquire if the morning hour has not expired?

The PRESIDING OFFICER. Not for five minutes yet. This committee has until ten minutes past two.

The Secretary continued and concluded the calling of the roll.

The result was announced—yeas 18, nays 30; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Davis, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Johnston, Kelly, McCreery, Merrimon, Patterson, Ransom, Robertson, Saulsbury, Sprague, and Thurman—18.

NAYS—Messrs. Anthony, Boreman, Cameron, Chandler, Conkling, Cooper, Cragin, Dennis, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Harvey, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Scott, Stewart, Wadleigh, West, Windom, and Wright—30.

ABSENT—Messrs. Allison, Boutwell, Brownlow, Carpenter, Clayton, Conover, Dorsey, Edmunds, Fenton, Hager, Hamilton of Texas, Hamlin, Howe, Lewis, Logan, Norwood, Pease, Schurz, Sherman, Spencer, Stevenson, Stockton, Tipton, and Washburn—24.

So the motion was not agreed to.

Mr. ROBERTSON. I call for the regular order.

Mr. MORRILL, of Vermont. If the hour has expired, I move the postponement of all prior orders that we may finish the voting on the present bill.

The PRESIDING OFFICER. The Senator from Vermont moves the postponement of all prior orders.

Mr. THURMAN. Before the Senator makes that motion, I—

Mr. MORRILL, of Vermont. It will take but a moment.

Mr. THURMAN. What I was going to say is this: I understand a motion will be made to recommit the steamboat bill, and if that motion is to prevail it ought to be done immediately.

Mr. MORRILL, of Vermont. It will take but a few moments to dispose of this bill. I do not think there is a Senator here who desires to debate it. It is well understood what the purpose of it is, and I believe that every Senator approves of the object of the present bill. I know of no one who does not.

Mr. THURMAN. I should like some determination to be come to in regard to the steamboat bill. Let it not be postponed, but passed over informally.

Mr. MORRILL, of Vermont. If no one objects, I will agree to that.

Mr. ROBERTSON. I object.

The PRESIDING OFFICER. The Senator from Vermont moves that all prior orders be postponed for the purpose of continuing the consideration of this bill.

Mr. THURMAN. I hope that will not be done. That displaces the steamboat bill. If the Senator will move to postpone it for half an hour, I will agree to that.

Mr. MORRILL, of Vermont. I will say half an hour, though I do not think it will take three minutes.

Mr. THURMAN. Very well; if it is disposed of sooner, let the regular order then come up.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to postpone the regular order for half an hour in order to continue the consideration of the pending bill.

Mr. SCOTT. Let me suggest to the Senator from Vermont that instead of moving to postpone all prior orders, he move to extend the hour of his committee.

Mr. MORRILL, of Vermont. I move to extend the hour long enough to dispose of this bill.

The question being put, there were on a division—yeas 23, noes 7; no quorum voting.

Mr. MORRILL, of Vermont. Let us have another division. I presume we can get a quorum to vote without calling the yeas and nays.

The PRESIDING OFFICER. The Chair will again put the ques-

tion on extending the time of the Committee on Public Buildings and Grounds for the purpose of concluding the consideration of the pending bill.

The question being again put, there were on a division—ayes 33, noes 6.

So the motion was agreed to.

The PRESIDING OFFICER. The bill (S. No. 861) for a commission to regulate and arrange tracks and depots of steam railways within the city of Washington is still before the Senate as in Committee of the Whole.

Mr. ROBERTSON. I ask that the Clerk read the bill through. I do not think the Senate understand it. It is a bill to create more officers in this District.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. ROBERTSON. I move to add the following proviso to that bill:

Provided, That said board shall serve without compensation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. ROBERTSON. Now I will vote for the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation.

The message further announced that the House requested the return of the bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia, that an omission in the engrossment may be supplied.

AMENDMENT TO APPROPRIATION BILL.

Mr. INGALLS submitted an amendment intended to be proposed to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

STEAMBOAT LAW.

The PRESIDING OFFICER. The unfinished business of yesterday is the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, which is now before the Senate as in Committee of the Whole.

Mr. CHANDLER. I wish to state in justice to the Committee on Commerce that the Senator from New York, who misapprehends the case somewhat, has made a slight mistake. This steamboat bill—substantially this bill—has been before Congress for about four years. It passed this body once or twice, passed the other House once or twice, and finally came to us on the report of a committee of conference, but was defeated for want of time in the closing days of a session. This bill was read more than once and occupied more time of the Committee on Commerce of each House than any bill I think that has ever been before it.

Mr. CONKLING. When was it read in the Committee on Commerce? Will the Senator state?

Mr. CHANDLER. Years ago. This identical bill was referred to a sub-committee, of which the Senator from New York was a member, and we never could get it out of the hands of that sub-committee for reasons which I cannot explain. It lay in the hands of that sub-committee for months; and finally, when we got action before the committee, it was in the hands of that sub-committee; but the bill itself substantially, as it now stands, is the bill that passed the Senate, passed the House, came to a committee of conference, and was defeated for want of time to act on the report of the committee. I say this as a simple act of justice to the Committee on Commerce. They spent more time on this bill, and have for the past four years, than on any bill that has been before them.

Now, Mr. President, I am disposed to accept the proposition of the Senator from New York to allow the bill to go back to the Committee on Commerce, with the understanding that they shall consider it from now until Saturday or Monday, and that on Saturday or Monday it shall be reported to this body and the Committee on Commerce shall ask action on it. I therefore move its reference to the Committee on Commerce.

Mr. CONKLING. I shall acquiesce in that motion of course; but before doing so justice to somebody besides the Committee on Commerce requires a word in reply to the statement of the Senator.

I repeat that since I have been a member of the Committee on Commerce this bill or the equivalent of this bill has never been read in the committee, and in order to fortify myself upon that statement, I have consulted every member of the Committee on Commerce who

was accessible, and every member has informed me that never in his presence or hearing was this bill read. So much for that part of the Senator's statement.

I come to another matter to which I should not, in spite of the rule, have ventured to refer; but now that the Senator has opened the door, I am very glad to be able at last to do justice once for all to myself, who have been referred to by the Senator from Pennsylvania as a member of the committee who ought to know, and at the same time to other members of the committee. I refer of course to the statement of the Senator from Michigan, that the bill having been committed to a sub-committee, it was impossible to get it out of the hands of that sub-committee, and he says it there remained for months; a statement which my honorable friend will find utterly wrong if he will refer to recorded dates. But no matter about that. Now, Mr. President, for the facts.

This bill was referred by the Committee on Commerce to a sub-committee consisting of the Senator from Massachusetts not now in his seat, [Mr. BOUTWELL,] the honorable Senator from Connecticut [Mr. Buckingham] not now in his chair, and never to be with us again, and myself. That sub-committee was guilty of no dereliction and no delay. The Senator from Massachusetts fell sick, and was for some weeks so seriously ill as rarely to be able to attend the Senate. Notwithstanding that, and by the aid of an expert whom he summoned to his side, that Senator diligently pursued the examination, and so did the honorable Senator from Connecticut, now no more. It would not be becoming in me to attribute diligence to myself; but I will deny whenever the charge is made that I was guilty of any default or delay whatever on this subject. On the contrary, I have on paper and now within my reach the evidence which will show that whatever error I committed, a want of diligence in gathering information was not a part of that error.

The sub-committee having gone substantially through this matter, being substantially ready to report, learned to its utter amazement that, under circumstances which I will not speak of, assent was obtained of the Committee on Commerce, without the sub-committee knowing anything about it, to take bodily from the committee the bill without dotting an *i* or crossing a *t* and bring the whole thing back into the Senate; and that knowledge never came to a member of the sub-committee until after the bill had been called up in the Senate, excepting that my friend from Michigan tells me that one member of the sub-committee, the Senator from Massachusetts, was present on an occasion when it was spoken of in committee, but the other two members of the sub-committee certainly never heard that the bill had been reported from the committee until a proposition was made to call it up here in the Senate.

Mr. President, I say this in justice to all concerned. I impute nothing to anybody; I complain of nothing; but the truth undoubtedly is, first, that this bill or any bill equivalent to it has never, within the last three years at all events, been considered by the Committee on Commerce. The truth is that no question was ever taken upon a section of the bill or an amendment to it, and that while the sub-committee was diligently and faithfully working by the aid of experts to amend the bill as it should be, they were suddenly, without their knowledge, ousted of jurisdiction and the whole bill without a change in it brought back into the Senate and we confronted with this technical report.

I am very glad, I repeat, to have had the opportunity to say this, because I wish to disabuse the mind of every Senator of the idea that I or anybody acting with me have been making factious opposition to the bill or doing an unusual thing. We have simply been insisting that consideration should be given to those amendments which we were not permitted in committee to consider, and particularly as ever since the bill came up on the present occasion a bare quorum only has been present, so that no majority of the Senate has ever yet voted against one of these amendments; Senators will see if they look at the yeas and nays that they have been voted down usually by less than two-fifths of the Senate.

But, Mr. President, if the bill can go to the Committee on Commerce with the understanding that it is to be reported back not later than Monday next, I promise the honorable Senator from Michigan that I will attend his call as a member of the committee, and I hope others will do so; we will consider it, and I have no doubt that it will abbreviate and substantially put an end to all delay by way of consideration of the bill in the Senate.

The PRESIDING OFFICER. The question is on the motion to recommit the bill to the Committee on Commerce, with the understanding that it be reported back on Saturday or Monday as the committee may agree.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes; in which it requested the concurrence of the Senate.

BILLS RECOMMENDED.

Mr. HOWE. I ask to have the bill (H. R. No. 4466) permitting Lieutenant-Commander Frederick Pearson, of the Navy, to accept a

decoration from the Queen of Great Britain recommitted to the Committee on Foreign Relations.

The VICE-PRESIDENT. The bill was indefinitely postponed. Does the Senator ask to have that motion reconsidered?

Mr. HOWE. I move that the vote indefinitely postponing the bill be reconsidered, and that the bill be recommitted to the Committee on Foreign Relations.

The VICE-PRESIDENT. The Chair hears no objection, and the order will be made.

On motion of Mr. PATTERSON, it was

Ordered, That the bill (H. R. No. 3725) granting a pension to Mary Ann Eaton be recommitted to the Committee on Pensions.

Mr. OGLESBY. The bill (H. R. No. 1644) granting a pension to Hannah E. Currie was reported back from the Senate Committee on Pensions some time ago and indefinitely postponed. I ask that the Senate give consent that the motion to postpone indefinitely may be reconsidered and that the bill may be recommitted to the Committee on Pensions to hear evidence which ought to have been, and was intended then to have been, laid before the committee, but through neglect was not laid before it. For that purpose I think the bill ought to be recommitted, and I ask unanimous consent of the Senate that the vote to postpone may be reconsidered and the bill recommitted to the Committee on Pensions.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent to reconsider the vote indefinitely postponing the bill (H. R. 1644) granting a pension to Hannah E. Currie.

The motion was agreed to; and the bill was recommitted to the Committee on Pensions.

HOUSE BILL REFERRED.

The bill (H. R. No. 3321) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

GOVERNMENT OF THE DISTRICT.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of the bill for the better government of the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 963) for the better government of the District of Columbia, the pending question being on the amendment of Mr. MORTON to strike out in section 3, commencing in line 3, the following words:

To be severally appointed by the President of the United States, by and with the advice and consent of the Senate, to be known as the board of commissioners of the District of Columbia; and the members first to be appointed shall be nominated and confirmed, respectively, to and for the terms following, in the order of their appointment, namely:

And in lieu thereof to insert:

To be elected by the qualified voters of said District.

So as to make the section read:

There shall be at the head of said Department a board of commissioners, to consist of three members, to be elected by the qualified voters of said District, &c.

Mr. MORTON. As I offered this amendment, before the vote is taken I desire to call the attention of the Senate to its importance and to the great interest that is involved. In a bill which passed Congress at the close of the last session suffrage in this District was stricken down, and the Government committed to three commissioners, to be appointed by the President and confirmed by the Senate. That bill passed hastily, without much consideration, and under what seemed to be an apparent necessity at the time, but it was understood to be temporary, that it was simply to bridge over the interregnum until this session of Congress when another form of government would be considered and devised. If it had been understood then that suffrage in this District was to be permanently destroyed, I do not believe the bill could have been passed with all the pressure and the apparent necessity for its passage. That bill has been made a stepping-stone, and we now have the proposition in Congress permanently, for a long series of years, to destroy the right of suffrage both of white and black people. I am opposed to this upon principle; I am opposed to it upon the ground of expediency; I believe it is wrong in every way; and if it shall become a law, it is a precedent that will come back to plague us. It will come back from States to plague us, and will be the recognition of a fact upon our part the effect of which we can scarcely get clear of before the people. Put this bill upon whatever ground you choose, make whatever arguments you may in favor of it, so far as this part of it is concerned it will be said, and everybody will understand whether it is so said or not, that suffrage has been stricken down in this District to get rid of the colored vote. That is the use that will be made of it. During the last canvass in my own State the leading democratic orator upon the other side threw it into our faces, in his argument against colored suffrage, that we ourselves had found it an intolerable burden in this District, and that to get clear of it we had disfranchised everybody. There was then, it was said, no time to reorganize the government of the District, and, as I before remarked, it was understood that it was to be a temporary thing; but that use was made of it, that argument was constructed from it, and now if we shall strike down suffrage permanently we shall do a thing that is anti-demo-

cratic, anti-republican, and which will be made an excuse and a precedent for the destruction of colored suffrage in every southern State.

To show that I am not mistaken about the view taken of this, I propose to read a brief extract from the speech of the Senator from Delaware [Mr. BAYARD] when this bill was up a few weeks ago. He said:

If the evil of negro suffrage has resulted in injury to the people of this District, he and his party friends caused it; and if they have destroyed suffrage, if they have wiped it out as a motive-power in the government of this District, it is their act, and they are peculiarly and solely responsible for it. And now it is again for them to determine whether they shall again renew this system, which has been so fruitful of loss and injury morally and pecuniarily to this community, or whether they will abandon it; and I can well understand the quandary in which they find themselves placed.

I stop here now to make one comment upon the statement of the Senator from Delaware. He attributes what he pleased to call the misfortunes of this District to the creation of colored suffrage, or to suffrage. I think the Senator is mistaken entirely. The troubles of this District have not come from suffrage; they have not come from elective officers, whether elected by white or by black men. Suffrage is not peculiarly and especially responsible for it; but the Senator would make the impression, and thus have the understanding to be, that what are called the troubles of this District have arisen from the existence of negro suffrage, and he utters the understanding that we have stricken it down because we found it too intolerable to carry.

Mr. President, it was in this District that colored suffrage was first established; and shall it be that this District shall furnish the first examples of its destruction? Does anybody believe for one moment that if suffrage was confined to the white people here there would be an effort to take suffrage from them and to establish a government that is purely arbitrary in its character, over which the people of this District have no control? I cannot believe it; and yet when we come right down to the facts it is impossible for any man to show that colored suffrage has brought upon this District the troubles which are complained of, or that it has wrought injury. There are in this District now about one hundred and fifty thousand people, a larger population than four States of this Union, I believe, contain to-day, and it is growing faster than some States are growing. Yet we have the proposition to deprive this people of the right of suffrage for all time to come, and to give the control of their affairs to three commissioners, to be appointed by the President and confirmed by the Senate. As I said before, this is against the very spirit of our institutions. It is contrary to the theory upon which our Government is based. We go upon the principle, and that is the foundation principle of our Government, that governments should exist by the consent of the governed, and that there should be no taxation without representation. That was one of the causes which led to the Revolution. Our fathers claimed that there should be no taxation without representation, and professed to believe that people could govern themselves better than others could govern, whether sent by a king or whether sent by a president to act as their governors. We professed to believe that people understand their local wants, and can administer to them better than a governor appointed without their consent and not responsible to them in any way. We have always professed to believe that a local, elective, representative government, directly responsible to the people whom that government controls, is a safer and better one than any appointed government can be. I have been taught to believe so from my boyhood, and I believe it to-day as much as I ever did. There is no experience in this District, or in this country, or anywhere else that in my opinion contradicts this theory. I stand by it in regard to this District as much as I have ever done.

We are told that the Constitution of the United States gives to Congress exclusive jurisdiction to legislate for this District, and that therefore we cannot create a local government in which the people shall control their own affairs without a violation of that provision. If we can delegate the power to govern this District to three men to be appointed by the President, we can delegate it to a hundred men to be appointed by the President, and if we can delegate it to a hundred we can delegate it to the whole people to be exercised by way of suffrage under rules and regulations that may be provided in this or in some other bill. The same power that appoints and clothes three commissioners with the power to govern this District can refer the whole question to the people and authorize them in the form of suffrage to elect mayor and common council, or a governor and legislature, or to elect these commissioners direct. There is no possible difference in principle.

The Senator from Ohio [Mr. THURMAN] said that there was no natural right involved in this question. When this bill was up before, and he will correct me if I misrepresent him, he said that there was no natural or moral right which required us to give to the people of this District the power to govern themselves. I take issue with that proposition entirely. I say that the power of Congress to govern this District ought to be exercised in accordance with the theory of our Government; that it ought to be exercised in accordance with the doctrine of natural rights, and that it should be so exercised as to give to the people of this District, as far as possible, the same right to govern themselves that we give to the people of a Territory, or that the people of a State have, and there is no trouble about it. For some sixty years the people of this District had a local government, and they got

along, I believe, very well with it; but times changed, the basis of suffrage was enlarged, the city was growing rapidly since the beginning of the war, and a new government was devised, partly elective and partly appointive, and it is impossible now for any Senator to say that the troubles which have come upon this District have grown out of that part particularly that was elective.

It is the duty of Congress in providing a government to assimilate that government as far as possible to the theory of our institutions, to recognize the natural right of men to govern themselves as far as that is possible; and if we set the example here of striking down suffrage, we may rest assured that that example will be quoted, ay, quoted before we have gotten away from the city, as a precedent for striking down suffrage in States where they are now complaining of it. Does any one doubt that when the time shall come and with such an example, with a change of administration here, if you please, with a democratic President educated in hostility to universal suffrage, taught to believe that colored men have no rights of a political or civil character, suffrage in Southern States will not be changed and that pretexts will not be found—perhaps no pretext but force will be found—to strip the colored men of the right of suffrage? We shall then be told that in this District where the experiment was first tried it was first a failure, and that a republican Congress upon a very thin pretext, with very transparent disguises, took the first opportunity to get clear of colored suffrage, and that for the sake of doing that they were willing to destroy suffrage altogether.

I can understand the offer of a large part of the people of this city, who have been outraged from the beginning as they believe by the establishment of colored suffrage, to be deprived of suffrage themselves in consideration that it shall be taken from the colored people. What is to be gained by it? Will this city be better governed by three commissioners to be appointed by the President than by three commissioners to be elected, or by some sort of an elective government? I do not believe it. I would rather trust three commissioners elected by this people, responsible to this people for their conduct in office, than three men to be appointed by the President and confirmed by the Senate, who would not be responsible to anybody but the appointing power. There is no safety in that form of government. The principle of it is wrong. There is no occasion for its application. I reject it utterly except where it may be an absolute necessity, and I know of no such necessity here.

But I had not finished the quotation from the remarks of my friend from Delaware:

The committee which has reported this bill—

I read from a speech made a few days ago—

is of course, as we know, in accordance with the dominant majority of the Senate and the other House, and they have simultaneously reported a bill in either House without reserving to the local population this very important power or right or franchise of suffrage which I think I once heard the honorable Senator say was a "God-given right," the right to vote. They have taken strange liberty with that "God-given right," and here in this District they have absolutely annihilated it, so that to-day the "God-given right" of voting is not exercised by any man in the District, wise or otherwise, black or white, fit or unfit to exercise so high a franchise as I esteem the right of voting to be.

The Senator holds the republican party responsible for this thing. He does right. He has the right to do it. We shall be held responsible everywhere for it. As I said before, it is a thing that will come back to plague us on every stump in every State in this Union. The Senator goes on to say, for this is all instructive, what we can expect:

Now comes the question whether, in what we know of the condition of this District, of its population, and relations of the two races and classes who inhabit it, it is for the benefit of all that you shall restore suffrage to all together, the black with the white, or whether you shall protect the black and the white against the abuses of this great power of suffrage! That is the question. What is just? What is right? Well, sir, on that subject I am disposed to consult not only my own idea of the interests of the people of this District, but I am disposed to consult their wishes. I have always believed and believe to-day that the great safety-valve of government in this country is the right of the people, by the peaceful process of the ballot, to vote themselves free from suffering and to avoid the repetition of error. It is that peaceful process in this country which has taken the place of violent revolutions elsewhere, and we have seen the most wonderful and, in my opinion, most beneficent illustration of that principle in the elections which took place in this country in the last fall. So it should be here.

I call particular attention to what follows:

I do hope to see the day when the control of the question of suffrage in this country shall be left where the federal idea of our Union of States intended it to be left, with the communities who are to be affected for better or for worse by it. So in regard to the people of this District I would endeavor to apply the principle.

Here we have a foreshadowing of what the whole situation teaches us to expect, and that is the coming of that time, not far distant perhaps in the perspective of the Senator, when the people of each State, regardless of the fourteenth and fifteenth amendments of the Constitution, shall have the right to determine the question who shall vote in those States. Should there be a democratic administration here, the election of a President who is opposed to these amendments and opposed to this change of suffrage, who believes in the largest view of State rights, then the time has already come, prayed for and prophesied for by the Senator from Delaware, when the people of each State shall determine for itself the question of suffrage; which means that the people of South Carolina, of North Carolina, and of every other State may in their own way, determine the question who shall vote; in other words, that they shall disfranchise the colored people. That is the use to be made of the precedent which we are now asked to set.

I desired to refer to some things said by the Senator from Ohio [Mr. THURMAN] at that time. I will give one quotation. In the course of the speech of the Senator from Ohio, in referring to the plain, downright, frank statement of the Senator from Delaware that this bill was to get clear of colored suffrage, the Senator from Ohio, thinking it might not be good policy to make that avowal just now, very gently turns aside the remark of the Senator from Delaware in this language:

Again, my friend on the left [Mr. BAYARD] says that this is to test the question of the policy or impolicy of negro suffrage. With great respect to him, I do not so consider it. I do not consider that upon the passage of this bill the question of the capacity of the colored people for suffrage is necessarily involved at all.

The Senator from Ohio, who is a wise politician, and perhaps was desirous of keeping that question out until all was consummated, gently turns aside the remark of the Senator from Delaware. But the Senator from Delaware was right. He gave the reason which will always be ascribed for this action, which will be justly ascribed, and the force of which we on the other side cannot avoid.

Therefore I beg those who do not wish to concur in the effect and the policy of this example to consider well before they vote for this bill. My amendment is that these three commissioners shall be elected by the qualified voters of this District, and that they shall not be appointed.

Mr. MORRILL, of Maine. I renew the motion I made this morning, that the Senate take a recess at five o'clock until half past seven o'clock this evening.

Several SENATORS. O, no!

Mr. CONKLING. Is that in order?

Mr. THURMAN. I hope that will not be agreed to.

Mr. MORRILL, of Maine. The motion is not open to debate.

Mr. BAYARD. I would ask if that motion has not been voted upon and voted down by the Senate?

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The motion is in order. At any time any Senator has a right to move a recess.

Mr. THURMAN. Mr. President—

The PRESIDING OFFICER. The question is not debatable.

Mr. THURMAN. I wish to know whether it is in order to make the motion now?

Mr. MORRILL, of Maine. It is in order at any time.

Mr. THURMAN. That there shall be a recess?

The PRESIDING OFFICER. The rule is:

That during the present session it shall be in order at any time to move a recess.

Mr. MORRILL, of Maine. Let us have the sense of the Senate.

Mr. BAYARD. Is debate in order?

The PRESIDING OFFICER. Debate is not in order.

Mr. BAYARD. Without desiring to debate the subject—

The PRESIDING OFFICER. Is there objection to the Senator proceeding? The Chair hears none.

Mr. BAYARD. I wish merely to throw out a suggestion, not to discuss the merits of this matter. The effect of the action on this motion this morning has caused certain gentleman to make engagements that they would now be compelled to break were the Senate to sit to-night.

The PRESIDING OFFICER put the question on the motion, and declared that the yeas appeared to prevail.

Several SENATORS. Divide!

Pending a division,

Mr. MORRILL, of Maine. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MORRILL, of Maine. I wish to make a few observations in reply to the honorable Senator from Indiana, [Mr. MORTON,] who has emphasized what he said on a former occasion and to which I then replied somewhat.

The Senator assumes that there is a question of suffrage in this proposition. By no possibility whatever does any such question arise, either in Constitution, logic, or law. There is no suffrage without representation, and no representation is possible in this District under the Constitution. It may have been a very unwise thing in the framers of the Constitution that they did not provide for it. It may be that if my honorable friend had been a member of that convention, prominent in it as he would have been, it would have been otherwise; but suffice it to say there is no representation given to this District by the Constitution, and there can be none until you change the Constitution. Therefore this whole question of suffrage, of the violation of the principles of suffrage and the principles of popular and local self-government, is a fallacy. You talk about violating the right of suffrage where the exercise of it is a sham necessarily, as it is here! No representation was provided for by the Constitution. This District is not put upon the plane of States, or Territories, or cities, or towns. It is a capital, simply, purely, clearly a capital, in which every jurisdiction, civil and political, is absolutely excluded by the terms of the Constitution. The idea is that we are about to crucify suffrage here in the District of Columbia, because what? Because there happen to be a few colored people here. This idea would never have occurred to my honorable friend if there had been no colored people here; nobody would have thought of it. What is the ratio of colored people here compared with the whites? About one in three; and now it is said that if we do not confer upon these white people and these colored people the right of the elective

franchise it will go all over this country and be taken for granted that we have declared in the Congress of the United States against negro suffrage everywhere. Does my honorable friend think that is logical? Because my honorable friend from Delaware let slip some words which are susceptible of an interpretation that he does not favor negro suffrage as a general proposition, we are to be charged with a purpose of ignoring the whole question of negro suffrage as embodied in the constitutional amendments! Does anybody propose to charge me with any such purpose as that? Does anybody suppose that those who had charge of draughting this bill had any such purpose as that? For one I desire to disclaim it. For one I protest that is not the purpose and by no possibility can the implication arise. I am not to be frightened by such a bug-bear as that. When it comes to this, that under the exclusive authority given in the Constitution of the United States we cannot legislate impartially as well for white men as for black men, then I shall be in favor of a new order of things.

Do the people of this District want suffrage? How much suffrage do they get by this proposition now? Here is a bill providing for an Executive Department, in which is vested the executive authority of this District, the power to execute the laws, and that is all there is. The entire legislation of this District is in Congress by the terms of this bill. It is precisely where it always has been, and when my honorable friend talks about our delegating the power of the Government, we never have done it; that question has never arisen under our legislation. It never was contemplated by the Constitution. It never has been exercised. The authority which has been delegated has been the power simply to make rules and regulations to govern executive authority, but the legislative authority has always been in the Congress of the United States. Always we have had in each branch of Congress a Committee on the District of Columbia, whose business it was to supervise the legislation of this District.

I wish to call the attention of the Senate to one fact, however, which was adverted to the other day; and that is, that this bill provides for a Department in the Government of the United States whose duties are confined to the District of Columbia. The proposition of my honorable friend from Indiana is that the head of that Department shall be elected. The bill provides that it shall be appointed by the President. Does anybody suppose that it is practicable for us to create a Department in the Government and then authorize the people to elect its head? The Constitution of the United States provides that the President of the United States, by and with the advice and consent of the Senate—

shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Here is a Department to be established. My honorable friend proposes to take that power away from the President of the United States and vest it in the people. In my judgment, that is too clear a proposition to argue. It cannot be done. You may change the structure of this bill, but you cannot fill the head of a Department of the Government of the United States by an election by the people. If the opinion of the Senate should be that these commissioners ought to be elected, then the bill could be changed, but that would change the whole structure of the bill.

After what has been said on a former occasion, I am not disposed to argue this question at length. Here is a bill that occupied a very large share of the attention of the select committee during the last recess of Congress. It has been carefully prepared. Of course the committee believe that it will furnish a good government for the District. I am perfectly conscious at this late day in the session that it is utterly useless for us to undertake to pass this bill unless, having settled some general principles in regard to it, the Senate are disposed to take the details of it much on confidence. Therefore I shall content myself with an expression of the Senate upon this question. If the Senate conclude to adopt the proposition of the Senator from Indiana, I shall feel that to be an end of this bill and an end of legislation on this subject for this session. I should regret it; I should deplore it; I should think it a very great misfortune. I should think it would be a very great outrage—if I may be allowed that word—upon the people of this District if we are to have no legislation on this subject at this session. The government that rests on the people of this District at the present time is intolerable. It is an oppression that ought not to rest upon them.

Mr. MORTON. Is that government elective?

Mr. MORRILL, of Maine. It is intolerable in that it provides no revenues; it is arbitrary to say no more, and the people of this District have a right to have a better arrangement of their affairs than they have at present, and therefore I hope that it will be found to be the sense of the Senate not to adopt this proposition of the Senator from Indiana.

Mr. STEWART. Mr. President, I fully concur in the hope expressed by the Senator from Maine that this bill will be taken substantially as it is. It is obvious that it is impossible to arrange the details of such a measure in the Senate. So far as I have been able to examine it, they have been carefully provided for in the bill, and the only question that remains is the question of the theory of the bill. Is that right? This amendment brings up that question

directly. The question presented by this amendment is, Shall Congress in obedience to the Constitution exercise the power therein expressly delegated to Congress, or shall Congress shirk it in some way and turn it over to some irresponsible party or parties, for they must be irresponsible beings outside of the law and outside of the Constitution, and leave these people in the same condition of anarchy or worse than anarchy that has existed for a long time? The Constitution is very plain in this respect. It says that Congress shall have power—

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

The authority delegated to Congress over this District is the same as is delegated over forts, arsenals, magazines, dock-yards, and other needful buildings; it is exclusive legislative authority. The Government of the United States by the machinery of the Constitution exercises its jurisdiction through officers of the United States and in no other way. And how are officers of the United States appointed? The Constitution provides how all officers of the United States shall be appointed. It provides in so many words. If Congress is to exercise its jurisdiction, it must exercise it in the way the Constitution points out. The Constitution has provided the mode of exercising that exclusive legislative jurisdiction. In forts and arsenals it is exercised by the Army and Navy officers and other officers of the United States, for nobody ever thought of electing officers in those places. This is a like jurisdiction, and the Constitution points out officers who shall be appointed. The President—

Shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

But it nowhere says that Congress may vest these appointments in the floating population of the District of Columbia. There is no such suggestion in the Constitution. If Congress is to exercise this exclusive power of governing the District which is conferred by the Constitution, it must do it in the constitutional way and no other; and whatever may be said in criticism of this, that it is against popular government, is said without proper and due reflection; it is said without having considered the circumstances of the case, for I do think that if there was any one subject where there seems to have been a foresight and a knowledge in advance of the circumstances that must occur, it was in the case of providing for the exclusive government of this District by Congress.

Do you say that this move is against negro suffrage? I deny it, and I think I may deny it without sustaining any charge of being myself opposed to negro suffrage, for I believe I have witnessed by my votes here that if there was any one thing I was in favor of, it was negro suffrage. I have taken my full share in the efforts, which have culminated in success, to confer suffrage on all citizens of the United States alike. This has no reference to the question of negro suffrage. It has reference simply to the question of whether we shall in pursuance of the Constitution exercise the power that is required of us to exercise and govern this District through officers of the United States appointed according to the Constitution.

Now suppose it was otherwise; suppose the Constitution had made provision for governing this District by a vote of the people here; it would be a lamentable thing unless you required a ten or twenty years' residence in order to be a voter. Most of the population here are temporary. Though they may stay here a few years, their main interest or business is elsewhere. They come here as clerks in the Departments or to attend to the business of the United States in other capacities. They are mere sojourners here; their interest is elsewhere; and when one administration goes out and another comes in there is a vast change of the controlling vote of the District. They are only staying here a few years on public business, and there always will be votes enough to control the destiny of the District in this transient population. There will always be a large transient population that are not citizens of the District, in the legitimate sense of the term, to control its destiny. Every experiment of popular government here has illustrated that most forcibly. The want of responsibility, the want of citizenship, the transitory character of the residence of those who lived here and exercised the power has been seen in the results every time it has been tried.

The committee who spent three or four months last session investigating the affairs of this District were forcibly impressed with the fact that the elections were controlled, I will not say by colored or white voters, but by the floating population who had not permanent interests in the city, and it was impossible to secure good government by that means. The theory of popular government is that it is to be exercised by the people who are citizens of the place they govern, who feel a common interest in the community, and does not apply to the great capital of a great nation filled with a floating population. I say it is a wise provision of the Constitution that here where the nation assembles together, where the great mass of the local voters are necessarily non-residents in fact or in spirit, non-residents for all the good purposes of citizenship, strangers in all their feelings to the District, the exclusive jurisdiction should be exercised by Congress

to govern the capital. If the Constitution had provided otherwise it would have been a great mistake. It has provided for that. This bill goes on the theory not that negro suffrage is wrong, but that the Constitution is right. It matters not what may be said about State rights; advocating this bill is not an advocacy of State rights. I do not know what Senators may have suggested heretofore, but I say it is not an advocacy of State rights; it is an advocacy of exercising a federal power conferred by the Constitution. It is idle to say that there is any license in that for the States to exclude negroes or anybody else from suffrage. It is exercising a federal power here; and when a State undertakes to violate the Constitution of the United States by depriving negroes of suffrage, we shall be exercising a federal power to vindicate the Constitution when we provide that it shall not be violated in that regard by a State. No State shall deny to any person the right of suffrage on account of race or color. That would be exercising a federal power which I hope any Congress that may assemble will willingly and freely exercise if the occasion should arise. What we ask for here is a manly exercise of that same federal power that will be called upon to protect suffrage in the States, if any State dare violate it.

But this extending of suffrage to non-residents for purposes of political effect, in violation of the language of the Constitution and contrary to the best interests of this District, will be no argument against an unlawful exercise of power by States to exclude the negroes from suffrage. No; let us exercise the legitimate federal power that is here granted, give this city good government under the Constitution, as required by the Constitution; and that will benefit those who sojourn here for the purposes of the capital—for there would be few here if it were not for the purposes of the Government of the United States; that is what the people are here for. There would be no city here but for that. They are here on public business, as it were; at least the great controlling interest; and the Constitution requires that Congress shall exercise exclusive legislative jurisdiction here. If any State shall outrage human rights so far as to make an unjust discrimination against any class of citizens in the matter of suffrage, the Constitution has placed it in the power of Congress to interfere and redress the wrong. It is to Congress and to the Federal Constitution that we look for the protection of the right of suffrage. Let no advocate of the right of suffrage, let no advocate of human rights, go outside of the Constitution and ask that other experiments be now tried since we have ample protection within the Constitution; and it will not injure that other clause of the Constitution which provides for suffrage to exercise this wholesome power herein conferred and save this city from misrule, bankruptcy, anarchy, and disorder.

The modes hitherto adopted for the government of this city have been irregular, unjust, uncertain, extravagant, and absurd. You have conferred upon the people here a power which you had no right to confer under the Constitution. You have tried to set up an independent government here, and it has been every time thrown back upon Congress, and Congress has had to make the appropriations. They are made in an irregular manner, without sufficient safeguards; they are made without any legitimate machinery for their expenditure. They are extravagant because they are irregular; they are thrown out according to the caprice of Congress. Let us have a regular system under which these expenditures shall be made. Let us exercise a consistent authority here, as we do in the navy-yards, the dock-yards, and over public buildings, as the Constitution requires. Let what Congress appropriates come in the regular appropriation bills.

The people of the District of Columbia have a right to have a government that they can understand. I should like to know if any man can tell me during the last ten years where has been the responsibility. What kind of a government have we had in this District and who has been responsible for it? Take any man or set of men; take any form of government you please, and those concerned can demonstrate to their satisfaction at least, perhaps not to yours, that they had nothing to do with it. The responsibility has been lodged nowhere. It has been governed by irresponsible bodies, organized in an irresponsible way, and if anything goes wrong everybody finds fault. The fault has been in your laws because they were uncertain. Let that fault be remedied; let Congress exercise its legitimate functions.

This bill has not been hastily prepared. The committee who made the investigation last session saw enough to see that that could not be done; that it would take time to digest such a measure; and they recommended to each House the propriety of appointing a joint committee who should take a whole recess of Congress to investigate this subject and should present a plan for the government of this District. That work has been performed—performed by men of acknowledged capacity, men of great experience—and those men have devoted the most of a year to this work. They have presented a system of government that has the merit of being plain, and, as I believe, has the merit of being a better government than was ever devised for this city, or perhaps for almost any city in the United States; a system of government that will bring order out of chaos; a system of government that is in harmony with the Constitution; a system of government that has its checks and balances; such a system of government, that when the United States appropriate money they will be enabled to know by whom it is to be expended, for what purposes it is to be expended; a system of government that may be read by the people and understood; a system of government of law which the people, whether they are sojourners here or residents here,

are entitled to have. To say that we will not have this, but will go on further in the old irregular manner; that we will plunge this people in misery and despair; that we will confiscate their property by placing the power in irresponsible hands, and then investigate what has been done, and then make further appropriations, and then make further investigations as to what is done with the money, and then appropriate again, and then investigate again, and thus keep up this excitement over the city is to say that we will try all sorts of experiments because here we can try experiments.

Mr. MORTON. Allow me to ask a question?

Mr. STEWART. Any question.

Mr. MORTON. I ask whether the troubles the Senator refers to have grown out of elected or appointed governments?

Mr. STEWART. They have grown out of irregular, ill-digested, absurd, contradictory laws, attempting to carry water on both shoulders, attempting to make a government of the people by the people and through the people where the Constitution provided that Congress should exercise exclusive jurisdiction.

Mr. MORTON. Does the Senator call that an answer?

Mr. STEWART. I call that an answer. I think it is a pretty satisfactory answer. You had some men appointed and you gave them certain powers, and then you gave those same powers to other men who were elected. You mixed up the powers. Take the bill you had, and you will find that here was a parade of power given to men who were appointed, and then the same powers were taken away by a Legislature who were elected. Then you find that those men who were appointed had to go to the Legislature; they had to have elections, and they had to get appropriations from the Legislature, and the Legislature say they are not responsible because they did not have the power but the board of public works had the power, when in fact the same power was given to everybody that came along. Everybody that came along had power to do almost anything under this government.

Then the Senator asks me who did the harm. That is the very thing I say we cannot find out. Every man in the town had supreme power to do almost anything under that form of government. The question is who was responsible. The Senator from Indiana asks me who did it. That is the very question we have been asking the last ten years—who did it. Anybody that came along did it, because anybody had the power to do it under your law. That is the way it was. There has been nobody appointed, nobody elected with any definite or defined powers. It has been a hotch-potch of absurdities and inconsistencies. The committee of which I was a member studied it hard for three months, and sometimes we would think "here is a man who has committed the greatest offense in the world, who has violated all law and everything else," but we found that somebody else was chargeable with the powers he exercised, and presently we found he was exercising those powers within the law somewhere, it was so mixed up. He would be asked "under what authority are you doing all this?" This power was given to somebody else and you were forbidden to do it. "O!" the reply would be, "here is another law authorizing me to do it," and so it was. I think as a model of uncertainty, as a model of contradictions, as a labyrinth of involved inconsistencies, this District government passes anything that can be described. There is no language that can describe it. In answer to the question where the responsibility is, who is to blame for it, I say the thing seems to have been diffused so that there should not be any responsibility anywhere in particular but over the country generally so that there could be a big investigation, lots of things in the newspapers, and no definite responsibility.

I want to see that stopped. I want to see one set of laws and those certain. I do not want a dozen different kinds of laws on the same subject and all conflicting. You notice here there are a dozen committees coming in and passing laws for the District of Columbia; one comes in and gets a bill through in the morning hour, and another does, and they drop in from every direction, and they are not indexed, so that nobody knows where they are; they do not fit when you get the volume together. There are a dozen governments inside of governments, and boards and officers of all descriptions in every nook and corner. You find a levy board, a water board, an assessment board, an education board, and every other kind of board—thirty or forty of them all mixed up—all sorts of boards, all sorts of securities issued by different parties.

Mr. WRIGHT. I want to ask one question.

Mr. STEWART. Very well.

Mr. WRIGHT. Will the Senator tell me how many boards are provided for in this bill?

Mr. STEWART. I have not observed that there was the same duty devolving on any two boards. I have not counted the number here.

Mr. WRIGHT. You do not know?

Mr. STEWART. I do not know.

Mr. SARGENT. Just six of them.

Mr. CONKLING. This bill is not to be measured by board measure. [Laughter.]

Mr. STEWART. In all seriousness, I do not suppose there was ever anything devised by the ingenuity of man so well calculated for subsequent investigations as the former governments of the District of Columbia have been. I can see very well when one officer has a particular duty charged on him and a dozen other officers are charged with the same duty, he should want the thing investigated. I can

see very well when a dozen different parties are issuing different securities and they are depreciating each other's securities, why some of them should want the rest investigated; particularly if one happened to be honest in what he had done, he would want the rest investigated. I can see very well that where everybody is exercising all sorts of authority under different statutes passed by Congress or passed by the local authorities, they should become dissatisfied and quarrel. I can well see how that was. There is a disposition to complain any way in this country, and if you mix up things in that shape you will have more or less trouble.

As I said in the beginning, the people in this District, although they be mere sojourners here, have a right as American citizens to be governed by law; they have a right to have that law sufficiently certain that it can be understood; they have a right that that law shall be passed by a body of men having authority to pass laws; they have a right to the protection of the Constitution of the United States although they are in the District of Columbia. As citizens of the United States, they have a right to the protection of the laws of the United States, which has been denied to them here. Their property has been taken without the sanction of law; their property has been injured without the sanction of law. They have not been governed by a system of laws. They have been governed by caprice; they have been governed by the neglect of Congress and the failure of Congress to do its legitimate duty; and the result has been bad. I do not charge that the people of this District are worse than other people. There are many good people here. A large majority of the people of this District are good people. I do not pretend to say that the sojourners here are bad people. They are simply a floating population without that interest in the District which qualifies them to govern it. So thought the framers of the Constitution, and so experience has taught us. The framers of the Constitution were right when they thought that the transitory population which would gather about the national capital would not be such a people as should exercise self-government at the national capital, but that it was necessary for governmental purposes that the national capital should be governed and controlled under and by the Congress of the United States here assembled.

There were various reasons which led to that result originally. If there had been no reasons for interfering with the sitting of Congress in Pennsylvania, if there had been no outside reasons other than the general principle that here the people would be transitory and collected on business of the Government, and would not be in a condition to govern themselves, that would have been sufficient to justify this grant of power to Congress; but there were other reasons. This reason, that there was here nobody responsible for anything, that it was a floating population, is the reason which appeals to us now. It is the reason which has given us such bad fruit for the last ten years. It has nothing to do with negro suffrage. The best way to protect negro suffrage is to respect the Constitution and vindicate it. The negro need not fear for his rights so long as that instrument is protected inviolate. So long as Congress exercises the rights therein conferred he is safe. But when Congress becomes cowardly, when it fails to exercise its function here and everywhere, then he may apprehend danger, then the negro is lost, then the weak are lost, then free government is lost, then liberty is lost. But there is no danger to equal suffrage so long as Congress exercises the legitimate powers conferred by the Constitution; and this is one. The negro has been invoked as a reason why Congress shall not assert this legitimate power conferred upon it to give good government to the District of Columbia and set an example to the States and other cities of good government. He is interested that we should have a model government here; he is interested in this for the good name of Congress; he is interested in this for the respect that should be paid to Congress. Every citizen of the United States is interested that this shall be a model government as the founders of the Republic intended. All are interested in the legitimate exercise of this constitutional authority; and if Congress now does its duty in this respect, every citizen may expect that it will do its duty when the question of violations of the fifteenth amendment or the fourteenth amendment shall come up. It will be a fresh guarantee that Congress is ready to exercise the legitimate functions devolved upon it; that no claim, that no false pretenses of popular right will deter Congress from the exercise of its legitimate functions. That is important. It is important right here and now that the example shall be set that we obey the Constitution; that we respect it here at the national capital; that to the Constitution we look for good government; that to the Constitution we look for the protection of the negro in his right of suffrage, not to any sham arrangement outside of the Constitution which brings disorder and confusion.

I hope this bill will pass and pass in the shape that it comes from the hands of the committee. It is impossible for the details to be arranged here. They have been carefully considered by able men. Of one thing I am certain, that it is on the theory of the Constitution, on the theory of justice, manhood, and right, and will give us a national capital, if it be carried through, of which none need be ashamed and of which everybody will be proud.

Mr. SARGENT. Mr. President, it seems to me that if this bill or any bill in reference to the government of the District is to pass Congress, it must be this afternoon. I think this will be the last occasion the Senator having charge of this bill will be able to get

the ear of the Senate. Public business is pressing upon us from all directions. It is with very great difficulty indeed that this small quota in this afternoon has been obtained for this bill. Thinking, as I said this morning when urging that the Senator from Maine might be heard upon the bill, that it is life or death to this District, that if some form of government is not passed we have mere chaos and that any government which they have expires by limitation about the same time that Congress itself expires—

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. SARGENT. After I have finished my sentence. I say that so believing, I do not intend to occupy the time of the Senate by a speech. I simply want to state why I do not press the amendment which I offered to the Senate. I will now yield to the Senator from Iowa.

Mr. ALLISON. I did not desire to interrupt the Senator in the midst of a sentence and did not understand that I was doing so. I have heard him say twice to-day that this District government expires with the end of this session unless a new government is provided. I do not so understand the existing law. As a matter of course, if this bill fails it will be the duty of Congress to provide for the levying of taxes to carry on the District government for the next year, or make appropriations. I do not understand that the government expires.

Mr. SARGENT. I do not understand that the three commissioners who are provided for in the hasty bill which we passed at the last session, and which against hope I opposed and desired to perfect, go out of office. We certainly are to pay their salaries. But I do understand that they are stripped of every attribute which can make government in this District effectual; and that is just what I mean, and the Senator assents. I mean to say that there is no power to levy or collect any tax here. If these commissioners now existing cannot levy taxes, they cannot keep your school-masters and school-mistresses at work in your schools; they cannot repair the hose of your fire department, or pay the officers or the men who attend the fires; the streets cannot be cleaned; the board of health cannot pursue its functions; there is not a single department of government in this District that can be carried on any more than a corpse lacking life-blood can be made to stand erect and walk and think and act as a human being. You simply have no life to your government. You have a mere skeleton and nothing else. So believing, I do not want to take this most precious time of the Senate this afternoon in discussing the question.

I agree most thoroughly with the Senator from Indiana upon the impropriety of setting an example in this District which may be quoted throughout the South as an evidence that we have abandoned the principle of negro suffrage. I believe, however, that this bill can be passed and that still be avoided. We can provide for the election of a Delegate to the lower House of Congress by the general suffrage of the District, white and black. We can recognize the principle as fully as is necessary and in a constitutional form and avoid that question, and I trust and I believe that the Senator who has this bill in charge, when I shall offer an amendment for the election of a Delegate by the people of this District, the citizens here residing, black and white, will accept that amendment. I desire to have an expression of opinion on that matter, because it will control my vote on the other proposition.

The substitute for this bill which I introduced the other day has been received with very considerable favor by the people of this District; that is to say, I have received numerous petitions, and other Senators have received some, which have been read at the Clerk's desk, in favor of that substitute. I myself think it is a better bill; I think it is simpler. My impression on the whole is that it would be cheaper than the present bill. But this bill is so infinitely better than nothing that I am in favor of this bill, and as long as there is a hope to do something I will not antagonize it even by what I think to be my better bill. So thinking, so believing, I have thus explained the reason for my action and will not press myself further on the attention of the Senate.

Mr. ALLISON. I only desire to occupy the attention of the Senate for a moment, and I do it chiefly because I certainly differ with the Senator from California as to the effect upon this District should any bill fail to become a law having reference to its reorganization. Every law in this District that is in force to-day will continue in force, save only the laws levying taxes, if this bill fails or if any bill fails. All the machinery of the District government goes on, provided we levy taxes or make appropriations to carry it on. If this bill is passed, this government cannot be carried on under it unless in addition to it we make appropriations for that purpose. This bill contemplates a tax of 2 per cent. upon the taxable property of this city. Every Senator knows that 2 per cent. upon the taxable property of this city will not carry on the machinery of this government as proposed in this bill or as it exists now; so that legislation with reference to the District of Columbia is as imperative upon us as it is with regard to any other question; and I do not regard it as necessary that we should put this bill through in haste this afternoon, without amendment and without consideration, as the Senator from California says we did the bill of the last session.

Mr. SARGENT. And on the Senator's urgency.

Mr. ALLISON. I only desire that this bill shall be fairly considered. I am as anxious as any Senator is that we should provide

something in the way of a government for the District of Columbia. I believe that it is our duty to preserve the principle of suffrage in this District in some form, either in the form proposed by the Senator from Indiana or in some other form. I am not quite prepared to vote for his amendment to this bill if the remainder of the machinery of the bill is to be carried out, because I would not be willing for one to transfer all the machinery of this government to the people of this District while we provide all the means for carrying it on save and except the 2 per cent. provided by way of taxation; because this bill does contemplate that the Government of the United States shall provide at least one-half of the expenses that are to be incurred in this District; and if this bill passes, in my judgment, it will require more than one-half of all the expenses of this District government to be paid out of the pockets of the people of the United States. Therefore, if this bill is to pass, it ought to be carefully considered with reference to that subject. If I understand it correctly, it also provides a machinery by which the debts of this District are to be assumed substantially by the Government of the United States. If that is a proper thing to do, let us do it, but let us do it deliberately. We have already provided by the bill which was passed in haste at the last session, without due consideration, for an assumption of the interest upon ten millions of this District debt. This bill now provides that we shall not only take care of the interest upon that ten million, but that we become responsible for the principal and the interest of the whole debt of the District of Columbia, amounting now, in my judgment, to from eighteen to twenty or twenty-one million dollars. I say, then, I am not willing to vote now for the amendment proposed by the Senator from Indiana, which places the responsibility upon the Government of the United States and the machinery in the hands of the people of this District, but I desire, as he desires, to preserve in some form the principle of suffrage in this District. We propose to levy taxes upon them here. If we levy taxes upon them, let us give them some representation in the disposition and expenditure of these taxes.

This bill proposes to levy a tax of \$2,000,000 in round numbers upon the people of this District. Shall we levy this tax upon them for expenditures wholly or nearly wholly of a municipal character, and not allow them any representation in the expenditure of the money, solely upon the theory that Congress shall exercise exclusive legislation in this District? For one I am not quite ready to do this; but I do desire that some principle of local representation shall be preserved in this bill, coupled, as I believe it ought to be, with governmental control in the hands of the Congress of the United States.

This is all I desire to say in reference to the bill now.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. MORTON. Before the vote is taken I desire to say a few words in reply to the Senator from Maine and the Senator from Nevada; and first in regard to the constitutional question.

For seventy-five years the Government of the United States has allowed the people of this District to elect a local self-government, and nobody understood that it was a gross violation of the Constitution of the United States. Now it has been discovered that this was a violation of the Constitution of the United States. I believe in the discovery of new mines; I believe in the discovery of new islands; I believe in the discovery of new inventions and methods of doing things; but I do not believe in the discovery of new constitutional law. The idea now of finding out for the first time at the end of a local self-government of seventy-five years that Congress had no power to confer upon the people of this District local self-government, to elect representatives to a city council or a territorial legislature, if you please to call it so, I say that to discover it now for the first time does seem to me to be rather absurd.

The Constitution says that Congress shall have exclusive legislation over this District. What is meant by the word "exclusive?" It was to exclude any right of interference on the part of the States ceding this territory for a seat of government. It was provided that a district not exceeding ten miles square might be ceded to the Government for a capital, and it was intended to exclude the States ceding that territory from any right to interfere with that district. The word "exclusive" is used in that sense; and no man can read the history of that clause without knowing that that is what is meant by it. The power to legislate was given to Congress, but from the first it was understood that that power might be conferred upon the people of the District in some form, and for seventy-five years it has been so conferred and no great constitutional lawyer discovered that it was a violation of the Constitution of the United States!

Now, Mr. President, let us look for a moment a little further:

Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States.

Congress shall have the power to do it, and yet from the first that power has been delegated. From the very first the people of the Territories have been allowed themselves to make these "needful rules and regulations" in the language of the Constitution. It has been inconsistent with our theory of government to let the people here, let the people in the Territories govern themselves in all local affairs.

Enough, Mr. President, on that subject. My friend from Maine

says that we cannot delegate to the people of this District the power to elect the head of a Department. He says this bill erects this District into a Department of the Government of the United States, and that Department being one of the Executive Departments, the chiefs must be appointed by the President. That is the argument. I want my friend to think of that argument. When my friend calls this District a Department within the meaning of the Constitution, it seems to me he is making a confusion of terms. What do we understand by a Department in the Constitution? We mean the Department of State, the Department of the Treasury, the Department of the Interior; we mean those great divisions of the executive power; and nobody ever thought of calling the government of a District or of a Territory a Department in that sense. All civilized governments have departments; they have ministries; a ministry of the interior, a ministry of justice, a ministry of war, or a secretary of state; and our Government was created with a view of having Executive Departments like all other governments. Of course, the head of such a Department, being a mere servant of the President, carrying out simply executive power, is to be appointed by the President. Does my friend think that it makes any difference to call this District government a Department? We have heard of that celebrated physician who said if he could throw the patient into fits, he could cure the fit. Does my friend think now that all he has to do is to call this a Department, and that takes from us the power to give the people the right to govern themselves in a local way?

Mr. MORRILL, of Maine. What is the distinction between this Department and the Department of the Interior?

Mr. MORTON. The Department of the Interior was contemplated by the Constitution. The Department of the Treasury was contemplated by the Constitution. The Constitution does not create any departments, but it speaks of them, and we understand from analogy to the British constitution, to the constitution of every government, that the departments of the government are those subdivisions of the executive power by which that government is to be carried on.

Mr. MORRILL, of Maine. As there is no definite contemplation in the Constitution and no definite number of Departments, clearly Congress can create as many Departments as it chooses.

Mr. MORTON. Let me read from the Constitution:

The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

The President has the right to take the opinion of any head of a Department. In other words, the heads of all the Departments go into the Cabinet, they compose the Cabinet. That has been our understanding of the Constitution from the first. Now, are these commissioners to go into the Cabinet? If they are heads of a Department they ought to go into the Cabinet, and under the general rule they must. Does my friend propose to put these gentlemen into the Cabinet?

Mr. MORRILL, of Maine. No.

Mr. MORTON. But if they are heads of a Department, it is contemplated by the Constitution that they compose a part of the Cabinet.

Mr. MORRILL, of Maine. Does my honorable friend really think that is so?

Mr. MORTON. Certainly it is so.

Mr. MORRILL, of Maine. How does it happen that the head of the Department of Agriculture has not sat in the Cabinet yet?

Mr. MORTON. I will say one word in regard to that. I believe the Department of Agriculture is called a Department. I do not know whether it is called a Department or a Bureau, but it is really a Bureau of this Government, as all know.

Mr. MORRILL, of Maine. It is a Department by name.

Mr. MORTON. If it is a Department such as is contemplated by the Constitution, then the Constitution does contemplate that its head shall be a member of the Cabinet. The theory of our Constitution is that the President shall have certain advisers, and that those who are at the head of the different subdivisions of the executive power shall be his advisers.

Mr. MORRILL, of Maine. Now I will ask my honorable friend if he is really serious in arguing to the Senate that the Constitution of the United States contemplated a cabinet of advisers to the President? If so, I should like to have the language pointed out.

Mr. MORTON. The word "cabinet," I think, is not in the Constitution.

Mr. MORRILL, of Maine. No; nor was it within the theory of the Government that there was to be a council to the President in any sense whatever, and in no sense whatever is there any such thing as a cabinet council for the President or anything of the kind, either by the nature of the case or by the powers devolved on the heads of Departments.

Mr. MORTON. I rather think the Constitution does contemplate what we call a Cabinet. I think that in every form of government where there is an executive head and there is a constitution, the executive power is subdivided, one man taking charge of the department of justice, another of the treasury, another of the state, and that in all governments those men do constitute the advisers of the

Crown or of the President, if the chief executive is called a president; and that is what is contemplated by our Constitution, and it has been carried from the very first day the Government was organized. Washington had his Cabinet; it was called a Cabinet, composed of the heads of the Departments, and we have got one now. The Departments mentioned in the Constitution are such Departments as I have described and no others. When you make a Department out of the District of Columbia or out of the Territory of Utah, that is simply a confusion of terms, and it is not the "Department" contemplated by the Constitution of the United States. If so, it would be a good thing to call Utah a Department, and thus take all power away from the Mormons and vest it in the President of the United States. Can we do that by simply organizing Utah as a Department, and in that way take away from the people any power to elect?

Enough, Mr. President, on the head of "the Department." Calling this a Department or calling it a District government makes no difference in the substance of the thing. Every argument offered by the Senator from Nevada against suffrage in this District is good against suffrage everywhere. It is just as good against suffrage in Indiana as it is in the city of Washington. If suffrage is unsafe here, it is just as unsafe in South Carolina or in Mississippi. Every argument that has been or can be offered against suffrage here is good against suffrage everywhere, and a man who believes that suffrage cannot be trusted in this District because the people are ignorant or selfish or corrupt, ought to be in favor of destroying it everywhere, and of having despotism at once. He does not believe in the capacity of the people to govern themselves. Now I believe that the people in this District, according to their numbers, are just as capable as are the people elsewhere, and hence I will accord to them, so far as I can, that right of self-government, "taxation with representation," and let them take care of their own affairs. They understand their affairs better than anybody else understands them for them, and I would extend to them the same right I would to the people in Indiana or any State or Territory.

Mr. President, there is one little sham in this bill. Of course my friend does not so intend it, but I call attention to it. Turn to the one hundred and twenty-sixth page, and you will there find a provision for a board of education of seven members, of whom three shall be elected by the people, and all the machinery of an election is provided for in the bill already, and all you have to do is to extend that to the commissioners.

The people are to elect three members of the board of education and four members are to be appointed. Does my friend think that recognizes suffrage?

Mr. MORRILL, of Maine. Three members appointed and one *ex officio*.

Mr. MORTON. But he is appointed also. The *ex officio* member is appointed also, and three members are appointed directly, and then three are to be elected by the people. Does my friend think that recognizes suffrage? That is a mere tub thrown to the whale. We are to have all the expense of an election, all the machinery provided to do what? To elect a minority of the board of education, while so far as taxation is concerned and all the real power in this District, it is put into the hands of men who are to be appointed by the President of the United States.

My friend from California says that he will be satisfied with the election of a Delegate. I will not be. This District ought to have a Delegate in Congress. It has a good one now and an able one, but he has no power in the world; he cannot vote; he is a mere adviser. That is all. He can go and talk to the President about this, or he can go into the House of Representatives and give his opinion about that; but he is utterly devoid of power. Does it recognize suffrage to create a Delegate who has no power, while all the power is taken from the people and given to three men who are to be appointed? I have no doubt the President will exercise that power conscientiously; but, as I said before, I do not believe in appointed governments; I do not believe in irresponsible governments. I believe that safety for this people consists in election and not in appointment.

Mr. MORRILL, of Maine. Will the Senator allow me to ask him one question on that point of suffrage?

Mr. MORTON. Yes, sir.

Mr. MORRILL, of Maine. Assuming the state of the case to be somewhat as stated by the Senator from Iowa [Mr. ALLISON] a few moments ago, that by this bill the Congress of the United States assumes all the responsibility of an indebtedness ranging from eighteen to twenty-one million dollars, that we become responsible on this theory for all this debt, it is our business to provide a million annually for interest. We put this machinery in operation, we levy a tax on the people, and we stand behind this government and behind all its responsibilities and behind all its liabilities; and then the Senator steps in and says, "You have all these responsibilities, but the people shall administer the government through agents of their own." Does my friend think that is a reasonable proposition for a Government that has the responsibility which is presumed to be in this bill? I ask anybody if that is a reasonable proposition; provide a local government, stand behind all its liabilities and responsibilities, as in the nature of the case we are—we have indorsed ten millions of their bonds now and the rest of them we must—and then the Senator from Indiana, as the advocate of suffrage in this District, comes in and says "that is all right, but the people here must administer it." That is what it comes to.

Mr. MORTON. I beg leave to say to my friend from Maine that I have made no such statement.

Mr. MORRILL, of Maine. I do not say you did; but that is the logic of it.

Mr. MORTON. I submit to my friend that it is not the logic of it. There is a local self-government here appertaining to their local affairs which the people here have had for seventy-five years. We can deal with that debt without providing for appointing three commissioners. These three commissioners to be appointed by the President are not to deal with that debt. We have got to deal with it directly. It is said we have already indorsed \$10,000,000 of the bonds. I expect we have got to shoulder that whole debt, and how? Why is it that Congress will now be called upon before the country to shoulder the whole debt? Because it was created by a government appointed by the President and confirmed by the Senate, in which the people of the District of Columbia had no voice, and therefore the legal and the moral liability for that debt comes home to the Government of the United States. If that had been a debt created by the people of this District, those who loaned the money would have been advised of that fact, and perhaps they would not have loaned it, or they would first have looked to the security. But we took the government upon ourselves; we made an appointed government, and that board of public works has made an expenditure it is said of—I do not know how much—but ten or twenty millions, and that debt was created by a government which we made, irresponsible to the people of the District, not elected by them, not consulting them, imposed upon them without their consent and without their ability to resist it. As that is the fact, therefore the legal and the moral responsibility is brought home to this Government to take care of that debt. That thing is to be continued. No, Mr. President, there is a very broad distinction between taking care of the property of this District and providing for that debt and the government of the District in its local and domestic affairs, like the government of a people of a Territory.

Mr. President, I was somewhat startled by the answer of my friend from Nevada. When he depicted the evils of suffrage in this District, I asked him this question: "Have the troubles in this District come from elected government or from appointed government?" With the aid of the Senator from New York, I believe, he answered both; there was a terrible conflict, and he finally made this debt and all of the troubles in this District come out of a mere conflict of authority; that here was an elected government contending for the power and an appointed government contending for the power, and out of that conflict and confusion grew this debt and all the irregularities in this District! That was the answer. Was he right or was he wrong? It seems to me that those who understand the affairs of this District know that he was wrong.

The Senator said that one result of this conflict of authority in the late District government was that there had been numerous investigations, and that was to be continued. I rather inferred that he wanted a government which could not be investigated, which would not be investigated. Mr. President, the safest form of government is one that is responsible every year or every two or three years to the people over which that government exercises power; and I do not care how numerous, I do not care how ignorant, that constituency may be, I would rather trust that government than trust an appointed government that is not responsible at all.

It was said the old government was cumbersome. I have heard it said that this proposed government is cumbersome. If this is a simple government to be created now, it ought to be contained in a smaller number than two hundred pages. There is a book that very few men have ever had the courage to read. [Holding up the bill.] Most of the members of this body do not know this day what is in this book. But it is said to be a very simple form of government and to take away the old and cumbersome system that formerly existed. If I understand it, it is the most complex government that this District has ever had, and in many respects modeled upon the government of New York and Philadelphia and other large cities, containing provisions which are not adapted to this city and are not required here. A much simpler form of government would be a great deal better, from what I am informed.

Mr. MORRILL, of Maine. Will not the honorable Senator specify some of these?

Mr. MORTON. Life is too short to go through that book and understand it.

Mr. MORRILL, of Maine. A little caution is necessary.

Mr. MORTON. It is said that the man who wrote it has read it, and that is as far as anybody has ever gone or I suppose anybody else will ever go.

Mr. MORRILL, of Maine. What is that remark?

Mr. MORTON. It is said that the man who wrote it has read it and he is the only man. [Laughter.]

Mr. MORRILL, of Maine. The Senator evidently knows nothing about it. That is clear.

Mr. MORTON. I know enough about it to know that I cannot vote for it, and that it ought not to be passed in this body.

Mr. MORRILL, of Maine. Certainly the Senator has asseverated that three or four times over, and I think he will stick to that, as I would if I was in his place. But to show how little he knows about it, let me refer to one fact. He talks about eighteen or twenty million dollars of debt created by a board appointed by the President, and he

says that that is our difficulty and that our responsibility comes from that. The fact about it is that this exercise of the elective franchise which my friend is a stickler for here put us in for four millions of that debt on a popular vote. That is what they did, and Congress will have to foot it, of course.

Mr. President, I desire a vote more than anything else on this subject, to test the sense of the Senate on the proposition of the Senator from Indiana.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

Mr. THURMAN. I do not wish to occupy much of the time of the Senate in discussing the amendment offered by the Senator from Indiana, because on a previous day I expressed as fully as I thought to be necessary the reasons why I am opposed to that amendment; and although I have listened with attention to what has fallen from the Senator from Indiana to-day, or at least the greater part of it, I have heard from him nothing that seems to me to be an answer to the reasons which I then adduced for opposing his amendment.

There are some things that are very plain in this connection. One is, that there can exist in this District no absolute right of self-government so long as the Constitution of the United States remains what it is. There is no man more attached to home rule or local self-government than I am. I have spoken for it, voted for it, written for it, done all I could to maintain it ever since I had a voice in politics. But in respect to this District the Constitution is as explicit as any language can possibly be. It provides that Congress shall have power—

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

So that the exclusive power of legislation of Congress over the District of Columbia is precisely the same as it is over every fortress belonging to the Government. It is precisely the same here as it is in Fort Lafayette or in Fortress Monroe. It is therefore perfectly impossible, so long as this Constitution shall remain, that the inhabitants of the District of Columbia, any more than the persons domiciled in Fortress Monroe or Fort Lafayette, can have an absolute right of self-government. Nothing can be clearer than that; and the people who have come into this District and settled here, and the ancestors of those who were born here, came into the District and settled here with the full knowledge that they were being compelled to relinquish all claim to an absolute right of self-government.

The reasons for this provision are very manifest. No one would pretend for a moment that there ought to be anything having the semblance of authority within any of the fortresses of the United States that could set itself up against or in any way obstruct the action of the Government of the United States; and in the same way no one can with reason pretend that there ought to be within the District of Columbia any organization that might array itself in opposition to the Federal Government.

I took occasion to call the attention of the Senate, when I spoke on this question before, to what might have been the danger in this District if there had been such a municipal government here as once existed in Paris, and which proved too strong for the throne of France and too strong for the French constitution. It never was intended that there should be any such organized power here, and hence the power of Congress is exclusive, and the only duty we have to perform is to ascertain and then to ordain that government which will be best for the people here and will be best and safest for the Government of the Republic. That is what we have to do.

But the Senator from Indiana does not answer this. He goes off into a disquisition on the merits of suffrage, as if it was necessary in the American Congress to speak in behalf of suffrage; as if all our institutions were not founded upon suffrage; as if it was necessary at this late day to maintain that a republican form of government is that which is best for the people of the United States. That has nothing whatsoever to do with the question now before the Senate.

It is true the Senator seemed to take me to task for saying that the people of the District of Columbia have no natural right to vote. I should like the Senator to show me where there are any people who have a natural right to vote. I said the people here had no natural right to vote. I said that under the Constitution of the United States which vests in Congress the power of exclusive legislation here the idea that they could have a natural right to vote was wholly inadmissible. But if the Senator thinks that anything can be made out of that I wish him to explain—for he is a master of language—how the right to vote is a natural right. If it is a natural right, why do not women exercise it? If it is a natural right, why do not all people who have arrived at the age of discretion, though not twenty-one years old, exercise it? If it is a natural right, why does not every person domiciled in the United States exercise it? If it is a natural right, why do not your soldiers and your sailors in the Army and the Navy exercise it? Nay, sir, if it is a natural right, why is it not exercised the whole world over? A natural right is one derived from nature, and nature is the same the world over. Her laws embrace the whole globe and every human being upon it. If therefore this right is a right derived from a law of nature, I want to know how it is that

the Senator from Indiana does not give it to women and to minors, to non-naturalized persons, and why he does not enter on a crusade to overturn all the governments of the earth in order to establish this law of nature. No, Mr. President, that kind of reasoning will not do.

What objection is it that the Senator makes to the first section of this bill? That it will not give this District a good government, or that if his amendment be adopted the government he proposes will be better? If he has advanced any argument to maintain such a proposition as that, I have not heard it. But his argument is addressed to the fears of Senators; he seeks to alarm the republican Senators on this floor by telling them that if they abolish suffrage in the District they will be held up all through the United States as opposed to the suffrage of the colored people. He appeals to their fears; he appeals to their party feelings; he appeals to their party prejudices and to their party interests, instead of discussing whether the frame of government proposed by this bill is that best suited to the needs of the people of the District and best for the interests of the Republic itself.

He asks, have we not the right to delegate some power to these people? May we not create municipal governments? For myself I say we may. I said it in the previous discussion, and I say it again. But I say also that we are not bound to do it; and if we can find a better form of government we ought not to do it. I repeat what I said on a previous occasion: I do not assert that a municipal government might not be formed in this District which would be better than the frame of government proposed by this bill; and if the Senator from Indiana will prepare such a frame of government for the District he shall have my support for it with all my heart. But it is not by striking out this provision in the first section of the bill in respect to the commissioners and electing them by a vote at large that he will make a better municipal government than that proposed by the bill.

In further illustration of our right to ordain a municipal government here, the Senator alludes to the Territories and says, if I understand him, that our power over the Territories is derived from that clause of the Constitution which declares that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.

The Senator seems to think that it is under that clause in the Constitution that we create territorial governments. He must permit me to say to him that he never was more mistaken in his life; that it is not at all under that clause of the Constitution that territorial governments are created and powers delegated to the people in the Territories as voters and office-holders in the governments thus ordained.

This clause of the Constitution relates simply to the disposition of property and its regulation:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

It is a power to regulate the sale and disposition of the public lands; it is a power to regulate the sale and disposition of any other kind of property belonging to the United States. It is not the clause of the Constitution under which Congress ordains territorial governments at all. So that sheds no light on the subject. If the Senator wishes to go to the provision in the Constitution that bears on it, let him go to the very one in hand, that which provides for exclusive legislation by Congress, and let him ask himself the question whether it would be competent for Congress to ordain a municipal government for Fortress Monroe or for Fort Lafayette. Do not let him refer to this provision of the Constitution, which merely regulates the sale and disposition or safe-keeping of the public property, and which has nothing whatsoever to do with the ordaining of a territorial form of government.

Mr. President, I have said, I believe, all that I need to say now, and I should not have said this much but to recall to the minds of Senators the fact that in acting on this bill we are not at all deciding any question in respect to the general principle of local self-government or in respect to the general principle of suffrage. This bill does not go beyond the District of Columbia; it has nothing to do directly or indirectly with suffrage in the States; and there is no necessity therefore for alarming any man who votes for this bill by the apprehension that he is to be put down as an enemy of home rule or an enemy of free and unrestricted suffrage.

This bill in some respects does not meet my approval, but we have not reached that place yet in the bill to which I think there are objections. So far as this particular clause is concerned, which is now under consideration, while I do not say it is the very best government that could be framed, I say that for the time being it is the best that is likely to be adopted.

Mr. SARGENT. I wish to give notice to the Senate that after the vote shall have been taken upon this proposition I will ask to submit the amendment which I now send to the desk to be read by the Secretary.

The VICE-PRESIDENT. The proposed amendment will be read. Mr. THURMAN. I intended before I sat down to call the attention of the Senate to a historical fact.

Mr. SARGENT. Wait until my amendment is read.

Mr. THURMAN. I only want to read a few sentences. I have spoken of the necessity of the exclusive power of legislation by Con-

gress over this District, and that there should be no organization here in opposition to it or that might be in opposition to it, that would not be under the control of Congress. Speaking of this provision in the Constitution, Story says in his Commentaries:

It is not improbable that an occurrence at the very close of the revolutionary war had a great effect in introducing this provision into the Constitution. At the period alluded to, the Congress then sitting at Philadelphia was surrounded and insulted by a small but insolent body of mutineers of the Continental Army. Congress applied to the executive authority of Pennsylvania for defense; but under the ill-conceived constitution of the State at that time the executive power was vested in a council, consisting of thirteen members, and they possessed or exhibited so little energy and such apparent intimidation, that Congress indignantly removed to New Jersey, whose inhabitants welcomed them with promises of defending them. Congress remained for some time at Princeton without being again insulted till, for the sake of greater convenience, they adjourned to Annapolis. The general dissatisfaction with the proceedings of Pennsylvania and the degrading spectacle of a fugitive Congress were sufficiently striking to produce this remedy. Indeed, if such a lesson could have been lost upon the people, it would have been as humiliating to their intelligence as it would have been offensive to their honor. (2 Story on the Constitution, section 1219.)

Mr. SARGENT. I ask now that the amendment which I shall propose be read.

The CHIEF CLERK. On page 126, after line 1, the proposed amendment is to insert—

There shall be elected by written or printed ballot in said District by the duly registered and qualified voters thereof, on the first Tuesday following the first Monday of June, in the year 1875, and on the Tuesday next after the first Monday in November, in the year 1876, and on every such Tuesday in November in each alternate year thereafter, one person to be a Delegate to represent said District in Congress for the term of two years from the 1st day of the then next December. Each legal voter may cast for said Delegate one ballot, on which there shall be but one name, once written or printed; and the person having the largest number of ballots shall be, and be declared, elected.

Mr. WRIGHT. Mr. President—

Mr. PRATT. If my friend from Iowa has taken the floor, as I understand he has, with a view of speaking upon the pending question, I ask him to give way for a motion that the Senate proceed to the consideration of executive business.

Mr. WRIGHT. I have no objection to that. It will be remembered that I had the honor to submit an amendment in the nature of a substitute to this entire bill and I propose to address myself to that in connection with the question which is now before the Senate if I can have the floor to-morrow morning. I therefore yield to my friend from Indiana to make the motion he has indicated.

Mr. PRATT. I move that the Senate proceed to the consideration of executive business.

Mr. SARGENT. I ask the Senator if he will yield to me for a moment?

Mr. PRATT. Yes, sir.

Mr. SARGENT. I wish to ask the Senate to take up and allow to remain as the unfinished business for to-morrow the resolution of the Senator from Missouri [Mr. SCHURZ] on the subject of the difficulties in Louisiana. It is very well known to the Senate that some ten days ago I took the floor to speak upon that question and was suddenly taken sick the night before I was to speak and was not able to proceed. Many Senators who desire to speak have requested me to proceed, as I now have recovered my strength, so that I can get out of their way, and I also desire to make some observations on that matter. My wish is that that matter be left as the unfinished business in order that I may submit my remarks upon it to-morrow.

Mr. MORRILL, of Maine. I hope my honorable friend will not be constrained to do that in the midst of this bill. Of course, if that question is opened, other gentlemen will follow him. I should be disposed to go on with this proposition. I appeal to my honorable friend from California whether he will not allow this bill to progress to-morrow until we dispose of it.

Mr. SARGENT. I feel some degree of responsibility on account of the desire of other Senators to speak; but if the Senate shall go into executive session or shall now adjourn, I shall consider that I am licensed by the Senate to wait at least twenty-four hours longer, and I will renew the request to-morrow for that purpose.

Mr. MORRILL, of Maine. We will try and dispose of this proposition in the mean time.

Mr. WRIGHT. I understand the Senator from Indiana renews his motion for an executive session.

Mr. PRATT. Yes, sir.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana.

Mr. MORTON. I give notice that after the conclusion of the bill now before the Senate I shall ask the Senate to proceed to the consideration of the resolution for the admission of Mr. Pinchback as a member of this body; and upon that resolution my friend from California can make his speech with as much propriety as upon the resolution of the Senator from Missouri.

Mr. SARGENT. Allow me to ask the Senator whether he will not desire to open the debate on that matter himself, or whether he will yield me the floor to speak?

Mr. MORTON. I will yield my friend the floor on that resolution.

Mr. SARGENT. That is satisfactory.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana, [Mr. PRATT.]

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 10, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

REPEAL OF TAX ON STATE-BANK CIRCULATION.

Mr. SENER, by unanimous consent, presented the following joint resolution passed by the State of Virginia; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD:

Joint resolution memorializing Congress in reference to the tax on circulating medium, approved February 5, 1875.

Resolved, (the house of delegates concurring.) That our Senators in Congress be instructed, and our members of the House of Representatives be requested, to use their influence to procure the passage of a law repealing that clause of the national banking law which imposes a tax of 10 per cent. on any other circulating medium than that authorized by Congress.

2. That the executive of this State communicate the adoption of these resolutions to our Senators and Representatives in Congress.

A copy:

J. BELL BIGGER,

Clerk of the House of Delegates and Keeper of the Rolls of Virginia.

FEBRUARY 6, 1875.

CORRECTION OF THE JOURNAL.

Mr. MILLS. Mr. Speaker, I am reported as voting "no" on the Choctaw amendment. I voted "ay."

The SPEAKER. The correction will be made.

RANCHO RIO DE SANTA CLARA.

Mr. LAWSON, from the Committee on Indian Affairs, by unanimous consent, reported back a memorial of citizens of Ventura County, California, asking the Attorney-General of the United States be directed to institute proceedings to set aside the patent for the Rancho Rio de Santa Clara, in Ventura County, California; and moved that it be referred to the Committee on the Judiciary.

The motion was agreed to.

WASHINGTON, CINCINNATI, AND SAINT LOUIS RAILROAD COMPANY.

Mr. HURLBUT. Mr. Speaker, during my absence in Pittsburgh on duty under order of the House, the Committee on Railways and Canals was called for reports. Prior to that time I was instructed to report back the bill (H. R. No. 3983) to aid the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago. I ask the House to let me make that report now, for reference to the Committee of the Whole on the state of the Union.

There was no objection.

Mr. HURLBUT. I now report that bill back favorably, and as it is subject to the point of order, I move to refer it to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. HOLMAN. I move to reconsider the vote by which the bill was referred, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The bill goes to the Committee of the Whole on the point of order, and of course could not come back without unanimous consent.

Mr. HOLMAN. Then I withdraw my motion.

EVENING SESSION FOR JUDICIARY COMMITTEE.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that the Judiciary Committee have an evening at seven and a half o'clock, a week from to-night, to report. This is by unanimous request of the committee, and it is with the understanding no bill of a political nature shall be reported.

Mr. BROMBERG. It is to be done on the same understanding as in the other case.

Mr. BUTLER, of Massachusetts. Of course. We lost our time then, as gentlemen will remember, by the constitutional amendment.

Mr. HOLMAN. I trust that at this late hour of the session the gentleman will indicate what bills are then to be reported for action.

Mr. BUTLER, of Massachusetts. I have already indicated the business to be reported.

Mr. HOLMAN. We cannot consent to the reporting of private claims.

The SPEAKER. They would necessarily go to the Committee of the Whole House on the Private Calendar.

Mr. BUTLER, of Massachusetts. They will be subject to the point of order.

Mr. HOLMAN. I do not waive the point of order.

Mr. BUTLER, of Massachusetts. The committee have various reports to submit in reference to punishing criminals, and bills of like character. No private claim I know of is to be reported.

Mr. RANDALL. I should like to make just one additional arrangement—that no amendment of the character objected shall be made to any bill reported from that committee.

Mr. BUTLER, of Massachusetts. Of course, nothing of a political character.

Mr. HOLMAN. I think we had better have the regular order.

Mr. BUTLER, of Massachusetts. The gentleman from Indiana withdraws his objection.

The SPEAKER. There being no objection, the Judiciary Committee will have Wednesday evening next at half past seven o'clock to report, with the understanding that no political measure and no private claims are then to be introduced.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

CHANGES OF REFERENCE.

Mr. ELDREDGE, by unanimous consent, from the Committee on the District of Columbia, reported back the following petitions; and the same were referred to the Committee on Appropriations:

The petition of Daniel Genan and others, asking to be paid for clothing taken by the board of health;

The memorial of the National Asylum for the Relief of Colored Women and Children; and

The petition of William Bowen.

AFFAIRS IN LOUISIANA.

Mr. COBB, of Kansas, by unanimous consent, presented a concurrent resolution of the Legislature of the State of Kansas respecting affairs in the State of Louisiana; and the same was referred to the Select Committee on Southern Affairs, and ordered to be printed, and also to be printed in the CONGRESSIONAL RECORD.

The concurrent resolution is as follows:

Whereas the Legislature of the State of Louisiana at its recent convocation and while engaged in the orderly and lawful process of organization was invaded by a mob which violently interrupted its proceedings, prevented its organization, and forcibly took possession of its hall; and whereas a majority of the said Legislature did thereupon appeal to the governor of the State for protection; and whereas the governor did immediately respond to said request for protection, and by the assistance of the military forces of the United States then present, under a constitutional requisition upon the President, did reinstate said Legislature in peaceful possession of its hall, so that it could complete its legal organization; and whereas the rights of a Legislature to assemble and peacefully perfect its organization safe from all violence is a fundamental right of all legislative bodies and one that must be protected at all hazards and at whatever cost: Therefore,

Be it resolved by the house of representatives, (the senate concurring therein.) That we indorse the recent special message of the President of the United States relative to the condition of affairs in Louisiana as able, fair, and convincing, and as containing a triumphant vindication of his official action in the premises.

SEC. 2. That we have the highest confidence in the valor, patriotism, and integrity of Lieutenant-General Sheridan, and that he can depend upon the support of the loyal people of the country in the performance of his duties in upholding the Constitution and laws of the country.

SEC. 3. The secretary of state is hereby instructed to transmit copies of this resolution to the President of the United States, to Lieutenant-General Sheridan, and to our Senators and Representatives in Congress.

Passed the house of representatives January 22, 1875.

Concurred in by the senate February 2, 1875.

HENRY BOOTH,
Chief Clerk.

JOHN H. FOLKS,
Secretary of Senate.

I, Tom H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original instrument of writing on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of State. Done at Topeka this 4th day of February, A. D. 1875.

[L. S.]

TOM H. CAVANAUGH,
Secretary of State.

THE CONGRESSIONAL RECORD.

Mr. DONNAN. The House instructed the Committee on Printing to examine into the propriety of furnishing to each of the official reporters of the debates a copy of the CONGRESSIONAL RECORD bound. The committee has directed me to report the following resolution.

The Clerk read as follows:

Resolved, That the Congressional Printer be, and he is hereby, authorized to furnish one copy of the bound volumes of the CONGRESSIONAL RECORD to each of the following-named officers of the House of Representative, namely: The Clerk, the Sergeant-at-Arms, the Doorkeeper, the Postmaster, and each of the official reporters of the debates.

Mr. MERRIAM. Is there any limit as to the time when this is to begin?

Mr. DONNAN. It will commence now, with the present Congress. The resolution was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOARD OF ADMIRALTY.

Mr. ARCHER, by unanimous consent, introduced a bill (H. R. No. 4678) to provide for the appointment of a board of admiralty, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. COTTON. I ask that by unanimous consent the bill (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad and to regulate its construction and operation, which has been returned from the Senate with amendments, be taken from the Speaker's table, and that the Senate amendments be concurred in.

The amendments of the Senate were read, as follows:

On page 2, line 21, strike out "board of public works for" and insert "executive authority of."

On page 2, line 27, strike out "board or public works" and insert "executive authority of the District of Columbia."

Mr. COTTON. These amendments are intended to make the act conform to the present law of the District. I move concurrence in the Senate amendments.

The amendments were concurred in.

Mr. COTTON moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE OF CONFERENCE ORDERED.

Mr. GUNCKEL. The Senate has asked a committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 588) approving the action taken by the Secretary of War under an act approved July 15, 1870. I move that the House agree to the request of the Senate for a conference.

There was no objection; and it was so ordered.

OFFICIAL POSTAGE-STAMPS.

Mr. PACKER. On behalf of the Committee on the Post-Office and Post-Roads, I submit the following resolution:

Resolved, That the Committee on the Post-Office and Post-Roads be authorized to print the testimony taken by them in reference to the cost of printing and engraving of official postage-stamps.

The resolution was adopted.

Mr. PACKER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

D. R. HAGGARD.

On motion of Mr. GUNCKEL, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. No. 2331) for the relief of D. R. Haggard; and the same was referred to the Committee on War Claims.

LEMUEL D. EVANS.

On motion of Mr. HANCOCK, by unanimous consent, the bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas, was taken from the Speaker's table, read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole for the consideration of the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes; and pending that I move that all general debate on the bill shall close in five minutes.

The motion limiting debate was agreed to.

EXAMINATION OF RIVERS.

The SPEAKER laid before the House a letter from the Secretary of War, in compliance with the act of June 23, 1874, transmitting the reports of examinations of the Withlacoochee, Oconee, Ocklockoonnee, Hiawassee, Cahawba, and Black Warrior Rivers.

Mr. BROMBERG. I move that the communication be referred to the Committee on Commerce without printing.

The motion was agreed to.

HARBOR AND BAR OF SABINE PASS, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the improvement of the navigation of the harbor and bar of Sabine Pass, Texas; which was referred to the Committee on Commerce.

COMMERCIAL RELATIONS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting, in compliance with section 208 of the Revised Statutes of the United States, a report upon the commercial relations of the United States with foreign countries for the year ending September 30, 1870; which was referred to the Committee on Commerce, and ordered to be printed.

FIRST AND NINTH CENSUSES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the acting Superintendent of the Census, in relation to binding the manuscript returns of the first and ninth censuses; which was referred to the Committee on Printing.

PAY OF OFFICERS ON LEAVE OF ABSENCE.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a petition of officers of the Army for the enactment of a law allowing to officers on leave of absence in foreign countries full pay for six months; which was referred to the Committee on Military Affairs, and ordered to be printed.

JOHN HALFIELD.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting accounts and letters pertaining to the claim of John Halfield, veterinary surgeon; which was referred to the Committee on Claims.

EXPENSES OF THE NINTH CENSUS.

The SPEAKER also laid before the House a letter from the Secre-

tary of the Interior, transmitting an estimate of appropriation required to supply a deficiency in the appropriation for the expenses of the ninth census; which was referred to the Committee on Appropriations, and ordered to be printed.

NEZ PERCÉ RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill making appropriation for the purchase of certain improvements on the Nez Percé Indian reservation in Idaho; which was referred to the Committee on Appropriations, and ordered to be printed.

LIEUTENANT S. K. THOMPSON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a copy of the record of the court-martial in the case of Lieutenant S. K. Thompson, Twenty-fifth United States Infantry, also the application of Lieutenant Thompson, with the accompanying papers; which was referred to the Committee on Military Affairs, and ordered to be printed.

SAINT CROIX AND CHIPPEWA RIVERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of June 23, 1874, the report of the survey and examination of the Saint Croix and Chippewa Rivers; which was referred to the Committee on Commerce.

REFORM SCHOOL, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Attorney-General, in answer to a resolution of the House of January 22, 1875, in relation to what action, if any, has been taken to recover from the late treasurer of the Reform School of the District of Columbia a certain sum of money involved in the bankruptcy of Jay Cooke & Co.; which was referred to the Committee on the Judiciary, and ordered to be printed.

HALLETT KILBOURN AND OTHERS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the claim of Hallett Kilbourn and others, for compensation for services rendered in appraising the value of certain real estate belonging to the Government of the United States; which was referred to the Committee on Claims.

CLAIMS FOR INDIAN DEPREDACTIONS.

The SPEAKER also laid before the House sundry communications from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, claims for Indian depredations; which were severally referred to the Committee on Indian Affairs.

EASTERN BRANCH OF CHEROKEE INDIANS.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting, in compliance with the act of June 15, 1870, information in relation to the duties of district attorneys and the Attorney-General of the United States to institute and prosecute suits against the present and former agents of the eastern branch of the Cherokee Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES O. WOODRUFF.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting correspondence relative to the claim of James O. Woodruff, of Indianapolis, Indiana; which was referred to the Committee on Claims.

DEAF AND DUMB ASYLUM, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from Dr. E. M. Gallaudet, president of the Columbian Institution for the Deaf and Dumb, in relation to the water supply in that institution; which was referred to the trustees on the part of the House of that institution.

IMMIGRATION.

Mr. MYERS, by unanimous consent, introduced a bill (H. R. No. 4679) supplementary to the act in relation to immigration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

NATIONAL CEMETERY AT YORK, PENNSYLVANIA.

Mr. ALBRIGHT, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 4681) in relation to a national cemetery at York, Pennsylvania; which was read a first and second time.

The bill provides that the piece or parcel of ground ceded to the United States being within the inclosure of the Prospect Hill Cemetery at York, Pennsylvania, in which soldiers of the United States from sixteen States of the Union have been interred and on which a monument has been erected by the Monumental Association of York, Pennsylvania, be constituted a national cemetery and cared for as other cemeteries of the United States; and that head-stones be provided for the graves of soldiers therein interred, as in the case of other national cemeteries under existing laws, excepting the building of a house and putting a fence around the inclosure.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALBRIGHT moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The question was taken on the motion of Mr. TYNER, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. McCRARY in the chair,) and proceeded to the consideration of the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By order of the House all general debate upon this bill has been limited to five minutes. The Clerk will now read the bill for the first time.

Mr. TYNER. Before the Clerk proceeds with the formal reading of the bill, I would suggest to gentlemen to send to the document-room for report No. 119, which accompanies this bill. That report will give all the data upon which the Committee on Appropriations acted in making up this bill, and save many questions by gentlemen as the consideration of the bill proceeds.

The Clerk proceeded to read the bill.

Mr. TYNER. I understand that the Committee on Ways and Means desire to obtain an order from the House to print a tariff bill which has been prepared by that committee. I therefore move that the committee now rise in order to enable the Committee on Ways and Means to report that bill.

Mr. GARFIELD. I hope the committee will rise for that purpose.

The motion was agreed to; and accordingly the committee rose; and, the Speaker having resumed the chair, Mr. McCRARY reported that, pursuant to order of the House, the Committee of the Whole on the state of the Union had under consideration the special order, being House bill No. 4529, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

TAX AND TARIFF BILL.

Mr. DAWES, from the Committee on Ways and Means, reported a bill (H. R. No. 4680) to further protect the sinking fund, and to provide for the exigencies of the Government; which was read a first and second time, and ordered to be printed.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. DAWES. I ask consent that this bill may be considered in the House as in Committee of the Whole, and that it be made the special order for to-morrow at one o'clock, to the exclusion of all other orders except appropriation bills.

Mr. HOLMAN. If it is to be considered in the House subject to the same rules as to amendment and debate as in Committee of the Whole, I will have no objection.

The SPEAKER. To be considered under the five-minute rule when general debate shall have closed.

Mr. DAWES. Unless the House shall otherwise order.

Mr. COX. How much time does the gentleman propose to allow for general debate?

Mr. DAWES. I was going to inquire of the House itself about that.

Mr. MAYNARD. I suppose that by "to-morrow" the gentleman means Thursday.

Mr. DAWES. Certainly; everybody knows that the Speaker puts everything into parliamentary language.

The SPEAKER. Is there objection to considering this bill in the House as in Committee of the Whole under the five-minute rule after general debate has been closed?

Mr. HOLMAN. That means open to amendment as well as debate. The SPEAKER. Of course.

Mr. SMITH, of Ohio. I understood the gentleman from Massachusetts [Mr. DAWES] to say that it would be for the House to determine. Does he mean that he will move the previous question as soon as general debate is closed?

Mr. DAWES. Certainly not; but I am going to ask the House most distinctly not to admit any amendment to the bill involving new matter. What I meant was that the majority of the House could determine that they would not amend the bill.

Mr. SMITH, of Ohio. The gentleman does not propose to prevent amendments being offered?

Mr. DAWES. Of course not; but I say distinctly to the gentleman from Ohio [Mr. SMITH] that I will ask the House not to amend the bill by the introduction of other matters. The rates of taxation, &c., of course will be proper subjects for amendment.

Mr. RANDALL. I ask that the bill be read, so that it may be printed in the RECORD.

Mr. WARD, of Illinois. Let the bill be read before consent is given to the proposition of the gentleman.

Mr. COX. It is not proposed to call the previous question after general debate is closed?

Mr. DAWES. Certainly not.

The SPEAKER. The Chair will state to the gentleman from Massachusetts [Mr. DAWES] that if the bill should go in regular order to the Committee of the Whole there are so few special orders ahead of it that the House by a majority vote can reach it immediately.

Mr. DAWES. But the Chair is aware that the Committee on Ways and Means are at the mercy of almost any one in Committee of the Whole; I desire to relieve the committee from that peril.

Mr. RANDALL. I do not think there is any disposition in the House in any quarter to interfere with the immediate consideration of this bill, which is to raise revenue, I understand.

Mr. DAWES. Exactly.

Mr. RANDALL. Therefore I think the gentleman had better not embarrass this bill by sending it to the Committee of the Whole, but keep it in the position which he has indicated.

Mr. DAWES. I will say to the House that it is not my intention to interfere with debate. It is the intention of the Committee on Ways and Means to ask the House (everybody understands what that means) not to introduce new matter into this bill. That of course will be for the majority of the House to determine. That is what I meant when I said "unless the majority of the House shall otherwise determine." I do not intend to resort to any snap judgment to cut off any amendment. Of course all the rates that are proposed in this bill I should expect gentlemen to move amendments to as they desire; but I shall urge upon the House not to introduce a tariff bill in detail into this bill.

Mr. GARFIELD. I would suggest to the gentleman that he had better, if he can by any possibility do so, limit general debate at this time according as the House may agree, so that we may not drift on interminably in the discussion of this bill.

Mr. WARD, of Illinois. I suggest that the bill ought to be read before any order is made in regard to it.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

A bill to further protect the sinking fund and provide for the exigencies of the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of the passage of this act, there shall be levied and collected on all distilled spirits on which the tax prescribed by law shall not then have been paid, and whether the said spirits shall then be in distillery bonded warehouse or not, a tax of one dollar on each proof gallon, or wine gallon when below proof, to be paid by the distiller, owner, or person having possession thereof, before removal from the distillery bonded warehouse; and so much of section 3251 of the Revised Statutes of the United States as is inconsistent herewith is hereby repealed: *Provided,* That in addition to the tax of seventy cents per gallon imposed by laws now existing, there shall be levied and collected a tax of fifteen cents, being one-half the increase of tax under this act, on each and every proof gallon, or wine gallon when below proof, of domestic distilled spirits manufactured and placed in bonded warehouse prior to the day when this act shall take effect, and held in bonded warehouse at that time, and on all such spirits then held by distillers, rectifiers, or wholesale dealers, having in their possession or under their control distilled spirits in stamped packages; and any person who shall sell, transfer, or otherwise dispose of any such distilled spirits after this act takes effect until an additional stamp, to be especially provided for this purpose by the Commissioner of Internal Revenue, denoting payment of the additional tax of fifteen cents per gallon herein imposed, is purchased and attached to the package or packages containing the same, in such manner as the Commissioner of Internal Revenue shall prescribe, shall be subject to and pay a penalty of one dollar for each and every gallon so removed; and the spirits so removed shall be forfeited to the United States: *And provided further,* That on all brandy, gin, rum, and on all compounds and preparations of which distilled spirits is a component part of chief value, embracing all forms of distilled spirits imported from foreign countries, on which the duty, as fixed in the Revised Statutes, is two dollars per gallon, the duty hereafter to be levied, collected, and paid shall be \$2.50 per proof gallon.

SEC. 2. That section 3368 of the Revised Statutes be, and the same is hereby, amended by striking out the words "twenty cents a pound," and inserting in lieu thereof the words "twenty-four cents a pound:" *Provided,* That the increase of tax herein provided for shall not apply to tobacco on which the tax under existing law shall have been paid when this act takes effect.

SEC. 3. That so much of section 3437 as imposes a stamp tax on friction matches, lucifer matches, or other articles made in part of wood and used for like purposes, be, and the same is, repealed, to take effect on and after the 1st day of July, 1875.

SEC. 4. That on all molasses, (not including tank-bottoms, sirup of sugar, sugar-cane juice, melada, or concentrated melada,) and on sugars, according to the Dutch standard in color, imported from foreign countries, there shall be levied, collected, and paid, in addition to the duties now imposed in schedule G, section 2504 of the Revised Statutes, an amount equal to 25 per cent. of said duties as levied upon the several grades therein designated.

SEC. 5. That so much of section 2503 of the Revised Statutes as provides that only 90 per cent. of the several duties and rates of duty imposed on certain articles therein enumerated by section 2504 shall be levied, collected, and paid be, and the same is hereby, repealed; and the several duties and rates of duty prescribed in said section 2504 shall be and remain as by that section levied, without abatement of 10 per cent. as provided in section 2503.

SEC. 6. That the increase of duties provided by this act shall not apply to any goods, wares, or merchandise actually on shipboard, and bound to the United States, on the 10th day of February, 1875, nor on any such goods, wares, or merchandise on deposit in warehouses or public stores at the date of the passage of this act.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] asks that the bill be ordered to be printed and be considered to-morrow in the House at one o'clock under the five-minute rule—

Mr. DAWES. After general debate shall have closed.

The SPEAKER. To the exclusion of all other orders except the appropriation bills. Is there objection?

Mr. WARD, of Illinois. There is objection decidedly; and I hope no such proposition will prevail.

Mr. SAYLER, of Ohio. I object.

Mr. WARD, of Illinois. There is decided objection to any such course being taken with a bill of this kind, changing the whole policy of the law in regard to levying taxes. Such a bill as this deserves the fairest and fullest consideration and debate. I do not apprehend that anybody will object to its taking its course as rapidly as may be reasonable; but to shut off debate on a bill of this kind, affecting materially, as it does, so many interests, would be wrong.

Mr. DAWES. I do not propose to shut off the largest debate. If the gentleman from Illinois [Mr. WARD] will listen to me, I will state the difference between considering the bill in Committee of the Whole and in the House. If the bill be considered in the House you can have the yeas and nays at any time, and this arrangement will not cut off debate; it cannot do so. But if the bill be considered in Committee of the Whole we cannot get it out of the Committee of the Whole if a certain number of members in Committee of the Whole are determined to prevent it unless we suspend the rules.

Mr. SAYLER, of Ohio. This bill is simply a proposition to "kill the goose that lays the golden egg."

Mr. WARD, of Illinois. And it will do it most effectually.

Mr. SAYLER, of Ohio. I do not think the bill ought to come out of the Committee of the Whole unless it be very materially amended; and for one I intend to throw every obstacle in the way of its passage in the present form.

Mr. DAWES. If gentlemen insist on their objection, there is no course left me but to report the bill for reference to the Committee of the Whole, and to ask that it be made the special order in Committee of the Whole for to-morrow at one o'clock and from day to day until disposed of.

The SPEAKER. The gentleman from Massachusetts moves that the bill be referred to the Committee of the Whole on the state of the Union and ordered to be printed, and that it be made a special order in Committee of the Whole for to-morrow at one o'clock to the exclusion of all other orders.

The motion of Mr. DAWES was agreed to.

Mr. DAWES moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. GARFIELD. I now move that the House again resolve itself into Committee of the Whole for the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly again resolved itself into Committee of the Whole on the state of the Union, (Mr. McCRARY in the chair,) and resumed the consideration of the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

The Clerk resumed and concluded the reading of the bill.

Mr. TYNER. Mr. Chairman, five minutes were allotted for general debate by order of the House. I have no desire to occupy any portion of the time in what might be termed "general debate." It might be well enough, however, to state to the committee the difference between the appropriations of last year for the service of the Post-Office Department and the amount recommended to be appropriated this year, together with some other facts pertinent thereto. I therefore ask the attention of the committee while I make a statement, which will occupy but a few minutes.

By the bill of last year there was appropriated \$35,756,091. In the present bill the committee recommend appropriations amounting to \$37,524,261—\$1,768,270 more than was appropriated last year. Thus it will be seen that the amount recommended to be appropriated this year exceeds the amount appropriated last year by less than 5 per cent. From this statement, taken in connection with the fact that the business of the Post-Office Department, as shown by its history, increases from 8 per cent. to 10 per cent. annually, the Committee of the Whole will obtain some general idea of the exactness with which the Committee on Appropriations has prepared this bill. The deficiency last year to be provided for out of the general Treasury was \$5,497,842 as against \$6,852,705 recommended in this bill—showing an increase in the deficiency of \$1,354,836—an increase of about 25 per cent. over the deficiency of last year.

Now, it may seem a little singular to the committee that while the proposed appropriations are an increase of only about 5 per cent. over those of last year, the proposed appropriation for deficiency should be about 25 per cent. over that of last year. That is explainable by simply alluding to the fact that the estimated receipts for last year, or the current year in point of fact, were \$29,293,549, while the estimated receipts for the coming fiscal year are only \$29,148,156, or \$145,393 less than the estimated receipts for last year. The falling off of the revenues of the Department can only be attributable to the general depression of business throughout the country, and to the fact that experience has demonstrated the several Executive Departments of the Government are using less postage in the transaction of business than it was supposed they would do, making the receipts of the Post-Office Department fall off that amount.

This small amount of the estimated receipts will account for the increased deficiency and the large disproportion in that deficiency. I now ask for the reading of the bill by clauses for amendment.

The Clerk read as follows:

For pay of letter-carriers and incidental expenses of the free-delivery system, \$2,000,000.

Mr. COTTON. I move to strike out the last word.

Mr. Chairman, I make this formal motion to amend for the purpose of calling attention to what is being done through the free-delivery system. I had the honor of proposing and securing the

adoption of the amendment to the post-office appropriation bill of March 3, 1873, extending the letter-carrier system to towns having a population of not less than twenty thousand, which took effect July 1, 1873. Previous to that the limitation was to cities having fifty thousand inhabitants. I wish to direct the attention of the committee to the working of this law and what has been accomplished. The Postmaster-General in his report for the fiscal year ending June 30, 1874, informs us that under this act there has been an increase of letter-carrier offices to the number of thirty-nine, there being prior to that law but forty-eight, and that while the increased expense of the system has been but 25 per cent. the increased receipts have been 44 per cent.; the increase in the number of letter-carriers five hundred and fifty, and in the number of pieces of mail matter handled by letter-carriers over one hundred and twenty-eight millions. The Postmaster-General says of this amendment to the post-office law that the general results of the service, notwithstanding the large number of new offices and the irregularity incident to the introduction of the system, show a gratifying increase over the preceding year.

In advocating that amendment I was then opposed by some of my friends in this House. I wish now to vindicate my position by referring to the successful operation of that law. I withdraw the motion which I made, and will have published with my remarks an extract from the report of the Postmaster-General relating to this subject.

[The following is the extract referred to:]

Under the act of March 3, 1873, making appropriations for the service of the Post-Office Department for the year ending June 30, 1874, and providing for the employment of letter-carriers for the free delivery of mail-matter "at every place containing a population of not less than twenty thousand within the delivery of its post-office," the free-delivery system was established at thirty-nine offices.

The general results of the service at the eighty-seven offices, notwithstanding the large number of new offices and the irregularities necessarily incident to the introduction of the system, show a gratifying increase over the preceding year.

The aggregate results were as follows:

Number of offices	87
Number of letter-carriers	2,049
Mail letters delivered	166,020,370
Mail postal cards delivered	11,000,809
Local letters delivered	45,179,295
Local postal cards delivered	8,958,106
Newspapers delivered	56,468,582
Letters collected	177,898,474
Postal cards collected	16,298,325
Newspapers collected	21,562,436
Whole number of pieces handled	503,386,397
Amount paid carriers, including incidentals	\$1,802,696 41
Average cost per piece	3.58 mills.
Amount of postage on local matter	\$1,611,481 66

Showing the following increase, compared with last year:

Offices	39
Letter-carriers	550
Mail letters delivered	25,061,483
Mail postal cards delivered	11,000,809
Local letters delivered	6,839,246
Local postal cards delivered	8,958,106
Newspapers delivered	13,077,917
Letters collected	40,832,775
Postal cards collected	16,298,325
Newspapers collected	6,062,063
Whole number of pieces handled	128,470,733
Amount paid carriers, including incidentals	\$380,200 93
Postage on local matter	499,230 45
Percentage of increase of receipts on local postage	44.8
Percentage of increase in cost of service	26.7

Mr. BIERY. I submit the following amendment, to come in between lines 14 and 15.

The Clerk read as follows:

Add the following proviso;

Provided, That any city having a population of twenty thousand within its corporate limits shall be entitled to the benefits of free delivery.

Mr. TYNER. I raise the point of order that the amendment conflicts with the present law.

Mr. COTTON. That is the present law.

Mr. TYNER. I make the point of order that it conflicts with the existing law and cannot be received.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

The Clerk read as follows:

For miscellaneous items, \$150,000.

Mr. RANDALL. I think, Mr. Chairman, so large a sum as \$150,000 for miscellaneous items should have some explanation of what are the items in detail for which it is to be required.

The CHAIRMAN. Does the gentleman move an amendment?

Mr. RANDALL. I move to strike out the last word, or rather to reduce the amount to \$100,000 by striking out "and fifty." That will enable the gentleman to make whatever explanation there may be for this large appropriation.

Mr. TYNER. If the gentleman from Pennsylvania will look at the report, which I suppose he has before him, he will find references to pages of the last Postmaster-General's Report which will throw light upon the subject. The appropriation for miscellaneous items embraces everything connected with the post-offices throughout the country not provided for by specific appropriation, such as brooms, brushes, repair of post-offices, and various other things so great in number it would be unnecessary if not impossible for me to go through with them in detail. In other words, this appropriation of \$150,000 is to cover the expenses of various things not otherwise spe-

cifically appropriated for. The experience of the Post-Office Department shows a less appropriation than this, judiciously expended, would not cover the actual necessary wants of the Department.

Mr. RANDALL. I have the law under which the service for the present year is being rendered, and I find only \$2,500 under this item.

Mr. HOLMAN. That is on page 9 of the report of the committee.

Mr. TYNER. The gentleman is mistaken.

Mr. HOLMAN. That is what we see in the report on page 9.

Mr. TYNER. I am talking about page 3.

Mr. RANDALL. That shows \$60,000 for stationery and miscellaneous items.

Mr. TYNER. I will say to the gentleman that under the postal code the Sixth Auditor is required to keep an account under a general heading, embracing rent, fuel, stationery, and other miscellaneous items. Therefore, under the law which required the Sixth Auditor to keep an account under that heading, he was in the habit of charging the expenditures of all these various items to one single account. The result was that it enabled the Auditor of the Department to make payments for all these various items, notwithstanding of specific appropriations, without a precise knowledge of what he was doing until the expiration of each quarter, when it was very often ascertained that he had paid out too much, for instance, on the item of rent, and not enough on the item of stationery; and therefore the appropriations from one year to another were in the habit of lapping over each other so as to meet the necessities of the Department from year to year. A thorough analysis of the items which went into that general account demonstrated the fact that the various sums for which appropriations are asked this year are absolutely necessary. And while miscellaneous items were appropriated for last year only in the sum of \$60,000, it might be that by reason of this conglomerated way of keeping accounts in the Sixth Auditor's Office there may have been paid out \$150,000 for miscellaneous items. The purpose is now to separate the items, so that the Postmaster-General and Sixth Auditor may know in future precisely what is appropriated for each purpose.

Mr. RANDALL. Now, taking the account to which the gentleman from Indiana has referred us, we find that the appropriations of last year for all purposes which he has enumerated aggregated \$726,500.

Mr. TYNER. The gentleman is right.

Mr. RANDALL. Then the committee now recommend an appropriation for those purposes of \$735,000. That is an increase of \$8,500 over last year. But the gentleman will observe that last year we appropriated for stationery and miscellaneous items but \$60,000; while this year for stationery and miscellaneous items the amount to be appropriated is \$210,000. Now, there is \$150,000 increase according to my figures.

Mr. TYNER. How much?

Mr. RANDALL. The appropriation last year for stationery and miscellaneous items was \$60,000. And now for stationery furnished post-offices and miscellaneous items we have \$235,000—an extraordinary increase.

Mr. TYNER. The gentleman will observe that for rent, fuel, and light last year we appropriated the sum, if my additions are correct, of \$760,000.

Mr. RANDALL. Six hundred and sixty thousand dollars.

Mr. TYNER. Yes; we appropriated last year for those three items \$660,000. Now, those three items went into the same account on the books of the Sixth Auditor with the items for stationery and for office furniture; and while last year the appropriation for stationery and miscellaneous items was not sufficient to cover the expenditures for those purposes, there was an excess for rent, light, and fuel, which the Sixth Auditor applied to the payment of the others.

Now, the gentleman from Pennsylvania will observe that the aggregate appropriations asked for this year are only \$3,500 more than last year. He will recognize this to be a very small increase. And if the gentleman will turn to the close of the bill he will find a clause there that requires the Sixth Auditor to keep his accounts under each item of appropriation, as provided by law; so that hereafter the account for miscellaneous items will show exactly what is expended under that head, the account for rent, light, and fuel, showing exactly what is expended under that head, and so on; and the accounts will not be confused in the future as they have hitherto been.

Mr. RANDALL. Then I am to understand that the stationery and miscellaneous items last year were charged under items of rent, fuel, and light; is that so?

Mr. TYNER. Yes, sir.

Mr. RANDALL. Now you propose to separate them?

Mr. TYNER. Yes; and compel the accounts to be kept separate.

Mr. RANDALL. Now let me refer to another point. Why is "office furniture" required to the amount of \$35,000? If my memory serves me, we made a large appropriation for that purpose last year.

Mr. HOLMAN. Before the other point is left, I desire to say a word. I insist that whatever may be the extent of the appropriations made this year, as compared with those made last year, in regard to other items, this item of \$150,000 for miscellaneous purposes ought not to be allowed. If there is anything we have attempted to do of late years it has been to hold the Departments responsible for applying specific appropriations to the specific objects. Here is a fearful

departure from that principle. We appropriated last year for the miscellaneous purposes of the Post-Office Department the sum of \$2,500, as the gentleman is aware. And the Committee on Appropriations in their report accompanying this bill say—and I call the attention of my colleague to it, for it is a very important proposition indeed—

Under this head—

That is the head "miscellaneous"—

are charged all items of necessary expenses that cannot be included in any regular appropriation.

Of course all these items, fuel, &c., may be included in regular appropriations.

These expenses vary from year to year, as emergencies arise, and it is impossible to fix precisely the sum required.

There was appropriated for this purpose for the current fiscal year the sum of \$2,500, and the same sum is recommended for the year ending June 30, 1876.

And yet they propose now an appropriation of \$150,000 for that purpose.

Mr. TYNER. What page is my colleague reading from?

Mr. HOLMAN. I am reading from page 9 of the committee's report.

Mr. TYNER. I answer my colleague by saying that the item to which he refers is an item which may be found in the present bill under the heading, "Office of the Third Assistant Postmaster-General," and is an entirely different thing from the item now under discussion.

Mr. HOLMAN. What are the items under the head of "miscellaneous" to which my colleague on the Committee on Appropriations refers?

Mr. TYNER. The miscellaneous items that we are now discussing enter into the expenditures of all the post-offices throughout the country. The miscellaneous items to which my colleague refers are those in reference to the office of the Third Assistant Postmaster-General.

Mr. HOLMAN. Before my colleague answers, I wish to call his attention to the fact that he ought to bear in mind that we have a right to examine all the items in this bill with reference to our past experience in legislation. This item in the former appropriation bill which we passed was \$2,500, and now it is \$5,600. Now, I call the attention of my colleague to the fact that some change has been made in the appropriation for this purpose, which, of course, no one can explain but the Committee on Appropriations themselves, and I insist that the item shall be reduced to the usual amount. I do object to the system of reporting bills from the Appropriation Committee in such form that no member of the House with ordinary experience in regard to appropriation bills is able to tell whether a particular item refers to the item corresponding with the past experience in such bills. I move therefore to reduce the appropriation.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. RANDALL. I move to strike out \$50,000; I think \$100,000 is sufficient.

Mr. HOLMAN. Permit me to suggest to the gentleman from Pennsylvania [Mr. RANDALL] that the bill is so framed that no person can be advised of its contents except the gentleman who reports it.

Mr. RANDALL. I will join with the gentleman in any respect in which he will indicate a plan that will cut up by the roots appropriations in general terms, such as contingent expenses or miscellaneous expenses; but we have to deal now with the action of the Committee on Appropriations, and what I seek to do is something practical, and that is to reduce the item of miscellaneous expenses, and I think a reduction of \$50,000 about sufficient.

Mr. HOLMAN. My friend from Pennsylvania seems to admit that this item is not more than we usually appropriate. What I insist on is that this item shall be cut down to \$2,500, the same amount that has been appropriated under this head heretofore.

Mr. RANDALL. Now I want to make a statement to the committee.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. RANDALL. Let me say a few words by unanimous consent.

The CHAIRMAN. The gentleman will proceed, if there be no objection.

No objection was made.

Mr. RANDALL. I want to treat the gentleman from Indiana [Mr. TYNER] exactly fairly. He has stated to the House that this change is necessitated from the fact that, as I think improperly heretofore, these miscellaneous items have been paid out under heads which they ought not to have been paid out under; that is, under the head of rent, lights, and fuel. Now he proposes to separate them, and I propose to reduce the aggregate \$50,000. I think that the amount may be safely reduced to that extent. If the gentleman from Indiana [Mr. HOLMAN] thinks that the whole amount ought to be stricken out, let him make that motion. I will support him in all proper movements for retrenchment; but I am seeking now a practical purpose, to save what I can to the Treasury of the United States in a way that I think proper and sensible.

Mr. TYNER. Now, if I can be permitted by the committee, I think I can answer the objections of my colleague, and to that answer I desire his attention. My colleague, perhaps, in talking about the appropriations of last year, got the miscellaneous items mixed. There were in the appropriation bill of last year two separate propo-

sitions for miscellaneous items, one of them he will find, by turning to the appropriation bill of last year, of \$2,500.

Mr. HOLMAN. That is the first item which corresponds with this.

Mr. TYNER. Will my colleague just let me make my explanation without interruption. That was one of the miscellaneous appropriations.

Mr. HOLMAN. I have the law here before me.

Mr. TYNER. I have not the law but I have a statement of its contents. The gentleman will find on the second page of the law, if he has it, an appropriation for miscellaneous items of \$2,500.

Mr. HOLMAN. That is the first appropriation for that purpose.

Mr. TYNER. That is for the office of the Third Assistant Postmaster-General.

Mr. RANDALL. It does not say so.

Mr. TYNER. Heretofore the appropriations for the Post-Office Department have been made in the bill without any reference whatever to a separation of the Bureaus and the expenditures of the different Bureaus of the Department. The Committee on Appropriations believed that to be a loose way of doing business, and therefore this session they have introduced a bill providing for appropriations under separate heads for the support of the Bureaus of the Department, so that the First, Second, and Third Assistant Postmasters-General might each have the items of appropriation for his Bureau fixed by law, so that there may be no contention in the Department.

Now allow me a moment. There were two items in the bill of last year for miscellaneous expenses; one was for \$60,000, and while the bill did not provide that that amount should be expended in the Bureau of the First Assistant Postmaster-General, yet he did expend it.

Another item of \$6,500 in the office of the Third Assistant Postmaster-General was expended under his direction apart and separate from the other. That made \$66,500 for miscellaneous items and stationery appropriated last year.

After a thorough examination of this subject, we now believe that the law by which these accounts are so mixed in the Department should be changed. And in that connection and in reply to the gentleman from Pennsylvania [Mr. RANDALL] I call his attention to the law which provides the manner in which the Sixth Auditor shall keep his accounts. It is as follows:

The accounts of the postal service shall be kept in such a manner as to exhibit the amount of revenues, &c., and the amount of expenditures for each of the following objects: transportation of the mail, compensation of postmasters, &c., rents, lights, fuel for post-offices, stationery, and miscellaneous items.

In this connection let me say that the Sixth Auditor was simply obeying the command of the law when he grouped all these expenditures together. The result has been this: where the item of appropriation for rent, for instance, was in excess and the appropriation for miscellaneous items fell short the Sixth Auditor has been in the habit of applying the excess in the one case to make up the deficiency in the other. He could not well avoid it, because the law required him to group these accounts together, and he drew his warrants upon the Treasury in the course of the year for these separate items, never knowing how much belonged under each head until the expiration of the year, when it would turn out that the expenses under one head were too much and under the other too little. We propose now to bring him down to items, and make him keep an account under each head.

Mr. RANDALL. That far you are right, undoubtedly. Now, what was the amount expended for miscellaneous items under the three heads of last year's appropriation of rent, fuel, and light? In other words, what part of the \$660,000 for those three items was expended outside of those three items for miscellaneous purposes? Does the gentleman apprehend my question?

Mr. TYNER. I understand the question.

Mr. RANDALL. That will be a criterion upon which we can go for the next fiscal year and fix the amount for each item? For instance, if of that \$660,000 there was \$150,000 for miscellaneous purposes, then of course there would be some show for the appropriation of that amount for that purpose this year.

Mr. TYNER. If the gentleman will turn to page 51 of the appendix of the report of the Postmaster-General, he will find a part of the item.

Mr. RANDALL. What is the aggregate?

Mr. TYNER. I will say that by reason of the confusion in keeping these accounts in the Sixth Auditor's Office heretofore the various items of appropriation under this head are scattered all through this report. I did have a memorandum referring to every page and each item of expenditure under each head, but it has been mislaid. I will only say that if the gentleman will turn to page 51 of the Postmaster-General's report, not to my report, he will find there "For allowances to postmasters, for office repairs, gas-fixtures, telegraphing, and miscellaneous items, \$105,309.51." And then upon other pages of the report he will find over \$40,000 more.

Mr. RANDALL. Gas-fixtures should be under the head of lights.

Mr. TYNER. By no means. There is the single item of \$105,000. The gentleman can refer to the pages referred to in my report accompanying this bill and find over \$40,000 more.

Mr. RANDALL. My amendment induces economy during the next fiscal year in this item of about \$50,000. The gentleman states from recollection that the miscellaneous items of last year aggregated about \$150,000. I think we can reduce the amount about one-third, and save that much.

Mr. TYNER. If that reduction is made a deficiency account will have to be sent in next year.

Mr. RANDALL. I hope not; at any rate let next year take care of itself.

Mr. TYNER. No; vote the amendment down now.

Mr. HOLMAN. I desire to say a single word.

The CHAIRMAN. Debate has been exhausted upon the pending amendment.

Mr. HOLMAN. I move to strike out the last word. My object is to hold the heads of Departments to some degree of responsibility. My friend says the item intended to be covered by this \$150,000 is to be found on page 51 of the Postmaster-General's report. I would ask him then to appropriate \$150,000 for those items, giving them in detail, and we can in that way test the matter whether those are the miscellaneous items referred to or not.

Mr. TYNER. I am not responsible for the fact that my colleague [Mr. HOLMAN] cannot understand what is contained in the statement made on page 51 of the report of the Postmaster-General. I do not say that every item which appears there is an item charged up to the appropriation for miscellaneous items. My colleague will see there that certain payments were made for fees of United States marshals, and there was a specific appropriation made last year for that purpose.

He will also observe that there were payments of fees to attorneys, for which there was a specific appropriation; there was engraving, printing, and binding drafts and warrants, for which there was a specific appropriation. But unfortunately under the law the Sixth Auditor was compelled to group all these things together, and the footing, \$209,554.53 for these several items, hardly covers one-half of what was paid for these various items, as can be seen by referring to the report at the pages I have indicated.

Mr. RANDALL. I think that an appropriation of \$100,000 will be sufficient. I have looked at the specification in this report, and it seems to embrace everything.

Mr. TYNER. I think I can say without egotism, and certainly without any intention to reflect at all upon the judgment of the gentleman from Pennsylvania, [Mr. RANDALL,] that my knowledge of this subject, after thoroughly overhauling it and trying to dig out item by item all these various accounts, must certainly be superior to that of the gentleman from Pennsylvania, who has not had the same opportunities and has not devoted so much attention to the subject. I repeat that if only \$100,000 shall be appropriated a deficiency appropriation will be absolutely necessary.

Mr. RANDALL. Grant the correctness of what the gentleman states as to his superior facilities for knowledge upon this subject, yet he has admitted within the last few moments that in the past we have had a vicious mode of legislation and a vicious mode of expending money. Now I direct his attention to this statement, which must be conceded to embrace everything, for it is headed "Statement of payments made under sundry heads, charged to miscellaneous accounts for the fiscal year ended June 30, 1874." The first item reads:

For allowances to postmasters for office-repairs, gas-fixtures, telegraphing, and miscellaneous items—

Which is quite comprehensive—
\$105,309.51.

I think upon the figures of the Department itself, and notwithstanding the great facilities which the gentleman from Indiana has had for deriving information, an appropriation for \$100,000 will be sufficient. Here is a place where we can save \$50,000.

Mr. TYNER. I have nothing further to say upon this subject, except to refer the gentleman to page 277 of the Postmaster-General's report for another group of items under this head. If I had time (I have lost a memorandum showing these different references) I could refer the gentleman to various other items showing that the appropriation asked for this year is a very limited one in view of the necessities of the Department.

Mr. PACKER. The gentleman might refer also to page 281.

Mr. RANDALL. Page 277, to which the gentleman from Indiana has referred, is merely a detail of what no doubt is embraced in the other aggregate.

Mr. TYNER. The gentleman will see there that the Sixth Auditor has reported under the head "Miscellaneous," \$209,554.53; and under the head "Miscellaneous, stationery," \$36,468.97.

Mr. RANDALL. I still think that an appropriation of \$100,000 for this purpose will be sufficient.

Mr. HOLMAN. I withdraw my formal amendment for the purpose of suggesting to my colleague that he make the appropriation in conformity with the expenditures under this head for the last fiscal year, omitting "expenses in negotiating postal convention with France," and the expenditure for "safe for dead-letter office." Let all the other miscellaneous expenses be included.

Mr. TYNER. How much does my colleague propose to appropriate.

Mr. HOLMAN. One hundred and fifty thousand dollars.

Mr. TYNER. I will hear my colleague's amendment read.

The Clerk read as follows:

In line 24 of the bill, after the word "items," insert the following:
Namely: For allowances to postmasters for office-repairs, gas-fixtures, telegraphing, and miscellaneous items; for preparation and publication of post-route maps; for post-office and official stamped envelopes; for registered package envelopes and seals; for fees to United States marshals; for fees to clerks of courts; for fees to

attorneys; for engraving, printing, and binding drafts and warrants; for expenses in examining the registered-letter system; for moieties to informers in cases of violation of post-office law; for law books for use of Post-Office Department; \$150,000.

Mr. TYNER. In response to the suggestion of my colleague I will simply say, as I have said over and over again, that that enumeration does not embrace all the expenditures of the last year for these various items.

Mr. HOLMAN. The Postmaster-General says that it does.

Mr. TYNER. If we appropriate only the amount suggested by my colleague, I cannot possibly indicate the amount of the deficiency appropriation. That will be necessary when the accounts shall be made up.

Mr. HOLMAN. My colleague has referred to page 277 of the Postmaster-General's report as indicating the items of expenditures under this head; but on examination he must see that the aggregate there carried out is made up simply of the items from page 51.

Mr. TYNER. I think my colleague will find he is mistaken. On page 51 of the report of the Postmaster-General it is shown that the total of miscellaneous items is \$209,554.53. On page 277 my colleague will find that item is embraced with many others.

Mr. HOLMAN. Certainly.

Mr. TYNER. That is all true; but is that all the gentleman finds on page 277?

Mr. HOLMAN. Yes; all under the head of "miscellaneous."

Mr. TYNER. Under the head of miscellaneous you will also find \$36,468.97 for "miscellaneous, stationery."

Mr. HOLMAN. That is "miscellaneous, stationery;" but we have provided for that already.

Mr. TYNER. I am talking about these items grouped under the head of miscellaneous; but, sir, I am willing the vote should be taken. The committee divided; and there were—ayes 27, noes 74.

Mr. GARFIELD. No further count is demanded.

So the amendment was rejected.

Mr. HOLMAN. This amendment is not adopted because gentlemen have not taken the pains to study the question; but I do not insist on a further count.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. My amendment will save \$50,000.

The committee divided; and there were—ayes 43, noes 55; no quorum voting.

Mr. RANDALL. The vote is so close I must demand a division. My amendment is to reduce this appropriation for miscellaneous items from \$150,000 to \$100,000, thereby saving \$50,000 to the Government.

The CHAIRMAN. No quorum voting, the Chair will order tellers; and he appoints Mr. TYNER and Mr. RANDALL.

The committee again divided; and the tellers reported—ayes 38, noes 69.

Mr. RANDALL. The vote just taken is sufficiently indicative, and I therefore ask for no further count.

So the amendment was rejected.

The Clerk read as follows:

Office of Second Assistant Postmaster-General:

For inland-mail transportation, \$17,548,000; and out of this appropriation the Postmaster-General is hereby authorized to pay the expenses of taking the weights of mails on railroad-routes, as provided by the act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874," approved March 3, 1873; and he is hereby directed to take said weights, and require them to be stated and verified to him by the employees of the Post-Office Department, under such instructions as he may consider just to the Post-Office Department and the railroad companies.

Mr. TYNER. I move the following amendment to that paragraph:

Strike out the word "this," in line 28, and insert the word "the;" after the word "appropriation," in line 29, add these words, "for inland mail transportation," and strike out "hereby;" and after "authorized" insert "hereafter."

The purpose is to make this provision permanent instead of applying simply to this paragraph.

Mr. COX. I do not understand what the gentleman means by making it permanent.

Mr. TYNER. If the gentleman will look over the language of the bill, he will see it is provided that out of this appropriation certain expenses shall be paid. The amendment, if adopted, will make that provision the law. In other words, out of this appropriation the Postmaster-General will be hereafter authorized to pay the expense of taking the weights of mails on railroad-routes. The gentleman will see the propriety of it. It is in view of the fact there is a doubt whether they have the right to take out of any appropriation the necessary amount to pay these expenses. I wish to cure that.

Mr. RANDALL. This is to have a test?

Mr. TYNER. This is to see what the mails weigh.

Mr. O'BRIEN. How can you make it permanent to come out of this appropriation?

Mr. TYNER. The amendment is to change this into a permanent law.

Mr. O'BRIEN. Report the paragraph as it will be if the amendment be adopted.

Mr. TYNER. I will read the law as it is proposed to be amended:

Office of Second Assistant Postmaster-General:

For inland mail transportation, \$17,548,000; and out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay the expenses of taking the weights of mails on railroad routes, as provided by the act entitled "An act making appropriations for the service of the Post-Office Depart-

ment for the year ending June 30, 1874," approved March 3, 1873; and he is hereby directed to take said weights, and require them to be stated and verified to him by the employes of the Post-Office Department, under such instructions as he may consider just to the Post-Office Department and the railroad companies.

Mr. RANDALL. This is for the purpose of taking the weights of mails on railroad-routes as provided for by the law of 1874.

Mr. TYNER. It is to cure the doubt which has always existed in the Post-Office Department whether they had the right under the law to take money out of any appropriation for the purpose of taking the weights of these mails.

Mr. RANDALL. As I understand, it is with a view to save money to the Government.

Mr. TYNER. Certainly.

Mr. RANDALL. So as to test the railroad weights of mails carried?

Mr. TYNER. That is it exactly.

Mr. RANDALL. It is to put this whole matter under the control of the Post-Office Department. Now, how many employes are required to carry out this law?

Mr. TYNER. The supposition, as nearly as can be ascertained for inland mail transportation from year to year, is that it would take \$100,000.

Mr. RANDALL. How much is it estimated we will save by this change?

Mr. TYNER. Just so much as gentlemen may imagine might occur by reason of the Government taking this matter into its own hands.

Mr. RANDALL. We had this subject before the Committee on the Post-Office and Post-Roads, and I think the Department then presented a statement as to what would be the amount saved. I do not now recollect exactly what it was. They had some mails weighed and showed the percentage which would be saved and with that made up a general calculation.

Mr. TYNER. I do not think there is any data by means of which the Department or anybody else could say how much would be saved. The House can see the entire looseness of permitting railroads to take weights of their own mails. There has also been a doubt in the Post-Office Department whether they had the right to use money out of any appropriation. We cure this by providing for the expenses of taking the weight of mails by employes of the Post-Office Department. The amendment is a perfectly proper one.

Mr. RANDALL. From tests it appeared the Government had not been honestly dealt with in the weights of mails returned by railroad companies, and, as I understand it, this amendment is to cure a defect in the law which made such a thing possible.

Mr. TYNER. Certainly. If this change in the law were not proposed the Committee on Appropriations would not ask a single dollar less than we have for inland mail transportation.

The committee therefore believe that if it would cost \$100,000 to take the weight of the mails, at least \$100,000 a year would be saved by it. I believe it may amount to a much greater sum.

Mr. RANDALL. That is a fair answer.

The amendment was agreed to.

Mr. VANCE. I offer the following amendment:

After line 39, page 3, insert:

For payment of the amounts due southern mail contractors to 26th May, 1871, \$370,977.17.

Mr. TYNER. I raise the point of order on that amendment that it is in conflict with existing law. I send up a joint resolution of Congress for the information of the Chair.

The CHAIRMAN. The Chair is disposed to sustain the point of order unless the gentleman from North Carolina [Mr. VANCE] can show that the amendment is not in conflict with existing law.

Mr. VANCE. What law?

The CHAIRMAN. It is the act approved March 2, 1867.

Mr. SENER. Let it be read.

The Clerk read as follows:

Joint resolution prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until otherwise ordered it shall be unlawful for any officer of the United States Government to pay any account, claim, or demand against said Government which accrued or existed prior to the 13th day of April, A. D. 1861, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during said rebellion was not known to be opposed thereto and distinctly in favor of its suppression; and no pardon heretofore granted or hereafter to be granted, shall authorize the payment of such account, claim, or demand until this resolution is modified or repealed: *Provided,* That this resolution shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to April 1, 1861, to creditors of said contractors, loyal citizens of loyal States, in payment of debts incurred prior to March 1, 1861.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SENER. Before the committee passes from that, let me say that a majority of the House more than twelve months ago voted to instruct the Committee on Appropriations to report in favor of such an appropriation as this.

Mr. DUNNELL. I offer the following amendment:

In line 27 strike out the word "seventeen" and insert "eighteen;" so that it will read:

For inland mail transportation, \$18,548,000.

In offering this amendment I desire to say that in the administra-

tion of the Post-Office Department for the last year the frontier portions of the country are made to suffer in order that the other sections of the country may have a special favor. To illustrate, I think that this inland mail item should be increased more than it has been relatively. Seventeen million dollars, one-half of the entire amount in the bill, is for inland transportation. The increase is only half a million. There is an increase in the other items of some two and a half millions or more. Now, because we increase so little in this item there is an injustice done to the frontier portions of the country.

Within the past year, in order to bring the transportation within the appropriation, very well-settled portions in my own State and in my own district, where they have had mails heretofore twice a week, have been reduced to one mail a week; and on some mail-routes where they had mails three times a week they now have a mail but once a week. There is a very great complaint that the frontier portions of the country get very lightly the benefits of the mail service as compared with the other portions of the country. We have here between two and three million dollars appropriated to pay mail letter-carriers. And this bill discloses the fact that there is too slight an increase in this item and too large an increase in some others.

Mr. COX. Will the gentleman allow me to ask him a question?

Mr. DUNNELL. Certainly.

Mr. COX. Does the gentleman not know that the income of the Post-Office Department is largely in excess in those States which are thickly settled, as the Eastern States, of the income from the frontier States, and that really the thickly populated States are not in deficiency?

Mr. DUNNELL. I understand that. My argument, however, is not thereby damaged; because there is a system that extends itself throughout the entire country and is paid by the general wealth of the country, and I say it is unjust to the frontier portions of the country to deny them a reasonable share of the advantages of the Post-Office Department.

Mr. RANDALL. Does the gentleman seriously propose to increase the item for inland mail transportation?

Mr. DUNNELL. I do seriously propose to increase it, unless it can be shown that there may be properly a reduction in other items.

Mr. RANDALL. I desire to draw the attention of the gentleman to the fact that the last appropriation bill appropriated for this purpose \$16,400,000, while this appropriates \$17,548,000. There is therefore an increase of \$1,148,000.

Mr. DUNNELL. O, no; only \$600,000.

Mr. RANDALL. The difference between \$17,548,000 and \$16,400,000 is \$1,148,000, notwithstanding the correction of the gentleman; and the gentleman's amendment will make it \$1,000,000 more.

Now, there is another point to which I desire to attract attention. It is that the present Postmaster-General is cutting up by the roots some of these outrageous post-office route contracts to carry the mails. I believe if the Postmaster-General has his way in this matter he will save an enormous sum of money by following out the course of conduct he is now pursuing. And there is certainly no occasion for any further increase in addition to the increase already made of \$1,100,000.

Mr. HOLMAN. I am utterly astonished at the proposition of my friend from Minnesota. I had supposed that the House in Committee of the Whole would have insisted on this item being reduced. The rapidity of the increase of appropriations for the benefit of railroads is something startling, and I think ought to arrest the universal attention of the country.

My friend will see that the result is an increase of the appropriation for the benefit of the railroad companies. This bill increases the appropriation for the inland transportation of the mails. My friend will notice by the report that accompanies this bill that in 1872 the amount appropriated was \$12,572,264; in 1873 the amount was \$13,635,341; in 1874 the amount was \$15,925,584; and in 1875, the present year, the amount was \$16,400,000, and now for the next fiscal year it is proposed that there shall be an increase already of \$1,750,000.

Now, no person can notice the monstrous increase of these appropriations made for the benefit of the railroad companies of the country without being impressed with the fact that when four or five years ago a gentleman of prominence retired from the Post-Office Department he proposed to secure an increase of the appropriation for the benefit of railroad corporations upon conditions which would have secured to him and his associates over \$1,000,000 from the persons for whose benefit the increase was made. I trust, sir, that the condition of public affairs is not justifying any real apprehension that that combination is to be carried into effect; and yet the fact is that from the year after that letter was published up to the present time there has been an increase of the appropriations for the benefit of railroad corporations which does in effect substantially correspond with what that retiring officer of the Post-Office Department proposed; and upon looking at the report of the Postmaster-General for the present fiscal year you cannot fail to observe that the leading railroads—such, for instance, as the Erie Railroad—have had a large increase in the amount allotted to them for carrying the mails. During the last year the amount allotted to that road for its services in carrying the mails has been increased \$151,095, an increase of a little over 50 per cent.—the exact amount of increase proposed by Giles A.

Smith in a circular which was brought to the attention of the country and read to the Senate three or four years ago. The amount formerly paid to that road was \$172,000; the amount paid during the present fiscal year was \$323,595.

Now, my friend proposes that instead of an increase for the present year of about \$1,500,000, as the bill proposes, an addition shall be made of \$500,000 to that amount, making the appropriation for this year infinitely larger than has ever been made even since the railroads seem to have obtained a mastery and control of the Post-Office Department; it would make the increase for the present year \$1,600,000, the main portion of which would inure to the benefit of the railroad companies of the country.

Now, sir, while I am in favor of paying to the railroad companies a reasonable amount for the transportation of the mails, I am not willing that they shall receive for the transportation of the mails a larger amount than they would have received with the same capacity of cars for the transportation of passengers. They received, sir, more for the transportation of the mails than they would receive from a car of similar size filled with passengers and filled to the utmost capacity. Such is the fact, and any person would suppose that the passenger traffic was the most profitable traffic in which a railroad company could engage.

But, sir, it has been ascertained since that unhappy letter was read in the Senate that the railroad companies have obtained so complete a control over the transportation of the mails that they are able to fix their own terms, and to make the transportation of the mails the most profitable branch of their business and traffic.

I trust, sir, that the gentleman from Minnesota will not press his proposition, knowing as he must do that it would furnish the money to increase still further the subsidies to railroad corporations.

Mr. DUNNELL. Although it is not exactly in order, I wish to say a single word more. I have made a motion to increase this appropriation for the inland mail service because, under the administration of the Post-Office Department for the last year, with the appropriations made for that service, the Department has been compelled to strike at those portions of the country that ought to be spared. The gentleman from New York [Mr. Cox] has replied that the transportation of the mails in the State of Minnesota costs more than the Government receives from their transportation. Sir, that has been true of every frontier State at some time in its history. And, Mr. Chairman, while I vote for retrenchment in every other Department readily and promptly, I do insist that the Post-Office Department, that comes home to every home in the country, the most beneficent branch of the Government, is just that branch of the Government that should be liberally provided for. I am not anxious, for one, that the Post-Office Department shall pay its expenses. Let it be made efficient and to the fullest extent beneficent to the people. I receive every week from my constituents letters stating that they are now receiving one mail a week where they formerly received two or three, and that from districts which are well settled and populous. We are compelled to feel the effect of the retrenchment in this Department. If the new Postmaster-General seeks glory by retrenchment, I simply ask him not to let the frontier portion of the country suffer solely and alone from that retrenchment. Let there be retrenchment in the other portions of the country—in the Eastern States and in the large cities. I am not unwilling that the amount paid to the railroad companies of the country shall be reduced; but I say that we ought not to lessen the ability of the Government to furnish reasonable mail facilities to the frontier portion of the country.

[Here the hammer fell.]

The question was taken; and the amendment of Mr. DUNNELL was not agreed to.

Mr. RANDALL. I would like to have the gentleman who has charge of this bill state to us how much we expended during the year that we have full returns from—the year 1873—for this service, and why the necessity for this increase. In that year there was less than \$13,000,000 expended.

Mr. TYNER. What year is that?

Mr. RANDALL. The year 1873; the amount is \$13,635,000.

Mr. TYNER. That is correct.

Mr. RANDALL. I would like to know the reason of this large increase of \$4,000,000 which is proposed in this bill.

Mr. KELLOGG. Is the amount in this bill as much as the estimate?

Mr. TYNER. One thing at a time.

Mr. KELLOGG. That is right; I will agree to that.

Mr. TYNER. The expenditure of 1873, as stated by the gentleman from Pennsylvania, [Mr. RANDALL] was over \$13,600,000. The appropriation for the current fiscal year was \$16,400,000. Of that increase between \$1,600,000 and \$1,700,000 went to make up the amount necessary to pay railroads under the law of 1873 readjusting the mode of compensating them for carrying the mails. Therefore, if the gentleman will add to his \$13,635,000 about \$1,700,000, and ascertain the total, then he may consider all which is here proposed over and above that total as what has become necessary by reason of the actual growth of the country and the increased lines of railroad.

Mr. RANDALL. I see that by the appropriation of last year the amount was \$16,400,000.

Mr. TYNER. That is correct; and we propose to add just 7 per cent. only to that amount.

Mr. HOLMAN. For the purpose of accomplishing the object which the gentleman from Minnesota [Mr. DUNNELL] has in view, I will move to add to this paragraph this proviso:

Provided, That no part of this appropriation shall be applied to increase the compensation to any railroad company for the transportation of the mails beyond the amount now received by such company.

Mr. TYNER. I raise the point of order on that amendment that it is contrary to existing law.

Mr. RANDALL. It is only a limitation upon the appropriation. I would say to the gentleman from Indiana [Mr. HOLMAN] that instead of the word "amount" he should use the word "rates."

Mr. HOLMAN. The rate is what the Postmaster-General thinks proper to pay.

Mr. TYNER. I withdraw the point of order; I see that this is but a limitation upon the appropriation.

Mr. HOLMAN. A word or two upon the amendment. This amendment does not cure the evil, as the gentleman perceives, because the railroads that were alleged by Giles A. Smith to have entered into that combination have, the most of them, if not all, received the additional amounts which it was proposed by him to secure for them. Gentlemen will discover that these favored roads have already received nearly \$2,000,000 increase of the amount for transportation of the mails. I will state the exact amount, and will refer to table "F" page 183 of the last report of the Postmaster-General. Under this new programme for the benefit of the railroad corporations, they have already received an increased amount of \$1,254,327.46. The amount they were receiving when that proposition was read in the Senate Chamber and startled the country, as I understand the facts, was \$5,239,240. The amount they are now receiving under the allotment and subsidizing plan as it stands to-day is \$6,493,756.68.

The only effect of my amendment would be simply to prevent that scheme of fleecing the Treasury extending any further than has already been accomplished. I trust the day will soon come when Congress will rise up to the emergency and compel these corporations to transport the mails of the country at fair and reasonable rates, and not to assume to dictate the terms upon which they will make that transportation. I am certain that even if this unpretending amendment is adopted the Postmaster-General, who now possesses the confidence of the country—and it is a source of infinite satisfaction to every citizen that a Department so important to the country should have at its head a gentleman whose integrity no one can call in question—will be enabled to pay these railroad companies a fair compensation, and there will be enough left to extend the postal service over the comparatively sparsely settled sections of the country, and enable us in our several districts to obtain the increased facilities which our increased wants require.

Mr. DANFORD. Does not the gentleman recognize the fact that the large increase in the amount paid to railroad companies in the last two years is owing entirely to the change of the law compensating them passed in 1873? And is it not by reason of that law rather than by reason of any combination on the part of the railroad companies or others who may be seeking to defraud the Government that the increased amount has been paid to them?

Mr. HOLMAN. My friend will remember that it was the enactment of that law that induced the post-office official to whom I have referred to leave his place in the Post-Office Department. It was to accomplish the enactment of that law that he did so, for the law conforms exactly to his programme which he issued and to the circular which was read in the Senate Chamber a few years ago. Within twelve months after the time when that arrangement was first disclosed (and that is the most remarkable thing about it) the law to which my friend refers was enacted. And under the power conferred upon the Post-Office Department by that law, by the pressure and demands of the railroad companies themselves, this enactment has been brought about.

Mr. DANFORD. Then, Mr. Chairman, it is the law that the gentleman complains of, not an unfair or dishonest construction placed upon it by the Post-Office Department.

Mr. HOLMAN. The law does not fix the rate. My point is that the law authorized the fixing of rates by the Post-Office Department, and under this general power to adjust the amount to be paid to the railroad companies this increase has occurred. It is not Congress that fixes the rates.

Mr. DANFORD. Does not the law limit the Postmaster-General in the fixing of these rates?

Mr. HOLMAN. No, sir. I undertake to say that practically there is no limitation. It was somewhat difficult to fix a limitation. Congress was obliged to leave this matter in a great degree to the discretion of the Department; but the mistake of Congress was in leaving the Post-Office Department, in a matter so important to every citizen, at the mercy of the railroad corporations; so that we have had them threatening that they would not carry your mails unless you increased their compensation.

Mr. TYNER. The effect of the amendment of my colleague, if it be adopted, will be to prevent any increase of compensation to a very considerable number of railroad companies in the country that never have entered into any combination. In other words, if there has been any such injustice as that complained of by my colleague, it is an injustice that has been taken advantage of by a number of railroad companies in the country, while there are other companies that

never did enter into any combination, and never had anything whatever to do with the passage of the law increasing compensation.

Again, sir, during the present year the contract term for carrying the mails will expire on a very large number of railroads. Under the law the Postmaster-General, in ascertaining how much these companies shall have under a new contract, will be required to apply the provisions of the law; that is, to take into consideration the weight of the mails, and in some instances the amount of car space occupied; and if upon such an application of the provisions of the law any railroad companies should be entitled actually and honestly to additional compensation, the amendment of my colleague would entirely cut them off. Surely he does not intend to do any injustice of that kind to the railroad companies.

Mr. HOLMAN. But my colleague will remember that these same railroad companies to which he now refers are now getting even a larger compensation than they received during the entire period of the war for similar service.

Mr. TYNER. But the compensation has only been adjusted upon about four hundred and sixty or four hundred and seventy of these railroads. There are two or three hundred others in the country upon which there has been no readjustment of pay; and these are the smaller railroads—those that never had anything to do with the combination, if a combination did exist. I make this point for my friend to think about.

Now, a single word in regard to that combination. I am sorry that I am compelled to refer to it again. It was dragged into the debate last year by my colleague. It has been thrown into the debate here again this year. I am not disposed to say a single word in answer to what has been said on this point, except this: That if Giles A. Smith, who was at one time Second Assistant Postmaster-General, did, after resigning that position, enter into a collusive arrangement with the railroad companies by means of which he was to have a certain percentage if he succeeded in getting through a law that would increase the pay of those railroad companies, that arrangement was exposed in the Senate one year ago, if I remember correctly, before any law upon this subject was passed; and it was exposed also, if my recollection is not at fault, in this House. It was exposed, I know, in the Committee on the Post-Office and Post-Roads, of which I was then a member. Now, will my colleague say that the gentlemen in the House and Senate who after that exposure voted for the law directing the manner in which railroad companies should be paid and the mode of computing their compensation entered dishonorably into such arrangement; that they were actuated by dishonest and corrupt motives? If my colleague wants to make such an application of his remark to gentlemen with whom he was associated during the last Congress—his associates in this House and members of the Senate—I give him the floor to do so, because I would not be in the position of making any such insinuation.

Mr. HOLMAN. I did not understand the last remark of my colleague.

Mr. TYNER. That my colleague may understand it, I ask him, does he mean to say that the gentlemen in this House or the Senate who voted for the passage of the law of 1873 were actuated at all by corrupt motives which were suggested to them by Giles A. Smith or anybody else?

Mr. HOLMAN. Does not my colleague know that I stated simply that—

Mr. TYNER. If my colleague—

Mr. HOLMAN. I hope my colleague will allow me to finish my remark. I have simply stated that the programme contemplated by the circular read in the Senate was in effect accomplished by the enactment of the law of 1873. I have not intimated that either the House or the Senate was improperly influenced in the enactment of that law. On the contrary, as I have said, the only defect in that law was that it left the Post-Office Department completely at the mercy of the railroad corporations.

Mr. TYNER. Then, Mr. Speaker, the indictment of my colleague is simply this, that a man who had happened once to be Assistant Postmaster-General did enter into an arrangement with certain railroad officers throughout the country, (and a portion of those whose names were mentioned declared afterward that there never had been any such arrangement,) did enter into an arrangement with certain railroad companies of the United States to get a law passed by means of which there should be a readjustment of their pay. That is the first count of my colleague's indictment. Suppose they did so; suppose there was no corruption connected with that arrangement, I ask what there would be wrong in such an arrangement?

The law providing the manner in which the railroad companies should be compensated was passed nearly a year after the exposure of this matter to which my colleague has referred. The facts were within the knowledge of the House and Senate, and yet the necessity of changing the law so as to do justice to the Department and to the railroad companies induced a majority of the House and Senate to pass that law.

Now, my friend says that his only objection to this law is that it practically places it beyond the power of the Postmaster-General to determine or fix the compensation of the railroad companies. What does the law do? I am sorry, without taking up too much of the time of the committee, I cannot send the law to the Clerk's desk and have it read. I will do so, however, if any gentleman requires it. I say

this: that the law simply provides that the Postmaster-General shall pay railroad companies for the weight of mails they carry over their roads. In other words, it provides that the Government shall pay them for what they do and nothing else. If that is injustice either to the Department or railroad companies, the profound learning and acumen of my colleague may enable him to point it out to this committee.

The committee divided; and there were—ayes 20, noes 77; no quorum voting.

Mr. HOLMAN. There should be a quorum present on a question involving a million dollars, and I therefore insist on a further count.

The CHAIRMAN. The Chair appoints Mr. TYNER and Mr. HOLMAN tellers.

The committee again divided; and the tellers reported—ayes 45, noes 103.

So the amendment was disagreed to.

The Clerk read as follows:

For engraving, printing, and binding drafts and warrants, \$3,000.

Mr. PLATT, of New York. I move to insert the following amendment.

The Clerk read as follows:

That all merchandise or samples sent as third-class matter shall be open at one side or end, so that the contents are exposed to the view of postmasters; and all such not so exposed shall be subject to letter postage.

Mr. RANDALL. I make the point that changes existing law and is therefore not in order. It is new legislation, and is not in order under the rules.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

The Clerk read as follows:

For advertising, \$100,000: *Provided*, That hereafter the mail lettings for the States of Maryland and Virginia and for the District of Columbia shall not be advertised in more than one newspaper published in the District of Columbia, nor at prices exceeding the regular and ordinary rates charged by such newspaper to other advertisers; and so much of section 3826 of the Revised Statutes of the United States as refers to the publication of advertisements in newspapers be, and the same is hereby, repealed.

Mr. MERRIAM. I move to add the following proviso.

The Clerk read as follows:

Provided, That mail lettings in every State outside of the States of Maryland and Virginia shall be advertised in one newspaper published in the congressional district where such mails are to be carried, and that notice of such lettings shall be prominently posted in each office where such lettings are to be made.

Mr. TYNER. I make the point that amendment is not in order, as it changes existing law.

Mr. MERRIAM. I wish to say a word on it before the point of order is made.

Mr. TYNER. I do not object, but will reserve the point of order.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. CONGER. I rise to a point of order on the last portion of the paragraph just read, which reads as follows:

And so much of section 3826 of the Revised Statutes of the United States as refers to the publication of advertisements in newspapers be, and the same is hereby, repealed.

Mr. CONGER. That is in conflict with existing law and is therefore not in order.

Mr. TYNER. Under a suspension of the rules on last Monday that was made in order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CONGER. The Chair will hear my point of order?

The CHAIRMAN. Certainly.

Mr. CONGER. The rules were suspended only to permit this proposition to be offered and not to make it a part of the bill. The rules were suspended only for its introduction and consideration in committee.

Mr. GARFIELD. And that has been done and the proposition has been passed upon.

Mr. CONGER. O, no.

Mr. TYNER. It is not necessary to interpose that point of order. The Chair will find by looking at the resolution adopted under a suspension of the rules last Monday this is in order.

Mr. RANDALL. The amendment is in the precise words of that resolution, as I remember it.

Mr. CONGER. It would give the Committee on Appropriations power to change the law instead of the Committee of the Whole.

The CHAIRMAN. As the resolution adopted by the House will govern a number of amendments, the Clerk will have it read.

The Clerk read as follows:

AMENDMENTS TO POST-OFFICE APPROPRIATION BILL.

Mr. PLATT, of New York. I am instructed by the Committee on the Post-Office and Post-Roads to move that the rules be suspended and the resolution adopted which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That when the bill making appropriations for the support of the Post-Office Department for the year ending June 30, 1876, shall be pending in the Committee of the Whole House it shall be in order to consider propositions to change existing laws as follows, namely:

"First. Fixing salaries of postmasters and the mode of computing same.

"Second. The manner of paying railroad companies for carrying mails, so as to authorize the Postmaster-General to pay the expenses of taking weights of mails on railroads out of appropriations for inland mail transportation.

"Third. So as to allow the Postmaster-General hereafter to pay experts and others

employed on the preparation and publication of post-route maps out of appropriations for preparing and publishing such maps.

"Fourth. So as to regulate the manner of advertising proposals for mail lettings in certain States, and to repeal the law requiring all advertisements, notices, &c., to be published in three daily papers in the District of Columbia.

"Fifth. Regulating the manner of keeping, in the Sixth Auditor's Office, accounts for expenditures for Post-Office Department."

Mr. CONGER. My point of order is that the rules were so suspended as to make it in order to offer this proposition in the Committee of the Whole, to introduce it for consideration, but that did not give the Committee on Appropriations the power to so frame the bill as to include this proposition without consideration or action in the House; otherwise the Committee on Appropriations would have the power itself to decide what is proper legislation under that rule. Exception was not taken to the others, but my point of order is made here.

The CHAIRMAN. The Chair rules the proposition in the bill, to which the gentleman's point of order refers, in order under the resolution adopted by the House authorizing such a proposition should not be considered, and it is immaterial whether proposed by a gentleman on the floor or reported by the Committee on Appropriations. The Chair overrules the point of order of the gentleman from Michigan. The Chair is inclined to think the amendment of the gentleman from New York [Mr. MERRIAM] may have been in order under this resolution.

Mr. TYNER. I said I would reserve the point of order until the gentleman from New York was heard on his amendment.

The CHAIRMAN. The Chair will recognize the gentleman from New York to offer his amendment.

Mr. MERRIAM. I offer the following.

The Clerk read as follows:

Add at the end of line 131:

Provided, That mail lettings in every State outside of the States of Maryland and Virginia shall be advertised in one newspaper published in the congressional district where such mails are to be carried, and that notice of such lettings shall be prominently posted in each post-office where such lettings are to be made.

Mr. MERRIAM. Mr. Chairman, my own experience in my own district has led me to believe that if we communicated directly with the people who carry the mails we could save \$1,000,000 out of the \$17,500,000 which are paid for inland transportation of the mails. In my district—and I believe it is so all over the United States—there is a certain class of men whose entire business it is to take speculative contracts. They bid for all mail contracts. After getting them, they go back to the people and sub-let them, and make fortunes out of the business.

The reason why the people who carry the mails cannot come in and compete is because they never know where and when the lettings are to be made. In the State of New York I understand there are five newspapers in which the lettings are advertised; usually in one newspaper in the city of New York and others in large cities elsewhere. Now, it is not common sense to suppose that the small mail carriers throughout the State of New York ever see or ever hear of those newspapers.

The point that I want to make is simply this, that there should be some means whereby the fact that these lettings are to be made will reach these people, so that they may come in as bidders. I think we could save a million of dollars every year by doing it which now goes into the pockets of speculative bidders.

My proposition is that one newspaper in every district where the lettings are to be made should advertise these lettings and that notices of these lettings should also be placed prominently in the principal post-offices in the district where the mails are to be carried, so that the fact may come to the knowledge of the people who are ignorant under the present law and mode of advertising as to the manner and time of letting, and who are now obliged to go to the men who have taken these contracts with no intention themselves of ever carrying the mails one rod, only intending to let them to some other person at a higher price and make all the money themselves, which is very large on most of the routes. Besides, the people are never so well served when the small sub-contractors are obliged to pay so large an advance over the speculators' bids as to gain little or no profit from the work they do. It is the cause of the constant annoyance and inconvenience the people are subjected to all over the country.

Mr. TYNER. If it is necessary to answer the suggestions made by the gentleman from New York, [Mr. MERRIAM,] I will say that the committee have recommended an appropriation of \$100,000 to cover the expense of advertising under the existing law—the law requiring that proposals for carrying the mails shall be advertised in five newspapers in each State where the lettings are to be made. Now, in the State of New York, under the existing law, these mail lettings are published in five newspapers.

Mr. MERRIAM. And nobody ever sees them except the speculative bidders.

Mr. TYNER. But if the amendment of the gentleman from New York should prevail, it would require the letting to be published in thirty-three newspapers of that State at an expense seven times as great.

Now, Mr. Chairman, I beg leave to say right in this connection that if the amendment should prevail, instead of a hundred thousand dollars it will cost from six to eight hundred thousand dollars a year to pay for the cost alone of advertising mail-routes.

Mr. DUNNELL. I would like the gentleman from Indiana to explain how he makes that out. These advertisements are now published in one hundred and eighty-five newspapers. There are two hundred and ninety-two members of this House, and as many congressional districts. I would like the gentleman to explain, if \$100,000 will pay for this printing in one hundred and eighty-five newspapers, how it will cost six or eight hundred thousand dollars to do the same printing in two hundred and ninety-two newspapers?

Mr. TYNER. If any gentleman on this floor has taken the trouble to ascertain what is the average number of routes per State, he can easily ascertain the additional cost by adopting this amendment. The estimate I make now is a random guess, but I think it will cost at least half a million dollars.

Mr. MERRIAM. That would be \$2,000 for each congressional district. I believe it can be advertised in each congressional district for \$100,000.

Mr. TYNER. Now, let me say one word as to the utility of this. My own opinion is that very little is accomplished by advertising mail lettings in newspapers. I am a little skeptical as to whether anything of consequence is gained by this advertising. The Post-Office Department publishes a pamphlet containing everything that is contained in the newspaper advertisements and other instructions besides. These pamphlets are sent to the post-offices at the termini of every mail-route and to every intermediate post-office along the mail-route where these mail lettings are to be made; and it is only rarely the case that contractors resort to newspapers for information. Most generally they go to the postmasters in the immediate vicinity, and there inquire for these pamphlets and ascertain what they desire to know in connection with the proposals.

Mr. RANDALL. Then this item ought to be struck out altogether.

Mr. MERRIAM. I desire to say only a word in answer to what the gentleman from Indiana has stated. There are now lettings advertised in two hundred and twenty newspapers, as I understand from the report before me. Under the proposition I make they would be advertised in two hundred and ninety-two; only seventy-two more newspapers than at present. Now, what I claim is this: that by the means I propose we come directly to the people who are carrying the mails, while under the present plan the people who carry the mails never see the city papers, and you throw the money away. It will undoubtedly cost less to advertise in two hundred and ninety-two country papers than in two hundred and twenty papers of our large cities, because the advertising rates of country papers is very much less than those of city papers.

Mr. PARKER, of Missouri. Mr. Chairman, under the law as it stands now I believe a mail contractor who proposes to take a contract for carrying the mails from the Department is required to deposit a certified check for a certain amount. I find it asserted all over the country, in the newspapers of the country, that the effect of that law is to drive away from the Department the small bidders who are perhaps unable to furnish a certified check to that amount, and to place this whole business of carrying the mails in the hands of companies organized in the Eastern States and cities. Now, as my friend and colleague on the committee from Indiana has fully investigated this question, I desire to ask what, in his opinion, is the effect of this law; whether it drives the carrying of the mails and this contract business necessarily into the hands of contractors organized for that purpose in the older States and cities of the Union and who now do the service all over the Western States, giving no chance to the poor men who desire to engage in this business? I ask the question, sir, because my colleague has investigated the law and the facts in relation to this matter and has been connected with the Post-Office Department ever since he has been in the House and before that, and knows all about it.

Mr. TYNER. I answer the suggestion of my friend from Missouri, by saying that the provision of law to which he referred is one which seemed to be demanded by experience, in order to break up the vicious system of straw-bidding. That was the purpose of requiring certified checks to be deposited with the bids where the bids were over a certain sum.

Mr. PARKER, of Missouri. Five thousand dollars?

Mr. TYNER. Yes, sir, \$5,000. Now, it is only necessary for me to say that by reason of that provision of the law and other provisions of the law which have thrown hedges about the letting of contracts on large routes throughout the western territory and elsewhere in the country, the saving to the Post-Office Department has been enormous.

Now, all that the gentleman from Missouri has to do in order to ascertain the effect of existing law upon this system of straw-bidding on the leading routes known as "star service" is to refer to the last page of the report from the Post-Office Department which the Committee on Appropriations has submitted with this bill; and if he will read the last paragraph, the whole thing is explained there in a few words. And, Mr. Chairman, for the information both of the gentleman and of the committee, I will ask the Clerk to read the last clause of the report; and I ask the committee to pay strict attention to the reading of the paragraph, for it is from a report submitted by the Post-Office Department to the Committee on Appropriations.

The Clerk read as follows:

From the above statement it will be seen that during the former contract term the Department paid \$2,215,519.98 for 77,681 miles once a week each way, equivalent

to 8,078,824 miles annual transportation, and to 27⁴⁹/₁₀₀ cents per mile; while during the present contract term it has paid only \$1,515,623.40 for 82,622 miles once a week each way, equivalent to 8,330,288 miles annual transportation, and to 17⁹⁸/₁₀₀ cents per mile, showing an increase of 4,341 miles weekly service, equivalent to 451,146 miles annual transportation, at a decrease in aggregate cost of \$699,891.58, a saving of 9⁴/₁₀₀ cents per mile, or 55.64 per cent.

Respectfully submitted,

JOHN L. ROUNT,
Second Assistant Postmaster-General.

Mr. PARKER, of Missouri. I desire to explain to the House my object in asking the question. This is a question which has been often raised in my section of the country, and I desired to bring before the country the exact condition of the law to-day. I was myself satisfied about it before.

Mr. TYNER. The law to which my friend from Missouri has referred is only one of many provisions of law that have resulted in a saving to the Post-Office Department of 54.64 per cent. on the cost of the transportation of the mails in the Pacific section of the Union. That at once answers the gentleman's question.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. STOWELL. I move to strike out the last word; and I would state for the information of the gentleman from New York [Mr. MERRIAM] that this same proposition was made last winter to the Committee on the Post-Office and Post-Roads, and they investigated the subject and corresponded with the Post-Office Department in regard to it, and Mr. Rount, the Second Assistant Postmaster-General, made an estimate of the cost of the plan proposed by the gentleman from New York for the advertisement of these mail lettings, and upon his statement the proposition was reported upon adversely by the committee. From the record I find that the cost last year of advertising was \$132,000, and that to advertise in the way proposed by the gentleman from New York would cost \$497,000; an increase of \$365,000, or of 150 per cent.

Mr. MERRIAM. That is an entire mistake.

Mr. STOWELL. That is the increase that would result from the plan proposed by the gentleman from New York. In most of the States, or in nearly one-half of the States, the advertising is done in but two papers. For instance, in Rhode Island, Delaware, and some of the smaller Eastern States, and in most if not all of the eleven Southern States, this advertising is done in but two papers in the State. Under the plan of the gentleman from New York the advertising would be done in some three or four hundred papers in the country, whereas it is now done in about one hundred papers.

Mr. MERRIAM. I presume there must be some mistake in that statement.

Mr. STOWELL. That was the statement of Mr. Rount.

Mr. MERRIAM. We have all studied arithmetic some. There are two hundred and ninety-two members of this House, and my proposition is to advertise in one paper in each district. We are now advertising in one hundred and forty papers, and the advertising is done in the large cities of the country, where the papers charge four times as much as would be charged by the papers in the interior districts. I can do this advertising in two hundred and ninety-two papers, so far as the State of New York is concerned, for 25 per cent. less than is now being paid for it. The advertising is now being done in the most expensive papers. We can certainly afford to advertise in one newspaper in the district where these small routes are.

Mr. STOWELL. The gentleman from New York is mistaken as to the number of papers we are advertising in at present. In all of the eleven Southern States the number of papers is limited to two each; so that instead of advertising in five papers in a State, the advertising is done in but two papers. I think the gentleman will find that the Post-Office does not advertise in more than one hundred papers.

Mr. MERRIAM. I think we can save at least \$1,000,000 by coming directly in contact with the people who carry the mails. And if so, should we not do it rather than support in luxury a lot of sharks who do not carry a letter in a life-time?

Mr. RANDALL. I move to amend the pending paragraph by striking out \$100,000 and inserting \$80,000, the amount which was appropriated last year.

Mr. TYNER. The gentleman from Philadelphia, [Mr. RANDALL,] I think, will see the necessity of withdrawing his amendment if he will look at the report. There are two or three mail lettings in several of the States during the present year, and the advertising will be more than last year. The Postmaster-General has sent to the Committee on Appropriations a statement showing the necessity of providing for a deficiency for the current year.

Mr. RANDALL. I withdraw the amendment.

Mr. STOWELL. I will withdraw my formal amendment.

The question was upon the amendment moved by Mr. MERRIAM.

Mr. CONGER. I move to strike out the last word. The pending proposition requires that the printing of these advertisements shall be only in one paper in the district where the routes are. Under the present law it is required that all the lettings in the State shall be published in five papers. The expense of printing all the lettings in the State in five papers of the State is already provided for. In some States there are only one or two congressional districts. Therefore there is an inequality in the publication of these lettings in five papers in States of one or two districts, whereas in other States, where there are ten or twenty or more districts, all the lettings in the State

are to be published in but five papers. By this amendment only the lettings in a congressional district are to be published in a paper in that district. In my opinion the amount of printing would be very much less under that system, and the matter would be brought to the notice of the people who might desire to enter into these contracts much better by this method than it is by the other. I think the expense certainly cannot be greater than it is now, and the inequality of publishing these lettings in five newspapers in Delaware, for instance, with only one congressional district, and in only five newspapers in New York with its great number of congressional districts, is too apparent to need any comment.

Mr. TYNER. The gentleman overlooks the fact that the law requires the advertisement to be made in "not exceeding five newspapers in the State," while in point of fact the Post-Office Department does not advertise in a number of States in more than one paper in a State. The gentleman from Virginia, [Mr. STOWELL,] of the Committee on the Post-Office and Post-Roads, who has investigated this matter, says that during the last year the Department advertised in only about one hundred papers in the United States. The law does not require the Department to absolutely advertise in five papers in a State, but in not exceeding five papers. In point of fact, in Rhode Island, Delaware, and other smaller States it is the rule of the Department to advertise in but one paper.

Mr. CONGER. By this proposition the lettings in each district will be published in a paper in that district, and it will be but one publication in the State. Besides that, there is force in what has been said that the cost of advertising in the country papers will be from 25 to 50 per cent. less than it is in the city papers. I hear complaint continually that these advertisements are not brought to the notice of those who would make the bids if they knew of them. I have no doubt the Government would receive more bids and have more competition by the plan proposed by the gentleman from New York [Mr. MERRIAM] than it does under the present system. Whether the law is carried out, whether the advertisements are published as the law permits them to be in five papers in a State or not, there certainly can be no impropriety in publishing the lettings for routes in a district in a paper in that district.

Mr. HOLMAN. Mr. Chairman, I wish to ask my colleague a single question. Does he not think that the most economical as well as the most effectual mode of publishing mail lettings would be to require the Postmaster-General to have posted up in each post-office of the country the advertisement for the letting of that route to which the particular post-office belonged? Would not such a method reach the largest possible number of persons and at the least possible expense? For the publication in a newspaper may not reach one person in ten or twenty thousand. On the other hand, if the notice were posted up in the respective post-offices it would probably reach every member of that community.

Mr. TYNER. The suggestion of my colleague is a very good one; and the practice he suggests is frequently adopted by postmasters throughout the country without any instructions from the Department. It is a very common thing for a postmaster along the line of any particular route to clip out the advertisement of these mail lettings and post it up in a conspicuous place in his office.

Mr. MERRIAM. But if the postmaster should be in collusion with somebody else who desires the contract for carrying the mails, would he be likely to post up such a notice unless the law required it?

Mr. TYNER. Undoubtedly if a postmaster was in collusion with any one he might conceal from the public all that it was possible for him to conceal. But that is so violent a supposition that I do not stop to think of it.

Mr. HOLMAN. I suppose that any amendment germane to the pending proposition would be in order. I ask to offer a substitute.

Mr. GARFIELD. There is already an amendment in the second degree.

Mr. HOLMAN. I move to amend by providing—

That the Postmaster-General shall cause an advertisement of the mail lettings to be posted up in each post-office on each route to be let for at least forty days before the time for such letting.

Mr. KASSON. I think that the gentleman ought to provide further that the Postmaster-General shall furnish these lists to the postmasters, and that the latter shall be instructed to post them at all the post-offices in the State where the lettings are to be given; because persons frequently make contracts for routes distant from their own residences.

Mr. TYNER. It is no uncommon thing for one bidder to bid upon every route in a State. The suggestion of my colleague, [Mr. HOLMAN,] together with that of the gentleman from Iowa, [Mr. KASSON,] is a very good one; and while the adoption of the proposition on this bill will require a change of existing law, I hope there will be no objection whatever to inserting it.

Mr. HOLMAN. I will withhold my amendment for the present until the pending amendment of the gentleman from New York [Mr. MERRIAM] shall have been voted on.

Mr. MERRIAM. I withdraw my amendment, if I may be allowed to do so, in order that the amendment of the gentleman from Indiana [Mr. HOLMAN] may be presented.

The CHAIRMAN. The Chair understood the gentleman from Tennessee [Mr. HARRISON] to offer an amendment to the amendment of the gentleman from New York, [Mr. MERRIAM.]

Mr. HARRISON. I understand that the amendment of the gentleman from New York is withdrawn.

The CHAIRMAN. It is; and the amendment of the gentleman from Tennessee therefore falls. The amendment of the gentleman from Indiana [Mr. HOLMAN] will be read.

The Clerk read as follows:

That the Postmaster-General shall cause an advertisement of the mail lettings of each State and Territory and of the District of Columbia to be posted up in each post-office therein, to be conspicuously posted for at least thirty days before the time of such letting.

Mr. MAYNARD. The gentleman had better make the time forty-five days.

Mr. HOLMAN. I will modify my amendment by saying forty.

Mr. KASSON. The amendment merely specifies the minimum time; the Postmaster-General can make it as much longer as he chooses.

The question being taken on the amendment of Mr. HOLMAN as modified, it was agreed to.

The Clerk read as follows:

For miscellaneous items, \$2,500.

Mr. PENDLETON. I wish to inquire whether the adoption of the amendment of the gentleman from Indiana [Mr. HOLMAN] does away with the provision for advertising mail lettings in the newspapers?

Mr. TYNER. O, no.

Mr. PENDLETON. Then there will be the same number of newspaper advertisements?

Mr. TYNER. Yes, sir.

The CHAIRMAN. It is not the province of the Chair to rule upon the effect of any amendment.

Mr. HOLMAN. I offered my amendment as a substitute.

Mr. TYNER. I did not so understand.

Mr. PLATT, of New York. I move to amend by inserting after the clause last read the following:

That from and after the 1st day of January, 1875, the annual salaries of the postmasters at the cities of New York, New York; Philadelphia, Pennsylvania; Boston, Massachusetts; Chicago, Illinois; Saint Louis, Missouri; Brooklyn, New York; Baltimore, Maryland; San Francisco, California; and Cincinnati, Ohio, shall be respectively as follows, to wit: Of the postmaster at New York, New York, \$8,000; of the postmaster at Philadelphia, Pennsylvania, \$6,000; of the postmaster at Boston, Massachusetts, \$6,000; of the postmasters at Chicago, Illinois, and Saint Louis, Missouri, \$6,000 each; of the postmasters at Brooklyn, New York, Baltimore, Maryland, San Francisco, California, and Cincinnati, Ohio, \$5,000 each: *Provided*, That such salaries shall be paid from the moneys received at the post-offices at said cities from box rents, sales of postage-stamps, and other sources in excess of the expenditures allowed and made therefor for rent, clerk hire, fuel, lights, furniture, stationery, printing, and necessary incidentals.

SEC. 2. That so much of section 80 of the act approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," inconsistent with the provisions of this act, be, and the same is hereby, repealed.

Mr. LOUGHRIDGE. I make the point of order that the amendment changes existing law.

The CHAIRMAN. The Chair overrules the point, as the rules were suspended to make this in order.

Mr. PLATT, of New York. Mr. Chairman, this is a matter which has been carefully considered by the Committee on the Post-Office and Post-Roads and has been unanimously reported by them. It will be claimed, no doubt, in the existing state of the Treasury and of the deficit in the postal revenues, that this is an inopportune time to increase salaries, but I am one of those who believe that the United States is always able to do justice to every one employed by it.

When we come to consider the inequality in the compensation of postmasters as now fixed by law, and of the obligations and responsibilities assumed by postmasters in large cities, it will be better understood why we ought to increase these salaries. By reference to the statement made up in the Post-Office Department, showing the salaries, the amount of bonds, number of employes, &c., of all postmasters whose salary exceeds \$4,000, we find that in the city of New York, while the postmaster's salary is fixed at \$6,000, the total amount of bonds given by him is \$500,000, the number of employes six hundred and fifty-eight, and the total receipts for the fiscal year ending June 3, 1873, \$2,710,190. By reference to the statement made by the postmaster of that city before the Committee on the Post-Office and Post-Roads in reference to registered packages, it appears that the number of registered packages passing through the mails during the last quarter of 1869 was 113,418, and, during the last quarter of 1873 202,871.

The fact should be borne in mind that the postmaster is held responsible by the Post-Office Department for registered letters lost through the carelessness of his employes. And this registered business has almost doubled since the 1st of January on account of the fee being reduced, and it is still increasing.

Another fact which it would be well for me to state in reference to the post-office of New York City not well understood, I think, by all members of the House, though many do understand, is that the predecessor of the present incumbent in the New York post-office was ruined financially by default of the superintendent of the postal money-order system in that office, the suit in reference to which is still pending in the courts. It seems to me the manifest justice and propriety of this will be seen by every member of the committee, and I hope the amendment will be adopted.

Mr. KELLOGG. Let me ask the gentleman from New York whether this proposition affects any post-office except the ones mentioned in the list?

Mr. PLATT, of New York. It does not.

Mr. MERRIAM. I wish to say a word on this subject, if the gentleman from New York will allow me.

Mr. COX. Who has the floor?

The CHAIRMAN. The Chair recognizes the gentleman from New York, [Mr. COX.]

Mr. MERRIAM. Permit me to say a few words before you begin your speech.

Mr. COX. I do not object if it does not come out of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body insisted on their amendments to the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases, agreed to the conference asked on the part of the House, and had appointed Mr. INGALLS, Mr. ALLISON, and Mr. BOGY as managers of said conference on their part.

It further announced that the Senate insisted on their amendments to the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army, agreed to the conference asked on the part of the House, and had appointed Mr. LOGAN, Mr. SPENCER, and Mr. KELLY as managers of said conference on their part.

It further announced that the Senate had passed without amendment bills of the House of the following titles:

An act (H. R. No. 4444) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; and

An act (H. R. No. 2109) for the protection of United States custom-house in the city of Louisville, Kentucky.

It further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 55) to authorize the purchase of a site for a public building at Topeka, Kansas;

An act (S. No. 861) for a commission to regulate and arrange tracks and depots of steam-railways within the city of Washington;

An act (H. R. No. 1019) to make an appropriation for public buildings at Covington, Kentucky;

An act (H. R. No. 1097) to donate to the State of Oregon a public building lot and material situated at The Dalles, Oregon; and

An act (H. R. No. 1270) to authorize the purchase of a site for a public building at Harrisburgh, Pennsylvania.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. MERRIAM. The present postmaster of the city of New York, in whose interest my colleague [Mr. PLATT] is endeavoring so earnestly to enlist our sympathies, is one of the most efficient young postmasters we have ever had at that office. He is energetic, and has made many reforms acceptable to the people. But is this a good time for Congress to enter upon any extravagant disposal of the public moneys? I submit to the honorable gentleman, is the present condition of the Treasury such as to warrant us to increase official salaries? Our constituents have not memorialized Congress to hasten in that direction. Probably they have not heard how overburdened the Treasury is with money; and when they know of the anxieties and perplexities of the Ways and Means Committee to know just how and where to lay the taxes to make the people entirely happy, they will not memorialize us to make the postmasters of our large cities happy by many thousand dollars' increase of their pay. In some way or other they may become convinced that we would not perform a satisfactory duty by an extravagant and lavish use of their money after it is raised by new taxation.

I will ask my colleague [Mr. PLATT] if the salaries of the clerks in the New York post-office are unduly large when contrasted with the present pay of the postmaster?

Mr. PLATT, of New York. The salaries of the clerks are in proportion to the salary received by the postmaster, in proportion to the duties they perform.

Mr. MERRIAM. My colleague thinks, I suppose, that they do not get too much. I will renew my question. Will my colleague state if, in his opinion, the clerks receive too much salary?

Mr. PLATT, of New York. I will say to the gentleman from New York that I am not thoroughly posted in regard to the amount of salary received by the clerks in the New York post-office. But I will say this: that he is unable to obtain clerks who will give bonds in the amount necessary for the obligation they are to assume.

Mr. MERRIAM. I will ask the gentleman, then, if he does not think, if we are to make an appropriation for the New York post-office employes, that it should be applied to make up the difference to these young men for the loss by assessment that was made upon the clerks under the direction of the postmaster last fall, for whatever purpose, political or otherwise. I think if we are to raise any money out of the pockets of the people for those who do the work in the New York post-office, it should go to the clerks who have been assessed and deprived thereby of the salary they are entitled to by law.

Mr. PLATT, of New York. I hope my colleague has no personal feeling in the matter.

Mr. MERRIAM. None whatever. I appreciate the legitimate work Mr. Jones performs, but I do not consent to increase his pay while the clerks who do the heavy work are reduced in pay by assessment

for partisan work, as was done not only in the post-office, but in the custom-house in New York, even upon the low-priced clerks and scrubbers.

Mr. PLATT, of New York. I believe the custom-house is not now under consideration.

Mr. COX. I offer the following amendment.

The Clerk read as follows:

In the tenth line strike out "\$8,000" and insert "\$10,000."

Mr. COX. I have nothing now to do with the grievances of my colleague [Mr. MERRIAM] in reference to the Federal officers in New York. Whatever they may be, and I suppose they refer to the intermeddling of Federal officers, the nomination and election in his district last fall will be looked after at the proper time. They cannot be laid at the door of the accomplished and business-like postmaster of New York City. So much for that little squabble. It concerns that side of the House; not me, not now.

Now, sir, if we would raise the salaries of the various postmasters named in the amendment according to the expenses and receipts, the postmaster at New York would receive not merely \$10,000, but much more; certainly at least \$20,000. If his salary were to be raised in proportion to those of others named in the amendment, not to speak of others less than \$4,000 salary, propriety and fairness would fix his salary at a higher rate than my amendment proposes.

In regard to that amendment, keeping out of view all extraneous matters, may I call the attention of gentlemen who are legislating intelligently to the facts? You will be surprised to learn that the postmaster in New York City only receives \$6,000 per annum. Thirty-four years ago the postmaster received \$50,000 to \$60,000 per annum. At that time bonds were only required of him to the amount of \$200,000. Now he has to give bonds to the amount of \$1,200,000, and in certain cases he is otherwise responsible.

The last postmaster of New York was pecuniarily bankrupted because of a deficit or defalcation in the money-order business, amounting to \$130,000, over which he had little control. The present postmaster is only saving himself and sureties, with nearly three millions of income and half that sum as disbursements, by rare vigilance night and day. Gentlemen should remember that he cares not merely for the city of New York and its environs, but for the business of the country which reaches out from and to New York—in fact, to all the world. Why, sir, what is the city of New York? So far as the post-office is concerned it is an immense hive of labor. On the western side its distribution of letters is fourteen miles long; on the eastern side nine, with a width of between two and three miles. Whereas thirty-four years ago thirty-six clerks were employed, now there are ten hundred and fifty-two clerks and carriers. They now handle, assort, and distribute fifty-two thousand letters every day, and sixty millions annually; one hundred and thirty thousand pounds of mail matter are daily sent out. The money-order department does a business of \$32,500,000, or \$95,000 per day. The sale of stamps per annum amounts alone to \$2,000,000. This is an incomplete showing. It hardly shows the business of the city post-office proper; but there are besides twelve stations with their superintendents. These twelve New York sub-post-offices are at smaller salaries and expense than some other offices which gentlemen are interested in. Let me make a comparison. I give you the letters distributed per day from these various twelve stations, and compare the labor and salary with that of other offices:

Station A, superintendent's salary, \$2,500; receives and delivers daily 17,000 letters and papers.

Detroit, Michigan, postmaster's salary, \$4,000; receives and delivers daily 16,000 letters and papers.

Station B, superintendent's salary, \$2,000; receives and delivers daily 8,000 letters and papers.

Richmond, Virginia, postmaster's salary, \$4,000; receives and delivers daily 4,000 letters and papers.

Station C, superintendent's salary, \$2,000; receives and delivers daily 9,000 letters and papers.

Pittsburgh, Pennsylvania, postmaster's salary, \$4,000; receives and delivers daily 8,000 letters and papers.

Station D, superintendent's salary, \$2,500; receives and delivers daily 24,000 letters and papers.

Brooklyn, New York, postmaster's salary, \$4,000; receives and delivers daily 19,000 letters and papers.

Station E, superintendent's salary, \$2,200; receives and delivers daily 16,000 letters and papers.

Indianapolis, Indiana, postmaster's salary, \$4,000; receives and delivers daily 8,000 letters and papers.

Station F, superintendent's salary, \$2,000; receives and delivers daily 10,000 letters and papers.

Washington, District of Columbia, postmaster's salary, \$4,000; receives and delivers daily 9,000 letters and papers.

Station G, superintendent's salary, \$1,800; receives and delivers daily 7,000 letters and papers.

New Haven, Connecticut, postmaster's salary, \$4,000; receives and delivers daily 3,000 letters and papers.

Station H, superintendent's salary, \$1,800; receives and delivers daily 4,000 letters and papers.

Portland, Maine, postmaster's salary, \$4,000; receives and delivers daily 3,000 letters and papers.

Station K, superintendent's salary, \$1,600; receives and delivers daily 2,000 letters and papers.

Savannah, Georgia, postmaster's salary, \$4,000; receives and delivers daily 1,500 letters and papers.

Station L, superintendent's salary, \$1,600; receives and delivers daily 2,000 letters and papers.

Harrisburgh, Pennsylvania, postmaster's salary, \$3,600; receives and delivers daily 1,700 letters and papers.

It will be perceived that station D does a larger business than the entire city of Brooklyn; that station F surpasses in business importance Washington City, and that such important points as Harrisburgh, Pennsylvania; Richmond, Virginia; New Haven, Connecticut; Pittsburgh, Pennsylvania; and Detroit, Michigan, are dwindled by comparison with subordinate and almost unnoticed neighborhood post-office stations in this great city; and lastly, that one station, D, does more delivery business than did the whole post-office department of New York City in the year 1836. In connection with the stations there are eight hundred and seventy-five lamp-post boxes; there are twelve daily mails dispatched between the stations and thirteen daily collections from the boxes; and a daily city delivery of nearly two hundred thousand letters and papers.

And yet there are men who grudge this excellent officer his *quantum meruit* for the supervision and responsibility of this grand business! And, sir, with all this immense labor, this immense responsibility, with an income amounting to three millions nearly and disbursements only one-half of that; and, further, when we do not ask you to take it out of the Treasury proper but out of the income of the office itself, gentlemen presume to say that we are raising exorbitant salaries out of the Treasury. I have opposed raising salaries. Rarely have I voted for them. But I appeal to any fair-minded man on either side of the House to say whether, because we have failed for years to equalize post-official salaries, (as they ought to be equalized,) the postmaster of New York should be treated with signal and conspicuous unfairness!

Hence, since we cannot or do not equalize them so as to lop off the excrescences and remunerate the healthy functions, let us at least do justice to the postmasters of these cities referred to in the amendment of my colleague, [Mr. PLATT.]

By a table which I have before me (Miscellaneous Document, No. 157, Forty-third Congress, first session) it will appear how much is required and so little paid in some places; how much paid and how little duty and responsibility in others. I wish the committee would give me leave to print this statement. It will show briefly what I have asserted as to the business of the city post-offices in the amendment; but as I cannot speak beyond five minutes, I must call attention to this table and pass on.

Statement showing the salary, the amount of bonds, the number of employes, and the gross receipts and expenditures at the following offices, for the fiscal year-ended June 30, 1873.

Office.	State.	Salary.	Money-order bond.	Postal bond.	Total bond.	No. of employes June 30, 1873.	Receipts for fiscal year ended June 30, 1873.	Expenditures for fiscal year ended June 30, 1873.
Akron.....	Ohio.....	\$4,000	\$3,000	\$7,000	\$10,000	3	\$15,029 23	\$7,036 31
Albany.....	New York.....	4,000	20,000	65,000	85,000	34	124,033 80	72,351 02
Atlanta.....	Georgia.....	4,000	20,000	30,000	50,000	2	45,568 59	13,288 71
Auburn.....	New York.....	4,000	10,000	20,000	30,000	7	24,701 50	9,442 19
Augusta.....	Georgia.....	4,000	8,000	27,000	35,000	6	31,485 18	10,769 07
Aurora.....	Illinois.....	4,000	5,000	10,000	15,000	3	12,528 41	6,773 69
Baltimore.....	Maryland.....	4,000	25,000	150,000	175,000	58	295,368 20	134,837 19
Bangor.....	Maine.....	4,000	10,000	15,000	25,000	7	27,319 79	10,202 90
Bloomington.....	Illinois.....	4,000	20,000	20,000	40,000	4	26,362 16	8,241 53
Boston.....	Massachusetts.....	4,000	50,000	200,000	250,000	220	818,874 25	281,307 88
Bridgeport.....	Connecticut.....	4,000	20,000	10,000	30,000	6	31,067 93	10,220 08
Brooklyn.....	New York.....	4,000	35,000	90,000	125,000	17	108,006 65	74,020 72
Buffalo.....	New York.....	4,000	20,000	55,000	75,000	28	123,775 67	63,260 46
Central City.....	Colorado.....	4,000	10,000	10,000	20,000	1	6,163 58	5,900 00
Charleston.....	South Carolina.....	4,000	25,000	50,000	75,000	9	54,581 85	12,169 29
Chicago.....	Illinois.....	4,000	100,000	200,000	300,000	218	788,066 30	380,099 58
Cincinnati.....	Ohio.....	4,000	50,000	150,000	200,000	83	361,914 97	119,214 38
Cleveland.....	Ohio.....	4,000	10,000	50,000	60,000	34	148,634 19	63,689 76
Columbus.....	Ohio.....	4,000	10,000	30,000	40,000	11	52,300 40	16,971 93

Statement showing the salary, the amount of bonds, the number of employes, and the gross receipts and expenditures, &c.—Continued.

Office.	State.	Salary.	Money-order bond.	Postal bond.	Total bond.	No. of employes June 30, 1873.	Receipts for fiscal year ended June 30, 1873.	Expenditures for fiscal year ended June 30, 1873.
Davenport	Iowa	\$4,000	\$10,000	\$20,000	\$30,000	5	\$29,063 12	\$9,945 88
Dayton	Ohio	4,000	15,000	35,000	50,000	5	40,761 92	22,208 97
Denver City	Colorado	4,000	20,000	20,000	40,000	1	31,849 84	12,822 33
Des Moines	Iowa	4,000	10,000	15,000	25,000	7	29,216 79	9,326 98
Detroit	Michigan	4,000	40,000	60,000	100,000	37	169,937 80	65,223 75
Dubuque	Iowa	4,000	15,000	25,000	40,000	6	27,845 69	9,116 10
Elizabeth	New Jersey	4,000	10,000	15,000	25,000	3	10,507 01	8,055 67
Evansville	Indiana	4,000	15,000	20,000	35,000	9	26,996 33	13,047 15
Fort Wayne	Indiana	4,000	20,000	20,000	40,000	7	27,485 34	11,246 68
Galveston	Texas	4,000	20,000	30,000	50,000	15	49,830 43	23,710 73
Grand Rapids	Michigan	4,000	10,000	20,000	30,000	9	35,532 36	12,791 98
Hartford	Connecticut	4,000	25,000	50,000	75,000	14	94,849 37	31,149 27
Haverhill	Massachusetts	4,000	3,000	10,000	13,000	4	15,976 17	7,427 53
Helena	Montana	4,000	10,000	12,000	22,000	2	7,707 90	7,402 00
Houston	Texas	4,000	100,000	20,000	120,000	4	25,809 28	9,497 31
Indianapolis	Indiana	4,000	15,000	10,000	25,000	29	97,214 88	51,743 31
Kansas City	Missouri	4,000	20,000	30,000	50,000	12	44,972 18	15,193 11
Lawrence	Massachusetts	4,000	6,000	14,000	20,000	4	19,497 35	14,859 95
Leavenworth	Kansas	4,000	15,000	15,000	30,000	5	25,325 93	9,450 00
Lookport	New York	4,000	10,000	15,000	25,000	5	17,711 59	7,809 07
Louisville	Kentucky	4,000	40,000	60,000	100,000	26	133,444 03	60,190 84
Lowell	Massachusetts	4,000	10,000	25,000	35,000	5	38,489 28	15,293 81
Macon	Georgia	4,000	10,000	15,000	25,000	4	22,461 48	9,607 67
Madison	Wisconsin	4,000	10,000	30,000	40,000	7	24,327 51	9,823 43
Memphis	Tennessee	4,000	40,000	60,000	100,000	14	84,852 30	29,681 85
Milwaukee	Wisconsin	4,000	35,000	93,000	125,000	15	122,937 36	41,344 17
Minneapolis	Minnesota	4,000	10,000	15,000	25,000	7	33,418 56	12,754 67
Mobile	Alabama	4,000	35,000	40,000	75,000	14	40,016 20	17,350 33
Montgomery	Alabama	4,000	10,000	15,000	25,000	4	23,656 67	8,955 39
Nashville	Tennessee	4,000	20,000	40,000	60,000	14	54,737 22	33,889 47
Newburgh	New York	4,000	6,000	14,000	20,000	6	24,461 67	11,881 54
New Haven	Connecticut	4,000	15,000	60,000	75,000	14	74,750 58	24,984 43
New Orleans	Louisiana	4,000	75,000	125,000	200,000	55	174,415 74	86,134 11
New York	New York	6,000	250,000	250,000	500,000	638	2,710,190 25	1,061,863 88
Norfolk	Virginia	4,000	10,000	25,000	35,000	8	31,007 24	10,349 31
Norwich	Connecticut	4,000	3,500	16,500	20,000	4	21,440 53	8,779 58
Omaha	Nebraska	4,000	30,000	30,000	60,000	10	73,467 87	14,816 86
Oshkosh	Wisconsin	4,000	8,000	12,000	20,000	3	13,797 88	6,726 26
Peoria	Illinois	4,000	10,000	15,000	25,000	6	38,206 90	11,192 38
Petersburgh	Virginia	4,000	5,000	15,000	20,000	6	18,732 61	9,464 50
Philadelphia	Pennsylvania	4,000	75,000	225,000	300,000	167	866,446 79	361,741 23
Pittsburgh	Pennsylvania	4,000	30,000	150,000	180,000	47	193,136 69	64,721 67
Portland	Maine	4,000	10,000	40,000	50,000	20	72,160 15	30,699 05
Portland	Oregon	4,000	20,000	40,000	60,000	5	20,986 39	11,243 52
Poughkeepsie	New York	4,000	10,000	20,000	30,000	6	29,902 79	9,419 47
Providence	Rhode Island	4,000	10,000	35,000	45,000	13	118,516 69	27,957 92
Quincy	Illinois	4,000	10,000	20,000	30,000	7	30,314 19	11,105 33
Richmond	Virginia	4,000	20,000	40,000	60,000	22	71,988 00	32,009 96
Rochester	New York	4,000	10,000	50,000	60,000	11	107,064 08	34,579 11
Sacramento City	California	4,000	10,000	25,000	35,000	7	29,298 44	16,245 39
Saint Joseph	Missouri	4,000	10,000	20,000	30,000	8	28,184 73	15,025 81
Saint Louis	Missouri	4,000	50,000	200,000	250,000	79	378,939 38	150,465 73
Saint Paul	Minnesota	4,000	10,000	20,000	30,000	9	54,350 24	15,067 31
Salt Lake City	Utah	4,000	10,000	15,000	25,000	5	24,225 59	13,019 35
San Antonio	Texas	4,000	10,000	10,000	20,000	7	13,403 96	6,822 79
San Francisco	California	4,000	150,000	150,000	300,000	32	356,041 11	94,545 87
Savannah	Georgia	4,000	35,000	40,000	75,000	12	57,021 06	15,913 72
Springfield	Illinois	4,000	8,000	22,000	30,000	7	27,903 46	9,253 57
Springfield	Massachusetts	4,000	15,000	30,000	45,000	12	50,527 84	11,508 62
Syracuse	New York	4,000	10,000	30,000	40,000	8	66,266 95	28,140 91
Terre Haute	Indiana	4,000	10,000	20,000	30,000	6	24,794 06	9,941 68
Titusville	Pennsylvania	4,000	10,000	15,000	25,000	4	21,073 78	9,003 71
Topeka	Kansas	4,000	10,000	15,000	25,000	5	20,681 13	7,554 59
Troy	New York	4,000	10,000	50,000	60,000	10	69,497 50	31,290 63
Utica	New York	4,000	10,000	25,000	35,000	7	48,809 13	23,308 23
Vicksburg	Mississippi	4,000	10,000	20,000	30,000	5	18,413 63	9,403 46
Virginia City	Nevada	4,000	15,000	15,000	30,000	2	14,252 72	9,920 75
Washington	District of Columbia	4,000	30,000	70,000	100,000	88	129,495 17	146,648 14
Waterbury	Connecticut	4,000	8,000	12,000	20,000	2	16,055 41	8,315 86
Williamsport	Pennsylvania	4,000	10,000	20,000	30,000	4	21,481 98	7,618 95
Worcester	Massachusetts	4,000	10,000	30,000	40,000	8	60,541 53	19,055 77

In the short time remaining to me all I can say is that there is more than three times the income derived from the post-office in New York than there is from the post-office in Philadelphia; three times as much as is derived from the post-offices in Boston or Chicago; and that there is eight times as much income derived from the office in New York as there is from the offices in Cincinnati, Saint Louis, and San Francisco, and twenty times as much as there is derived from the post-office in Brooklyn. Yet these post-offices are at \$4,000 each singularly meager, and New York only \$6,000.

But, sir, the rise of salary proposed by this proposition is not what it ought to be when you consider the duties that devolve upon this officer and the responsibility devolved upon him. When you see how often such business has failed to be properly administered; when you who live out of New York remember that nearly seventeen millions per annum of foreign letters come to New York to be handled, assorted, and sent to the country—to the States and localities in which all you gentlemen are interested, I ask you to pay an honest, fair equivalent for such services rendered and the responsibility assumed. Such an equivalent would not be less than \$20,000, rating it by other salaries. But since I fear I cannot carry my amendment since I hear the murmurs and shrieks of local Representatives about

me, I am bound to fall back on the amendment of the committee. I give notice, however, that there will be an equalization of salaries; if not now, not far off.

Mr. POTTER. Mr. Chairman, I cordially support the amendment offered by my colleague on my left, [Mr. Cox.] I quite appreciate what my colleague who introduced the original amendment [Mr. PLATT] has said about the condition of the Treasury, but whatever may be the condition of the Treasury it is always just and always wise to pay a fair day's wages for a fair day's work. Of course what will be fair wages must depend on the amount and value of the work performed. Now we do not pay to the postmaster at New York anything like a fair return for the services he renders and the responsibility he assumes. I concur in all that my colleague [Mr. Cox] has said about the importance of that office and its responsibilities. The postmaster in New York I believe to be a thoroughly energetic, efficient, and faithful officer. Such service as he renders there and such responsibilities as he undertakes could hardly be obtained in private employment for three times the salary the Government now pays him. In private business much higher salaries are often paid in New York to the cashiers and presidents of banks and other corporations who have no such important and multifarious duties to perform

and no higher responsibilities resting upon them than attach to this officer. Clearly, private individuals who carry on important business understand the true value of the services they employ better than Congress can; and yet, sir, business men would never expect any one in New York to take such responsibilities and to render such valuable and extensive service there for any such sum as even the largest amount of salary proposed here for the postmaster of that city. It is the simplest and plainest justice, and as I think the simplest and plainest economy, to retain the services of such a man as the one now in office there by paying him a proper salary. I am heartily in favor of the amendment of my colleague, [Mr. Cox,] and trust it will be adopted.

A word further in relation to the suggestion of my other colleague, [Mr. MERRIAM,] that the salaries of the clerks in the post-office ought to be increased and not that of the postmaster. Sir, I rarely go to New York without being asked to recommend somebody to be appointed a clerk in the post-office there at the existing rates of pay. Of course I never make such recommendations, as I do not belong to the dominant party; but these claimants for clerkships at the present salaries press everybody who can be even supposed to have any influence whatever to secure these subordinate places.

Mr. LOUGHRIDGE. I would ask the gentleman if there are not many men in New York who would be glad to take the office of postmaster at the present salary?

Mr. POTTER. No; not men who are competent and worthy to fill it.

Mr. LOUGHRIDGE. Is not the present incumbent competent, and does he not fill the office properly?

Mr. POTTER. He does so fill it, and may perhaps continue to fill it; but it is injustice to keep him there upon the present meager and insufficient salary. My colleague, [Mr. CHITTENDEN,] who is himself a business man, will, I hope, tell the committee, if they will hear him, what the merchants and business men of New York think about this matter. Because for the moment the Government secures the services of an efficient man at a grossly insufficient salary is no reason why the salary should not be increased to a more fitting compensation.

Mr. MERRIAM. I wish to correct an impression made by my colleague, [Mr. Cox,] who says this salary increase will not come out of our revenues, and he says we do not propose by this bill to increase the revenues of the Post-Office Department; but still he proposes to increase the pay of this postmaster. I cannot understand how that is possible unless we impose a new tax by increased box-rent. As no other tax is proposed in this bill we do, if we increase the salary of this postmaster, take it directly from the revenues of the Department.

Mr. KASSON. I understand the gentleman moved to strike out \$8,000 and insert \$10,000. I find on looking at the bill that the amount named in it is \$8,000.

Mr. COX. It has been altered from \$8,000 to \$10,000. The printed bill is not correct.

Mr. KASSON. Is debate exhausted on the amendment?

The CHAIRMAN. Debate is not exhausted.

Mr. KASSON. Then I have a few words to say upon it. This first clause of the amendment provides for an increase of the salary of the postmasters in the great offices of the country. When the proposition was introduced on Monday to suspend the rules to admit an amendment to change the salaries of postmasters without naming the places, I for one entertained no doubt that the subject was to be considered with reference to a reduction as well as an increase of the salaries of these officers, and I desire to say that if it stands as now solely upon the point of increasing certain salaries, I must vote against it, and appeal to the Committee of the Whole to vote against that increase.

I suppose that we have the opportunity, without one particle of doubt, to save throughout the country nearly \$1,000,000 upon the appropriations for salaries of postmasters. Take the States of the West particularly, and from personal knowledge I may include many of the Eastern States, where there are postmasters now receiving salaries of \$4,000 each, and where this amount is nearly double the sum that is paid to the executive officers of the entire State—paid to these local officers who administer only a post-office each, covering a jurisdiction of six or eight miles square. I say that is an injustice. If you wish to economize in the post-office appropriation bill, it is in the direction of salaries that you can economize with perfect safety; and if the Committee of the Whole will save on the four-thousand-dollar salaries of postmasters in places of comparatively small population, then you can increase reasonably the salaries of postmasters of the largest cities and also ill-paid postmasters at smaller offices.

Mr. COX. You can move that amendment directly.

Mr. KASSON. I do not want to separate the two propositions. In the present condition of the Treasury we ought not to vote thousands of dollars increase of underrated salaries, and at the same time refuse to save money on the same principle by reducing the salaries of the overpaid officers. By parity of reasoning, as you increase the salaries of the large post-offices underpaid, you should decrease the salaries of the overated officers. I do not speak of postmasters who receive salaries of \$2,000 or under, but of those where the Government pays the incidental expenses and leaves the large salary clear to the postmaster.

I remember that the gentleman from New York [Mr. Cox] some

time ago thought that \$10,000 a year was too much to pay to the Secretary of State of the United States, who practically controls the foreign affairs of two continents in their relations to this country. And now the gentleman is desirous of giving \$10,000 to the postmaster of New York City because he has a great deal of detail work under him. The Secretary of the Treasury, who has the largest pecuniary charge of any man in the country, receives but \$8,000 a year, and he has an immense number of employes under him. The sub-treasurer at New York, with an immense responsibility, vastly greater than that of the postmaster of New York City receives I think but \$8,000 a year.

Now, in view of these facts, I appeal to the members of the Committee on the Post-Office and Post-Roads, at whose request we suspended the rules, and who must know that we would not have suspended them had we not supposed they intended to recommend a general decrease of salaries, to endeavor to save three-quarters of a million of dollars. If they will do that I assure them they will find no opposition in the Post-Office Department to cutting down a large number of salaries from \$4,000 and under in the postal service of the country.

Mr. STANARD. I desire to say a word in favor of the amendment proposed by the Committee on the Post-Office and Post-Roads. It is recognized in the business world everywhere that in proportion to the amount of bond which a business man or an officer has to give so shall his salary be. It appears to me that in reference to the great cities of Boston, New York, Philadelphia, Baltimore, Cincinnati, Chicago, Saint Louis, and some others, where the postmasters give from \$500,000 to \$1,000,000 bonds, a salary of \$4,000 is not adequate for such responsibility.

The money-order business of the large cities now practically constitutes the post-offices of those cities large banking institutions; and the responsibilities attached to those large offices, to say nothing of the labor which must be performed there, and the fact that the postmasters of large cities must give such large bonds, will certainly appeal to the House in favor of the proposition to advance their salaries to a sum over \$4,000 a year.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. SYPHER. I move to strike out the last word, for the purpose of saying that I heartily agree with the gentleman from Iowa, [Mr. KASSON,] who desires a reduction of the salaries of some postmasters, while an increase is claimed by others. I will show him how that reduction ought to be made, in proportion to the responsibilities of the several offices.

I find that in his own city of Des Moines, in the State of Iowa, the postmaster receives a salary of \$4,000, and his bond is but \$25,000. The postmaster in the city of New Orleans, a city of two hundred thousand inhabitants, receives the same salary of \$4,000, but his bond is \$200,000. Now, if the gentleman is willing to practice just exactly what he has advocated here, then let us reduce the salaries of the \$4,000 postmasters in the small cities, whose bond is small, and make an addition to the salaries of those whose responsibility is great in proportion to their duties.

Mr. KASSON. I am willing to do the first, and the last also to a reasonable degree.

Mr. SYPHER. That is a fair proposition. What is the fact in relation to these large post-offices throughout the country? You cannot get a cautious man to take the office to-day, for the very reason that the responsibility is so tremendous compared with the small salary.

Mr. SPEER. What city is that where you cannot get a man to take the post-office?

Mr. SYPHER. I presume the gentleman is thinking of the next administration, when there will be plenty of applicants for all offices.

Mr. SPEER. I would like to know the place.

Mr. SYPHER. There has been difficulty in getting one in New Orleans capable of filling the place properly. To my certain knowledge there has been difficulty in getting a first-class man to take that position, for he is wholly at the mercy of his subordinates. It is utterly impossible for any postmaster in New York, Philadelphia, Saint Louis, Cincinnati, New Orleans, or other cities of that size to attend to all the details of their office. They are obliged to trust to their subordinates, and in many cases their subordinates steal the funds of the office and the postmasters are held responsible for them. We had a case of exactly that kind in New Orleans two years ago, where the postmaster, as no man denies, was thoroughly honest and upright, but his subordinates stole \$18,000 and his bondsmen were obliged to make up the amount.

Mr. SAYLER, of Indiana. Congress frequently relieves public officers from losses of that kind.

Mr. SYPHER. Congress, so far as my knowledge extends, has not relieved any of this class of officers.

One gentleman, in discussing this subject, has referred to the responsibility of the Secretary of the Treasury. Sir, he has no responsibility whatever of this kind; and the sub-treasurers throughout the country have very small responsibility. Although the amount of funds they hold is large, the number of their employes is small; so that they can oversee them; they know who they are. But men who have subordinates under them to the number of one, two, or three hundred, and as in the case of the New York postmaster, a thousand, find it utterly impossible to look after all their employes and to see

that they faithfully and honestly discharge their duties in the interest of the Government. I am in favor of the increase of salary here proposed.

Mr. GARFIELD. Mr. Chairman, I rise to oppose the amendment of the gentleman from Louisiana, [Mr. SYPHER.] Last winter the Committee on Appropriations made a somewhat careful examination in regard to postmaster's salaries. It was our opinion upon such examination that some of the postmasters in some of the largest cities ought to have increased pay; but it was also our opinion that there ought to be a readjustment of postmasters' salaries in not less than one hundred of the leading offices of the United States. At that time one of the impressions very distinctly made on my mind was that no offices in the gift of the Government are so nearly sinecures or pay a man so well for very little trouble as the \$4,000 positions as postmasters.

A MEMBER. That is true.

Mr. GARFIELD. A man is appointed to a \$4,000 post-office, with power to employ an almost unlimited number of clerks; he has as deputies men who are entirely competent to do the business for him; his rent is paid by the Government; his office is lighted and warmed at the public expense; and he has about one of the "softest" things in the way of a political office that I know of in the United States.

Mr. SYPHER. It may be so in Ohio; it is not so in our portion of the country.

Mr. GARFIELD. I speak with the list in my hand—a full list which I had before me when I had the matter under consideration last year.

Now, although it was not our business to do it, the Committee on Appropriations came very near submitting to the House a proposition that in cities of from twenty to forty thousand inhabitants the postmaster should receive \$2,000; in cities of from forty to sixty thousand inhabitants, \$2,500; in cities of from sixty to eighty thousand inhabitants, \$3,000; and in cities of eighty thousand inhabitants and upwards, until we reached some such cities as the chief ones now under consideration, \$4,000. We found that if such a measure should prevail, it would save between \$350,000 and \$400,000 annually in the expenses of the Post-Office Department.

Now, the Committee on the Post-Office and Post-Roads have introduced just one branch of that proposition, the part proposing to increase salaries, while they have omitted all that portion which would save the Government at least a quarter of a million dollars annually. I hope that any amendment raising a select set of salaries, while it does not readjust the pay of the whole class of postmasters, will not be adopted. This amendment merely makes an increase in the cases of a selected few, a part of whom doubtless ought to have their salaries increased in a general adjustment; but if this increase be once made, you will have lost the motive power for securing a readjustment of a large list of postmasters' salaries throughout the United States.

I am not prepared now to offer an amendment that would seem to me to cover the whole case; but I really believe that if any proposition of this kind be adopted we should take the whole list of postmasters and make a general change in their salaries. Whatever happens, I hope that the amendment of the gentleman from New York [Mr. PLATT] in its present shape will not prevail. The financial condition of the Government as well as justice to the whole post-office establishment forbids that we enter upon any increase of salaries now.

Mr. COX. I withdraw my former amendment, and now move to make the salary of the postmaster at New York \$9,000. There is a sort of inequity—I had almost said iniquity—in the remarks of the gentleman from Iowa [Mr. KASSON] and the gentleman from Ohio [Mr. GARFIELD] with reference to the salary of these postmasters. Those gentlemen admit that there is very great inequality in regard to this matter. There is, if I mistake not, a postmaster at Akron in the district of the gentleman from Ohio [Mr. GARFIELD] who has, I believe, only three clerks and gives bond in the amount of \$10,000; and yet he has a salary of \$4,000. Has any movement ever been made yet to cut that down properly by gentlemen so pertinaciously opposed to my amendment?

Mr. GARFIELD. In the first place, Akron is not in my district; and in the second place I have no knowledge of what the gentleman says.

Mr. COX. I thought that the gentleman as a member of the House of Representatives of the United States represented not only the whole State of Ohio, and the Reserve especially, but the United States generally. Judging by the way the gentleman sometimes talks, one would suppose he had a large district. But I was about to say, here are the cities of Cincinnati, Saint Louis, San Francisco, Baltimore, Brooklyn, Philadelphia, and New York where the expenditures are much less—perhaps one-half less—than the receipts, and where therefore the business will more than pay for any small increase of the postmaster's salary; and in these places the salary is only \$4,000 each! I repeat that the people of the United States do not in fact bear the burden of these salaries, nor will they of the proposed increase. Yet the objection is made that we propose here a special increase, when we only propose to increase out of the local receipts! Is it fair to distort our amendment in that way?

If gentlemen are so economical, why do they not come in, as they can, under this resolution, and by this bill cut down these large salaries for the smaller offices?

Let me give the intelligent people of this House some examples. Take Elizabeth, New Jersey. The salary of the postmaster is \$4,000, the receipts \$16,507.01, and the expenditures amount to \$8,055.67. Yet for that \$16,000 receipts we pay that postmaster \$4,000. Now go West to Saint Louis, and see. How does it stand there? At Saint Louis, with the same salary of \$4,000 to the postmaster—and I do not know anything about the people who hold these offices—the receipts are \$378,959.38 and the expenditures \$150,465.73. There is a large balance of receipts over expenditures at that office out of which to pay adequate salary. Nevertheless the postmaster at Saint Louis only gets \$4,000, the same as the little postmaster of Elizabeth, New Jersey. Yet gentlemen have been sitting here under this state of affairs many sessions and not a move to equalize.

Mr. NEGLEY. The postmaster at Pittsburgh, who employs one hundred and forty-seven clerks, gets only \$4,000.

Mr. COX. The postmaster of Pittsburgh is in the same category. The income there is \$193,136.69; expenses, \$34,721.67; bond, \$300,000, and salary, \$4,000. Compare it with Petersburg, Virginia: salary, \$4,000; receipts, \$18,000; expenses, \$9,000. Let me go further; this is pertinent. Take Norwich, Connecticut. I do not select with reference to any special locality. There the receipts are \$21,440.53 and the expenditures \$8,779.58, while the salary of the postmaster is \$4,000; or take San Antonio, Texas, where the receipts are \$13,403.93 and the expenditures \$6,822.79, and where there is \$4,000 salary. A number of others of the same class may be named. Go to San Francisco! There the postmaster gets only \$4,000 salary, when the receipts are \$356,041.11 and the expenditures are only \$94,545.87. That postmaster only gets \$4,000, when he has to give large bonds (\$300,000) and is under great pecuniary responsibility. Was there ever such monstrous inequality in the adjustment of salaries? Yet when we try to rectify this we are met with opposition by gentlemen who have kept up this inequality for so many years.

Mr. MERRIAM. O, but you begin at the wrong end.

Mr. COX. You want to commence at the little end, by opposing a small and just increase. Before you get through, however, with this, if you have any good postmasters like ours at New York—valuable, responsible, and industrious; raised in the office, like the postmaster at New York; one who stays night and day at his post of duty, having the confidence of men of all parties—you will find a loss of valuable service if you do not remunerate justly.

What I ask is not merely to raise the salary of the postmaster at New York to a respectable standard, but to select the postmasters of the great cities in a similar case and do justice to them. As you will not reform now the system, and since you are negligent of a great duty, do justice at least to the postmasters at these main offices by giving them sufficient compensation. In conclusion I will say to gentlemen on the other side, that they can under motion to that effect, adopted last Monday, cut down the salary of the petty and overpaid officials everywhere if they please. Perhaps it is not for me, after my remarks to-day, to inaugurate the reform. We will see how the vote runs.

Mr. BECK. I rise to oppose the amendment. I do not think there is a postmaster in the country who ought to have \$10,000. Your Cabinet officers only get \$3,000 a year, and your Senators and Representatives only \$5,000.

Mr. PLATT, of New York. Will the gentleman from Kentucky allow me to interrupt him by saying that the bill does not recommend any salary exceeding \$8,000?

Mr. BECK. The present proposition is to make the salary of the postmaster at New York City \$9,000, and I am opposing that amendment.

Mr. COX. I have put it at \$9,000 and propose to take a vote on it.

Mr. BECK. The district judge in my State, and it is true I suppose in nine cases out of ten, gets only \$3,500 a year. That judge in order to fill his position had to labor from ten to twenty years. He has the lives, liberty, and property of a million men at his disposal, and \$3,500 a year is all the Government can pay him. A postmaster gets from four to eight thousand dollars a year because he has to give a bond to do his duty. If he is an honest man and intends to do it he will give any bond, and if he is not no bond will make him do it.

You now seek to increase the taxes upon the people to the extent of thirty-five or forty millions. You propose thereby to increase the price of tea, coffee, sugar, whisky, tobacco, and everything else which the laboring people of the country use. Yet you are not only going to keep up high salaries but to increase them. You propose to increase the salary of these postmasters beyond what your judicial officers receive and beyond what your Senators and Representatives get, beyond what the men get who have to run the machinery of the Government.

The reason why additional taxes have to be imposed is obvious. The Indian appropriation bill which passed yesterday is a specimen. We appropriate seven millions and a half of dollars, as the report of the Secretary of the Treasury shows, when two millions never reach them in any form. When you have got so many officers of the Army to act as Indian agents without a dollar of expense, yet to feed a great host of additional employes a million or two is to be squandered on them. And this is to be done when the post-office revenues are \$29,000,000, as certified here to-day by the Postmaster-General, leaving a deficiency of seven and a half million dollars, although two years ago we were told by the then Postmaster-General that if you destroy

the franking privilege we would have revenues enough for the post-office service without calling for deficiencies. And why are those deficiencies demanded? Because postmasters are getting all over the country from four to eight and ten thousand dollars apiece, doing work by clerks whom they employ at twelve or eighteen hundred dollars a year, and are merely political emissaries and nothing else.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. COX. I want to say to the gentleman from Kentucky that I did not favor the raising of these salaries of \$4,000.

Mr. BECK. And they ought not to be raised.

Mr. COX. My proposition is an economical one if you only understood it aright.

Mr. BECK. I understand it perfectly; and I will say that \$8,000 is enough for any postmaster.

Mr. CANNON, of Illinois, rose.

The CHAIRMAN. Debate is exhausted on the pending amendment, which is that of the gentleman from New York, [Mr. Cox,] to strike out \$8,000, and insert \$9,000, so as to make the salary of the postmaster at New York \$9,000.

Mr. PLATT, of New York. I ask unanimous consent to make an explanation in connection with my previous statement. I stated that this bill was reported unanimously from the Committee on the Post-Office and Post-Roads. I wish to correct that statement by saying it was not reported unanimously by the committee, but unanimous consent was given to bring the bill up for consideration. There were members of that committee who were apposed to the bill.

Mr. SPEER. I ask that the pending amendment may again be read.

The Clerk read as follows:

Strike out "\$8,000" on line 10, and insert "\$9,000;" so it will read "of the postmaster at New York, \$9,000."

Mr. COX. I will withdraw that amendment and let the vote be taken on the committee's proposition.

Mr. CANNON, of Illinois. I renew the amendment, so that I may have the floor that I may say a single word about this matter.

Gentlemen upon the Committee on Appropriations have seen fit to reflect to some extent upon the Committee on the Post-Office and Post-Roads because they have not proposed legislation by which these salaries could be cut down or equalized. As I read the law I do not conceive that any legislation is necessary; and if the committee will bear with me a moment I will read section 87 of the postal code, which provides how postmasters shall be paid and what clerks shall be paid and on whose order, and then we shall see where the fault lies, if anywhere for these abuses, if they exist. Section 87 of the postal code is as follows:

That the Postmaster-General may allow to the postmaster at New York City and to the postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices, that is to say, the excess of box-rent and commissions over and above the salaries assigned to the office, a reasonable sum for the necessary cost of rent, fuel, light, furniture, stationery, printing, clerks, and necessary incidentals to be adjusted on a satisfactory exhibit of the facts; but no such allowances shall be made except upon the order of the Postmaster-General.

Now, what should be the practice under that section of the law? If a man has a \$4,000 post-office, and only needs one or even more than one clerk, the discretion is given to the Postmaster-General to let him pay for his own clerks out of his \$4,000 salary, because there is no provision of law giving him pay unless the Postmaster-General makes an allowance therefor. If in Des Moines, where my friend from Iowa resides, the postmaster has a salary of \$4,000, and has seven clerks, there is a discretion under that law resting with the Postmaster-General whether the postmaster shall receive an allowance for any or all of said clerks. And my word for it, if the gentleman from Iowa goes and makes complaint, the allowance would be cut down. I apprehend, however, you will find the fact to be, where there are these first and second class officers, and where the postmasters get from three to four thousand dollars a year, you will find economical members of Congress besieging the Postmaster-General day after day and month after month to make allowances for these clerks where allowances ought not to be made. I venture to say if you will make inquiry you will find that to be the case. There is, then, no necessity for further legislation.

One word to my friend from Indiana, who has charge of this bill, on behalf of the Appropriation Committee. The gentleman said that it was not perhaps his province to offer this legislation. Let me say that there was one thing that was his province to do. If you will turn to lines 11 and 12, page 2, of the post-office appropriation bill, you will find this appropriation is sought to be made:

For pay of clerks for post-offices, \$3,500,000.

It was your province to say \$1,000,000 or \$2,000,000, instead of \$3,500,000, if you desired; because in the law there is no provision compelling the appropriation of \$3,500,000 for this purpose. If these clerks receive too much, if too large an appropriation is made for the pay of clerks, cut down the appropriation, for there is no provision of the postal laws that require it to be made to this extent; or in other words, if the Postmaster-General is too liberal in his allowances to postmasters for clerk hire, cut down the amount of the appropriation for that purpose and let the postmasters pay their own clerks as they generally ought to do.

Mr. GARFIELD. I understand that the law authorizes the Postmaster-General to empower the officers under him to employ such clerks as in his judgment are necessary and under the law he has done his duty; and when he has done so his action becomes the law and the Committee on Appropriations follow it. If the gentlemen who have charge of the duty of making the postal laws think the law is not right in that respect, it is their business to change it.

Mr. KASSON. I desire to say that in my own town the postmaster receives a salary of \$4,000 and employs four clerks.

Mr. KELLOGG. I rise to oppose the amendment. I want to speak only for about one-half of the five minutes allotted to me by the rules. I oppose the amendment simply for the purpose of saying this: that we could not inflict a greater injury and injustice on some of the post-offices of the country than by adopting the suggestion of the gentleman from Iowa, [Mr. Kasson.] When you strike at the salaries of the postmasters of the country simply because the population of your cities or towns is not more than twenty-five thousand, you forget that they may be large distributing offices, distributing the mail matter for a large portion of your territory and for different States. And the number of people in a town should not alone regulate the salary; the amount of business done and stamps sold or canceled is a better rule to govern the compensation. Now, sir, I notice, by referring to the report made to the committee in the first session of this Congress, that in Des Moines, the gentleman's town, the salary of the postmaster is \$4,000, and he employs seven clerks to do his work. The next town on the list above this is Derby, in my own district, where the salary is \$2,500, and the postmaster there employs only one clerk. In the post office at my own town, Waterbury, the salary is \$4,000, and the postmaster is only authorized to employ two clerks. The office expenses in the gentleman's residence (Des Moines) are \$1,677.22; while in Derby in the previous year they were less than \$200, and in the town where I reside they were only \$800, rent and all; and I believe they have a Government building in the gentleman's city of the residence in Iowa and have no rent to pay. Perhaps there is room for a reform there.

I do not blame my friend for it at all, for he may not control it; but a gentleman from Iowa in the other branch of this Congress who resides there has introduced a proposition to cut down the pay of all the poor clerks in the Departments here 10 per cent. If the gentleman will go with me in a proper reduction of such salaries as are now too high, and not make a sweeping reduction of all, right or wrong, I will strike hands with him for any proper reform; but I do say that it is wrong for us to attempt to legislate in regard to all the post-offices of the country in this manner without regard to the amount of business, and only in regard to population. I believe that the few offices included in this amendment ought to be paid at a higher rate of salary than others where the duties are less and the responsibility less, and I shall sustain the amendment; but where you attempt to cut down salaries, do it by a well-considered bill emanating from some proper committee; but do not bring in a bill here or an amendment which cuts down the salaries of all the postmasters of the country according to the number of population only, making a Procrustean bed for them all to lie in, without regard to the amount of business done or work performed or stamps sold or canceled in the different offices in the country.

Mr. KASSON. What the gentleman from Connecticut has said about his Derby postmaster is simply a proof of the propriety of my amendment. He does the work himself and is paid \$2,500. Others who do little work themselves are paid \$4,000. Where postmasters need it for the work of distribution of the mails, it is discretionary with the Postmaster-General to provide for the compensation of clerks. A friend has suggested to me an amendment providing that the salaries of postmasters in towns and cities having a population not exceeding forty thousand, according to the last census of the United States, shall be reduced by 25 per cent. upon the amount thereof; but this provision shall not reduce their compensation below \$2,000, and shall not apply to postmasters receiving less than \$2,000 per annum.

Sir, I repeat what I said last year, that you are paying many of the postmasters of small cities and towns throughout the United States nearly twice the salary that you pay in many of the States to your secretaries of state, auditors, and treasurers, and in some instances the judges of the supreme court. In my State you pay them nearly 25 per cent. more than the governor of the State receives. I say that it is a gross extravagance, and I hold that it is the positive duty of Congress to make a reduction of these expenses instead of levying new taxes to pay increased salaries to postmasters, and not to impose additional taxes to meet this unjustifiable increase of expenditures. Hence I oppose the increase of the pay of these officers, unless it is accompanied by a reduction where a reduction ought to be had. If you will agree to reduce where reduction is needed, I will consent to an increase where an increase is needed.

Mr. PLATT, of New York. Does the gentleman mean to say that the State officers to whom he has referred are paid too much?

Mr. KASSON. They are paid as much as the people are willing to give, and the postmasters of this class are paid more than the people are willing to give.

Mr. LAWRENCE. Will the gentleman from Iowa allow me to ask him a question?

Mr. KASSON. Certainly.

Mr. LAWRENCE. My friend is familiar with the working of the

Post-Office Department and has had long experience in connection with it. I wish to inquire if the whole establishment could not be conducted for 66 per cent. of the present expenses?

Mr. KASSON. I do not think it can. I think with the present energetic Postmaster-General, if efficiently aided by Congress, you could conduct the operations of the Department for 80 per cent. of its present cost.

Many MEMBERS. Vote! Vote!

Mr. CANNON, of Illinois. I withdraw the amendment to the amendment.

Mr. O'NEILL. I would like to propose an amendment. I move that the salaries of the postmasters in all the cities named after the city of New York in the amendment pending be made equivalent to the present salary of the postmaster in the city of New York; in other words, I propose that the salaries of these postmasters be fixed at \$6,000 a year. I refer to the cities of Philadelphia, Cincinnati, Pittsburgh, Saint Louis, and the others named in the amendment. I propose that they shall all be fixed at the rate of \$6,000 a year, and I do it because each of the postmasters in these cities does just exactly the same amount of duty as the postmaster in New York. The postmaster of Philadelphia is employed every hour and every moment of the day, and I might add every hour and every moment of the night. To be sure, the business of the Philadelphia office is not so great as that of the office in New York; but the postmaster at Philadelphia is occupied for as many hours as the postmaster at New York and he has fewer clerks to aid him. His responsibilities and duties are just the same, and he is just as fully competent to perform them as is the postmaster at New York or any other officer occupying a similar position. I would vote, of course, to increase the salary of the postmaster at New York to \$8,000 with great cheerfulness; but I think the salaries of these other officers ought to be raised to the rate now paid to the postmaster at New York.

Mr. MYERS. I should like to know if it is now in order to give the poor letter-carriers a chance?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. O'NEILL] moves an amendment to make the salaries of all the officers named in that amendment as that of the postmaster of New York at the present time.

Mr. NEGLEY. Including Pittsburgh?

Mr. O'NEILL. O, yes; and I propose that if the salary of the postmaster at New York is not increased, the salaries of these other postmasters shall be increased to \$6,000 a year.

Mr. TYNER. I have sought the floor for the purpose of making an appeal to the Committee of the Whole to vote upon the pending amendment without further debate. If there is a disposition to do so I shall be entirely satisfied; if there is not, then I must ask the committee to rise to procure an order from the House to close debate.

The CHAIRMAN. Is there objection to the proposition to close debate upon the pending amendment?

Mr. CONGER. I rise to oppose the amendment.

Mr. TYNER. I do not yield the floor.

Mr. CONGER. I have a right to oppose the amendment.

Mr. TYNER. I did not yield, except to permit the Chair to submit my proposition to the committee. I will now move that the committee rise for the purpose of getting an order to close debate.

Mr. CONGER. You cannot make anything by that. If you wish to prevent members expressing their views on propositions here by cutting off debate, you are mistaken. There are other ways in which we can prolong this matter.

Mr. TYNER. I have no disposition to do that.

Mr. CONGER. Then give a fair opportunity for debate.

Mr. TYNER. How much longer time is desired?

Mr. RANDALL. Say ten minutes.

Mr. TYNER. I will agree to that.

The CHAIRMAN. Is there objection to closing debate in ten minutes?

Mr. CLYMER. I object.

Mr. TYNER. Then I move the committee now rise.

The motion was agreed to, and accordingly the committee rose; and, the Speaker having resumed the chair, Mr. McCrory reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the special order, being House bill No. 4529, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

Mr. TYNER. I now move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of the post-office appropriation bill. Pending that motion, I move that all debate upon the pending proposition be closed in ten minutes.

Many MEMBERS. Five minutes.

Mr. TYNER. Well, I will say five minutes.

Mr. CLYMER. I move that the House now take a recess until half past seven o'clock.

Mr. GARFIELD. O, no; let us finish this bill now.

Mr. TYNER. We can get through with this bill to-night, I think.

Mr. SPEER. You cannot do that.

The SPEAKER. The House has ordered that the session of this evening shall be for debate only as in Committee of the Whole.

The question was taken upon the motion for a recess; and it was not agreed to upon a division, ayes 39, noes not counted.

The question was then taken upon the motion to close debate in five minutes in Committee of the Whole upon the pending proposition in the post-office appropriation bill; and it was agreed to.

The motion to suspend the rules and go into Committee of the Whole was then agreed to.

Accordingly the House resolved itself into Committee of the Whole, (Mr. McCrory in the chair,) and resumed the consideration of the post-office appropriation bill.

The CHAIRMAN. By order of the House all debate upon the pending proposition in relation to the salaries of postmasters is limited to five minutes.

Mr. ROBBINS. I hope we will come to a vote. We have talked here about three hours and certainly cannot hear anything new about it.

The CHAIRMAN. The gentleman from Michigan [Mr. CONGER] is entitled to the floor.

Mr. CONGER. The effort to increase the salaries of postmasters in the large cities is an effort to pay men a much larger price than their labor or their attention to their business deserves. The same law which gives them this increase of salaries gathers around them assistants, deputies, and clerks. They have no rent to pay, no clerk hire to pay out of their salaries, as the postmasters in the country have to do who receive smaller salaries. The country postmasters have to pay their own rent, their own clerks, and to perform actually just as much labor day by day as the postmasters in these large cities, whose assistants do all the work and carry on the machinery of the office, while the postmasters merely supervise the work of their subordinates.

That, however, is not my principal objection to this increase of salaries. One of the propositions made here is that this excess of salary shall be paid out of the box-rents of the offices. Now, it may perhaps surprise the Committee on Appropriations, the Committee on the Post-Office and Post-Roads, and the members of this House to learn that there is no provision of law that I have been able to find, or so far as I can learn that exists, regulating the price of boxes in any post-office in the United States; nothing except the will of the postmaster. Every postmaster regulates the price of boxes in his own office. And it is proposed that he shall receive an increase, according to some propositions, of \$2,000, \$5,000, and in the case of New York, one proposition was to raise his salary to \$10,000, and to pay the increase out of the box-rents.

I submit, in the first place, that a salary sufficient for all the service and all the diligence and all the judgment and all the care which any man is capable of bestowing upon his office is all that we ought to pay. Why should we give postmasters in these large cities more than we give to the heads of Departments, more than we give to our circuit court judges, more than we give to many other officers who have vast interests in their charge, and to which they have to devote all their time?

Even if this increase of salary is to be given, why should we empower the postmaster, for the sake of increasing his salary, to increase the price of the boxes in his office to every one using those boxes? I venture to assert that the letting of boxes in the post-offices in all the cities of this Union is an oppressive thing. It is at the will of the postmaster of the city, his action being revised sometimes by the Postmaster-General, but the matter being regulated always in the first instance at the will of the postmaster. To say that this power is abused, to say that proper returns are not made to the Postmaster-General, that a full account is not rendered to the Treasury of moneys thus received, would not be saying too much. But when it is proposed to couple with the present power of the postmaster in this respect a provision for an increase of his salary to be made up from charges upon the boxes, I submit that there will be under such a system even greater liability to abuse than at present.

The CHAIRMAN. By the order of the House debate on the pending amendment is now closed. The first question is upon the amendment of the gentleman from Pennsylvania [Mr. O'NEILL] to the amendment of the gentleman from New York, [Mr. PLATT.]

The amendment to the amendment was not agreed to.

The question then recurred upon the amendment of Mr. PLATT, of New York.

Mr. KASSON. I move to amend the amendment by adding thereto the following:

And the salaries of postmasters in cities and towns with a population not exceeding forty thousand by the last census of the United States shall be reduced by 25 per cent. on the amounts now authorized by law; but this provision shall not apply to the salary of any postmaster now receiving \$2,000 or less nor reduce his compensation below \$2,000 per annum.

Mr. PENDLETON. I make the point of order that this amendment proposes new legislation.

The CHAIRMAN. The Chair overrules the point of order. Propositions on this general subject were made in order by the action of the House.

Mr. HOSKINS. I hope the amendment will not prevail.

The CHAIRMAN. Debate is not in order.

The question being taken on agreeing to Mr. KASSON's amendment, there were ayes 30, noes not counted; no quorum voting.

Tellers were ordered; and Mr. HAZELTON, of Wisconsin, and Mr. KASSON were appointed.

The House divided; and the tellers reported—ayes 78, noes 98. So the amendment was not agreed to.

Mr. MERRIAM. I move to amend the amendment of my colleague [Mr. PLATT] by adding thereto the following:

Provided, That no assessment, directly or indirectly, shall hereafter be made upon post-office clerks for political purposes.

Mr. PARKER, of Missouri. I raise the point of order that that is new legislation.

The SPEAKER. The Chair sustains the point of order.

Mr. NEGLEY. I move to amend the amendment of the gentleman from New York [Mr. PLATT] by inserting after "Cincinnati, Ohio," the words "Pittsburgh, Pennsylvania."

Mr. SYPHER. And New Orleans.

Mr. HAZELTON, of Wisconsin. And Milwaukee.

The amendment of Mr. NEGLEY was not agreed to.

The question recurred upon the amendment of Mr. PLATT, of New York, which was again read.

Mr. BUTLER, of Massachusetts. I wish to call attention to the fact that the repealing clause of this amendment is not sufficient, because the act which it is proposed to repeal is now embraced in the Revised Statutes, and to make the repeal effectual, reference must be made to the section of that revision.

Mr. NEGLEY. Well, it is evidently the intention of the Committee of the Whole to vote down the whole proposition.

The question being taken on agreeing to the amendment, there were ayes 31, noes not counted.

So the amendment was not agreed to.

Mr. KASSON. Before we pass from the paragraph in regard to advertising, I wish to call attention to the language of the repealing clause, which is this:

So much of section 3826 of the Revised Statutes of the United States as refers to the publication of advertisements in newspapers be, and the same is hereby, repealed.

The effect of this clause, unless amended, will be to repeal the provision for advertising Government contracts generally by the Executive Departments, not alone the provision with reference to advertising mail lettings. I call attention to this point that the requisite amendment may be made.

The Clerk read as follows:

Office of the superintendent of foreign mails:

For foreign mail transportation, \$300,000.

For balances due foreign countries, including unsettled balances due France, for the fourth quarter of the year 1869 and the first and second quarters of the year 1870, \$80,000.

Mr. COX. I wish to offer the following amendment, to come in after line 101:

That no salaries shall exceed 25 per cent. of the gross revenue of the office; but this provision shall not reduce any salary less than \$500.

Mr. GARFIELD. That amendment is not in order.

Mr. COX. It is in the interest of economy.

Mr. GARFIELD. It is not germane to the pending paragraph.

The CHAIRMAN. The Chair sustains the point of order. The Committee of the Whole have passed by the question of salaries.

Mr. COX. I beg pardon of the Chair. There was so much noise about me that I did not hear the Clerk commence reading the portion of the bill following what I now move to amend. I was waiting an opportunity to offer my amendment.

The CHAIRMAN. Does the gentleman say that he sought the floor before the Clerk resumed the reading?

Mr. COX. I sought the floor as soon as I could. I am not sure whether the Clerk had commenced reading or not.

Mr. GARFIELD. But the paragraph in regard to miscellaneous items was read long ago.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHITEHEAD. I move to amend by adding after the paragraph last read the following:

For payment, according to law, of ascertained balances due mail contractors, the appropriations for which have been covered into the Treasury, \$100,000.

Mr. TYNER. I rise to a point of order on that amendment, that it is in conflict with the act which was read at the Clerk's desk some time ago.

Mr. WHITEHEAD. That amendment has not been ruled out of order or anything like it.

The CHAIRMAN. The Chair will hear the gentleman from Virginia on the point of order.

Mr. WHITEHEAD. I understand the point of order to be that this amendment changes existing law. If gentlemen listened to its reading they noticed it reads for payment "according to law." Therefore it cannot change the law if it is "according to law."

Mr. TYNER. I am not arguing the question with the gentleman.

Mr. WHITEHEAD. But I understand the gentleman to make the point of order that this changes existing law.

Mr. TYNER. I do.

Mr. WHITEHEAD. I state in reply to the point of order that the language of the amendment is for payment "according to law," and therefore does not change existing law. It is an appropriation to pay "according to law," and is not in conflict with the law to which the gentleman from Indiana alludes.

I understand this is the law to which the gentleman has referred heretofore, because the same point was made on another amendment. It is the joint resolution of March 3, 1867. It is the law to which the gentleman referred in raising his point of order. I send it to the Clerk's desk and ask him to read it.

The Clerk read as follows:

Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until otherwise ordered it shall be unlawful for any officer of the United States Government to pay any account, claim, or demand against said Government which accrued or existed prior to the 13th day of April, A. D. 1861, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during said rebellion was not known to be opposed thereto and distinctly in favor of its suppression; and no pardon heretofore granted or hereafter to be granted shall authorize the payment of such account, claim, or demand until this resolution is modified or repealed: *Provided*, That this resolution shall not be construed to prohibit the payment of claims founded upon contract made by any of the Departments, where such claims were assigned or contracted to be assigned prior to April 1, 1861, to creditors of said contractors, loyal citizens of loyal States, in payment of debts incurred prior to March 1, 1861.

Mr. WHITEHEAD. Now, Mr. Chairman, this amendment does not come in conflict with that law at all. There are various sorts of claimants who have due them these ascertained balances. They are claimants who are loyal and can take the oath and who could draw this money under that law, provided there was any appropriation to draw. They cannot get their money now, not because of that law, but because the amount appropriated to pay their balances has been covered into the Treasury. This amendment does not propose to alter that law or to evade it. There is a class of claimants among mail contractors whose balances have been ascertained. There are some, but not many, whose claims were made after April 13, 1861. There are some who can take that oath, loyal men according to that law, but who cannot get their money because there is not an appropriation. There are others whose contracts have been assigned to loyal men prior to the 1st of April, 1861, but the assignees cannot get their money, not for want of loyalty or want of honesty I suppose, but because of the want of an appropriation to pay the debt acknowledged to be due.

There is a large class who cannot get the money because they cannot take the oath; and because there is a class who cannot take the oath and cannot draw the money, even if it were there, you propose to keep out three classes who can take the oath and who are loyal, by refusing to make the necessary reappropriation of what has been covered into the Treasury in order to pay these honest debts of the Government. The amendment does not change the law at all, but is "according to law" as it states.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. YOUNG, of Georgia. I offer the following amendment.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, directed to settle the accounts now audited by the proper officers of the Government for carrying the mails of the United States previous to April, 1861: *Provided*, That not more than the sum of \$200,000 be paid out under the provisions of this act during the year 1875.

Mr. TYNER. I make the point of order that that changes existing law.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. YOUNG, of Georgia. I offer the following amendment.

The Clerk read as follows:

SEC. 5. That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to adjust the legal claims now pending against the Post-Office Department for carrying the mails previous to the late war.

Mr. YOUNG, of Georgia. I believe that fills the bill.

Mr. TYNER. I raise the point of order on that.

The CHAIRMAN. The Chair sustains the point of order, and rules it out.

The Clerk read as follows:

For steamship service between San Francisco, Japan, and China, \$500,000, to be paid in accordance with the provisions and conditions of the act entitled "An act to authorize the establishment of ocean mail steamship service between the United States and China," approved February 17, 1865, and of the second section of the act entitled "An act making appropriations for the service of the Post-Office Department during the fiscal year ending June 30, 1868, and for other purposes," approved February 17, 1867, and the contracts heretofore made in conformity to the provisions of said acts.

Mr. SMITH, of Ohio. I offer the following amendment.

The Clerk read as follows:

After line 17 insert, "that so much of an act entitled 'An act making appropriation for the service of the Post-Office Department for the year ending June 30, 1873,' approved June 1, 1873, as relates to and authorizes a contract to be made by the Postmaster-General with the Pacific Mail Steamship Company for steamship services between San Francisco, Japan, and China, is hereby repealed, and any such contract made by the Postmaster-General in pursuance of said act is hereby annulled."

Mr. NEGLEY. I hope the gentleman from Ohio [Mr. SMITH] will not press that amendment.

Mr. RANDALL. I hope he will.

Several MEMBERS. Vote! Vote!

Mr. PAGE. I would like to inquire of the gentleman from Ohio why he offers this amendment?

Mr. NEGLEY. I hope the committee will now rise.

Several MEMBERS. O, no!

Mr. TYNER. I ask the committee to take a vote on the amendment without debate.

Mr. NEGLEY. I hope not.

Mr. PAGE. I would like to have the order of the House read which makes this amendment in order.

Mr. RANDALL. It was expressed in as plain language as could be used.

The CHAIRMAN. The Chair holds that the amendment is in order under the order of the House.

The question being taken on the amendment of Mr. SMITH, of Ohio, it was agreed to.

Mr. MACDOUGALL. I offer the following amendment:

At the end of line 21, section 2, page 6, insert:

That hereafter all monthly newspapers, whether published gratuitously or at a regular subscription price, published at a known office of publication, and devoted to agriculture and the dissemination of knowledge relative to agricultural implements, shall be subject to the same rates of postage only as regular monthly papers devoted to secular subjects.

Mr. GARFIELD. I raise the point of order on that amendment, that it is in the nature of new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed the reading of the bill, and read as follows:

For official postage-stamps for the Post-Office Department, \$986,000.

Mr. COBURN. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Insert at the end of the second section these words:

Provided, That all seeds furnished by the Department of Agriculture, and all public documents sent through the mails by Senators and Representatives in Congress to their constituents, shall be carried free of postage; and the signature of the Senator or Representative shall be indorsed thereon, as evidence that the same is mailed by him, and shall be subscribed to a written or printed certificate that the same is a public document or a package of seeds furnished by the Department of Agriculture.

Mr. WILLARD, of Vermont. I make the point of order on that amendment.

Mr. SPEER. That was made in order by the House.

Mr. WILLARD, of Vermont. I desire to inquire of the Chair if this amendment has been made in order?

Mr. MAYNARD. I rise to make a parliamentary inquiry. Have we passed the clause, in lines 20 and 21, appropriating \$986,000 for official postage-stamps for the Post-Office Department?

Mr. COBURN. The object of this amendment is to provide that the public documents and seeds from the Agricultural Department shall be carried free.

Mr. TYNER. Did my colleague [Mr. COBURN] introduce the pending amendment?

Mr. COBURN. I did.

The CHAIRMAN. The gentleman from Indiana [Mr. COBURN] has offered an amendment and is entitled to the floor for five minutes.

Mr. TYNER. I desire to make a request of my colleague. When I rose a moment ago I only wanted to know who introduced the amendment. I desire to suggest to him that he withhold the amendment until we get through with the appropriation part of the bill.

Mr. COBURN. I will not withdraw the amendment. It is as much in order here as anywhere else.

Mr. TYNER. I do not think we should put legislation in the body of the bill among the appropriations.

Mr. COBURN. This is the old question of carrying the public documents and seeds free. I need not go into an extended argument upon this question. Every man understands it. We have all now had a year or two's experience on it. We have an immense number of documents ready for our use; and the simple question is whether we will tax ourselves to send those documents and to send seeds to the people or whether they shall be carried by the Government.

Very little will be saved by taxing ourselves. When the Government provides cars and provides transportation for the purpose of carrying the mails amply sufficient to cover all these things, why should we tax ourselves for the purpose? Who are the gainers? Is it the people or is it the members of Congress? For whose advantage are these documents printed?

Mr. WILLARD, of Vermont. I again rise to the point of order. I have not been able to find any order of the House making this amendment in order. If there has been such an order, I desire to have it read at the Clerk's desk.

Mr. FORT. I have it here.

Mr. COBURN. It was made in order on the motion of the gentleman from Texas, [Mr. MILLS.]

The Clerk read as follows:

Mr. FORT. I move that the rules be suspended, so that when House bill No. 4529, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, is under consideration in Committee of the Whole and in the House, it shall be in order to consider and adopt the following amendment, changing existing law as to the rate of postage on certain mailable matter, to wit:

"That hereafter the postage on any public document mailed by the President or head of any Executive Department, or member of Congress, or by any ex-member of Congress, within nine months after the expiration of his term of service, shall be two cents for each pound; and the term 'public document' is hereby defined to be any publication printed by the order of Congress or by either House thereof. And when the words 'public document' shall be written or printed thereon, or

on the wrapper thereof, and the signature of any such person entitled to so send the same by mail shall be written thereunder, it shall be deemed a sufficient certificate *prima facie* of the character thereof.

"Field and garden seeds furnished by the Department of Agriculture shall be transmitted by mail for the same postage charged on public documents, upon the certificate of any of the persons named in the next preceding section."

The CHAIRMAN. The Chair rules that the amendment of the gentleman from Indiana [Mr. COBURN] is not in order at this time. It will be in order as an amendment to the amendment proposed to be offered by the gentleman from Illinois.

Mr. GARFIELD. I think the committee had better rise.

The CHAIRMAN. The Chair is informed that there is another order of the House applicable to this matter which the Clerk will read.

The Clerk read as follows:

Resolved, That when the post-office appropriation bill is under consideration it shall be in order to offer an amendment to the same authorizing the sending of the Agricultural Reports and other public documents through the mails to the people free of charge.

Mr. TYNER. After the Chair has ruled upon the point of order I shall move that the committee rise.

The CHAIRMAN. The Chair rules that under the resolution adopted by the House the amendment of the gentleman from Indiana [Mr. COBURN] is in order.

Mr. TYNER. Then I move that the committee rise.

Mr. COBURN. Is my colleague aware of the fact that I am entitled to the floor?

Mr. TYNER. I have no desire whatever to take my colleague off his feet. Will he yield for a motion that the committee rise?

Mr. GARFIELD. The gentleman from Indiana [Mr. COBURN] will have his five minutes to-morrow morning; he will be entitled to the floor.

Mr. COBURN. I yield for a motion to rise.

Mr. TYNER. Then I make that motion.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. MCCRARY reported that the Committee of the Whole had, according to order, had under consideration the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

PENSION BILLS REFERRED.

On motion of Mr. RUSK, by unanimous consent, the following bills returned from the Senate with amendments and Senate bills were taken from the Speaker's table and referred to the Committee on Invalid Pensions:

A bill (H. R. No. 3700) granting a pension to Teter Wolfgang;

A bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late private Company D, Forty-ninth Regiment Illinois Volunteers;

A bill (H. R. No. 3717) granting a pension to Sarah McAdams;

A bill (S. No. 836) granting a pension to William Ira Mayfield;

A bill (S. No. 1070) granting a pension to Margaret C. Wells;

A bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;

A bill (S. No. 1154) granting a pension to William Williams;

A bill (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and

A bill (S. No. 1213) granting a pension to Nathan Upham.

HARBOR OF BLACK RIVER, OHIO.

The SPEAKER laid before the House a letter from the Secretary of War, in answer to a resolution of the House of February 1, 1875, in relation to the survey of the harbor of Black River, Ohio; which was referred to the Committee on Commerce.

SALE OF ORDNANCE STORES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the draught of a bill relative to the sale of ordnance stores; which was referred to the Committee on Appropriations.

SHOAL IN HUDSON RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of April 14, 1874, in relation to a report upon the shoal in Hudson River, opposite Jersey City; which was referred to the Committee on Commerce.

HARBOR OF NEW HAVEN, CONNECTICUT.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of January 21, 1875, in relation to widening and deepening the main channel of New Haven Harbor, Connecticut; which was referred to the Committee on Commerce.

GRAND RIVER, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of War, in answer to the resolution of the House of February 4, 1875, in relation to the survey of the old bed of Grand River, Ohio; which was referred to the Committee on Commerce.

WITHDRAWAL OF PAPERS.

On motion of Mr. SWANN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Marie B. Wolfe.

AGRICULTURE.

Mr. BEGOLE, by unanimous consent, submitted a report in writing from the Committee on Agriculture, to whom was referred so much of the President's message as relates to agriculture; and the same was ordered to be printed and recommitted.

ADJUDICATION OF CLAIMS OF ALIENS.

Mr. LAWRENCE. I ask unanimous consent to submit from the Committee on War Claims a report to accompany House bill No. 3916, to provide for the adjudication of the claims of aliens. The report embraces the substance of report No. 262, made by the Committee on War Claims at the last session, together with matter from the State Department, which the House has already ordered to be printed, in relation to the mode of adjudicating claims in foreign governments, besides some other matter ordered by the Committee on War Claims to accompany the report. I ask that the report be printed and recommitted.

No objection was made, and it was so ordered.

HALLETT KILBOURN AND OTHERS.

The SPEAKER. By inadvertence this morning the communication from the Secretary of the Interior, transmitting the claim of Hallett Kilbourn and others, for compensation for services rendered in appraising the value of certain real estate belonging to the Government in the District of Columbia, was referred to the Committee on Claims. It should have been referred to the Committee on Appropriations; and if there is no objection, the change of reference will be made.

No objection was made, and it was ordered accordingly.

POSTAGE ON MONTHLY NEWSPAPERS.

Mr. MACDOUGALL, by unanimous consent, introduced a joint resolution (H. R. No. 155) relative to postage on monthly newspapers relating to agricultural subjects and implements; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RECESS.

Mr. RANDALL. I move that the House now take a recess until half past seven o'clock.

The SPEAKER. By order of the House the session this evening will be for debate only in Committee of the Whole on the annual message of the President of the United States, no business whatever to be transacted. The gentleman from New York, Mr. SMART, will occupy the chair as Speaker *pro tempore*.

The motion for a recess was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at seven and a half o'clock p. m., Mr. SMART in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. By order of the House the session of this evening is for debate only, as in Committee of the Whole, upon the annual message of the President of the United States, no business whatever to be transacted. The gentleman from Indiana [Mr. HUNTER] is entitled to the floor.

POWER OF CONGRESS TO REGULATE INTEREST.

Mr. HUNTER. Mr. Speaker, how to arrange a financial system that will benefit the country is a problem very difficult to solve. Nearly every person who talks upon it says the only solution is a system that looks to a return to specie payments, putting it upon the ground that it is the depreciated condition of our money that is the cause of all our financial troubles. The bill which has become a law at the present session is to some extent based upon that theory.

Because gold is the money of the world, and we are constantly trading with other nations, it is claimed that we should speedily return to specie payments, and that unless we do, we can have no permanent prosperity. There is where, in my judgment, we make the mistake; we are looking too much to our intercourse with other nations, and shaping our finances to suit that trade instead of looking to our own people, and shaping a system that will give them relief and at the same time meet all our commercial wants. If we purchased less from abroad and made more of what we consume at home we would be by far better off. It is our home interests that we should look to more, and see that our laboring men have constant employment at living wages, which would add wealth and prosperity to the country, instead of bothering our heads so much as to the kind of money that is needed to pay for articles purchased abroad.

When we get outside of the cities on the sea-board where the money-changers operate and grow fat on the labor of others, and get into the great heart of the country, we hear no demand for a speedy resumption of specie payments. Where the people labor, where most of the manufacturing is done, where the coal and iron are dug, where the soil is tilled, and corn, wheat, pork, beef, and, in short, every article that gives wealth and prosperity to the country are produced, and without which the country could neither grow rich nor the money-changers grow wealthy, and there we find business stagnant and the people depressed, the manufacturing establishments standing idle, or

if running, only upon half time, just enough to give employment to the operatives to keep them from starving; the coal and iron interests dragging; farm products commanding a low price except in parts of the country where the drought and grasshoppers destroyed or cut short the crops; except the article of hogs—they are commanding a high price for the reason that the crop is short, a large amount of it having been destroyed by the hog cholera, a consumer not very profitable to the farmers; so that the crop at present prices is no very great relief to them; it scarcely pays them for their losses and trouble.

When we inquire into the real cause of this stagnation of business and depression of these laboring people, we will find it is not on account of the depreciated condition of our currency. Returning to specie payments, so as to make our paper money equal to gold, will not give them the relief they want; it will only tend to make money more scarce, and hence aggravate instead of relieve their wants. What the people need and what they must have, in order to make the country truly prosperous, is money at a lower rate of interest.

That system of finance which will furnish enough money to meet the wants of the country and keep it as good as at present, with a gradual tendency to make it equal to gold, and will furnish it to the people at a rate of interest not exceeding 6 per cent., is the kind of system that the country needs and which the great majority of the people demand.

A system of finance that only looks to making our money equal to gold and leaves the question of interest in the hands of the money-lenders will neither relieve nor satisfy the country.

All the talk about our people losing millions each year on account of the depreciated condition of our currency, and that because we are not on a gold basis our money is always fluctuating, and by reason thereof business is unsteady and therefore not safe, is not true in fact. There is nothing more fluctuating in price than gold. Look at the price-list from the gold-room in New York each day and note the changes. These fluctuations in the price of gold are not because our greenbacks and bank-notes are not redeemable in gold; for the price of gold in New York is not regulated to any great extent by the demand and supply of it needed in this country, but it is principally regulated by the rate of interest in the Bank of England, in London, the great financial center of the world. The slightest disturbance on the continent creates a demand for gold, which starts up the rate of interest there the same as heat does the mercury in the thermometer; the rise is flashed to our shores by the telegraph, and up goes gold here and then down go greenbacks. Another change sinks the price of gold; then up go the greenbacks. It is not the greenback that makes the gold fluctuate, but it is the change in the price of gold that makes the greenback and every other commodity in the market fluctuate in price.

It is not, therefore, the gold basis that we so much need to give relief to the country and stop these fluctuations, but it is to have our money regulated in value by our own laws for the benefit of our own people, and not let it depend for its value so much upon the price of gold on the other side of the water. The value of money depends entirely upon its earning power. If, therefore, money is worth 6 per cent. this month and 12 per cent. next, how is it possible to keep business that depends upon its use either steady or prosperous? No legitimate business can be done so as to benefit the country at a greater rate of interest than 6 per cent. When money therefore rises to 10 and 12, not because of any favorable change of business to the laboring interests of the country, but on account of disturbances abroad which render gold scarce and therefore dear, and which give rise to speculations, the advantages of which are reaped only by capitalists, money is then drawn or kept from legitimate business and used for speculation to the great injury of the laboring masses of the country.

A financial system, then, to meet the wants of the country, must also embrace within it provisions that will drive money from these injurious speculations into legitimate business and keep it there. We should not allow money to be loaned on call; make all loans for at least ninety days. Every loan for a less period is injurious to the country, for it partakes of speculation rather than legitimate business. Public and not private good is what we should look to. Stock gambling that is carried on at our great money centers each day is injurious to the country. Therefore all persons who buy or sell stocks should pay a heavy Government license, the object being to drive men and money from these gambling-rooms into legitimate business by making it so costly that they cannot engage in it.

The price of money can only be regulated by fixing the amount of interest it shall earn. Some object to this and say that you might as well undertake to fix the price of wheat, corn, beef, hogs, labor, &c., by law as to undertake to fix the price of money. That is precisely what we do. When we fix the price of money at 6 per cent. so that it cannot be worth more than that amount, we then fix a steady price for wheat, corn, beef, pork, and labor. It must be remembered that money is not a commodity like wheat, corn, and labor; but it is the regulator of the price of all commodities. If money is worth 6 per cent., then wheat, corn, and labor will be worth a certain and fixed price; for we generally find that there is about so much raised and so much labor hired each year, increasing in amounts with the increase in population and wealth; but if the value of money is allowed to fluctuate, so that one month it is worth 6 per cent. and the price of all

articles is regulated by it; if the next month it is worth twice as much, say 12 per cent., then labor and all other commodities ought to double in price, so as to keep pace with it; but the reverse is true when interest is high. It is because money is scarce or difficult to get hold of; and then labor and all kinds of products fall in price, and times become, as we say, *hard*. Hard, it is true, upon the labor of the country, but not upon the wealth; for the wealthy get twice as much for the use of their money during such times as the laboring men for their labor and products; and hence the burdens and miseries of hard times fall upon those least able to bear them.

Money is limited in amount and is in the hands of the few, while commodities are not and are in the hands of the many. Money having such power over commodities to raise and sink them in value as it becomes plenty or scarce, it is of the highest importance that its value should be fixed, so as to prevent its constant fluctuations and injurious consequences to labor. There is no good sense in saying that if we fix the price of interest on money, that therefore we must by law fix the price of labor, wheat, pork, and all other commodities, for the reason that money is not a commodity, while labor, wheat, pork, and all other articles in the market are. When you loan a hundred dollars it is not consumed, but it is as ready to be re-loaned the next moment and so on for all time as when first loaned. Money is capable of constantly accumulating, while wheat, pork, and all other commodities are not, for they are being consumed all the time. Money, therefore, in the hands of capitalists has a power that labor and other commodities in the hands of the masses have not. Having this power, and the happiness and prosperity of the country depending almost entirely upon the proper use of it, it is of the highest importance that it should be so regulated by law that its use should work to the good and not to the injury of the great masses.

To show the power of money over labor when used for a long period of years at different rates of interest, let us take a few examples. One thousand dollars used for sixty years in discounting notes at 6 per cent., having six months to run, would lay aside a fund of \$38,671.58; while a man, if he labors for sixty years at \$1.50 per day, counting three hundred working days in the year, and not losing a single day, could only earn in that time \$27,000; so that the \$1,000 in a period of sixty years, at 6 per cent., is able to earn for its owner \$11,671.58 more than the laboring man could possibly earn by his labor. Hence we see that a thousand dollars in the hands of a capitalist, even at 6 per cent. compounded, has a greater earning power by far than the most stalwart yeoman of the land who earns his living by labor, though he work hard each day.

To put the interest on the notes thus discounted at 12 per cent.—what most people now in the West pay—in sixty years the thousand dollars would accumulate until it would amount to the enormous sum of \$1,677,481.45, which would be more than the labor of sixty-two men for sixty years at the rate of \$1.50 per day, providing they worked three hundred days in each year during all that time—a thing utterly impossible.

If we should increase the time for a longer period—say three or four hundred years—the accumulations of labor would make no showing whatever compared with that of capital even at 7 per cent., which is far below the average now paid throughout the country. For example, \$100,000 loaned at 7 per cent., and compounded every six months for three hundred and sixty years, would amount to the enormous sum of \$6,971,947,673,600,000; which is two hundred thousand times more than the whole United States are worth.

Commodities such as wheat, corn, labor, &c., instead of accumulating by compounding like money, are consumed almost as fast as produced; and men who engage in their production do not as a general rule loan money, and hence about 3 per cent. is as rapidly, counting all losses, as the people of this country, taking them as a whole, accumulate. Those who loan money accumulate faster than those who labor. And if allowed to continue to charge the present rates of interest, their accumulations will far exceed those of labor; so that in the course of a few generations capital will have such power that labor will stand no show, but will be wielded and controlled by it like the present pauper labor of Europe. It is therefore high time that the people commence dealing with this question of interest before it shall be eternally too late.

In the very nature of things we must have, in order to be prosperous, both capital and labor. Neither is profitable without the other. And if left free to operate according to the laws of trade, as most contend they should be, capital will accumulate faster than labor, and in the course of time will oppress it in this country the same as it now oppresses it in Europe. The reason is simple. We now purchase manufactured articles abroad, where interest is low and labor cheap, and charge such rates of interest here that men cannot engage in manufacturing so as to compete with foreign cheap labor and cheap money except by grinding labor. It is not for the public good that labor should be oppressed. How, then, is it possible to prevent it, if we are to trade abroad, unless we can have money in this country at a rate of interest and with a tariff such as public sentiment will maintain, that we can compete with foreign manufacturers and at the same time pay to labor a living price?

We must remember that our country has arrived at that period of its existence where its prosperity depends upon the development of all its varied industries and not upon a speculative growth. We now have a heavy laboring population; to be prosperous we must keep that

labor employed; otherwise we will lose millions each day. A financial system, then, that looks to making money better and not cheaper is not what the country needs. Our money is good enough now, if it could only be had at rates that men could afford to engage in business, so as to give employment to labor; but those who have it ask such rates of interest that men of enterprise cannot afford to use it in legitimate business; hence all our business interests are prostrate, and the labor of the country is idle and suffering for the comforts of life. Unless we make interest cheaper the business of the country cannot revive. Successful operators in stock-gambling are the only persons that can afford to pay the present rates, and all their operations are a positive injury instead of a benefit to the country.

How, then, shall interest be cheapened? Some insist by the issue of the 3.65 convertible and reconvertible bond. So far I have favored the issue of that kind of bond, because I believe it will give money to the Government at cheaper rates than it is now paying. But exactly how it will cheapen money to the people who want to borrow it to engage in business, so as to give employment to the labor of the country, is a proposition that I have never yet had explained to my satisfaction. I can see how cheapening money to the Government would cheapen it to the people who have to borrow, if provision was made in some way for them to borrow it from the Government; but the proposition to issue the 3.65 bond does not in any way contemplate the idea of the Government loaning money to the people who wish to borrow, but it simply provides for the Government to borrow from those who have money at a low rate of interest. Men who follow the business of loaning money, and from whom the people must borrow if they get it, will not loan their money to the Government for the interest provided for in these bonds, for the reason that they can get three times that amount by loaning it to the people. It will only be banks that have to keep a reserve and persons who deposit in banks and savings institutions that will patronize the Government and purchase these cheap-interest bonds—persons who do not keep their money to loan, but who keep it in the shape of savings or to be invested in speculations, and only want to use it at certain periods of the year, and will not risk loaning it to the people, but will deposit it for these bonds, so that it will draw them interest while idle, and then be ready for them when needed for use or speculation.

Men who purchase these bonds will not loan them to the people, for the reason that if they had wanted to loan their money they would have loaned it in the first instance, without going to the trouble of purchasing these bonds. Then exactly how the issuing of this bond will cheapen interest to the borrowers of money I cannot see. I am answered that it is insurance and security that enter into and regulate the cost of money; that the Government, being more safe than individuals, can get money cheaper than it can; that 3.65 per cent. in currency, having been established as the Government rate of interest, would necessarily bring down the rate of interest to individuals to about 5 or 6 per cent., the only difference in interest being the difference in security between the Government and the individual borrower. The fallacy of this argument consists in this: It takes it for granted that because the Government will be able to get a large amount of money in exchange for these 3.65 bonds, therefore the permanent rate of interest that the Government will pay in the future will be fixed at that amount. What is taken for granted is not true in fact. While the Government will be able to get money in exchange for these bonds, it will only be the money that the owners of it do not want to loan, but want to keep ready for use or speculation. As above shown, they will exchange it temporarily for these bonds, because it will be safe and they can get their money again, when needed, in exchange for them, and in addition get interest on their money, which would otherwise lie idle.

The Government could not go into the money market and make a permanent loan on these bonds, therefore the issuing of them will have no effect whatever in regulating the interest on permanent loans to the Government, or on loans made to the people. The Government cannot go into the New York money market to-day and make a permanent loan on its bonds, which are free from all local taxation, at less than 5 per cent. in gold interest, payable semi-annually. Neither would it be able to do so were the 3.65 bonds issued and now in full use, for the reason that they would only be exchanged for money temporarily and not permanently loaned. Therefore the issuing of this bond, while it will give money temporarily to the Government at a cheap rate, will be of no special benefit to the borrowers of money, so far as cheapening interest to them is concerned. It will not make money more plenty unless the bond should circulate as money, which it would not to any great extent for the reason above given, that if the purchasers of these bonds had wanted to put them in circulation the same as money they would have done so in the first instance, and not put themselves to the trouble of purchasing the bonds; but for the very reason that they did not want to loan their money, they converted it into these bonds so that it might draw them interest until they should need it for other purposes than loaning it. For the above reasons the issuing of the 3.65 bond, in my judgment, will not give to the money-borrowers of the country the relief that they demand; that is, money at a cheaper rate of interest.

Others favor cheapening interest by doing away with the national banks and issuing greenbacks to supply the place of bank-notes.

How that will make interest cheaper to the money-borrowers I cannot understand. It certainly makes money no more plenty by retiring national-bank notes and replacing them with greenbacks. Neither does it make our money better, for a bank-note will answer every purpose that a new greenback will. Some think that by doing away with the national banks we make a large saving to the people in the shape of interest on the bonds that we could purchase and retire with the greenbacks issued to take the place of the bank-notes, but when we undertake to figure out the saving we fail to find it, for the reason that the taxes which the national banks now pay to the States and the General Government are fully equal to the interest saved by the retiring of the bonds. So that by doing away with the banks the people would lose as much in the shape of taxes that the national banks now pay as the interest they would save, in the purchase of bonds, as the following statement will show:

On the 2d day of October, 1874, the amount of bank-notes then in circulation were \$333,225,298. If that amount of greenbacks had then been issued to take their place, they would have purchased bonds, one half 5 and the other half 6 per cents, counting the bonds at an average premium of 17 per cent., amounting to \$276,576,998. Interest on these bonds in gold at 5½ per cent. would amount to \$15,211,734; gold premium on this interest at 11 per cent., \$1,473,289; amount in currency saved by destroying banks, \$16,685,023.

Let us next inquire how much the people would lose by their destruction. By the organization of national banks stock is created, and it becomes taxable property. On the 2d day of October, 1874, the capital stock of the national banks amounted to \$493,765,121. The Comptroller of the Currency in his report made November 23, 1874, page 20, says that "the average amount of taxation assessed upon the capital of the national banks of the country is estimated at from 3 to 3½ per cent." But count it at 2½ per cent., which is below the average, and it makes the tax which the national banks paid to the people of the States on \$493,765,121 of bank stock, for 1874, \$12,344,128.

Tax on bank stock.....	\$12,344,128
They paid to the United States as follows:	
On circulation.....	3,404,483
On deposits.....	3,209,967
On capital not in bonds.....	513,711
Amount Government would lose.....	19,472,299
Deduct amount saved by Government.....	16,685,023
Net loss.....	2,787,266

The above statement shows that if the national banks had been done away and greenbacks issued to supply their place, the people, instead of gaining, would have lost this year \$2,787,266. In answer to this it may be said that if the national banks were broken down, most of their capital would go into private banking, and would then pay a large amount of taxes to the Government, as private banks now do. I suppose most of this loss of \$2,787,266 would be made up in that way. But it must be remembered that private banks evade the law, and do not, as the reports show, pay in proportion to their capital more than one-fourth the taxes that the national banks pay. Therefore by breaking down the national banks we would strike out of existence at least three-fourths of the \$493,765,121 of taxable property in the shape of bank stock, which now pays to the people a tax of at least \$9,258,096, which as private bankers they would not pay. We would also strike out of existence our present national-bank circulation, which amounts to \$333,225,298, upon which national banks now pay to the Government a tax of \$3,404,483. Private banks, having no circulation, would pay no such tax. We would also lose most of the \$513,711 now paid by the national banks as tax on capital, not in bonds. Private banks evade this tax by converting their bonds into greenbacks before tax-paying time.

We would also lose a large amount each year on deposits, as private banks, not being under the control of the Government like national banks are, do not pay in proportion to their deposits near so large a tax as the national banks do. In addition to this it would cost the Government at least \$1,000,000 to keep up the printing of these greenbacks each year, more than it costs it for the printing of the national-bank notes, estimating the cost according to the present rates of difference in printing between the greenbacks and national-bank notes.

From the figures, then, we find that by issuing greenbacks to supply the place of the bank-notes we make no actual saving to the people; neither do we make our money any better by so doing or increase the amount of its circulation; and therefore we in no way cheapen interest or benefit the money-borrowers of the country by this plan.

We still have another class of financiers who favor cheapening interest by a new issue of greenbacks to an amount sufficient to supply the wants of the country. By so doing we depreciate our money, put up the price of interest and raise the price of gold, and make it that much harder on the Government and people to pay her debts in gold, which she is compelled to, or violate her solemn pledge of faith, which she cannot now do except by repudiation.

To justify Congress in making a new issue of greenbacks, there must be a public necessity for it that is overwhelming in its nature; such as arises during war, when the life of the nation is at stake. Being now at peace, such a necessity does not and in the very nature of

things cannot exist. Their issue would therefore be a question of expediency and not of necessity, and Congress would be compelled to place it upon that ground. Their issue would then present the question squarely before the courts as to the power of Congress, under such circumstances, to issue the paper promises of the Government and make them a legal tender in payment of debts and in discharge of contracts. If I believed the power existed, I would favor such an issue at the present time, as it would give at least temporary relief to the country; but feeling satisfied in my own mind that it does not exist, and that the courts would so decide, I cannot see how the passage of such a law would give to the country the permanent relief it requires. It might be a benefit for a time, until the courts would decide that the legal-tenders were issued without authority of law, which they certainly would. Then our condition would be far worse than now, and repudiation would be our only relief.

Another class favor cheapening interest by allowing persons having our present gold bonds to deposit them with the Government as security for greenbacks to the amount of their face. This plan would necessitate the issuing of more greenbacks by the Government, and would therefore be subject to the objection just urged as to the power of the Government to do so in time of peace; but waiving that objection, I cannot for the life of me see how this plan would cheapen money to those who have to borrow, for the reason that men who have bonds and could deposit them for these greenbacks are money-lenders and not borrowers; therefore, if they deposited their bonds to get money to loan there would be nothing to prevent them from charging 10 and 12 per cent. for this money to those who have to borrow, and they would do so. Such a law, then, could in no way benefit money-borrowers, for they have no bonds to deposit; if they had, there would be no necessity for their borrowing money—it would only benefit money-lenders who desired to deposit their bonds in this way. It is the money borrowers and not the lenders that need relief, and which I wish to protect.

If provision is to be made for men to borrow money from the Government in order to cheapen interest, I want it so made that the poor as well as the rich will be benefited by the law. Instead of requiring bonds to be deposited for the loan of money, let the money be loaned at a low rate of interest on mortgage of real estate. I do not advocate the plan of a loan from the Government; but if it should be adopted, I say make it so the poor man will be benefited. The bill which we passed at the present session, and which is now a law, I voted for, not because I fully approved it, but because I thought that it was better than the old law, and the only measure that could pass during this Congress. But I feel that it will not meet the wants of the people, for the reasons I have urged; it does not regulate the question of interest. It is better than the old law in this: it makes national banking free.

During the last session of Congress I tried to put a provision upon the bill we then passed to regulate the question of interest, but it met with so little favor, and especially with the Committee on Banking and Currency, that I did not try to attach it to the bill we passed this session, for I knew that all efforts to do so would be hopeless. Regulating interest by the National Government is a new question, and strikes the money-lenders unfavorably as an undue interference with their business, and therefore with them it is unpopular; but it is a question that in the future must be met. It is in my judgment the only solution of our financial troubles that will give permanent relief to the people, and therefore I feel it my duty to bring it to the attention of the country so that it may be studied and understood.

It must be evident to every one that interest now is too high; more than legitimate business can pay. The question then is, what are the people to do? How is interest to be cheapened? Business must go on and money must be had. High interest benefits the money-lenders, but it impoverishes and grinds labor. Must that state of affairs be allowed to exist? If not, what must be done to prevent it? Capitalists say let the laws of trade, supply and demand, regulate it. Others say the States must do it; that Congress has no power over the subject. The States for at least one hundred years have been trying to regulate this question of interest, and have made about as bad a failure at it as they did in trying to furnish the people a currency that would meet the wants and demands of the country. But, having utterly failed, Congress, in compliance with the public demand, took hold of the question and furnished the people with a national currency that exactly met the wants of the country, and without which we would now scarcely know how to do business; and in order to get rid of the money furnished by the States, it imposed a tax upon it that drove it from circulation. The power of Congress to do this was at first questioned, but the national currency met with such public favor that all soon acquiesced, and none now dispute its right. So with the question of interest; when it is thoroughly studied, it will be found that Congress has not only the right, but that it is an absolute necessity, for the good of the people, that it take hold of and regulate it, so far as the loaning of the national currency is concerned.

The States cannot regulate interest on money, even if they have the power, so as to give to the people the relief that they really demand, for the reason that when a State fixes the rate of interest, say at 6 per cent., and makes its law so strong that no person or bank dare violate it, the result is that those who have money to loan in that State transfer their loans to other States, where a higher rate

of interest is allowed. And hence the people, instead of finding the law a benefit, find it a positive injury, as it takes all their money out of circulation; and they are compelled for their own protection to repeal the law or let it remain on the statute-book a dead letter, so that none are punished for its violation. It is therefore impossible for the people to protect themselves against usurious interest by State laws, unless they would act in each State at the same time and make their laws uniform—a thing impossible; and hence the masses, who have to borrow money, must suffer for all time, unless Congress will take hold of the question and lay its strong hand on the usurers, and compel them to comply with the law it passes or suffer the penalty.

When we look over the country and see the amount of misery and want that is produced by the exorbitant rates of interest, we wonder why it is permitted by the laws of the country. I venture the assertion that you cannot go into a single county in any State of this Union where you will find less than one-third of the business men of that county but who are oppressed with the present exorbitant rates of interest, and many of them utterly bankrupt.

Men must do business. If they have no money of their own they will borrow from others, and being naturally honest and proud-hearted, and when once in business, in order to meet their obligations, will agree to pay almost any rate of interest that is demanded. To meet it when due they go to work, stinting themselves and their families; but at the end of the year they find that the interest has accumulated faster than their labor. New obligations are entered into to secure the money-lender for this balance of interest, and new exertions are made to pay it; but at the end of the second year they find themselves still further embarrassed, and so on from year to year, until in the course of eight or ten years they and perhaps some of their securities are hopelessly ruined—their homes and everything they have, except the little left exempt from execution, must be sacrificed to pay the accumulations of this exorbitant interest. The money loaned proves to be of no real benefit to the borrower, as it does in nine cases out of ten when these high rates are charged; for after working hard for eight or ten years, stinting himself and family, he is not as well off as when he borrowed it; for the interest accumulated faster than legitimate business can make it, as it always does when 10 per cent. is charged. He is therefore compelled to give to the money-lender not only his labor, but sacrifice his home and his all, besides witnessing the suffering and poverty of his family, to meet the demands of usury. Some will answer that he was a free agent and was not compelled to borrow the money, and therefore has none to blame but himself. Misfortune may have compelled it, or he might have been induced to borrow it to engage in business in order to give employment to labor which would have suffered without it.

Business must be done and labor must be employed in order to make the country prosperous. Six per cent. is as much as legitimate business can pay. If money must be had in order to carry on business and give employment to labor, and the men who have it will not put it into business, shall they be allowed to take the advantage of the necessities of the country and demand for the use of their money a greater interest than legitimate business will pay? When the life of the nation is at stake, if men will not volunteer and fight, we draft and compel them to. For the support of the Government we compel men to pay taxes, whether they want to or not. Money, then, being absolutely necessary in order to do business, and it having such power and control over the welfare and happiness of the whole people, and those who have it fail or refuse to put it in business that will give employment to labor, but insist on loaning it to others who will, I submit the question whether it is not right and proper for the good of the people that those who have this money shall not be allowed to demand or receive for its use more than legitimate business can afford to pay; for whatever is paid beyond that is and in the very nature of things must be ground from the sweat and toil of labor. To allow money to be used so as constantly to grind labor is worse than a crime, and ought therefore to be prohibited by law.

It is the duty of the Government to see that the people have a money that is good and in sufficient quantity and a rate of interest that will justify its use, so that every legitimate want of the country may be fully supplied. Money-lenders, as a general proposition, I know object to this, and insist that money is worth what it will bring in the market, the same as wheat and pork, and that its rate of interest should therefore be governed by the law of demand and supply. That is just what we have permitted, until interest has almost eaten up the country. The States have tried to regulate interest, as I have shown, but their efforts have proved an utter failure. The money-lenders have paid but little attention to State laws, but have demanded and received from those who were compelled to borrow just such rates as they saw fit to charge, without any reference to the question as to whether legitimate business would justify its use at those rates. And nearly every person who has attempted to do business at the rates charged has failed; and that is the cause of the general prostration of business all over the country. I am answered that these failures and this prostration of business have occurred because our people have undertaken to do too much, and have gone far beyond the wants of the country. They have only tried to keep the labor of the country employed; and certainly business ought to justify that; if not, something must be radically wrong. Some of the labor projects may have been wild and visionary, but the great ma-

jority of the business which is now prostrate, and on account of which the country has and is now suffering so much, is of the most substantial character. The truth is that our people have paid these high rates of interest and undertaken to manufacture and compete with the manufacturers abroad, where labor and money are cheap, until they have become completely broken down. High interest, which compelled them to work at a disadvantage all the time in order to compete with the cheap labor and cheap interest abroad is the real cause, and not doing work beyond the wants of the country.

Every person will admit that no one can afford to do a legitimate business upon money at 10 per cent. Yet money cannot be borrowed for less than that to do business in any part of the country. It is therefore evident that all legitimate business in the country must suffer, or money must be had at cheaper rates than the present. If supply and demand will regulate the price of interest, so as to cheapen it and make it meet the legitimate wants of the country, then there is something terribly out of joint at the present time; for it has utterly failed to do so, for business is not prosperous anywhere. Yet the demand for money for business, such as it is, keeps it up to 10 per cent. in a great portion of the country, and in some of the States from 12 to 15 per cent. A greater demand would put interest still higher. Why is this? Is it because we have not enough money? Money-lenders say no, and insist that there is plenty of money in New York City at 5 and 6 per cent. If there is, it is only loaned at those rates on call; that is, to be paid whenever the lender demands it. Business cannot be done on those kinds of loans. Neither can it be had in New York City to be invested in business in the West for less than 10 per cent., I care not how good the security offered; and every one knows that business cannot afford to pay that amount.

If we should increase the volume of our currency up to a thousand millions by a new issue of greenbacks, conceding the power to issue them, we would so depreciate our money that interest would go to 15 and 20 per cent., as it was after the war. The money-borrowers would suffer then as much as now, for they would have to pay whatever was demanded. I care not how plenty you make money, it will soon get under the control of the money-lenders; then they and not the borrowers dictate the rates of interest. I have considered with some care all the various financial plans now before the country, and have shown that none of them will accomplish what the people want, that is, make interest cheap. Look at the question as we will, and it will be found that there is but one way certainly to bring interest down, and that is for Congress to take hold of it and fix the interest at an amount not exceeding 6 per cent., and then make the law so strong that no man would dare violate it, and if he did, make him suffer the penalty.

No one who favors cheap interest and insists that competition or the laws of supply and demand will bring money down to 6 per cent. ought to complain of the plan I propose, for it only compels to be done what he says the laws of trade will accomplish, that is, it makes certain what would otherwise remain uncertain. Money is not worth more than it will earn when employed in legitimate business, and no man ought to be allowed to charge or receive more than that for it. Experience has shown that 6 per cent. is the outside limit that business will allow being paid, and with that sum the money-lender should be made satisfied. If he will not loan it at that interest to be put in business by others, let him keep it or put it in business himself. He could not afford to let it lie idle, and therefore he would be compelled to either loan it at that interest or put it in business himself. Either would benefit the country, for what it needs is money to do business, and it makes no difference who puts it into business; but if it has to be borrowed, let it be at rates that those who use it and those who labor shall not only live but prosper.

That Congress and not the States has the power, when it deems it necessary and proper for the good of the people to regulate the value of its national currency by fixing the rate of interest at which it shall be loaned and used by the people, is a question to my mind that will not admit of a doubt. The United States notes commonly called greenbacks are Government securities, created by the Government to circulate as money. The national-bank notes are also issues made by authority of Government to circulate as money, for the benefit of the Government as well as the people. It is expressly declared on the back of all these national-bank notes that they are "receivable at par in all parts of the United States in payment of all taxes and excises and all other dues to the United States, except duties on imports, and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on public debt." The Government is bound for their redemption, because its bonds are pledged for their payment. They are to all intents and purposes a national issue of money, and serve the Government every purpose that the greenbacks do.

The issue of the United notes and the national-bank notes as money was authorized by Congress for the express purpose of having a circulating medium by which the Government as well as the people could carry on business in every part of the United States. The States have not the power to tax either of those issues of national money without the consent of Congress, for the reason that the power to tax implies the power to destroy. They fall clearly within the decision of the celebrated case of *McCulloch vs. The State of Maryland*. If the States were permitted to tax this money, they might

put the tax so high as to drive it out of circulation, which would effectually destroy its use to the Government as a circulating medium.

If the States, then, have not the power to tax this money, as the Supreme Court, in 7 Wallace, page 26, has decided, where do they get the power to regulate the interest upon it unless Congress grants it? It must be remembered that the value of this money is fixed by the amount of interest it will earn. If the States are permitted to say at what interest it shall be loaned and used, they could as effectually drive it out of circulation by declaring that it should not be loaned within their limits at a greater rate of interest than 1 per cent., as they could by imposing a tax of 75 per cent. upon it. The Constitution of the United States declares that Congress shall have power to coin money and regulate the value thereof. Under the Constitution Congress has made or coined two kinds of money, one metal and the other paper. To give this paper money value it must circulate and be able to earn an interest. If the States, then, have the power to fix that interest, then they and not Congress have the power to regulate its value. In the case of gold and silver coined by the Government, if it was not allowed to circulate in the States by reason of adverse legislation, admitting their power to so legislate, still its value would not be destroyed like the paper money, for it could be sold as bullion; but paper money, that cannot circulate and bear an interest and which is not redeemable in gold or silver at the pleasure of the holder—which is the condition of our greenbacks and national bank notes—would be for all purposes as money perfectly worthless.

If Congress, therefore, has not the exclusive power to regulate and control the interest that our national money shall bear when loaned or used by the people in the different States, then the States have it in their power as effectually to destroy it at their pleasure by placing interest at a rate that it would not circulate as by imposing a tax that would drive it from circulation. I hold, therefore, that Congress and not the States has the exclusive control over our national money; and as the welfare of our people depends upon having that money at a rate of interest that it can be used in business so that labor as well as capital can be benefited by its use, it is the duty of Congress to pass a law fixing the interest upon all national money at a rate not exceeding 6 per cent. in every part of the United States, and that it make its provisions broad enough to prevent evading the law by indirect means, and with penalties strong enough to punish those who will dare violate it.

There is also another provision of the Constitution under which I think Congress clearly has the right to regulate the question of interest upon all commercial transactions between the people of the different States. It is the one which provides that "Congress shall have power to regulate commerce * * * among the several States." Interest, like transportation, enters very largely into the question of trade or commerce that is carried on among the people of the different States. If Congress, then, has the power to regulate transportation, which but few at the present time deny, it as clearly has the power to regulate the interest upon all commercial transactions between the people of the different States.

I do not contend that Congress has the power to regulate the interest on all contracts made by the people of the same State. For example, if a man sells his farm, stock, grain, or the like, and the purchaser executes his notes, the interest that such notes should bear should be regulated by the States, and the owners of the notes should be left perfectly free to dispose of such notes at such rates of discount as allowed by the laws of the different States.

It is only the loaning of national money or where contracts are made between persons of different States that I insist Congress has the power to legislate and should do so. When Congress shall have passed such a law and made a few healthy examples by punishing violators of the law with both fine and imprisonment, men will not be so ready to violate law, and we will not then hear so many say that Congress cannot regulate interest by law.

With a strong law, such as I propose, usury in a few years would be effectually stopped, for the people would see the good effects, and would, by State laws, soon put an end to all usurious transactions among them in the different States. That once done, business would be prosperous all over the country, and would remain so, and we would hear but few complaints of hard times.

A financial system, then, to suit the wants of the country ought to embrace the following provisions:

First. Impose a Government license that will be sufficient to drive men out of all kind of gold and stock gambling. Make the money used in it go into legitimate business.

Second. Prevent money being loaned on call, for it aids speculation when so loaned, to the injury of regular business. Legitimate business cannot be done on such loans. Let all loans be for at least ninety days.

Third. I would put a Government license so high that men could not engage in business as private bankers or brokers. I would drive their capital into national banks or other business more profitable to the country. National banks issue money which the people need, and they have to protect it and keep it good. I would therefore have all the capital of the country that wished to bank in national banks. The business of private bankers and brokers partake more of a private than a public good. Having no money of their own issue to protect, they frequently make runs on banks that have, and thus injure the public for their own private good. National banks

will serve every good purpose that the private banks and brokers will, and at the same time be more beneficial to the country.

Fourth. I would establish national free banking; allow every one to engage in it that desired who would deposit bonds to secure his issue in sums as now provided by law. I would be willing to allow 100 instead of 90 per cent. to be issued to the banks, as the security would be perfect. More men would be induced to engage in it, which would make money more plenty, the very thing that the mass of the people want. Our money would be as good then as now, for it would be redeemable in our present greenbacks; the Government would gradually appreciate them; and as they increased in value the banknotes would increase in the same proportion, until our whole currency would be par in gold. Then all the expense and trouble of redeeming our money would be thrown upon the banks instead of the Government, where it naturally belongs.

Fifth. I would put interest at 6 per cent., and allow no bank or individual, either directly or indirectly, to charge a greater rate, and would make the law broad and strong enough to accomplish the work. Business having been established upon a basis of 6 per cent., national banking would then be profitable, for the reason that banks could get 6 per cent. on their money, and from 5 to 6 per cent. in gold on their bonds. I would relieve the banks of all national tax, except enough to cover expenses of the Government in connection therewith.

Sixth. I would make provision for the issue of the 3.65 bond, so that the Government might get the use of all the money it could at a low rate of interest. The bond, being reconvertible, would have a tendency to regulate the volume of the currency.

With these provisions in addition to the present law, I feel the country would be enabled to prosper in a manner entirely satisfactory to the great mass of the people. Some of the provisions, I admit, are strong, but I hold they are justifiable on the ground of public good.

TREATY RELATIONS WITH CHINA.

[Mr. PAGE addressed the House upon the subject of our treaty relations with China. His remarks will appear in the Appendix.]

FAILURE OF THE REPUBLICAN PARTY.

[Mr. CRITTENDEN addressed the House upon the failure of the republican party to give peace and prosperity to the country. His remarks will appear in the Appendix.]

LOUISIANA.

Mr. BANNING. Mr. Speaker, after the many able speeches made in Congress upon southern affairs it is a delicate matter for me to ask the attention of the House to what I may have to say upon the subject. The importance of the question under discussion, involving as it does the rights and liberty of every American citizen, is my apology.

Believing in the saying of that founder of the Republic who told us "eternal vigilance is the price of liberty," also in the saying "it is better to defend our liberties upon the door-sill than upon the hearth-stone," I come to the consideration of this all-important question without any partisan feeling whatever, as a humble representative of a great constituency, who, without respect to party, at the largest meeting held in Cincinnati since the firing upon Fort Sumter in 1861, adopted the following resolutions:

The following resolutions were received with applause and unanimously adopted: Whereas it is part of the current public history of the country that on the 4th day of January, A. D. 1875, a general of the Army of the United States detailed an armed body of soldiers with orders to enter the legislative hall of the State of Louisiana, while the Legislature of said State was engaged in the work of organization, and to compel the withdrawal from said hall of persons claiming membership in said body, and who had been admitted to seats and qualified as members, said orders being executed by said soldiers, thus interrupting the organization of said body, and affording an opportunity to other persons claiming the same seats to enter and occupy the same and to organize said Legislature, thus practically determining a contest of election; and whereas a general of the Army has publicly called upon the President of the United States to declare a portion of the people outlaws, and to grant him authority to try, condemn, and punish them by martial law: Therefore,

Resolved, That as citizens of the Republic, invested with the right and charged with the duty of giving earnest attention to public affairs and pronouncing dispassionate judgment thereon, we regard these events with alarm and indignation.

Resolved, That it is essential to the preservation of free institutions in the United States that the military power shall at all times be subordinate to the civil power; that the Army shall not be called upon or permitted to perform mere police power in any part of the Union; that the right and the duty of preserving social order within the several States shall at all times be recognized as belonging to the respective State governments, except in the single instance provided by the Federal Constitution, which authorizes the General Government to protect the States respectively "against domestic violence upon the call of the executive when the Legislature cannot be convened."

Resolved, That our judgment of the action of General Sheridan is formed without regard to the truth or falsity of the grounds upon which he has sought to justify it; that upon his own statement of the facts it was an unwarranted and violent usurpation of power, a violation of the Constitution and of his duty as a citizen and as a soldier, and we call upon our fellow-citizens throughout the Union not to be misled in the discussion of this grave topic by the recital of the alleged wrongful and illegal acts of other persons at other times and places, but to judge the action of General Sheridan upon its own merits; that the usurpers of power in all periods of the history of the struggle between liberty and despotism have justified themselves by the plea that the public safety required their usurpations.

Resolved, That the call of General Sheridan for power to arrest, try, condemn, and punish citizens of Louisiana by martial law is a gross insult to the whole people of the country, and deserves signal rebuke from the Government and from the people.

Resolved, That we view with distrust and disapprobation the multiplication of military titles, military offices, and military emoluments, believing that the true military power of the Republic is, and should be, its citizen soldiery; and that we

call upon our immediate Representatives in Congress to support the bill recently introduced providing for the abolition of the office of Lieutenant-General of the Army of the United States, with an amendment including all the unnecessary military officers.

Resolved, That a copy of these resolutions be forwarded to our Representatives in Congress by the chairman.

Hon. George Hoadly, one of the ablest lawyers in the country, a republican who supported General Grant for the Presidency, prevented by a business engagement from attending the meeting, wrote to the presiding officer this letter:

CINCINNATI, January 14, 1875.

DEAR SIR: Your note of the 13th is just at hand and contents noted. I regard the Administration as having been engaged now for three years in a conspiracy to deprive the people of Louisiana of their just right to govern themselves and an effort by force and fraud to substitute a State government which has never been chosen by that people for that of their own selection. So believing, I should, without regard to the particular question who first called in the military on this occasion, have been glad to take part in the meeting you speak of. But business engagements in the supreme court compel me to be in Columbus on Saturday, and you will therefore please accept my sympathy and excuse my absence.

Yours, truly,

GEORGE HOADLY.

Hon. GEORGE W. C. JOHNSTON.

Hon. W. S. Groesbeck, whose national reputation makes his name familiar to all, wrote as follows:

JANUARY 14, 1875.

DEAR SIR: I received yesterday your note asking my opinion as to the propriety of calling a meeting "to express the sentiments of our city in regard to the recent transactions at New Orleans," and I notice in the papers of to-day that such a meeting has been resolved upon and will soon be held.

I think such a meeting will be very proper, and that it should be so managed as that all will feel free to participate in it. The transactions to which you refer were most extraordinary, and should be promptly noticed by public meetings throughout the country. They have no precedent in our past, and should not be allowed to become a precedent for our future. Bayonets are out of place in legislative halls.

Very respectfully,

W. S. GROESBECK.

Hon. G. W. C. JOHNSTON, Mayor.

Hon. Job E. Stevenson, my predecessor in this House, and republican candidate against me last fall, sent the following letter:

CINCINNATI, January 15, 1875.

DEAR SIR: Yours in relation to a proposed meeting of citizens to consider recent and pending events in Louisiana received.

It seems to me that such a meeting properly assembled and conducted, might do good service, and I should be not unwilling to participate.

Yours, truly,

JOB E. STEVENSON.

Hon. G. W. C. JOHNSTON, Mayor, &c.

Governor Allen, in answer to an invitation to be present, wrote:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, January 16, 1875.

DEAR SIR: For official reasons I cannot, as you request, be with our friends in your city to-night.

Things look gloomy, yet I do not dread the future. A few of the republican politicians may but the republican masses will not stand passively by and see any man seek to assuage his thirst for power in the blood of the people. The democracy, of course, will be true to itself.

Your friend,

W. ALLEN.

Hon. G. W. C. JOHNSTON, Mayor of Cincinnati.

Hon. George H. Pendleton addressed the meeting, and among other things said:

My fellow-citizens, there is order and quiet and, in some sense, peace in New Orleans to-night. The interest there is intense, but it is not turbulent. I rejoice that it is so. This conduct is an evidence of wisdom and virtue and good citizenship. Those men who addressed the meeting in New York and promised that their fellow-citizens should not be goaded into conflict with Federal authority, but that they would rely upon the moral power of their sister States to restore free government in that section of the country, uttered no vain words. Stigmatized by the military commander who the day before had assumed command over them as banditti; abused by every Federal officer as cut-throats and assassins; treated as if free government in this country had no rights which Federal power was bound to respect; governed by a power which confessedly will fall the moment that Federal bayonets are taken away, they have, nevertheless, by rare magnanimity, by wonderful self-control, thrice-armed their quarrel which was already just.

I am glad, as I said, that it is so for their sakes, because it is evidence of wisdom and virtue. I am glad that it is so for our sakes, because it gives no alloy to the sympathy that we can feel for their private wrongs, and puts no check upon the indignation and public sentiment for the unparalleled outrages upon public liberty. I am glad that it is so for another reason. It shows that all over this country, even under the most trying circumstances, the people of the country have accepted everywhere the results of the war. It shows that everywhere they have accepted the constitutional amendments, and mean to abide by them. It shows that everywhere they have accepted the doctrine of civil and political rights of all citizens. It shows that after the wave of civil war has passed away all our people everywhere are coming back to the recognition of that peace and order which must be the concomitant of liberty, and without which there can be no good government.

The able lawyer and author Dr. Thuro Wright, addressed the meeting. From his remarks I read the following extract:

He was here as a citizen of the United States who did not want to see his country a military despotism. He did not want needlessly to find fault with the authorities or indulge in harsh terms concerning their public acts; but that our rulers were above criticism no one would venture to assert. He would pray, if he prayed at all, "O God, may we not despise our rulers;" and would also add, "O Lord, may they not act so that we cannot help despising them."

Mr. Speaker, this large meeting at Cincinnati, the resolutions adopted, the letters and sayings of the distinguished men which I have quoted, show the deep-seated indignation of our people, and this regardless of party division. The people are shocked at the military interference in civil rights, and the sooner, Mr. Speaker, we

return to the guarantees of the Constitution, the better it will be for us and the government of the fathers it is our patriotic duty to perpetuate.

I invite the attention of the House to the political situation in the South since the close of the war; and permit me, sir, to say when the late war began I enlisted and marched to the front, and fought through to the end. That end came when with Lee's surrender the South laid down its arms, and our flag waved in triumph over every foot of our territory. I was a soldier in war; I propose to be a citizen in peace. When the men of the southern army laid down their arms and accepted the situation, I supposed they were to be restored to all their rights under the Constitution. Knowing their bravery, admiring their gallantry, and the pluck, courage, and obstinacy with which for more than four long years they sustained their confederacy against superior numbers, I did not want to see them punished. Nor had I (much as I mourned their loss) any wish to revenge with more southern blood the blood of my dead comrades. And I prayed God to receive it as a sufficient atonement and offering upon the altar of peace, and make it the sacred cement of an everlasting Union of States. I felt toward the South like our heroic General Sherman when he made terms of peace with Johnston, that we were the conquerors and that we could afford to be generous to the men of the South who had staked their all upon the confederacy and lost.

The armed conflict between the North and the South was war, honorable war, each side believing itself to be in the right, and carried on for years by huge armies and able officers. We called it a rebellion; and yet no man dreamed of hanging or shooting a prisoner. During its progress the soldiers upon both sides felt a respect for each other that in the hour of misfortune amounted to affection. When the confederates laid down their arms our soldiers met them with smiles and shared with them, as only soldiers can share, their rations and their blankets. This feeling was so strong that when the gallant Sherman dictated terms of surrender they seemed to be terms tendered friends, not foes. The home-guard and the politician shrieked with anguish. And now, ten years after, we find the same deadly animosity animating the same class, and a bitterness of feeling that was not felt by the soldiers amid the roar of cannon upon the field of battle.

Of this we had, I am pained to say, a humiliating illustration upon this floor in the last few days. The honorable gentleman from Massachusetts, [Mr. BUTLER,] the leader of the House upon the other side, said in response to a charge of hanging a man in New Orleans during the war:

So far from taking offense, I glory in it; and the trouble has been that I did not hang more than I did.

Now, Mr. Speaker, this is the first time, and God send that it may be the last, that we are called upon to hear a northern gentleman and soldier boast of having been an executioner, and regretting that it had not been in his power to hang other men for political offenses. The feeling of the brave soldier on looking back upon the bloody battle-fields where he led his columns into fight is one of regret. He has pride in his success, but pain over the cost of that success; but here is a boast over the gallows when no great soldierly impulse could enter to give it dignity or virtue.

I should feel some alarm lest a portion of the people at the North shared in this feeling, for the remark passed unrebuked from the other side of this Chamber, but the late elections that turned mainly on this grave question reassures me.

In the gentleman's own district there seems to have been a revulsion of popular sentiment, and all his brilliant attainments and powers of speech proved insufficient to retain his valuable services upon this floor. While I speak the party of deadly antagonism is going to pieces, and the legislation of hate, thank God, approaches its end.

The better feelings that animate the soldier seems to have taken hold upon the people, and now, instead of gloating over the slaughter of the past and legislating as if we were in the midst of a bloody war, the Congress of the United States is instructed through the late elections to preach "peace on earth, good will to men." Why, sir, if by marching South we could call from their narrow beds the moldering bones of the confederate dead and reanimate in life those we destroyed, such march would be made with more enthusiasm by the men of the North than any that animated our soldiers in their campaigns of the late conflict.

I believe that with all the abuse and humiliation heaped upon the South since that war, their manhood survives the oppression, and the same generous impulse animates their hearts that stirs our own. It remains for the Christian statesman to grow fat on the legislation of hate and gloat over the cruelties he has through the courage of others been able to practice.

Another distinguished gentleman from the same State drew a vivid picture of the dangers through which he had passed where as he said:

I have been here, sir, when the freedom of debate was vindicated only by forming a hollow square in front of the Speaker's desk while men uttered their sentiments here in the House; when the galleries were filled with armed men, whose threats to silence debate on this floor were audible in any part of this Hall. I had hoped, sir, that that day had passed and passed forever. I had hoped that the condition of things which made such a proceeding possible was never to return again.

Certainly, sir, these were deplorable times and much to be la-

mented; but, sir, I think that bad as ruffianism was, according to the gentleman's story, it was a healthier thing than that condition which, however pleasant it may have been, gave the country the "Credit Mobilier," the El Paso corruption, the Pacific mail subsidy, and other frauds that have gone well-nigh to destroy the faith of the American people in their Government. The late war, properly considered, wiped out the deadly antagonism that gave birth to the violence the gentleman laments. He need fear no return of such. In the next Congress we shall have, it is said, eighty-odd confederate soldiers. I can assure my friend that in these eighty members he will find not only gentlemen, but kind-hearted and generous men, whose impulse will be to protect the weak rather than to encourage violence. The men who had the courage to fight for the confederacy, now that they have given their promise, will have the honor to keep it and stand for our liberties and the right.

With these views I have watched with anxiety the course of the General Government in its treatment of the South. And, sir, it is hard to tell whether that treatment has been more stupid than fraudulent or more fraudulent than stupid. The corruptions that characterize the political management of the South culminated under a pretense of protecting the colored people. The political managers have been the colored people's deadliest enemy. Organizing these ignorant masses into secret associations, they have sent down political adventurers to control and direct them, and brought the whole Army of the United States to protect their infamous plunder and oppression. Keeping alive the animosities of the late war, these men have sought through an abuse of the word patriotism to perpetuate its despotism. The negro race is mainly the unskilled labor of the South. Left to themselves labor and capital would have naturally harmonized, stimulated by the wants of the late war that made commercial reconstruction a necessity. In clothing the negro with full citizenship and giving him the privileges of the ballot-box we made him master of the situation. If he failed in securing safety to himself, it was not the fault of the southern white man, but the misconduct of the political managers under the patronage of the General Government.

It will be observed that in those States where the democracy obtain control, such as Maryland, Virginia, North Carolina, Kentucky, Tennessee, Georgia, Missouri, and Texas, we have peace, prosperity, and good order. No man is made afraid, and equal political rights are extended to all; while in those States that are under the despotism of republican politicians and the Army anarchy and outrage, hand in hand, shock the people of the United States.

A southern State under control of the Administration, is a state where officials plunder with impunity, protected by the bayonets of the regular Army. Take, for instance, South Carolina. The retiring governor plundered the State on a taxation that amounted to confiscation, and while the debt was piled up in hopeless bankruptcy, there is nothing left to show in return but the enormous wealth and riotous living of shameless officials. Negroes, but lately field hands, are made officials because they are negroes. All social restraints are swept away. Taxation is but another name for confiscation. To illustrate, I give the following statement:

<i>Taxes and taxable property in South Carolina before and since the war.</i>	
The taxable property before the war was.....	\$490,000,000
Taxable property in 1874.....	170,000,000
Taxes levied before the war.....	500,000
Taxes levied in 1873.....	2,700,000
Legislative expenses before the war.....	40,000
Legislative expenses, 1873.....	291,000
Public printing before the war.....	5,000
Public printing, 1873.....	450,000

And when the oppressed tax-payer of South Carolina came to Washington last winter for relief, he received no encouragement from the President, and his petition to Congress was referred to a committee, where it will sleep until adjournment on the 4th of next March. These tax-payers were white men and democrats. How different would have been their reception and the consideration of their petition had they been negroes and republicans I need not stop to say.

LOUISIANA.

More than ten years have rolled by since the close of the war. The republican party during all this time has had control of the General Government and in Louisiana, but has not succeeded in reorganizing and reconstructing this State; and why? The happiness, prosperity, and welfare of the people of Louisiana would be advanced by reconstruction and self-government; while both the material and political prosperity of the country would be increased by quiet and proper self-government in Louisiana.

During all these ten years the war, which we supposed ended in the surrender of the South, has been continued in Louisiana solely for the purpose of robbing her helpless people. Kellogg and his followers, backed by the regular Army, have been managing the affairs of this unfortunate people, and have so robbed and wronged and have so outraged every principle of self-government and civil liberty as to cause the deepest indignation among the people of the country, without respect to party, against the cruelty and tyranny of the authorities in power. From the records of Congress I gather the story of this unfortunate State to be as follows:

During the late presidential contest steps were taken to secure the vote of Louisiana. It was known it would be largely liberal and

democratic. To this end a bill was filed and an order of court procured from Judge Durell, since arraigned for impeachment, and his resignation accepted by the President while charges were pending against him.

Prior to the issuing of this order of court W. P. Kellogg, acting governor of Louisiana, which place he then as now holds by the bayonets of the regular Army, wrote to Attorney-General Williams the following, and I quote his words:

The supreme court is known to sympathize with us and has incidentally passed upon the legality of our returning board.

And again he says in the same communication:

Our returning board being held as the legal returning board, and in nowise affected by the promulgation of the recent election bill, may make the return required by law, which will show the republican State ticket elected and a republican majority in the Legislature.

But to enforce his wicked proceedings it was necessary to have the support of Government bayonets, therefore this man concludes his communication with the following significant paragraph:

I therefore respectfully suggest that General Emory, who I think appreciates the necessity and sympathizes with the republican party here, be instructed to comply with any requisition that the United States courts may make upon him in support of its mandates and to preserve the peace.

To this demand the Attorney-General, George H. Williams, makes the following prompt response:

DEPARTMENT OF JUSTICE, December 3, 1872.

S. B. PACKARD, Esq.,

United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States court no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEORGE H. WILLIAMS,
Attorney-General.

Thus a bill in chancery was brought before a corrupt judge "known to sympathize," and whose decision was known in advance, and the necessary order obtained, which the troops were called in to enforce; and with what effect General Casey, collector at New Orleans, telegraphs to the President, as follows:

NEW ORLEANS, December 6, 1872.

President GRANT:

Marshal Packard took possession of the State-house this morning at an early hour with military posse, in obedience to a mandate of the circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal, and orders the returns of the election forthwith to be placed before the legal board. The board will probably soon declare the result of the election of the officers of the State Legislature, which will meet in the State-house with the protection of court. The decree was sweeping in its provisions, and if enforced will save the republican Legislature and State government, and check Warmoth in his usurpations.

JAMES F. CASEY.

The troops, however, do not seem to have acted with sufficient promptness, and General Casey again flies to the telegraph:

NEW ORLEANS, December 11, 1872.

President GRANT:

Parties interested in the success of the democratic party, particularly the New Orleans Times, are making desperate efforts to array the people against us. Old citizens are dragged into an opposition they do not feel, and pressure is hourly growing; our members are poor and our adversaries are rich, and offers are made that are difficult for them to withstand. There is danger that they will break our quorum. The delay in placing the troops at the disposal of Governor Pinchback in accordance with joint resolution of Monday is disheartening our friends and cheering our enemies. If requisition of Legislature is complied with all difficulty will be dissipated, the party saved, and everything go on smoothly. If this is done, the tide will be turned at once in our favor. The real underlying sentiment is with us, if it can be encouraged. Governor Pinchback acting with great discretion, as is the Legislature, and they will so continue.

JAMES F. CASEY,
Collector.

In the mean time the good citizens of Louisiana, amazed and disheartened at these arbitrary and despotic proceedings, selected a committee of one hundred of their ablest and their best-known citizens to proceed to Washington and respectfully petition the President for relief. Before the committee could leave New Orleans to execute the humble right of petition, it was met by the following shameful order from Attorney-General Williams, that far exceeds any ever issued by a European despot:

DEPARTMENT OF JUSTICE, December 13, 1872.

Hon. JOHN MCENERY,

New Orleans:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEORGE H. WILLIAMS,
Attorney-General.

The usurpation was accomplished; and from that day to this the people of Louisiana have been plundered and oppressed by these creatures of the Administration, over whom they could have no control. The ballot-box was denied them. They could not punish; the courts were closed against them; and, bound hand and foot, they have been the helpless victims of the foulest oppression. If any one doubts, let him read the speech of Senator CARPENTER in the Senate last session.

The Kellogg government came in with a Gatling gun in the hands of United States officials, sustained by the bayonets of the regular Army in the enforcement of an illegal order from a corrupt and in-

competent court. It was driven out last fall before the frown of an exasperated and desperate people. At that time we are told that even Collector Casey, who assisted in inaugurating Kellogg, turned upon him and besought the President not to interfere; while the very negroes themselves cheered the victors as they marched in triumph to the State-house. Before this march of an indignant people the usurpers, possessed of the guilty feeling that makes cowards of all men, fled in dismay. It was claimed that they had a majority at the back of the people of Louisiana. This majority, if it existed, as they claim, was thoroughly organized and well armed, and yet their leaders, without striking a blow worthy the name, hid themselves from sight, while crying piteously to the Executive at Washington for help. Then came an event that illustrates with striking force two facts. The first is the conservative feeling that animates this sorely tried and down-trodden people. The other, the fearfully despotic power that has grown up since the war at this national capital. A single officer, with less than a regiment, by an order of a few words, restored the usurping government and caused the indignant citizens to quietly lay down their arms and retire to their homes. There is no despotism in Europe that can give an instance of power such as this. I know, sir, it is alleged that a fear of the General Government controlled the people. And I might say that such argument only proves what I assert. Why should our Government be feared by a people it was created to protect? Have we come to that pass that our Union is held together by the Army? If so, and fear was the element that caused the oppressed to submit in silence, it is not Louisiana alone, but every State in the Union that is threatened with the loss of its liberties.

Following this extraordinary chain of events came a struggle through the ballot-box. I will not say this people had the promise of a fair election; but, animated by a hope that they might be heard through that which makes the very foundation of our political structure, they appealed to the ballot-box. We may be sure that the men who would seize and hold by violence the powers of government would not hesitate to secure that usurpation through fraud. The so-called count of votes, the action of the returning board, was in accordance with all that had preceded in this history of outrage. Under pretext of intimidation of voters, that never existed in fact, enough conservative members of the Legislature were thrown out to insure a majority for the usurpers by a board pronounced by the republican committee sent by Congress to investigate the matter to have been illegal. And now, sir, the fraud ends and the violence begins again. So infamous was the outrage contemplated, that it was necessary to select a man who could carry it through without hesitation and with unscrupulous energy of purpose. What they needed is what is known as a "mere soldier." General McDowell was in command of the department, as gallant a soldier as ever blessed a country with his courage; he is no less the citizen. Possessed of fine abilities and a rare culture, he could not be called upon for work such as this. His subordinate, General Emory, had already shrunk from the duties imposed upon him. General Sheridan was the man selected.

Not daring to assert their work in advance, he went South under a pretense of relaxation from duty. Arriving in New Orleans at the moment when the Legislature was about to assemble, he struck the opportune moment and at once assumed command. We had had Gatling guns and bayonets under the control of custom-house officers. We had seen the regular Army dispersing an armed people under a pretext of re-establishing law and order, but now, for the first time, the second officer of the Army of the United States orders that Army into a legislative hall of a sovereign State, not for the purpose of preventing bloodshed or even preserving order, but to settle a mere political question by the bayonet; not for the purpose of driving that Legislature out, but for the purpose of settling with the bayonet who might sit as members of that Legislature and who might not.

The feelings that animated this soldier on approaching the scene of his action may be gathered from his first dispatch. He had scarcely landed at New Orleans before he telegraphed to his chief at Washington the following extraordinary indictment of a people he was to govern:

HEADQUARTERS DIVISION OF THE MISSOURI,
New Orleans, January 4, 1875. (Received 4—11.45 p. m.)

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized, that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seem to be looked upon by the community here from a standpoint which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General United States Army.

On the very day of this dispatch armed soldiers of his command invaded the halls of legislation and threw out by force enough conservative members to leave the conspirators in possession of the government. The day following he again telegraphed a dispatch that indicates the "mere soldier" is yet animated by feelings that possessed him before he had even a knowledge of affairs he was sent to

control. Burke said "that he would not know how to frame an indictment against an entire people." The "mere soldier" gives him the form of such indictment in the following dispatch:

[Telegram dated headquarters Military Division of the Missouri, New Orleans, Louisiana, January 5, 1875. Received January 5.]

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburg, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

You will observe that in this dispatch he sweeps in the entire people. And at the end of ten years so-called reconstruction finds no remedy for the disorders charged than those gained through martial law, drum-head courts, and sudden executions. This is the duty that he proposes should be devolved upon him through a proclamation of the President.

The man who would have made such a proposition as this when Lee surrendered, at the end of a cruel and bloody war, would have been regarded with horror by the entire people of the United States. A war of hate has produced more evil than a war of arms. At the end of ten years of what should have been peace we have this bloody proposition made by the second officer of the Army of the United States, and this, sir, receives the sanction of his masters at Washington. In response the Secretary of War telegraphs as follows:

WAR DEPARTMENT,
Washington City, January 6, 1875.

General P. H. SHERIDAN,
New Orleans, Louisiana:

Your telegrams all received. The President and all of us have full confidence, and thoroughly approve your course.

WM. W. BELKNAP,
Secretary of War.

Fearing this telegram may be considered hasty, later in the same day the Secretary reiterates it, as follows:

WAR DEPARTMENT,
Washington, January 6, 1875.

General P. H. SHERIDAN,
New Orleans, Louisiana:

I telegraphed you hastily to-day, answering your dispatch. You seem to fear that we had been misled by biased or partial statements of your acts. Be assured that the President and Cabinet confide in your wisdom, and rest in the belief that all acts of yours have been and will be judicious. This I intended to say in my brief telegram.

WM. W. BELKNAP,
Secretary of War.

Now, sir, since when in the history of our Republic has the interference of the "mere soldier" in our civil affairs become a necessity? In a war with a foreign power I can readily understand that the Army is from sheer necessity a mere "machine," but it is in civil differences that the soldier disappears in the citizen. We have been told in Europe, in like cases, "that tyranny ceases when the bayonet thinks." Regardless of this great lesson we now find ourselves called upon to recognize the "mere soldier." Sir, it were better for us to suffer from the assassination pictured by this general and all the evils that come of a disorganized political and social condition (for they will in time correct themselves) than to build up in our midst that blind military power that has been through all ages the fittest tool of despotism. The "mere soldier," sir, is not only foreign to our traditions but he is fatal to our liberties. Under the name of law and order through such instruments the most fearful crimes have been perpetrated against law and order. The people of Louisiana are no aliens, and in this they become the people of the United States. I speak not only in behalf of their privileges, but that of my own and of every citizen of the Republic.

We cannot disturb one stone in the great structure of civil and political liberty without weakening the foundation. We cannot employ the armed man, who has been educated and trained to blind obedience, without taking the very key-stone from the arch. This is not punishment in Louisiana, it is ruin to us all. The same authority and blind obedience that sent a file of soldiers into the Legislature of Louisiana, can send an armed force into this Hall and in the name of law and order wipe out the last vestige of constitutional liberty. And were this done we would find the same men on this floor and throughout the country denouncing us for any remonstrance or resistance that we might make.

It is said that history repeats itself, which means that human nature is the same throughout all time. The factious supporters of despotism in Europe find their counterpart here. From them we appeal to the people and the Constitution. I thank God that the late elections indicate knowledge, firmness, and courage in our court of appeal.

Mr. BELL. Mr. Speaker, the people of this country were startled at the announcement of the events that transpired on the 4th day of January, 1875, at the capital of the State of Louisiana. On that day, at that place, in a time of peace, the soldiers of the United States Army, with fixed bayonets, entered the capitol of the sovereign State

of Louisiana and broke up and dispersed by armed force the representative branch of her General Assembly. This outrageous act of tyranny and military despotism was committed upon the order of the person who claimed to be the governor of the State, and was approved by the President of the United States and his Cabinet ministers.

The sole pretext for this high-handed usurpation was that in the opinion of William Pitt Kellogg the house of representatives was an illegal assembly. The members were chosen by the electors of Louisiana at the time and place and in the manner prescribed by law. The house of representatives had assembled at the time and place fixed by law for the meeting of the Legislature under a written constitution, which provides, among other things, that—

Each house of the General Assembly shall judge of the qualification, election, and return of its members.

The returning board failed to pass upon the election of five persons claiming to have been chosen, and expressly referred the question of their election to the house of representatives. The house, in the exercise of a plain constitutional right, adjudged that they were entitled to seats, and adopted a resolution seating them as members, subject of course to any contest that might be filed. And this is the ground of alleged illegality upon which Kellogg based his order or request to the military to disperse the house. What law made Kellogg the judge of the qualification, election, and return of the members of the house of representatives? The constitution of Louisiana made the house itself the judge of that question; and the assumption on the part of Kellogg to determine the question of who were or who were not qualified, elected, and returned as members was a plain and palpable violation of the constitution which he had sworn to support. Claiming to be the chief magistrate of a great State, the guardian of her rights and the defender of her constitution, he tramples that constitution into the dust at the expense of his official oath, and sacrifices the rights and liberties of the people to personal aggrandizement and party supremacy, and thus embalms himself in historic infamy as a usurper and a tyrant. There are none so stupid as not to know that Kellogg invoked the arm of military power to disperse the house of representatives, not because it was illegal, not because the five members were improperly admitted, but because a majority of the members were not in political sympathy with him and the party with which he is allied, and of which he is the fit representative and exponent in the South. The incipient step, therefore, in all this trouble on the 4th of January was a usurpation. The whole difficulty arose from the claim of that burlesque upon the idea of a governor to judge of the qualification, election, and return of the members of the house of representatives, a right which the constitution secured to the house itself, and a right about which there could not possibly be any doubt.

The American people begin to understand, and history will faithfully record, the extent to which the irrepressible carpet-bagger has exhausted southern patience and fatigued southern indignation. And by whom was this judgment of illegality pronounced? By a man who held the office of governor by virtue of an order issued *ex parte* at the dark hour of midnight by a judge who resigned to avoid impeachment by his own party, for granting that order, upon the ground that he had no jurisdiction in the matter. If Durell had no right to grant the order, for the want of jurisdiction, that practically kept Kellogg in office, then the judgment was a nullity and Kellogg took nothing by it. If Kellogg held the office by virtue of a popular election, and in accordance with the popular will, why was it necessary for a corrupt judge to draggle the judicial ermine in the mire of party politics to sustain him?

The next step in this drama of usurpation and outrage was the invasion and dispersion of the house of representatives by armed Federal soldiers, supplied by the Federal Government upon the application of Kellogg. The ground upon which this interference is based is not that there was an invasion of Louisiana, not that domestic violence existed, but that in his opinion the house of representatives was an illegal assembly. And the Federal authorities coincided in judgment with Kellogg and granted his request, dispersed the representatives chosen by the people according to the constitution and laws of Louisiana, and installed in power those whom the people had rejected but whom the returning board, by the most stupendous fraud, declared to have been elected. But concede that it was an illegal assembly; concede that the five men sworn in as members under the resolution of the house were improperly, were illegally admitted; what law constituted either Kellogg or the armed military the judge of the qualification, election, and return of these members? What constitution authorized them, or what law, State or Federal, authorized them to break up and destroy one branch of the General Assembly of a State of the American Union? Whether the house of representatives was an illegal assembly or not is not the question. But the question is, by virtue of what authority the Federal Government took it upon itself to judge of the legality of the assembly, and by virtue of what authority of law the Federal Government enforced with the relentless arm of military power the judgment which it pronounced adverse to its legality. These are the questions which the law-abiding and liberty-loving people of the United States, in a thousand forms and through a thousand instrumentalities, are pressing with the earnestness of alarm upon the Chief Magistrate and his constitutional advisers. Failing to show the authority demanded, the act stands a naked usurpation.

Is there no cause for alarm when the Chief Magistrate of the Republic, clothed by law with vast power and patronage, the chief of a powerful party, distinguished for military prowess and achievements, destroys by the fiat of power the Legislature of a State and strikes down at one blow the constitutional liberty of the people?

The question still recurs, by what authority of law can this interference be justified? Section 4 of article 4 of the Constitution is invoked in vain for this purpose. It provides—

That the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

This section neither binds nor authorizes the President of the United States to guarantee to each State a republican form of government. The usurpation of this power by a republican President was one of the grounds of impeachment alleged against him by a republican House of Representatives.

In the case of *Luther vs. Borden*, Chief Justice Taney said:

It rests with Congress to decide what government is the established one in a State; for as the United States guarantees to each State a republican form of government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not; and when the Senators and Representatives are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority, and its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal.

But no question is made upon the form of the government of Louisiana. All concede that her government was republican in form. If the question were involved, Congress and not the President would be the judge. Does the provision of the section under consideration, which guarantees to each State protection against invasion and domestic violence, justify the dispersion of the house of representatives by the armed military? Unquestionably not, because there was no invasion and no domestic violence, and for the additional reason that the Legislature must make the call, if it can be convened. The Legislature was convened, and did not make the application for the interposition of the military. The state of facts upon which alone the governor was authorized to call for Federal assistance did not exist. This call for Federal troops was made by Kellogg when the Legislature could have been convened, when it was actually convened, and for that reason Kellogg had no constitutional right to make it, nor any other power except the Legislature. The application of Kellogg was itself a violation of the Constitution. It was the exercise of a power which depended upon the happening of a contingency, when the contingency upon which the right attached had not happened.

Again, domestic violence did not exist in New Orleans at the time. If it is said that white men were armed, or that white-leaguers were armed, the reply is that the Constitution protects white men and white-leaguers in the right to keep and bear arms. And the truth is that they were compelled to bear them in New Orleans to prevent the armed police from stealing them.

The exercise of a constitutional right by the people of Louisiana, or any other State, cannot justify the dispersion and destruction of the house of representatives by armed power.

The American people thoroughly understand the reason why Kellogg appealed to force, and the alacrity with which the force was supplied, and the vigor and promptness with which it was used. It was not to protect the State against domestic violence, because domestic violence did not exist, in the sense in which that term is used in the Constitution. The expulsion of a legal, and the induction of a fraudulent house of representatives was not protection against domestic violence. The plea of domestic violence is a pretext, a sham. The aid of the Federal arm was invoked to dissolve the house of representatives because that house was adverse to Kellogg in political sentiments and party affiliation. It was invoked to maintain a government that did not derive its powers from the consent of the governed. It was invoked to maintain a usurpation, in defiance of the popular will, originating in fraud and upheld by the midnight order in chancery of a judge driven to resign by an impending impeachment, and a government that is still maintained by the unconstitutional interference of armed Federal power.

I have characterized Kellogg as a pretended governor, and I have the very highest official authority for insisting that he is not and never was the rightful governor of Louisiana. The President of the United States, in his special message to the Senate upon the question of Kellogg's election, says:

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of the result.

The President's recognition of Kellogg as the governor is not based upon the fact of his election, for the election under which he claims to have been chosen is pronounced to be a gigantic fraud. And it is expressly declared that there are no reliable returns of the result of that election.

From these two facts it would seem to be impossible that Kellogg should be the governor. If the election was a gigantic fraud, then nobody was elected. Fraud vitiates elections as well as contracts. No person ever did or ever can rightfully exercise the functions of an elective office when the election itself is a gigantic fraud. The Presi-

dent says that "there were no reliable returns of the result." Then there is no evidence of his election; because the only legal evidence of his election is reliable returns of the result, and that evidence the President declares does not exist. The presidential recognition is based upon the ground that "Kellogg obtains possession of the office, and in his opinion had more right to it than McEnery." But how did Kellogg obtain possession of the office? By reliable returns of the result of the election, the only way in which he could rightfully obtain it? Not at all; but virtually and practically by the midnight *ex parte* order of a Federal judge, who was compelled to resign to avoid impeachment by a republican House because he granted that illegal order in the exercise of a usurped jurisdiction. And this is the governor who appealed to bayonets to determine a question that the constitution of Louisiana declares the house of representatives shall decide!

The constitution of a sovereign State of this Union has been trampled into the dust in the capital of that State beneath the ruthless tread of an armed soldiery, and the patriotic citizens of the Republic, East, West, North, and South, in alarm demand to know by what authority of law the deed was done, and with united voice and earnest hearts they press the question. The leaders of the republican party have shrewdly attempted to divert the public attention from this thrilling inquiry by the oft-repeated and threadbare cry of outrages, proscription, murder, and insecurity of life and property in the South. Is this a manly meeting of the issue? Do they suppose that the American people will accept this old story, repeated a thousand times and as often refuted, as a justification of this wrong done to Louisiana? Crimes always have been and always will be perpetrated by all classes in every form of government and in every type of civilization. Lawlessness, crime, and bloodshed exist to a greater or less extent in every State in the Union. This is to be deplored, it cannot be prevented; it can only be punished. If crimes are not punished in the States of Louisiana and Mississippi, who are to blame for it? The republican party has had control of these State governments in all their departments, executive, legislative, and judicial, ever since they were reconstructed; whether rightfully or by usurpation, they have had control. Why has crime not been punished? Where is the judicial arm of those States under the domination of the colored republican officials? Why does it not afford protection? The admission that crime cannot be punished is a confession that the republican party is incapable of governing in those States at least. In every State under democratic rule and government in the South crime is punished, rights are protected, law enforced, and peace and order assured. This difference does not arise from a difference in the people to be governed, but from the difference in the capabilities and methods of those who govern.

Everybody knows that the lamentable state of affairs in Louisiana has resulted from the efforts made to secure power and plunder by the miserable rival factions of the republican party, headed respectively by Warmoth and Kellogg. Yet this wretched abortion of a State government, brought into being at the dark hour of midnight by the order in chancery of a judge then drunk and since abhorred, confessedly unable to protect life or punish crime, is the government which Federal soldiers overthrew the constitution of Louisiana to perpetuate over a people that have the right to be free. What agency General Sheridan had in this affair does not appear. The President informs us that he—

Requested him to go to Louisiana to observe and report the situation there, and, in his opinion necessary, to assume the command; which he did on the 4th instant, after the legislative disturbance had occurred, at nine o'clock p. m., a number of hours after the disturbance.

Whether he was sent down with the view of hurting somebody we are left to conjecture. It is clear he was on the ground at the time, and deemed it necessary to assume command and "report." He reports as follows:

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White League. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburg, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

To which report the Secretary of War replied:

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

The simple proposition in this suggestion is that Congress suspend the writ of *habeas corpus* in Louisiana, Mississippi, and Arkansas, and turn the destinies, rights, liberties, and life of the citizens of these States, in a time of peace, over to the tender mercies of a military commission appointed by General Sheridan. But reflecting that Congress might not see it in that light, and might still have some little regard for the Constitution and the liberties of the people, he recommends a shorter and more summary method of disposing of the white citizens of three States:

Let the President issue a proclamation declaring them banditti, and no further action need be taken except that which would devolve upon me.

That would settle the question truly. That would put a quietus to strife; that would protect law and suppress terrorism; that would give peace to these States; the peace that Hastings gave to Hindostan; the peace that Austria gave to Hungary; the peace that Russia gave to Poland—the peace of death. Yet this advice is given by the second officer in rank in the United States Army, coolly, deliberately, in a time of peace, to the republican President of the United States, and the lightning flashes back the presidential expression of confidence and approval. And all this under a Government whose written Constitution declares that the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require.

Mr. Speaker, it is singular that so much horror is manifested at the White Leagues of the South and none against the black leagues. It is notorious that almost the entire body of colored voters in the South are members of oath-bound leagues, meeting in darkness, and many of them armed and incited to the most deadly hostility to white men by bad men of the republican party for selfish partisan ends. But no word of complaint or rebuke escapes republican lips, no republican press teems with denunciations of them, and no arm of Federal power is bared for their suppression.

The midnight heavens blush in redness with the flames of burning dwellings and gin-houses in South Carolina, and the Lieutenant-General of the Army advises no suspension of the writ of *habeas corpus* that he may summarily try the incendiary and punish the arson. Why is this? Is it because the turpitude of crime consists in the color of the perpetrator; or is it because it is done by those who maintain a negro despotism over the people of that suffering State? Why is there no condemnation of the black-leaguers in the South? Is it because they were organized by adventurers in the interest of the republican party that they are not condemned?

Why are not the armed organizations and hostile demonstrations of the negroes in the South denounced? It was this state of affairs that created the necessity for White League organizations. It is because the negroes have been armed and incited to hostility to the whites by republicans to secure power and plunder in defiance of the popular will. This denunciation of the White Leagues, this cry of lawlessness and insecurity of life and property is raised to evade the issue and divert the public attention from the true, the vital question involved. That question is by virtue of what authority of law the armed soldiers of the United States dispersed the house of representatives of the State of Louisiana. It is no answer to this question to say that lawlessness, violence, and intimidation exist in Louisiana. This is the answer of the Lieutenant-General of the Army. Three bishops of different branches of the Christian church, and the pastor of the synagogue caveat the truth of the allegation in these words:

We, the undersigned, believe it our duty to proclaim to the whole American people that these charges are unmerited, unfounded, and erroneous, and can have no other effect than that of serving the interest of corrupt politicians who are at this moment using the most extreme efforts to perpetuate their power over the State of Louisiana.

I do not care to discuss the issue of fact thus joined. But I will be allowed to state that the very able report of the committee of this House, a majority of whom are distinguished republicans, explicitly and unequivocally sustains the bishops and contradicts the general. But admit that disorders exist in Louisiana; who is responsible for them? If crime is unpunished; if life and property are insecure; if business is deranged and ruined; if property is depreciated in value; if taxation amounts to confiscation, in the language of your committee, and if the people are discontented, who is responsible for it all? This deplorable state of affairs is the legitimate result of the misrule of rival republican factions utterly unworthy of public confidence and wholly incapable of securing the objects for which government was instituted. And it was to sustain those in power, thus unworthy, thus incapable, and of whose election there were no reliable returns, that the Federal soldiers broke up the house of representatives.

It is the duty of the State governments to punish crime, to enforce law, and to protect right. And that government that fails in these objects, fails to execute the high trusts with which government is invested for the public good. In the State of Georgia, under republican rule, crime was not punished; but it is due to the courts of that State to say that it was no fault of theirs. A republican governor, himself a fugitive from justice, pardoned the most outrageous cases of murder, both before and after conviction, and in many cases after convictions had been affirmed by the supreme court. The corruption of the executive palsied the arm of the judiciary, and the criminal went free.

It is true, and the people of this country know that it is true, that crime is punished, right protected, and order maintained in every southern State in which the democracy are in authority. Why? Because democrats have been placed in power by the popular will. The people govern themselves. If disorders exist in Louisiana, Mississippi, and Arkansas, they were produced by the struggle for power by rival republican factions in Louisiana and Arkansas, and by a carpet-bag, negro government in Mississippi that was incapable of discharging the functions of government.

I cannot relieve my mind from the conviction that there is method in all this madness. I think that Kellogg discloses the secret when in his communication to the President at Long Branch of August the 19th he despondingly says that Louisiana is now the last State in the

Southwest, except Mississippi, that remains true to the republican party. It would seem, then, that the supremacy of the republican party after all was the great question. If Louisiana remains true to the republican party, why is not the republican party able to govern Louisiana?

A distinguished leader of that party in high official position says, speaking of the southern people:

What they want is to be let alone, and then they will take possession of Louisiana, and they will take possession of Mississippi in the same way, and they will take possession of Florida in the same way, and they will take possession of South Carolina in the same way, and thus they intend to secure a solid democratic South.

Can it be possible! Is it credible that peace, quiet, law, and order in these States are to be sacrificed to party supremacy; and still who doubts it?

It is boldly proclaimed by one of the first men in ability and position in the republican party that if the white people of the South are let alone it will secure a solid democratic South. And that is literally true. If let alone by the Federal Government, if left to exercise the constitutional right of local self-government, there would soon be a solid democratic South. This is the reason why the Federal soldiers did not let Louisiana alone. When let alone, the people are opposed to usurpation; when let alone, they are in favor of the subordination of the military to the civil authority; when let alone, they are capable of punishing crime, of preserving peace, and of enforcing law.

The trouble with Louisiana has been that she was not let alone. Massachusetts, New York, Pennsylvania, Ohio, Indiana, and other States were let alone, and they recently went solidly democratic. And leave the South alone, and every State will soon be solidly democratic. This is the reason why the armed soldiery of the United States did not let the house of representatives of Louisiana alone. It was if let alone democratic. It may soon become necessary to apply the method adopted in Louisiana to Massachusetts and New York. It is a very effective way to convert democratic States into military despotisms. But just now a universal demand comes up from the people to be let alone. They are honest, they are capable, they are patriotic, and when let alone they will maintain public liberty, they will preserve free institutions, and transmit unimpaired to posterity the blood bought heritage of constitutional government. The complaint they make is that they are not let alone; that the armed soldiers of the United States determined a question by force which under the constitution the house of representatives alone had the right to determine. Our fathers intended that they should be let alone in the exercise of those rights which were not expressly delegated to the Federal Government; hence they said in article 9 of amendments to the Constitution that—

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

And in article 10 of amendment that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The people of this country have the right to be let alone in the exercise of all the rights and powers which were not surrendered by them in the Constitution to the Federal Government, and this is the difference between the creeds of the democratic and republican parties. The democratic doctrine is the freedom of the people to exercise those rights of local self-government not surrendered in the Constitution to the Federal Government; while the republican party maintains the supremacy of the Federal authority over the local affairs of the States, even to the installation and maintenance in power of a governor never elected and the dispersion of a house of representatives duly elected, and that this power may be rightfully exercised by the executive through the arm of the military. This issue is fairly and squarely made. Louisiana is the illustration. It cannot be evaded. This usurpation must be sustained or repudiated. If sustained, constitutional liberty in this country is dead; if repudiated, the supremacy of the republican party is ended. It remains for the American people to decide it. No graver question ever engaged the attention of any people or the deliberations of any assembly. The number of public meetings throughout the country shows with what intense anxiety the great heart of the American people throbs at its contemplation.

This question of usurpation cannot be answered by charges of treason and rebellion in the late deplorable war. That national calamity is past. The issue it involved was submitted to the arbitrament of the sword, and the award was against the South. The people of that section accept the situation and abide the result. They pressed their bleeding lips to the oath of allegiance which you presented, and repledged their fidelity to the Constitution and the Union. By that pledge they stand, and in its maintenance they would perish. The brave men of the South will defend the flag of the Union with the same heroism that they bore it on the bloody hillsides of Buena Vista and Cerro Gordo. But they want liberty with the Union. They re-echo the immortal sentiment of New England's greatest statesman, "Liberty and Union, now and forever, one and inseparable."

When the people of this great Republic meet at the approaching centennial, they want no State crushed beneath the iron heel of

military despotism, bound by the cruel chains of slavery, bleeding in the dust from wounds inflicted by Federal bayonets. They wish to meet the people of this country on that occasion from the East, North, and West as brethren, identified in interest, sharing the same hopes, animated by the same patriotism, and involved in a common destiny, and in the spirit of magnanimity and fraternity forget and forgive the bitter and unfortunate past; and drawing inspiration from the spirit of our fathers, on that hallowed ground, rekindle on the altar of a common country the flame of freedom. The institutions of this country cannot be perpetuated by force. They rest for support upon the hearts and affections of the American people. Then let justice be done to suffering, down-trodden Louisiana. Let the Federal soldiers be withdrawn from her soil; leave her ruined yet patient people to govern themselves. And let us inaugurate an era of equality among the States and of devotion to the Constitution; an era of peace, of justice, of friendship. And let us maintain and transmit to posterity unimpaired the sacred trust of free institutions and constitutional liberty secured to us by the heroism and blood of our fathers.

TARIFF FOR PROTECTION TO AMERICAN INDUSTRY.

Mr. WARD, of New Jersey. Mr. Speaker, approving as I do the objects and purposes to be attained by House bill No. 4680; to further protect the sinking fund and provide for the exigencies of the Government, introduced by the Committee on Ways and Means, I desire to occupy the attention of the House for a few minutes in favor of its general provisions.

When we look at the condition of the country and find almost every branch of industry depressed, capital and labor alike without the rewards and remuneration they should receive, it becomes our plain duty, so far as we are able, to devise measures which will restore the country to thrift and advancement. To secure these objects I would give to our vast agricultural interests, our cotton, our tobacco, our rice, sugar, and cereals all the aids which an enlightened public policy can give them; and we should build up every department of manufacturing skill and labor by steady, wise, and liberal protection. Duties on certain productions grown abroad, such as tea and coffee, which are almost classed among the necessities of life, have been entirely abrogated, but those on articles of luxury and taste and those on important manufactures which enter into direct competition with home labor and home interests should be protected.

Our present tariff system is wanting in symmetry and proportion in some of its parts, and should be adjusted to the interests of the country. We must not be misled by the fallacies which are presented to us on this subject. We have a country of almost boundless resources, and we must seek to develop them with a steady eye to our growth and prosperity. Our mines of coal and iron, the boundless wealth of the Pacific coast, the wonderful areas of the precious metals, give us the real prestige of power, and we must build on them a true and lasting prosperity. The industries of the southern people must be sustained and manufactories must use the cotton where it is grown. The interests of the Eastern and Middle States must be judiciously watched and guarded. Their mechanics and laborers must be protected from a too direct competition with foreign labor. We should accomplish all these results here by wise and generous legislation. We must not be afraid of increasing the free list if it will add to the success of our industries, but we must watch all the insidious steps by which injudicious legislation would injure them.

The remarks which I shall make will be directed to the purpose of showing that the policy of protection should be unswervingly adhered to, and that any departure from it will be signally disastrous to our prosperity. The advantage and even necessity of sustaining our home interests and manufactories have been so frequently demonstrated by the unerring law of national prosperity, as shown in periods of our history, that it is unnecessary to repeat the arguments and statements which have been so ably and forcibly presented. It is sufficient to say that the periods of our manufacturing success and prosperity have been those of our country's greatest progress and advancement, and the periods of depression have been accompanied with general public disaster. Statistics prove that our commerce participates in the general prosperity as well as in the subsequent depression. Agricultural distress is frequently due to the unusual amount of production glutting the market and thus reducing the price of these staple articles of food upon which the country relies; but in this case the individual loss is the public gain. Manufacturing distress, on the contrary, is always the result of want of production. It affects the manufacturer, mechanic, and the laborer, and through them all the other classes of society. The ore remains within the mine, the machinery is silent, the wages of industry are not earned or paid, and the interest on capital is absorbed and lost in the general disaster. Neither does any portion of the community derive advantage therefrom. Even commercial pursuits languish, and an agricultural community feels its effects more certainly and disastrously than it does in a period of short crops, or one where nature lavishes too richly of her abundance.

It is one of the fallacies of free trade that the prosperity of England is mainly owing to its advocacy and support of the doctrines which the friends of this system have advocated. The point of this fallacy may be seen by the statement that Great Britain has reached its present manufacturing success through centuries of constant and

careful protection to her interests. When our manufacturers shall have acquired the capital which they command; when our labor shall be as poorly remunerated; when our Government shall press with the same unremitting energy our manufactured products upon the world, we may be enabled by this means to secure all the advantages of protection. In the mean time we must rely upon the intelligent support of this principle by the representatives of the people.

In my own district there is perhaps a larger variety of manufactures than in any other city in the country. In its workshops are gathered the skillful artist, the thorough mechanic, the untiring laborer, and they are all guided by the business energy which, in connection with capital, insures success. But except in very few instances they are dependent upon the careful protection of their interests by the Government. In all these diverse productions of ingenuity and skill there is the necessity of a prudent care and support, so that they may become strong and self-supporting.

It is sometimes asserted that this protection given to the struggling industries of the country is partial in its character, and inflicts injury on other and equally important interests. This is in no sense true. All the great departments of labor are mutually dependent on each other. The prosperity and vigor of the industrial classes are reflected in the general advancement and growth of the country and in the consequent prosperity of all its interests. There may be differences of opinion in some sections of the country, and they are more apparent than real, and they will disappear as the new States approach the greater maturity of the old. Already the South is discussing the question of developing the cotton manufactures in the cotton States, and the time will come, I doubt not, when this scheme will be fully realized. The West, the great West, will find the signal advantage of bringing the factory and the workshop into immediate proximity with its great agricultural interest. It will make a secondary question of the means by which its cereals shall reach the sea-board when it has a remunerative market in the towns and villages which protected industry has built up in its midst. If its friends shall be able to sustain this principle now, time will so attest its wisdom and advantage that it will become the settled policy of the nation.

We are passing through a partial crisis which temporarily deranges the business of the country. Some attribute it to the inflation of the currency and the consequent unsettlement of values, and others to the want of sufficient currency to transact the largely increased business of the nation. My own views upon this aspect of the question are clear and decided, and I am of the opinion that the way out of our difficulties is to be found mainly in the development of our natural wealth and in the success and prosperity of our manufacturing interests, through which labor finds remunerating employment. We must convert our iron into wealth, our labor into forms of beauty and taste, or we will become impoverished by the necessary drains upon us. All legislation which, under any pretext, changes this policy is as unwise in its conception as it will be injurious in its results. Next in importance to the establishment of right principles is a steady and uniform adherence to them. Such is the testimony of all who are interested in these great branches of industry which forms so important a feature in our national prosperity.

Interested as I am in the prosperity and welfare of the people of my own district, so largely engaged in manufacturing pursuits, yet it is in no narrow or selfish spirit that I advocate the policy of protection to American industry. I believe it to be identified with the soundest principles of political economy, with the future success and prosperity of the Union, and with that real independence which enables us in peace or war to rely upon ourselves. It enriches the country in a variety of ways. It provides material wealth; it develops the hidden ore; it constructs the most complex machinery; it insures the reward of skill to the inventor; it shapes continually new forms of beauty and taste, and it throws new comforts over the whole domain of life. In addition, it brings to our shores large numbers of skilled artisans, opening continually new branches of industry and giving us the full advantage of all that is known in foreign countries. How much wiser in a national view is it to have our workshops here at home than abroad!

It has not been my desire, Mr. Speaker, to make any extended remarks upon this question, but in justice to my constituents I have felt it necessary and proper to place on record my earnest convictions that the protection of our home industries lies at the base of our whole prosperity. If you weaken that protection a blow is aimed at the whole structure which constitutes our strength and safeguard, encircled and guarded by the intelligent labor and industry of the country.

HENNEPIN CANAL.

Mr. HOLMAN. On Saturday last I submitted some remarks upon the subject of the Hennepin canal, as it is commonly termed. I ask consent of the House to add to those remarks some matters which I then omitted.

No objection was made, and leave was granted accordingly. (See Appendix.)

LOUISIANA.

Mr. HEREFORD. Mr. Speaker, we have fallen upon evil times. What American could have believed a few years ago that the military power of the land would ever be used to trample in the dust all we hold most dear and sacred?

On January 4, 1875, the Legislature of a sovereign State (Louisiana) under its constitution was to assemble in the city of New Orleans. Three days before, namely, January 1, P. H. Sheridan, the Lieutenant-General of the American Army, arrived in that city and in hot haste sent the following telegram to the Secretary of War:

HEADQUARTERS MILITARY DIVISION OF MISSOURI,
New Orleans, January 4.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to laws and murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either; and the civil government appears powerless to punish, or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General.

Why was he sent there just upon the eve of the assembling of their Legislature; especially when we know that General McDowell was then in command of that department? General Emory was also there. Was he not sent there to carry out some fell purpose? Why take him from his own department in the West, from the defense of the helpless men, women, and children from the tomahawk of the savage?

In three short days he had made the astounding discoveries contained in his remarkable telegram. How did he ascertain that there was such a "spirit of defiance to all lawful authority?" How did he ascertain in such a short time that "murder of individuals seems to be looked upon by the community from a stand-point which gives impunity to all who choose to indulge in it?" How did he ascertain in such a short time that the "civil government was powerless to punish or arrest?" As far as we are informed no such state of affairs had been communicated to the President by the executive of the State as the law contemplates.

Their recent election had passed off quietly and peaceably; as much so as in any State of the Union. No murder or violence had taken place since his advent into the city.

But on the next day, January 5, a still more remarkable telegram is forwarded to the President, the like of which has never appeared in this country before, and I hope will never be repeated. It fell upon the ears of all liberty-loving people like a fire-bell at night. Listen:

HEADQUARTERS OF THE MILITARY DIVISION OF MISSOURI,
New Orleans, Louisiana, January 5, 1875.

Hon. W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. This banditti, who murdered men here on the 14th of last September, also more recently at Vicksburg, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

This irrefutable general has accomplished a feat that the great Edmund Burke said he could not do—he has drawn an indictment against a whole people. For years past he has been stationed on the plains of the far West. How could he ascertain in four short days time that there was a "reign of terrorism" existing in Arkansas and Mississippi, in which States he had not been? He wished the "White Leagues" arrested and tried. O, shame upon this man! It was this same spirit that arrested the "United Irishmen" of Ireland, who clamored and protested against their outrageous oppression by England. Why did Sheridan's ancestors flee from Ireland and come to this land of liberty? It was from just such oppression as this. He has disgraced the name of Ireland, their native land; he has disgraced the United States, his adopted land. The spirit that actuated Emmett, Grattan, and a host of others is foreign to his nature; and I believe that all liberty-loving sons of Erin will disown him and brand him as a traitor to the sacred cause of liberty, for which so many brave Irishmen have shed their blood.

But this man advises the President to do what? To issue a proclamation declaring these persons in these three States banditti, and let the rest devolve on him. He must certainly have been reading the life of his prototype, the Austrian General Haynau, whose memory is execrated the world over for his savage ferocity at Ferrara, Bergamo, and at Brescia, which carried dismay and consternation to the Italian population. He was called the Austrian hyena. What term shall be applied to this man? Haynau had been honored by the Austrian government, but was afterward dismissed from the service in disgrace. A similar fate should fall upon his imitator, P. H. Sheridan.

Most men shrink from the shedding of blood of their fellow-beings, but this man thirsts for their blood; he invites the opportunity; he asks to be made the wholesale executioner; declare them banditti, and he and any one else has the right to shoot them down wherever found.

Where did this petty tyrant learn such lessons? Perhaps while on a visit to Prince Bismarck, who had just dared to arrest a member of the German congress, but who, be it said to the honor of even the

German Empire, was immediately released and Bismarck thus rebuked. But what is more painful, mortifying, and alarming is the following telegram to Sheridan, dated Washington City, January 7, 1875, from the Secretary of War:

Your telegrams all received. The President and all of us have full confidence, and thoroughly approve your course.

Up to the date of this dispatch what had he done? What "course" had he taken which "the President and all of us approve?" The legislative halls of a sovereign State had been entered by one of his subordinates commanding a squad of United States troops, some of the members of that body ruthlessly arrested and dragged from their seats, and the Legislature dispersed at the point of the bayonet. And all this is approved by the President! The constitution of Louisiana provides in article 34 that—

Each house of the General Assembly shall judge of the qualification, elections, and returns of its members.

Such a provision is ingrafted in the constitution of nearly every State of the Union. The same provision is found in article I section 5 of the Constitution of the United States in regard to the Congress of the United States.

In the name of liberty, in the name of a violated Constitution, I demand by what right, warrant, or authority has the President and his Lieutenant-General thus disbanded a legislative body of a sovereign State? The Legislatures of the States in their sphere are as much sovereign as the Congress of the United States. So sacredly are they regarded that it is forbidden by the Articles of War for any officer of the Army to even use contemptuous or disrespectful words against the Legislature of any of the United States. On page 231, article 19, title "Articles of War," of the Revised Statutes of the United States, we find the following explicit language; I commend its perusal to the President and his Lieutenant-General:

Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or Legislature of any of the United States, in which he is quartered, shall be dismissed from the service or otherwise punished as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

How much less, then, had they the power to arrest and disperse a Legislature. The house had organized and elected a speaker and clerk, a quorum being present. Two years ago a like act of usurpation was committed by the military. The military was called to enforce the infamous military midnight order of Judge Durell, the capitol taken possession of, and the legally elected members driven out. All this was done under the order of President Grant, under the flimsy pretext of enforcing a decree of a court. And what has been done at this very session of Congress? The Judiciary Committee, composed of a large majority of republicans, reported articles of impeachment against this same judge for the issuance of this order, and this House passed the resolutions. But the deed was done, the object of the order accomplished; Kellogg and his legislature placed in power and retained to this day. That infamous proceeding went unpunished; and the same parties, emboldened by this act, seek in a more high-handed and arbitrary manner again to take and continue in possession by military power. How long, gentlemen of the House of Representatives, will you permit a sovereign State to lay prostrate under the heels of military despotism?

But it is pretended that in the first act of usurpation Durell acted upon his own motion. In this way it is sought to relieve the Administration from the odium and responsibility of the act. But this is not true. Durell did not do it upon his motion; he did it at the behest of the President. This order of Durell was issued at midnight, in his own room, on December 5, 1872. On December 3, 1872, only two days before, the following telegram was sent to the United States marshal at New Orleans:

DEPARTMENT OF JUSTICE, December 3, 1872.

S. B. PACKARD,
United States Marshal, New Orleans:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with the necessary troops for that purpose.

GEORGE H. WILLIAMS,
Attorney-General.

How did the Attorney-General at Washington know that any decree or mandate was to be issued by the United States court at New Orleans? No clearer case of conspiracy was ever proven. Now the scene is re-enacted. The Louisiana Legislature was to assemble on January 4, and Sheridan is sent there by the President three days before. The proofs of conspiracy against Catiline and his co-conspirators against the liberties of Rome were no more clearly proven than this against President U. S. Grant and his co-conspirators. The President has no power to use the military against the citizens of a State in cases like this until he has first issued his proclamation commanding the insurgents to disperse within a limited time; and if they do not disperse within that time, then, and not till then, can he use the military forces. This express provision of law you can find by turning to page 1035, section 5300, of the Revised Statutes of the United States. In this case nothing of the kind has been done or attempted to be done. Cromwell, when he dispersed the British Parliament in 1648 by the military, was no more a usurper than is President Grant and Sheridan in this case. He had no more right or power to disperse that Legislature than he will have to disperse the

Fourty-fourth Congress when it shall meet in December next. Neither the President, nor Kellogg, nor any other person or body on earth had the right to judge of the election, returns, and qualifications of the members of that Legislature except the Legislature itself.

In the year 1865 President Johnson sent General Grant down South to examine and report to him the condition of the South. On the 18th day of December, 1865, among other things General Grant used the following language in that report:

I am satisfied that the mass of thinking men of the South accept the present situation of affairs in good faith.

My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require protection from the Government; that they are in earnest in wishing to do what they think is required by the Government not humiliating to them as citizens, and that if such a course were pointed out they would pursue it in good faith.

Now, after a lapse of many years, his Lieutenant-General reports they are *banditti*. During all this time the republican party has had absolute control throughout the United States and in the State of Louisiana. If Sheridan speaks the truth, why the change? It is because of the great oppression, tyranny, and wholesale plunder under which they have been compelled to live. But protests loud and long come up from all classes of citizens—native Louisianians, northern men living there, foreigners, merchants, tradesmen, and ministers of the gospel, Protestant and Catholic, Jew and Gentile—repelling the foul and slanderous charge upon them. But the denial and complete refutation of these charges does not rest here.

During this session of Congress, in obedience to a resolution of this House, the Speaker appointed a committee of seven, consisting of five republicans and two democrats, to visit Louisiana and report upon the condition of affairs in that State. That committee appointed a sub-committee of its number, consisting of two republicans and one democrat, to go to New Orleans and take the testimony and report in the case. That sub-committee, after taking fifteen hundred printed pages of testimony, make a unanimous report in which these foul charges are refuted and the character of those people triumphantly vindicated. I wish time permitted me to quote more at length from that report.

A few citations from this able and impartial report must suffice. First they say:

The election embraced but one State officer. The chief struggle was over the election of members of the State Legislature and parish officers; and in these elections local and personal considerations, as well as national or State politics, entered. The returns by the commissioners of election, compiled and forwarded by the supervisors of registration, gave the conservatives a majority of twenty-nine members out of a total of one hundred and eleven members. In only a few instances where there any protests accompanying these returns.

Yet the returning board under the direction of Kellogg found fifty-three Republicans and fifty-three Democrats elected. As to the other five no decision was made, their cases being remitted to the Legislature. The committee, after examining several parishes in detail which the returning board acted on, say, in regard to the parish of Rapides:

Your committee are therefore constrained to declare that the action of the returning board, in rejecting these returns in the parish of Rapides and giving the seats for that parish to the republican candidates, was arbitrary, unfair, and without warrant of law. If the committee were to go behind the papers before the board and consider the alleged charge of intimidation upon the proofs before the committee, their finding would necessarily be the same.

The committee, after having investigated the other parishes, further say:

Without now referring to other instances, we are constrained to declare that the action of the returning board, on the whole, was arbitrary, unjust, and in our opinion illegal, and that this arbitrary, unjust, and illegal action alone prevented the return by the board of a majority of conservative members of the lower house.

On the subject of the present government being upheld by the military, the committee say:

Indeed, it is conceded by all parties that the Kellogg government is only upheld by the Federal military. Withdraw the military, and that government will go down.

On the subject of those people being "banditti," bidding defiance to law, &c., as charged by Sheridan, this committee say:

Indeed, in our judgment the substantial citizens of the State will submit to any fair determination of the question of the late elections, or to anything by which they can secure a firm and good government. What they seek is peace and an opportunity for prosperity; to that end they will support any form of government that will afford them just protection in their business and personal relations. In their distress they have got beyond any mere question of political party. They regard themselves as practically without government and without the power to form one.

Thus we see that this committee in their report find these people as well disposed as did General Grant in his report years before to President Johnson. Yet what do we see? This Legislature, composed of a majority of twenty-nine conservatives, disbanded at the point of the bayonet and those not elected filling their places. O shame, where is thy blush!

But let us go a step further in this high-handed and despotic attempt on the part of President Grant to overturn free government in this land. On February 8, 1875, the President sent to the Senate a special message, as follows:

To the Senate of the United States:

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession not heretofore fur-

nished relative to affairs in the State of Arkansas. I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was by violence, intimidation, and revolutionary proceedings overthrown, and a new constitution adopted and a new State government established. These proceedings, if permitted to stand, practically ignore all the rights of minorities in all the States. Also, what is there to prevent each of the States recently readmitted to Federal relations, on certain conditions, from changing their constitutions and violating their pledges, if this action in Arkansas is acquiesced in? I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress. I earnestly ask that Congress will take definite action in the matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the government.

U. S. GRANT.

EXECUTIVE MANSION, February 8, 1875.

In this message he says that Brooks was elected governor of that State in 1872, and that he has been unlawfully deprived of his office since that time.

Now what is the truth?

On the 15th day of May, 1874, the President himself recognized Baxter as the *de facto* governor, and maintained him in power to the exclusion of this man Brooks, who he now says is governor. If Brooks was unlawfully deprived of his office, Grant did it.

Now as to the new constitution and the present State government, with Garland as governor.

We will see the singular and unexpected fact that this new constitution, which he says was brought about by fraud, "violence, intimidation, and revolutionary proceedings," was brought about with his consent and approval, and sustained by the military obeying his orders.

On the 22d of April, 1874, Baxter telegraphed to the President as follows: "I propose to call the Legislature together at an early day, and leave them to settle the question, as they alone have the power; but to do this the members of the Legislature must have assurances of protection from you and a guarantee that they may meet in safety. This will be a peaceable solution of the difficulty, and I will readily abide by the decision of the Legislature." On the same day the President replied to Baxter as follows: "I heartily approve any adjustment peaceably of the pending difficulties in Arkansas by means of the Legislative Assembly, the courts, or otherwise. I will give all the assistance and protection I can under the Constitution and laws of the United States to such modes of adjustment. I hope that the military on both sides will now be disbanded." On the 24th of April Baxter replied as follows: "In accordance with my correspondence with you by telegraph, I have convened the Legislature for the 11th May. I have sent home part of my forces, and would willingly send the balance, except a small body-guard, but Brooks retains his whole force and receives re-enforcements. All the people desire is that peace be restored, and the Legislature protected in the performance of their legitimate business."

This Legislature called a constitutional convention, as it had a legal right to do; which question as to whether they should have a constitutional convention was submitted to a vote of the people in June, 1874. The vote stood, for convention, 80,259; against convention, 8,607; making the whole vote cast 88,866, and a majority for the convention of 71,652. Upon the ratification of the new constitution in October, 1874, the vote stood for the constitution, 78,697; against it, 24,807; being a majority of 53,890, and a total vote of 103,504. And yet this is the government, thus brought into existence by the President himself, that he now seeks by the military to overthrow. He now seeks, years afterward, to reinstate Brooks, whom he previously put out of office.

The secret of this whole matter is this: Baxter was the candidate of the republicans, Brooks of the democrats. Hence Grant at the point of the bayonet placed Baxter in power as governor *de facto*, as he has done Kellogg in Louisiana. But after Baxter was thus installed as governor he turned conservative in his views, and Brooks turned to be *par excellence* radical; hence Grant's wish now to install Brooks as governor, and which he threatens an American Senate he will do.

Let us see when the voice of the people was heard most potentially! We have seen that upon the ratification of the new constitution there were 103,504 votes cast. When Brooks and Baxter were candidates for governor the total vote was only 80,721. Yet when 103,504 voters have spoken their will, this despot of American growth seeks and threatens by military power to thwart their wills. He claims the power to make and unmake States at his imperial will. He treats Legislatures of sovereign States with not half the importance that should attach to an ordinary town meeting. But still persistent in his vaulting and mad ambition, he now comes to the American Senate, representing forty million of freemen, and dictates to that body. All these facts that I have stated in regard to Arkansas are found by another committee appointed by the Speaker of this House, composed of three republicans and two democrats, Hon. LUKE P. POLAND being chairman.

The committee in its report uses the following noble words, which should be placed in letters of gold over every door leading into this Capitol and into the Executive Mansion, as well as over the doors of every State capitol:

The people of every State have the right to make their own constitution to suit themselves, provided it be republican in form and in harmony with the Constitution of the United States, and the National Government has no authority to deprive them of that right.

The committee close their report with the following language:

The committee do not recommend any action by Congress or by any other Department of the General Government in regard to the State government of Arkansas.

President Grant, unwittingly it is true, admits in his message of February 8 that it is a majority he seeks to put out of power, and that

it is a minority that he seeks to put in power. In this land where, heretofore we have been accustomed to govern ourselves, majorities will never consent to be governed by minorities. Take away your armies and let the people govern themselves, and all will be well. In my own State of West Virginia for many years we were governed by a minority; in my own county, with a voting population of sixteen hundred, only about three hundred were allowed to vote; in a neighboring town of a population of about twelve hundred only six were allowed to vote; and so it was nearly all over the State under our infamous registration law such as they have in Louisiana and Arkansas. Such outrages shocked the sentiments of the liberty-loving people of my mountain home, and they arose peaceably in the might and majesty of their power and hurled their oppressors from their places, which will know them no more forever.

During all this reign of terror in my State the United States military were stationed upon us, but as soon as the people spoke and placed the men and party of their choice in power the military left; and, thank God, no soldier has placed his foot upon the soil of West Virginia since. With us now all is peace and prosperity, and thus it will be with Louisiana and Arkansas if you will withdraw the military and let them govern themselves. Give them local, home self-government and all will be well. But we are told that in order to maintain the present usurped State organization the presence and actual co-operation of the military is necessary. Necessary for what? It is necessary for England to keep an armed force in Ireland; Germany an armed force in Alsace and Lorraine; Spain an armed force in Cuba—all this for subjugation and slavery.

It looks to me very much as if this Administration did not wish for peace, tranquillity, and good government in the South.

It looks as if the Administration was actuated by the same motives toward the South that Queen Elizabeth was toward down-trodden Ireland. Her plan of pacification was very simple. One of her intimate counselors said:

If we undertake to restore to this country order and civilization it will soon become powerful and rich. It ought therefore to be our principle to keep the country in a state of confusion.

History is but repeating itself.

If the policy of this Administration is to be continued toward the South; if Sheridan's wishes are to be carried out, we will find the South in the same condition that Lord Gray, governor of Ireland, wrote to the queen as to the condition of that country, "that her Majesty would soon reign over only ashes and dead bodies."

Let Sheridan's "course," which the Secretary of War says is approved by the President and his Cabinet, be continued, and the whole southern people will be compelled to flee from the land of their birth to some place or government where they can have peace and protection like the flight of the Tartar tribe from the oppression of Russia so vividly described by De Quincey.

Year after year Louisiana has been rattling her chains and showing her scars. Will you listen? Will you look upon them, or will you continue to close your ears and shut your eyes to their wrongs and sufferings as did the haughty Pharaoh to the children of Israel? If you do, as sure as there is a just God who reigneth, the God of the Israelites will be the God of those oppressed people; and as surely as Pharaoh and his hosts were punished, so surely will the oppressors of these our southern brethren be punished. If you continue in this course scenes will occur which will cause your ears to tingle and the eyes of those who witness them to shed drops of blood. Admit for the sake of the argument that these people have done wrong; what right or power had the Administration to use the military as they have done?

Allow me to adopt the language of one of Ireland's greatest orators in the British Parliament:

If there were crimes committed, they were excited by you. I think now as I thought then, the treason of ministers against the liberty of the people is much more culpable than the rebellion of the people against ministers.

So spoke Grattan to an English Parliament.

Napoleon I dispersed one of the branches of the French congress, the five hundred, with his armed grenadiers. Napoleon III with fixed bayonets also dissolved the National Assembly of France. Napoleon I had his Murat; Napoleon III had his General St. Arnaud, and President Grant has Sheridan and Kellogg; and in my judgment unless this military interference is promptly rebuked, like scenes will be witnessed in this Hall on the first day of the Forty-fourth Congress.

It is asserted by those in authority that the present government of Louisiana cannot be sustained except by military power; that thousands of murders have been committed. The very announcement of such a fact carries with it the condemnation of the Administration. Whenever military power is necessary to maintain a State government and preserve peace these States become military provinces and our present system of government is a thing of the past; the destruction of one State will only precede that of others, and State after State will fall before the tramp of armed warriors.

Under such a state of affairs no wonder we hear of the exodus of foreigners from our land. During this state of anarchy and military rule can we expect a continuance of the flow of immigration to our country, once the "land of the free and the home of the brave?" When foreign peoples who have struggled to imitate our example by throwing off the yoke of their oppressors and establishing a republi-

can form of government see this state of military domination, is it any wonder that their hearts sicken?

The patriots of Spain have taken the alarm, and Alfonso has been placed on the throne. Castellar, their patriot, orator, and statesman, the Patrick Henry of Spain, has become disheartened; all his hopes for the future forever blasted. He desired to and was about to visit our country and congratulate us upon our form of government; but he turns from the scene in sorrow, and has resigned his position as president of the commission to visit our country at the centennial celebration July 4, 1876. France, taking the alarm, is about to follow the example of Spain.

Now, in conclusion, in whose hands is the power for relief? Not in the South. She lies prostrate and bleeding; like Samson shorn of his locks, weak and powerless. Gentlemen of the House of Representatives from the Eastern, Northern, and Western States, the power is with the people you represent. The South and the liberty-loving people everywhere turn to you. Shall they be disappointed? I believe not. I have an abiding confidence in their love of justice, home rule, and constitutional liberty. We look to you to rise in the might and majesty of your power, and promptly take such measures as will transmit to posterity that form of republican government in all its beauty and strength that was bequeathed to us by Washington and his compatriots in arms.

In the language of that patriot orator and ex-president of Spain, Castellar:

When Michael Angelo saw the liberties of his country expire he carved a most beautiful and melancholy figure, gave it the Grecian perfection of form and Christian sorrow in the expression, closed its eyes, extended it on a bier, and called it "Night."

May God in his infinite mercy avert the day when any Michael Angelo shall see the liberties of our beloved land expire, or any such melancholy figure aptly represent our condition.

POLICY OF THE ADMINISTRATION TOWARD THE SOUTHERN STATES.

[Mr. ROBBINS addressed the House upon the policy of the republican party and the Administration toward the Southern States. His remarks will appear in the Appendix.]

INDIAN POLICY.

[Mr. McCORMICK addressed the House upon the subject of the proper policy to be pursued by the Government toward the Indians. His remarks will appear in the Appendix.]

AFFAIRS IN ARKANSAS.

Mr. ATKINS. Mr. Speaker, I desire to say something in reference to the affairs of Arkansas. Toward the close of the last session of Congress a resolution was introduced by the gentleman from Vermont, [Mr. POLAND,] and was adopted by this House, raising a committee to inquire whether a republican form of government existed in the State of Arkansas. Had such an investigation been proposed in reference to either of the great States of New York, Pennsylvania, or Ohio—constitutional conventions having been held in each of them recently—it would doubtless have met with a storm of opposition from all sides. Loud and earnest protests would have been made upon this floor against such interference in the name of the dignity, majesty, and rights of those great and influential States. But, sir, as it is the affairs of Arkansas, only, that were to be overhauled and investigated, no such obsolete ideas of State rights and statehood presented a barrier to the investigation. As Arkansas was one of the "wayward and erring sisters," no doubt in certain high political circles she is deemed legitimate game for political gambling, and is therefore subject to endless reconstruction and liable to be remanded at will to territorial pupillage.

But I had supposed that the days of reconstruction were over; and that, having been readmitted into the great sisterhood of American States, she is the peer of any, even the proudest.

I assume in this discussion that the people's Representatives here assembled will not, nay, cannot, afford to view this question in any other light than as a legal and constitutional one. I assume that they are disposed to respect the learning of the past and to be guided by the precedents which the history of very many States in this Union abundantly furnish. I confidently assume that it is their wish to guard with scrupulous care that no violence be done to the great principles of civil liberty first evolved amid the throes of the Grecian and Roman republics, reasserted when the brave barons wrung *Magna Charta* from King John, and defended by Washington through the momentous period of the Revolution, and has since been canonized as household words by Adams and Jefferson, Jackson and Polk, and Clay and Webster, to wit: "That all free governments derive their just authority from the consent of the governed." Standing upon this great rock of political truth, rooted as it is in the profound depths of human freedom, the friends of the existing government in the State of Arkansas respectfully challenge the most thorough investigation of the motives which prompted it, or the principles which underlie and guided it, or of the regularity which marked its proceedings. They invite their whole movement to be subjected to the closest scrutiny, and to be tried by the severest tests of constitutional arbitrament before which states were ever arraigned, believing that her cause will not be prejudged through the blind zeal of the partisan or condemned by the trick of the sophist, but that she may appeal with confidence to the just judg-

ment of this House, based as it should be upon the eternal principles of right and guided by the uncompromising tests of truth and logic.

I shall maintain that the people of Arkansas had the indisputable right to amend or make anew their constitution, and that she has today a republican form of government.

In order that the House shall form a correct judgment as to the merits of this case, it is necessary to pass rapidly in review some of the leading events connected with the government of Arkansas for the last six years. Without intending to enter into a minute detail of the political affairs of that people, it suffices my purpose to state that Arkansas, after passing from beneath the rod of the military commander to which reconstruction had subjected her, organized a convention and adopted a constitution in 1868. In the formation of that convention the usual ostracism and disfranchisement of the intellect of her people prevailed, and the convention was composed of men, to say the least of it, who were not representative men, either in interest, identification, public service, or intelligence. Not only were men of this class not allowed to hold seats in the convention, but they were not permitted, many of them, to exercise the right of suffrage in the selection of the delegates who were to be charged with so sacred and delicate a trust as the forming of the organic law of a State, where life, liberty, and the rights of property were involved. The fundamental principle of free government—that which is peculiarly American and is forever historic, as are the plains of Concord and Lexington historic—that without representation there shall be no taxation, was disregarded, nay, spat upon and openly contemned and repudiated. Of course an assemblage of law-makers elected upon such principles felt but little of the responsibility of the public servant to his constituency; and, as is ever the case of such irresponsibility, a constitution was framed and set in motion the effects of which retarded the material and social progress of that people, so much so, that years to come the people will suffer beneath their blighting influence. The Legislature which followed, like father like son, was of course of the same type—proscriptive and illiberal.

I will not undertake to speak of laws that were passed and measures set on foot which have proven so disastrous to the well-being of that people—laws and measures in the enactment and support of which no one now connected with the present State government or the constitutional convention recently held had ought to do. But so oppressive had they become, so grievous were their burdens, that a large proportion of the republican party, irrespective of color, rose up and demanded relief and reform. It was in answer to this general cry of distress from all sides and throughout the limits of the State that the people ranged themselves under whatever banner gave strongest assurances of deliverance, without special regard to party names or party leaders. Hence in 1872 Brooks and Baxter, both republicans, were opposing candidates for the office of governor. The extreme wing of the republican party supported Baxter; the other wing of the party and the conservative and democratic party supported the Brooks ticket, who sailed beneath the "independent reform" banner. The men who had been swaying the destinies of that unhappy State for years determined, upon canvassing the returns, that Baxter was elected, and the President and Attorney-General solemnly approved and sustained that decision. The pressure of public sentiment within the State as well as from abroad had wrought a change among the leaders of the republican party, and both candidates stood upon the platform of the enfranchisement of the whole people.

Baxter being installed, let him tell why he was deserted by the ringleaders; how his election was denied by the very men who had manipulated the returns; his right to the office contested unsuccessfully in the circuit court of Pulaski County in a test case by "a writ of prohibition issued out of the supreme court," through the case of *J. R. Berry vs. Stephen Wheeler* for the office of auditor. Foiled in that, open attempts at bribery were made to seduce Governor Baxter, as he alleges, from the path of honor and of duty. He says:

I had scarcely been installed when the chief justice and his friends began a series of demands in partial or total violation of every pledge upon the strength of which I had been elected to office. Unwilling to array myself against men who had drawn me from comparative retirement to exercise the functions of chief magistrate of the Commonwealth, and above all unwilling even to appear to furnish occasion for discussion within the republican party of the State, I at first endeavored to effect a compromise by yielding, so far as I might without substantial injury to the popular interests. When I gave them an inch they demanded an ell. I soon learned that to satisfy them I must at their every beck or nod violate every principle of public policy, faith, or honor; in short, that I had to choose between being their tool or their enemy.

I may name, among the measures of which they attempted to compel my approval, the subsidy bill by which certain railway companies were to be released from payment to the State, on account of bonds issued to them for the construction of their respective lines, of about \$6,000,000; the metropolitan police bill, which proposed to constitute the entire area of the State a metropolis, the police of which should have power to arrest without warrant any citizen of the State, and drag him for trial to the capital, (the monstrous provisions of this bill, in violation of the fundamental principles of constitutional liberty, to be enforced by an appropriation almost unlimited;) an election bill, concentrating in the hands of three men, designated as a board of canvassers and having for their chairman the Lieutenant-governor, not alone the power of appointment of judges and clerks of election in every precinct of the State, but also the supervision and review of all proceeding and returns of election—a triumvirate which would have held the liberties of the people of Arkansas in the perpetual grasp of the clique.

With all this I have no concern, except to show how fallen the great State of Arkansas was, how her dearest and most sacred rights

were being bandied by a political cabal for purposes and objects wholly at war with the true interests of the people. Brooks, toward the close of the session of the Legislature, appealed to that tribunal his right to the governorship. It was voted down by a vote of 63 to 8. The attorney-general then brought suit by a writ of *quo warranto* in behalf of the State to ascertain who the legal governor was, the supreme court, five out of six, deciding that the court had no jurisdiction, and that the Legislature under the constitution of the State alone had the power to determine that question. Article 6, section 19, reads as follows:

The returns of every election for governor, lieutenant-governor, secretary of state, treasurer, auditor, attorney-general, and superintendent of public instruction shall be sealed up and transmitted to the seat of government by the returning officers, and directed to the presiding officer of the senate, who, during the first week of the session, shall open and publish the same in presence of the members then assembled. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by a joint vote of both houses. Contested elections shall likewise be determined by both houses of the General Assembly in such manner as is or may hereafter be prescribed by law.

The Senators in Congress from Arkansas, both republicans, addressed Governor Baxter congratulatory letters or telegrams upon his final triumph over Brooks. Here they are:

His Excellency ELISHA BAXTER:

NEW YORK, June 3, 1873.

Quo warranto proceedings against you have been inaugurated without my knowledge or approval, and are in my opinion unwise and highly detrimental to the interests of the State. My judgment did not approve your late action, because I did not believe that such a move was seriously contemplated; and even if contemplated, I regard the calling out of the militia as premature. Nor would I now advise any show of force unless a forcible attempt should be made to oust you. I believe you are the legitimate governor of Arkansas; and as much as I regret to see our State disgraced abroad by distractions at home, I hope you will stand firm, regardless of results.

POWELL CLAYTON.

NEW YORK, June 3, 1873.

To Governor ELISHA BAXTER:

You have the unqualified support of myself and friends. The revolutionary proceedings instituted will not be sustained by the people.

S. W. DORSEY.

The whole people, almost, seemed to rally around Governor Baxter, democrats and republicans. They were tired of anarchy and misrule and were glad to embrace a fit opportunity that promised deliverance. To this certain leading men took mortal offense, and additional demands were made, to some of which Governor Baxter, through a spirit of compromise, acceded, as well as through apprehension that he would at last fail to reap the benefit of the recent decision of the supreme court in his favor, because of the failure of Mr. Justice Stephenson to place the *quo warranto* decision on file, but carried the same secreted in his coat pocket. Baxter could no longer retain the support of these men, but devoted himself to the service of the State and the people. Events hurried along which I deem further allusion to unnecessary.

Brooks finally obtained, in the absence of Baxter's counsel, a judgment of ouster, which court it is admitted on all sides had no jurisdiction whatever; and according to the court Baxter was deposed. By convenient and rapid coincidences Brooks was sworn in as chief magistrate, and in the absence of Baxter took armed possession of the State and of the executive office. Forthwith each party began to call out the militia, each claiming to be the lawful governor of Arkansas. Troops gathered around each standard in considerable numbers. A company of United States regulars stationed at the capital of the State prevented a serious collision of the two contestants. Immediately Brooks and Baxter called upon the President of the United States for assistance.

Governor Baxter made two requisitions upon the President without avail. Finally Governor Baxter convened the Legislature elected at the same time that the election took place for governor. The Legislature, being in session, sustain Governor Baxter as the rightful governor of the State, and call upon the President for United States troops to assist in quelling the insurrectionary Brooks and his followers; to which application the President, on the 15th day of May, 1874, issues his proclamation commanding the disorderly persons to disperse. Whereupon Brooks abdicates and vacates the executive office, and Baxter once more is installed with the baton of executive authority. In such cases the Constitution of the United States, article 4, section 4, provides—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature or of the executive, (when the Legislature cannot be convened,) against domestic violence.

This is the only clause in the Constitution of the United States that gives Congress jurisdiction of the affairs of a State of this Union, and of course that jurisdiction is limited to the plain meaning of the language employed.

The President by the authority herein granted disperses Brooks and his confederates and recognizes Baxter. In this he is sustained in an able and cogent opinion of the Attorney-General of the United States, utterly rejecting all jurisdiction of the courts over the contest for the office of governor, it being distinctly settled, as before observed, by article 6, section 19, of the constitution of Arkansas.

The following extract from the opinion of Attorney-General Williams, dated Washington, May 15, 1874, is conclusive upon this point:

It is assumed in the argument for Brooks that the judgment of the Pulaski circuit court is binding as well upon the President as upon Baxter until it is reversed, but where there are conflicting decisions, as in this case, the President is to prefer that one which, in his opinion, is warranted by the constitution and laws of the State. The General Assembly has decided that Baxter was elected. The circuit court of Pulaski County has decided that Brooks was elected.

Taking the provision of the constitution which declares that contested elections about certain State officers, including the governor, shall be determined by the General Assembly, and that provision of the law heretofore cited which says that all contested elections of governor shall be decided by the Legislature, and the two decisions of the Supreme Court affirming the exclusive jurisdiction of that body over the subject, and the conclusion irresistibly follows that such judgment of the circuit court is void. A void judgment binds nobody.

The Legislature was again in session in obedience to the popular will, which rose high all over the State, demanding relief from their oppressions. The people called loudly upon their representatives to submit to them a call for a convention for the purpose of framing a new constitution. The resolution was accordingly passed, and the call was submitted to a vote of the people, and it was sustained by the overwhelming majority of eighty thousand to eight thousand—twenty to one.

Delegates were elected, and a constitution framed. It was submitted on the 13th of October, 1874, to the popular vote, and was ratified by over fifty-four thousand majority, many republicans voting for its ratification. Now, the resolution of the gentleman from Vermont, under which this committee was appointed, is confined to the single point of investigation; that is, to inquire whether the present form of government in Arkansas is republican in form. Examine that constitution. It is a monument of the patriotism, wisdom, and devotion to public liberty and free government which that convention reared, and now bids the world with confidence to look upon. It is liberal, just, and progressive; not a word in it which discriminates between citizens of any creed, race, or color. It is drawn after models that challenge the admiration and commendation of the vast majority of the American people. The legislative, executive, and judicial departments are each distinct and separate, each moving within the sphere of its orbit, and yet each retaining a just and proper relation to each other, so as to form a harmonious whole. Sir, it is republican in form. Unfortunately that is not the real ground of complaint; it is that the people are not republican or radical, but are democratic. All accounts from the State concur that the people have not been so quiet, so diligent in their fields and shops and places of business since the war. Everybody is contented except a handful of would-be office-holders and malcontents whose desperate fortunes have driven them to the criminal expedient of asking this Congress and this Federal Government to do an unparalleled wrong by overturning by force the State Government of Arkansas, and destroying the peace and contentment of the people, and spreading ruin and anarchy once more throughout her borders, and dedicating her fair fields to desolation and decay.

If Brooks ever was elected governor by the people, the case has gone too far, and he is legally barred by the Legislature, whose duty it is to decide all contests. It has gone too far since he allowed himself to be counted out by the very men who are now seeking to induct him into office. If frauds were committed, they were committed by them, and they must therefore father their own offspring. Without going into details, the proof is conclusive that if frauds were committed in behalf of Baxter, they were done by the men who now, through a show of saintly virtue, sustain Brooks. What new light has dawned upon their hitherto benighted visions that did not exist when they were swearing for Baxter? But may not Baxter's determination to serve the best interests of the people of Arkansas, instead of lending himself to the doubtful uses of adventurous and reckless politicians, account for the sudden revolution in opinion in reference both as to facts as well as to legal principles involved in this important controversy? To listen to them now, admitting that they testified originally to the truth, would be encouraging men to take advantage of their own wrong. But I deny that Congress has any jurisdiction or right of censorship over the governorship of Arkansas or her State government in any way whatever except as limited under section 4 of article 4 of the Constitution of the United States. Where, may I inquire, does Congress derive its authority to constitute itself a canvassing board to decide upon the validity of the elections of State officers? Who ever heard of such extraordinary assumption of Federal power? It is one of the scions which sprang from the reconstruction policy which, being long and patiently submitted to by a powerless people, is now attempted to be palmed off as a constitutional prerogative of Congress.

If Congress can in the plenitude of its power undertake to revise the State officers and decide who is and who is not elected, I beg to inquire what use is there of State lines, State courts, or Legislatures? In that view, Congress is a great central revisionary power, which absorbs all other legislative functions of this country, and it were better and cheaper at once to dispense with the machinery of local self-government. Sir, was this the view of the fathers of the Republic? Such a view is a total subversion of our whole theory of government, and constitutes Congress a mighty ghou, which would engulf the liberty of the citizen and the freedom of the State in a common destruction.

If Congress can canvass and decide upon the election returns in a State for other than Senators and Representatives in Congress, then why may it not decide upon the qualifications of the voters—indeed, why not appoint the officer at once? The idea is preposterous, anti-republican, and unconstitutional.

This great warrant of article 4, section 4, of the Constitution, which clothes Congress with the power to inquire into the affairs of a State to the end that a republican form of government is assured, cannot be too well understood in its scope and meaning, or too cautiously and yet promptly exercised when justifiable. Mr. Madison, in No. 43 of the *Federalist*, in commenting upon this power, says:

It may possibly be asked what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments without the concurrence of the States themselves. These questions admit of ready answers. If the interposition of the General Government should not be needed, the provision for such an event will be a harmless superfluity only in the Constitution. But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign powers? To the second question it may be answered, that if the General Government should interpose by virtue of this constitutional authority, it will be, of course, bound to preserve the authority. But the authority, of course, extends no further than to a guarantee of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to alter republican forms, they have a right to do so, and to claim the Federal guarantee of the latter. The only restriction imposed on the States is, that they shall not exchange republican for anti-republican constitutions; a restriction which it is presumed will hardly be considered as a grievance.

Mr. Justice Story concurs in the foregoing, adopting the very language. (See 2 Commentaries on the Constitution, section 1817, pages 630, 631.)

How light the restriction! The States bind themselves under the Constitution of the United States to be republican in form. Further than that Congress has nothing whatever to do with them. No matter whether Brooks or Baxter was governor; is the State government of Arkansas under Governor Garland's administration republican in form? If so, the power of the General Government is exhausted. Did the Legislature observe the requirements of the Constitution of 1868? It does not matter, if her constitution is republican in form, and is the act of the people, which even blind partisan malice will not deny. Arkansas has the republican form of government the Constitution requires, and is therefore, like the rest of the States of this Union, entitled to non-interference by the Federal authorities. If her right to local self-government be not established, there is no State of the Union secure in its fancied right. Her cause then becomes the cause of every other State. The jurisdiction of Congress over the affairs of a State begins and ends at that point. For a State does not hold its political and civil tenure from the Federal Government. When organized as a State and presented at the door of the Union with a republican form of government, the Constitution declares that Congress shall admit it. And if afterward the State should alter its form of government and cease to be republican, then Congress is empowered and enjoined to bring such State back to the form of government required by the terms of the Constitution.

The great danger in this country to civil liberty arises not so much from military despotism proper as from an ultra centralized congressional oligarchy, wherein the will of a jacobinical majority is substituted for constitutionalism, and the Presidency is converted into an imperialism, whose only restraints are to be found in the resolves of Congress instead of the grants of a written constitution. True, the recent acts of the Executive in dispersing a legally elected Legislature of the State of Louisiana by Federal bayonets, under the command of Lieutenant-General Sheridan, and which have no parallel for usurpation in American history, and against which the patriotism, irrespective of party, throughout the length and breadth of the country is rising up in indignant protest, and declaring that if the precedent here set is taken and accepted as authoritative, the knell of civil liberty is already sounded—I say these acts seem to be done upon Executive responsibility; and yet I maintain that the whole course of Congress in reference to Louisiana is suggestive of this policy, and which the country must and will deplore. No doubt these most extraordinary acts of the President accord with the voluntary spirit of his own arbitrary and iron will, nevertheless he is simply executing the will of a majority of both Houses of Congress; for has not the failure of Congress to guarantee to Louisiana a republican form of government for the last two years thereby tacitly suggested to the President the course he has doubtless too willingly pursued.

But to return from this momentary digression. The Legislature, then, was legal. Grant, Williams, and Baxter, and his associates, all recognized it as legal; also the Arkansas supreme court recognized it. Even Brooks, if his opinion were important all, recognized it by submitting the contest for the office of governor to it; and the people, who are above all other authority, indorsed its action. It was, then, a *de facto* government. No principle is better established by all writers and standard authors upon public law than that the acts and authority of a *de facto* government must be held as binding and in force until the legal government displaces it. In the case of Louisiana, the President recognized and sustained the Kellogg government simply because, as he alleged, it was a *de facto* government. In the case of the Baxter government, not only was it *de facto*, but it was likewise *de jure*; so determined by the only power on earth that was competent to decide the question—first by the Legislature, the constitutional tribunal to

decide that particular question; and secondly by the overwhelming indorsement of the people. And if Congress now should so far misunderstand its powers and duties as to pass an act deposing the present governor and his government and installing another, it could not be Brooks, as he is, as before remarked, forever foreclosed and estopped.

Let us for a moment examine the ground upon which one V. V. Smith, who was the lieutenant-governor in the Baxter government, and who to-day is a fugitive fleeing the clutches of the laws of Arkansas, bases his claims to be the governor of Arkansas. This man and his abettors, who are seeking to overthrow the State government of Arkansas, base their claim to the rightful control of the State government and the emoluments of its offices upon the plea that the constitution of 1868 requires resolutions for amendment to the constitution to be first passed by the Legislature, then ratified by the people, and again passed by a majority of a subsequent Legislature. They insist that this action of a subsequent Legislature is wanting in the proceedings in Arkansas which have resulted in erecting the present government. This flimsy plea will not stand the test either of facts or of logic.

In the first place, the constitution itself of 1868, from which this argument is drawn, was not republican in the manner of its adoption or indeed in form. It was the legitimate offspring of the reconstruction policy, and was hoisted into existence by force over the will of a majority of the people of that State; and being in operation, laws were enacted by Legislatures elected and acting under its aegis, which disfranchised the almost entire intelligent opposition in the State. It enacted a system of taxation unprecedented except in three or four Southern States who like itself were the victims of misrule, boldly setting at defiance the well-established American principle that taxation and representation should go hand in hand. With such a constitution and such laws we may well question the sanctity of such constitutional inhibitions or obligations. We might be excused if we were, in our foolish allegiance to an old idea not yet banished from the moral world, sometimes called consistency, to modestly ask that the beam be plucked from their own eye before they complain of the mote in the eye of their adversary. It is an old and much venerated legal aphorism that he who asks equity shall first do equity. It is remarkable that Mr. V. V. Smith, or any other man connected with the government, under that pink of a constitution of 1868, which now causes the blush to mantle the cheeks of its projectors, if indeed they be not lost to all sensibility, should come forward and ask Congress to do a thing that it has no power to do, and if it had would be an act which it would be mild language to characterize as folly—an act which would paralyze business, unsettle the affairs of the entire State, demoralize and irritate the people, and remit the political and social relations of the community to chaos.

But this technical plea does not apply, for no amendments were offered whatever. An entirely new constitution was framed and put in force, and the old one was destroyed. And in any event the utmost which could be claimed under this clause of amendment would be simply to amend by resolution twice adopted by the Legislature and ratified by the people, dispensing with the more costly and cumbersome agency of a convention of delegates—a sort of cheap and convenient mode provided in most of the State constitutions for the purpose of effecting amendments only to the organic law.

But lest this view of the case is not satisfactory—and I take it that it will hardly be so accepted by the opponents of the Garland government, especially as they are driven to desperate straits for an argument—it might be well just here to recall the fact that this same constitution of 1868 did not so far depart from the usual formulas of American constitutions as to forget to attach a bill of rights. In that bill of rights it is declared solemnly that the people have at all times an indefeasible right to alter, reform, or abolish their constitution at will. Here, then, was the undoubted authority, and under it the Baxter Legislature called the convention to abolish the old constitution and to create entirely a new one; and the people ratified their action in both instances by tremendous majorities. But suppose that the bill of rights had been silent upon this point, and that the constitution was likewise silent—that is, contained no prohibitory clause, as it did not in this case—shall we be told that the people must be circumscribed to the limits laid down in the old constitution, and therefore the manacles which our predecessors, either through ignorance or design, once forged and placed upon our limbs shall forever remain? Such a position is abhorrent to all ideas of progression, and would forever defeat all advancement in the science of government.

The constitution being silent, there was of course no restriction upon the Legislature. It was free to act and did act in regular form, in harmony both with the constitution and with the great reserved right declared in the bill of rights. Happily, however, in this case there was an entire absence of constitutional prohibition, and therefore it is clear that the power vested in the Legislature. The authorities sustaining this view are abundant and of the highest respectability, such as will command the respect of the judicial learning of this House. I might here invoke an authority which commands universal respect throughout the limits of the Union. In the case of *McCulloch vs. The State of Maryland*, 4 Wheaton, page 420, speaking of the power of Congress to make all laws which shall be necessary and proper to carry into execution the powers of the Government in

the absence of a positive grant, Chief Justice Marshall, in delivering the opinion of the court, said:

Its terms purposed to enlarge, not to diminish the power vested in the Government. It purports to be an additional power, not a restriction on those already granted. * * * The result of the most careful and attentive consideration bestowed upon this claim is that if it does not enlarge it cannot be construed to restrain the powers of Congress or to impair the right of the Legislature to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the Government. If no other motive for its insertion can be suggested, a sufficient one is found in the desire to remove all doubts respecting the right to legislate on that vast mass of incidental powers which must be involved in the Constitution, if that instrument be not a splendid bauble.

I do not understand that the opinion just quoted intends to convey the idea of wide and latitudinarian construction, but simply to mean that such power as is essential to carry out the express provisions was conferred. I will refer without reading to McLean's Reports, pages 348, 349, and to 7 Peters, page 546; also section 1, volume 1, page 8, Statutes at Large.

But I will quote in support of this principle from an authority which very many in this House profoundly venerate. I read from Mr. Webster's great speech in the Dorr case, 6 Peters, page 227. He says:

Another American principle growing out of this, and just as important and well settled as is the truth that the people are the source of power, is that when in the course of events it becomes necessary to ascertain the will of the people on a new exigency, or a new state of things, or of opinion, the legislative power provides for that ascertainment by an ordinary act of legislation. Has not that been our whole history?

Mr. Webster then refers to the Constitution under which we now live as a prominent instance among many others. He says:

The old Congress, upon the suggestion of the delegates who assembled at Annapolis in May, 1786, recommended to the States that they should send delegates to a convention to be holden at Philadelphia to form a constitution. No article of the old Confederation gave them power to do this; but they did it, and the States did appoint delegates who assembled at Philadelphia and formed the Constitution.

It was communicated to the old Congress, and that body recommended to the States to make provision for calling the people together to act upon its adoption. He says—mark the language:

Was not that exactly the case of passing a law to ascertain the will of the people in a new exigency?

Again, Mr. Webster says:

Of the old thirteen States the constitutions, with but one exception, contained no provision for their own amendment. In New Hampshire there was a provision for taking the sense of the people once in seven years. Yet there is hardly one that has not altered its constitution, and it has been done by conventions called by the Legislature, or an ordinary exercise of legislative power.

The convention of 1786 which was holden at Philadelphia, and which "no article of the Confederation gave them power to do," was presided over by no less an illustrious patriot than the Father of his Country. Its members were among the foremost intellects of that or any other age or clime. The result of its labors secures us the freedom we enjoy this day.

Twenty-six instances of constitutions are cited by Judge Jamison, a standard writer on constitutional conventions, where the people of States have amended or abolished their constitutions without strictly adhering to the forms or requirements laid down in their former constitution. It has been done three times in Georgia, once in South Carolina, once in New Hampshire, three times in New York, once in Connecticut, twice in Massachusetts, four times in Rhode Island, once in North Carolina, once in Pennsylvania in 1837, once in New Jersey, three times in Missouri, once in Indiana, and again in Pennsylvania, in 1873, where the provisions of the constitution were precisely the same as they were in this constitution of Arkansas in 1865.

Now, if the *vox populi* of the State of Arkansas is to be disregarded, and her deliberately chosen government overturned by the edict of Congress and the bayonets of the Executive, may I inquire whether Congress will be consistent and proceed at once to dispatch the States just named and require them to remodel their organic laws and reconstruct their internal policy? Or would that be a feasible undertaking? Sir, Congress treads upon narrow ground. I hold that Congress should acquiesce in the conclusions of the report of the majority of the committee and leave Arkansas to work out her own destiny in her own way under the Constitution of the United States.

These citations show that statesmen were jealous of forms in which human rights are contained, illustrating this principle and establishing this precedent in most notable and historic instances. Who questions the authority of the mighty name of Webster, thrown with its immense weight in all questions of constitutional law into the scale, asserting in no doubtful terms this very power? The Legislature, although not itself sovereign, is nevertheless the agent of sovereignty. And where no constitutional prohibitions intervene, it can but obey the voice of the people whose creature it is. To do otherwise would be to sink the will of the constituency in the will of the representative. The exercise of this power by the Legislature has been so frequent and general that we see from the long line of authorities referred to it has become the settled policy. The very authorities quoted settle the question. How, then, was the action of the Baxter legislature irregular? There was no prohibition in this case, and the power to call a convention according to these authorities vested in the Legislature.

But the minds of Representatives have been often puzzled in reference to the necessity of what are called enabling acts—the fact

that Congress has in some instances passed acts of invitation or authorization, or enabling acts if you choose, prior to the action of the people of a Territory in throwing off its territorial form preparatory to being made and admitted as a State. No particular rule even in such cases has universally prevailed. Many States were admitted with and many were admitted without enabling acts into the Union.

Mr. Butler, Attorney-General, in speaking upon this point, (see 2 Opinions of Attorneys-General, 726,) said:

But the people of a Territory may peaceably meet together in primary assemblies or in conventions chosen by such assemblies, for the purpose of petitioning Congress to abrogate the territorial government, and to admit them into the Union as an independent State; and if they accompany their petition with a constitution framed and agreed on by their primary assemblies there is no objection to their power to do so, nor to any measures which may be taken to collect the sense of the people in respect to it; provided such measures shall be prosecuted in a peaceable manner, in subordination to the existing government, and in subservience to the power of Congress to adopt, reject, or disregard them at their pleasure.

California was admitted without ever having had a territorial form of government; but was a conquered province wrested by the United States from Mexico as indemnity for the past and security for the future, and was under the command and control of Colonel Riley, of the United States Army, who had been appointed by General Scott as governor of the province. On Governor Riley's proclamation alone the people of California met in convention and framed a constitution, and was immediately admitted by Congress as a State of this Union. The power of a people to meet and organize and frame constitutions is inherent.

Turn now to the Declaration of Independence. It declares that—

Whenever any form of government becomes destructive of the ends of government, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. * * * We hold these truths to be self-evident.

Jameson on Constitutional Conventions, page 236, in summing up the principles or rule of action of a large number of State conventions, says:

What they do declare is in effect this: the people cannot bind themselves or be bound irrevocably to continue a form of government when it has ceased to answer the ends of its establishment. They may change it or set it aside in any way whatever that circumstances may make necessary.

Applying this principle to American States under the Federal Constitution, there is no restriction whatever upon them except to be republican in form and in harmony with the General Government. This great right is the key-stone of the arch of civil liberty which so gracefully spans the American Union. This is the distinguishing feature of American States. The only restriction upon this power as a State in the Union is, that her government shall be republican in form. To her own people belongs the exclusive control of her own internal and domestic affairs. All attempts to impose restrictions upon her internal polity were held by the men who sat in the convention with Washington who made the Federal Constitution as an unwarrantable interference and dangerous to liberty. Pausing here amid the sacred memories of that most interesting era in our country's annals, with the venerable forms of the Father of his Country, and Hancock, and Adams, and Jefferson, and Madison, and other revolutionary names—

Departed spirits of the mighty dead—

rising up before me in defense of this noble truth, I look around at the sad mockery of freedom in several States of this Union and ask, are we the political lineal descendants of those patriots who consecrated their lives, their all, to this great birthright of American States—the right under the Federal Constitution to govern themselves? This is all Arkansas asks. Will Vermont and Massachusetts submit to less? If not, why then deny the boon to Arkansas? But so far as Arkansas is concerned her people acted under an enabling act of the Legislature, elected her delegates upon the broadest and most liberal basis, inviting all men twenty-one years and over, without distinction of color or previous condition, to come forward and vote. Nearly all did so. The constitution is unobjectionable; it is republican in form. The people have, as before stated, ratified it by large and overwhelming majorities, and the whole body of the people are satisfied. It is their own work, and all they ask is to be let alone. The Federal officers within her borders who are in the legitimate discharge of their constitutional duties are welcomed, encouraged, and sustained by the people and the State government; the authority of the United States Government in its rightful sphere is respected and obeyed. What more is demanded? Must the will of the people of Arkansas be set aside that a few malcontents and political adventurers shall be hoisted into office in the teeth of almost the entire people?

Shall laws, constitutions, precedents, and living principles all be set at naught, and a whole State remanded to slavery, thus sapping the very vitals of her prosperity, that a few men shall gloat in malignant triumph over those people whom they have solemnly and deliberately and almost unanimously repudiated? Shall the American Congress forget that all free governments are based upon the consent of the governed; or shall the sovereign voice of the people be hushed and the men whom she has chosen to rule her destiny and administer her law give place to self-appointed rulers? If these imbroglions in the Southern States continue much longer, we shall be in danger of lapsing into the anarchy and factions which now distract some of the

South American states, and some of the states of our unhappy neighbor, Mexico.

There is one remedy; that is, let the patriotic intelligence of the people govern; remove Federal bayonets, and let the State governments stand alone. Do this, and peace will reign throughout the South, life and property will be protected, the laws will be faithfully executed, and the people will once more move forward in the great race of life, happy, contented, prosperous, and free. Do this, and the clouds which have so long lowered over and darkened the once serene light of those bright southern skies will at last drift away and vanish from view as the shadows of night disappear at the rosy dawn of day.

But let Congress lend a willing ear to the seductive whispers of the petty few whose unholy ambition and inordinate avarice prompt them to adopt the dangerous motto of rule or ruin, and a precedent for congressional interference is set which overturns the whole theory of republican or representative government, and will finally end either in anarchy or in a grand centralized despotism, ruled by a few oligarchists for a time, but who would eventually be dispersed, and some Cromwell assume control. The rights of Arkansas are the same as those of any other State in this Union. Her cause is their cause, and you can no sooner separate them without fatal consequences than you can sever the arteries which give life to the limbs and body without death to the man.

Under this threatening attitude of the Federal Government, with the sword of Damocles suspended over the heads of the people, the South feels repressed; her energies are relaxed; she "shows a body rather than a life." This constant Federal interference will not only sow the seeds of political death, but material death will follow it. Those fertile fields whereon nature has lavished her most bounteous gifts, once the seats of grace, elegance, and opulence, are fast retrograding to their native jungles and wildwood. And the large volume of national wealth annually drawn from her generous bosom and placed on the world's ledger to the credit side of our country will under such treatment diminish to nothing. Already the Western States have lost their most profitable customer, and their products rot in their fields.

The people North, South, East, and West have proclaimed that the heel of arbitrary power must be removed, and the people of each State under the Constitution of the United States be allowed to control their own local affairs.

I do not believe that there is any disposition in any of the eleven States of the South recently at war with the Government to repudiate or disregard either of the three last articles of amendment to the Constitution. The people universally accept them, and regard them as binding and valid parts of that instrument. Nor do I believe that the people in any of those States cherish the least or faintest desire to renew the late fratricidal contest, now or hereafter. Nor do I believe that they cherish any unkind sentiments, except in individual cases where the rules of war were violated and personal injury was done through avarice or brutality. Nor do I believe that those people desire to deny to the black man a single political or civil right he has acquired by the recent legislation of Congress as the result of the war. What, then, is the cause of this renewed and systematic effort to influence the northern mind against the southern people? There is but one answer to it. It is to keep the republican party in power. States must be dismantled, governments of consent must be substituted for governments of force; the industrial energies of the people in those States must be strained to the point of relaxation when idleness ensues and poverty and want closely follow; the commercial interests of the whole country must receive a shock, and the trade of the Northern, Eastern, and Western States more or less diminished by demoralizing the labor and destroying the purchasing capacity of the southern people, thus paralyzing the whole business interests of the whole country—all to keep the republican party in power. What a sacrifice!

What is the crime of the South that she is not forgiven? It is not that she embraced the heresy of secession, for see the early and violent advocates of secession now among the honored leaders of the republican party. It is not that she tendered or accepted the gage of battle and appealed to the God of victories, for see General Longstreet and others occupying high and profitable seats in the synagogue. What, then, is her unpardonable sin? It is that a very large proportion of her people, having been brought up in the schools of representative government, and seeing that the republican party has no idea of constitutional liberty or of a sound and healthy economy in the administration of the affairs of the Government, but is given over to the expediences of the hour, without conviction or principle, have resolved to stand by their northern democratic and liberal friends in their party affiliations. They believe that the ark of the covenant of freedom is either with that party or it is lost upon this continent. The republican party has tried every avenue of empiricism which has opened to its imagination, never failing with each successive change or shifting scene to invent some new harassment for our people. How, then, could we love the republican party? Our loyalty to the Government is still distrusted, indeed impeached, but the mistake made is, that the South is only disloyal to the republican party and not to the Government. The recent elections point to the fact that a very large majority of the American people are able to appreciate the difference. The southern people are simply thankful

that they can discern through these elections the approaching rainbow of peace.

Even Europe is startled by the arrest of Count Von Arnim upon Bismarck's demand; and why should the people of the United States not take alarm at the proclamations of the President commanding the people of Louisiana and Mississippi to submit quietly to the dictation of the usurpers of their liberties. But the country receives with greater alarm the brief, terse, ominous, and soldier-like message of the President on the 8th of this month, addressed to the United States Senate. Having by some incomprehensible mode changed his mind upon the subject of the gubernatorial election in 1872 in Arkansas, he now holds that Brooks was elected, while within less than a twelve-month he ejected Brooks from the executive office at the point of the bayonet as a usurping pretender, and recognized Governor Baxter as the governor of that State. The President assumes this most extraordinary position in the face of a report of the House committee, composed of able jurists, at the head of whom stands the distinguished member from Vermont.

The report says:

The new constitution we regard as republican in form and in many respects an improvement on that of 1868. The committee are satisfied that the convention to frame the constitution and the constitution itself were voted for and are satisfactory to a majority of the voters and people in the State. The State officers were certainly elected by a majority of the votes cast, and we think by a majority of the votes in the State.

And yet the President demands that Congress shall take action when there is really nothing to act on, as suggested by the committee. I confess that the country will feel quite as much surprised at the novelty as it will be shocked by the extreme and dangerous assumptions of the message.

Does President Grant intend to imply that any of the reconstructed States are under any obligation or disability not common to any other State? The adoption of the thirteenth, fourteenth, and fifteenth amendments by those States discharged every obligation, real or implied, of admission. Not one of those States propose in the slightest degree to abolish or evade those amendments. Is the doctrine intended to be asserted, that Congress or the Executive have peculiar privileges in interfering with the domestic polity of those States and to prevent at pleasure any changes in their organic law, provided always, that the form of government is republican and the relations of such States with the Federal Government are undisturbed? If the deductions of this message are correct, then indeed are the reconstructed States no longer equal with the other States of the Union, but are in name, as well as in fact, mere colonial dependencies of the Federal Government.

Arkansas was never more quiet than she is at this time; never was the majesty of the law more respected by her people than now. Her form of government is republican; her laws are executed by an able, discreet, just, prudent, conservative, and patriotic governor, who will be prompt to punish crime by whomsoever committed, and who will mete out equal and exact justice to all men with faithful impartiality and rigid inflexibility. From a long and intimate personal acquaintance with Governor Garland I may be allowed to say for him that he would scorn himself if he believed himself capable of oppressing the humblest citizen or withholding from the weakest the amplest protection, regardless of race or color.

Well may patriots everywhere all over this Union espouse the cause of those down-trodden States as their own if we would avoid the centralism in which it all ends. The Southern States must stand upon the great American idea of local self-government under the American Constitution or they must be ruled by the sword. Is it not better that the South be governed by her own people than that the peace of the whole country be constantly disturbed, our business interests deranged, and a heavy, increasing burden of taxation annually piled up upon the whole people of the Union for the support of the Army that will be necessary to enforce obedience to rulers not of her own choosing and to maintain State governments that rob and plunder instead of protect and foster their interests?

If freedom in the Southern States be smothered by military power, then the flame that now lights the altars of the Northern States must likewise ere long be quenched; for these American States cannot exist part slave and part free. Republicans have almost oracular authority for this. They must all be free or the yoke must all be under the yoke of the tyrant. I desire to be understood as discussing a fact or principle, and as being wholly impersonal in any application. I only design showing that the United States General Government cannot afford to treat the Southern States as conquered provinces without endangering, nay losing, every characteristic of free government. Local self-government is the great central idea of liberty in the American States. We cannot afford to follow the example of conquering nations. They were not free governments like ours. Viewed from the stand-point of material prosperity, it is equally fatal. Once the Southern States were supplied in a great measure by the grain and provisions and handicraft of the North; now, under the reign of misrule, their prosperity and wealth are gone, and the wave of poverty which has rolled over the South and left it in many places a desolation is now turning back and has already reached the poor of the Northern States, and the wail of distress now fills the air.

That the republican party should expect to preserve order in the Southern States, or indeed in any of the States, by substituting military for civil home rule is to me most incomprehensible. If so, away with liberty and the whole theory of representative government in America. Vanish the delusion! The people of New England, of the teeming North, and the great West are not willing to be taxed to support an army for the purpose of governing and ruling any of the States of this Union, southern though they be, if you please, at the cost of many millions annually. For a decade there has not been a hostile arm in the South raised against the authority of the Union. If the American flag were to-day insulted, there would as great a number of men from the South rush to its defense and to avenge its wounded honor as from any other section of our common country. In no State in this Union is the authority of the United States Government more respected or promptly obeyed than in the South. In Arkansas a single military company was sufficient to keep the peace between the armed forces of Baxter and Brooks. In Louisiana a telegram from the President restores a fleeing usurper, and the man chosen by the people lays down the ensign of power. In Mississippi a word from Washington restores to power officers illegally installed into office.

For ten long, dreary, and harassing years this vicious policy has been perpetrated upon the southern people. The party in power seems to have desired to make the South what India is to England or Poland is to Russia. The grossest fabrications of the animus of the southern people toward the Federal Government and toward the people of the Northern States have been gratuitously circulated, falsely representing the facts. They have been accused of hatred to the negro and of doing him systematic wrong and injustice, which is likewise untrue. That difficulties arise and men, white and black, are sometimes killed is of course true. These broils generally take place just upon the eve of the congressional elections, at a time when the southern people are most anxious for peace, knowing the effect it has upon the popular mind in the North. Why, then, do they occur just before the elections? There is but one reasonable answer. It is that malicious persons who are anxious for this influence in the northern elections foment these disturbances. There can be no other solution to it. May we not hope for peace in the future?

After the recent election I feel sure that the masses of the people, white and black, in the South (I at least speak for my own district) indulged the fond hope that every irritating cause would be removed on account of race and color. But the echoes of the political thunder of last November that shook the continent had not died away until in this Federal Capitol a fragment of a party met in caucus and in effect resolved that they would revamp the outrage cry and endeavor once more to regain lost power by the most wholesale detraction of the southern people. For myself I here assert, without intending to violate any of the parliamentary rules or courtesies of this House, that not one word or idea published in that manifesto of wrongs or dangers to southern republicans, white or black, in the district I have the honor to represent, is true either in letter or spirit. Mr. Speaker, this country needs peace, and the people intend to have it. The people will rule this country, in spite of Presidents or parties, and the sooner we all recognize their voice and heed their commands the better for all sides.

What greater submission or further humiliation does the enlightened and just public sentiment of the Northern States demand of the southern people? Their burdens are intolerable. Yet wisdom suggests patience upon their part. The American people are now sitting in grand inquest upon this vital question. The issue is presented and must be met squarely; there is no escape. This is either a government of laws and constitutions or it is a despotism under the rule of one man backed by a party which recognizes no law but that of success.

Let the entire democracy throughout the land send greeting to their stricken sisters of the South brave words of cheer and hope. The dawn that shall dispel the long night cannot be far ahead. The remedy is peace. "Learn to labor and to wait."

The voice of liberty bids the southern people to bear and endure whatever oppressions fate may yet have in store for them. The peace and welfare of the whole Union depend upon the patient submission and sublime endurance of the South. They must learn to endure the evils of civil-rights laws, bayonet election laws, Federal interference, and inquisition, all for the sake of peace and a deliverance from these intolerable burdens in the early future. These things must have an end.

Time and the hour run through the roughest day.

Governments are instituted among men for purposes of protection, and not for destruction. That government is fortunate which is always able by wise, just, and equal laws to command at all times the affections of the people. But the policy of the republican party seems to have been the reverse. Its mission seems, if it is to be interpreted by its acts, to foment discord and irritation among the people, so that other and additional burdens may be heaped upon them to incite them to violence. It has systematically engendered sectional animosities and race antagonisms as distracting elements among the people for the purpose of producing results by which they may continue in power. But, thanks to the patient, law-abiding, and conservative sentiments of the masses of the people, these indignities and injustices are borne almost in silence; and the people, by their manly fortitude and brave acquiescence in the demands of arbi-

trary power and military force, have rebuked the fell spirit that has caused throughout the Southern States

Peace to arise out of universal discord.

The opulent East, the powerful North, and the great West cannot safely consent to the permanent enslavement of the down-trodden South. I believe that the chains of Federal power which now fetter her limbs will soon fall in pieces, and that those States which now stand bowed as conquered provinces will, under the lead of the national democracy, aided by the patriotic of all parties at the grand assize of 1876, once more assume their places in the roll of American States, beneath one flag, one country, and under a written Constitution.

POST-OFFICE APPROPRIATION.

[Mr. VANCE addressed the House. His remarks will appear in the Appendix.]

•LOUISIANA.

[Mr. MILLIKEN addressed the House in regard to the condition of affairs in Louisiana. His remarks will appear in the Appendix.]

CONDITION OF THE SOUTH.

Mr. CAIN. Mr. Speaker, I presume that every man sent to the Congress of the United States, from whatever State or community, ought to have some views upon the great questions that are now agitating the nation. I confess I have mine, however humble they may be, and I wish to express those views in regard to the affairs of this Government. I had, however, marked out for myself a different line of argument from that to which other gentlemen have addressed themselves. But so much has been said on the other side against the policy of the Government, so much against the usurpation of the Executive of the United States, that I am constrained to say, altering somewhat the language of the song:

Woodman, spare the tree,
Touch not a single bough;
In slavery it protected me,
And I'll defend it now.

Sir, it is strange that gentlemen cannot see the true idea of freedom and liberty. I do not know whether they are most blinded by their passions or their prejudices. I regret, however, that on these occasions my friend from North Carolina [Mr. ROBBINS] and myself so often come in contact. I will, however, pass by his remarks without any special answer, because his frank expressions of good-will certainly should extort from me a recognition. Therefore I will say, so far as his remarks apply to the State of South Carolina and to myself, that we are in peace and good-will down there. The only class of persons who are not in peace are those who are dissatisfied with the Government. Perfect peace reigns in South Carolina outside of Edgefield County. When gentlemen speak of the ill-feeling existing in the South between the two classes, I wish to say that I do not know any State in this Union where there exists a better feeling between the two classes than in the State of South Carolina. So far as regards our government, I think it is shown by our last elections, by the inaugural address, and the messages of our governor, as well as the other reports upon the condition of affairs there, that to-day South Carolina stands as fair as any State in the South reconstructed under the laws of Congress. While it is true that much has been done which we ourselves have regretted, I do not think this is so much our fault as the fault of others.

But I am happy to say that a great change has come over us; that within eight years we have learned something; and our democratic friends in South Carolina have learned something also. They have learned that, being in a minority, it is a good thing to accept the situation and to recognize the fact that there is a majority on the other side. This having been done, we have shaken hands to a certain extent, and have inaugurated a new era of affairs. A large number of the best citizens of South Carolina are now members of the "negro Legislature" (as it is called) of that State. Things are now going on harmoniously. Hence I do not think there is much complaint to be made in regard to the condition of our State.

But, Mr. Speaker, there is another consideration to which I wish to refer. I regard it as the duty of the nation to look after the education and development of the masses of the people who have been thrown upon their own resources by the great change that has taken place in the country. No gentleman on this floor fails to recognize the fact that the more intelligent any class of people are the more easily they are governed. Hence I desire to-night to express my thoughts on the importance of education in this country.

I regard it as essential to the welfare of the nation that there shall be inaugurated a system of education which shall meet the needs of the vast number of illiterate in this land. Sir, there is more danger to this country from illiteracy than there is from the five million negroes who have been made free. Possibly the prejudices existing in the South are the result of the vast mass of ignorance prevailing not only among the blacks but among the whites as well. Ignorance and superstition are the parents of almost all the evils which nations suffer. Hence I desire to dwell upon this subject of education.

Now, suppose that our friends and our opponents as well—those who deprecate our emancipation, those who discard the measures of reconstruction as applied to the colored race—should throw aside their prejudices and say that with heart and hand and purse they would strive to educate this great mass of ignorant people, to lift them up

by every means of development, to open the school-house and the academy, to establish and maintain all the means of educational development; would there not be a great change in the South and in the country generally?

The complaint of many southern white people and of some gentlemen on this floor is our ignorance.

I will not tarry, Mr. Speaker, to say anything that might offend gentlemen on the other side. I will not answer the remark of the gentleman from North Carolina [Mr. ROBBINS] that when the war closed there was not another four million of people so well educated as we were. I answered that last winter, and I now pass it by. It is a sorry picture, however; a sad commentary on the system of education which obtained before the war. Why, in the name of Heaven, if you gave us such a good system of education before the war, if you gave us such high development of moral worth, as the gentleman has said, do you now find fault with us for seeking still greater development? Your instructions have not done us any harm, but then why not continue them? If we were so well qualified under the system the gentleman speaks of, why complain now? We have only accepted what you gave us, and if there is any fault in our education it lies at your door. Shake not thy gory locks at us; thou canst not say we did it. Our debasement, whatever it is, and all the evils which the negro suffers from throughout the land to-day lie at the doors of those who held us in bondage and withheld us from the enjoyment of the same rights and privileges which they themselves enjoyed.

But I wish to speak, Mr. Speaker, of another matter, and that is in reference to the agricultural interests of the Southern States. Here we are, and here, as I have said, we are going to stay. Then what is the best policy to adopt in order to make us an integral portion of this Union? It is to seek by every means to lift us up to the level of manhood and womanhood; to develop our intellects, to develop our resources; to bring out of us that which is within us, to enable us to accomplish our destiny in this land and add largely to the welfare of the whole nation.

We are the agriculturists of the South. All the agricultural States of the South are in the hands of the black man. All acknowledge this. Your rice, your cotton, your tobacco, all the agricultural productions of the South, are in the main the fruit of the labor of the colored man. Is it not a fact the more intelligent operators are, the greater is the relative production? In other words, intelligent laborers produce more than those who are not intelligent. This I think is a truth which everybody will admit. Take the northern mechanics, the northern farmers, the northern machinists; they have had vast development. They have been wonderfully developed in science and art; and what has been the result in the North? The adoption of these measures in the North have developed the people and have lifted them up to a higher standard of science and art. Apply the same standard to the negroes of the South, and in less than ten years you will have no reason to complain of their ignorance or of anarchy, but on the contrary you will be proud of the black man as a citizen of the United States of America.

No, sir, the system of slavery was antagonistic to this grand idea of legislation and the development of man. The more besotted, the more bestial the slave was the better he was controlled, and *vice versa*; the more enlightened the slave, the less he was under control in slavery. It is just so with the white man. My distinguished friend from Kentucky [Mr. MILLIKEN] said that human nature was the same all over the world. That is true; and black human nature is the same the world over under the same circumstances. Why, five hundred years ago the Norman made the Saxon his slave, and the latter around his neck wore his master's collar with his master's name inscribed upon it. But what is the proud Saxon to-day? What has the Saxon done in that time? The distinguished statesman, Mr. Pitt, on one occasion made a notable remark in the House of Parliament while discussing the question of the abolition of slavery in the West Indies. His opponent spoke contemptuously of the negro race, and Pitt then said that—

It ill becomes an Englishman to talk of the African as being a slave, for only three hundred years ago your ancestors wore their masters' collars.

But what has the Anglo-Saxon race done since then? Under the circumstances, gentlemen, under the same influences, enjoying the same privileges, possessed of the same rights, elevated by the same means, this country will have no reason to regret the existence of the black men in this country.

I regard it as essential that the black race should be encouraged in their progress. What we ask in the South now, what is our right, is that the white people of the North should encourage us. I have felt that we were between the upper and nether millstones to be ground to powder. It is not an enviable position for any man, white or black, to be in; but, sir, I see a brighter future. As I have said before, I have hopes in the future of this nation. We need the same encouragement the white man needs under the same circumstances. We have human nature, too; we are Americans in feeling and in sentiment.

The colored people accept the proposition of the gentleman from North Carolina. We need peace. We have no ill-will toward you. God knows we have reason enough. We have no disposition other than one of kindness, and we are disposed to accept what you give us. We only ask you to give us a chance in the race of life.

My friend from North Carolina [Mr. ROBBINS] said in the course of

his remarks that he was astonished to find colored men on this floor asking for their liberties now that they have been made free. The only reason is that they do not want down in North Carolina to accept the fact that we are free. We regret that it is necessary for us to come to the Congress of the United States and to ask them to give us protection in our liberties. If the kindly feeling in the South of which we have heard would throw itself around us; if the law of kindness was exercised toward us; if they guaranteed to us the free operation of the reconstruction laws; if they would let us enjoy the privileges guaranteed us by the Constitution of this country, we would have no reason to come to Congress or anywhere else and ask protection from midnight riders who would shoot us down and burn our cabins. No; we would have no reason for that.

There are two classes of whites in the South, and I make a discrimination between them; for I want to say here that there is a class of white men and women, too, in the South, noble-hearted, generous-hearted people, for whom I have now and always will have the greatest respect. Take the highest classes, the refined classes, and we have no trouble with them. It is the class of men thrown up by the war, that rude class depicted by Helper—you who have read his book know the class of men I mean, the "tar-heels" and the "sand-hillers," and the "dirt eaters" of the South—it is with that class we have all our trouble, and it is from them we have to get protection. It is that class who ride at night, who burn school-houses, who drive us from place to place. It is against that class we have to get some protection.

I regard it, therefore, of importance that we should have a change in the South. I will say in a word that all the South wants is peace and good-will, and no class of people can give us that so readily as the southern people themselves.

I believe that to-day the southern people have in their own hands the key to unlock all the doors through which will come peace to this country; and that is by acknowledging the laws of the country, and obeying the laws of the country, and letting all men enjoy their God-given rights according to the dictates of their consciences and the laws of their country. It is the violation of the laws of the country that makes the trouble in the South. They do not have it in New York or in any of the other States where the people accept and obey the laws. There is no trouble there at all. It is only where men are in defiance of the laws, and where men are determined that all classes of people shall not enjoy their rights—it is there only that we have trouble in the country.

Gentlemen have spoken of Louisiana. Why, sir, just think of it. Since 1866, for political reasons, there have been twenty-one hundred and forty-four murders outright, says General Sheridan, who is good authority; and there have been twenty-one hundred and fifteen people wounded because of their political opinions; making forty-two hundred and fifty-six maimed and murdered on account of their opinions, because they supported the republican party in Louisiana.

The gentleman from North Carolina says they have accepted the situation. Yes, sir, they have done so; they have accepted it in a way of their own. They now propose a change of the constitution of their State, as in the State of Arkansas they have changed theirs, overturning the government, without regard to any principle of honor, and putting in their own men to govern according to their own desires. It is because the revolutionary spirit is abroad that there is trouble in the South.

I say, then, Mr. Speaker, we want a change of policy in the South; and I say it would be for the advantage of the whole country the more readily the southern people accepted this great fact, that the Government must maintain the rights of all classes of its people. The more thoroughly they do this the better it will be for us all. I do not regard this as a fight against the black man especially. I regard it rather as a fight against the genius of our institutions. I regard it as a fight against the reconstruction acts of Congress. I regard it as a fight against the republican party, simply because the republican party has guaranteed to these people their rights and privileges. The fight is waged against principles and against the party now in power. But the South needs something else. It wants peace. It wants good-will. The great need of the South is good-will among its people, all classes of them. The rights and the value of the working classes must be recognized. Why, sir, every raid in the South drives away commerce. Every outrage down there keeps away capital from the South.

Give the South peace. I wonder the southern people cannot see that it is for their own advantage to give them peace, and it will give to their country and to those citizens all the means of development, all the means of advancement, all the great measures for the advancement of agriculture, all the great measures for the refinement of manufactures, and then the country will be blessed and benefited by this change. Without it we cannot have prosperity. Every outrage, every commotion, takes us further away from development and from the measures for our prosperity which rightfully belong to us.

Why, sir, the Southern States, as has been asserted here very truly, possess a climate unsurpassed and resources not yet developed; with broad rivers sweeping down from the mountains to the sea-board; with its vast savannas all pouring into the breast of the ocean; its resources, which with God's blessing might be used to make that country blossom like the rose. Instead of shipping our produce to

New England, we might have factories established where we could put our raw material and have it manufactured there into goods which we could ship ourselves to other portions of the country. To accomplish this we must have capital and labor. But so long as this constant howl is kept up capital will not come to the South, and the southern people will never have an opportunity to develop their resources and to send forth their commerce to whiten the sea.

This is the trouble with the Southern States. It is that the spirit of rebellion still reigns there, and as long as that spirit reigns the Southern States will never be enabled to establish their commerce, to advance in commercial prosperity, or to develop that commerce which is their due. We have iron ore, we have coal-beds in our Southern States; we have a vast system of mines which need development. What the South needs is peace and good-will only. We need some system adopted in the Southern States to bring about these results, and until we attain that we cannot be prosperous, because capital and labor will not come and northern men will not come within our borders. Capital has no partialities; and where there is peace then assistance in the shape of capital and labor will come from other States, because it keeps away from those States those men that would give her success and prosperity.

Sir, the South must have a change in its sentiments as relates to this race with a view to its future prosperity; a rigid and earnest effort by all classes of its population, as far as possible with any people, to re-establish peace and thus lay the foundations for a new civilization among that class against whom this prejudice exists, and on the part of all classes of men there. The future prosperity, therefore, of this nation would be advanced by the education and development of this race.

Sir, I have no feeling of unkindness to any class of men in this country. I look at this subject, I trust, from a higher stand-point than mere prejudice of race. I have learned to sink out of sight a race prejudice and to look higher. Sir, the highest conception of the great duties of the national character and statesmanship recognize the importance of the unification of these races and classes of people, and the opening of the doors to them for national progress and development. I regard the future of our State and country as important to us, as I said before, as an integral part of the nation.

Sir, I feel a pride that in the Halls of the National Legislature of the nation I may present my views as a Representative from one of the States, in part, and of five millions of the people of this country. It is an honor to my conscience to vindicate the rights of the whole people of the country. In the language of the lamented and martyred Lincoln, "with malice toward none and charity toward all," we are ready to bury forever out of sight all the asperity and ill-feeling which have resulted from the recent contest.

Mr. Speaker, I will conclude with this thought: We are bound up together in this country—the two races—no legerdemain can separate us. I do not care what efforts may be made, we are going to stick right here. Here we began the work, and here we are going to stay and finish it. I rejoice to-day in this fact, that our democratic friends cannot succeed without us in the South or our republican friends either, because we are a part of this nation and you cannot get rid of us. The same principle that gives the democrat his liberty gives the black man his liberty also; the same principle that guarantees the republican in his liberties guarantees the black man also in his rights because he is a man. You cannot rub out our manhood by any constitutional enactment or legislation or by any edict of the governor of a State. We will be men still.

I want to say in closing that whatever the heated imagination of men may invent, in whatever movements you may make for the improvement and development of this country, the colored race must move with you step by step. If your commerce, bearing the products of your industry, whiten the ocean, we shall have our share in those products. If it be decreed that while the Stars and Stripes wave an American citizen shall be protected on every soil, we shall claim the same protection as you do. We are American citizens, with all the rights and privileges of American citizens, and hence our destiny will be linked with yours in the future.

I hope that the time is not distant when our friends upon the other side will see as we see; when our friends upon this side will see as we see; when liberty in its true sense will prevail in this country; when equal and exact justice shall be meted out to all; when the American people shall have forgotten their prejudices; when the lapse of ages shall have washed out forever the virus of slavery from our hearts; when the genius of liberty with all its glowing beauty shall extend its sway over all this nation; when there shall be no white, no black, no East, no West, no North, no South, but one common brotherhood and one united people, going forward forever in the progress of nations.

EQUESTRIAN STATUE OF GENERAL ZACHARY TAYLOR.

[Mr. MCCORMICK addressed the House in advocacy of the bill recently introduced by him to provide for the erection in the city of Washington of an equestrian statue of General Zachary Taylor, twelfth President of the United States. His remarks will appear in the Appendix.]

Mr. CLARK, of New Jersey. I move that the House now adjourn. The motion was agreed to; and accordingly (at ten o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule and referred as stated:

By Mr. AVERILL: The petition of Virginia Brady, guardian of Eveline and Mabel Berry, heirs of Walter J. Berry, deceased, for relief, to the Committee on Claims.

By Mr. COBURN: Papers relating to the claim of Philip J. Buckley, for occupation of land and supplies furnished the military forces of the United States, to the Committee on Military Affairs.

By Mr. DONNAN: A paper for the establishment of a post-route in the State of Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. FARWELL: The petition of citizens of De Pere, Wisconsin, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. GARFIELD: The petition of the Woman's National Temperance Union, of Austinburg, Ohio, for legislation to restrict the sale of intoxicating liquors, to the Committee on the Judiciary.

By Mr. HARMER: The petition of Ellen E. Fowkes, of the District of Columbia, for relief, to the Committee on the District of Columbia.

By Mr. HARRISON: The petition of William G. Ford, administrator of the estate of John G. Robinson, deceased, for permission to institute proceedings in the Court of Claims, to the Committee on Claims.

By Mr. LOWNDES: The petition of E. H. Wardwell, to be compensated for services as captain and assistant quartermaster, to the Committee on Military Affairs.

By Mr. MCCRARY: The petition of William McGarrahan, for an appropriation to carry into effect House resolution of January 26, 1875, in relation to the Rancho Panoche Grande, to the Committee on the Judiciary.

By Mr. NIBLACK: The petition of citizens of Evansville, Indiana, for an appropriation to improve the navigation of the Ohio River, to the Committee on Commerce.

By Mr. PACKARD: The petition of Lorenzo D. Bartholomew, for a pension, to the Committee on Invalid Pensions.

By Mr. PHILLIPS: Resolutions of the Legislature of Kansas, relative to Louisiana affairs, to the select committee on that portion of the President's message relating to the condition of the South.

By Mr. RICHMOND: The petition of citizens of Mercer County, Pennsylvania, for aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. ROBBINS: Resolutions of the General Assembly of North Carolina, asking an appropriation for building a post-office, custom-house, and United States court-house at New Berne, North Carolina, to the Committee on Appropriations.

By Mr. SMITH, of Pennsylvania: The petition of citizens of Lancaster County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SMITH, of Virginia: Resolution of the General Assembly of Virginia, in favor of the repeal of that clause of the national banking law which imposes a tax of 10 per cent. on any circulating medium not authorized by Congress, to the Committee on Banking and Currency.

By Mr. STANARD: The remonstrance of workmen of Saint Louis, Missouri, against the restoration of duties on tea and coffee or any revival of internal taxes, to the Committee on Ways and Means.

By Mr. WHITELEY: Papers relating to providing an additional district judge, attorney, and marshal for the State of Georgia, to the Committee on the Judiciary.

IN SENATE.

THURSDAY, February 11, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ROBERT TANSILL.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for the return of the bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia, that an omission in the engrossment might be supplied.

The request was ordered to be complied with by the Secretary returning the bill.

SENATOR FROM LOUISIANA.

Mr. HAMILTON, of Maryland. As a member of the Committee on Privileges and Elections, I beg leave to submit the views of the Senator from Delaware [Mr. SAULSBURY] and myself in regard to the admission of Pinchback as Senator from Louisiana.

The views were received and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HAMLIN. I present the petition of Everett Staples and other persons, owners of the bark Alina, of Searsport, Maine, a vessel which

was destroyed by the Shenandoah on the 29th of October, 1864, and for which they pray compensation. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMLIN. I have also a petition signed by Josiah Wardwell, who represents that a minor son of his enlisted in the Navy against his consent and against his efforts to obtain his release; that he died in the service, in consequence of which he was deprived of his services. He therefore asks that Congress remunerate him for the loss he sustained. I move the reference of this petition to the Committee on Claims.

The motion was agreed to.

Mr. HAMLIN presented a memorial of James S. Collins, of Hancock County, Maine, praying to be allowed a pension for services rendered to the United States in the war of 1812; which was referred to the Committee on Pensions.

Mr. BOUTWELL presented a petition of Richard Hurd and many other citizens of Essex County, Massachusetts, praying for the equalization of soldiers' bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Charles J. Brockway, of Newburyport, Massachusetts, praying indemnification for spoiliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. SCOTT. I present the petition of a large number of importers and dealers in tea and coffee in the city of Philadelphia. They claim that the agitation of the question of the restoration of the duties on tea and coffee is very seriously interfering with the legitimate and natural trade of the country, and pray that the subject may be indefinitely postponed in Congress. They further state that the reimposition of these duties would benefit no home industry, but simply aid the speculators who have lately endeavored to control the market and who now so urgently advocate the measure from self-interest and to save the heavy losses they must otherwise inevitably suffer. I move that this memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. SCOTT presented memorials of citizens of Pittsburgh, Pennsylvania, of Walker township, Huntingdon County, Pennsylvania, of Ebensburg, Pennsylvania, and of Armstrong County, Pennsylvania, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which were referred to the Committee on Finance.

Mr. SHERMAN presented two memorials of citizens of Ohio, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which were referred to the Committee on Finance.

He also presented the petition of Leonard Zent, late of Company K, One hundred and twenty-third Regiment of Ohio Volunteers, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. DENNIS presented the memorial of Benjamin P. Simcoe, Samuel Sturgeon, William H. Simcoe, and 88 others, of Northeast, Maryland, remonstrating against the restoration of the duties on tea and coffee; which was referred to the Committee on Finance.

Mr. CLAYTON presented the petition of P. P. Pitchlynn, delegate of the Choctaw Indians, together with a memorial of the council of said Indians, asking payment of the award made to the Choctaw Nation March 9, 1859; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. WRIGHT. I present the remonstrance of Mark Dodge and many other citizens of Clay County, Iowa, against the restoration of the duties on tea and coffee or any revival of internal taxes, because, as they allege, such action would make living more expensive and involve the country in distress; and they pray also for the repeal of the 10 per cent. reduction of duties upon foreign goods made by the act of 1872, which they allege has been alike injurious to the people and the public Treasury. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. ALCORN presented the petition of Walter S. Campbell, of Pike County, Mississippi, praying payment of certain rents and costs of repairs on his property in New Orleans occupied by the Government during the war, or that his claim for the same be referred to the Court of Claims; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 459) authorizing the President of the United States to purchase a site for a coaling station, navy depot, and other governmental uses at Foot Point, Port Royal, Beaufort County, South Carolina, and making an appropriation for said purchase, reported adversely thereon; and it was postponed indefinitely.

Mr. CHANDLER. I am directed by the Committee on Commerce, to whom was referred a resolution of the Legislature of Oregon, asking that the taking of salmon in the Columbia River in traps, nets, seines, and other contrivances, with meshes less than four inches, be

prohibited, to submit a report thereon, prepared by Professor Baird; which I move be printed, and the committee discharged from the further consideration of the subject.

The motion was agreed to.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3706) granting a pension to Margaret H. Pittenger, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1060) granting a pension to Margaret E. Johnson, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was recommitted the bill (H. R. No. 3687) granting a pension to Victoria L. Brewster, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2119) for the relief of Elizabeth McCluney, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (S. No. 1073) for the relief of John M. Dorsey and William Sheppard, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on Pensions, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

The petition of William Koyal, an invalid pensioner, praying to be rated in the second class;

The petition of A. T. McReynolds, of Michigan, praying to be paid a pension heretofore granted him for services during the Mexican war for the time which he served in the late war, and of which he was deprived by reason of his appointment as a colonel of United States cavalry volunteers;

The petition of Henry Cramp and William Williamston, praying to be allowed a pension for services rendered the United States in the Yellowstone expedition in 1824 and 1825;

The petition of sundry citizens of Erie County, Pennsylvania, praying for the passage of the House bill giving pensions to all the soldiers of the war of 1812; and

The petition of Joseph H. Kavanagh, an invalid pensioner, praying to be rated in the second class.

Mr. PRATT. I am also instructed by the Committee on Pensions, to whom was referred the petition of James Calloway, a citizen of Sullivan County, Indiana, praying to be allowed a pension on account of services rendered the Government in the Indian war of 1811, to ask to be discharged from the further consideration of the petition, on the ground that they have incorporated in the bill reported a few days ago a provision for all the surviving soldiers of the Indian war of 1811 and the war with England of 1812, and the widows of such as died or were married previous to the conclusion of the treaty of peace with Great Britain.

The committee was discharged from the further consideration of the petition.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1116) for the relief of John S. Friend, reported adversely thereon; and it was postponed indefinitely.

Mr. BOGY. I move that in this case permission be given to withdraw the papers on file, so that they may go to the committee of the House.

The motion was agreed to.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 78) granting a pension to Salem P. Rose, of North Adams, Massachusetts, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 60) granting a pension to Josiah Brinard, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. OGLESBY, from the Committee on Pensions, to whom was recommended the bill (H. R. No. 1644) granting a pension to Hannah E. Currie, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the bill (S. No. 831) for the relief of D. R. Haggard, of Kentucky, reported it with an amendment.

BILLS INTRODUCED.

Mr. MCCREERY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1286) authorizing the Secretary of War to detail a medical officer of the Army to investigate and report upon the existence and spread of cholera in Mexico and near the frontier of Texas; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. CRAGIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1287) relative to Benjamin F. Garvin and Henry H. Stewart, chief engineers in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FENTON asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 1288) for the relief of John Charles Beales and Anita Eseter, citizens of the United States, and residents of the city of New York; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1289) to amend chapter 7 of the Revised Statutes of the United States concerning actions and suits of foreclosure of mortgages in certain cases; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. FRELINGHUYSEN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1290) to encourage and promote telegraphic communication between America and Asia; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

INTERNATIONAL PENITENTIARY CONGRESS AT ROME.

Mr. CAMERON. I ask the Senate to take up for consideration the House joint resolution authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome, which was called up a few days ago and objected to by the Senator from California, [Mr. SARGENT.] He authorizes me to say that he withdraws the objection; and therefore I move that the joint resolution be taken up now.

Mr. BOREMAN. The Committee on Territories, I believe, are entitled to an hour this morning after the morning business is through.

Mr. CAMERON. This will take but a moment.

Mr. BOREMAN. If this matter provokes no discussion and occupies no time, I shall not object to its consideration. It is not morning business, however.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

ARKANSAS BOUNDARY LINE.

Mr. CLAYTON. I ask the Senate to take up the bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country. The Senator from California who objected to it the other day [Mr. SARGENT] has now examined the matter and has no further objection to the bill. I think it will lead to no discussion.

Mr. SPRAGUE. I understand that the Senator from Arkansas states that the Government will not be called upon to refund money for patents issued covering disputed ground in the Indian Territory. In other words, the Government has issued patents on the original line which has been changed by the subsequent survey. Now—

The VICE-PRESIDENT. The Chair will suggest to the Senator that the question now is on the motion to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country.

Mr. SPRAGUE. The question I ask is whether there is any appropriation to the present holders of patents involved in this bill?

Mr. CLAYTON. Not at all.

Mr. SPRAGUE. I remember the question was before the Committee on Public Lands and that point was involved. There seemed to be a call for money from the Treasury to refund for patents already issued.

Mr. CLAYTON. There is nothing of that kind in this bill. It merely calls for the establishment of the correct line.

Mr. SPRAGUE. No money at all?

Mr. CLAYTON. None whatever.

Mr. INGALLS. This bill was reported from the Committee on Indian Affairs and not from the Committee on Public Lands. I will state to the Senator from Rhode Island that it involves no appropriation whatever; on the contrary it is a bill that, if passed, will relieve the Government from demands that may possibly be made upon it if the lines continue as they are at present.

Mr. SPRAGUE. The question was before the Committee on Public Lands previously, and those considerations weighed with them at that time.

Mr. CLAYTON. It is not the same bill.

Mr. SPRAGUE. Very well.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN TEXAS.

Mr. FLANAGAN. Senate bill No. 736 was passed by the Senate some two or three weeks since and a motion entered for its reconsideration. I ask that that motion be taken up and disposed of.

The VICE-PRESIDENT. The Senator from Texas moves to take up the motion to reconsider the vote by which the Senate passed the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same.

Mr. WRIGHT. I wish to suggest to the Senator from Texas that I believe this motion was made by his colleague. If so, he perhaps has not observed that his colleague is not in his seat.

Mr. FLANAGAN. I did not know that he was absent; but nevertheless there is very little time and I have been waiting two weeks for him to call it up, but he has not done so and I must try to act. It is my duty to do so.

Mr. WRIGHT. I have nothing to say about it except the fact that the Senator's colleague who made the motion is absent.

Mr. MERRIMON. I know that this matter is controverted and I trust it will not be taken up now, especially as the other Senator from Texas is not in his seat. I object to its consideration if it is in order to do so.

Mr. BOREMAN. It being objected to, I suppose it cannot be proceeded with. The Committee on Territories, I believe, are entitled to this morning.

The VICE-PRESIDENT. The Committee on Territories are entitled to what remains of the morning hour.

PEABODY SCHOOL IN SAINT AUGUSTINE, FLORIDA.

Mr. HOWE. Will the Senator indulge me a moment? Yesterday I entered a motion to reconsider the vote by which the Senate passed the bill (S. No. 782) to grant a site for the Peabody school in Saint Augustine, Florida. I would like to have that vote reconsidered this morning and let the bill stand upon the Calendar; I will not ask any further action upon it now.

Mr. SPRAGUE. I object.

Mr. HOWE. Does an objection defeat that motion?

The VICE-PRESIDENT. The Senate has adopted an order giving the portion of the morning hour remaining after the transaction of the morning business to the different committees in their order, and the Committee on Territories is entitled to the remainder of the morning hour to-day, and the Chair understands that objection is made to considering other business. The Senator can move to postpone all prior orders and proceed to the consideration of the motion he has indicated.

Mr. HOWE. That is what I wish to know. I take it, under that interpretation of the rule, the Senator from Rhode Island will withdraw his objection.

Mr. SPRAGUE. No, sir; I adhere to the objection.

Mr. HOWE. Then I move to postpone all prior orders and proceed to the consideration of that motion.

Mr. SPRAGUE. I call for the regular order.

The VICE-PRESIDENT. The question is on the motion to postpone.

Mr. BOREMAN. I do not know whether this motion will lead to any extended discussion or not; but this is the day assigned to the Committee on Territories and there is other business behind, and it seems to me that it is well to proceed according to the order which the Senate has heretofore made. The order is peremptory, unless of course the Senate votes otherwise. If the Senate votes to postpone the order, I shall have to submit; but I inquire of the Chair—

Mr. SPRAGUE. A majority cannot postpone a rule. This rule is already established.

The VICE-PRESIDENT. The Chair will suggest to the Senator from Rhode Island that it is not a rule but an understanding of the Senate, on which the Senate for several days have acted. The question is on the motion of the Senator from Wisconsin to postpone the present and all prior orders, and consider the motion to reconsider Senate bill No. 782.

Mr. INGALLS. Has not the rule granting each committee a portion of the time after the transaction of the morning business been adopted as one of the standing rules of the Senate? The Chair will pardon me; but it appears to me that if that is the case the motion of the Senator from Wisconsin would require an amendment of the rules, which can only be made on one day's notice in writing. Therefore his motion is clearly not in order.

The VICE-PRESIDENT. The Chair is of the opinion that the motion of the Senator from Wisconsin is in order, and that this was an arrangement for the business of the Senate.

Mr. INGALLS. I ask for the reading of the rule.

The VICE-PRESIDENT. The Secretary will read the order referred to.

The Chief Clerk read as follows:

Ordered, That during the remainder of this session, after the call for resolutions shall have passed, business on the Calendar shall, during the morning hour, be called for by committees in the order in which they stand in the list of committees, and so from day to day; but no committee shall have more than one day in succession.

Mr. INGALLS. I now call for the reading of the first paragraph of Rule 53.

The VICE-PRESIDENT. The rule will be read.

The Chief Clerk read as follows:

53. No motion to suspend, modify, or amend the rules, or any thereof, shall be in order, except on one day's notice in writing, specifying the rule to be suspended, modified, or amended, and the purpose thereof. But any rule may be suspended by unanimous consent, except the seventeenth rule, which shall never be suspended.

The VICE-PRESIDENT. The Chair understands that this is an order of the Senate for this session and not a permanent rule of the body, and that the Senate can set it aside by a vote. The Chair may be mistaken, but that is his understanding.

Mr. BOREMAN. I understand, then, that the Chair decides that a majority of the Senate may postpone business, as this is not a standing rule, but a mere order.

Mr. HOWE. I did not mean to occupy one-tenth part of this time. I simply wanted that vote reconsidered and the bill placed on the Calendar; but it is occupying so much time that I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn. The Committee on Territories is entitled to the remainder of the morning hour.

Mr. BOREMAN. I ask that the Committee on Territories may have one hour, which has been accorded, I believe, to the committees generally.

The VICE-PRESIDENT. The Senator from West Virginia moves that the Committee on Territories be allowed one hour from this time.

The motion was agreed to.

REAPPORTIONMENT OF IDAHO TERRITORY.

Mr. BOREMAN. The first bill I ask action upon is the bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory. The action contemplated by this bill has been taken by the Legislative Assembly, and therefore there is no necessity for passing it. I move therefore that the bill be indefinitely postponed.

The motion was agreed to.

SEATTLE AND WALLA WALLA RAILROAD.

Mr. BOREMAN. The next bill is Senate bill No. 591. I ask for action on it.

The bill (S. No. 591) granting the right of way to the Seattle and Walla Walla Railroad and Transportation Company, and for other purposes, was considered as in Committee of the Whole.

The Committee on Territories proposed to strike out all after the enacting clause and insert the following:

That the county commissioners of the counties of King, Yakima, and Walla Walla, and the city council of the cities of Seattle and Walla Walla, in said Territory, be, and they are hereby, authorized and empowered severally to contract with the Seattle and Walla Walla Railroad and Transportation Company, or its assigns, to construct and equip a railroad from the city of Seattle, in King County, to the city of Walla Walla, in Walla Walla County, and to issue the bonds of their said counties and cities respectively in aid thereof, not exceeding in amount the sum of \$250,000 in any one county, and \$100,000 in any one city, and to designate the time and manner of payment of the principal and interest of said bonds.

SEC. 2. That when the county commissioners and city council, or any one of said boards, acting for its own county or city, shall have agreed upon the terms for the construction of the said railroad with the Seattle and Walla Walla Railroad and Transportation Company, or its assigns, each board, acting for its own county or city, shall call a special election at such times as it may designate, by causing three notices of such election, which said notices shall contain the terms of the proposed contract, to be posted for twenty days in each election precinct of said counties and cities, at which the proposed contract shall be submitted to the legal voters of said counties and cities. Such election shall be held at the same places and in the same manner, and the returns thereof made by and filed with the same officers, as is required in case of election for county officers under the laws of said Territory. And if two-thirds of said votes cast at said election shall be in favor of the said contract, and such two-thirds shall be equal in numbers to a majority of the votes cast in said counties or cities at the then next preceding election for Delegate in the Congress of the United States, then the said county commissioners and city council, or any one of said boards, acting for its county or city, shall, complete the said agreement, and issue the bonds provided for by this act as fast as the said railroad is completed, in amounts bearing the same proportion to the whole amount of bonds to be issued in the county that the completed road in said county bears to the entire length of the proposed road in said county, and not otherwise; and which bonds shall bear interest not exceeding 10 per cent. per annum; and the principal thereof shall not exceed 7 per cent. of the value of the taxable property of the county or city issuing the same, as legally assessed for territorial taxation, and not in any event to exceed \$250,000 in any one county, or \$100,000 in either of said cities, notwithstanding the sums may be less than 7 per cent. of such taxable valuation; and any such bonds in excess of 7 per cent. of the territorial taxable valuation of the property of said counties and cities, or in excess of \$250,000 in any one of said counties, and \$100,000 in any one city as aforesaid, in any event, shall be absolutely void, and all persons interested are required to take notice thereof: *Provided*, That the said railroad company, or its assigns, shall execute and deliver to the said counties and cities, or such of them as may aid in construction of said road, a good and sufficient bond, to be approved by the county commissioners and city councils, binding themselves, their successors, and assigns, to operate and maintain the said road for the term of twenty-five years, in an amount equal to the aid furnished said road by said counties and cities respectively.

Mr. SCOTT. Mr. President, that bill, if I have caught its purport aright, proposes to authorize in a special case what I think the Committee on Railroads concluded ought not to be permitted in any case in the Territories. It authorizes, if I have been correct in my apprehension of the bill as the Clerk has been reading it, the county commissioners and the authorities of towns and cities in the Territory of Washington to issue bonds of the counties and of the municipal corporations for the purpose of aiding in the construction of this railroad. That is a principle against which amendments have been introduced in very many of the constitutions of the older States, expressly prohibiting the aid of counties and municipal corporations from being granted in this form for the construction of railroads. Especially is it considered objectionable where a large portion of the community vote against such aid or such subsidy, upon the ground that it is taxing them for improvements against their consent.

I call the attention of the Senate to the bill and to the fact that the same subject was to some extent considered in the Committee on Railroads, and was incorporated in the general bill which passed the Senate during the last session. The principle itself is one upon which there is very considerable difference; and unless there be something in the special circumstances of this case which can be

explained by the chairman of the Committee on Territories to justify it, the bill ought not to be passed without full and ample consideration.

Mr. BOREMAN. Mr. President the matters stated by the Senator from Pennsylvania were all submitted to the Committee on Territories and duly considered. The situation of Washington Territory, and particularly that portion of it which is intended to be penetrated by this railroad, is very peculiar, its necessities are very great, and the committee deemed it proper and advisable to report in favor of the passage of this bill.

The road is to run from Budd's Inlet on Puget Sound, crossing the mountains, over two hundred miles to Walla Walla, passing through three counties with a population of twenty-odd thousand, who have, except those near the sound, no outlet whatever. A portion of this route for the first thirty or forty or probably fifty miles has fine coal and other minerals which would be of great advantage if they were accessible. The interior of the country beyond the mountains, in Walla Walla County and that region of country, is very fertile, and produces largely of grain and all the cereals and stock, as may be seen by reading the elaborate report which was made by the committee; but they cannot get their produce to market without very heavy expense. It costs more to get a bushel of wheat or any other commodity of that sort to market in that region of country than it is worth, or nearly as much as it is worth. Indeed, it will not bear transportation. It is some distance from the Columbia River.

These people ask that they may be permitted to build this railroad by taxation upon themselves. The Legislative Assembly, as the committee is advised, have indorsed this application. The Delegate who is here representing their interests has pressed the matter, and says that in doing so he represents almost the unanimous sentiment of these people. And now the question is one simply of policy on the one side, against the expression of the wishes of these people on the other. I do not think the question of policy in this particular case should prevail against the unanimous wish of those who desire this act. It will certainly be of advantage. The taxation, it will be seen, is limited in each county and each city, not only in amount, but it is limited to a certain percentage of the taxable value of their property as ascertained for territorial taxes. Further more, it is provided that the question shall be submitted to the voters of each county and city after full notice is given, that the vote in favor of the appropriation and of the terms of the contract shall be two-thirds of the actual vote cast, which two-thirds shall be a majority of the vote which was cast at the preceding election for Delegate for the Territory. I do not think that a bill could be guarded more carefully than this one in its provisions.

I will say further, that a bill of precisely the terms of this one was passed by Congress at the last session for a short road in this Territory through the county of Thurston, about fifteen miles. That bill provided that the county of Thurston might tax itself to the amount of \$100,000. I am assured by the Delegate that they have gone on under that act and made a contract and have assessed on themselves \$75,000, and the road is in process of completion, and the people are greatly pleased with it. In that one instance it has proved a success without any objection.

We here have the full expression of the wishes of this people and of their Legislative Assembly, and I cannot see any objection to it. I do not know that I myself should be in favor of a general law allowing subsidies, but I cannot see any reason for objecting to this particular bill, guarded as it is, introduced at the solicitation and request of these people. As I have said, they are cut off from all communication with the outside world except by the ordinary roads across the mountains, and we are denying to them access to the outside world if we do not allow them the privileges herein granted.

Mr. FRELINGHUYSEN. I think one of the evils that this country is laboring under now is that railroads have been pushed forward beyond the requirements of the country, and I do not think that they need stimulating by Congress. If the mines and the wealth of this country call for a railroad, private capital will build it. The truth is that in all the States where this system has been adopted the people are groaning under the burden of these railroad bonds and assessments. I think it would be a bad example for the Congress to set to the States to authorize the local taxation of municipalities and counties for the purpose of constructing railroads.

Mr. MORRILL, of Maine. I should like to ask my honorable friend who has charge of this bill how much each of these counties is authorized to loan its credit for?

Mr. BOREMAN. It is provided in the bill that it shall not exceed \$200,000 for any one county, nor shall it exceed 7 per cent. of the taxable value of the property of the county as assessed for territorial taxation, and that any excess over that shall be absolutely void, of which all persons are required to take notice by the terms of the act.

Mr. MORRILL, of Maine. Has the Senator the valuation of any of these counties?

Mr. BOREMAN. Yes; here is a printed report made by the committee of the facts as furnished by the Delegate from the Territory, and his statement I take to be true.

Mr. MORRILL, of Maine. What appears to be the valuation of any one of these counties?

Mr. BOREMAN. The three counties, according to the most recent

statistics, have property to the value of \$9,700,000, or an average of over three millions of assessable property to each county.

Mr. MORRILL, of Maine. I quite agree with the Senator from New Jersey that a policy of this kind is very pernicious. I doubt extremely whether the Congress of the United States should authorize these new communities to mortgage their property in advance of population for such a purpose. I can hardly conceive of anything more pernicious than such a policy.

Mr. WRIGHT. I would be very glad to ask the chairman of the committee who has this bill in charge one or two questions as bearing, I think, upon this bill. I do not know that he has stated the aggregate population of these three counties or the population of each county.

Mr. BOREMAN. I stated the aggregate population, as represented to the committee by what they believe to be reliable authority, exceeded twenty thousand.

Mr. WRIGHT. Now, I should be very glad to know what is the assessed value of the property in these three counties?

Mr. BOREMAN. I have just stated that the three counties possess property of the assessable value, according to the most recent statistics, of \$9,700,000, or an average of over three millions of assessable property to each county.

Mr. WRIGHT. How many cities are there in the three counties which would be affected?

Mr. BOREMAN. Two, I believe.

Mr. WRIGHT. Two; and it is proposed by this bill to allow these three counties to vote bonds to the amount of \$950,000—\$750,000 for the counties, or \$250,000 to each county and \$100,000 to each city.

Mr. BOREMAN. Yes, sir.

Mr. WRIGHT. Nine hundred and fifty thousand dollars debt is to be imposed on a population of twenty thousand?

Mr. BOREMAN. That is the maximum. The cities of Seattle and Walla Walla are the termini of the road.

Mr. WRIGHT. Suppose the population is twenty thousand and the assessable property about nine or ten millions, it is proposed that these people may issue bonds and be taxed for the payment of these bonds to the amount of a million of money, or very nearly a million of money, and with interest on that \$950,000 at 10 per cent.

Mr. BOREMAN. If the Senator will allow me, I will state that the bill provides on its face that the subscription shall not exceed 7 per cent. of the taxable valuation of the property at the last preceding assessment for territorial purposes, notwithstanding this may not reach the maximum sum prescribed, and everybody interested shall take notice.

Mr. WRIGHT. It is true they may issue bonds to the amount of 7 per cent. on their taxable property, and if \$250,000 will not exceed that 7 per cent. each county can go to \$250,000; and thus it occurs, as I understand, that in a population—assuming it to be twenty thousand where you perhaps have about four thousand voters and taxpayers—they are allowed under this bill to provide for the issuing of bonds to the amount of a million of money. I do not think that this Senate could do anything that would be more unjust, that would tend more to impair the prosperity of these three counties, and place them back as compared with other counties in that Territory or in the State of Oregon, or in any place along the Pacific Coast, than to pass this bill.

For myself, all of my experience and all of my observation shows that wherever this has been attempted, whether in State or Territory, the people have uniformly regretted it; and these people, now so anxious for a railroad, in less than five years, if the railroad were given to them and they issue these bonds, would resist the collection of the bonds with the same earnestness and the same zeal and the same persistency that they can possibly now ask for leave to issue the bonds. They might get the railroad in the mean time, but they have this debt, which would be infinitely worse to them than the benefit of all the possible advantages from the railroad. For myself, I do not believe that a majority or any number of persons in any county in this Union for a purpose such as this has the power or can be given the power to tax the minority to build such roads. I therefore would vote against this proposition on principle, and I would vote against it because I believe sincerely that it would be the most unfortunate thing for these people that they could have.

Mr. KELLY. Mr. President, this Territory, like all other Territories, has no representative in the Senate, and therefore its people rely on their Delegate to present their case in this body as well as at the other end of the Capitol. The Delegate from the Territory of Washington has appealed to Senators here to aid and assist in the construction of this road by the passage of this bill. I may say that I have presented numerous petitions from the inhabitants of these three counties asking for the construction of this road, and they say (which is very true) that they have despaired of obtaining any assistance from the United States; that Congress will not appropriate any money for this purpose; that those residing at Walla Walla are isolated, disconnected with all the sea-board; that they have no communication except by the ordinary roads; and therefore they say that they are willing to suffer taxation, that their property may be taxed not to exceed 7 per cent. of the assessed value for the purpose of enhancing the value of it. They know that it is comparatively worthless without some railway. They know, too, that they can only get such a road by their own exertions, by their own money, by their own energy.

At the last session of Congress, as has been stated, the inhabitants of Thurston County asked that they might vote under a bill similar to this to assess taxes upon their own property for the construction of a short railroad. Congress passed that act. The citizens of that county have gone on to construct a road to connect with the Northern Pacific Road that extends from the Columbia River to Puget Sound, and they are pleased with the privilege given to them for the purpose of connecting themselves with this railway. They believe it will enhance their property greatly, and I have no doubt it will; and I have no doubt that if these people have this privilege extended to them, their property will increase greatly in value and their population will double in a short time. Unless they can get some assistance of this kind, as a matter of course the population will not increase, and the wealth may even diminish instead of being increased.

It is for these reasons that the people ask this privilege, if it may be so called; and inasmuch as they do not expect assistance from the United States, it is simply a privilege that we accord to them to tax themselves. If two-thirds of the voters of each of these counties are willing to impose this burden upon themselves, I think they ought to be allowed to do it. As a general principle, I must confess that I am not in favor of the policy of municipal subscriptions to railroad companies, but in this instance, as the people have repeatedly asked for this, and are willing that this burden should be imposed on them, I think they should have the privilege, and especially, as I said before, when they can have no hope of assistance from Congress or the outside world. They are trying to help themselves; they are trying to build their own roads; and I think we ought to allow them to do it.

Mr. BOGY. I cannot see any objection to the bill. The necessity of it grows out of the fact that the organic law of Washington is different from the organic law of any other Territory. The power of local legislation has always been conferred upon the Legislatures of the Territories except in this case of Washington. There the organic law restrains and prevents the Legislature from doing that which is asked to be done by this bill. The question presented to us is simply whether we will authorize the local government of Washington, either in the territorial Legislature or in these counties, to do that which they themselves think is for their own interest. That is the whole amount of it. As to the importance of this railroad there can be no doubt. Whether the bonds be good or not good is not a question for us to decide. The only question presented to the Senate is simply one of local government. Now, I think the people of Washington Territory are the best judges of that matter. They can decide the question for themselves; and if the organic law of that Territory was like the organic law of every other Territory which has ever been created, the necessity of coming here would not exist; but as they are restrained by that organic law, this permission must be obtained from the Congress of the United States. The bill, I think, is well guarded, well protected, and refers the question to them and to them alone, and it is a matter of which they are competent to decide, much more so than we possibly can be. I hope the bill will pass.

The report of the committee says:

They ask nothing from the Government except to be placed upon an equal footing with the other Territories of the United States. The sixth section of the organic act of Washington Territory is different from that of any other Territory, and has been construed as prohibiting the territorial Legislature from authorizing the counties to aid in the construction of railroads.

This bill asks for no subsidy from the Federal Government, either of lands, bonds, or money, but simply for the privilege that the counties therein named may issue bonds to aid in construction of a greatly needed improvement in their own midst.

It seems to me that the bill ought to pass, and let the people decide that question for themselves.

Mr. MITCHELL. I only desire to say a word before the amendment is voted upon. I exceedingly regret that any Senator on this floor should feel constrained from any sense of duty to interpose objection to this bill. It simply enables these political communities in Washington Territory, three counties and two cities, to do that which every other political community of like character in every other Territory of the United States has a right to do in the absence of any legislation. In all the other Territories of the United States to-day, any county in its corporate capacity, any city in its corporate capacity, has the right to legislate in this way; but in the organic law of Washington Territory these political communities are prohibited from doing it. At the last session of Congress a bill was passed similar in all respects to the bill now pending. It was an act to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Tenino.

It has been objected by the honorable Senator from Iowa that the tax which may be imposed under the provisions of this bill by a vote of two-thirds of the legal voters in these counties or two-thirds of the legal voters in these cities would be one that would be enormous considering the population and the capital there. Now, let me call the attention of the honorable Senator from Iowa to one fact, of which perhaps he is not aware. There appears to be an impression here that there are but very few people in Washington Territory (which is the fact to a certain extent) and that there are very few productions there. Let me assure the Senator from Iowa that in the one county of Walla Walla, named in this bill, there is a surplus of wheat raised to the amount of one million bushels—one million surplus

in this one county. It is one of the greatest wheat-growing counties in the United States to-day.

What does it cost to transport a bushel of that wheat from the county of Walla Walla to San Francisco compared with the cost of transporting a bushel of wheat from Chicago, for instance, to Liverpool by way of New York? Almost if not quite double the amount. It costs to-day eighty-five cents per bushel to transport a bushel of wheat from Walla Walla County, in Washington Territory, to San Francisco. There, as I have said, they have raised during the last year a surplus of one million bushels of wheat. You have across at Seattle, one of the termini of this road, one of the finest harbors in the world. From that point it would cost but a mere trifle, as we all know, in a sailing-ship, to transport a bushel of wheat to San Francisco. Wheat to-day is selling at Walla Walla at forty cents a bushel, while at the other end of this proposed road, at the harbor of Seattle, on Puget Sound, it is selling at, I think, \$1.50 a bushel. This may be said of all the counties through which this road runs, simply with reference to this one article of consumption and of shipment, wheat; but the road will run through the finest coal-fields and the finest timber lands in the whole country.

What does the bill propose to do? It is not asking anything from the United States Government; it is not asking any subsidy; it is not asking any money; it is simply asking that the people of these counties and of these cities may be permitted, not by a majority vote but by a two-thirds vote, to do what? To aid in the construction of this narrow-gauge railroad from Walla Walla to Puget Sound to the extent of issuing their bonds to an amount not exceeding 7 per cent. of their taxable property, to an amount not exceeding \$250,000 for each county and \$100,000 for each city. That is all there is of it. As I said, I do exceedingly regret that any Senator here feels compelled from any sense of duty to interpose any objection to this bill, and I hope it will not be pressed. I hope these political communities that are without railroad communication, when they ask nothing but a mere permission to do for themselves under the instruction of a two-thirds vote of their own people what they are not permitted to do now, will be allowed to do this. I do not wish to detain the Senate, but I hope the amendment proposed by the committee will be adopted and the bill passed.

Mr. PRATT. Before the Senator from Oregon takes his seat, I should be glad for my own information and to guide my vote to ask him two or three questions. In the first place, does this bill make any provision whatever that the counties and municipalities who aid this railroad company to the extent of perhaps a million dollars under this bill shall ever be reimbursed in any mode by becoming stockholders in the company or otherwise?

Mr. MITCHELL. I think not, and I think a provision of that kind would be improper and wrong.

Mr. PRATT. There is another provision in the bill on which I desire information, and that is this—

Mr. BOREMAN. If the Senator will allow me, I will say that the company is required to give bond and security that the road shall be completed and run for twenty-five years.

Mr. PRATT. I was just about making an inquiry upon that very point. I understand that these bonds are to be authorized by a vote of two-thirds; they are to be delivered then absolutely to the company, and those who are compelled to pay taxes to meet the interest and principal of these bonds have for their security that the road will be built and will be maintained for the period of twenty-five years simply the bond of this company.

Mr. MITCHELL. I beg pardon. These bonds are only to be issued as the road is built and only to be issued in amounts in ratable proportion to the whole length of road as a portion is completed. Is not that the fact?

Mr. BOREMAN. Yes, sir.

Mr. PRATT. Then what kind of security is provided for in this bill that the road will be maintained and operated?

Mr. BOREMAN. If the Senator will look at the last section he will see that it is provided that the company shall give a bond and security that the road will be operated for twenty-five years, in a penalty equal to the amount of the subscription of each county.

Mr. PRATT. One question more and I am done—

Mr. MITCHELL. I will read on that point for the benefit of the Senator from Indiana:

That the said railroad company, or its assigns, shall execute and deliver to the said counties and cities, or such of them as may aid in construction of said road, a good and sufficient bond, to be approved by the county commissioners and city councils, binding themselves, their successors, and assigns, to operate and maintain the said road for the term of twenty-five years, in an amount equal to the aid furnished said road by said counties and cities, respectively.

Now remember that they have the additional security that the bonds shall only be issued as the road is built.

Mr. PRATT. Now one point more, and that is this: Suppose that the third in the cities who refuse to vote this aid own two-thirds of the property in the cities, then I understand the principle is that the two-thirds vote shall authorize the issue of these bonds notwithstanding the voters may not be property-holders and may not be able to contribute the tax to pay interest or principal. Am I right in that?

Mr. MITCHELL. Unquestionably a two-thirds vote here is intended to bind the whole. There is no question about that.

Mr. SCOTT. Mr. President, I called attention to this bill not because of any hostility to the bill itself or to the region which it is proposed to improve, but upon the broad general principle which I stated. Now, we are asked to depart from that general principle upon the ground that there is a prohibition in Washington Territory against granting this aid. I will turn to that prohibition and show by it that the settled opinion of Congress was that even the Territory itself ought not to be permitted to do this thing. I read from section 1924 of the Revised Statutes:

In addition to the restriction upon the legislative power of the Territories contained in the preceding chapter, the Legislative Assembly of Washington shall have no power to incorporate a bank or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly.

In addition to that, the act of 1867, now section 1889 of the Revised Statutes, expressly prohibits the Territories from granting any special charter of incorporation to any other than manufacturing or industrial corporations, so that they cannot even incorporate this railroad company without special authority from Congress. We are asked, then, in this act to depart from the general principle laid down in the organic law of Washington Territory and in the general law applicable to all the Territories.

Our experience in Pennsylvania, where immense subscriptions were made, was of such a character that it resulted in a prohibition in the fundamental law of the State prohibiting municipalities from subscribing stock in corporations of this kind; and I made the objection upon the broad general principle which is brought out by the illustration of the Senator from Indiana, that those who own no portion of the taxable property in a State or Territory may impose this taxation upon those who do against their consent.

Mr. BOREMAN. Mr. President, in answer to what has been stated by the Senator from Pennsylvania I will say that we come here because the organic act of the Territory of Washington does not allow these subscriptions. We are here asking Congress to give that permission because of that fact. What he has read from the Revised Statutes is simply a transcription from the original organic act. But since the revision of the statutes I would remind Senators that the Congress of the United States, a few days before the adjournment of the last session, granted to one county of this Territory a permission precisely like this. It will be found on page 48 of the acts of the last session, authorizing the county of Thurston to make a subscription to the amount of \$200,000 for a precisely similar purpose.

This railroad company that is named in the bill now under consideration was incorporated before this revision of the statutes, under a law of the Territory in which the road is proposed to be made; it was an existing corporation, and of course it was not destroyed by the revision of the statutes; and yet they cannot get this aid without the permission of Congress.

I suppose if this bill had some money in it it might be a much easier matter to get it through Congress; but here are people who are away from all the conveniences of civilization, almost cut off from transportation, not able to get their products to market, but yet located in a rich country; and they propose for themselves to construct an internal improvement; and they are not to be allowed to do it! It is not setting a precedent. That precedent has already been set in the face of the Revised Statutes. This is a special case; it depends upon special merit; and we put it here before the Senate and ask them to vote for it because of its exceptional character. The committee have almost unanimously, I believe with but one exception, thought that the bill ought to pass, and I trust the Senate will pass it and allow these people to have a railroad.

Mr. MITCHELL. One word in regard to a statement of the Senator from Pennsylvania. He says that the settled policy of the country is attempted to be shaken by this legislation. If that were so, I think it was to some extent unsettled at the last session, because a precisely similar act was passed then. The Senator read from section 1889 of the Revised Statutes of the United States for the purpose of showing that Congress provided that no such aid should be granted in any of the Territories by the political communities.

Mr. SCOTT. Or companies incorporated by them.

Mr. MITCHELL. The section the Senator read does not go to that extent. The section is this:

The Legislative Assemblies of the several Territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, or the construction or operation of railroads, wagon-roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable, or scientific association.

I still state, as I stated when I first addressed the Senate, that the counties and the corporate cities of any Territory outside of Washington Territory have the right to-day under the laws of the United States to do the very thing that it is proposed these counties and cities may do under the provisions of this act; and the section read by the honorable Senator from Pennsylvania does not touch this question at all. That simply relates to the power of the territorial Legislature. I shall not detain the Senate.

Mr. INGALLS. I feel compelled to oppose this bill primarily because it is opposed to the organic law of the Territory; but I oppose it also for the further reason that, in my judgment, it is entirely hostile to the best interests of the people who live in that Territory. I

am somewhat familiar with this system of loaning municipal credit to railroad corporations; I know the results of the system; and I can say that to-day the great burden under which the majority of the Western States are laboring, the great difficulties that they are compelled to contend with, result from the hasty and injudicious loaning of municipal credit by counties and towns for the construction of railroads. Throughout a majority of the Western States this system has been resorted to for the past fifteen or twenty years, and to-day I may say that at least nine-tenths of the corporations that have incurred this indebtedness are either in default in the payment of interest or are attempting to repudiate both principal and interest. When railroads become necessary they will be constructed; and I am entirely opposed to the principle involved in this bill, and I shall resist it in the interest, as I believe, of the people themselves.

I desire, however, to call the attention of the Senate to one other fact in connection with this pending measure. While the bonds are authorized and the rate of interest is fixed, there is no provision whatever made for the levy of a tax for the purpose of paying the bonds or of meeting the interest. I will also call the attention of the Senate to another very extraordinary provision, which is that in the second section, upon page 6, commencing in line 35, which reads as follows:

And any such bonds in excess of 7 per cent. of the territorial taxable valuation of the property of said counties and cities, or in excess of \$250,000 in any one of said counties, and \$100,000 in any one city as aforesaid, in any event—

Mark the language—
shall be absolutely void, and all persons interested are required to take notice thereof.

How any lawyer could have consented to the insertion of a provision like that in a bill providing for the issue of bonds for the construction of railroads is past my comprehension. I trust that the bill will not pass, or if it is to pass that it will not pass with a provision like that in its terms.

Mr. BOGY. I am astonished at the debate which has taken place on this bill. It may be the opinion of Senators that it may be very improper or unwise for these counties to issue these bonds; but I view the question as one of principle, one of local self-government; and I say it is better to let these people judge of these facts for themselves. We have gone back to the old question of squatter sovereignty which was discussed in this body so many years ago with so much ability. I say the Territories have the right of legislation for themselves, and they are better qualified to legislate for themselves than we possibly can be. They are American citizens, as well informed as we are, and the only reason why they have not the entire power of legislation is because they are not sufficiently numerous. It is not that they are not intelligent; it is because they have not sufficient population to justify the formation of a State; but in point of intelligence they are as competent as the citizens of the States are. The question is one of local self-government. It is the old question of squatter sovereignty again; the same principle.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Territories.

Mr. SPRAGUE. I ask for the yeas and nays on the passage of this measure.

Mr. BOREMAN. Let the amendment be adopted first.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Territories.

The question being put, it was declared that the noes appeared to prevail.

Mr. BOREMAN. I ask for a division. This is a substitute, an amendment of the committee. Nobody ought to object to it.

The question being put, there were on a division—ayes 14, noes 19; no quorum voting.

Mr. BOREMAN. I call for the yeas and nays, and I wish to make a remark.

The yeas and nays were ordered.

Mr. BOREMAN. I do not see why there is opposition to this amendment. The original bill contains all the provisions of the amendment and a great deal more. This is a substitute cutting off a good deal that the committee thought was objectionable in the original proposition. The count just made would seem to indicate that the Senate prefer the most objectionable provisions of the original bill against the substitute of the committee. It has been usual, I believe, where the question was upon the merits, to allow the substitute of the committee to be adopted and then to take a test vote upon the final passage of the bill or upon its engrossment. I do not object to that; but the committee do not desire the passage of the original bill. It contains a land grant, and the committee do not indorse that proposition. The committee do not wish to give the land of the Government for the construction of this or any other railroad. We left out that section and some other objectionable provisions, modifying it so as to make it more acceptable. The committee would like to have this substitute for the original bill adopted, and then we can have a test vote upon the final passage of the substitute.

The VICE-PRESIDENT. The question is on the amendment of the committee, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 25; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Boreman, Cooper, Cragin, Davis, Dennis, Flanagan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, John-

ston, Kelly, Merrimon, Mitchell, Morton, Patterson, Pease, Ramsey, Robertson, Saulsbury, Stevenson, Stockton, Wadleigh, West, and Windom—29.

NAYS—Messrs. Allison, Anthony, Boutwell, Cameron, Conkling, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hager, Hamilton of Texas, Howe, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Sargent, Schurz, Scott, Sherman, Spencer, Sprague, Stewart, Washburn, and Wright—25.

ABSENT—Messrs. Brownlow, Carpenter, Chandler, Clayton, Conover, Dorsey, Ferry of Connecticut, Hamlin, Harvey, Ingalls, Jones, Lewis, Logan, McCreery, Norwood, Ransom, Thurman, and Tipton—18.

So the amendment was agreed to.

The VICE-PRESIDENT. The hour allotted to the Committee on Territories having expired, the Chair will call up the unfinished business, which is the bill for the better government of the District of Columbia.

Mr. MITCHELL and Mr. BOREMAN. Let us vote upon the bill.

Mr. MORRILL, of Maine. If we can take a vote without any further debate, I shall have no objection.

Mr. INGALLS. I move, in line 16, section 2, on page 5 of the bill, to strike out the words "said votes cast at said election" and insert the words "the legal voters of said counties and cities;" so as to read:

And if two-thirds of the legal voters of said counties and cities shall be in favor of the said contract," &c.

This section provides the method in which the question shall be submitted to the people for their decision—

Mr. BOREMAN. If the Senator from Kansas will allow me, the committee will accept that amendment.

Mr. MITCHELL. That is all right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. SPRAGUE. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 32; as follows:

YEAS—Messrs. Boggy, Boreman, Cameron, Cragin, Dennis, Flanagan, Goldthwaite, Hitchcock, Kelly, Mitchell, Morton, Patterson, Pease, Ramsey, Tipton, and Windom—16.

NAYS—Messrs. Allison, Anthony, Bayard, Boutwell, Conkling, Davis, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hager, Hamilton of Maryland, Hamilton of Texas, Howe, Ingalls, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Robertson, Sargent, Schurz, Scott, Sherman, Spencer, Sprague, Stewart, Stockton, Washburn, and Wright—32.

ABSENT—Messrs. Alcorn, Brownlow, Carpenter, Chandler, Clayton, Conover, Cooper, Dorsey, Ferry of Connecticut, Gilbert, Gordon, Hamlin, Harvey, Johnston, Jones, Lewis, Logan, Norwood, Ransom, Saulsbury, Stevenson, Thurman, Wadleigh, and West—24.

So the bill was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes; in which it requested the concurrence of the Senate.

HOMESTEAD ENTRIES ON RAILROAD LANDS.

Mr. SPRAGUE. I ask for the printing of the report of the Commissioner of the General Land Office on the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain, and I ask Senators from the land States to give to the report and the matter proposed to be printed their consideration, with a view that when the bill is called up they will see from the remarks touching each section the whole drift and character of the measure. And I wish to observe now that at a convenient time, and that near, I shall ask the favor of the Senate to consider that bill.

The motion to print was agreed to.

ANGELICA HAMMOND.

Mr. ALLISON. I ask unanimous consent to take up the bill (H. R. No. 1799) granting a pension to Angelica Hammond, which by some mistake was indefinitely postponed, when the committee unanimously reported in favor of its passage. I ask unanimous consent that the vote be reconsidered and the bill passed.

There being no objection, the vote indefinitely postponing the bill (H. R. No. 1799) granting a pension to Angelica Hammond was reconsidered, and the bill was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Angelica Hammond, widow of William Z. Hammond, late a private in Company E, First Maryland Cavalry Volunteers.

Mr. PRATT. I inquire of the Senator from Iowa if there is a written report?

Mr. ALLISON. There was a written report, but by a mistake the bill was entered as indefinitely postponed.

Mr. INGALLS. Is there a printed report with the bill?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) There is. Does the Senator call for the reading of the report?

Mr. INGALLS. No, sir.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

The bill (H. R. No. 4681) in relation to a cemetery at York, Pennsylvania;

A bill (H. R. No. 3782) for the relief of Sewall B. Corbett; and

A joint resolution (H. R. No. 135) appointing managers of the national home for disabled volunteer soldiers.

The message also announced that the House had passed a concurrent resolution for the printing of ten thousand extra copies of the report of the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic of 1873.

GOVERNMENT OF THE DISTRICT.

The VICE-PRESIDENT. The Chair will now call up the unfinished business of yesterday, on which the Senator from Iowa [Mr. WRIGHT] is entitled to the floor.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 963) for the better government of the District of Columbia, the pending question being on the amendment of Mr. MORTON to strike out in section 3, commencing in line 3, the following words:

To be severally appointed by the President of the United States, by and with the advice and consent of the Senate, to be known as the board of commissioners of the District of Columbia; and the members first to be appointed shall be nominated and confirmed, respectively, to and for the terms following in the order of their appointment, namely:

And in lieu thereof to insert:

To be elected by the qualified voters of said District.

So as to make the section read:

There shall be at the head of said Department a board of commissioners, to consist of three members, to be elected by the qualified voters of said district, &c.

Mr. WRIGHT. Mr. President, the amendment pending is that of the Senator from Indiana, which asserts the principle that it is both constitutional and expedient to give to the people of this District the election of their local officers. Much that I shall say will be in support of this proposition, more especially of the power to thus legislate. I do not profess to understand the bill as reported by the select committee, in all its details. It has, I freely admit, some good features; and yet its main provisions, because of its bed-rock principle, I cannot but regard as essentially vicious. I had the honor to submit some days since an amendment in the nature of a substitute for the entire bill of the committee. That substitute has been printed and placed upon the tables of Senators. I am not here to maintain that it is in all respects what we should have, nor to insist that it does not need or may not require modification. That it may be understood, however, if I can have the attention of the Senate, as I do not propose to trouble the Senate on this subject hereafter, without having it read, I propose very briefly to refer to the provisions of this substitute, before coming to the question that I propose to discuss. And I feel the greater freedom in doing this and reciting the provisions of this amendment, because I am assured that we all feel the necessity of some legislation on this subject at this time. I am sure the members of the committee who reported the original bill desire, in a spirit of fairness and candor, to arrive at a just conclusion on this subject. I am sure I do not wish anything more or anything less. All I ask is that we shall not decide too hastily, nor yet violate principle or take a backward step.

As I have already indicated, I propose in the first place to present, as briefly as may be, the provisions of the amendment that I have submitted to the Senate.

The first section of the amendment consolidates the District into one municipality and provides for uniform laws as far as practicable for the whole District. At present there are four sets of local law operative in the District. There are the laws and ordinances of the former corporations of Washington, of Georgetown, and of the levy court, and the laws of the late Legislative Assembly. In addition to these are the old laws of Maryland, the common law, and the enactments of Congress.

The proposed change in this first section carries out the purpose of the act of 1871 to establish one body of the people instead of three separate bodies in the District. The desirability of bringing the whole of the small territorial area of the District under a uniform system of administration, and of extending the advantages of municipal convenience to the inhabitants residing beyond the original city boundary, cannot, it seems to me, be very well doubted.

Section 2 continues the present corporate character of the District, but limits its corporate powers exclusively to those of an ordinary municipality, to be exercised only in accordance with the laws of the United States governing the same. The relation thus recognized as existing between Congress and the District is parallel, so far as municipal affairs are concerned, to the relation between cities and towns in organized States and their respective State Legislatures. The body of superior and constitutional power leaves to the local community the management of its local affairs, and the superior authority gives to such community for that purpose a corporate existence. In this there is nothing complicated, and little or nothing of the complex machinery of the original bill.

The third section provides for the conduct of such local and municipal affairs in the usual American form of a mayor and council. It also provides expressly that such conduct shall be under the supervision and subject to the general legislative powers of Congress. The supreme authority of Congress to interfere at any time, in its own pleasure, and for any purpose, is distinctly maintained. Congress parts with no portion of its power, but simply permits the inhabitants of the District to assess, collect, and disburse their own money in their own way subject to certain restrictions (contained in subsequent sections) for the prevention of abuses by individuals, which experience under a form of government in which the people practically did not participate has demonstrated to be necessary.

Here, Mr. President, I beg to notice that it has been urged elsewhere, and on this floor also, that the District has already suffered from the evils of popular government. This allegation is, however, denied for the reason that, as to the late government the evils complained of resulted from its arbitrary form and excessive executive power which completely dominated the popular will, and not at all from the nominal elective feature it contained; and as to the former municipal corporation it may be said that the charges of misgovernment were groundless in fact, and that they sprang largely if not solely from an opposition to the enfranchisement act of Congress and had for their purpose the overthrow of popular government in order to defeat the operation of that act.

Mr. President, it was said here yesterday that we have in this District a floating population; that they ought not to have power to elect their own officers and manage their own affairs. What is there in this objection? The logic of it is nothing less than that these people are incapable of or unfit for self-government. I affirm and maintain that this is a proposition which would destroy self-government throughout the United States, since the District is inhabited by persons coming from all the States and who must be presumed to fairly represent the average character and intelligence of the people of the several States. Little more if any than one-third of the permanently resident population of the District is native to the soil, while of those born elsewhere many are the picked men of their respective localities, brought here through the public service, and they constitute upon the whole a body of citizens fully equal in character, intelligence, and good citizenship to those found elsewhere; for it may well be doubted whether elsewhere the conditions exist for congregating at one place so large an element of exceptionally good citizens as the public service has concentrated at Washington. I think I can justly claim, therefore, that if with a population certainly on a par with that of any other city of the same number, with the exceptionally valuable element mentioned as a conservative and law-abiding influence, and under the immediate eye of Congress, subject at all times to its watchful care and its correctional and remedial powers, the people of the District cannot be trusted to govern themselves in their municipal matters, then self-government in this country might almost be said to be a failure. But I shall refer to this matter hereafter.

This section also provides for the election of the mayor and council annually. It gives a fairly large representation and frequent stated returns to the people. It may be doubted whether the tendency in some quarters to diminish representation and extend the tenures of office is in accord with the genius of our republican form of government. Whether it might not be well to increase the representation in the council and provide for minority representation, I shall not now stop to inquire, for as I have said I am not wedded to the details of the substitute, being quite willing to concede much in these regards, the principle aimed at being preserved.

The next section of this substitute, section 4, defines the qualifications of voters, to be citizens of the United States and residents one year in the District and thirty days in the ward or sub-district—the usual qualification of residence heretofore required, as I understand, under previous laws in this District.

Section 5 limits the power of the mayor to purely that of an executive officer. The past experience in some of the States, if not in this District, of extended power to control money, appointments, legislation, and elections in the executive department, admonishes a return to the simpler and wiser republican system.

Sections 6 to 21 comprise the details of organization of the council and embrace those restrictions upon methods of action adopted by Congress in reference to Territorial Legislatures, making such restrictions and limitations applicable to this municipal government.

Section 22 continues the laws now in force until changed in the proper manner.

The next section prohibits the council or any other authority in this District from increasing the indebtedness of the District; also, from borrowing money or issuing bonds or other evidences of indebtedness by any board or commission without express authority of Congress.

This prohibition is absolute. It leaves no loop-hole of construction, nor possibility of evasion by concealment or denial of amount. It prohibits any issue of evidence of debt of any class or nature—any borrowing of money or increase of indebtedness for any purpose whatever.

The three next sections, 23, 24, and 25, limit the powers of the council in respect to granting franchises, appointing justices and notaries, imposing unjust taxes, and making unlawful payments, allowances, or

gratuities. They also place the right of suffrage and privileges of a citizen of the United States beyond the control of the council.

Section 27 provides for the support of the poor, but prevents the appropriation of money to private charities.

Section 28 provides authority for the establishment of a uniform system of public schools. This is one of the subjects nearest to the interests of the people and in which all have concern. The people should have the control of the public schools if even the semblance of self-government is to be preserved.

Sections 29 and 30 provide for the control by the council of the matter of District officers. The number, duties, and compensation of minor municipal officers cannot well be fixed by Congress. The council, with the tax-payers to constantly watch and guard, is not likely to make too many officers nor to pay them exorbitant salaries. Numerous officers and large salaries are an incident of a government independent of the people, and not so of a government responsible to the people.

In the next place, section 31 gives the people, through the council, the power to call their public officers to account.

In the previous government the executive and administrative officers of the District were not responsible to the people; and through that irresponsibility the District has been plunged into its present embarrassments. So independent of the people was the late government, that it is charged that they not only spurned accountability in any form to the people, but they invariably refused any information called for by the Legislative Assembly.

Section 32 provides for the publication of all municipal proceedings in a compact form to be accessible to the public. It is believed that such provision would result in the greatest public benefit in preventing abuses in administration. The cost of such publication is limited to the present expense of publishing the tax lists, which is believed to be more than ample for the purpose. In the form proposed the expense would be far less, the convenience much greater, and the amount saved would cover the cost of supplying to the public the other information comprehended by this section to be always placed within their reach. And see on this subject section 51, in relation to the official register.

Section 33 provides that the board of health shall not possess arbitrary powers to incur expense, make contracts involving large payments of public money, impose penalties, or prescribe oppressive regulations. Their power should be limited by law, and they should not be invested with nor permitted to exercise the law-making power. Their proper functions are advisory, and the council and not the board should make the ordinances to carry their recommendations into effect. And this will be accomplished, as I claim, under this section.

Sections 35, 36, and 37 give the council power to make regulations for ordinary municipal purposes; also the proper superintendence over public corporations, and makes the financial officers of the District responsible for disbursements and expenditures.

Sections 38 and 39 regard the disbursement of the public moneys. The United States Treasury is made the place of deposit, as a needed measure of safety after the consequences already experienced in the District of permitting executive officers and private bankers to manipulate the public funds.

Section 40 gives the people opportunity, through the council and the attorney of the District, to appear in court and there hold to legal accountability officers who otherwise might be beyond their reach.

The next is section 41. The act of 1871 provided for the appointment of justices of the peace and notaries public by the District government. This section vests such appointments in the supreme court of the District.

Section 42 provides for assessment upon the valuation of real property, as the only equitable method of taxing such property. An extremely unjust method at present prevails of assessing the heaviest taxes by the front foot, a method which exempts valuable property from its proportionate share of taxation and imposes onerous and often ruinous burdens upon small owners; since a lot worth \$100, as I understand, would be taxed as much as a lot worth \$1,000. Hundreds of small property-holders, as I am advised, have already been driven from their homes through this iniquitous plan of taxing the poor for the benefit of the rich.

Section 42 also provides for a reduced rate of assessment for agricultural lands, which seems just, since farming property is not generally as productive as city property proper.

Section 43 repeals the exemptions hitherto made upon church property and property held for private schools and charitable purposes.

The people at large, it is claimed, should not be compelled to support church organizations, nor should the public money be appropriated to the encouragement of private schools nor to the maintenance of sectarian establishments, whether such method of propaganda be styled "educational" or "charitable."

Public schools and public charities should be maintained by the public for the public, and the system vital to free institutions of public education should not be impaired by extending public aid to private institutions having special and not public designs.

Section 44 limits the rate of taxation to 1½ per cent., and proposes that Congress appropriate a like amount upon its property "occupied exclusively for purposes of the General Government," in lieu of all other appropriations for general purposes. It is believed to be

better that a fixed or proportional amount be annually appropriated than that the District should be constantly begging of Congress upon all sorts of pretenses.

Sections 45 and 46 require that personal property shall bear its equal proportion of the city burdens, and no good reason is seen why it should not be taxed. Incomes, legacies, and corporate wealth can better bear taxation than the poor man's home, and should not be exempt.

Section 47 provides that taxes are to be paid in money, which is needed, and not in certificates of the board of public works, which are said to be found everywhere and in the greatest abundance.

Sections 48, 49, and 50 provide for *uniformity* in the method of making tax sales. There are, I am told, now three distinct ways prescribed by laws of Congress, besides some District laws which are in conflict with acts of Congress.

Section 52 is as to the conveyance of real estate. By existing law conveyances in fee are valid as to all persons from date of execution, if recorded within six months thereafter. The matter was deemed of sufficient importance to warrant the incorporation of this section for the purpose of correcting such dangerous provisions, thus making the constructive notice date only from the time of delivering the conveyance to the recorder for record.

Sections 53 and 54 place improvements under the *professional* direction of a board of civil engineers, giving those officers no power to make contracts or to disburse money.

The effect of this plan would be that the professional character of the board and the confinement of its duties strictly to professional supervision would constitute a check upon the making of improper contracts and the execution of inferior work. The separation of the duties of this board from the opportunity to make such duties a matter of speculation is deemed of the very greatest importance.

It is further provided that there shall be no new work undertaken until a specific plan has been approved by Congress. This provision leaves the whole subject in the hands of Congress for future action.

And now to sum up. The general idea of the substitute is this: to preserve the example of *free government at the capital of the Republic*; to secure to citizens of the United States residing in the District the advantages of the conduct of their own local affairs; to give to executive and administrative officers the least amount of power and to impose upon them the fullest responsibility; to make all officers directly accountable to the people; to guard public expenditure, enforce economy, prevent injustice, and to limit all opportunities of making the public service tributary to private emolument. Or, to state the issues raised in another form, I may say that the distinctive characteristics of the two bills are three in number. The one provides for the selection of the principal officers by the President; the other, by the free suffrages of the people whose local laws they are to make and enforce. The one lodges the power delegated by Congress in the hands of a few with large salaries; the other, in the hands of a large number with small salaries. The one provides for a government with a vast amount of complicated political machinery for a people many of them totally ignorant of its principles and details; the other is made up of a few provisions well known or readily understood by all, as they are to be found in the organic acts of nearly all the chartered governments in the country. The one is *bureaucratic*; the other *democratic*, in the governmental, not the political sense of that term.

Mr. FRELINGHUYSEN. Mr. President, in harmony with the line of argument that the Senator has adopted, I wish to read one sentence from the Federalist. The forty-third article of the Federalist, by Mr. Madison, in speaking of the clause of the Constitution which gives the exclusive government of this territory to the Federal Government, says there would be no objection to it—

As the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government, which is to exercise authority over them; as a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them.

Mr. WRIGHT. I thank the Senator from New Jersey for the citation, but I have the same in a subsequent portion of my remarks. I shall presently refer to it.

And now, having explained the substitute which I had the honor to present, and contrasted, in as few words as possible, its details and principles with that coming from the committee, I should perhaps content myself with submitting the two propositions without further remark to the judgment or action of the Senate. Some things, however, have been said in this discussion, and on other topics bearing thereon during the present session, which have a significance and importance beyond any possible vote upon these propositions, to which I propose to allude, with the indulgence of the Senate, before I take my seat.

In a very elaborate speech, prepared evidently with great care, my esteemed friend, the Senator from North Carolina, when this subject heretofore engaged the attention of the Senate, maintained, as will be remembered, that to authorize the people of this District to elect any of their officers would be outside of and beyond the powers of Congress under the Constitution. Indeed, he stated propositions which, as it seems to me, have a bearing far more important, far more dangerous than this, and that I may not do him injustice I quote.

After stating that the Federal Government is one not of original, but of powers conferred with express limitations and for limited pur-

poses, propositions which it is no part of my purpose nor needful to my argument to discuss or examine, he continued:

In my judgment Congress has no power to authorize the people of this District to elect these officers, or indeed any officers. I say this for the reason that upon looking into the Constitution, from which all the powers of Congress are derived, there is no provision which confers upon Congress power to confer suffrage upon anybody. No citizen of the United States by virtue of such citizenship has any right whatever to suffrage. I go further, and say that there is no provision of the Constitution, there is no power reasonably inferable from it, which authorizes Congress to confer suffrage upon a single human being. The truth is, Mr. President—

And I call special attention to this language—

That the Government of the United States was not framed, was not organized, was not carried into practical effect for the purpose of conferring suffrage upon anybody for any purpose. Whenever the subject of suffrage is touched upon in the Constitution, it is touched upon as a right that belongs to a citizen of the United States as the citizen of a State. It refers to him as a voting citizen of the State in which he lives.

As an original power, I undertake to say that Congress has no authority to confer suffrage, even in the Territories, upon the people of the Territories as citizens of the United States.

They (Congress) may provide that the city of Washington shall be governed by a mayor, or regents, or other officers which Congress may be pleased to designate and provide for; but they (the Congress) cannot provide that the people of the District of Columbia shall elect those officers; and why? Because the right of suffrage is not known to the Government of the United States; because the Constitution provides that in the appointment of all officers of the United States, of every grade and condition, they shall be appointed by the President, except in the cases which I have repeatedly pointed out.

He further proceeds to argue that Congress may create an office, that of mayor, or regent, or commissioner, any office it may see fit for the District; but cannot elect that officer, nor empower the people to elect him.

Stripping these propositions of all verbiage and reducing them to their logical elements, they mean that the people of this District cannot be given the ballot; for no power can confer it but Congress. Congress, as the Senator says, cannot, therefore it cannot be given in any form or for any purpose.

Mr. President, if these propositions and this argument to the extent stated be sound, then I confess that I have read the Constitution to but little purpose, and the fathers of the Republic and the wisest and best men of the succeeding years have been woefully ignorant of its provisions, unmindful of their sacred obligations, and have been stumbling along in thick darkness without a light to their feet or a glimpse of that radiance now shed upon the Constitution by my distinguished and esteemed friend from North Carolina, aided and ably seconded by my equally esteemed friend from Nevada, who on yesterday came so gallantly to his support.

Referring now to the Senator from North Carolina, and entertaining as I do the most profound respect for his opinions and judgment, and especially upon legal and constitutional questions, I beg to refer him for a moment, before reaching an examination of the Constitution itself, to what has been enacted in a few instances under its provisions. And it is remarkably strange, I may be allowed to say in advance, with this history and these instances before us, dating from the very existence of the Government—acts by Congress after Congress, approved by Executives of every conceivable political opinion almost—I say it is most remarkable that just now we are to be told that the people cannot elect their municipal officers in this District, but that it rests with the President alone to appoint.

But to the legislative history, or at least some part of it, for there is much more than I shall undertake to recite.

In May, 1802, Congress passed the first act incorporating the city of Washington. The mayor was to be appointed by the President, but the council, consisting of twelve members, was to be elected by the people, the mayor having power to appoint all the officers under the corporation and the council all their own officers and to remove them at pleasure.

Mr. STEWART. What is the date of that act?

Mr. WRIGHT. Eighteen hundred and two.

Mr. STEWART. What previous to that?

Mr. WRIGHT. I say that is the first on the subject.

Mr. STEWART. The first for the government of this District?

Mr. WRIGHT. Touching the subject of incorporation.

Mr. STEWART. Oh!

Mr. WRIGHT. In 1804, February 24, it was provided that this council should consist of two chambers to be elected by the people. March 3, 1805, Congress gave to the free white male citizens of Georgetown power to elect by ballot a board of aldermen and a common council, and to these two bodies was given the power to elect a mayor. February 25, 1804, Congress declared who should exercise the right of suffrage in the town of Alexandria, and how the electors should select their representatives in the common council. I only remark, in passing, to my friends from North Carolina and Nevada who insist upon their strict construction of the Constitution, that all these acts were approved by Mr. Jefferson, who, they will pardon me for suggesting, is presumed to have known something of the meaning of that instrument, and the powers of Congress under it.

Mr. MERRIMON. I ask my friend if any question was ever raised of this sort before?

Mr. WRIGHT. I will notice that after a while. I can hardly suppose that it was reserved to my distinguished friend from North Carolina for the first time to raise that after three-quarters of a century.

Mr. MERRIMON. The circumstances never required the raising of it before.

Mr. WRIGHT. Never required it before! That would be remarkably strange.

But further. In 1820, May 15, Congress provided that the mayor of Washington, instead of being selected by the council, should be elected by the people, and the qualification of electors was declared and specifically pointed out. This act was approved by Mr. Monroe, who I am bound to presume, if they will pardon me again, was not entirely ignorant of the powers of Congress.

Again, in July 15, 1843, the people were empowered in Alexandria to elect their mayor. In 1848, May 17, they were given power to elect a board of assessors in each ward, as also a register, collector, and surveyor for the city; and the fifth section of the act defines who shall be a legal voter. One of these acts was approved by Mr. Tyler, and the other by Mr. Polk.

May 20, 1862, Congress provided a "test-oath" to be administered to all those who should be challenged at the municipal elections in Washington and Georgetown.

January 1, 1864, provision was made for receiving the votes, upon terms, of those who had not registered in the city of Washington.

May 16, 1866, it was declared that persons naturalized within the dates therein given should not vote.

January 8, 1867, we find an act regulating the elective franchise, providing for registration, prescribing penalties for improperly registering voters, &c.

March 29, 1869, power was given to the judges of the different courts of the District to appoint commissioners of elections.

I need scarcely refer to the very recent act of February 21, 1871, "providing a government for the District of Columbia," making the House of Delegates elective, as also all township officers, prescribing the qualifications of voters, vesting the Legislative Assembly with full powers, and giving the District a Delegate in Congress to be chosen by the people.

And, in view of what was said by the Senator in that part of his speech in which he denies that Congress can confer upon the people of the District the right to elect a Legislative Assembly, and further that Congress cannot delegate to the people of the District the right to legislate for themselves—I say, in the face of the claim he thus makes, I cite one instance somewhat I confess in conflict with his democratic views, found in the act of March 4, 1855. By this act Congress provided for a codification of the laws of the District, and for the ratification or rejection thereof by a vote of the electors in the manner therein provided. This act was approved by Mr. Pierce, and, as if this name and approval were not sufficient to stagger my friend's democratic faith in his position, I simply add that Mr. Buchanan, on the 24th of December, 1857, issued his proclamation for taking the vote on the adoption of this codification, naming the judges of election, prescribing the places of voting, and all the details.

And a like line of legislation is found in most if not all the acts organizing our Territories, wherein Congress defines the qualification of voters, declares by whom the right of suffrage shall be exercised; after the first election giving to the territorial assemblies the right to fix their qualifications, as also to declare what class of persons are eligible to office. This will be found notably true in the celebrated Kansas-Nebraska act. The right to thus legislate I believe has never been questioned. I will not now stop to compare the clause giving power to Congress over the Territories with that relating to the District. The argument, however, I may say in passing, which denies the power of legislation, which I am now considering, to the one would probably, and indeed we know from the Senator's position and views, would certainly, do so to the other.

And now, Mr. President, if anything can be established by the uniform current of legislative action, then these acts, and others on all fours with these might be cited, show conclusively that the Senator must be mistaken in his construction of the Constitution, and that its provisions are not violated when we give to the people of this District the power to select their own officers. It has been done, as I have said, under almost every President, by almost every Congress, by those of almost every shade of political opinion. In some instances the President was given power to appoint part of the municipal officers; in others all were to be selected by the people; in some by all the voters of the cities, in others by districts or wards; in some the judges or commissioners of election were to be appointed by the judges of the courts, not by the President; in others they were to be selected by the common council. In the well-remembered and recent act of 1871, a Legislative Assembly was created, a part to be elected by the people. By the same act a Delegate to Congress was provided for, to be elected in the same way. And let me ask right here, was or is it competent to give such Delegate to the District; and, if so, will any one say that he should be appointed by the Executive? Certainly that would be uniting the duties of the legislative and executive departments of the Government in a manner never contemplated even by the Senator himself, and most clearly in conflict with the whole letter and spirit of the Constitution. The District must either be denied the right to such Delegate or the right of the people to elect him must upon every conceivable principle be conceded. But without dwelling on this part of the argument I shall assume that if anything can be settled by legislative construction, then this has been by the Congress of the United States.

But how does the question stand upon principle, and looking to the Constitution itself, uninfluenced by legislative action? I humbly sub-

mit that those who argue against this power (and there are, as we have seen, others than the Senator from North Carolina) make the mistake of treating this District as one of the States as to congressional legislation, when the truth is that in this District there is no division of powers as between the general and the State governments. Here Congress has the entire control for every purpose of government. This was decided as early as the case of *Kendall vs. United States*, 12 Peters, 524, and no decision, as far as I know, has ever been made conflicting in the least with this doctrine, which I thus state generally without stopping to set forth the reasoning by which it was supported.

And indeed, instead of finding anything in conflict with this doctrine, you will find that in perfect consonance with it is the case of *Cohen vs. Virginia*, 6 Wheaton, 424, where it is said that the power of Congress to exercise exclusive jurisdiction over the District is not local, but is conferred on that body as the Legislature of the Union. So, too, in *Hepburn vs. Ellzey*, 2 Cranch, 445, it is said that neither the District of Columbia nor a Territory is a State within the meaning of the Constitution. And in further support of this I quote from the *Federalist*, No. 43, where, in discussing the supposed danger of thus giving to Congress exclusive legislative power over the District, the author argues that "as they (the citizens of the District) will have their voice in the election of the government which is to exercise authority over them; or as a municipal legislature will of course be allowed them," the objection to the supreme control of Congress over the District will be obviated. It would seem as if that ought to settle the question beyond controversy.

And this must be so from the very language of the Constitution itself, which declares:

The Congress shall have power to exercise *exclusive legislative control in all cases whatsoever* over such district * * * as may * * * become the seat of the Government of the United States, * * * and make all laws which shall be necessary and proper for carrying into execution the foregoing powers—

Of which this power of exclusive legislation is one—

and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Now, we talk often, as the Senator from North Carolina does, of the limited powers of the Federal Government, that it only has conferred powers, and by so doing, quite as frequently forget or lose sight of the extent and nature of a power which is distinctly and beyond dispute given to the Government. When a power is given, there being no restriction or limitation upon it, then it is as complete, absolute, and beyond the power of question in its exercise by any other tribunal as if our frame-work of government was the most unlimited, or a despotism instead of a constitutional democratic government. What I mean is this: That when power is given to Congress to do a thing, there being no limitations or restrictions, then Congress is the sole judge of how it shall be done. The agencies to be employed and the boundaries of legislative action are to be found almost, and I believe I may say entirely, in the discretion or judgment of Congress, and not in the opinion of some other tribunal as to whether the power has been wisely or unwisely, justly or unjustly exercised. It may exercise powers granted or incidental to those granted. But the power conceded, with nothing to limit its exercise, then the field for its action is no more restrained than that of the Legislature of a State, which possesses all powers not denied or withheld. Having the power, it may exercise it in this method to-day, in another to-morrow, by this agency this week, by another next, selecting its officials to carry it out in one way this year, in another the year after. The cardinal and first inquiry of course is, does the Constitution give this power without limitation? If it does, then the manner of exercising it, I repeat, is with Congress. And not a little of the false logic in all discussions as to the power of the Federal Government arises, in my judgment, from a misconception of this very plain principle or rule of construction. Thus we are apt to say that because the Government is one of limited or conferred powers, though a power is clearly and unmistakably granted, and that too without limitation, there can still be nothing done under it except what is clearly embodied in the language used in conferring the power. This, I submit, would, to an extent never contemplated, tie the hands of the law-making power, and would carry the doctrine of the limited nature of our Federal system to a sequence at war with the best interests of the people and the most desirable and efficient action of the Government in all its co-ordinate departments.

Now, what is the power of Congress in the matter under consideration? We have seen that it is to exercise exclusive legislative control in all cases whatsoever over this District, and to *make all laws necessary and proper to carry this power into execution*. Having exclusive legislative control, there can of course be no division of that power. That which is exclusive in one body cannot be exercised concurrently by nor divided with another. Congress cannot exercise this power in person; that is to say, it cannot in person collect the taxes, improve the streets, superintend the health of the people, erect public buildings, and discharge all the other and varied functions appertaining to a municipal organization such as is contemplated in this District. Then how are these duties to be exercised? I answer, by just such agencies or such officers selected in such manner as Congress, in the exercise of the power of exclusive legislation, may elect. Of all these matters Congress is made the exclusive judge. To it is given supreme authority. The legislative is the su-

preme power, having which, as in this instance without restriction as I claim, there is included in it the power and the duty of providing the means to carry it into execution.

But this is met with the proposition that the power is not conferred without limitation; for to the President, it is said, is given the power to appoint all officers which may be established by law whose appointments are not otherwise provided for in the Constitution. The language is that the President "shall have power * * * to make treaties, * * * and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors * * * and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law." It is, however, further provided that "Congress may * * * vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments." And in view of these provisions it is asked, does this clause, giving exclusive legislative control to Congress over the District, "override, absorb, and swallow up all the balance of the Constitution?" Or again, it is asked, is it not to be construed with other parts of that instrument, and subject to the limitations therein contained? And from these inquiries follows the conclusion, according to the argument, that Congress can provide officers to discharge duties in the District, but that it cannot authorize the people to elect such officers in the face of the provision which confers upon the Executive power to appoint the same.

Of course no one controverts the doctrine that the Constitution is to be construed as a whole, and that no one provision is to receive a construction without looking to all the others. In the language of the Senator from North Carolina, "No one clause is to absorb, override, and swallow up" the others. And yet all must be made to stand and have operative force, if possible. No one shall be construed to impair the full force and meaning of another or others if a meaning can be given to all by which all may stand and have force and effect. Now you find field and scope for the operation of the second clause of the second section (that relating to appointments) by applying (not necessarily, of course, confining) it to officers of the United States, such as are connected with the general machinery of the Government, almost infinite in number and varied in their importance and responsibility. In doing this you do not in the least conflict with its meaning or take from the power vested in the Executive. But the clause itself contemplates that there are officers whose appointments are otherwise provided for, and these officers are other than those which Congress may authorize the President alone or the courts or heads of Departments to appoint. For the language, recognizing another method of appointment, could not have referred to those to be made by courts or heads of Departments. The two are placed in such juxtaposition as to render it certain that the framers of the instrument, wise and careful as they were in all things, each day's experience but serving to show that they even "built better than they knew," I say renders it certain that they contemplated that other methods were provided by the Constitution for the appointment or filling certain offices which the law might establish. The words "whose appointments are not herein otherwise provided for" were quite unmeaning, showing a tautology not found elsewhere in that instrument, if the word "therein" refers to the next clause, and not to the instrument as a whole. And hence we find, in entire consistency with the due operation of the "appointing clause," that Congress is given the power of exclusive legislation over that district or small territory to be selected as the seat of Government—exclusive legislation in all cases whatsoever, with full power to make all laws necessary and proper to carry into execution such powers. In doing this Congress may, I grant, give to the Executive the power to appoint the officers provided for such district. So it may give the appointment to the courts, if so disposed to any body of men, fill them by the act creating them or by further or other legislation, or provide for their election by the people. To provide a method of filling these offices is as much and as legitimately legislation as it is to fix their salaries, their tenures of office, the qualification of the appointees, or how they may be impeached or removed. And the power, being exclusive, is as much beyond the control of a power other than theirs as to the selection as it is as to what officers are necessary to the municipal machinery.

And this view is in such perfect accord with the whole frame-work and genius of our Government, that it seems strange that any other construction should be deemed possible. Thus the *people* of the United States ordained and established this Constitution. It was the work of the people, not of the States, and for the purposes recited in the preamble. And, too, the power not delegated to the United States, nor prohibited to the States, was reserved to the States or the people; and all persons born or naturalized in the United States and subject to its jurisdiction are *citizens* of the United States and of the State where they reside, and the right of *citizens* of the United States to vote is not to be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

These and other provisions serve to show the spirit animating those framing the amendments as well as the original instrument, and the rules and spirit which should govern us in giving them a construction. And hence, if doubt arises as to its meaning by the one construction giving power to the people, the original source of all power, by the other taking power from them and lodging it in a single indi-

vidual—in all such cases the path of safety and the spirit which breathes throughout the instrument are best consulted by letting the people speak and act for themselves. If the people cannot be trusted, if to them cannot be accorded the privilege of electing their own officers, the power to do so being denied by invoking a technical rule of construction, then abandon all claim that this is their Government. Others may do as they deem best, but for my humble self, if doubt obtains, *I shall leave power in its source*; for thus, as I regard, I am more likely to carry out the design and spirit of the Constitution; thus am I more likely to build upon the foundations laid and upon the fundamental ideas enunciated and defended by the fathers of the Republic. Of course, if doubt does not obtain and my way is clear, as in this case, I would most freely and cheerfully give to the people the franchise rather than deny it.

We have heard much, Mr. President, within the last few years especially, of the danger of a central Government—of power escaping from the people and being absorbed by the executive head. These fears, I confess, I have not and do not share. And to me it is not a little strange that our friends on the other side, upon a question at least admitting of fair argument against their construction, should so persistently deny to the people—to a people for the most part intelligent and well able to judge of their own wants—the right to select their own officers. I would do no one injustice, nor for one moment misconstrue his motives. I give to the able Senator from North Carolina the full benefit and all the advantage of his disclaimer that the colored vote in this District in no manner nor to any extent influences his view of the Constitution. And yet I think I know something of the strength of human prejudices. I certainly know how incompetent we all are to judge of or weigh their existence or strength when judging of ourselves. In such matters we are very, very unsafe judges. And I cannot resist the expression of a fear that the withholding of the ballot from those lately in slavery, coupled with the strong feeling, honestly entertained it may be, that they are incompetent to its exercise, may too much influence the opinion that the power to select their municipal officers is lodged elsewhere.

Nor, I confess, can I avoid the conclusion that if the ballot was given now as formerly in the District only to the free white male inhabitants of the requisite age, our friends would hesitate long, would be exceedingly reluctant to withhold from the one hundred and forty thousand people here residing the poor and yet invaluable privilege of selecting the officers who should administer their local affairs; and especially so when, if the argument that they must be appointed is sound, then it applies to all, the very lowest and humblest as well as the highest and most important; and that part of the original bill which makes a part of the school board elective clearly violates the Constitution; for if only the President under the Constitution can appoint, then he must appoint all, even constables, path-masters, and fence-viewers. The power, if in him, is exclusive. It applies to all. If it may be derided, there is an end of the argument.

Mr. President, there is, I feel bound to say, more in this doctrine loudly and boldly proclaimed that the "Government of the United States was not formed, was not organized, was not carried into practical effect for the purpose of conferring suffrage upon anybody for any purpose" than its mere bearing on the subject now under consideration would seem to imply. If with all the guarantees of the Constitution, with all the safeguards for human rights, if with all our boasted efforts to secure all rights to all men, we accept this doctrine as a platform for legislation and political action, not in its mere technical language, but, what is of far greater moment, its spirit and possible purpose, then let us vote emancipation a failure and universal suffrage an uncompensating delusion.

Mr. President, we are gradually but certainly coming face to face with the gravest issues, more so even than those preceding or immediately following the war. For one I would not be blind to them nor ignore them in my action. They are before us, and no man is true to himself or duty who fails to see them.

That we are approaching these grave issues I beg to remind the Senate; in addition to the extraordinary doctrines which I have endeavored to combat, that the very able Senator from Kentucky, [Mr. STEVENSON,] a Senator who is ever frank and candid, and as able as he is frank and candid, who always weighs well what he says, and whose high position and unquestioned integrity entitle his utterances in this Chamber to the most profound respect, and indeed invest them with the deepest oracular significance—I say I beg to remind you that almost immediately following the speech of the Senator from North Carolina, the Senator from Kentucky told us, in appealing to the Senator from Maryland [Mr. HAMILTON] to withdraw his amendments to the pending currency bill, that in his opinion the legal-tender act was clearly unconstitutional; that to repeal it, however, would be rash and premature. He continued:

So, too, in regard to the *fourteenth and fifteenth amendments*. I do not believe they were constitutionally adopted, but the country has acquiesced in them, and I am against disturbing them. I stand by them in good faith until they have been fairly tested and fully tried.

Then what? Yea, I repeat, then what? Suppose the time shall come when in the opinion of that Senator they have been "fairly tested and fully tried," and they shall not answer public expectation or the end proposed; if they were never constitutionally adopted, what then? What then becomes of the guarantees therein thrown around the privileges and immunities of the citizen? What of the basis of representa-

tion; of the penalties denounced against those violating their oaths in taking up arms against the Government; of the sacred character of the public debt? How stands the debt in aid of the rebellion? What of the right of suffrage, which under these amendments is not to be abridged on account of race, color, or previous condition of servitude? What becomes of the duty of Congress to enforce these amendments by appropriate legislation? The enforcement of these articles and the great principles by them embodied in the Constitution, if the Senator's position is sound, rests of course not upon the commands of the instrument, not upon the binding obligation of these provisions as a part of "the supreme law of the land," but upon the judgment of each one and of political parties and organizations whether after a "fair test and full trial" they should command his or their respect and support. For if not constitutionally adopted they are to be obeyed or disregarded according to each man's judgment or conscience or the dictation of political leaders and parties. Yea, more, if not thus adopted they are as if not therein written, as if not therein found, and are to be disregarded as so many "glittering generalities" made to tickle the ear and our patriotism, and without obligation upon any one. And who shall say when the "test and trial" have been sufficiently made in the opinion of those who may by possibility constitute a majority in these halls and control the Government? Who, I ask, shall assure us of the sacredness of our national debt, or what assumption may not be made of the debts growing out of the loss of slaves or in aid of the rebellion, or who can say what infringement may not be made upon the privileges and immunities of citizens, or how soon the elective franchise shall be denied because of race, color, or previous condition of servitude? The Senator stands by them in good faith until thus tried and tested. I accept his statement made in that good faith and sincerity which ever characterize his pledges.

But coming as this language does from one standing so high in these halls and before the country, his expressed purposes have to me a most momentous and startling significance. It is one thing to stand by a law because it is so written and found upon the statute-book; it is quite another to stand by and enforce it because you believe it to be right. It is one thing to grudgingly and coldly, and because you cannot for the time, from policy, well do otherwise, observe the constitution which you believe never to have been validly adopted, simply because the country has acquiesced in it, and hence you are opposed to its disturbance; it is quite another to defend it because you believe in its spirit and are ready to maintain that it was adopted in the method provided in the Constitution itself. And there being no suggestion by the Senator that these amendments are to be changed in the methods pointed out in the Constitution, who shall tell how long before it shall be deemed that there has been a fair test and full trial of their operation; how long before it shall be determined that the people no longer acquiesce in them; how long before, without attempting their change by constitutional means, there shall be a denial of their binding force upon this body, upon Congress, upon the country? If these provisions rest for their observance and enforcement upon such contingencies, instead of being accepted and enforced in good faith as valid parts of our great charter, tell me where is the security, what the value of the safeguards which they were intended to throw around the citizen and the Treasury? To these inquiries we are rapidly coming, and this the country had as well understand. Ah, Mr. President, I remember with what earnestness and with what apparent pleasure my friend, the same distinguished Senator, at the same time said that the bill under consideration (the finance bill) afforded "the first public acknowledgment by the republican party that they realize the fact foreshadowed by the recent elections, that the scepter is rapidly passing from Judah, and that the days of their domination and misrule are rapidly coming to an end." Allow me to say, Mr. President, that I accepted that bill and our united action thereon rather as evidence that we apprehended the dangers threatening the Republic, only to be arrested by the wisest legislation and the most united action of the party in power.

Long enough, too long perhaps, have our councils been divided upon the currency and other subjects demanding legislation. Possibly these divisions may have contributed not a little to create distrust in the public mind of our ability to administer the affairs of the Government and to give to the opposition what is in my opinion the merest partial temporary triumph. But whether this union, this deliberate and thorough concert of action, be attributed to alarm created by the recent elections, or whether to a purpose to administer the Government in our own way, holding us, as the people will, for such administration whatever may be done by the opposition; or to the high and ever defensible duty of laboring to save the country from threatened danger; let our motives be judged as they may, and charges or suggestions come from what source they may, still let us move on unmindful of aught save the high and grave responsibilities resting upon a party which has done so much to be proud of in the past and so little to cause alarm for the future.

In view of the doctrines enunciated by those opposed to us; in view of the need of a closer union and more earnest sympathy on the part of those who have done more for the country and been truer to principle than any other party ever administering its affairs; in view of the readiness of the people, as I believe, to sustain us if we are true to our pledges and ourselves; in view of the events pressing upon and demanding our attention—I say, in view of all these things, let

us not hesitate nor fail in the use of means essential to accomplish results so much to be desired.

Everywhere the cry is, by those unfriendly to our rule, that the Government is to be and must be turned over to other hands. And this prediction may be verified, if we are cowards and unfaithful to our high trust. If left to indicate the one thing most needed, I should express it in the one word, *courage*. Courage to stand by what is right and condemn what is wrong. Courage to rid ourselves of bad men and bad officers wherever found or whatever their influence. Courage to reduce expenses to the lowest possible limit at all consistent with the public service. Courage to reject instantly and without division all subsidies, all schemes of rings or lobbyists, by whomsoever moved or however plausible. Courage to discountenance and condemn all efforts to set on foot investigations without probable cause, instigated from political motives, involving large expenditures of money, and only calculated to inflame still more a morbid public sentiment. Courage to carry out and enforce in good faith and high purpose all the guarantees of the Constitution securing in letter and spirit "all rights to all men." Courage to plant ourselves upon the doctrine that Congress has the power to give to the people cheaper transportation, and prevent that combination which is the end of competition among carrier corporations and companies. Courage to declare and provide for the protection of the life, liberty, and property, against misrule, deeds of violence, and bloodshed, of every citizen of the land, if to do so requires the whole military and the entire treasure of the nation. Courage to set our faces against all corruption and to maintain the law at all hazards. Courage to see to it that the States of the South, and everywhere, shall have now and at all times governments republican in form and in reality, whoever may be disappointed, however much rascality and fraud may be exposed or brought to judgment, or however severely the lawless and Union-hating rebel may be made to feel the power of the Government. Courage not to destroy a State, but to crush out any and all defiance of the spirit of our free institutions wherever found. Courage to use force not merely to irritate but sufficient to punish those who band together to defy the constituted authorities. Courage to know that there never can be any safe compromise with bloodshed, lawlessness, treason. Courage to acknowledge our mistakes as a party whenever they occur, and to honestly enter upon the work of correcting them. Courage to love the Union as a whole—to accept the Constitution, in all its parts, as a charter of national life, not of death. Courage to resist all reactionary movements—remembering that now, as ever before, the contest is between progressiveness and conservatism, aggression and reaction, and that the party of true faith and reform will ever keep abreast with the demands of the times and an advancing Christian civilization.

True, honest, high moral courage, hope, confidence, with the fruits following these, are what the people demand and expect at our hands. And I say, therefore, away at once and forever with a timid, weak-kneed, shivering policy and course, which only lead the people to distrust our ability and to give temporary hope and courage to the opposition. True courage the people admire and will stand by in parties as in individuals. Not otherwise can we maintain our ground and achieve a triumph demanded by the best interests, if not indeed for the very life of the country. With true courage we can and will. And then we shall hear no more of the doctrine that the Government was not made for the purpose of conferring suffrage upon any person for any purpose. Then we shall not be left to trust obedience to the Constitution or any part of it to the test or trial of the acquiescence or non-acquiescence of the people or political parties in its provisions and mandates. Then it shall not be said that we unite as a party from simple fear of political defeat, but it will be seen that united, throwing aside and rejecting all dead issues, divorcing ourselves as far as possible from all bad men, we have brought peace everywhere to the nation, respect for the laws, obedience to the Constitution, prosperity to the people, and given renewed hope to the friends of free government everywhere.

Mr. STEWART. Mr. President, it is not true that the contemporaneous construction of the clause of the Constitution setting apart a capital was in favor of the local self-government spoken of to-day. In 1790 the first act which was passed provided for governing the capital by a commission; and it was governed by a commission of three for twelve years until 1802; and then I suppose by common neglect this anomalous state of things grew up. When the Constitution was freshly before Congress, when they undertook to legislate, they legislated properly undoubtedly. The judiciary act of 1789, we all know, is considered as of equal sanctity almost with the Constitution itself, because it was passed immediately after its adoption; and so of this act of 1790; but the subsequent acts in regard to the District of Columbia have no great authority or obligation as precedents. At the time the first act was passed Congress was in full view of the Constitution, and then provided for a commission. It is true Mr. Madison threw out a loose remark in the *Federalist* in arguing in favor of the Constitution, which has been read, the remark of an advocate without much consideration, although it comes from very high authority. Still it was not followed when Congress came to act upon the subject that they had lost sight of the provision of the Constitution. That went on for twelve years, and for the rest of the time (not for seventy-five years, because the first act brought us down to 1802) they have had a very irregular government, not an

effective government. For a long time this city had a mayor and common council. Twelve years ago, if you had looked at this city, you would have seen the government of the mayor and common council which they had at that time. It was really literally the worst place in the United States. There never was a city in such a condition, where so many people were congregated together. There was no under-ground sewerage; there was no proper police. There was never a city in such a bad condition in the world as this city was until it was undertaken to be improved by the board of public works. There never was a city so badly governed, so badly provided for as to the health and comfort of the inhabitants. It was a national disgrace as it then was. It had been neglected by Congress, and the taxes had been misapplied by a floating population. The citizens of the District were not really responsible even before the colored people had the right to vote. This evil did not begin with the suffrage of the colored people. It dates much further back than that. Before there was any such voting the class of population that controlled it were of that transient character that they multiplied offices; there was no responsibility as there is among citizens who govern a community in which they are interested. It was a floating population unfit to govern the capital prior to negro suffrage, and since suffrage has been extended it has not helped the matter at all, but perhaps has rather aggravated the evil. Its controlling power is still a floating population.

I have noticed the phases it assumed when it was under a form of government similar to that proposed by the Senator from Iowa, [Mr. WRIGHT.] Now, to show how little thought the Senator from Iowa has bestowed on his bill compared with the amount of labor he has bestowed on his speech, I want to read one or two sections of his bill and see what a subterfuge it is, what a thing it is. It may be all very well to make this District a football for political speeches, to make it a thing to throw into debate on all occasions, and let the people here suffer and be robbed for the want of proper, legitimate legislation; but let us look at some of the leading provisions of the Senator's bill. Take section 30, which is one of the leading provisions of it.

SEC. 30. That the council may provide for the election by the District at large of the necessary officers charged with the performance of general duties, and for the election by sub-districts of officers charged with the performance of local duties—

This council may provide for the election of as many officers as they please—

and all officers not made elective by the people, and not otherwise provided for by Congress, shall be annually chosen by the municipal assembly; but the appointment of clerks and subordinates may be vested in the chief officers of the respective departments wherein such duties are to be performed, subject to such approval as the council may direct; and the several classes of officers chosen by the people shall be voted for on separate ballots.

The law under which we had more officers than the locusts of Egypt, who ate up the substance of this community, did not begin to give them the authority that there is here. It would nearly bankrupt the nation to get a census of the number of officers they would create in six months under that section. What a spectacle that is for this people! What an outrage it is that this system should be advocated, and advocated by men who will not take the trouble to define the officers and give us a list of them, give us a list of the men who are to eat up the substance of this people, but will commit that power to an irresponsible, transient, local Legislature that get together, supposed to be elected by the people, when the people really have nothing to do with it, but elected by those who chance to be in the capital at the time. Do you think that the people of this District, the real citizens of this District, if their voices could have been heard in the selection of their representatives, would ever have chosen such a Legislature as there was here last December a year? Do you think it would have been possible for any city of the Union to have elected a council who could break up or take away the chairs and looking-glasses and dusters and furniture of the establishment when they were dissolved? Do you believe if there had been the slightest responsibility anywhere, it would have been possible to get together such a gang as that, with no more shame? Do you believe such a thing would have occurred if those who assembled there had been citizens, and had to meet face to face their constituents? Do you believe they would have stolen the chairs?

Mr. HAMILTON, of Texas. I wish to ask the Senator from Nevada who did elect the Legislature?

Mr. STEWART. Nobody knows. Those who happened to be here the day the election occurred, I suppose. They do not stay here twenty-four hours; they come here and inflict the pain, they come here and make the grab, and in that case they did not have even the decency to elect men who had enough self-respect to leave the chairs in the hall which they had occupied.

Mr. HAMILTON, of Texas. I will ask the Senator another question. It is a very grave charge to say that people who live abroad were permitted to come here and elect the Legislature. It is startling. It is a direct imputation upon the authorities who controlled the election here. I ask the Senator from Nevada if he does not think the board of public works had more to do with the election of the Legislature than the people who live outside of this District.

Mr. STEWART. No, I do not think anything of the kind at all. I think most of the votes that elected them were those of persons living outside of the District. I do not want any more machinery whereby such things can be possible. I say the people that live in

this District have a right to be protected against those who chance to come along. But under the amendment of the Senator from Iowa what would be the result? Immediately preceding the election men would come in and congregate here, and you would have here such a host of men who have no interest in the District that the citizens themselves would hold up their hands in despair. Why, sir, I saw here previous to an election at one time over a thousand men engaged in cutting the grass with knives out of the gutter in the outside parts of the city. I went through the city half a day and could hardly count them.

I say that when you allow the power to be in the hands of a majority of transient population that come here, and then make Congress or the people foot the bills, you are shirking a plain duty. The bill of the Senator from Iowa has no safeguards. Here is another clause in it to which I want to call the Senator's attention. Look at section 22:

That the council shall provide for the regular weekly publication, in an official register or otherwise and in detailed and intelligible form, of all the receipts and expenditures of the District and of any board or officers now or hereafter connected therewith; of all contracts involving an expenditure of District funds or incurring any liabilities to the District or to the inhabitants thereof; of the proceedings of the council—

Which will include its debates, I suppose—

and of all proceedings of District administration of public interest or concern; and of all official advertisements, orders, and transactions of the District.

These shall all be published once a week. What will that amount to? Five or six hundred thousand dollars a year probably. It is true the Senator has a clause limiting the amount, but see how it is limited—

But the expense attendant upon the publication of an official register shall not exceed the sum now annually paid for advertising the delinquent tax lists in the city of Washington.

What does that amount to, and how is it to be ascertained? Property will be advertised and readvertised every year and nobody will buy it as long as a floating population impose taxes and command appropriations by Congress; as long as there is no responsibility anywhere, no limitation upon suffrage, and no means of ascertaining who can vote. So long as that system lasts I think the amount required to pay the annual expense of advertising the delinquent tax list will be quite large. Take any section of the Senator's bill; I only take these as sample bricks of the whole thing, to show that it has not been examined or perfected in any respect.

It is stated here that the citizens of the District of Columbia have equal rights with any other citizens. Have they? Citizens of the States have the right to determine who shall vote, what kind of residence shall be required. They have a right to pass a registry law to determine the qualifications of voters, and only those who are real citizens vote. They have that power. This proposed bill takes that all away from the people of the District, and non-residents may drive in here by the thousand and vote. There is no safeguard under that bill and no power to legislate for safeguards. The only power conferred on this Legislative Assembly, if you will look it through, is to extend offices, create expenditures, multiply the troubles. There is in it no such thing as a registry law; there is no limitation in it. After the very ably digested bill we have from our select committee, this comes in this shape. We are asked to throw away the committee's bill and take that of the Senator from Iowa as necessary, for what purpose? Upon this depend the constitutional amendments. Upon the amendment of the Senator from Iowa, according to his argument what depends? I suppose he meant something by his argument; and what depends on it? We must adopt his amendment, and ruin and bankrupt this District further, and rob the nation further, to pay the expense incurred by an irresponsible body of men to be created; or what? Or the fifteenth constitutional amendment will be disregarded and the negroes will be deprived of suffrage; the finances of the nation will be disturbed; Congress will lack courage to do its duty! They must do this, or everything is wrong. His speech illustrates the way this District has been governed. Here we have had a political speech piled up on this poor District, when it is asking for government and law. Nothing illustrates the mode of treating this District more forcibly than the amount of debate and the kind of debate that is drawn in on this bill.

What in the world has the constitutional amendment in regard to negro suffrage to do with this bill? Do you want to illustrate negro suffrage here? Is that your purpose? Then let us have a different illustration from what such a bill as the Senator's would give. Do not make the negroes responsible for all the floating population that can be gathered here. Do not make the negroes responsible for the bad government that will grow up out of such legislation as this would be. Do not make the negroes responsible for your bad laws. Do not make negro suffrage responsible for the robbery that necessarily would occur of the people of this District under such a bill as the Senator's. If you want to have negro suffrage respected, let it be regulated by law as white suffrage is; do not invite negroes and whites who do not live here to come into this District and vote away the money of Congress and load the people with burdens. It seems to me that such a bill would be a stab at negro suffrage and at universal suffrage. What must follow from this is what has followed from similar legislation.

We have had misrule; we have had oppression; we have had bad government enough in this District, and the reason was that there

was no responsible source of power. The reason was that there was no responsible body of voters here to govern the District of Columbia. The reason was that the laws were conflicting, uncertain, and impossible of execution, so that the scene was that of "confusion worse confounded." The Senator's proposition is another piece of legislation in the same line, only more so, of all that which has gone before; and it is argued that, in order to save negro suffrage, in order to save the finances of the country, in order to revive the courage of the republican party, we must give the District of Columbia another kick and plunge them in deeper, throw them into fits further, and then the great republican party will come out and the Constitution will be vindicated and the rights of man everywhere protected! I protest that the rights of man are in harmony with good government in this District. I protest that a sound financial policy for the country is in perfect accord with good government in this District. I protest and affirm that the Constitution of the United States is in harmony also with good government in this District. I declare that it is impossible to have good government by means of a floating population responsible to nobody and restricted by no law. I point to the past; it has been a failure, and we know that in the future it will be the same. I hope that we shall confine ourselves to the question of good government here, and that we will exercise the power all acknowledge we have to appoint a commission to govern this District as the fathers did in the first place. Let us go back to the first twelve years of government in this city under those who breathed their inspiration immediately from the founders of the Republic. Do not try to experiment again. Everything else has been tried. You have tried loose legislation; you have tried conflicting forms of government; you have tried placing the power in irresponsible hands. Place it where the first Congress under the Constitution placed it. Place it where it was placed in 1790, and which was tried for twelve years. That certainly was in harmony with the Constitution; and if it is in harmony with the Constitution to have honest rule, to have decent rule in this District, let us have it now. I apprehend that nobody will contend that that first act was unconstitutional. If that was not unconstitutional, the bill now proposed by the Senator from Maine is not unconstitutional; for it is on the same basis, involving the same exercise of power.

It is clearly constitutional then. Any man of sense knows that it will give us better government. Any man of judgment knows that to have good government here cannot injure the cause of suffrage anywhere. It cannot injure the cause of suffrage to pass the same kind of an act that was passed in 1790 by the fathers of the Republic. The people here are citizens and they are citizens of the Republic, and they are entitled to be protected by laws made by some responsible body of men. They are entitled to be protected against a lawless invasion of the transitory population who are brought here necessarily by the capital of the nation. Whether that population be white or black, it matters not; it was just as bad under the white population as it is under the black. The whole theory of allowing self-government here is inconsistent with the nature of things, inconsistent with the Constitution, inconsistent with the first act of Congress on the subject. Let us go back to that act. Let us have law.

This subject involves simply the question of good government and honesty here. Let us commence here to have good government and honesty, and I think it will help us as much to have good government and honesty here as anywhere. Let us have courage to do right now. Let us not be so cowardly that we dare not deal with this subject but turn it over to somebody that is irresponsible. Let us not be so cowardly that we dare not take up a well-digested bill and pass it, but must resort to some makeshift because we are afraid to say to the people of all the world, "In the city of Washington we will have good government as provided by the Constitution, and we will pass an act modeled entirely after the first act passed by Congress on the subject." It seems to me that to have courage to do right is a good thing, but to have the courage to do wrong is a very mean thing.

Mr. MERRIMON. Mr. President, if it is the disposition of the Senate to take the vote on the amendment of the Senator from Indiana [Mr. MORTON] now, I am content to yield for that purpose; but otherwise, if the discussion is to be protracted, it is due to myself to make some remarks in reply to the honorable Senator from Iowa, [Mr. WRIGHT.]

Mr. MORRILL, of Maine. I greatly hope we may get the vote at the present time.

Mr. STEWART. Cannot the Senator from North Carolina make his remarks on some other bill?

Mr. MERRIMON. My remarks will have reference to the constitutional question which this bill presents.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from North Carolina is entitled to the floor.

Mr. MERRIMON. As I hear no suggestion that there is a disposition to take the vote now, I will proceed.

Mr. President, if I know my own heart, my desire in this behalf is to aid in passing a law that will most benefit the people of the District of Columbia, without reference to race or color. I trust that I am incapable of a desire to do anybody or any class of people an injustice. In the discussion of this subject on a former occasion I was moved, because of what was said by others, to scrutinize the power of Congress to confer suffrage upon the people in this District. It was contended, not only by the chairman of the committee but by

many other Senators, that for a long time past the District of Columbia had been under terrible misrule, that immense debts had been created and frauds perpetrated to the great detriment of the people and the nation. These evils were said to be attributable to popular suffrage and to a floating population that came into the city to vote and passed out of it in a very short time after coming here. I could well see that such an evil might exist here, and that at once suggested to me the importance of the inquiry that I attempted to make, I confess, at the time rather hurriedly, but further examination has only confirmed me in the opinions which I then expressed.

The Senator from Iowa [Mr. WRIGHT] has taken very decided issue with me. It is a remarkable fact, however, that in the course of the long and interesting and well-considered speech which he has delivered he cited not one single provision of the Constitution which sustains his position, nor did he cite any legal authority for any such purpose. Now, sir, I propound with all respect to him, this question: Can he point me to any clause in the Constitution of the United States which delegates to Congress or any national authority the right to confer suffrage upon a single human being? I challenge my honorable friend to point to that clause.

Mr. WRIGHT. I feel very certain that either the Senator was not in his seat or I was very unsuccessful in making myself understood, if he did not hear me point to several provisions of the Constitution from which I claimed the power, and not only so but I cited three authorities from the decisions of the Supreme Court as to the nature of the powers of the Government under the Constitution as affecting this District and also the opinion of one of the authors of the Federalist upon that subject. So instead of the Senator being authorized to say that I cited no single authority, I did cite authorities on that subject and I did refer to the provisions of the Constitution.

Mr. MERRIMON. I apprehend that when those authorities are examined and criticised—and I listened to the Senator's speech with great pleasure and interest—it will turn out that he cited authorities from which he drew inferences and he attempted to arrive at a power in Congress by inference and not by any provision in the Constitution express or implied.

Now, sir, any one who will turn to the Constitution of the United States will find that it makes reference to the subject of suffrage in only three places: First, there is a provision touching suffrage in the election of members of the House of Representatives of the United States; second, there is a provision touching suffrage in the election of President of the United States; third, the fifteenth amendment provides that no State shall deny to any person the right of suffrage on any one of three accounts, namely, race, color, or previous condition of servitude. If the honorable Senator can point me to any other clause in the Constitution on the subject of suffrage at all, or any clause which by reasonable implication refers to suffrage, I would be obliged to him or any one else to do it.

The National Government, as I said on a former occasion, was not framed for the purpose of regulating suffrage at all. Suffrage pertains to the people of the United States as citizens of the several States. The people of the United States are not a consolidated mass in any sense. The Constitution of the United States does not provide that the people of the United States in any instance as a consolidated mass shall take action. While they are one people and have one nationality, they operate and co-operate for all purposes through the several States as States. Even in the election of a President the people of the several States act in their capacity as States and not as citizens of the United States.

The Constitution confers upon Congress power touching the District of Columbia in these words:

To exercise exclusive legislation—

These are very material and very significant words—in all cases whatsoever over such District, &c.

These are the operative words; these are the words which conferred the power. "Exclusive legislation" is the language, and the word "exclusive," we all understand, had reference to excluding the right of the State of Maryland and the State of Virginia to legislate touching the territory ceded to the United States for a seat of government. Then the point turns on the word "legislation." Congress shall have power to legislate for the District of Columbia; that is the constitutional meaning; that is the legal sense of the clause. To legislate how? To legislate for the District of Columbia just as Congress legislates for the Territories, for the Government generally, or as it exercises its powers of legislation touching any matter whereof it has jurisdiction. The plain meaning is that Congress is to legislate for the District of Columbia just as it does for any other purpose. The power conferred is not exceptional and specially different from the power to legislate for other purposes.

Is there any consideration, is there any reason why that word "legislation" in that clause should bear a different meaning from what it bears in any other clause of the Constitution? I can see no reason for it, nor has any been pointed out; and I undertake to say that none can be shown. If, then, there is no power conferred by this clause to legislate that is not conferred by any other clause of the Constitution in the matter of legislation, how is it that Congress can so legislate touching the District of Columbia as that it can appoint an officer or authorize the people to elect one when Congress has not a similar power touching any other subject. I should like to

know. Congress cannot ordinarily provide an office and fill it, nor can it provide that the people anywhere may elect such officer, for a reason I will presently state. Why, then, can it appoint an officer for this District or authorize the people of the District to elect? Where is the authority for it? I would like for the Senator or any one to point it out.

But further than that, there was a law at one time which provided that certain justices of the peace should be appointed for the District of Columbia by the President. The President appointed a justice of the peace. A controversy sprang up and went into the courts touching that appointment, and it went to the Supreme Court of the United States. The case is that of *Marbury vs. Madison*, reported in 1 Cranch. In that case the Supreme Court held that a justice of the peace in the District of Columbia was an officer of the United States. The officers of this District are officers of the United States; the judges are, and a mayor of this city would be.

Another decision of the Supreme Court throws light upon the subject. In the case of *Cohens vs. Virginia*, reported in 6 Wheaton, the point was raised that an act passed by Congress touching the District of Columbia was a local act in its character. The Supreme Court held otherwise. They held not only in that case, but they have held in other cases that every act passed by the Congress of the United States is a national law to all intents and purposes; it is a law of the United States, and not simply local.

Now, sir, if the legislation of Congress touching the District of Columbia is part and parcel of the statutes of the United States, if these acts are laws of the United States, and if these statutes provide for the appointment of officers, I ask any Senator to tell me why they are not controlled by the clause of the Constitution which I will now read:

He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

The Supreme Court has decided that an officer of the District of Columbia is an officer of the United States. If he is an officer of the United States, then I contend that the result is inevitable that under the clause of the Constitution which I have just read that officer cannot be appointed by any power save only the President.

The effort has been made to derive the power in Congress to confer suffrage by inference. We are told—and that is the strength really of the argument on the other side—that Congress has for seventy-five years legislated on this subject and the people of this District have had the right conferred upon them to vote for certain of their officers. And the Senator from Indiana the other day propounded to me the question where does Congress get power to confer suffrage on the people in the Territories? Because this has been done, therefore they say Congress has this power. I say that this is a *non sequitur*. It does not follow at all. An unconstitutional precedent is no precedent at all. It can have no effect whatever. It only has weight as an argument, and it goes into the scale; and that is the only effect it can have. This may have been so, because the question was never raised before; the power was presumed, it was not questioned, and in this way unlawful powers are often exercised until they are questioned. I admit that in this discussion I labor under this disadvantage, that for seventy-five years this power has been exercised more or less. I admit that Mr. Madison said in the Federalist what has been read; but touching what was said in the Federalist, it was but a hasty remark, it was but a remark, it was a brief remark. There was no argument in support of the bare suggestion nor any authority cited. He did not enter into the question at all. He simply threw out the suggestion. He was making a popular argument to induce the people to adopt the Constitution. So that goes for very little. It has not even the weight of his great name and judgment to be thrown into the scale in this debate. It was but a casual suggestion that did not amount to an opinion.

But, sir, touching the Territories, I admit that Congress has from the beginning of the Government conferred upon the people of the Territories the right to vote for certain officers, and members of the Legislature; but Congress did not derive any power from the Constitution directly by any words contained in it to confer the right of suffrage upon the people of the Territories. Congress has governed the Territories outside the Constitution from the beginning. The right to confer suffrage upon the people of the Territories is derived not from the Constitution but from the ordinance of 1787. Anterior to the adoption of the present Constitution, the ordinance of 1787 regulating the government of the territory northwest of the Ohio was adopted—adopted as a league, as a treaty, as a contract, as a covenant, between the several States; and therein it was stipulated in express terms that the people of that territory should have the right to vote for certain officers, but it was also stipulated that certain other officers Congress should have the power to appoint; that is, the Congress of the Confederation. When the present Constitution was adopted there was legislation adapting the provisions of that ordinance to the Constitution, and from that day to this, all officers which that ordinance stipulated should be appointed by Congress have been appointed by the President, as for example the governor, judges, and other high and important officers of the Territory. The people have the right conferred upon them to elect their members of the Legisla-

ture, and that is the only right of suffrage conferred. In support of what I say I now wish to call attention to the ordinance of 1787. That ordinance provides touching the Territory northwest of the Ohio as follows:

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

Thus it was provided in terms that Congress should appoint the governor, and another clause provides for the like appointment of other officers, judges, and others.

That ordinance further provides touching suffrage in these words:

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the General Assembly: *Provided,* That for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the Legislature.

I read that clause to show that by that ordinance it was expressly stipulated and provided that the people of that Territory should have the right to vote. It was further provided:

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States, and the people and States in the said Territory, and forever remain unalterable, unless by common consent, &c.

Going on to make many provisions touching the rights of the people in the Territory.

By the deed of cession from the State of North Carolina to the United States, it was expressly stipulated, and that stipulation was executed by an act of Congress afterward, that the territory southwest of the river Ohio should have the benefit of this ordinance; and it was further stipulated in the cession of the Mississippi Territory by Georgia that the people of that Territory should have like benefit of this ordinance. When the subject of the Territories first came up in Congress the question that I am now discussing was raised as to the power of Congress to confer suffrage on the people in the Territories, and it was debated at great length. I propose to refer briefly to the action then taken, to show how Congress then regarded the authority for the right. I read now from the *Abridgment of Debates of Congress by Benton* at page 530. The debate grew out of the admission of a Delegate from the territory south of the Ohio. The proceeding had been based on a report in these words:

The House proceeded to consider the report of the committee on the letter from James White inclosing the credentials of his appointment as a representative of the Territory of the United States south of the river Ohio; to which the Committee of the Whole House reported no amendment. Whereupon, the said report being again read at the Clerk's table, was, on the question put thereupon, agreed to by the House as follows:

This is material as showing not only the view but the judgment of Congress touching that matter at that time, which was in 1794. The resolve was:

That by the ordinance for the government of the territory of the United States northwest of the river Ohio, section 9, it is provided "that so soon as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority to elect representatives to represent them in a General Assembly;" and by the twelfth section of the ordinance, "as soon as a Legislature shall be formed in the district, the council and house, assembled in one room, shall have authority, by joint ballot, to elect a Delegate to Congress, who shall have a seat in Congress with the right of debating but not of voting, during this temporary government." Full effect is given to this ordinance by act of Congress August 7, 1789.

That, by the deed of cession of the territory south of the river Ohio, to the United States, in the fourth article, it is also provided "that the inhabitants of the said territory shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the western territory; that is to say, Congress shall assume the government of the said territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio, and shall never bar or deprive them of any privilege which the people in the territory west of the Ohio enjoy."

Now, I wish to refer further to the exposition of this matter by the late Senator Benton, and it seems to me that it ought to have a very great weight; for of all the public men who have honored this country I know of none who had more general information concerning the history, politics, and legislation of the country than himself. On Friday, November 18, 1803,—

On motion of Mr. Poindexter, the House resolved itself into a Committee of the Whole on the bill concerning territorial governments.

Then a long debate occurred in which the question now under debate was discussed at great length, and the power of Congress to confer the right of suffrage was discussed, and it was held that such right did exist; not by virtue of the Constitution, but by virtue of the ordinance of 1789, to which I have referred. I beg now to read the note of Colonel Benton, appended to the report of the debate. It is interesting as giving a brief history of the power of Congress over the Territories and the source from which that power is derived. It appears that it is not derived from any constitutional provision, but from the ordinance to which I have alluded.

This ordinance of the Congress of the Confederation, which became the basis of all the territorial governments, was sanctioned by the Congress of the Union at its first session, with certain provisions added to it in order to give it full effect under the Constitution. The following are the terms of this enactment:

"Whereas, that the ordinance of the United States in Congress assembled for the government of the Territory northwest of the river Ohio may continue to have full

affect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States: Therefore,

"*Be it enacted, &c.,* That in all cases in which, by the said ordinance, any information is to be given or communication made by the governor of the said Territory to the United States in Congress assembled or to any of their officers, it shall be the duty of the said governor to give such information and to make such communication to the President of the United States; and the President shall nominate, and by and with the consent of the Senate shall appoint, all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might by the said ordinance revoke any commission or remove from any office, the President is hereby declared to have the same power of revocation and removal.

"*SEC. 2. And be it further enacted,* That in case of the death, removal, resignation, or necessary absence of the governor of the said Territory, the secretary thereof shall be, and he is hereby, authorized and required to execute all the powers and perform all the duties of the governor during the vacancy occasioned by the removal, resignation, or necessary absence of said governor."

Now follow his comments; and I beg Senators who are confident in their opinion contrary to that which I have expressed to listen:

This act of Congress, passed to give full effect to this ordinance by adapting it to the new Federal Constitution, was among the earliest acts of the Federal Congress, being No. 8 in the list of acts passed at the first session of the First Congress, and classed with the acts necessary to the working of the new Government. As such it was modified, and as such preserved and applied to successive Territories, as governments for them were given. That ordinance is, in fact, the basis of all the territorial governments, and is extended to each of them by name, with such modifications as each one required, and its benefits secured in their deeds of territorial cession by Georgia and North Carolina. Thus, the fifth clause in the first article of the Georgia deed of cession, dated April 24, 1802, stipulates, "that the Territory thus ceded shall form a State, and be admitted as such into the Union as soon as it shall contain sixty thousand free inhabitants, or at an earlier period if Congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress of the 13th day of July, 1787, for the government of the Western Territory of the United States; which ordinance shall, in all its parts, extend to the Mississippi Territory contained in the present act of cession, that article only excepted which forbids slavery." The deed of cession from North Carolina, for the territory since forming the State of Tennessee, and dated December —, 1789, is equally express in claiming the benefits of this ordinance; so that, made before the constitution, it has been equally sanctioned by Congress and by States since. Virginia sanctioned it immediately after its enactment and before the commencement of the present Federal Government, to wit, on the 30th day of December, 1788. The ordinance, being thus anterior to the Constitution, was not formed under it, but under the authority of owners—sovereign owners—exercising the right of taking care of their own property, subject only to the conditions and limitations which accompanied its acquisition.

Now I call special attention to the following remark, as containing peculiar and striking significance:

And thus the Territories have been constantly governed independently of the Constitution and incompatibly with it, and by a statute made before it, and merely extended as a pre-existing law to each Territory as it came into existence.

Then, in commenting upon this same ordinance, a lawyer of great distinction—Judge Tucker, of Virginia—made these remarks:

Congress, under the former Confederation, passed an ordinance July 13, 1787, for the government of the Territory of the United States northwest of the Ohio, which contained, among other things, six articles, which were to be considered as articles of compact between the original States and the people and States of said Territory, and to remain unalterable, except by common consent. These articles appear to have been confirmed by the sixth article of the Constitution, which declares that all debts contracted and engagements entered into before the adoption of the Constitution shall be as valid against the United States under the Constitution as under the Confederation.

So that this eminent judge regarded that ordinance as the basis or ground of power to govern the Territories.

That provision of the Constitution which ratifies that ordinance and makes it binding on the United States, and which has secured to this day the right of the people in that Territory to suffrage, is in these words.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

So that the Senator from Iowa can claim very little weight from the hasty opinion which fell from Mr. Madison under circumstances which I have pointed out; nor can the Senator from Indiana draw any support in favor of this power in Congress from the fact that heretofore Congress has exercised the power to confer suffrage upon the people in the Territories.

Now, sir, I put this question, and I ask any Senator to answer it who can consistently with the views held by the Senators from Iowa and Indiana: The Supreme Court has decided that a justice of the peace in the District of Columbia is an officer of the United States. The Supreme Court has decided that an act of Congress for the benefit of the District of Columbia and regulating it in any respect is not a local law, but is a law of the United States. It is proposed now to pass a law providing for certain commissioners or regents, or for a mayor or some other officer or officers to govern the city. According to the judicial exposition of the Constitution of the United States that mayor or those regents or those commissioners will, if provided for, be officers of the United States. If they are officers of the United States, and I take it that cannot be denied, then I ask anybody to show me any authority in Congress to confer on the people of the District of Columbia the right to elect them, and I ask him to show me any clause of the Constitution which abridges the power of the President to appoint those officers as well as any others. The Constitution provides that the President, after enumerating certain officers, shall appoint "all other officers of the United States."

I have spoken hastily, but I think I have made the point I intended to make.

Mr. President, I have nothing further to say, and in conclusion I respectfully challenge my friend from Iowa or anybody else to show the contrary.

Mr. MORRILL, of Maine. Now I trust we shall have a vote on this proposition.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Indiana, [Mr. MORTON.]

Mr. MORTON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 23; as follows:

YEAS—Messrs. Alcorn, Boreman, Boutwell, Clayton, Conkling, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Mitchell, Morton, Oglesby, Patterson, Pease, Ramsey, Robertson, Sherman, Spencer, Sprague, Washburn, West, and Wright—28.

NAYS—Messrs. Allison, Bayard, Cooper, Davis, Dennis, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Ingalls, Kelly, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Pratt, Ransom, Sargent, Saulsbury, Schurz, Scott, Stevenson, Stewart, Stockton, Thurman, Tipton, and Wadleigh—23.

ABSENT—Messrs. Anthony, Bogy, Brownlow, Cameron, Carpenter, Chandler, Conover, Cragin, Dorsey, Ferry of Connecticut, Johnston, Jones, Lewis, Logan, Norwood, and Windom—16.

So the amendment was not agreed to.

Mr. EDMUNDS. I move to lay the bill on the table, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 23, nays 37; as follows:

YEAS—Messrs. Alcorn, Allison, Boutwell, Clayton, Edmunds, Fenton, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Ingalls, Mitchell, Morton, Oglesby, Patterson, Pease, Robertson, Spencer, Wadleigh, West, and Wright—23.

NAYS—Messrs. Anthony, Bayard, Chandler, Conkling, Cooper, Cragin, Davis, Dennis, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Howe, Kelly, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Pratt, Ramsey, Ransom, Sargent, Saulsbury, Schurz, Scott, Sherman, Sprague, Stevenson, Stewart, Stockton, Thurman, Tipton, Washburn, and Windom—37.

ABSENT—Messrs. Bogy, Boreman, Brownlow, Cameron, Carpenter, Conover, Dorsey, Ferry of Connecticut, Johnston, Jones, Lewis, and Logan—12.

So the motion was not agreed to.

Mr. SARGENT. I gave notice yesterday of an amendment that I should offer which was read at the Clerk's desk, and I now offer that amendment.

Mr. MORTON. I hope the Senator will not offer that until I offer another amendment on this same subject.

Mr. SARGENT. This relates to the subject.

The PRESIDING OFFICER. The amendment of the Senator from California will be read.

The CHIEF CLERK. The proposed amendment is on page 126 to insert the following as section 67:

That there shall be elected, by written or printed ballot, in said District, by the duly registered and qualified voters thereof, on the first Tuesday following the first Monday of June, in the year 1875, and on the Tuesday next after the first Monday in November, in the year 1876, and on every such Tuesday in November in each alternate year thereafter, one person, to be a Delegate, to represent said District in Congress for the term of two years from the first day of the then next December. Each legal voter may cast for said Delegate one ballot, on which there shall be but one name once written or printed, and the person having the largest number of ballots shall be, and be declared, elected.

Mr. EDMUNDS. What good is that amendment going to do? I should like to have the Senator from California explain it. This Delegate is not to do anything about governing the District, as far as I can see.

Mr. SARGENT. I cannot hear the Senator on account of the confusion.

The PRESIDING OFFICER. Senators will please resume their seats. Business will be suspended until it shall be the pleasure of the Senate to be in order. It is impossible for Senators to make themselves heard in the present condition of the Hall. [After a pause.] The Senator from Vermont will proceed.

Mr. EDMUNDS. I am not at all surprised at the little disorder at this present moment. It is true in all parties and certainly in the democratic one, that where a victory has been obtained there should be a little rejoicing, and therefore I am not in the least disappointed at finding that there is a little confusion just now; but I rose to ask the Senator from California what specific advantage this delegate business would be in respect of the government of this District. It is a new invention, which came in with the Government that we overturned last year and that went upon the territorial theory. This bill goes upon the municipal or commission theory; as it stands, the commission theory really. Now, to undertake to govern this city by a commission, in the selection of which the people of it have no choice at all, and then turn them off with a tail to this kite which says they may have a Delegate in Congress, it appears to me, is rather an ineffectual and unsatisfactory affair. It may be that the Senator from California can suggest some useful and necessary purpose which is to be attained by authorizing the people of the District to elect a Delegate to sit in the House of Representatives when all the government that they are to have is to be a government of a certain number of men selected by the President of the United States. If there is any good reason for this, I should be glad to have it stated. Is it a compliment, or is it an essential and valuable fact?

Mr. SARGENT. There are three reasons that influenced me in offering this amendment. First in order, if not in importance, is that the

people of the District by petitions have asked for it very generally. The bills which they have favored by their petitions have contained this clause, and those who petition for the bill which was offered by the Senator from Maine from the special committee ask that this provision may be incorporated in it.

The second reason why I offered it was that I thought it was of value to the people of the District to have an opportunity to make known their wants to one of the Houses of Congress. There is no precedent whatever by which they could make known those wants upon the floor of this body. In the House of Representatives it is not unusual—in fact it is entirely usual to allow bodies of people who are not States or parts of States to have this kind of representation; consequently we have the precedent established and followed for a great many years. There are in this District at present more people than in any organized Territory of the United States, which has not been admitted to the fellowship of States. It would seem that so large a body of people should have the opportunity to make known their wants to Congress in the same way that we provide by the precedents to which I refer for the people of the Territories.

I would like further to remark that in my judgment the delegate system has worked well for this District; that is to say, I think there have been improvements in many of the laws of the District brought about by the arguments of the Delegate on the floor of the other House. I do not refer to the frame of government, I do not refer to the functions of the board of public works, or any particular board; but I refer to the criminal jurisprudence and legislation of that nature. Certainly he has been useful in that particular—useful partially, undoubtedly, because he is an able gentleman, but also useful from the fact that he had access to the ears of Congress to make known the wants of his District.

The third reason why I offered this amendment was that I thought we should recognize in some form the suffrage of the people of this District. I thought we ought not to abandon the experiment of suffrage entirely in this District. It seemed to me that it was entirely constitutional for us to have it in this form. Some doubts have been raised as to the constitutionality of a municipal government here; but I think no one can say that we have not a right to allow the people of the District to petition Congress and to say that the person they delegate to present their petition shall have the privilege of the floor of the House of Representatives. That certainly is constitutional, and that is what is provided by this amendment.

Now, if Senators who propose that the form of government here shall be strictly municipal and entirely elective by the people of the District because that cannot be conceded say nothing else shall be allowed, I certainly cannot agree with them in that proposition, although I assent to their entire right so to vote and so to think. But it seems to me that in the absence of the greater provision, this lesser one is in the same direction, and therefore it commends itself to my judgment.

I did not rise to elaborate upon these matters, but simply to state the reasons which are called for; because I fear that discussion may take away the opportunity for legislation for the District of Columbia which I deem very necessary.

Mr. EDMUNDS. I should be very sorry to have discussion take away the opportunity to pass good laws, but I have sometimes been taught to suppose that discussion was a pretty good way to prevent the passage of bad ones as well as to promote the passage of good ones.

The Senator says that this relieves the bill of constitutional doubts which existed respecting the amendment offered by the Senator from Indiana. Do I understand the Senator from California to say that he has any constitutional doubts?

Mr. SARGENT. No, I do not say that.

Mr. EDMUNDS. I think it would take a good deal of pressure to persuade him to have a constitutional doubt upon a uniform construction of the Constitution for a period of seventy-five years or more upon a topic of that kind. Nothing but a very highly cultivated intellect indeed, very largely stored with judicial lore, I think could bring itself up to the point of having any particular constitutional doubts on the subject of allowing a municipality in a territory over which Congress has exclusive legislation to select its local officers. Every one of the States I believe possesses sovereign legislative power, just as sovereign over their territory as that of Congress over this District; and yet it has always been supposed (though I presume it will begin to be doubted now) that the Legislatures of the various States could incorporate cities and could permit to them municipal government by agents selected by the people.

But I do not need to discuss that question. What I think will be the practical effect of this amendment will be a heavy and useless expense to the people of this District, by registration and voting expenses and the excitements of a contest, without any practical benefit or advantage whatever; and the effect it will have among the intelligent people of the country, I think, will be that Congress, in a city where it exercises sway, has determined that it will not allow the people to have any voice in the active administration of their affairs, and in order to persuade people who do not look a great ways around the country that it has not interfered with suffrage on the ground that the people of this District are incapable of exercising it, gives them this form, this flourish of a trumpet. We do this in order to convince people that we stand by the ideas of personal liberty, of

personal self-government in every place where we can, by saying that the people shall not in any respect whatever have a voice in their government, but their right of suffrage shall be guaranteed by their being allowed to vote for a man in the moon. That is about it. The right of suffrage is a dear, a sacred right. We all agree to that, of all parties. The fifteenth amendment says so, and of course that demonstrates it, unless doubts should be raised about its constitutionality, which may be, I suppose. It being a sacred right, its sacredness is made effectual by saying that the men who possess it shall not exercise it for any effectual purpose whatever. They may vote for an ornamental person who can do nothing but can say everything in one end of the Capitol; but when it comes to voting for the assessors of taxes, for superintendents of streets, or any other things that a free people vote for in every other part of the country, it will not do.

Mr. President, if I were in some other chamber than this, I should say that that device—and I do not use the term "device" in any offensive sense, but in its appropriate and proper sense—is rather thin. I know my honorable friend from California does not intend it as a device. He has defined exactly what his position is, that he wishes to save the principle; and the contrivance to which he resorts to save the principle is one that I think will manifest itself to the people of the United States as being a back-handed way of saying that the people of this District are unfit to be trusted with the management of any part of their municipal affairs, but yet their right of suffrage is so sacred that they must exercise it by voting for a piece of moonshine. I do not believe this the right thing to do, Mr. President; and when you come to the analogy of the Territories I submit to my friend that there is no just analogy at all. Territories are inchoate States; they are organized with a view that they shall become, as they ripen, States. They are intrusted with self-government; they have relations, which relate to the administration of their laws and the affirmation or rejection of them, with the Congress of the United States; so that they are component parts of the political family, although not States. Therefore there is a fitness that they should be represented by the voice of their people in the Congress of the United States and be brought into such relations. But if you were to deprive one of these Territories of every faculty of self-government and say it should be governed by a military commission, and then should have a Delegate in Congress, you would have a case perhaps in point. But we have never said that. Here we are to say now that this city, intrusted with no faculty of self-government at all, shall nevertheless put itself to the expense of electing a Delegate to Congress, in order that on the floor of Congress he may speak to the members touching legislation. We all know practically that anybody, if he is the humblest citizen who walks the streets, who feels an interest in any legislation that affects him or his people or his neighborhood, can get at any one of us and every member of the House of Representatives; and such persons do appeal to us day in and day out, night in and night out, early and late, as in a free country it should be. There is no divinity that hedges our persons from the approach of our fellow-citizens who have any business or matters pending before us. Certainly there is no divinity that hedges mine, I know very surely, and I think every Senator can say the same for himself. So the idea that this is necessary in order that the people of the District may be free to communicate to one of the Houses of Congress what they wish respecting the administration of their local affairs, and not through this commission that we are to have, it seems to me, falls to the ground.

My friend's third want is the real one, I think, and that is that while we deny the substance of suffrage we are to keep up the form in order to save the principle. It seems to me that it sacrifices the principle instead of saving it.

Mr. MORRILL, of Maine. That this proposition is no part of the bill as it came from the committee is obvious from the fact that it is an amendment proposed in the Senate. But I am nevertheless inclined to support it, notwithstanding the criticisms of my honorable friend from Vermont. I can do it without any sacrifice of opinion which I have expressed on the bill, because this Delegate will not be an officer in any constitutional sense.

I shall support it for another reason; because the people of this District, in lieu of choosing its executive officers, have asked for this very numerous by their petitions which I hold in my hands, embracing the names of a great number of citizens. They ask it in lieu of the election of commissioners, and say they are content with that, and desire the government as it would stand with this Delegate; and for that reason chiefly, indeed wholly, I am disposed to vote for the amendment. It does not impinge in any sense the efficiency of this bill; it does not interfere with it at all; and although it may be in some sense what my honorable friend from Vermont declares it to be—and I am inclined to think it is—still it is in a sense a compromise with the people here who ask it, and ask it in lieu of the election of officers whose appointment I deem to be important.

Now, Mr. President, I am not going to be led into the debate upon the principles of this bill, but I will make a single remark with reference to what has fallen from the Senator from Vermont about the question of suffrage, upon which so much has been said in these days one way or another. It has been said that we are violating the principle of suffrage, and an appeal has been made to the fifteenth constitutional amendment, as if that had rendered it in some sense sacred,

and as if we were in danger of flying in the face of the constitutional amendment on suffrage. Does that declare any such thing. Has anybody ever read the constitutional amendment in that sense? It is simply a negation in the Constitution of the United States that the right of suffrage in the States shall not be denied. That is all it is. It does not touch this question, or come within gunshot of it. It has nothing to do with it. What we are doing here does not impinge or violate in any sense whatever the constitutional amendment to which reference has been made. It has no relation to it, and that has no application to this question in any sense whatever.

I think I am as sensitive as most men about the rights of local self-government. In no instance in my history have I ever given a vote or consented to a proposition which infringed it in any sense, nor would I be guilty of it here. But on a question of good government for this District, I do not allow myself to hesitate about what I will do for fear somebody will mistake us in supposing that what I do not believe is possible to take place is likely to take place in this instance. Nor am I to be frightened from my sense of propriety on this subject because it is said we are likely to be misunderstood in the country. I do not believe any such thing. Are we in a condition to be over sensitive about the exercise of this power, let me ask Senators? What is the government here to-day? Representative? If we are in danger of crucifying suffrage, what has been done already by this Congress? Did we not in a most arbitrary sense overthrow the District government absolutely and unqualifiedly, and put this people under the control of three commissioners without the guards and limitations that are provided in this bill? Is not that the spectacle here to-day? Did any Senator suppose last year when that bill was enacted that we were violating the constitutional amendment in regard to suffrage or any principle of suffrage in this District? Was it hinted at by anybody? Did not democrats and republicans join in passing that measure? Now, I fancy it is hardly worth while to be squeamish or sensitive after having done that.

Mr. President, I am as indifferent personally as any man can be here or elsewhere as to the fate of this bill. Charged with a duty with other gentlemen, I attempted to perform it as well as I could. Whether the bill is voted up or voted down, I have no interest or concern other than every other Senator is bound to have.

Mr. SARGENT. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. THURMAN. I will not detain the Senate more than five minutes.

One year ago this Senate, by an almost unanimous vote—I think there were but two or three votes against the bill, and I am not sure that there were that many—abolished the office of Delegate from the District of Columbia in the Congress of the United States saving the term of the present Delegate. No one then insisted upon preserving that office. It seemed to be universally agreed that there was no use for it; and the reasons which influenced us then continue to influence me now.

I concur with the Senator from Vermont that there is no analogy, at least no proper analogy, between the case of a Territory and the case of the District of Columbia. We need a Delegate from a Territory. The Territories are far distant from Washington; one of them is more than fifteen hundred miles from Washington in an air line; and the way we travel the most of them are more than a thousand miles from the seat of Government. We need a Delegate for that reason; and again we need it because of the vast extent of the area of the Territories. Some of them are much larger than the largest State of the Union, excepting Texas always; and it is absolutely necessary that they have some agent here who can represent their wishes and advocate their interests. But the District of Columbia is a small territory, with about seventy square miles, in which the members of Congress reside during the session of the Legislature, and they live in every part of the city, I might say in every part of the District. Their daily intercourse is with the people of the District; and no people in the world have ever been brought in as close contact with their law-makers as are the people of the District of Columbia with their law-makers, the Congress of the United States. There is no State in the Union in which the people are brought so closely into contact with those who make the laws for them as are the people of the District of Columbia with their legislators, the Congress of the United States. There is not a thought they have, there is not a wish they indulge, that cannot be communicated and is not communicated to scores and scores, I might say hundreds of members of Congress in every week. Of all people they are the last who need somebody on the floor of the hall of legislation; for they are here. It is not simply with them the right of petition which the people of the States and the far-distant Territories exercise in the ordinary and formal mode of a written document laid before us; but their petitions come up like our daily prayers; they come up to us all. They come up to us at our homes, they come up to us on the street, they come at social entertainments, they come in the lobbies of Congress, they come into these Halls themselves where their honored citizens are frequently admitted. There is no necessity therefore for a Delegate of this District.

Besides what have we? Each House has its District Committee, its committee specially charged with an investigation of the wants of the District. Instead of having one Delegate you have here seven members of this body charged with attending to the wants and neces-

sities and interests of the people of this District; and so in the other House. They got along extremely well for seventy-odd years without any Delegate. I think it was the universal opinion only one year ago that there was no necessity for preserving that office. I therefore shall vote against the amendment.

Mr. MORTON. Mr. President, I was willing for one to accord a Delegate to this District, but I am not willing to take a Delegate as a substitute for suffrage in the government of this District. The Delegate is only an adviser to consult members; he has no power whatever; and I am not willing to take such a substitute for the real power of governing this District.

Mr. President, we have had an interesting spectacle here this afternoon which ought not to be allowed to pass without some notice. We have had a solid democratic vote here cast against the proposition to elect these commissioners. Our democratic friends have voted solidly to strike down suffrage in this District. They undoubtedly regard it as a good democratic measure. They are glad to begin the work right here, to have the example and the precedent established in this District of striking down suffrage, a precedent that may be found useful elsewhere and at a period not long hence. And as an evidence of the spirit which inspires our democratic friends, as indicated in a former speech of the Senator from Delaware to which I referred yesterday, the distinguished Senator from Ohio is not willing to recognize suffrage even by voting for a Delegate. The Senator from California offers an amendment to elect a Delegate. The particular object of that is to recognize suffrage, although it is a mere empty form and conveys no power. But when it comes to recognizing suffrage even in that mere formal way, the Senator from Ohio, the leader of his party, objects. In other words, suffrage is to be stricken down and there shall be no recognition of it in any form.

Mr. President, if it is to be done in substance, let it be done in form and in shadow. I shall vote against this proposition as it stands now.

Mr. HAMILTON, of Maryland. Mr. President, I shall vote for the proposition to give a Delegate to this District not because I was originally in favor of it, for I did not see the indispensable necessity of it; but it may be very convenient for the people of this District to have a Delegate in our absence, in view of the multiplied duties we have to perform, to attend to the wants of the people of this District and their concerns. We are met on the public streets, it is true, by the people of the District and talked to about their interests; but what they say goes into one ear and out of the next. We meet them in the halls here and listen to their complaints, and that is the end of the thing, for we have our own matters to attend to for our constituents and the great national concerns. In listening to the appeals of the people of this District, I see many ways where a Delegate may be proper and expedient. He can devise and frame bills when we are not here.

It is not my purpose to detain the Senate, because I want a vote on this bill; but I go for this proposition though I voted last year for the abolition of the Delegate. I did not see the indispensable necessity of such an office, and I wanted to save wherever I could. I voted for the abolition of the office last year and I do not care about it now; but I desire to meet, if I can, upon common ground. There is a desire of some of the friends of this bill that there should be a Delegate. What does it amount to? It amounts to \$5,000 a year in cost, and I think the bill is worth more than that. Looking at it in its worst aspect, it costing but \$5,000 a year to keep him here, I deem this bill in its important consequences to the people of this District as infinitely preferable to the saving of that \$5,000. In other words, we pay cheaply for the proposition, and he may afford some convenience to his people and attend to their special interests.

Then, willing to meet on common ground, willing to give and take, as we must do in matters of importance like this, I shall vote for the amendment. It is a matter of grave importance to the people of this District to have this bill pass. It is discreditable to us that we undertake to legislate for the South, and the whole country, and yet cannot legislate for the District of Columbia to-day or during the whole session for the last five years. We must meet on common ground and have a definite policy of government, and this bill proposes to give it. There are some features of the bill that I do not like any more than other gentlemen on this floor, but we must take it altogether or not take it at all. By the leading, general principles of the bill, this District will be benefited; and to secure its passage, as I am willing to give and take, I shall vote for the amendment of the Senator from California.

Mr. SHERMAN. Mr. President, my chief reason for voting for this bill at last, and I will do it, I hope, to-night, is because there is no other recourse. It is absolutely indispensable that before we adjourn there should be some government for this District, some provision for levying taxes, maintaining a police, and continuing the ordinary functions of a municipal government. This bill is the only opportunity to have such an organization. It is manifest, therefore, that it is the duty of Congress before we adjourn to pass in some form on this subject, and I think the Senate should act to-night or the chance may be gone. We can do no better than to take a bill that has been carefully prepared by a committee of Congress, that has been before us, and that every member of Congress and every citizen in the District has had an opportunity to read, to study, and to see how far it protects his interest. I have conversed with several people who live in this District and they are generally content with

the provisions of this bill. I do not like it; I do not like the idea of conferring the whole power of this District upon three regents and upon persons appointed by them. Therefore I voted for the proposition of the Senator from Indiana, but it was lost. We ought not for that reason to embarrass or oppose this bill by numerous amendments likely to lead to debate, or to defeat the bill. Some government for this District is indispensable to the people here, and this is the only proposition now of a practical form to secure a government which will give to some proper authority the power to levy taxes, maintain a police, and to do those indispensable things which are necessary for preserving order and society in this District.

Mr. EDMUNDS. We have maintained a police during the past year without this bill.

Mr. SHERMAN. I have this to say in reply to my friend from Vermont: If the existing law had machinery sufficient so that the present commissioners could go on and levy taxes regularly, according to law, I should rather be disposed to let the present state of affairs go on; but I am informed, and the Senator from Vermont knows it very well, that under the law as it now stands these commissioners could not levy taxes, could not maintain the necessary police, without considerable legislation and in a new form. This is the only opportunity we shall probably have to give to the people of the District a local government, and although I do not believe it is wise in our system of government to confer all the powers in a municipal government upon persons appointed by executive authority, yet I prefer to vote for this bill rather than defeat all measures on the subject. At the next session of Congress I have no doubt whatever if Congress has time, and can take up this single subject, it will take away from the President of the United States the power of appointing these commissioners and trust their election to the people who are to be affected by their authority.

Mr. EDMUNDS. That is certainly a very strong argument against passing this bill now. If we believe with the Senator from Ohio that this bill is wrong in this respect and that we expect the very next Congress to reverse our action, it will be much better for us not to do it. He is impelled to do that, he says, because the present rulers of this District have no power themselves to levy taxes. We knew that last year when we appointed them, and we levied the taxes. Congress certainly has power to levy taxes, and a bill of twenty lines can provide for levying either 1 per cent. or 2 per cent. or 3 per cent., whatever the committee having the matter in charge may think is just and necessary taxation. Then all you have got to do is to tell these commissioners to collect it. There is not any difficulty about that. And if this scheme is not right as a permanent scheme, we ought to wait until we can get one that is right. We tried the experiment of going off at a tangent only three or four years ago on the territorial government, and we found that that would not work; that it plunged the District into disaster and debt. Therefore we dissolved it and provided a temporary means of carrying on the government of the District until Congress could have ample time to wind up the affairs of the old corporation and carefully consider what step next ought to be taken. Now the Senator says this is not the step that ought to be taken. I think so too. And yet he says we had better pass it, set up this new machine, having just got rid of a bad one, and trust to next year to take it all to pieces and put it together again. I do not think that is the best way to legislate.

I sincerely believe myself, independent of all questions of suffrage, which are important, very important, that the best thing we can do for the people of this District now, the property-holders here, and for peace and good order and economy, is to just pass the simple and brief legislation necessary to continue the existing order of things until the next session of Congress, which is a long one, can have time to consider the suffrage and all the other questions respecting the best mode of governing this city. There is no difficulty about it if we wish to do it; but if we are satisfied that the scheme here presented is the true one, and that it ought to be permanent just as it stands, then of course we must take that.

Mr. MORRILL, of Maine. I desire to say one word in reply to what has fallen from the Senator from Ohio, [Mr. SHERMAN,] that this bill constituted a government in itself absolute and arbitrary in the hands of three regents. That is all we have now, but that is not what this bill provides at all. This bill provides for an executive government, limited and confined to certain executive duties, with power to make such rules and regulations as are necessary to make it efficient, the legislative authority remaining with us all the time. That is all there is about it. The bill is open to amendment, of course.

Mr. MORTON. I beg leave to suggest to my friend from Maine—
Mr. MORRILL, of Maine. Let me get through now, and then my honorable friend can make his suggestion.

Mr. MORTON. But just right on that point I wish to make a suggestion.

Mr. MORRILL, of Maine. Very well; go on on that point.
Mr. MORTON. This bill, if I understand it, confers upon these three commissioners the power to make a vast number of ordinances upon a great many subjects. They are not called laws; they are called ordinances; but they are laws to this District.

Mr. MORRILL, of Maine. Precisely; and so my honorable friend has confessed through the whole of this debate how little he knows about what there is in this bill. He began yesterday, he began early

before the holidays and has maintained that up to this time; and he has not read this bill nor one-tenth part of it. The statement he makes now shows that he knows nothing of what he is talking about. These commissioners have power to make certain rules and regulations for their conduct; that is all. It would be refreshing if somebody would talk about this bill who knew something about it, [laughter;] it would be comforting, indeed.

Now I want to pay my respects to my honorable friend from Vermont [Mr. EDMUNDS] whom I love so dearly. Nobody loves to hear a man talk better than I do him. He has tried to alarm us on this side, and more particularly on that, by a supposition that the democrats really are going to do something horrible about this; that they really have a settled purpose now at heart to spring a trap upon us, and the moment this bill is passed to proclaim that we have crucified suffrage in our own home! That is what he means. The democrats are supposed to be hostile to suffrage everywhere; and they mean to commit us to it, every one of them, by voting for this bill! Yet with a most remarkable consistency my honorable friend from Vermont says, "Let us turn this over to the democrats of the next House of Representatives; they will fix it up; do not let us do anything now but turn it over to the good days that are coming in the House of Representatives of the next year." [Laughter.] Whoever puts this lamb to nursing in that House of Representatives next year has more faith in the good things that are coming than I have; and that is the attitude my honorable friend takes. Here is a bill that has no partisan politics in it, and by no possibility can you make it partisan, and if the democrats vote for this bill with any partisan purposes in regard to this District, they will put their foot in it, I give them notice. This bill is tied up so that when good men are in office you cannot get those good men out for six years, and if by any possibility or mistake of the people, or misapprehension, or sleepiness, or drowsiness, they allow the democrats to come into power in 1876, before this tenure expires, of course we shall have them out, and in the mean time this government will remain neutral, out of politics, a government securing to this people an economical administration of affairs, with no jobs possible. To be sure, those who stand at the corners and want to run the machine will not have any opportunity to do it; but so far as good government is concerned, so far as economy is concerned, and so far as placing this capital upon a common ground where, independent of party, we shall have good government, this bill accomplishes it. I beseech the friends of good government in this District to stand by this bill for that purpose, and pray them not to trust the question of suffrage, by a postponement of this measure, to the tender mercies of the House of Representatives of next year.

Mr. CRAGIN. Mr. President, I did not suppose I should be induced to say a word on this bill, and I rise now only to say a word; I shall be brief. The Senator from Vermont, as I understand, places the organized Territories of the United States much higher than he does the District of Columbia so far as their rights and their future prospects are concerned. There are two familiar provisions of the Constitution which every member of the Senate remembers, but I would like to read a passage from each of them, and then call attention to the situation of the Territories in this country. First:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District.

That applies to the District of Columbia. Again:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

Under that last clause, what has been done? Do the people of the Territories elect their own officers? Not at all. The President appoints the governor and the Senate confirms him. The President appoints the secretary of the Territory to be confirmed by the Senate. The President appoints the marshal of the Territory, to be confirmed by the Senate. The President appoints all the judges in each one of the Territories, to be confirmed by the Senate. It is true that the Territories have the right to elect the members of their Legislative Assembly, but Congress has the right to nullify every yact which they may pass. It is also true that they elect a Delegate to Congress. That is the extent of suffrage allowed in the Territories, and with this amendment adopted, applying it to this bill with the other provisions of the bill, the people of this District will have as much right of suffrage as the people of the Territories.

Mr. EDMUNDS. Does not the Senator know that the people of the Territories elect a Legislature?

Mr. CRAGIN. I so said.

Mr. EDMUNDS. Then will electing a Delegate here give the people of this District as much suffrage as the people of the Territories?

Mr. CRAGIN. But I said also that Congress had the power to nullify every act of a territorial Legislature. Congress has the exclusive legislative control over this District. It is the only body that can pass laws. Therefore the District of Columbia cannot properly, in my judgment, have a Legislature. I can see no possible objection to this measure.

Mr. MORTON. I was somewhat surprised by the remarks of my friend from Maine a few minutes ago. His broad and sweeping declarations were not I think in the main courteous, but I pass that by. He made the declaration, however, that these regents or commissioners were not invested with any power to make laws; that they

had simply executive authority and no legislative authority. He said that all they could do was to make some regulations to govern themselves, if I understood him, but they had no power to legislate for this District. Now, I understand that this bill confers upon these three men all the power to legislate for this District that was conferred upon the territorial Legislature by the former act, more than was ever conferred upon the mayor and common council by any former act, and that it confers upon these three men the power to legislate in all respects for this District, except such as may be reserved especially to other officers or Departments of the Government.

Section 6 provides:

That all the authority hereby conferred or sanctioned belongs to said regents, and may be exercised by them in their discretion, in such measure and appropriate manner, and in such parts of said District, as the public welfare may require and as may be within the scope of this act, consistent with laws which it leaves in force, and with the Constitution of the United States; except that such parts of said authority as are herein expressly conferred upon some head of a Bureau, or other officer, herein mentioned, are to be, in like manner, exercised by said Bureau or other officers. And the entire authority aforesaid is intended to include all the authority falling within the scope, and consistent with the frame, of the government hereby created, now exercised by any other Department of the Government of the United States, or by any officer or body in said District, for the purpose of local government within and for the said District; but said authority will not include any authority belonging to any other Department or officer of the Government of the United States, in respect to the public offices or buildings of, or in charge of, any such Department or officer, or any authority belonging to such Department or officer, so far as the same does not relate to the mere local government of said District; nor will it include authority over or as to the public grounds adjacent to the buildings aforesaid, or any judicial authority, or authority in regard to juries, or to the practice or rules of courts, save to the extent that such authority is hereinafter specifically conferred upon some head of a Bureau, or other officer or court herein provided for; nor will the authority hereby conferred include that now belonging to the United States district attorney or marshal of said District, to the warden of the jail, to the register of wills, to the recorder of deeds, to postmasters, &c.

In other words, they are to have all the authority that is not covered by the limitation herein mentioned. The bill goes on to provide:

That the authority of making, publishing, amending, abrogating, and promulgating ordinances shall belong exclusively to said regents; and they may exercise the same in aid of the powers hereby conferred to check vice and immorality and to enforce obedience to this act, but always consistent herewith, as they shall deem best for the public welfare. Whenever any head of a Bureau shall in writing propose the form of an ordinance to be adopted, or propose that an existing ordinance be amended or abrogated, it shall be the duty of said regents to give such head of a Bureau a prompt public hearing in respect to such proposal, and to thereafter, without unreasonable delay, decide upon such proposal; and the vote of each of said regents present and authorized to act thereon shall be taken and be recorded by the secretary of said regents. And said regents shall have the like authority and duty in regard to regulations, (except as herein otherwise provided;) but before exercising the power of amending or abrogating any regulation herein authorized to be adopted by any head of a bureau, tribunal, or other officer, said regents shall give the Bureau, tribunal, or officer which adopted the same a fair opportunity of being heard in respect thereto before said regents, and the vote upon the same shall be taken and recorded in manner aforesaid as to ordinances. So far as the authority over regulations belongs to said regents, it shall be so exercised as to secure in the largest degree practicable the orderly and efficient discharge of official duty by all officers, (except judicial officers and officers who belong to some other Department of the General Government,) herein mentioned, whose functions are confined to the affairs of said District, in conformity to regulations open to the public and explicitly providing for the manner of the discharge of such duties. Said regents may in any ordinance declare what and how much shall be the penalty for violating any ordinance or ordinances referred to; and no penalty shall be fixed at more than \$100; but a double penalty may be fixed for repeated and willful violations of the same ordinance. Whoever shall violate any legal ordinance made and promulgated hereunder shall be liable for the penalty so fixed for any violation thereof; and such penalty may be recovered in a civil suit in the name of said District, as said regents may authorize. But in any instance any said penalty may be regarded as in the nature of a fine, and the same may be enforced and collected as any other fine in the police court. An action claiming any penalty or penalties not exceeding \$250 in the aggregate may be instituted in the municipal court herein provided for, and any such court shall have jurisdiction thereof; and any action for any penalties, either for violating one ordinance several times or for violating different ordinances, if for the recovery of more than \$250, may in like manner be instituted before the supreme court of said District, &c.

I will not take the time to run over all these regulations, but they comprehend, provide for, and contemplate a vast body of municipal legislation, the power to abrogate municipal regulations now existing, adopted by former councils or adopted by the Territorial Legislature, to alter them or to make new ones. My friend from Maine has not read this bill. There is where the mistake is. I believe my friend has never been credited by the community with having drawn the bill. I heard it suggested that the man who wrote it read it, and nobody else. I am inclined to think my friend from Maine has not gone over this bill as carefully as he ought to have done.

Mr. MORRILL, of Maine. I did not intend anything offensive to my honorable friend who sits near me—he is too near a neighbor for that—but I did intend to say what I did say, disclaiming all intent of discourtesy. I did not lose my temper about it yesterday when he alluded most offensively to my connection with this bill, and I am sorry he is incapable of retaining his this afternoon. I intended no offense to the Senator. I said what I have no doubt is true, what the honorable Senator in replying to me does not deny, that he has not read this bill and does not know what it contains; and when the honorable Senator intimates to the Senate here that I have not read it, he says what is gratuitous and what is not true. Whether he thinks that is offensive or not, charged with an important duty as I was, it would be shameful in me to present such a bill to the Senate not knowing what it is. If the Senator desires to learn what I know about it, he had better interrogate me, find out, if he can, what is in this bill, and then to that end catechise me and see what I know about it. I know as much on other points of this bill as that on which I criticize him; and I stand here to repeat what I said before,

that there are no legislative powers in this bill, none at all; all the legislative power is in Congress. We have devolved upon this board the power to make such rules and regulations, acting always within the scope of this bill and the laws now in force and which Congress may hereafter enact, as will enable them to make their duties efficient. That is all; and that is exactly what the honorable Senator has read, and misapprehended its meaning entirely in reading it and in the conclusion to which he comes.

I repeat, I have no feeling on this subject with my honorable friend, or as to what the Senate shall do with this bill. I believe that it provides for a good government. With singular felicity the four persons who were delegated to draw up this bill were unanimous in its adoption and in recommending it. But it is not for me to stand here and commend it. I only ask for it the consideration of the Senate. It is for the Senate to decide when they come to consider it and know what it is; and if they say it is not worth while to pass it, that is for the Senate, not for me. I shall not be offended. I have no occasion to be offended, and should not be.

Mr. HITCHCOCK. I move that the Senate do now adjourn.

Several SENATORS. O, no.

Mr. MORRILL, of Maine. I hope not. Let us pass this bill.

The question being put, a division was called for; and the ayes were 23, noes 21.

So the motion was agreed to; and (at five o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 11, 1875.

The House met at twelve o'clock m. Prayer by Rev. S. B. BARNITZ, of Wheeling, West Virginia.

The Journal of yesterday was read and approved.

J. C. M'BIRNEY.

Mr. DUNNELL, by unanimous consent, reported back from the Committee on Claims, with a recommendation that the same do pass, House bill No. 1023, for the relief of J. C. McBirney, of Georgia; which was referred to the Committee of the Whole on the Private Calendar.

PERSONAL EXPLANATION.

Mr. CALDWELL. I desire to make a statement with reference to an error which appears in the RECORD of February 10. In that RECORD is printed a speech by my colleague, Mr. WHITE, of Alabama, and in that speech there appear divers extracts from newspapers and from letters from individuals. Those extracts were not read at the Clerk's desk, though from the RECORD they purport to have been read by the Clerk. I call attention to that error in order that the House and the country may know that such extracts were not read, and such sentiments following them as are there printed were not uttered in this House, or they would have been answered then, by interrogatory, if in no other manner, by other members of the Alabama delegation.

ANDREW TEN BROECK.

Mr. BANNING, by unanimous consent, from the Committee on Foreign Affairs, reported back House bill No. 3997, for the relief of Andrew Ten Broeck, late consul of the United States at Munich; and moved that the committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to; and the report accompanying the bill was ordered to be printed.

TAX ON TOBACCO.

Mr. BANNING also, by unanimous consent, submitted the following; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD:

To the honorable Senate and House of Representatives in Congress assembled:

We, the undersigned, manufacturers and dealers in tobacco, of Cincinnati, Ohio, would very respectfully but earnestly petition your honorable bodies to make no advance on the existing rate of tax upon tobacco, for the following among many other reasons which could be given:

First. Tobacco, on the average value of the entire amount which enters into consumption, is now more heavily taxed than any other article, either of domestic or foreign production.

Second. The great preponderance of this tax falls upon the laboring portion of the community, the consumers of cheap tobacco, who not only pay the tax but about 50 per cent. additional caused by the expense of packing in accordance with the requirements of law, and the interest upon the tax which is paid in advance.

Third. It must be apparent, from the repeated action of the House of Representatives to abolish all tax upon leaf-tobacco for consumption, that under the general reduction of wages which now exists, a large class of consumers severely feel the burden of this great tax upon an article of home production and which is indispensable to them.

Fourth. The revenue now obtained from tobacco far exceeds in amount that which was contemplated by Government during the highest days of taxation, when the currency and all business was greatly inflated; and when it is remembered that every reduction of this tax resulted in increased revenue, is it not fair to believe that in view of all these evils and difficulties, an advance of the tax now would fail to enrich the Treasury.

J. T. Sullivan & Co., Hanks, Dunham & Co., M. Sullivan, C. C. Seales, Walker & Sengstack, W. T. Hanks & Co., William White & Co., Cox, Robson & Co., Holmes, Black & Mullin, Charles Boorman & Co., Brooks, Waterfield & Co., Shinkle & Linfoot, M. Fuzant, Henry Meyer, Worthington, Power & Lee, Wayne & Ratterman, Casey, Timberlake & Co., W. Wienbush & Sons, G. W. Morris, Wright & Coughton.

TEST OF LOYALTY FOR CLAIMANTS.

Mr. MOREY, by unanimous consent, introduced a bill (H. R. No. 4682) to repeal joint resolution No. 27, approved March 2, 1867, prohibiting payment by officers of the Government to any person not known to have been opposed to the rebellion; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. GUNCKEL. The print of House bill No. 334, to equalize bounties, has been exhausted. I ask that the bill be again printed. No objection was made, and it was so ordered.

NATIONAL HOME FOR DISABLED VOLUNTEERS.

Mr. COBURN. I ask unanimous consent to report from the Committee on Military Affairs, for consideration at this time, House joint resolution No. 135, appointing managers of the National Home for Disabled Volunteer Soldiers. I think there can be no objection to it.

The SPEAKER. The joint resolution will be read, after which objections will be in order.

The joint resolution provides for the reappointment of the following-named persons as managers of the national home for disabled volunteer soldiers under the provisions of the act entitled "An act to amend an act entitled 'An act to incorporate a national military and naval asylum for the relief of the totally disabled officers and men of the volunteer forces of the United States,' approved March 21, 1866:" John H. Martindale, of New York; Hugh L. Bond, of Maryland; and Erastus B. Walcott, of Wisconsin; whose terms expired on the 21st of April, 1874.

No objection was made, and the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

TAX ON TEA AND COFFEE.

Mr. RANDALL, by unanimous consent, submitted the following; which was ordered to be printed in the RECORD, and referred to the Committee on Ways and Means:

To the honorable the members of the Senate and House of Representatives of the United States:

The undersigned, importers of and dealers in tea and coffee, respectfully submit to your honorable bodies that the agitation of the question of the restoration of a duty on tea and coffee is very seriously interfering with the legitimate and natural trade of the country, and humbly pray that all further consideration of said question be indefinitely postponed.

These two articles of commerce have become actual necessities to the bone and sinew of our country, and in our opinion ought to be obtained by them at the lowest possible price, which a duty, if imposed, would largely augment, while it would add but little to the revenues of the country for many months owing to the large stocks now in store in, and heavy supplies afloat for, our principal ports; besides which, its reimposition would benefit no home industry, but simply aid the speculators, who have lately endeavored to control the market, and who now so urgently advocate the measure from self-interest and to save the heavy losses they must otherwise inevitably suffer.

The ability of the working classes to supply themselves with these actual necessities during the past year, owing to the greatly depressed condition of the various industries, (rendering large deductions in their wages imperative where work has been continued, to say nothing of the very many thrown out of employment altogether,) has been much curtailed, and the imposition of a duty thereon would but increase their burdens and add to the destitution and suffering now existing among them.

With a general revival of business, as hoped for this year, together with economy in Government expenditures, the revenues we believe would increase sufficiently to meet all the demands on the Treasury; but should it be deemed necessary to provide for a possible contingency otherwise, we would respectfully suggest that an increased tax on some articles of luxury that would be less distasteful and obnoxious to the masses be levied, to be repealed when the necessity therefor no longer exists.

Your memorialists, as in duty bound, will ever pray, &c.

A. F. Damon & Co., James Graham & Co., John H. Krause & Co., Kerr & Hendrie, Wm. Harvey, F. M. Thome & Co., R. Dale Henson & Co., White Brother & Co., John B. Love & Co., James S. Sulley, John McGlensy & Son, James S. Martin & Son, Wm. J. Cunningham, Jamney & Andrews, Reeves, Rawlin & Co., Thomson & Binns, Wm. T. Kirk, Wainwright & Co., Waterman, Foe & Cope, D. Foelt & Co., Francis Jordan & Sons, Samuel Barton & Sons, Waterman, Young & Co., Hailey & Beale, Kirk, Batt & Berwind, Thomas & Hailey, Smith, Jarrett & Co., Sinclair & Morrison, Coyle, Laughlin & Co., Burns & Smucker, Gillespie, Zeller & Co., E. C. Eby & Co., John Dellett & Co., Garrett, Whitesides & Co., G. A. Benson & Co., Wm. T. Martien & Co.

PHILADELPHIA, February 9, 1875.

SEWALL B. CORBETT.

Mr. DUELL. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of House bill No. 3782, for the relief of Sewall B. Corbett, and that it be considered at this time. It was unanimously reported favorably by the Committee on War Claims.

The SPEAKER. The bill will be read, after which objections will be in order.

The bill authorizes the commissioners of claims to receive, examine, and consider the claim of Sewall B. Corbett for timber, including fences actually taken from his land during the rebellion, in Alexandria County, Virginia, and used by the Government military authorities in the erection of forts or for fuel; and to ascertain if he was loyal and adhered to the cause and Government of the United States during the rebellion; the commissioners to make report on said claim as of other claims to Congress.

Mr. WILLARD, of Vermont. I will reserve my right to object until some explanation is made of this bill.

Mr. DUELL. It is the unanimous report of the Committee on War Claims.

Mr. HOLMAN. Is not that bill now in Committee of the Whole on the Private Calendar?

The SPEAKER. The gentleman from New York [Mr. DUELL] asks consent to have the committee discharged from its further consideration and the bill considered in the House at this time. That can be done only by unanimous consent.

Mr. DUELL. I will say to the gentleman that this is a unanimous report from the Committee on War Claims, and the only reason that action by Congress is necessary is the fact that the time has expired within which this man can present his claim to the commissioners of southern claims.

Mr. HOLMAN. The question is not whether this is a meritorious bill, but whether it should be taken up out of its order in preference to all other bills. Still I do not object.

Mr. DUELL. This is a claim of great merit.

Mr. WILLARD, of Vermont. The gentleman says that the bill enables this man to present a claim which is at present barred by the statute. I would like to know the reason why a special act should be passed in favor of this man.

Mr. DUELL. Because of the great merit of the claim.

Mr. WILLARD, of Vermont. Why was it not presented in time?

Mr. DUELL. For the simple reason that this man was not advised of his rights. He resides at the North, in the State of New York. He owned these premises in the State of Virginia.

Mr. WILLARD, of Vermont. Then the bill simply removes the statutory bar.

Mr. DUELL. That is all.

There being no objection, the House proceeded to the consideration of the bill.

Mr. DUELL. I move to amend the bill by inserting after "timber" the words "and commissary stores."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. HOWE WATTS.

Mr. PACKARD. I ask unanimous consent that the Committee on Private Land Claims be discharged from the further consideration of the bill (H. R. No. 4422) for the relief of J. Howe Watts, and that the same be referred to the Committee on Claims.

There being no objection, the reference was changed accordingly.

J. W. M'CLURG.

Mr. MORRISON, by unanimous consent, presented a report from the Committee on War Claims to accompany the bill (H. R. No. 162) for the relief of J. W. McClurg and others, of Missouri; which was ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

CHOLERA EPIDEMIC IN 1873.

Mr. DONNAN, from the Committee on Printing, reported back, with an amendment in the form of a substitute, a resolution for printing extra copies of the report of the Surgeon of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic of 1873.

The SPEAKER. The substitute alone will be read.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed ten thousand extra copies of the report of the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic of 1873; five thousand copies of which shall be for the use of the House of Representatives; two thousand copies for the use of the Senate; two thousand copies for the use of the Surgeon-General of the Army; and one thousand copies for the use of the supervising surgeon of the marine-hospital service.

The substitute was agreed to; and the resolution, as thus amended, was adopted.

Mr. DONNAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. G. FORD.

Mr. COBURN. I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the petition of W. G. Ford, claiming compensation for fifty bales of cotton taken at Mobile; and that the same be referred to the Committee on Claims.

There being no objection, the reference was changed accordingly.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I move that the House again resolve itself into Committee of the Whole for the consideration of the post-office appropriation bill.

The motion was agreed to.

The House accordingly again resolved itself into Committee of the Whole on the state of the Union, (Mr. McCrary in the chair,) and

resumed the consideration of the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. The pending question is upon the amendment offered yesterday by the gentleman from Indiana, [Mr. COBURN,] which will be read.

The Clerk read as follows:

Insert at the end of the second section these words:

Provided, That all seeds furnished by the Department of Agriculture, and all public documents sent through the mails by Senators and Representatives in Congress to their constituents, shall be carried free of postage; and the signature of the Senator or Representative shall be indorsed thereon, as evidence that the same is mailed by him, and shall be subscribed to a written or printed certificate that the same is a public document or a package of seeds furnished by the Department of Agriculture.

Mr. COBURN. Mr. Chairman, when I offered this amendment last evening I stated that it was unnecessary to go into any extensive argument of the question, because it is one that has forced itself in one way or another upon the attention of every member of the House. This matter of free documents is a question in which the people are much more interested than we are. We are interested only to a small extent pecuniarily, while to the people the question involved is an intelligent understanding of the operations of the Government.

Members will see that the question here is not merely that of sending documents away, but that ultimately it must involve the question of printing these documents. After a while, if the expense of sending away these documents be not reduced, the result will be that the printing of public documents will in a great measure cease. I must say that I can imagine no greater calamity in public affairs than that the free printing of the reports of the operations of the Government should cease. The people, in order to act intelligently, must have the reports at first hand by the authority of the Government. The reports published in the newspapers are garbled and partial, tinged with political bias, and often with political and personal spite. Besides, the space of our newspapers is not sufficiently great to allow the publication of these reports in full; and the people never can have a thorough and competent knowledge of the operations of the Government unless these reports are given to them gratuitously. Why shall we print these reports gratuitously; why shall we attempt to furnish this knowledge, and at the very beginning stop its free dissemination throughout the United States? It strikes me as a piece of the worst conceivable management that we shall print documents gratuitously and then tax ourselves to send them out.

Why is this done? Is it a measure of economy? How much money comes into the Treasury of the United States practically from sending out the documents on hand? I have taken a little pains to inquire of the superintendent of the folding-room as to the amount of documents each member has. I find they are each entitled to seven hundred and forty-seven volumes in all, and for three hundred Members and Delegates the whole number would be 224,100, which at ten cents apiece would give \$22,400 postage. Now, does that money go into the Treasury? Who gets it? Why the fact is that more than two-thirds of this money goes into the hands of express and railroad companies, who carry them as freight or by express. Then for this little pittance of \$7,000 a year we are to stand in the way of the free circulation of these documents. I cannot imagine anything more nonsensical than that.

Now, Mr. Chairman, this prepayment of postage on documents was started on the part of the Postmaster-General upon the idea of economy—of an immense saving. He said we would save millions by it. He counted up the entire number of officers in the United States who had the benefit of the franking privilege, over thirty thousand postmasters and many others, and by that means made a very handsome showing of saving, on paper. But now, in the practical operations of this matter, who is it that is cut off from the franking privilege or circulation of free mail matter? The Government pays over \$2,000,000, and for what? To print stamps, the equivalent of the old frank. And all these postmasters and officers of the Departments have a right to put on an official stamp, and we here in Congress are the only men under the Government who stand fettered and tied and bound by this enactment. Cannot we trust ourselves? Is it possible that postmasters scattered throughout the country can have official stamps to send their mail matter free, and yet members of Congress are not to be trusted? Is it possible that officers in the Departments can be trusted from one end of the country to the other in the use of official stamps and we are not to be trusted? This is such an anomaly in legislation, such a piece of gross mismanagement, that in my judgment it ought to be corrected at once. The Government will lose nothing, but on the contrary, I believe, will gain largely in the diffusion of knowledge and accommodation on the part of the people. This whole matter of abolishing free documents was, as I have said in former debates, never intended when the franking privilege was abolished. The abuse of the franking privilege was one thing and free documents another. There is no shadow of the old abuse in this measure, and cannot be. The provision is well guarded, and frauds cannot well be perpetrated without almost certain detection.

[Here the hammer fell.]

Mr. FORT. I submit a substitute for the amendment of the gentleman from Indiana.

The Clerk read as follows:

That hereafter the postage on any public document mailed by the President or head of any Executive Department, or Member of Congress or Delegate to the House of Representatives, or by any ex-Member of Congress or ex-Delegate, within nine months after the expiration of his term of service, shall be two cents for each volume; and the term "public document" is hereby defined to be any publication printed by the order of Congress or by either House thereof. And when the words "public document" shall be written or printed thereon, or on the wrapper thereof, and the signature of any such person entitled to so send the same by mail shall be written thereunder, it shall be deemed a sufficient certificate *prima facie* of the character thereof.

Field and garden seeds furnished by the Department of Agriculture shall be transmitted by mail, for the same postage charged on public documents upon the certificate of any of the persons named in the next preceding section.

Mr. FORT. Mr. Chairman, I do not propose to take up the time of the House in discussing this matter of the reduction of postage on public documents. It has been discussed in this Congress at a former session and more or less during the present session, and I have no doubt the mind of every member present is fully made up on the question.

I desire simply to explain why I prefer the amendment offered by myself to that of the gentleman from Indiana, [Mr. COBURN.] Whatever may be the desire of some gentlemen here to restore what might be termed a modified form of franking public documents, we know that we cannot carry it through this House. In my judgment it will fail to get much support. If it should pass this House it would most likely fail in the other branch of Congress. And by the time this bill could come back here, and before we could take it up and pass the measure in some modified form, the session will have passed away, and no benefit could result to the Government or the people. In my judgment we had better pay reasonable postage. Let us pay to the Government the actual cost of transporting this mail matter, and the Government ought to be satisfied with that. The Government ought not to desire to make money on transporting public documents sent to the people through their mails or to require members of Congress to pay more postage than the cost of transportation. The Government ought not to make a profit out of this class of mail matter, when, as has been said, no other officer under the Government pays any postage whatever. Members of Congress are the only officers under the Government who pay postage on official business. Free postage is provided for every other Government officer. I think it will certainly be satisfactory to the Post-Office Department and to those who represent it upon this floor, if members pay what will be the actual cost of transportation.

The Government can carry this matter at the rates provided in the amendment which I have offered. I have taken some pains to consult with that branch of the Post-Office Department which is in charge of carrying the mails, and am informed, if I do not misunderstand, that having to run trains as they do and having to support the post-offices as they do, they will lose no money in transporting these public documents at the rates designated in the amendment which I propose. That Department should and would in my judgment be satisfied with such rates of postage.

Even if some of us should desire to have these documents transported free, in my judgment we had better agree to pay reasonable postage, pay all it actually costs, and then no person could justly complain. If we provide for sending these documents free, we will hear what we have heard before: a howl going up in every direction that Congress has re-enacted the franking privilege, which certainly this House does not propose to do.

Mr. NEGLEY. Will the gentleman allow me to ask him a question?

Mr. FORT. Certainly. I yield to the gentleman from Pennsylvania for a question.

Mr. NEGLEY. Does that howl come from any quarter except through the influence of the Post-Office Department?

Mr. FORT. It will come from some quarter.

Mr. BEGOLE. It does not come from the country.

Mr. FORT. The franking privilege has been repealed; through whatever influence that may have come about I am not able to state. I am glad it was repealed, and in my judgment we had better let it remain repealed until there is a demand on the part of the people for its restoration, which I do not presume they will soon make. My amendment does not restore that privilege in any sense or measure. It provides for paying to the Government all it costs them to do this service for us. It is claimed, and I presume truthfully, that the repeal of the franking privilege was demanded by the express companies of the country, and was really in their interest. I am informed it was by the influence of express companies alone, acting through and by the daily press of the country, and resulted in profit to express companies and no gain to the Government at all—not one cent saved to the Post-Office Department.

Mr. NEGLEY. I admit that.

Mr. FORT. By the repeal of the franking privilege, as it is called, thousands of dollars went into the hands of the express companies which ought not to have gone there. The Government pays the railroad companies just as much to-day and even more than it did before the repeal. Nobody has saved anything, and the express companies have made all the profit.

Mr. PARKER, of New Hampshire. Let me ask the gentleman a question. Is he in favor of the restoration of the franking privilege?

Mr. FORT. I must say that I am not. I would not favor the restoration of the franking privilege, nor take a step in that direction. I

would simply have public documents sent as cheap as can be afforded, and I want to pay postage on letters and all private matter just as now all other persons do.

Mr. NEGLEY. Let me ask the gentleman another question. Are not these documents published free at the expense of the public Treasury; and if so, why not distribute them free? They are intended for the information of the people.

Mr. FORT. There is great force in my friend's argument. I agree with him that members might just as well be called upon to pay for the printing of these documents as to pay the postage when we distribute them to the people. Last session I paid out hundreds and hundreds of dollars. I sent out a great many documents and quantities of garden seeds, all I could possibly get to send. I do not know any reason why I should have been compelled to pay this postage any more than the Postmaster-General should have been required to pay postage on his official mail matter. I might just as well be called upon to purchase these seeds and pay for printing these documents as to be compelled to pay what I did pay for postage. But that is past. The franking privilege, a privilege intended for the people and not for the member, has been repealed, and I do not propose to restore it. But I ask the Government to render this service for us at as low a rate as they can do it, and not compel us to go to the express companies or pay out a large profit to the Government by way of postage.

Mr. SMITH, of Ohio. Let me ask the gentleman a question. How many of these Agricultural Reports are printed under the law as it now stands, and how many would be printed under the system proposed by the gentleman from Illinois?

Mr. FORT. A great many ought to be printed.

[Here the hammer fell.]

Mr. FORT. I desire a minute more to answer my friend from Ohio.

The CHAIRMAN. Gentlemen will please resume their seats. In the prevailing confusion the reporters are unable to hear what is said. The time of the gentleman from Illinois has expired.

Mr. NEGLEY. The gentleman has been frequently interrupted, and I hope his time will be extended.

Mr. FORT. I do not often occupy the time of the House, and should like a few moments more.

The CHAIRMAN. It is not the fault of the Chair that the gentleman has been interrupted.

Mr. KELLOGG obtained the floor and yielded his time to Mr. FORT.

Mr. FORT. I am very much obliged to the gentleman from Connecticut [Mr. KELLOGG] for his courtesy. My friend from Ohio [Mr. SMITH] asks me what number of Agricultural Reports it is proposed to have printed, that they may be sent thus cheaply through the mails, in accordance with the amendment I have proposed. I cannot tell the gentleman. But I will say to him that if all the reports were printed which the people want and which they write to us for and demand, the number would be very large indeed. His salary would not pay the postage on the documents that the people think they want and that they apply for, under the exorbitant rates now charged.

I have found it absolutely impossible, sir, to supply the demands of the people residing in my district for these public documents. Now, sir, I do not propose to send these documents to them free, as some want to do, but why shall we not be allowed to send them as cheaply as they can reasonably be carried? I propose, Mr. Chairman, to supply the demand for these documents as far as it is possible to do it.

Mr. WILLARD, of Vermont. Millions of them?

Mr. FORT. Yes; millions, if necessary. The people are the source of all power in this Government, and if they demand to be informed officially of the transactions of the Government, in my judgment they ought to be so informed, let it cost more or less; but let me say that in my judgment I do not think the effect of this amendment will be to increase the publication of documents beyond what has been done. There may be many documents printed which are necessary and the printing of which is an extravagance; but we know the people want them; yes, constantly press their applications for them. I never yet had a public document which I had sent out by mail returned to me. When I have met the people one after another would inquire of me why I had not sent them an agricultural report, or the report of the Commissioner of Education, or report of Hayden's survey, or some garden seeds, and the fair ladies wanted to know why I have not sent them some flower-seeds.

Mr. TOWNSEND. I would ask the gentleman what would be the postage upon the agricultural report under this amendment and upon the CONGRESSIONAL RECORD?

Mr. FORT. Two cents per volume and one cent on the daily RECORD, and this will pay well. The Government under the post-office arrangement can haul a car-load of Agricultural Reports from the East to San Francisco for \$1,000, upon which we have to pay ten cents on each volume now.

Mr. WILLARD, of Vermont. Then do we not pay too much postage upon letters?

Mr. FORT. We pay more than it costs to simply haul the letters, of course. I have not said and I do not wish to be understood as saying that this would be a fair proportion on the cost of the expense of the Post-Office Department. But it is a fair price for carrying and handling this matter, as the Government has to run the trains and support the Department without them.

Mr. WILLARD, of Vermont. How will the gentleman figure up the deficit in the Post-Office Department?

Mr. FORT. I know there is a deficit, but you were told that if you would only repeal the franking privilege the Post-Office Department would be self-sustaining. This experience has shown was fallacious and was probably said for effect. The saving, if any, has never been perceptible in the Post-Office Department accounts. I do not wish to be understood, however, as saying, I repeat, that this would be a fair proportion of the expense of the Post-Office establishment, but I do say that, the Government having to run postal trains as they do, the Post-Office Department had better have these documents to carry at the proposed price than not to carry them, and far better than to deprive the people of them.

Mr. SMALL. How will two cents a volume on these documents compare with the rate of postage now on newspapers?

Mr. FORT. Perhaps less on some and a little more on others. It will average about the same as newspapers are charged.

Mr. WILLARD, of Vermont. On transient newspapers?

Mr. FORT. Yes; about the same as on daily papers. The postage upon public documents at two cents on a volume would average about forty dollars a ton. At the present rate of postage we pay for the transportation of the documents \$1,000 a ton.

Mr. MERRIAM. What will be the postage on the CONGRESSIONAL RECORD under this amendment?

Mr. FORT. As it is now—one cent a copy on the daily RECORD and two cents on a volume of bound RECORDS. Mr. Chairman, I am very much obliged to the gentleman from Connecticut [Mr. KELLOGG] for his courtesy, and I will now resign the floor.

Mr. SPEER. Mr. Chairman, I would prefer to see the amendment of the gentleman from Indiana [Mr. COBURN] adopted, with a proviso something like this:

And this provision shall apply to the Members and Senators of the Forty-third Congress up to the 3d day of December, 1875.

I understood the existing law to be that all documents authorized to be printed by this Congress go to the members of this Congress if they are published before the next Congress meets. The amendment of the gentleman from Indiana only reaches the members of this Congress during the session of Congress. After Congress adjourns, if all our documents are not sent out, we shall have to pay postage on them, and therefore I think the gentleman's amendment should prevail with the amendment which I hold in my hand and which I have read. I now offer it.

Mr. COBURN. I am willing to accept that amendment.

Mr. SPEER. If the amendment of the gentleman from Indiana fails, then I shall vote for the substitute of the gentleman from Illinois, [Mr. FORT.] But why make the postage on books two cents?

Mr. FORT. To pay something to the Government.

Mr. SPEER. The amount so received will be trifling. The people have already paid for publishing these documents. That is an expense which falls upon them and which they bear without complaint. It is a spectacle of moral cowardice for Congress to stand up in the face of the nation and appropriate over a million of dollars for postage for the other Departments of the Government and then not have the courage to appropriate the money necessary to pay for postage on the distribution of documents published by authority of law and intended for the people.

Sir, if a crippled soldier writes to me about his pension and I go to the Pension-Office to see about it and write back to him I have to pay my own postage, but if that same soldier writes directly to the Pension-Office, you and I vote an appropriation to pay the postage of the Commissioner of Pensions. There is no consistency in this, no fairness in it, no common sense in it, and no reason for it. It is bald cowardice. I admit that I was one of the cowards who voted for the absolute and unconditional repeal of the franking privilege under the lash and spur, and it is the only vote I have ever given in this House of which I am ashamed.

Mr. NEGLEY. I was one of those who voted against the repeal of the franking privilege.

Mr. SPEER. An apparent public sentiment had been created by the efforts of the Postmaster-General which the statistics of the Post-Office Department since show to have been utterly unjustified by the facts. Under the force of that sentiment, under the lash of the metropolitan newspapers, Congress, without debate, or the opportunity for debate, passed the repeal of the franking privilege. That was unjust to the members of Congress and unjust to the people. Why publish these documents? Why purchase these seeds? Are the seeds to lie and rot in the Agricultural Department, or the documents to lie and rot in our cellars below here, or be sold by members of Congress as waste paper, and the income put in their pockets, rather than they shall be to the expense of paying postage on them? They are the people's documents, paid for by the money of the people. And the people ask that they shall be sent to them.

The cry that the free carriage of these documents through the mails will largely increase the expenses of the Government is hollow and false. Since the abolition of the franking privilege the cost of the mail service has steadily increased, and the present bill appropriates to the Post-Office Department about two millions more than the bill of last year. The mail contractors have not reduced their bids a dollar on account of the repeal, and the only practical result is to increase the business and profits of express companies.

If some measure like this should not pass, then these documents, piled up here by the ton, will remain until the end of the session, except a few of them which some members, feeling it to be their duty to their constituents, may send to them and pay the postage out of their own pockets. A large portion of them will remain here, or be sold to the paper-dealers of this city. I say that no country in the world ever saw such a spectacle as this; the Post-Office Department, the Treasury Department, the State Department, and all the Executive Departments having their postage paid for them by appropriations by Congress, and members of Congress getting down on their knees and shaking from head to foot before a manufactured public sentiment, afraid to send documents free to the people, which have been published with the money of the people.

The pending amendment is limited to public documents and seeds, and it is intended for the benefit of the farmers and mechanics and merchants of the country. It is not for the benefit of members, but for those who have sent us here. Its passage will not add a dollar to the public burdens, and I am satisfied, if it could be adopted without making a record, nine-tenths of the members of this House would vote for it. The courage to vote your convictions is a virtue which the people, in the end, will recognize and reward.

[Here the hammer fell.]

Mr. TYNER. Is not debate exhausted on this amendment?

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. MILLS. I move to strike out the last word of the original proposition. The Postmaster-General, in his report to Congress in 1869, showed to the House of Representatives that there was a deficit in the receipts below the expenditures of the Post-Office Department. He had vexed his righteous soul from day to day from 1869 until 1873 to remove the causes that produced this deficiency. He states that the great cause was the franking privilege. He showed to Congress that there were 31,933 persons in the United States exercising the franking privilege and sending mail matter through the post-office free of postage which, if it paid the usual postage, would bring a revenue to the Government of \$2,500,000.

On the 30th of June, 1873, the franking privilege was abolished at the persistent demand of the Postmaster-General. What has been the consequence of this sublime statesmanship? The deficiency in the receipts of the Department, which up to that time had been \$2,500,000 has now increased to the sum of \$9,900,000; that is what it is to-day, notwithstanding the fact that there were 31,933 persons who enjoyed the franking privilege. Efforts were made to restore it again, and it was restored to 31,500 persons; thus cutting down the fancied revenue of \$2,500,000, which was to be received in consequence of this repeal, by the sum of \$2,225,000. These are the facts now before you.

To-day, at an expense not of millions but of hundreds of thousands of dollars, we pay for the manufacture of these postage-stamps and the salaries of clerks whose business it is to paste them on letters and other expenses incidental to the operation. And, as my friend from Pennsylvania [Mr. SPEER] says, we stand before the world to-day the representatives of this people guilty of moral cowardice in keeping from them the light which they are entitled to receive from this grand center of the Government.

What has been the result of the repeal of the franking privilege so far as the increase of the revenue of the Post-Office Department is concerned? Some time ago I received a communication from the Postmaster of the House of Representatives, which I have mislaid, showing the immense amount of revenue to the Government which is received from members of this House. I asked him to give me a statement of all the postage-stamps of every kind sold by him to members of this House. It aggregated a little over \$15,000. I suppose about one-half of the postage-stamps which we use are bought in the post-office of this House. If so, then the grand aggregate of the results of that sublime statesmanship which was forced upon this House amounts to about \$30,000, all told.

Mr. ELDRIDGE. Will the gentleman tell us how much it cost the Government to circulate the petitions which the Postmaster-General sent about the country?

Mr. MILLS. I have not time in five minutes to go into that matter. Now, what is the result, what is the grand tragedy summed up in this? It is that a Government which is based upon the cardinal principle of the intelligence of the people deprives the people of one great source of that intelligence in order to save the pitiful sum of \$30,000. All that information is kept here, not sent to the people; they are denied the benefit of all this information, and there is nothing left but the barren result which I have stated.

[Here the hammer fell.]

Mr. WILLARD, of Vermont. I rise to oppose the amendment. Both of the propositions now before the House are propositions to restore the franking privilege, because the proposition of the gentleman from Illinois on my right [Mr. FORT] provides for so small a postage on public documents that it is substantially the same thing as sending them free through the mails; and I know of no reason why one who will vote for that amendment should not also feel compelled to vote for the proposition of the gentleman from Indiana, [Mr. COBURN,] that garden seeds and all public documents shall be carried free through the mails.

As has already been said, this argument has been made over and

over again. On the one hand it is claimed that the people are clamoring for these public documents, and it is too great a charge upon members of Congress to compel them to pay the postage upon them. My friend from Illinois says that he has paid already during this Congress, hundreds of dollars as postage on documents which he has sent to his constituents. Now, Mr. Chairman, I know no reason why the gentleman's constituents, if they want public documents, should not pay for them, and pay the postage upon them just as they do when they want school-books. These public documents cannot be any more valuable to them than school-books, or clothing, or newspapers; yet they pay for all these things; they do not ask the Government to furnish them gratuitously.

If we are to go into the business of supplying our constituents with everything they want, with everything they write to us for, why should we not make an appropriation to reimburse members for sums of five dollars or ten dollars which they sometimes contribute to pay a constituent's fare home? Why should we not come in here and ask Congress to appropriate money to enable us to give such assistance to constituents who ask for it? I have no doubt some gentlemen here would be very glad if somebody would furnish them with money to answer these calls. We know that members of Congress, by reason of their position, are subjected to a great variety of calls, some in the way of subscriptions, some in the way of election expenses, some in other ways; and why should not the Government step in, by reason of this expense which falls upon members in view of their official capacity, and furnish them with money to meet all these charges?

This is only another phase of that pestilent heresy which seems now to be gathering strength and force, I am sorry to say, all over the country—the notion that whatever anybody wants the Government to do, it becomes the duty of the Government to do; that whenever anybody asks the Government to give him something, it is the business of the Government to grant his request; that, in other words, it is the business of the Government to supply all the wants of our constituents. I have not looked upon the functions of Government as reaching to that extent.

But, sir, to go back to the reason given here for this proposed modification of the law. It is said we have the documents; we are printing them; and we might as well charge the Treasury with the postage as with the expense of printing them. I agree to that fully; and one of the principal reasons why I favored the abolition of the franking privilege was because I anticipated it would stop the printing of these documents. The people may just as well ask to have postage free, members of Congress may just as well ask that these documents be carried free, as to ask that they shall be printed for nothing. There is no reason whatever in either demand. These documents should not be supplied gratuitously. The people are able to pay for them if they desire them.

The gentleman from Ohio [Mr. GARFIELD] reminds me that the Congressional Printer informed us only the other day that the Agricultural Report alone, which we had ordered to be printed, would cost \$200,000. That is a great item of expense, and there is no more reason why the Government should furnish these Agricultural Reports gratuitously than there is why we should furnish every man in the country with an agricultural newspaper and send it to him free of expense.

[Here the hammer fell.]

Mr. FORT. I would like to ask the gentleman from Vermont whether according to his doctrine we should not abolish the Agricultural Department?

Mr. WILLARD, of Vermont. I am quite ready to support that proposition.

Mr. WILSON, of Iowa. I move to amend the amendment by striking out the last two words. Mr. Chairman, I wish to occupy but a few moments, for the House is in no humor to listen to even a five-minute speech. I am opposed to all these amendments, and I want to answer the charge of cowardice that has been made by the gentleman from Pennsylvania, [Mr. SPEER.]

We are abundantly supplied with money wherewith to pay the postage on all the documents printed for distribution during this whole Congress, and I will tell you where it comes from. When we were considering the repeal of the salary increase, and the question was before the House whether we should make that repeal effective from and after the date of the repealing act, or whether it should be retroactive, to go back to the 4th of March when we first became members of the House, the strongest reason given for making the repeal take effect from and after the date of the repealing act was that the increased rate of pay received by members from the 4th of March would be just about enough to pay the postage on the public documents they might desire to send to their constituents. Now, sir, why not follow in good faith the understanding upon which we voted at that time?

I admit what has been said here, that gentlemen representing agricultural constituencies have perpetual demands upon them for more books than they can supply. And, sir, I admit the ridiculous position in which members of Congress are placed, being as it were the only officers of the Government who cannot frank documents.

Mr. COBB, of Kansas. I wish to ask the gentlemen whether there is any record of that understanding about which he has spoken. For one I wish it distinctly understood that no such understanding was recognized by me. The law as I found it gave me that increase of

pay until the repealing act was passed. I took that which was provided by law, and which was honestly my own.

Mr. WILSON, of Iowa. That is not the point I am raising. I say that members of this Congress, from the pay they have received, have plenty of money to pay the postage on the documents they send out. I say this is not the time to reinstate the franking privilege. The members of Congress elected last fall will take their seats next December; they will come fresh from the people after consultation with the people, and if they see fit to reinstate it let them do so, but I am opposed to it now.

[Here the hammer fell.]

Mr. BECK. Mr. Chairman, I rise to oppose the amendment. When the gentleman from Indiana [Mr. COBURN] moved his amendment a few moments ago, he announced that it was now costing \$986,000 to furnish official stamps. If he had said it cost \$986,000 to furnish official stamps for the Post-Office Department alone, he would have been right, because it does take just that sum to furnish official stamps for that single Department. The Postmaster-General, on page 4 of his report just submitted to us, estimates the receipts from official stamps and stamped envelopes supplied to the various Departments at \$1,500,000 more; in all, for all the Departments, including the Post-Office Department, \$2,400,000, as I understand it, every dollar of which has to be raised by taxation of the industries of the country in some form.

Mr. PLATT, of New York. Will the gentleman allow me to interrupt him to give him some other figures as to the cost of procuring these official stamps?

Mr. BECK. I have but a few minutes, and you can do that when I get through.

Now, Mr. Chairman, the fact is, and I wish it to be specially noted, that the whole cost, the whole appropriation ever made before the law repealing the franking privilege went into effect, was only \$700,000 a year. That was the appropriation out of the Treasury for carrying all free mail matter. It was a permanent appropriation for that purpose, and is all it ever cost the country. Now, however, we are furnishing the Post-Office Department alone with \$986,000 out of the Treasury to enable the officials to frank their mail matter, while the other Executive Departments cost us in addition nearly \$1,500,000, which has, of course, to be raised by taxation, for the purpose of enabling them to buy these official stamps to frank through the mail whatever they may see fit to send. The then Postmaster-General told us two years ago, in his report of 1872, as follows:

By reference to a special report made to Congress on the 12th of January, 1871, it will appear that the actual cost of free matter, if charged with the regular rates of postage, was then \$2,543,327.72 annually. During the late presidential canvass the quantity of such matter was largely increased, and I think it safe to say that the free matter carried during the past year, if taxed at ordinary rates, would have yielded a revenue of three and a half million dollars, a sum larger than the entire deficiency of the year.

That was the statement which went before the country, coupled with petitions published and circulated at a cost to the Government, as I understand, of over \$500,000 to have them circulated in order to bring about the abolition of the franking privilege.

Mr. Chairman, I am happy to say to my friend from Pennsylvania [Mr. SPEER] that I was not one of those who voted for the repeal of the franking privilege. I knew it was a fraud then; I have known it ever since, and I have voted against the restoration of the franking privilege because I wished to punish those gentlemen who were cowardly enough to vote to repeal it, and for no other reason. As I have said, the Postmaster-General circulated these petitions fraudulently, costing us at least \$500,000 of public money; and as a consequence the Government is now compelled to pay \$2,400,000 for official stamps when the whole cost before was only \$700,000; and all this for no other purpose than anybody can see than to enrich express and railroad companies, which had contracts for four years in advance and received as much compensation after the franking privilege was abolished as before, though they did not do anything like as much service as formerly. That was the whole of it. Then, too, you will observe two years ago the ordinary revenues of the Post-Office Department only amounted to \$22,000,000, while the ordinary revenues of the Department are now estimated at \$29,148,156. Although the revenues of the Department have increased from twenty-two to twenty-nine millions, they ask for an appropriation for deficiency out of the Treasury of \$7,815,878, and by direct appropriation out of the Treasury of \$2,098,500; in all amounting to \$39,062,534. It is true the country has grown somewhat and expenses have somewhat increased, but the expenditures have grown in larger proportion than the service. Why is this? It is because of such contracts as attention has been called to, of Peterson and others on the Mississippi River and in our Western Territories, where the late Postmaster-General not only recognized but encouraged straw-bids, and then gave his friends what he called special service at double, triple, and sometimes quadruple the amount of the bids, and put hundreds of thousands, and I might say millions, of dollars into the pockets of the friend, pets, and other favorites of the Department.

I fear, sir, if the present Postmaster-General carries out his honest purpose to cut out these abuses by the root his own official head will be cut off ere long, and some one will step into his place to do as his predecessor did in accepting straw-bids and afterward making fraudulent contracts and keeping in useless employes to absorb millions from the Treasury. I fear, I say, if the present Postmaster-General

carries out his honest purpose some one else will be found to take his place before many months roll round who will restore and perpetuate the old corrupt system.

Mr. SWANN. Who was it did these things?

Mr. BECK. It was your Postmaster-General from Maryland, with whom you never had any partnership that I ever heard of. [Here the hammer fell.]

Mr. TYNER. I wish to say the Ways and Means Committee was entitled to the floor to-day, but kindly got out of the way of the post-office appropriation bill upon the promise that at half past one I would get out of their road. I move, therefore, that the committee rise to close debate.

Mr. NIBLACK. We can close debate by unanimous consent.

Mr. TYNER. If so, I withdraw my motion.

The CHAIRMAN. The Chair hears no objection, and debate is closed.

Mr. SPEER. I ask the gentleman from Illinois [Mr. FORT] to withdraw his amendment as a substitute for that of the gentleman from Indiana, so the committee may vote first on the amendment of the gentleman from Indiana and then we can vote on the gentleman's substitute.

Mr. FORT. I have no objection to the committee taking a vote first on the amendment of the gentleman from Indiana.

Mr. TYNER. I object to the gentleman withdrawing his amendment.

Mr. SPEER. Has not the gentleman from Illinois a right to withdraw his amendment, notwithstanding the objection of the gentleman from Indiana?

The CHAIRMAN. The Chair thinks the gentleman has the right to withdraw it.

Mr. FORT. I will not withdraw it if there is objection.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. FORT] for the amendment offered by the gentleman from Indiana, [Mr. COBURN.] The substitute will be again read.

The Clerk read as follows:

That hereafter the postage on any public document mailed by the President or head of any Executive Department, or member of Congress or Delegate to the House of Representatives, or by any ex-member of Congress or ex-Delegate, within nine months after the expiration of his term of service, shall be two cents for each volume, and the term public document is hereby defined to be any publication printed by order of Congress or by either House thereof. And when the words "public document" shall be written or printed thereon, or on the wrapper thereof, and the signature of any such person entitled to so send the same by mail shall be written thereunder, it shall be deemed a sufficient certificate *prima facie* of the character thereof.

Field and garden seeds furnished by the Department of Agriculture shall be transmitted by mail for one cent for each pound or fraction thereof upon the certificate of any of the persons named in the next preceding section.

Mr. SPEER. I ask that the amendment of the gentleman from Indiana, [Mr. COBURN,] for which what has just been read is a substitute, may be again read.

The Clerk read Mr. COBURN's amendment, as follows:

Insert at the end of the second section these words:

Provided, That all seeds furnished by the Department of Agriculture, and all public documents sent through the mails by Senators and Representatives in Congress to their constituents, shall be carried free of postage; and the signature of the Senator or Representative shall be indorsed thereon, as evidence that the same is mailed by him, and shall be subscribed to a written or printed certificate that the same is a public document or a package of seeds furnished by the Department of Agriculture.

The CHAIRMAN. The question is on the substitute of the gentleman from Illinois.

Mr. FORT. I am appealed to by gentlemen all around the House to withdraw my substitute in order that a vote may be taken on the amendment of the gentleman from Indiana. I wish to do what will be agreeable to the committee.

The CHAIRMAN. Is there objection to the gentleman from Illinois withdrawing his substitute?

Mr. SHEATS. I object.

The CHAIRMAN. Objection being made, the substitute cannot be withdrawn. The Chair has referred to the rule, and finds that it requires unanimous consent.

Mr. ROBBINS. I ask to have the substitute reported.

The CHAIRMAN. It has just been read.

Mr. PAGE. I do not think the committee understands the pending proposition.

The CHAIRMAN. The Chair will again direct the reading of the substitute, that the committee may understand it.

The substitute was again read.

Mr. NIBLACK. I ask the gentleman from Illinois to make a verbal amendment which I think ought to be made. I think his amendment ought to include public documents issued by any Department of the Government. The Departments print some documents which are just as valuable as any others. I suggest that after the word "document," in the first line of the substitute, there be inserted the words "published by order of either House of Congress or by any Department of the Government."

Mr. FORT. I accept that amendment.

Mr. HOLMAN. I hope that amendment will not be made. The documents to which my colleague refers are generally published by the Departments in violation of the law.

Mr. NIBLACK. I have reference to public documents sent to us

by the Departments to distribute. I think they ought to be sent out on the same terms as the documents printed by order of Congress.

Mr. HOLMAN. They are only casual documents, distributed to members as a matter of favoritism.

Mr. TYNER. I object to debate.

The question being taken on Mr. FORT's substitute as modified, there were ayes 42, noes not counted.

So the substitute was not agreed to.

Mr. FORT. If in order, I will call for the yeas and nays when the bill is reported to the House.

Mr. STORM. You cannot do it.

The CHAIRMAN. The question recurs on the adoption of the amendment proposed by the gentleman from Indiana, [Mr. COBURN.] Mr. FORT. I ask that the question may be taken by tellers.

Tellers were ordered; and Mr. TYNER and Mr. COBURN were appointed.

The committee divided; and the tellers reported—ayes 97, noes 75.

So the amendment was agreed to.

Mr. BUNDY and Mr. ALBRIGHT announced that they would call for the yeas and nays on this amendment when the bill was reported to the House.

Mr. TYNER. I now ask unanimous consent of the committee that the proposition that has just been passed upon by the committee shall be considered as coming in after section 4 of the bill instead of after section 2. It will come in there more properly than in the body of the bill among the appropriations.

There was no objection, and it was so ordered.

Mr. LOUGHRIDGE. I offer the amendment which I send to the desk, to come in after the amendment just adopted.

The Clerk read as follows:

Insert these words:

That the certificate authorized to be made by section 13 of the act of June 23, 1874, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875," may be made by any ex-Member of Congress or ex-Delegate within nine months after the expiration of his term.

Mr. TYNER. That is all right.

Mr. BURCHARD called for a division.

The question being put on the amendment, it was agreed to.

The Clerk read the following section:

SEC. 3. That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of \$6,852,705, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post-Office Department for the year ending June 30, 1876.

Mr. RANDALL. I offer the amendment which I send to the desk, to come in at the end of the third section. It is in the nature of a proviso.

The Clerk read as follows:

Add at the end of section 3 as follows:

No money appropriated by this act shall be paid for any official or newspaper post-office stamps which are not purchased by contract made with the lowest bidder after due advertisement.

Mr. TYNER. I raise the point of order upon that amendment that it is new legislation.

Mr. RANDALL. It is a limitation. Allow me a word of explanation before the point of order is decided. There is a contract for the general post-office stamps made for four years at the rate of 14.99 cents per thousand. That contract was made after due advertisement. The last Postmaster-General, when it became necessary to print departmental stamps and also newspaper stamps, omitted all advertisements, thereby preventing competition, and has entered into a contract for the supplying of the plates necessary and for the printing of the stamps required. The Government having paid the bank-note companies for the engraving of those plates, they having the ownership, it is now a question whether they should not in the future advertise.

I believe, after mature reflection and examination, that the price of this work, if bids be advertised, will not be over twenty-five cents per thousand. I am advised that the Bureau of Engraving and Printing, if the law permitted it, could print them for twenty-one cents per thousand. Now, all that I ask is that this work shall be done after public advertisement for bids among the various bank-note companies, so that if it be possible to reduce the price we are now paying from eighty cents per thousand to about twenty-five cents, we can do it. It is my judgment that \$45,000 can be saved to the Government by this means, without doing any injury to anybody. The work should be open to competition among all the bank-note companies, and a contract for it should be issued after advertisement and on competition.

Mr. MERRIAM. I want to ask the gentleman whether he thinks we ought to spend any money for the printing of departmental stamps?

Mr. RANDALL. That brings up a legal point in controversy. I believe that this contract, the original contract, by its terms included all stamps, and that these departmental and these newspaper stamps, according to that contract, should be supplied to the Government at 14.99 cents per thousand. But that question is not involved in this amendment.

Mr. MERRIAM. The question is whether we ought to spend any money at all for departmental stamps.

Mr. RANDALL. I am trying to settle this case as I find it, and trying to remedy what I think is not exactly right, and I believe that the Postmaster-General himself is in favor of this amendment.

The CHAIRMAN. Upon the point of order the Chair desires to ask a question. Does the gentleman from Pennsylvania [Mr. RANDALL] understand that the law now requires advertisement for the bids for doing this work?

Mr. RANDALL. I do understand that the law does require advertisements, and, if my recollection serves me, I once had inserted a provision making that requirement in an appropriation bill.

Mr. TYNER. The only response I have to make to that is that the law which abolished the franking privilege provided that the Postmaster-General should supply adhesive stamps to the Departments, and did not require him to advertise for proposals for furnishing those stamps.

Mr. RANDALL. Well, if the gentleman is correct, I wish to provide now that the work shall be done after advertisement and that the lowest bidder shall receive the contract.

The CHAIRMAN. The Chair is of opinion that the amendment does change existing law, and therefore he sustains the point of order.

Mr. HOLMAN. I rise to a parliamentary inquiry. This amendment simply proposes a limitation on the appropriations made in this bill and is not new legislation.

The CHAIRMAN. The Chair understands that the effect of the amendment would be to require advertisements for proposals and to give the contract to the lowest bidder. The Chair understands that that is not the law now.

Mr. RANDALL. A word of explanation. The law provides for the furnishing of these stamps. Does the Chair decide that because the law provides for these stamps the Government cannot give the contract for their manufacture after advertisement to the lowest bidder?

The CHAIRMAN. The Chair does not decide that at all.

Mr. RANDALL. Well, what does the Chair decide?

The CHAIRMAN. The Chair decides that the effect of the amendment would be to change the law which authorizes the Postmaster-General to furnish these stamps.

Mr. RANDALL. My amendment puts it in the nature of a limitation on the expenditures under this bill, and that is surely in order.

Mr. TYNER. In order to call the attention of the Chair to one section of the law to which the amendment of the gentleman from Pennsylvania would apply, the law in regard to newspaper stamps which this amendment will affect, I desire to call attention to the fact that under the section of the postal laws which I read this amendment would affect newspaper stamps:

SEC. 6. That on and after the 1st day of January, 1875, upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may from time to time provide by regulation.

That does not require the Postmaster-General to advertise for proposals for such stamps.

Mr. HOLMAN. On looking at the amendment it will be seen that its language merely provides that the money appropriated by this act shall not be applied except on certain conditions, and that is clearly a limitation upon the appropriation.

The CHAIRMAN. That is only a circuitous way of reaching a change in the law. The Chair thinks it would have the effect of changing existing law, and therefore he rules the amendment out of order.

Mr. HOLMAN. If a limitation like this is not proper as an amendment to an appropriation bill then there is no way in which a limitation can be placed upon appropriations, and therefore I appeal from the decision of the Chair.

The CHAIRMAN. The Chair rules that this is an amendment in the nature of new legislation. From this ruling the gentleman from Indiana takes an appeal, and the question is: Shall the decision of the Chair stand as the judgment of the committee?

Mr. HOSKINS. I ask for tellers on that question.

Tellers were ordered; and Mr. HOLMAN and Mr. TYNER were appointed.

The House divided; and the tellers reported—ayes 127, noes 22.

So the decision of the Chair was sustained as the judgment of the committee.

The Clerk read the fourth section of the bill, as follows:

SEC. 4. That hereafter the Sixth Auditor shall keep the accounts in his office so as to show the expenditures of the Post-Office Department under each item of appropriation provided by law.

Mr. KELLOGG. I move to strike out the last word for the purpose of calling attention of the gentlemen having charge of this bill to the provisions in relation to the accounts of the Sixth Auditor's Office. It seems to me there ought to be some provision by which these accounts should be revised by the Comptroller or sub-comptroller, like all the other accounts of the Government. All the accounts of the other five Auditors are revised by the Comptroller's Department; but there is no revision whatever by any Comptroller of the accounts of the Post-Office Department. I wish to inquire if there is any difficulty in the way of providing that these accounts should be revised in the same manner as the accounts of the other Executive Departments are revised?

Mr. TYNER. I have not given the subject sufficient attention to be able to answer the gentleman intelligently.

Mr. KELLOGG. I think it ought to be done in some way. I supposed the gentleman was so familiar with it that he could give me some information upon it.

Mr. TYNER. I cannot do so.

Mr. KELLOGG. I withdraw my amendment.

Mr. TYNER. I move that the committee now rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McCrary reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the special order, being House bill No. 5429, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, and had directed him to report the same to the House with sundry amendments.

Mr. TYNER. I call the previous question upon the bill and pending amendments.

The previous question was seconded and the main question was ordered.

Mr. WILLARD, of Vermont. I desire a separate vote on the amendment in relation to the transmission of public documents through the mail.

Mr. TYNER. I promised the Committee on Ways and Means that I would get out of their way as soon as possible. Therefore, with the consent of the House, the previous question having been put, I will now yield to that committee.

The SPEAKER. That requires unanimous consent.

Mr. RANDALL. I object; let us dispose of this bill.

Mr. DAWES. One of the members of the Committee on Ways and Means is called home by a telegram to attend a funeral.

Mr. RANDALL. It will not take half an hour to dispose of this bill.

Mr. DAWES. Of course I should have interfered as soon as this bill was taken out of the committee, but for the arrangement made with the gentleman from Indiana, [Mr. TYNER.]

The SPEAKER. If the previous question had not been seconded, the motion of the gentleman from Massachusetts would be in order.

Mr. DAWES. I understand that.

Mr. TYNER. I hope no gentleman will object.

Mr. RANDALL. Let us get these appropriation bills out of the way, and have no excuse for an extra session.

Mr. ALBRIGHT. I gave notice in committee that I should call for the yeas and nays on the amendment in regard to public documents.

Mr. HOLMAN. I call for a separate vote on each amendment.

Mr. TYNER. Then I move to reconsider the vote by which the main question was ordered.

The motion to reconsider was not agreed to; there being upon a division ayes 42, noes not counted.

Mr. DAWES. Go on with the bill, then.

The SPEAKER. The amendments will now be reported.

Mr. HOLMAN. I would suggest that the amendments be read, and if no separate vote be asked at the time of reading, that they be considered as agreed to.

The SPEAKER. That will be done, and the amendments regarded as agreed to upon which no separate vote is asked.

The following amendment was read, and a separate vote asked upon it by Mr. WILLARD, of Vermont:

Provided, That all seeds furnished by the Department of Agriculture, and all public documents sent through the mails by Senators and Representatives in Congress to their constituents, shall be carried free of postage, and the signature of the Senator or Representative shall be indorsed thereon, as evidence that the same is mailed by him, and shall be subscribed to a written or printed certificate that the same is a public document or a package of seeds furnished by the Department of Agriculture. This proviso shall apply to the Members and Senators of the Forty-third Congress up to the 1st day of December, 1875.

Mr. ALBRIGHT. I call for the yeas and nays upon that amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 127, not voting 70; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Ashe, Averill, Barber, Beck, Begole, Bell, Biery, Bowen, Bright, Brown, Buckner, Burchard, Benjamin F. Butler, Cannon, Carpenter, Canfield, Clymer, Coburn, Cook, Crutchfield, Davis, Donnan, Dunnell, Durham, Eldredge, Farwell, Finck, Freeman, Giddings, Glover, Gunter, Hagans, Hamilton, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Hays, Gerry W. Hazelton, Hereford, Herndon, Houghton, Howe, Hubbell, Hurlbut, Lamar, Lamport, Leach, Lewis, Magee, James W. McDill, Mills, Moore, Morey, Myers, Neal, Negley, Nesmith, O'Brien, Packer, Thomas C. Platt, Read, Richmond, Robbins, Schell, Shanks, Sheldon, Sloan, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Spear, Stanard, Stone, Strait, Taylor, Todd, Vance, Waddell, Walls, White, Whiteley, Whitthorne, William Williams, Willie, and Ephraim K. Wilson—92.

NAYS—Messrs. Albright, Archer, Atkins, Banning, Barrere, Bass, Berry, Bland, Bradley, Bromberg, Buffinton, Bundy, Burleigh, Burrows, Cason, Cessna, Chittenden, Amos Clark, Jr., John B. Clark, Jr., Freeman Clarke, Clayton, Stephen A. Cobb, Comings, Conger, Corwin, Cotton, Cox, Crittenden, Crossland, Danford, Dawes, Dobbins, Eames, Fort, Foster, Garfield, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, John T. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hendee, E. Rockwood, Hoar, Hodges, Holman, Hoskins, Hyde, Kasson, Kellogg, Killinger, Lamson, Lawrence, Lawson, Leland, Loughridge, Lowndes, Lynch, McCrary, Alexander S. McDill, MacDougall, McKee, McNulta, Merriam, Mitchell, Monroe, Morrison, Niblack, O'Neill, Orr, Orth, Packard, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Phelps,

Pierce, Pike, Poland, Potter, Pratt, Rainey, Randall, Ray, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Henry B. Saylor, Milton Saylor, Seefeld, Henry J. Scudder, Sener, Sessions, Sheats, Lazarus D. Shoemaker, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, Charles A. Stevens, Storm, Sypher, Thornburgh, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodworth, and Pierce M. B. Young—127.

NOT VOTING—Messrs. Barnum, Barry, Blount, Roderick R. Butler, Cain, Caldwell, Clements, Clinton L. Cobb, Creamer, Crooke, Crounse, Curtis, Darrall, DeWitt, Duell, Eden, Field, Frye, Robert S. Hale, Havens, George F. Hoar, Hooper, Hunter, Hunton, Hynes, Kelley, Kendall, Knapp, Lansing, Lowe, Luttrell, Marshall, Martin, Maynard, McLean, Milliken, Niles, Nunn, Pelham, Phillips, James H. Platt, Jr., Purman, Ransier, Rapier, William R. Roberts, Rusk, Sawyer, John G. Schumaker, Isaac W. Scudder, Sherwood, Sloss, Small, Smart, Standford, Alexander H. Stephens, St. John, Stowell, Strawbridge, Swann, Charles R. Thomas, Christopher Y. Thomas, Thompson, Wells, Wheeler, Whitehead, Whitehouse, Charles G. Williams, Wolfe, Wood, and John D. Young—70.

So the amendment was not agreed to.

During the roll-call,

Mr. COMINGO said: My colleague, Mr. WELLS, is detained at home by sickness. I do not know how he would vote on this question if he were present.

The result of the vote was announced as above stated.

Mr. WILLARD, of Vermont, moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was demanded was read, as follows:

Insert the following:

That the certificate authorized to be made by section 13 of the act of June 23, 1874, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875," may be made by any ex-Member of Congress or ex-Delegate within nine months after the expiration of his term.

Mr. GARFIELD. That amendment fell with the other.

Mr. LOUGHRIDGE and Mr. KILLINGER. It was a separate amendment.

Mr. GARFIELD. O, no; it was a part of the other amendment which failed.

The SPEAKER. This amendment is reported by the Clerk as having been adopted in Committee of the Whole as a separate amendment, after the other amendment had been agreed to.

Mr. TYNER. I did not understand that it was a separate amendment.

Mr. GARFIELD. The gentleman from Iowa, [Mr. LOUGHRIDGE,] in offering the amendment, stated that he desired to amend the amendment already adopted. It is true that this amendment was acted on afterward; but it was an addition to the words already inserted as an amendment by the Committee of the Whole. The RECORD will so show.

Mr. LOUGHRIDGE. I offered the amendment myself as a separate proposition after the other amendment had been adopted.

Mr. GARFIELD. Certainly, after the other amendment had been adopted, but to be incorporated as a part of the other amendment.

Mr. CESSNA. It will not take long to send this amendment the same road that the other went.

Mr. FORT. We can avoid all difficulty by voting on my amendment, which contains that clause.

Mr. PACKER. I suggest to the gentleman from Iowa [Mr. LOUGHRIDGE] that if this amendment is to be adopted it should refer to the proper act of Congress—the post-office appropriation act, not the sundry civil appropriation act.

Mr. CESSNA. I am obliged to make the point that the main question has been ordered and debate is out of order.

The question being taken on agreeing to the amendment, there were—ayes 37, noes 32; no quorum voting.

Tellers were ordered; and Mr. LOUGHRIDGE and Mr. GARFIELD were appointed.

The House divided; and the tellers reported ayes 35, noes not counted.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TYNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAIL SERVICE TO CHINA AND JAPAN.

Mr. TOWNSEND, by unanimous consent, presented the memorial of John Roach, against the cancellation of the contract for additional mail service to China and Japan; which was referred to the Committee on Ways and Means, and ordered to be printed.

WASHINGTON MARKET COMPANY.

Mr. HAGANS, by unanimous consent, reported back from the Committee on the District of Columbia the bill (H. R. No. 4520) to amend the act entitled "An act to incorporate the Washington Market Company," accompanied with a report in writing; which was ordered to be printed and recommitment.

Mr. BUTLER, of Massachusetts. Let it be understood that this is not to be brought back on a motion to reconsider.

The SPEAKER. That cannot be done.

SUPPORT OF DISTRICT GOVERNMENT.

On motion of Mr. GARFIELD, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of the bill (H. R. No. 4452) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876; and the same was referred to the Committee on the District of Columbia.

Mr. RANDALL. Not to be brought back on a motion to reconsider.

The SPEAKER. That will be understood.

TAXES AND TARIFF.

Mr. DAWES. I move that the House resolve itself into the Committee of the Whole for the consideration of the special order—the tax and tariff bill reported yesterday from the Committee on Ways and Means.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. HALE, of Maine, in the chair, and proceeded to the consideration of the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government.

Mr. DAWES. I ask unanimous consent that the first reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. DAWES. Mr. Chairman—

Mr. BECK. Before the gentleman from Massachusetts [Mr. DAWES] proceeds I wish he would advise us what time in all probability the Committee on Ways and Means will allow for debate on this bill.

Mr. DAWES. I had not thought of undertaking to fix any time to-day; but to-morrow—

Mr. BECK. That is all I care about knowing.

Mr. DAWES. Mr. Chairman, I hope not to occupy any great length of time in the discussion of this bill. It so happens that a year ago to-morrow—February 12, 1874—I addressed the House upon the subject of the public expenditures. At that time it was my endeavor to show that there was no necessity for increased taxation. To-day, after a lapse of a twelvemonth, I ask the attention of the House that I may show such necessity. As I sincerely believed then that we could go along without resorting to this the most unwelcome of measures for the purpose of making the receipts and expenditures of the Government meet, so to-day with the same sincerity I am compelled to urge upon the House, from the Committee on Ways and Means, for whom I speak to-day, as well as in accordance with the President and the Secretary of the Treasury, who have both urged this necessity upon Congress, that there does seem now to be no other practical method of making the receipts and expenditures of this Government meet than by resorting to additional taxation. The sincerity of this endeavor on my part is not diminished by the reflection that in the course of events I shall not probably ever trouble the House again upon this subject. Therefore it is not possible for me to-day to indulge in any other remarks on this subject than such as are forced from me by a sense of duty to the House and to those branches of the Government which through our committee appeal to the House.

On the occasion alluded to, when I appealed to this House in conjunction with its own recorded vote to save the country from the necessity of renewed taxation, it was upon two grounds that I hoped to make the expenditures and receipts of this Government meet. Those two grounds were a confident hope that the general revival of business in the country, in conjunction with the reduction of expenditures, would so improve the one and reduce the other that we should find ourselves at the end of the year with sufficient in the Treasury to meet all the demands on the Government. At that time the expenditures of the Government were, as they always must be, fixed by law. The appropriations had been made. That side of the ledger was then made up. The other side, however, for five out of the twelve months of the year it was necessary to estimate, and in making that estimate, compared with the receipts thus far, I promised for the Government a receipt of \$281,777,972.99. That was the estimate at that time from all sources of the income of the Government to meet the current expenditures. It was hoped that with such reform as was indicated at that time, or some other equally effective, it would bring the Government, as I then stated, somewhere in the neighborhood of \$9,000,000, which could be appropriated to the sinking fund. The actual receipts at the end of the year were \$284,441,090.84 as against \$281,777,972.99 estimated, a difference between estimates and actual receipts of \$2,663,117.85, and that in favor of the Government.

Subsequently in the last days of the session, following the gentleman from Ohio, [Mr. GARFIELD,] chairman of the Committee on Appropriations, who brought the attention of the House to the aggregate reduction that had been secured in the appropriations for the next year, setting them down at twenty-five or twenty-six millions, I had occasion to say to the House that such had been the improvement in the receipts of the Government. I took a more hopeful view of the condition of the Treasury than I had in February at the time I made the remarks to which I have alluded, and then had good reason to believe the Treasury would come out at the end of the fiscal year with nearly \$5,000,000 surplus over and above the current expenditures of the Government, which could be applied to the sinking fund, and I even went so far as to express the confident opinion that the improvement would continue to an extent sufficient to take

care of the sinking fund the present year. The actual result did not quite come up to the promise of receipts at the time I made the statement. There was an excess of receipts over and above the expenditures to the amount of \$2,344,882.30, instead of about \$5,000,000, which I then thought there was reason to believe we should have in surplus of current expenses at the end of the fiscal year.

On the whole, Mr. Chairman, considering the fact that this was the estimate of receipts of the whole Government for five months out of the twelve, following the general depression in the industries and in all the business of the country, and built upon an anticipated improvement, I think the country will consider the administration of public affairs based upon a calculation like that, approaching so near to the actual result, as one which may well be deemed careful and prudent, and governed by that forecast which is necessary for success in the control of public affairs. The deficiency occurred through the depression arising from the panic and from no fault or default of administration. As matters closed on the 30th of June, under the circumstances, those responsible for the administration of affairs of the Government can well point to the result with pride and satisfaction. Based upon that result and the receipts and expenditures of the next quarter the Secretary of the Treasury made his report in December, and upon that, with the actual appropriations fixed by law and with three-fourths of the year based solely on the estimate of receipts, gathered as well as they might be from experience in the past and calculation as to the future, on importations and from internal revenue, the Secretary of the Treasury estimated the receipts and expenditures at the end of this fiscal year to be such that there would be \$9,002,796.57 surplus after payment of the current expenditures of the Government, which, as he then stated, could be applied to the sinking fund. But, sir, the actual receipts since the report made on the 6th of December, compared with the estimates, are more widely different than they have been for many years past, including the last year which embraced the season of the panic and general depression. The actual receipts have fallen far short of the estimates; so that, as I had occasion to state a day or two ago, since the 20th of December, for some cause not quite understood by those who have made finance a study, the receipts from customs have begun to fall off, and have continued to fall off for forty-one days to the extent of \$3,810,615.95, or just about \$100,000 a day. If continued during the year it would be about \$35,000,000 of deficit in Government receipts compared with Government expenditures over and above the estimate made by the Secretary of the Treasury.

I have here, sir, a statement of the receipts and expenditures since 1870, which is as follows:

Year.	Receipts.	Expenditures.	Difference.
1870	\$411,255,477 63	\$300,653,560 75	\$101,601,916 88
1871	383,323,944 89	304,074,631 15	79,249,313 74
1872	374,105,867 56	277,517,962 67	96,588,904 89
1873	335,738,204 67	280,345,245 33	43,392,959 34
1874	289,478,735 47	257,133,873 76	2,344,881 71
1875 (estimated)	284,318,285 99	275,315,489 42	9,002,796 57

The differences between the actual receipts and expenditures as shown in this table show the balance in the Treasury each year from which the claims of the sinking fund and the other reduction of the public debt were drawn.

According to the statement of the Secretary, comparing the receipts of the last seven months with the receipts of the corresponding seven months of last year, they were in those months of last year \$168,492,621.41, while in the corresponding seven months of this year they were \$165,113,198.49; making a difference between these two periods of seven months, respectively, of \$3,379,582.92. The receipts of the seven months of last year came out of the whole season of the panic, when there was a greater depression in business throughout the country than it was supposed the country would be likely to experience in very many years to come. And yet the corresponding seven months during this fiscal year have not brought into the Treasury from customs as much money as the first seven months of last fiscal year by about three and a half million dollars. You have therefore data upon which to calculate for the future.

Mr. GARFIELD. I desire to ask the gentleman from Massachusetts whether the returns of the last seven months indicate a falling or a rising revenue. In other words, have we reached bottom or are we still falling behind?

Mr. DAWES. Mr. Chairman, we have this condition of things. The actual receipts of the first seven months of this fiscal year compared with the corresponding seven months of last year show a falling behind of \$3,500,000. And if we are to bring out the year anywhere in the neighborhood of the estimates, which are besides fixed appropriations that cannot be changed because they are law—while hidden, unknown, mysterious influences and laws more potent than our legislation control the business of the country and the receipts of the Treasury, to meet this loss we are to do one of two things; to look somewhere for an explanation of this deficiency or to look somewhere for some new source of revenue to meet the demands of the Government.

In answer to the gentleman from Ohio I will state that up to the

20th of December the receipts came very nearly to the estimates of the Government. From the 20th of December to the 1st of January they fell off very seriously. For three or four days after that they recuperated and even went beyond the estimates a few hundreds of dollars. Then they began to fall back and continued to do so to the 1st of February. I am expecting every minute the statement from the 1st to the 11th of February, and perhaps I may be able to furnish that to the gentleman. But up to the 1st of February the receipts continued to fall off until they reached the point which I have stated.

My colleague [Mr. ELLIS H. ROBERTS] I find has a statement up to the 11th. And if I am not robbing him of the material which his own industry, surpassing mine, has enabled him to obtain of later date than I have obtained, I may state that since the 1st of February, a period of ten days, there has been a falling off of \$123,439.75.

Mr. ELLIS H. ROBERTS. That is the falling off in the balance within the last ten days.

Mr. DAWES. Yes; in the balance. The receipts in that period have been \$3,691,496.09; the falling off in the receipts from the estimates being what I have stated.

Mr. ELLIS H. ROBERTS. The comparison is that of the receipts and expenditures for the first ten days of February, this year, with the first ten days of February last year.

Mr. GARFIELD. Does that indicate that during the last ten days there has been a falling behind, a deficit of something over \$10,000 a day?

Mr. DAWES. Of course in the middle of a month, when the amount of the receipts is not made up, there is no such thing as ascertaining the exact receipts of the custom-houses in all parts of the country. And when compared with the expenditures it does not give us quite a fair statement of the case; because the expenditures depend upon when the demands upon the Treasury are made, and these demands may be made more in one part of a month than in another part. And goods are taken out of bond very largely at some particular time. It is a fact that since we began the discussion in the Committee on Ways and Means within the last ten days on the question of a change in the tariff, goods have been very largely drawn out of bond, out of the warehouses, and duties have been paid on goods that would naturally, under other circumstances, have remained six, eight, ten, or perhaps twelve months longer. And thus the receipts coming in at this moment are rather larger than they otherwise would be; but they are at the expense of the receipts of the months in the future. So that, without attempting, Mr. Chairman, to be precisely accurate, there is a falling behind the estimates of somewhere in the neighborhood of three and a half or four millions of dollars since the 20th of December.

I do not state it accurately; it is not necessary that we should have the amount to a dollar, but we have the facts before us and we cannot escape the result that the receipts for the coming year, our net receipts for customs, are not to meet the public expectation. The estimate made by the Secretary of the Treasury upon his own calculation and that of the business men who have advised him, and of whose advice he has availed himself, in calculating the business of the next five months, compels him to say to the House that he is unable to find any source of revenue yet in existence that will meet this deficit.

Now, Mr. Chairman, the reduction of the \$26,000,000 on one side of the ledger is due to the reduction of expenditures which was the work of Congress. The reduction of the revenue was not their work, but the work of those influences upon trade and business over which Congress does not assume to exercise control.

Mr. BUTLER, of Massachusetts. I desire to ask my colleague a question. It is whether this falling off is in the customs revenue or in the internal revenue, and which falling off is greatest if it is in both?

Mr. DAWES. The internal revenue has increased until within a few days, perhaps the beginning of this month, but the report from the Commissioner of Internal Revenue shows that up to January last the estimate of the Treasury Department was that the prosperity proceeding out of that business which has contributed to the internal revenue was to that extent most gratifying.

Mr. ELLIS H. ROBERTS. The estimate of receipts from the Internal Revenue Department in 1873 was \$108,000,000, and the estimate for the present year is \$105,000,000, showing a reduction in the estimate in internal revenue of \$3,000,000; an estimate which has been verified by the facts since.

Mr. KELLEY. Do I understand the gentleman to say that this year's estimate of receipts from this source is \$108,000,000, while last year it was only \$105,000,000?

Mr. ELLIS H. ROBERTS. In December, 1873, the estimate for the fiscal year which is now running was \$108,000,000; but that estimate was reduced for the approaching fiscal year last December to \$105,000,000, which is the estimate for the current fiscal year.

Mr. DAWES. Mr. Chairman, I was about to say that this whole statement in relation to the past, both by the Secretary of the Treasury and by the Committee on Ways and Means, which I have made, goes upon a mistaken construction of law. The attention of the Secretary of the Treasury has been called to the relation of the sinking fund to these receipts from customs, and I desire to state to the House that a strict conformity with law requires the Secretary of the Treasury, instead of making his estimates year by year, saying that upon this result there remains to be paid to the sinking fund

\$9,000,000 this year, and \$20,000,000 for that purpose for the coming year—the law requires him to deduct the sinking fund first from the receipts from customs duties, and then to show how much there is to meet the appropriations. If he had followed the requirements of the law, he would have stated to us that he had first taken from the receipts from customs \$29,000,000 for the sinking fund, and then there would have been left a deficit on the receipts to meet the current expenses of \$20,000,000. When his attention was called to this point, and also the attention of the Committee on Ways and Means, it was seen at once that he had not followed the law in appropriating to the payment of the current expenses of the Government a single dollar of the receipts from customs until after he had first paid the interest on the public debt, and secondly, the demands of the sinking fund, and third, whatever was left of it only should go into the Treasury for the purpose of meeting the current expenses of the Government.

Sir, I desire to call the attention of the House to the law creating the sinking fund. I did it last year when I was speaking of the necessity of retrenchment. I now call attention to it in connection with the question of increased taxation. This is the law under which all the bonds of the United States have been issued, lying at the bottom of the first issue and running through them all, and it can be no more violated with impunity than any law that prescribes penalties of indictment and sentence to the penitentiary. And any officer of the Government who knowingly and willfully violates this law deserves impeachment at the hands of this Congress. The Secretaries of the Treasury who have gone before the present one, and the present Secretary of the Treasury, can only justify themselves in the course they pursued from the fact that the Congress of the United States has not furnished them with means to meet all the demands of the Government. Section 5 of the act which created the first bonds of the United States was in these words:

That all duties on imported goods shall be paid in coin or in notes payable in bonds hereafter to be issued and by law receivable in payment of duties on goods—

Now I ask the House to note this: What is to be done with the coin received at the custom-houses of the country?—

and the coin so paid shall be set apart as a special fund.

It is mortgaged, pledged by solemn act of Congress. A man who pledges his goods for the payment of his debts and then filches them away and violates his pledge and commits a breach of trust or larceny, commits an offense no more aggravated than his who takes the coin received from the duties on customs and appropriates it to any other purpose than that for which it was made a special fund.

Mr. KELLEY. Will the gentleman permit me to ask him a question?

Mr. DAWES. Right here?

Mr. KELLEY. Right there. It is whether Mr. Chase, while Secretary of the Treasury under Mr. Lincoln, set apart that 1 per cent. for the sinking fund, and whether or not he was guilty of the indictable or impeachable offense the gentleman refers to?

Mr. DAWES. Does my colleague on the Committee on Ways and Means [Mr. KELLEY] want me to talk about those necessities of the war that rose above everything else, when the life of the nation was the supreme law that governed us? I would like to have the House listen to what this special fund was set apart for by Congress. They pledged it for the redemption of the bonds of the United States:

It shall be set apart as a special fund, and shall be applied as follows: First, to the payment in coin of the interest on the bonds and notes of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct. And thirdly—

And not till "thirdly," either—

thirdly, the residue thereof—

And nothing but the residue thereof—

thirdly, the residue thereof to be paid into the Treasury of the United States.

That is not only the law of the land, but it has in it also the element of the plighted faith of the Government to those who took the bonds of the United States. Well, in the course of a few years we were in a condition where it was thought by some that we could anticipate the interest on the public debt and pay it before it became due. Provision was made by law that that might be done. But lest somebody would say that by anticipating the interest on the public debt and paying more in one year than was required in that year toward the sinking fund, when Congress authorized this anticipation of the interest on the public debt it enacted that it should not thereby impair the obligations of the Government in each year to the sinking fund.

This is the law:

That the Secretary of the Treasury be authorized to anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without rebate of interest upon the coupons, as to him may seem expedient; and he is hereby authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest of the public debt: *Provided, That the obligation to create the sinking fund according to the act of February 25, 1862, shall not be impaired thereby.*

The proviso would be mere idle words if what is done in one year could be construed as discharging our obligations to the sinking fund in any other year.

Had we paid into the sinking fund each year as the law required an amount equal to one per cent. of the public debt for that year and the interest upon the sinking fund, we should have paid into the sinking fund up to 1874 the sum of \$417,556,056; whereas we have actually paid into that fund only \$141,000,012.50. We have fallen short of the obligation which law imposed upon us in reference to that sinking fund, the difference between 417,556,000 and odd dollars and 141,012,050 and odd dollars.

Mr. NIBLACK. It is claimed upon the other side by those who hold the views of the gentleman from Massachusetts [Mr. DAWES] that the purchase of bonds from time to time was an equitable compliance with this provision of the law requiring an amount to be set apart each year for the sinking fund. I desire to hear from the gentleman his views on that subject.

Mr. DAWES. There are those who believe that if we had paid of the public debt altogether in the aggregate an amount equal to what the law required us to pay into the sinking fund, we have equitably discharged our duty in that regard. In reference to that I desire to say, to begin with, that the law is explicit, that we shall pay "each year," year by year, so much into the sinking fund. And I desire to call the attention of my colleague upon the Committee on Ways and Means [Mr. NIBLACK] to the fact that the construction of the law does not relieve us from a violation of our obligations to the sinking fund. All the bonds we have purchased, including those which I have already stated were charged to the sinking fund, make a total of but \$381,467,087.72, against \$417,556,000, which the sinking fund requires to-day at our hands. Therefore all we have done toward the reduction of the public debt, if it could with propriety be applied to the discharge of our obligations to the sinking fund and could with equity be considered sufficiently distributed over all the years, would yet fall short of the requirements of the sinking fund by some \$36,000,000.

Mr. BECK. Is the chairman of the Committee on Ways and Means [Mr. DAWES] officially informed of that fact, so that he can publish it in the RECORD?

Mr. DAWES. I will publish in the RECORD just exactly what the sinking fund required each year, together with just exactly what has been paid into the sinking fund and the bonds we have purchased outside of the sinking fund. I believe that answers fully the question.

Mr. BECK. Has that information been furnished by the Secretary of the Treasury?

Mr. DAWES. I have the figures from the Treasury Department. The following table shows the requirements of the sinking fund each year since its enactment:

1863.....	\$11,869,584 67
1864.....	20,002,219 92
1865.....	30,441,914 20
1866.....	33,359,455 86
1867.....	34,472,950 02
1868.....	35,961,184 80
1869.....	38,002,018 41
1870.....	39,276,481 04
1871.....	40,423,377 61
1872.....	41,934,728 40
1873.....	44,402,532 76
1874.....	47,409,252 17

Total.....	417,556,000 56
Total amount of bonds purchased on sinking fund account.....	141,012,050
Amount purchased in excess of that required for sinking fund account.....	182,241,750

Since purchases for that account commenced in 1869..... 323,253,800

To this sum may be added other bonds redeemed to the amount I have stated.

Mr. BECK. I want to say to the House just now that there are \$400,000,000 and over of 7.30 bonds and 3 per cent. certificates also taken up and canceled that the Secretary of the Treasury has held back, in addition to the other bonds, if he has made the statement the gentleman suggests.

Mr. NIBLACK. I will agree with the gentleman from Massachusetts [Mr. DAWES] when he says that this purchase of bonds was not an exact compliance, either literally or substantially, with the provisions of the law in relation to the sinking fund. I have recently examined this question of the sinking fund more carefully than before in connection with the tax bill now reported. I only wish to know what explanation the gentleman from Massachusetts has to give of this violation of the explicit provisions of the law. I was utterly astounded when I came to look into the matter to see how the faith of the Government has thus been indirectly violated upon a matter which is regarded by financiers everywhere as vital to the public faith and to the preservation of the public honor.

Mr. DAWES. Does the gentleman from Kentucky [Mr. BECK] mean to say that the Secretary of the Treasury has not made a true statement of the total amount of the decrease of the public debt?

Mr. BECK. I do mean to say that if the Secretary of the Treasury has said that the only indebtedness we have paid since that law took effect is the 6 per cent. bonds, then he has not made a true statement; and this is why I asked whether the Secretary of the Treasury furnished the statement. We have paid off seven-thirty bonds and 3 per cent. certificates to the amount of over \$400,000,000, which should be added to the amount of the 6 per cent. bonds, in order to give a true statement.

Mr. DAWES. I have no doubt that we have changed the form of our securities over and over again. The gentleman from Kentucky may have some information that I have not as to the actual decrease of the public debt since the payment of it was commenced—information which will show that the Secretary of the Treasury has from time to time made a false statement. I do not know how that may be; I will not enter into any argument about it.

Mr. BECK. I merely wanted to say that I doubted whether the Secretary of the Treasury would make such a statement; and believing that he would not make a false statement, I wanted the statement to which the gentleman refers published in the Record, so as to show whether the Secretary of the Treasury did so state or not. If he did, I will show that the statement is false.

Mr. DAWES. I do not mean to say that I have any official document stating the exact amount, but the figures of which I have been speaking were obtained from the Treasury Department. I have been speaking of the reduction of the bonded debt, which is generally understood when we speak of debt reduction. The entire debt reduction of the country, including the extinction of all sorts of paper, is I believe very nearly as follows:

Reduction of debt by Finance Report 1874, page 9.

Principal of public debt June 30, 1866.....	\$2,773,236,173 69
Principal of public debt June 30, 1874.....	2,251,090,468 43
Reduction in principal of debt exclusive of interest and cash in the Treasury.....	522,145,705 26

But it must be remembered that nearly all the reductions of the debt from 1866 to the present time in excess of the amount of \$381,467,087.72 were made by the retirement of legal-tenders, about \$7,000,000; certificates of indebtedness issued to pay public creditors in lieu of money, and compound-interest notes.

The gentleman from Indiana [Mr. NIBLACK] inquires of me why it is that the Secretaries of the Treasury in the past and also the present Secretary of the Treasury have not first deducted from the receipts of the customs this amount and applied the rest to the payment of the current expenses, year by year, since 1862.

Mr. NIBLACK. Excepting Secretary Chase, all our Secretaries of the Treasury down to the present Secretary have had surpluses in the Treasury to dispose of. That is the reason I am the more surprised that this law has been utterly disregarded.

Mr. DAWES. I cannot answer; it is not my business to answer at this time for any one except the present Secretary. He has not been in office long enough to be held responsible for the payment for the present year.

Mr. NIBLACK. There is reason to believe, I understand, that the present Secretary proposes to adopt a new rule in regard to this matter.

Mr. DAWES. The last Secretary is the only one since 1869 who has not complied with the law. Secretary BOUTWELL, during his administration, set apart each year for the sinking fund every dollar that the law required. Secretary Richardson, in the last year of his administration, failed to set apart all that the law required, for the reason that to do so would have left the appropriations which were made upon the Treasury by acts of Congress unpaid, and as between the two he met the present calls upon the Treasury and appealed to Congress to furnish him with funds to meet the demands of the sinking fund. Gentlemen will bear in mind that the last Secretary of the Treasury was importunate in his demands for increased taxation, giving among others the reason that without it he could not meet the demands of the sinking fund and the appropriations.

Mr. BECK. I will not interrupt the gentleman longer than is necessary to read four lines. The last Secretary of the Treasury wrote a book, of which I now refer to pages 83, 84, and 85, devoted to the sinking fund.

A MEMBER. What is the title of the book?

Mr. BECK. The title of this book prepared by Mr. Richardson is Practical Information concerning the Public Debt of the United States, with the National Banking Laws. Among other things he says:

The great revenues of the country in excess of the expenditures have enabled the Secretary to purchase bonds much more extensively than the sinking-fund law absolutely requires; and the debt has been more rapidly reduced than by the operation of that fund alone. But the sinking fund itself will extinguish the entire national debt in about thirty years or soon after the close of the nineteenth century.

Mr. DAWES. I see no conflict between what the gentleman has just read and anything that I have stated.

Mr. ELDREDGE. I would like to ask the gentleman a question.

Mr. DAWES. I would of course be glad to answer all questions; but my hour is almost gone.

Mr. ELDREDGE. I understood the gentleman to say that he did not consider it a legitimate use of the sinking fund to buy up certain bonds unless they were purchased in each year in the specific amounts designated. Now, I would like to ask the gentleman from Massachusetts, in the first place, what is the legitimate and proper use of that fund set apart and called "the sinking fund;" and if its proper use be the purchase of bonds, and it has been used for that purpose, does the Secretary of the Treasury or the Government cancel those bonds when they are purchased, or carry them along exactly as though they were held by private parties, the interest being still calculated and paid upon them?

Mr. DAWES. Mr. Chairman, up to 1870 it was the custom of the Department to keep the bonds that were purchased for the sinking fund; to let the sinking fund hold those bonds against the United States as if it were a body-corporate. By law, in 1870, the Department was required to cancel all the bonds that had been and might thereafter be purchased for the sinking fund, but to charge up the interest and pay it precisely as if the bonds were not canceled. All bonds purchased on behalf of the sinking fund, either before 1870 or since, have been recorded in a book, and then the bonds canceled and the interest has been charged to the sinking fund, and met in this way.

Now, Mr. Chairman, if I have been sufficiently understood, I have shown that the Secretary of the Treasury should make his statements by deducting from the receipts of customs the interest on the public debt and the amount required for the sinking fund, leaving all appropriations made by Congress to take care of themselves; and if his statement had been thus made, we should have had an excess of appropriations over receipts to meet them of about \$20,000,000 upon an estimate which falls short in reality for the last two months about \$100,000 a month. So that, to meet the interest on the public debt, the demands of the sinking fund, and the current expenses of the Government, there must be found from some other source at least \$35,000,000 or \$40,000,000, unless there be a change in the amount of receipts at the custom-houses. I therefore proceed to consider the necessity which has brought this bill before the House.

The gentleman from Wisconsin [Mr. ELDREDGE] asks what is the use of the sinking fund. First, sir, whether there be any use of it or not, we pledged ourselves to those at home and abroad, who took our bonds upon the faith of our promise, that we would year by year build up to meet those bonds a sinking fund which in thirty years would pay the entire indebtedness of this country. It was upon the faith of this pledge that those bonds were taken abroad; and he who impairs that sinking fund to the extent of one dollar impairs the faith of this nation at home and abroad, which is of more value to it than the millions that may come into its Treasury by means of taxation or customs dues—of more value, if you count it by dollars and cents; for that which has cost us most in disposing of our bonds at home and abroad is the shaking of the faith of the nation by legislation here upon the mode and manner in which those bonds are to be paid. Take those States for example which have adopted the policy of providing for every debt that they contract a corresponding sinking fund that will meet the obligation when it comes due. Take for illustration the State of Massachusetts, which for all its debts has set apart a sinking fund which, when each of its issues of bonds shall become due, will be found equal to the payment of them. Go into the markets at home and abroad with her bonds, and you find her 5 per cent. bond taken before the 6 per cent. bond of the United States. That is the use of a sinking fund.

And, sir, the effect of a sinking fund upon the value of our bonds has been more pointedly than ever before brought to the attention of the Secretary of the Treasury within the last month in his efforts to negotiate our 5 per cent. and 4½ per cent. bonds in funding the fifty-two bonds. The fact that our sinking fund, instead of being \$417,556,000 and on the way to pay the entire public debt within thirty years, lacks almost two-thirds of that amount—the difference between \$417,000,000 and \$147,000,000—has told upon the credit of the nation and the value of her bonds within the last few months in the markets of the world to an aggregate amount of more than we ask you to raise by this bill.

Now, sir, we are to meet our obligations from some source. Turn to the reduction of expenditures and see if you can remedy the difficulty in that way. You reduced your expenditures last year \$26,000,000. Can you hope to bring them down this year and meet this deficit on that side of the ledger? While I for one would co-operate and rejoice in the effort to cut down the expenditures of the Government on all sides to the lowest possible point consistent with the efficiency of the Government, I do not see how we can on that side of the ledger bring the expenditures and the receipts of the Government together. Therefore it is that as the organ of the Committee on Ways and Means I have reported this measure.

The question whence we shall derive an increased revenue of some \$35,000,000 is a difficult one. It has troubled the Committee on Ways and Means; I have no doubt it will trouble the House. You cannot in the present condition of business in this country touch the great tariff system of the country without sending a tremor through all business to the remotest boundaries of the United States. It is like the system of nerves in the human body; touch it in one place and you touch it everywhere. The Committee on Ways and Means have been reluctant to approach the question of revising the tariff, and have deferred it to the last possible moment. They held it off at the last session of Congress; and they did succeed in getting the Government along without making provision for the sinking fund of this year beyond about \$3,000,000. Next year we are to meet another condition of affairs growing out of the shrinkage of receipts, over which this House has no control and for which it is not responsible.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS. I trust that the chairman of the Committee on Ways and Means may have further time.

Mr. DAWES. I have been somewhat interrupted; I think I shall be able to finish in a few minutes.

The CHAIRMAN. Is there objection to extending the gentleman's time? The Chair hears no objection.

Mr. DAWES. I wanted to say a word upon the question of touching the tariff at all. No man can go into the room of the Committee on Ways and Means without being impressed with the intricate ramification of all business relations throughout this nation; and never so much as to-day are they all affected by legislation which emanates from that room.

You cannot touch one of these that does not spread and spread like the dropping of a pebble into a pool of water, spreading farther and farther until you move every particle of which it is composed. Therefore, no man would rashly, no man would otherwise than because he is forced by absolute necessity, touch a revision of the tariff.

You can turn to the internal revenue and you will find precisely the same result. Therefore the Committee on Ways and Means, feeling this necessity, have met difficulties on all sides. The railroad and telegraph bring every person's pursuit in this nation to the door of the committee-room or to the doors of this Hall, so that we legislate by the side of the loom and the anvil, by the side of every artisan in the land.

Any change in the tariff and internal-revenue systems affects every pursuit in which man embarks in this country. You cannot raise this \$35,000,000 without disturbing industries. Whence can you do it with the least deleterious effect? If gentlemen had refrained from repealing the duties on tea and coffee a few years ago, we should not be here now seeking to increase taxation. We should be in the receipt from that source alone of additional revenue nearly, if not quite, sufficient to meet any new demand on the Treasury growing out of the falling off of receipts from customs—

Mr. COX. Why did you not report in favor of the restoration of those duties?

Mr. DAWES. I am coming to that. If we had not repealed them I say we should not be here to-day asking legislation in this bill. My friend wants to know why we have not in this bill reported to restore the duties on tea and coffee. I voted, Mr. Chairman, in this House against their repeal. I wish they never had been repealed. It would have saved us this exigency. But, sir, to restore them requires another consideration. What will you get by restoring them? Since the 7th of December, when it was suggested in the President's message those duties should be restored, the entire tea trade of this country has devoted its attention to the importation before this hour of all the tea in the tea-growing countries which could be commanded, and it is the nearly universal testimony of all having knowledge of the facts that there is in this country to-day more than a year's stock of teas on hand; that the limit in amount of tea on hand to-day is the limit of production in the tea-growing countries. So, then, if you put the duty on tea and coffee to-day it would be substantially fruitless of revenue for a year or more to come.

But why are the gentleman's constituents clamoring to-day for the restoration of the duty on tea? The singular spectacle is presented to-day of importers importuning Congress to impose a duty upon the goods they themselves import. What is the meaning of it? Why, sir, with a stock for a year or more on hand, 15 cents duty on tea will put 15 cents on every pound of tea in the warehouses of these merchants. Hence their desire—I will not say the desire of all of them—hence the desire, growing stronger and more pressing upon the committee and the House every day, to impose this duty, so that those who drink tea may pay an additional 15 cents per pound, while the Treasury of the United States would not receive any substantial advantage therefrom. That was what influenced the Committee on Ways and Means not to put tea and coffee in this bill.

Then, Mr. Chairman, whence should we look for this increase of revenue? The whisky production is from sixty-six to sixty-nine million gallons every year. For the last five years it has been as follows: In 1870 it was seventy-odd millions; in 1871 it ran down to 54,000,000; in 1872, 68,000,000; in 1873, sixty-eight odd millions; and in 1874, to 68,000,000 gallons; the average being about 66,000,000 gallons a year. It is believed by those who will execute this law that they can collect with equal fidelity a larger tax on whisky. There are those who believe a dollar could be collected with the same fidelity which accompanies its collection of 70 cents. It is the belief of the Department they can get the tax upon 95 per cent. of the whisky manufacturers, and they are of the opinion if it were a dollar they could do the same. Thereby, influenced by these considerations, the committee have imposed a tax of \$1 a gallon on whisky.

The difficulty which they had with the whisky in bond, the same difficulty which my friend from New York [Mr. Cox] knows has followed all legislation imposing tax on that article. It is a question which got this House at one time very much excited during the war, and about which there has always been difficulty. Now, the committee have sought to ascertain how much of this is in bond, so as to see what part of the 66,000,000 gallons would pay this tax if you said nothing about whisky on hand. In 1870, when there were 70,000,000 gallons manufactured, there were 11,500,000 in bond; in 1871, 6,000,000 in bond; in 1872, 10,000,000; in 1873, 12,000,000; in 1874, 15,000,000; the average being in the six years 66,000,000 manufactured, and in bond 11,500,000.

There are then about 11,000,000 gallons, more or less, generally in bond. And we have been talking about putting the tax upon

whisky all the session, and it was generally supposed that this talk had set the manufacturers of whisky to manufacturing in very large quantities in the anticipation of this tax and in the hope that that which was on hand would escape taxation. But, sir, the first seven months of the present year produced 35,000,000 gallons, and there were in bond 5,000,000 only. In December, 1874, there were 11,500,000 in bond. On the 1st of January there were 11,730,000 gallons in bond, and there has been a decrease—a decrease in the daily manufacture of whisky since the 1st day of January of 18,812 gallons. This arises from the high price of grain. Grain has come to be so high in the market that there is less inducement to manufacture it into whisky than there has been heretofore; so that in point of fact the whisky on hand has not been affected by this discussion of a tax, and it is substantially to-day what it was when the discussion commenced. About 11,000,000 gallons of all the year's manufacture are now in bond.

It was considered by the committee that if we put the tax at \$1 upon all whisky hereafter made there would be 11,000,000 gallons in the hands of the owner that would be instantly raised 30 cents on the gallon, and the difference between the 70 and the 30 cents on the whole of these 11,000,000 gallons would go into the pockets of the producer.

Mr. MYERS. I should like to ask the gentleman a question just there. If we put the tax on whisky on hand would not the whisky have to remain in the hands of the parties until a stamp could be devised? Would it not have to be kept perhaps for a month? And who should pay that tax—the purchaser if there had been a contract of sale or the seller?

Mr. DAWES. I will reach that in a moment. The committee thought that it would not be right to make the manufacturer pay the additional tax on that he had on hand equal to the full amount; for he has been carrying it for some time; he has paid interest on the value of it; he has paid insurance on it; he has paid for storage on it. And taking all these drawbacks or charges against the whisky into consideration it was deemed equitable and about as fair as could be to make the whisky on hand pay 15 instead of 30 cents of the increased tax.

Mr. NEGLEY. That is, all the free whisky?

Mr. DAWES. All the whisky on hand which can be traced from the distillery clear to the wholesale dealer.

Mr. NEGLEY. In the original packages?

Mr. DAWES. Yes. After it leaves the wholesale dealer and goes into the hands of the retail dealer, it was not thought proper by the committee to follow it there.

Now, the gentleman from Pennsylvania [Mr. MYERS] inquires how we are going to enforce this law before we get a new stamp printed to put upon the package. The committee have provided that it shall be such a stamp as the Commissioner of Internal Revenue shall prescribe, on purpose to meet the objection suggested by the gentleman from Pennsylvania; and he is only to require of them to put in addition to the 70-cent stamp a 10 and a 5 cent Government stamp of any denomination, making 15 cents upon that which is produced, until he can get a new stamp made to meet the exigency.

Mr. BANNING. May I ask the gentleman from Massachusetts what length of time it will take to get these stamps and distribute them? How long will the whisky be detained?

Mr. DAWES. Not an hour; because there are already enough 10 and 5 cent stamps in the country to meet this new demand, and they can be put on the packages on hand, by the side of the 70-cent stamp and then they will bear stamps to the amount of 85 upon them.

Mr. MYERS. In case of contracts of sale, they cannot be added to the price paid by the purchaser.

Mr. BANNING. Can this be done without a provision of law to do it?

Mr. DAWES. The gentleman will find that is in the bill, if he will look carefully into it. At any rate, this very idea was in the minds of the committee, and the committee endeavored by the language used in the bill to meet this very case. If they have not met it, it was because they were not fortunate in the selection of their language.

Mr. BANNING. Would it not take three or four weeks from the issuing of the order after the bill passes to reach all the collectors of internal revenue?

Mr. DAWES. Why, sir, half a million dollars' worth of orders reached the Department yesterday morning between the day that we, unknown to anybody, had fixed this and the morning afterward, and that from Kentucky and that section of the country. The committee thought that they were keeping the amount secret in their committee room, and before morning orders reached the Commissioner for half a million dollars' worth of stamps to meet the exigency. So it will not take very many weeks, as the gentleman suggests. I think the committee have met that requirement. So that from this there will be received—

Mr. COX. If it will not interrupt the gentleman from Massachusetts, I would like to know whether or not the committee considered the proposition, which I think is established by our experience in collecting the whisky tax, that when we raise the tax we get less revenue from it, and that when we reduce the tax we get more. I have got facts here to show that that is the case.

Mr. DAWES. Mr. Chairman, they did consider that point; they

know that if they got it up to \$2 per gallon it was beyond the conscience of the officer to collect it, and that we should fail to get as much as we would if it were reduced; but I will state to my friend from New York, if he will not interrupt me any more than is absolutely necessary, that it was the opinion of the committee that although we could not put it up to \$2 per gallon, yet we might get it a little above 70 cents a gallon; that 70 cents is not the exact measure of the conscience of officials, but that they would stretch their conscience to 30 cents per gallon more without rending it.

Mr. COX. I will state to the gentleman that when we reduced the duty from \$2 to \$1.50 per gallon the revenue increased from \$13,000,000 to \$30,000,000.

Mr. DAWES. We got four times as much, but the country had lost confidence in the honesty of the officers of the Government; but now, with all the machinery we have that works so well, and with the stamps, we hope to bring the collection of the tax to within 95 per cent. of the whole manufacture of whisky, and it can be accomplished with the improvements that have been adopted in the administration of the law since that time.

Mr. COX. That was under a democratic administration.

Mr. DAWES. Well, do not put that in; it is enough to say that the failure which the gentleman has alluded to was under an administration of officials in whom from the highest to the lowest the people had lost confidence.

Mr. COX. The reform was made under Andrew Johnson, and we elected him the other day to another position.

Mr. GARFIELD. Much good may you get of it.

Mr. BANNING. I desire to ask the gentleman a question. Suppose all the whisky now in bond and in the hands of wholesale dealers goes out of their hands into the hands of the retail dealers before the passage of this bill, how much tax will you realize by this 15 per cent. increase?

Mr. DAWES. If the gentleman will find retail dealers enough to divide the quantity of whisky manufactured up into five gallons piece he will find that there will be about as many retail dealers as here are inhabitants in most any city.

Mr. BANNING. Certainly.

Mr. KASSON. I would like to say that a large number of the retail dealers hold licenses as wholesale dealers also.

Mr. DAWES. There is no doubt that some of it would escape taxation in that way, but comparatively little of it. You cannot follow it up with any safety beyond the wholesale dealers. The ingenuity of man has thus far always been equal to an evasion of the law "up to a certain point," as Mr. Brook would say.

Mr. MYERS. I desire to ask the gentleman a simple question. I desire to aid in the passage of a judicious bill, but I wish to ask my friend, because Congress heretofore has passed a bill taxing whisky in bond, whether the same principle has not been rejected by the committee in reference to other articles? What I want to ask is whether the committee have not rejected that principle themselves in relation to other matters affected by the bill; whether we tax tobacco in bond; whether in the little tariff bill in which a duty was placed on wines, that principle was placed in the bill, and whether he thinks we shall succeed in passing a bill containing that proposition? I do not object to increased taxes, but it appears to me that very little revenue would be derived under this provision, and I think it is a principle that ought not to be inserted in this bill.

Mr. DAWES. I shall be very glad to hear the gentleman from Pennsylvania when he has the floor in his own right, because he will not then be embarrassed and compelled to be brief.

Mr. Chairman, this tax upon whisky will yield \$16,840,000; the tax upon tobacco of 4 cents on the pound will yield \$4,200,000; that on sugar will yield \$8,213,000; the 10 per cent. restoration will yield \$3,000,000. The whole increase therefore by this bill will yield, Mr. Chairman, \$37,750,000. You have to deduct from that the repeal of the duty on matches, amounting to \$2,500,000, which will leave \$35,250,000. This will be subject of course to any losses which may be occasioned by the evasion suggested by the gentleman from Ohio, [Mr. BANNING.] This bill will therefore increase the revenue of the country \$35,000,000. It has been fully and fairly considered, and that is the amount which, so far as can be ascertained, it will produce to the Treasury. It will just about meet the estimate of the Secretary of the Treasury and the allowance for that falling off in the customs duties to which I have called attention.

It remains therefore for the House to say first whether you will meet that deficit in the Treasury; second, will you meet it by seeking out new sources of revenue as the committee have, or will you turn your attention to some other method of doing it.

I have but a word to say before I sit down. The honor of the Government is involved in this question and in its ability to meet the current expenses of the Government as well as to keep its faith; these questions are involved in the consideration of this bill. It may not be that the Committee on Ways and Means have selected the right, proper, or best articles from which to obtain this increased revenue. That of course is a question for the House to pass upon. If they make up their minds that they will add to the revenues of the country by means of increased taxation an amount substantially what the committee say the necessities of the Government require, it only remains for them to pass judgment upon the wisdom of the selection made by the Committee on Ways and Means. In that respect the

committee will have no cause to complain, and will offer no objection. If the House shall believe that the restoration of the duty upon tea and coffee, after what appears to be the condition of that trade, will be wiser than the restoration of the 10 per cent. reduction on import duties or wiser than the imposition of 30 cents additional tax on whisky or the imposition of the duty on sugar, it will be for the House to take the responsibility of making the substitution.

But I have to say this, that any attempt to remodel the tariff, any attempt at general tariff legislation in this bill, will be fatal to the object of the committee and for the purpose which I believe actuates Congress. You can have no increase of your revenue by a tax and tariff bill if you undertake therein any general tariff legislation. You can change the rates, you can transfer the taxes from these subjects to some other leading sources of revenue with propriety enough. But if you open the door to general tariff legislation by letting in this item which presses upon one member and that which presses upon another, and so on, you will so load down this bill that no revenue bill can become a law at this session of Congress.

The party in power, which is responsible for the legislation of the country, responsible for maintaining the public faith with the public creditor; the party on this side of the House, that has to furnish the means for carrying on the Government for the next two years, will if they resort to any such unwise and indiscreet tampering with this bill turn over the Government into the hands of those who are not responsible in this particular for meeting the obligations of the Government, without the means to do so. I have to say to my political friends on this side of the House that they need not expect support in this measure from those who do not feel resting upon them as yet the responsibility of maintaining the public credit; and if this measure, modified in the particulars which I have suggested, and not modified by any general tariff details, fails to become a law, the gentlemen on the other side of the House will have to take up this responsibility earlier than they may have anticipated, and to them will be left the question whether they will maintain at home and abroad that honor of this Government which, by rejecting this bill, this side of the House will have failed to do.

I submit, therefore, to this House on the one side and on the other—on this side that the public will hold you responsible if you fail to provide this Administration with the means of maintaining the Government; upon that side of the House that it is not well for them to provoke too soon that responsibility in raising the revenue which they will find will come home to plague them quite soon enough for either their comfort or their success.

I think that the question presented in this bill—I do not mean in these particular subjects of taxation, but in producing from three or four productive sources of revenue about \$35,000,000—upon that depends the question whether this side of the House shall go to the country after the 4th of March next and ask the people to pass upon their work here with any expectation of commendation. I trust, therefore, that they will look at this calmly; look at the difficulties surrounding the proposed changes. Whatever may be your thought as to the wisdom of the bill as framed, change it if you please, but pass it in some form and thus bring to the Treasury \$35,000,000, more or less, or you will fail to have performed that duty which up to this time the republican party, according to the measure of its ability, I feel has substantially discharged.

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that, pursuant to the request of the House, the Senate had returned a bill of the following title:

A bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansell, of Prince William County, Virginia.

The message further announced that the Senate had passed without amendment a joint resolution of the House of the following title:

A joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome.

The message also announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country.

TAX AND TARIFF BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the tax and tariff bill.

Mr. WOOD. Mr. Chairman, this is a proposition to levy an additional annual tax upon the industries of the country of over \$35,000,000. It is not to be a temporary levy to meet the alleged emergencies, and of short duration, to cease when the emergencies cease, but, like other exactions of a like character, is unlimited as to time, arbitrary as to terms, and continuous as to rates. And this burden is to be laid at once when the people are in a condition little able to bear it. I cannot give it my support. I feel compelled to do all I can to prevent the passage of this bill. In my judgment there is no public necessity demanding it. If there were such a condition of the Treasury as to require some immediate relief, I think the last resort of all should be the one now proposed. There are other methods which appear not to have suggested themselves to those who are intrusted with the Government.

Before proceeding to state the grounds upon which I have brought myself to this conclusion, it may be necessary for me to say in advance that I am actuated by no spirit of faction. I would offer no partisan opposition to any measure of relief to the Treasury if its condition demanded it. The credit of the Government must be maintained at all hazards. The public faith is a sacred obligation which should be regarded, at almost any sacrifice, at all times and under all circumstances. I would do nothing to embarrass the Government or to retard its success in administering the laws equally and faithfully to all interested. But while I say this, and mean it in all sincerity, neither on the other hand shall I do anything to aid the Government in oppressing the people. If I were influenced by personal or partisan considerations, I would, without objection, let measures of this kind pass and become laws, as it will result fatally to those who propose and support them, but a higher obligation compels me to interpose my negative vote. I recognize a higher duty which I shall not omit to perform, irrespective of criticism upon my motives and conduct, emanate from whom it may. I do not think that any additional taxes are necessary. The statements of the Secretary of the Treasury, and the data and estimates attached to his report, will maintain this assumption, and I shall not go outside of these to prove it.

In order to proceed to the consideration of the question upon entirely unquestionable authority, from a Treasury standpoint, I will take the last monthly statement of the Secretary, issued February 1, instant. This, together with his report of December 7, 1874, will furnish sufficient data and estimates for this purpose. In this report (page 7) he states the probability of a surplus revenue for the fiscal year ending June 30, 1876, of \$20,222,000, and thus the amount required for the sinking fund, not included, will be \$32,140,914, which would leave a deficit of \$11,920,914. I am willing to take this statement as a basis of calculation after correcting some manifest errors which the Secretary, I am sure, will admit.

CONDITION OF THE TREASURY.

The official statement of the public debt of the United States for January, 1875, issued by the Secretary of the Treasury, gives the total principal as \$2,242,301,032.43. In this total are included the following items, which are in no sense a debt of the United States:

Navy pension fund, being the moiety of prize-money which by law goes to the United States, and the interest on which is pledged for the payment of Navy pensions.—(Congress should appropriate for these pensions, each year, the same as it does for Army pensions, and this money should be returned to the Treasury and the interest on it should cease).....	\$14,000,000
Certificates of deposit for legal-tender notes for which the Government holds the same amount in these notes as a special fund for their redemption.....	45,405,000
Coin certificates of deposit for gold placed in the Treasury, which gold is held in the Treasury for their redemption.....	24,655,300
Making in all.....	84,060,300

So that the total *bona fide* principal of the ascertained indebtedness is in reality but \$2,158,240,782.43.

The annual interest-charge on the bonded debt (funded) of the United States is as follows:

Interest payable January 1.....	\$25,030,730
February 1.....	4,589,973
March 1.....	4,864,183
May 1.....	14,269,290
July 1.....	25,030,730
August 1.....	4,589,973
September.....	4,864,182
November 1.....	14,269,290
Total.....	97,526,351

The interest due, uncalled for, and unpaid on the 1st day of February was \$3,992,273.31. This item has averaged during the last six years over \$3,500,000, so that in making provision for the annual interest yet to be paid in 1875 we can fairly assume that this average amount will continue to be uncalled for, and only \$2,500,000 of it need be provided for. This makes, in round numbers, \$100,000,000 for interest during 1875. Of this amount that due January 1, amounting to over \$25,000,000, has been charged off, so that for the remainder of the year only \$75,000,000 will be required. If we deduct from the coin in the Treasury February 1, which was \$39,465,085, the amount deposited for coin certificates, \$24,655,300, we have as the coin belonging to the Government \$44,809,784. Set aside from this 20 per cent. of the interest payable during the year, as a reserve fund to assure the Treasury being always able to pay the interest when due, and we have surplus coin in the Treasury which may be disposed of, amounting to nearly \$25,000,000.

The customs duties collected during the last seven months (from July 1, 1874, to February 1, 1875,) have amounted to \$39,470,000, (see Finance Report for 1874, page 7, and daily cash slip for January,) or an average per month of \$12,781,000. The average for the eleven months of this year, not allowing for any revival of trade, will be fully as much, but say it will only average \$12,000,000. This will give \$132,000,000, which, added to the \$25,000,000 surplus now in the Treasury, gives \$157,000,000 in coin to provide for the balance of the accruing indebtedness for interest of \$75,000,000.

It may be said that there are other expenses to be paid in coin besides the interest on the public debt. These may be estimated for very liberally as follows:

Expenses of the Navy on foreign stations, (being a very liberal allowance as the entire Navy appropriation should not be more than \$20,000,000).....	\$5,000,000 00
Expenses of foreign intercourse, (this is a very large estimate, being the full amount of all the appropriations for this branch and the consular fees, which are in coin, amount to \$500,000, and are applicable to the payment of these expenses).....	1,500,000 00
Purchases in Europe for other branches, and miscellaneous expenses, in coin, (a liberal allowance).....	3,500,000 00
In all.....	10,000,000 00

Add this sum to the interest and you have \$85,000,000 to be taken from \$157,000,000, leaving \$72,000,000 of surplus coin January 1, 1876.

The internal-revenue collections for the last seven months have been \$51,770,000, or an average per month of over \$7,500,000. I submit the following table of these simply to show the increase:

INTERNAL REVENUE RECEIPTS—(Official.)

1873-74, November, December, and January.....	\$24,478,850 87
1875-76, November, December, and January.....	26,312,656 75

During the next five months these collections will greatly increase if we can judge by past experience—they have already begun to do so as the collections in January were \$3,621,693.93. It is fair to conclude that it will average \$9,000,000 per month for the remainder of this calendar year, and you have from this source.....

\$99,000,000

The other collections may be fairly estimated as follows:

Tax on national banks.....	4,000,000
Sales of public lands.....	1,700,000
Other sources, (not including premium on coin sold)...	6,000,000
Currency in Treasury, February 1.....	10,300,000

And we have as the available currency for the eleven months.....

121,000,000

Add the surplus coin as above.....

72,000,000

And the premium on it, say at 10 per cent.....

7,000,000

And we have.....

200,000,000

As the available revenue to meet the expenditures for the same period, which on the basis of last year—

Net ordinary expenditures of.....

\$285,738,800

Less interest on the public debt.....

\$107,119,815

And the coin expenditures deducted above.....

10,000,000

Are.....

117,119,815

Take this from \$200,000,000, and there remains a surplus of \$82,880,185.

Now assuming that the Secretary's views of the sinking-fund law is correct, and that it will require \$31,036,545 for the fiscal year ending June 30 next, and to December 31, 1875, \$16,070,457, (one-half of the Secretary's estimate for the fiscal year ending June 30, 1876, as given in Finance Report, 1874, page 7,) it will require \$47,107,002 altogether, which if he should spend he will still have a surplus in the Treasury January 1, 1876, of \$4,214,013. And this under existing laws without any increase in either the customs or internal revenues or any revival of trade; and if we add the amount to be derived (as estimated by the Treasury itself) under the recently passed "little tariff act" of \$4,000,000, the surplus will be \$8,214,013.

Nor are these all the facilities which the Treasury will have for raising additional revenue under existing laws, including the construction which the Secretary puts upon the Revised Statutes of June 22, 1874. The Revised Statutes, so called, materially increased the tariff duties. I am aware that the committee which had charge of the passage of the code in this House contend that no change was made in the rates of duties. Whatever may be the fact as to the intention of the committee and Congress in the premises, the result is that a very great change has been effected. For proof of this I refer to Executive Document No. 82, page 512, where will be found a tabular statement of those changes, showing that in some instances an increase of 100 per cent. has been made. This result is the product of both the clumsiness of the statutes, as revised, and the mischievous construction of the Treasury Department. For a more specific statement of this "revised" tariff, I refer to my letter to the Chamber of Commerce of New York, appended, and the indorsement of the chamber in reply. It is estimated that this increase in the rates will add about \$5,000,000 annually to the customs receipts, which will increase the balance to \$13,214,013.

I have shown that the increase from internal revenue has been nearly two million dollars the last three months over the like three months of 1873-74, which is evidence of reviving trade, with a probable like effect upon foreign importations. The stocks of goods of all kinds, domestic and imported, have been nearly exhausted. The people have been forced into habits of economy, and consumption has decreased to the lowest possible limits. A bottom has been reached, and it is fair to conclude that we are at the beginning of better times. But we are not left altogether to conjecture to reach this conclusion. The failures of merchants, bankers, and traders have decreased. I

present a gratifying table taken from the New York Financial Chronicle of February 6, 1875, page 129, showing more than can be gathered in any other way the gradual amelioration of the business people of the United States:

Failures from 1857 to 1873.

Year.	Number.	Amount.
1857.....	4,932	\$291,750,000
1858.....	4,225	95,749,000
1859.....	3,913	64,394,000
1860.....	3,676	79,807,000
1861.....	6,993	207,210,000
1862.....	1,652	23,049,300
1863.....	455	6,864,700
1864.....	2,608	63,774,600
1865.....	2,799	75,054,000
1866.....	3,551	88,242,000
1867.....	2,915	85,252,000
1868.....	4,069	121,056,000
1869.....	5,183	228,499,000
1870.....	5,830	155,239,000

By this table it appears that the mercantile and other failures are gradually subsiding, which means that the "panic" and its effects have about exhausted themselves.

I have thus stated accurately the true condition of the Treasury, according to the official data furnished by the Secretary of the Treasury, with his own estimates, including the contributions to the sinking fund, upon which he lays so much stress.

SINKING FUND.

The sinking fund, so called, is derived from the act of February 25, 1862, section 5, which is in these words:

SEC. 5. *And be it further enacted*, That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued, and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

The law is entitled "An act to authorize the issue of Treasury notes and for the redemption or funding thereof, and for funding the floating debt of the United States."

It authorized the issuing of \$500,000,000 of 6 per cent. bonds and \$150,000,000 United States notes. It created an additional debt of \$650,000,000. Mr. Chase was at the time Secretary of the Treasury. He was a lawyer of concededly high abilities, and had been a Senator of commanding position and talents, and yet he did not regard the obligation implied by this law which required the purchase or payment of 1 per cent. of the public debt. He was succeeded by Mr. Fessenden, a veteran statesman, who was at the passage of the act chairman of the Finance Committee of the Senate, and who was probably the author of the bill; and he, like Mr. Chase, disregarded this alleged sacred obligation. Mr. McCulloch succeeded Mr. Fessenden, and he, like his predecessors, paid no attention to it, though in possession of large surplus coin revenues applicable under the law to this purpose.

It has been suggested that the sinking fund was applicable only to the debt created by the act, and that the bonds to be purchased on its account were those authorized by it and to none of subsequent issues. The public credit was at that time far from being good, and the large amount of the bonds and notes issued, and the pending civil war together, made it necessary, in the opinion of Congress, to strengthen it, by creating a fund providing for payment of interest and continued redemption of principal by setting aside a part of the revenues for the purpose. However this may be, I merely state the fact, that whatever may have been the reason, the three Secretaries of the Treasury in office from 1862 to 1869 disregarded entirely and altogether making any provision for the sinking fund. Nor can it be said that those bonds bought by Mr. BOUTWELL on that account were for the purpose of supplying the omissions of his predecessors, because the language of the act is explicit that it must be done "within each fiscal year." Of course, if not done within the time specified it could not be afterward. The purchases to be made, therefore, on account of the sinking fund, must be placed to the credit of the Treasury in its account with that fund, beginning with 1869 and running to the present time. At this showing I think it is evident that there is no default and will not be for some time to come.

It is thus seen that the sinking fund had no existence until May 12, 1869, when Mr. BOUTWELL purchased \$1,000,000 of bonds for it at 83 $\frac{3}{8}$ per cent. in coin. (Finance Report for 1874, page 25.) The purchases continued regularly from that time until September 24, 1873, when, with nearly \$47,000,000 of gold in the Treasury belonging to the Government, Mr. Richardson suspended the purchases and they

have not been since resumed. [The Government gold in the Treasury at the close of each month, from September 30, 1873, to January 31, 1875, has never been less than \$40,000,000, and has sometimes reached \$60,000,000.] The amount purchased altogether has been \$323,253,800, at an estimated cost in gold of \$307,702,207, or 95 $\frac{1}{10}$ per cent. of par.

These bonds were held, and on the portion of them assigned to the sinking fund, interest was collected and reinvested until the act of July 14, 1870, directed the cancellation of all bonds purchased, and to all intents and purposes abolished the sinking fund as such, providing in its stead that an account should be kept of the sinking fund, and the interest on the bonds belonging to it, and the amount of this interest should be appropriated annually "out of the receipts from duties on imported goods."

After this act was passed the sinking fund account, as given on page 19, Finance Report of 1874, was opened, and for a place of beginning assumed April 1, 1868, though the first purchase was not made until over a year later.

This account shows a balance of \$16,305,000 due to it.

At the same time that bonds were being purchased for the sinking fund the Secretary was using the surplus revenues to buy other bonds without authority of law, (the act of March 3, 1853, 10 Statutes, 189, section 9, was temporary in its nature, and only authorized the purchase of loans then outstanding,) unless the sinking-fund law covered the case; and in that event all bonds purchased should have been so held, that they could have been transferred from time to time as the revenues failed from temporary causes, like the present, to supply surplus enough for the integrity of this account. This can be done now. These bonds amount to \$182,241,750. Instead of asking increased taxation to make this account good, let the Secretary transfer \$16,305,000 of these bonds to the sinking fund as of date June 30, 1874; and even if there is no surplus revenues for the next five years, there will still be enough bonds here to make the account good, as the entire amount required will not average \$30,000,000 a year.

But it is questionable whether this sinking fund should be continued, if to do so it is necessary to increase taxation in these times. A practical man will set aside his surplus income for the payment of his debts. The Government should do no more. Let this surplus, be it great or small, be devoted to the redemption or purchase of bonds, and when that is done and they are cancelled and destroyed, let that be the end of it.

The sinking fund account of the Treasury, as given on page 19 of the Finance Report of 1874, is not correct.

In the first place, it should begin from the 1st of May, 1869, when the first bonds were purchased for it. In the second, it should be computed only on the bonded debt, whereas it has been computed on the entire outstanding indebtedness, as shown by the monthly statements, including "Navy-pension fund," "matured debt not paid," "coin certificates," "legal-tender certificates," "greenbacks," and "fractional currency." The language of the law is, "1 per cent. of the entire debt," not of the "entire indebtedness." As well include all the unsettled claims against the Government in the calculation as these, and more properly so than some of them. The debt is that which has been legally settled and funded; all the rest is floating indebtedness, and is payable out of the revenues as they accrue.

Upon this basis the capital of the sinking fund for each fiscal year from its institution by purchases would be:

For the fiscal year ending June 30—

1869.....	\$3,513,131
1870.....	21,265,708
1871.....	22,244,069
1872.....	22,727,382
1873.....	23,140,656
1874.....	23,559,865
1875.....	25,274,148

Or in all, up to the end of the current fiscal year..... 141,724,959

The bonds heretofore purchased on account of the sinking fund amounted to \$141,012,050, and are estimated to have cost in gold..... 135,427,657

Which would show a deficit at the close of the year of only..... 6,297,302

But if we take the entire bond purchases, \$323,253,800, estimated to have cost in gold..... \$307,702,207

And deduct the capital of the sinking fund June 30, 1865, as shown above..... 141,724,959

We have a balance of bonds purchased in excess of the sinking fund amounting to..... 165,977,248 or more than the capital of the sinking fund at the end of seven years from its institution!

The sinking fund was established upon the theory that the interest upon the funded debt should be provided for beyond contingencies and before other public obligations, and that 1 per cent. of the principal should be annually redeemed. This has been fully accomplished so far as the interest is concerned, and more than accomplished so far as the liquidation of the principal is concerned. It has

not only been promptly and entirely performed in payment of interest, but there has been a larger reduction made within the same period than ever before in this, and in any but one other country. We have kept full and entire faith with the public creditor with great sacrifice and much difficulty to ourselves. To do so, a war rate of taxation was maintained for several years after the war ceased. This the people bore with remarkable forbearance. It is probable that the flourishing national interest of the country, and the apparent prosperity which at the time rewarded our industries, had the effect of procuring acquiescence which under a less prosperous condition of things would not have occurred. But now we have less national prosperity. We are just emerging from a period of great mercantile, financial, and industrial distress. Like a strong man who has been stricken down with a terrible malady, but whose inherent strength and physical resources enabled him with kind treatment and skillful remedies to escape the grave, we have passed the worst, and may soon, if no untoward errors or accidents occur, be once more strong in health and buoyant in spirits. We are now struggling to reach convalescence, scarcely yet secured. Shall the Government at such a period intervene with its strong arm of imperious taxation? Shall it demand of a people, whose resources are nearly depleted, a portion of what is left? And that, too, to maintain a fancied deficit in the Treasury, which as I have shown has no real existence. I protest, in their name, against so great a wrong, and shall not, until imminent danger to the public credit and general welfare threaten, vote another cent of taxation in any form, or under any pretext.

But why this pressing demand at this time? I have shown that it cannot be founded on any real emergency of the Treasury as now existing or in the near future likely to exist. There must be some other object. I hope it is not required for purposes outside of any now declared. I well comprehend that a reserve fund, to be ready at the command of the President, for some extraordinary condition of the country not now seen, nor anticipated by the people, may lay at the foundation of this. It is not my purpose to impugn motives, or to throw a doubt upon the integrity of the Executive, but when I witness the efforts in that direction to press this additional taxation upon the country at this time, and without substantial cause, I cannot resist the conclusion that there is some hidden purpose which is as yet undeveloped. Whether I am right in this conjecture time alone will determine. That the additional required revenues, if obtained, may not be used in an attempt to effect the military subjugation of any of the States of the Union is my earnest wish. Recent events have shaken the confidence of the country with reference to the intention of the Executive in regard to some of the Southern States. If the like military interference (with the State's civil power) shall be attempted in other States, it will not be uncharitable to conclude that the sinews of war are required for these objects.

NO PROPOSITION FOR REDUCTION OF EXPENSES.

But if it be true that there is a deficiency in the Treasury and that the falling off of receipts demand additional revenue, why is it that it does not suggest itself to the Government and to its supporters in Congress that the true remedy lies in economy and the curtailment of public expenditures? This method of meeting the deficiency does not appear to have suggested itself. The affairs of the Government should be conducted on the same homely principles as those of an individual. When the income is reduced, the expenses should be reduced accordingly. A diminution of receipts should be met by a diminution of expenses. When losses or hard times overtake an individual, his first thought is to conform to the necessities of the case. Not so with this Government. It maintains the same extravagance as characterized it when we had national and individual prosperity. The expenditures for the fiscal year ending June 30, 1874, showed no reduction over those of the preceding year, and if the appropriation bills, together with the other moneyed bills now before the two Houses of Congress, shall pass, together with the deficiency bill of an indefinite amount as yet, it is altogether probable that those ending the 30th of June next will exceed those for the last year.

At last session of Congress, when discussing the question of the public finances, I presented a table gathered from official sources showing a steady annual increase for the last five years, and suggested how an aggregate amount of \$30,000,000 could be saved by reductions which could not impair the public service. Without giving details, the branches of the public service which are maintained upon an unnecessarily extensive scale are the military, naval, and Indian affairs; to which may be added extraordinary extravagance in appropriations by Congress for public works, river and harbor improvements, judicial expenses, and other purposes, coming under the head of miscellaneous. If an earnest effort were made in the line of economy in these branches, at least \$30,000,000 could be saved, leaving quite as much efficiency and far more integrity than is now manifest. Taking this \$30,000,000 from the Secretary's estimate of the expenditures for the coming fiscal year, there would be a very large surplus left, after providing for the sinking fund, under his construction of his duty with reference to it.

In 1858 the expenditures of the Government reached their maximum before the war, when the net ordinary expenses amounted to \$72,000,000 in round numbers. In 1874, nine years after the war closed, these same expenditures amounted to \$194,000,000! The following table will show how the items of these two years compare:

Expenditures of the government for the years 1858 and 1874.

	1858.	1874.
War expenses.....	\$25,679,121	\$42,313,927
Navy expenses.....	14,053,264	30,932,587
Indian expenses.....	4,973,266	6,692,462
Pensions.....	1,219,768	29,035,414
Miscellaneous.....	26,400,016	85,141,593
Total.....	72,330,435	194,118,985

The net ordinary expenses of the Government from 1869 to 1874 were in round numbers—

1869.....	\$190,000,000
1870.....	164,000,000
1871.....	157,000,000
1872.....	153,000,000

Thus far there seems to have been a reasonable determination to curtail expenses, but the economy was short-lived, for in the next year, instead of decreasing still further as it should have done, the amount spent was—

1873.....	\$180,000,000
1874.....	194,000,000

Comment upon these figures is unnecessary. They tell their own story, and that is not complimentary to the Administration, nor satisfactory to the people.

TARIFF LEGISLATION AND TREASURY REGULATIONS.

The stagnation of trade is not the only cause for the falling off in customs revenue. Other influences have been steadily at work for some time which injuriously affect the importation of dutiable goods. Merchants can place no reliance upon this Government and its agents by which to regulate their importations. When an invoice or cargo of merchandise is ordered from a foreign port to this country, the closest possible calculation is made of its exact cost when laid down here. In this calculation will be found original cost at place of export, expenses of transit, freight, insurance, duty, entry expenses, &c. All of these items compose the total cost to the importer. He must know the precise cost to enable him to transact his business profitably. Now, if in consequence of a sudden change in the tariff, as in the case of the Revised Statutes of June 22, 1874, or the erroneous Treasury constructions put upon them, a greater or higher rate of duty shall be required, his goods are made to cost much more, and losses, it may be ruin, ensue. There is no stability in our tariff regulations; change is constantly going on; at almost every session of Congress something is done to further embarrass trade.

The constant changes in the Treasury and custom-house officials increase this difficulty. New Secretaries and their subordinates overturn the rulings of their predecessors, and irregularity and litigation is the almost constant result. Of course the import trade thus embarrassed lessens and falls off. Capital invested in it seeks less hazardous enterprises. Prudent men will avoid such obstructions to success with the liability to the imputation of want of commercial integrity constantly occurring. Many of our merchants have in consequence withdrawn altogether from the importation of foreign goods on their own account; others accept consignments at the risk of the owners in other countries, while some, less conscientious, seek to punish the Government for oppressing them by altogether evading the payment of duties. Thus losses to the revenue and demoralization to trade are the natural results of the want of stability in the tariff laws and fairness in their execution.

I have shown that there is no deficiency to be made good, according to the statements of the Secretary and the chairman of the Committee on Ways and Means; that instead of a deficiency there is every probability of a large surplus without any legislation whatever. The title of the bill under consideration is "A bill to further protect the sinking fund, and to provide for the exigencies of the Government." These may be very good catch-phrases, but cannot deceive me. The sinking fund is amply protected, and there are no exigencies to provide for. When there are, no one will go further than myself to render assistance, nor would I stop to consider which party held the reins of government.

However much I regret the maladministration and extravagance of the Administration and the republican party which have had entire and unlimited control for fourteen years, yet I would aid in extricating them from trouble if the honor and true interests and faith of the Government demanded. Convinced that all this present outcry has no actual foundation, and fearing some hidden motive, I shall do all I can to prevent the passage of this bill, especially now, when the industries of the people will bear no further governmental exactions.

APPENDIX.

TARIFF CHANGES UNDER THE NEW CODE.

Fernando Wood to the Chamber of Commerce of New York.

WASHINGTON, January 29, 1875.

DEAR SIR: So many letters of inquiry and complaint respecting the increased rates of duty which have been levied on merchandise imported under the Revised Statutes have been addressed to me by business men in New York which deserve reply, that I venture to avail myself of the Chamber of Commerce as a medium of answer to all by one communication.

That the revision enacted by Congress June 22, 1874, contains a part of the laws, general and permanent in their nature, which were in force on December 1, 1873, cannot be denied, for Congress declared as much in section 5595 of that enactment. Whether the revision contains all the laws then in force must depend on an examination in a specified case, to see whether a particular law has in any part been embraced in the revision, for the last clause of section 5596 declares that "all acts of Congress passed prior to said last-named day, (December 1, 1873), no part of which are embraced in said revision, shall not be affected or changed by its enactment." By "no part," must be meant no part of the operative text of such law; and if this be so, the seventeen volumes of statutes prior to the revision may be as important in tariff matters now as they were before June 22, 1874, because there are many laws and joint resolutions regulating the collection of the revenue on imports which contain not more than one or two sections. It cannot be denied either that Congress understood, and the country understood, that the revision was to be a faithful rejection of repealed laws, and a true expression of those which were unrepealed on the 1st day of December, 1873. Abundant citations from the words of those directly responsible for the revision, and looked to by the two Houses for the faithful execution of the work, can be made in proof of this from the pages of the CONGRESSIONAL RECORD of the last session.

LEGISLATIVE HISTORY OF THE REVISION.

The principal facts in regard to the revision are these: On June 27, 1866, Congress authorized the President to appoint three commissioners "to revise, simplify, arrange, and consolidate" the statutes. The duration of the commission being practically limited to three years, it was revived for three years more by the law of May 4, 1870, and finally the commission reported in the form of two large volumes, printed by Congress. On March 3, 1873, Congress authorized a joint committee of the two Houses to accept, but did not approve or adopt, this report of the commissioners; to contract with a suitable person to prepare, under the direction of the committee, the commissioners' report, and print the same in the form of a bill, to be laid before Congress on the next December. This proposition was introduced by General BUTLER, who said, "The work authorized is merely clerical." The joint committee was raised; it reported, as directed, to the House through the chairman on December 11, 1873; and the report, in the form of one large printed volume, was referred to the Committee on the Revision of the Laws. On this occasion General BUTLER said:

"I desire to premise here that your committee felt it their bounden duty not to allow, so far as they could ascertain, any change of the law. This embodies the law as it is. The temptation, of course, was very great, where a law seemed to be imperfect, to perfect it by the alteration of words and phrases, or to make some change. But that temptation has, so far as I know and believe, been resisted. We have not attempted to change the law in a single word or letter, so as to make a different reading or different sense. All that has been done is to strike out the obsolete parts, and to condense and consolidate and bring together statutes *in pari materia*; so that you have here, except in so far as it is human to err, the laws of the United States under which we now live. And it will be necessary, if the bill passes Congress, that it shall pass without any one undertaking to amend the law as it stands in this revision; because, once beginning to amend the revision by altering the law from what it is, will lead into an interminable sea, in which we shall never find soundings and which will never find a shore."

And on the same day, pending this debate, the following took place between Judge POLAND and myself:

"Mr. WOOD. If the gentleman from Vermont will permit me, I would like to ask him a question."

"The SPEAKER. If this matter consumes time, the Chair will feel bound to throw it over."

"Mr. POLAND. I do not intend to take any time myself, but I will hear the gentleman's question."

"Mr. WOOD. It is, whether there will be anything in this revision of the laws that we have not already in the Statutes at Large?"

"Mr. POLAND. Nothing; at least we do not intend there shall be."

Here we have a clear exhibition of what the committee of the two Houses intended the revision should be. It was an elimination of obsolete provisions; a condensation and consolidation of statutes *in pari materia*.

On the 15th of the next month Mr. POLAND informed the House that he was directed by the Committee on the Revision of the Laws to report back the bill; and, by unanimous consent, the House undertook to sit two evenings of each week in Committee of the Whole for its consideration. It was then stated by the chairman of the committee that Mr. Durant, a lawyer in Washington, had been employed by the committee to revise the work of the commissioners, who had made, to some extent, changes in the law, and correct such changes, in order that the bill might be a faithful reflex of the existing statutes in force. And it was then added that, since the work had been before the Committee on the Revision of the Laws, it had been so thoroughly re-examined that the committee were able to assure the House that the bill as reported by the committee is "an exact transcript, an exact reflex, of the existing statute law of the United States."

A portion of three evenings of February 19, 20, and 26, were devoted to the tariff on imports, wherein many amendments to the work of Mr. Durant were proposed and carried in Committee of the Whole. Finally, after a few evenings, the bill was reported to the House with the amendments, which were not printed, and passed without discussion. It was reported to the Senate May 26, 1874, and the chairman of the Committee on the Revision of the Laws in that body (Senator CONKLING) declared that "the aim throughout has been to preserve absolute identity of meaning, not to change the law in any particular, however minute, but to present in miniature, or condensation, the law in all its parts as it was actually found to exist dispersed through seventeen volumes of statutes."

Upon the faith of this representation, as I believe, the bill was adopted in the Senate without any substantial deliberation or discussion. The different steps in the progress of the revision, and these distinct utterances of members of the committee who had it in charge, which are given in the CONGRESSIONAL RECORD, furnish a sufficient evidence that those who voted for the revision, as well as the whole country, believed; and had a right to believe, that the law regulating the rates of duty on imported merchandise stood in the revision precisely as it existed on December 1, 1873. The revision, by its terms, took effect immediately. It became a law unto the people of the United States so suddenly, that those whose conduct it governed could not obtain a copy, and the Secretary of the Treasury, in the beginning of his report in reply to the resolution of the House of December 14, 1874, devotes a large portion thereof to an explanation of the difficulties he encountered in obtaining and distributing among collectors of customs that portion which relates to duties on imports. The importers of New York and the other large ports of the United States, having been informed while the revision was under deliberation that, although amendments were proposed and adopted to the bill as revised by Mr. Durant relating to the customs, there would be no change whatever in the law prescribing rates of duty, naturally took no interest in the matter. But when the revision was put into practical operation by the Treasury Department, both importers and consumers were astonished to find that rates of duty under it were largely increased from those which had been levied on the 1st day of the previous December. The complaints of the extent and magnitude of these exactions in the city of New York became so general, that I found it my duty to introduce a resolution of inquiry, which has resulted in the report by the Secretary of the Treasury which I inclose, and which in its tabular statements from the four principal ports of the United States more than confirms all that has been charged in respect to the sweeping changes in rates of duty which have been made; and I think that when a careful comparison is made between the tabular statements from these four ports, showing

this increase, and the text of the reply of the Secretary of the Treasury purporting to give the reasons or grounds for that increase, considerable surprise and disappointment will be felt on account of the unsatisfactory, if not evasive, manner in which this important subject is treated.

EXTENSIVE CHANGES IN RATES OF DUTY.

That great changes have been made is not denied. Indeed, the Treasury, in one portion of its reply, appears to desire to shield itself from responsibility by the declaration that the classifications or rates thus reported from the leading ports "do not in all cases conform to any authorized construction or ruling made public by the Department, and they are not in such cases admitted to be the proper construction of the law at the time." This is certainly a startling confession in respect to the administration of the customs revenue. The report of the Treasury Department, however, does not deny that a large part of the changes which have been made under the revision have been by its authority or direction.

REASONS FOR THE CHANGES INADEQUATE AND FALLACIOUS.

The Secretary, in his reply, concedes that "previous rulings of the Department" have been reversed since the revision, and an attempt is made to justify this reversal upon the ground that "either in the practice of the local officers, or in the rulings of the Department, and in the long period from 1861 to 1874, some results must necessarily have been attained in the direction of undue concession such as a rigid revision and condensation of the law would require to be reversed." In other words, changes in rates of duty have come, because those who revised the laws intended to reverse, and did reverse, by legislation the previous rulings of the Department.

A law enacted in 1842, and embodied in section 2652 of the Revised Statutes, makes it "the duty of all officers of the customs to execute and carry into effect all the instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty shall arise as to the true construction or meaning of any part of the revenue laws, the decision of the Secretary of the Treasury shall be conclusive and binding upon all officers of the customs." And by the old laws of 1845, 1857, and 1864, the substance of which is embodied in the Revised Statutes, the decision of the Secretary of the Treasury upon an appeal to him from the collector of customs in respect to the rate and amount of duty is final and conclusive upon the Government and every one else, unless the importer sees fit to bring a suit at law to test the correctness of such decision. Therefore the previous rulings of the predecessors in office of the present Secretary of the Treasury which, he says, the Revised Statutes intended to correct or reverse, were laws, binding at that time upon the Government as well as upon importers.

NO GENERAL TARIFF LAW SINCE 1872.

No general law fixing or changing duties had been enacted by Congress since June 10, 1872. During the period between this date and December 1, 1873, (more than eighteen months,) the interpretations of existing laws had become well settled and well known by importers, and the rates demanded by the Government were established in the memory of foreigners as well as our own citizens. None of them supposed that the rates prescribed by the Secretary of the Treasury and levied for eighteen months, since June 10, 1872, were not the legal rates, or that the Government misinterpreted its own laws.

The Treasury does not deny that certain sections of the laws of 1861 and 1862, which were enforced by the Executive on December 1, 1873, were excluded by, or dropped from, the Revised Statutes, and thereby duties were increased. It, however, justifies this exclusion, or dropping, on the ground that when the earlier and later tariff laws "were condensed in the revision the superior force of the later acts became apparent, and the alternative or earlier provision was necessarily excluded." This theory of revision may or may not be correct, but the difficulty is that the codifiers thereby silently excluded laws actually "in force," and the exclusion has worked an increase in rates of duty. I did not understand at the time that the revision would accomplish such a result.

SUPREME COURT DECISIONS.

The Secretary says:

"The revision, however, brought all that legally remained of the various statutes together, thus giving the later acts their proper effect, and dropping those which had been the cause of much misconception. No substantial change of law appears to have been made; the present text is clear and easy of reference, and the confusion and contradictory features of the former state of the law are removed. The diversity of decisions in the local courts that has existed in customs cases was due chiefly to this multiplicity of unrepealed statutes; the case of *Smythe vs. Fisk et al.*, recently decided in the Supreme Court, being an instance. The court below held that duties were chargeable under the earlier statute, whereas the Supreme Court unanimously decided that the later act was the law in force. The rule then laid down, and before referred to as being established by the Supreme Court decision of 1853, appears to have been observed throughout the revision, and it has been carefully followed in the rulings of this Department under it, this condensed text being of great service in the practical collection of the customs revenue."

Here it will be seen that the Department again confesses that certain statutes in force on December 1, 1873, being "the cause of much misconception," were dropped altogether in the revision, and adds that this mode of condensing or revising the laws has been justified by a recent decision of the Supreme Court. A copy of the decision of the court in the case referred to is before me. The question involved was the true rate of duty imposed on an article known as "silk neck ties;" and the court very properly decided that they were dutiable at 50 per cent, under the last clause of the eighth section of the tariff law of 1864. And in this very opinion of the court there is a confirmation of the charge that the Revised Statutes did actually and intentionally change the previous law. The law of July 14, 1862, contained in the thirteenth section a schedule, which embraced, among other things, "Articles worn by men, women, or children, of whatever material composed, made up or made wholly or in part by hand, not otherwise provided for." In schedule M of the Revised Statutes, page 478, this provision is reproduced, but in this changed form: "Articles worn by men, women, or children, of whatever materials composed, except silk and linen, made up or made wholly or in part by hand, not otherwise provided for." It will be seen that the revision inserts the words "except silk and linen." The opinion of the court calls attention to this change, and says:

"The exceptions mentioned (silk and linen) were here for the first time expressly interposed, but it was a legislative declaration that such was the state of the law on the 1st of December, 1873, without the exceptions; and it is necessarily a construction of the last clause of the eighth section of the act of 1864 in accordance with that which we have given to it. It was the declared purpose of Congress to collate all the statutes as they were at that date, and not to make any change in their provisions. Obviously these exceptions were intended to remove doubts and misconception which were known to have prevailed to some extent."

Here it will be seen that the Supreme Court adopts the idea, if not the language, used in the circular of the Secretary of the Treasury, of August 21, 1874, to the effect that, as Congress declared that the Revised Statutes contain the law in force on December 1, 1873, therefore the insertion in the law of 1862 of the words "except silk and linen" must be taken by the court as a congressional instruction or declaration that such was the meaning of the previous law. So that the Supreme Court, instead of having held that the mode of revision was the correct one, or that the laws of 1861 and 1862 ought to have been omitted from the revision, declared in effect that the court cannot look beyond the declaration of Congress in the Revised Statutes as to the meaning of previous tariff laws, no matter whether that declaration, in the opinion of the court, be true or false. And it will be seen that this declaration in the revision may, unless Congress intervenes, influence all future decisions of the court on questions of duty turning on the old laws.

LAWS OF 1861 AND 1862.

Between the dates of the general tariff act of March 2, 1861, and of the Revised Statutes, Congress had passed some sixty laws relating to duties on imports and their collection. Five of these, namely, two enacted in 1861, one in 1862, one in 1864, and another in 1872, may be classed as general tariff acts, because they covered a large class of articles. Neither of these in terms entirely repealed the previous ones, nor did Congress intend they should be altogether repealed. One overlapped the other or otherwise modified it, and so in 1872 reference was had to 1861 to decide what rates certain articles should pay. The system of continuous legislation was bad, but thus it was, and the necessity of going back to old laws was increased by the habit which had grown in Congress of generally imposing (at the end of certain enumerations) on all articles manufactured of specified material a prescribed rate of duty, unless the articles had been "otherwise provided for." This phrase made it necessary to ransack all previous laws to see if there was any such provision. With this explanation the comprehensive force of the following sentences in a circular of the Treasury Department to collectors of customs, dated August 21, 1874, (contained in his reply to the House,) interpreting the revision, becomes apparent. He says:

"Several clauses of the tariff acts of March 2, 1861, and July 14, 1862, which were at first supposed to be modified or repealed by the act of June 30, 1864, and subsequent acts, but which were revived at various times through decisions of the courts or of this Department, are decisively excluded from the present act, and therefore cease to have force after the date of its passage. Among these are, first, the rate of duty on certain descriptions of linens, namely, 'drills, coatings, brown holland, blay linens, damasks,' which, being names or descriptions mentioned in the acts of 1861 and 1862, were not repeated in the act of 1864; also a class of articles coming under the general designation of 'manufactures not otherwise provided for,' composed of mixed materials in part of cotton, silk, wool, or worsted, hemp, jute, or flax, the rate of duty imposed by these two acts being 35 per cent. *ad valorem*. Many fabrics have remained chargeable with duty under authority of this clause; but no such classification is contained in the act of June 22, 1874, all goods formerly so classed being now charged with duty according to their identity with, or assimilation to other defined classes."

If reference be now had to the report of Appraiser Darling, of New York, giving the classifications in his department before and after June 22, 1874, it will be seen that articles were thrown into new schedules, and rates of duty were enormously increased on manufactures of goat's hair, wool, cotton, silk, and mixed materials, by the exclusion from the revision of these laws of 1861 and 1862, universally held to be in force on December 1, 1873.

THE SIMILITUDE LAW OF 1842.

From such examination as I have given to the reports from the principal ports, it appears to me that, on a large portion of the articles, besides those generally designated as "textile fabrics," on which duties have been changed under the revision, the result has been chiefly accomplished by slight variations in the text of the law. Executive interpretation has no doubt overstrained these slight variations, but the foundation of the mischief is in the revision. This mischief might, nevertheless, have been remedied, if the Treasury had held fast in its execution of the new provisions to the general declaration of the revisers and of General BUTLER and Senator CONKLING, that no change of the old law was intended. But it did not, and one of the most potential instruments in working the confusion and injustice of which importers complain is the use which has been made of the twentieth section of the tariff law of August 30, 1842, which is contained in section 2499 of the revision.

During the twenty years before 1861 the three general tariff acts were those of 1842, 1846, and 1857. That of 1857 preserved substantially the system of schedules or enumerations in 1842, only reducing the rates of duty. These laws of 1842 and 1846 were, perhaps, the most comprehensive and best considered tariff enactments on the statute-books, in the sense of precise, commercial, and alphabetical designation of each article in separate schedules. To provide for any accidentally omitted article or any newly made fabric, the following section was inserted in the law of 1842:

"SEC. 20. *And be it further enacted*, That there shall be levied, collected, and paid on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the use to which it may be applied, to any enumerated article chargeable with duty the same rate of duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles, on which different rates of duty are chargeable, there shall be levied, collected and paid on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials the duty shall be assessed at the highest rates at which any of its component parts may be chargeable."

Under the laws of 1846 and 1857, which continued the system of 1842, the courts very properly held that this section was in force, not to impose a new rate of duty, but to give a rule for ascertaining the true rate on an article neither specially provided for by name in those laws nor falling within the clauses for non-enumerated articles, because so resembling an enumerated article as to be governed by the section. The single inquiry was whether an article was enumerated. But the tariff legislation during the rebellion was, much of it, necessarily hasty, and adopted to meet a pressing need for revenue. No one law repealed, like that of 1842, all previous laws, but as I have said before, the tariff acts for eleven years overlapped, and were interlaced one with another. This is obvious to any one who carefully studies the legislation of 1861, 1862, 1864, and 1872. Those laws attempted to classify articles in separate sections, according to the materials of their manufacture, whether of iron, steel, glass, cotton, wool, or silk. And after enumerating articles specially, to the extent which the power or convenience of Congress or antagonizing interests therein permitted, there would be a concluding clause at a different rate of duty for a general enumeration of articles of a specified material of manufacture "not otherwise provided for." To ascertain the intention of Congress under this system of legislation since 1861, the aid of the section referred to in the law of 1842 was rarely invoked, because there was rarely an article not either specifically or generally enumerated. And the injustice of invoking it can be made apparent by a reference to the law known as "the little tariff bill," which has just passed Congress, and which directs that manufactures not specially provided for shall pay 60 per cent. if containing not more than seventy-five parts in value of silk, but 50 per cent. if containing more than that of pure silk. Here is an enumeration of the two classes of manufacture. But the last clause of this law of 1842 and of section 2499 of the Revised Statutes says:

"And on all articles manufactured from two or more materials the duty shall be assessed at the highest rates at which any of its component parts may be chargeable." The rate for pure silk is 60 per cent., and under this clause "the little tariff bill," which only imposes 50 per cent. on certain proportions of cotton and silk, would be nullified.

If reference be had to the excellent and searching criticisms of the collector of the port of Baltimore on the practical confusion and injustice which the sudden application of this "similitude law" of 1842 has worked, further comments of mine will be unnecessary. They are on pages 48 and 49 of the report of the Treasury. The application of this "doctrine of assimilation," before permitting the positive clauses of the law to operate, the collector of Baltimore regards as nullifying the intentions of Congress, and as intrusting to customs examiners and appraisers a vague and arbitrary power, impolitic and never intended. It is this similitude test which has created a part of the confusion respecting Japanese silks and the different rates at the different ports on similar articles; and it is plain to see that it will be next to impossible for any Secretary of the Treasury to make rates of duty uniform from

Maine to California on textile fabrics, where the inquiry is as to similitude either in material, quality, texture, or uses.

RESPONSIBILITY FOR THE CHANGES.

I am not unmindful of the great, the almost insurmountable, difficulties which any one would encounter who undertook to condense and reproduce last June the subsisting laws on the customs revenue. They were so numerous; they extended over so many years; the repealed and unrepealed were so interlaced and interlocked; and the true interpretation of many of them was so doubtful, that equally intelligent and upright men could not well fail to differ thereon, and it is perhaps surprising that no more dissatisfaction with the revision exists. And if the revision changed the language of the law, the executive could not well disobey the revision, although I think the Treasury would have been sustained if it had refused to vary the rates it imposed on the 1st day of December, 1873. Congress certainly cannot fairly be blamed, nor do I think that any member of the revising committee of the House was aware that the verbal changes made, or the dropping of certain statutes, would, in practical administration, produce the results we see. Whether any one else inspired changes with such an intent is not so certain. There is certainly much method in some of the alterations. Nor do I impute any blame to the present Secretary of the Treasury, although I am free to say that, in my view, the person who is referred to by Mr. POLAND (CONGRESSIONAL RECORD for February 19, 1874, page 26) as assisting the committee in behalf of the Treasury should not have been afterward selected to put the law in operation and interpret the interpretation.

Having first entered the House of Representatives in May, 1841, as a member from New York City, I have seen and had experience enough since then in public affairs to make me tolerant in criticism of those charged with the responsibilities of government, who strive in good faith honestly to discharge their obligations. It is therefore with no possible purpose to express any censure of Secretary Bristow that I say, that in my opinion the system of administration of that part of the revenue department which decides what rates of duty Congress has imposed needs to be thoroughly changed. It is a tremendous prerogative of the Executive to say what rates our confused statutes levy and preserve uniformity at all the ports; and yet the Secretary cannot in person, under the present arrangements, decide each of the perplexing questions of statute construction. He delegates the power to a subordinate, and he generally a mere clerk, who decides without hearing argument on either side. For the Government it may be safe to inflict the highest rate in all cases of doubt, but that may be very unjust to the importer. And yet there must be in Washington a unit of responsibility and decision for the different ports. My own observation and impression are, that since I first entered Congress there has been too much drawing to Washington in this matter of labor and care from the several ports, which has dwarfed the collectors, who are under the law primarily responsible in this business to Congress and the country. The collector is by statute, and should be in fact, the chief customs officer of the port. The whole expensive machinery of his office is maintained only to levy and collect the duties on imports prescribed by Congress. Section 2521 of the Revised Statutes describes a part of his functions thus:

"To receive the entries of all ships or vessels, and of the goods, wares, or merchandise imported in them.

"To estimate * * * the amount of the duties payable thereupon, indorsing such amounts upon the respective entries.

"To receive all moneys paid for duties, and take all bonds for securing the payment thereof."

He (section 2501) designates the goods to be appraised; to him the appraiser reports; if he be dissatisfied, he can order another examination; and if the appraisers disagree, he decides between them. He is responsible, primarily, for all classifications for duty. Under sections 2931 and 3011 his decision, as to rate and amount, is final, unless there be an appeal to Washington or a suit in court. The correct interpretation of tariff laws is thus his first and one of his highest obligations. He is appointed by the President and confirmed by the Senate to do this work, and he should neither delegate it to deputies nor subordinates at his own port or allow it to pass out of his hands into those of clerks in Washington, unless in conflict with collectors at other ports, where the personal judgment of the Secretary should interpose. The collectors at the several ports are, as a rule, competent men; they are in daily contact with merchants, and clerks in Washington are not; and there should be no subordinates in these matters of statute construction between them and the Secretary.

OTHER REMEDIES AND REFORMS.

For any increased exactions above those levied in December, 1873, which are the result of erroneous executive interpretations of the revision, the courts are of course open; but for those made by Congress, even unintentionally, the courts can afford no relief. I introduced into the House at the beginning of this session a joint resolution, which is now before the Committee on Ways and Means, and which hereafter would confine the Executive to the rates the Treasury levied a year ago last December. It would bring order out of the existing confusion, and probably give satisfaction, but only temporarily; for the whole system needs immediate overhauling. There is now before the Ways and Means Committee a bill from the Senate which looks in that direction. The amount of money which the Government requires from customs the executive ought to be able to estimate with reasonable certainty, and then provision should be immediately made by law, on conference with the different chambers of commerce in the country, for a commission to take up the work of preparing a tariff levying that amount, and machinery for its prompt, economical, and satisfactory collection. In this commission there is needed the best facilities in the country for acquiring, testing, collating, and reproducing facts and statistics for the information of Congress. It should be a commission of a few among the best business men in Congress or out, whether merchants, manufacturers, lawyers, or officials; and, like important parliamentary commissions in England, should call before it and examine every one capable of affording assistance by his information and experience; and no element of partisan politics should be permitted to distort or thwart the single inquiry how the needed money can be best raised from imports. Facts and figures are what is first needed, and not arguments; and to obtain these facts and figures in the form of evidence the country should gladly make an adequate expenditure of time and money.

Very respectfully,

FERNANDO WOOD.

To the PRESIDENT CHAMBER OF COMMERCE,
New York City.

NEW YORK, February 5, 1875.

DEAR SIR: Your letter of the 29th ultimo, as published in the New York papers and addressed to the president of the Chamber of Commerce, in reference to the construction and administration of the laws for the collection of the customs, was submitted for the action of the chamber at the meeting held yesterday, and referred to its special committee on "revenue reform" for consideration and report.

At the same meeting Mr. Jackson S. Shultz offered the following resolution, which, on being seconded by Mr. Elliot C. Cowdin, was unanimously adopted:

"Resolved, That the thanks of this chamber are due, and are hereby tendered, to Hon. FERNANDO WOOD for his able and exhaustive statement of the unauthorized changes made in the tariff under the guise of codifying the laws pertaining to the collection of the revenue."

I have the honor to be, very respectfully, your obedient servant.

GEORGE WILSON,
Secretary.

Hon. FERNANDO WOOD,
House of Representatives, Washington, D. C.

Mr. ELLIS H. ROBERTS obtained the floor, and yielded to Mr. DAWES, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HALE, of Maine, reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being House bill No. 4680, to further protect the sinking fund and provide for the exigencies of the Government, and had come to no resolution thereon.

Mr. SMITH, of Ohio. I ask consent to have printed an amendment I propose to offer to the bill now pending in Committee of the Whole. No objection was made, and it was so ordered.

CONFERENCE COMMITTEE.

The SPEAKER announced the appointment of Mr. GUNCKEL of Ohio, Mr. THORNBURGH of Tennessee, and Mr. HUNTON of Virginia, as the conferees of the House upon the disagreeing votes of the two Houses on Senate bill No. 583, approving the action taken by the Secretary of War under the act approved July 15, 1867.

PAWNEE LANDS IN NEBRASKA.

Mr. AVERILL, by unanimous consent, reported from the Committee on Indian Affairs a bill (H. R. No. 4683) to provide for the sale of Pawnee Indian lands in the State of Nebraska; which was read a first and second time, ordered to be printed, and recommitted.

HOMESTEADS FOR INDIANS.

Mr. AVERILL also reported from same committee a bill (H. R. No. 4684) to enable Indians in certain cases to enter public lands under the homestead laws of the United States; which was read a first and second time, ordered to be printed, and recommitted.

OUTRAGE ON STEAMER PHILO PARSONS.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and is hereby, directed to furnish to this House a copy of the report made to the Secretary of War by Major-General John A. Dix, concerning the outrages committed in Detroit River, on Lake Erie, on the steamer Philo Parsons or other vessels during the rebellion.

CHARLES H. SMITH.

Mr. SMITH, of Virginia. I ask unanimous consent that the bill (H. R. No. 4478) to relieve Charles H. Smith, M. D., of Virginia, of all political disabilities be taken up and passed. The bill is accompanied by the usual petition.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds voting in favor thereof.

Mr. HOLMAN. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BURROWS: The petition of citizens of Saint Joseph, Michigan, for an appropriation to extend the north pier at the harbor of Saint Joseph, to the Committee on Commerce.

By Mr. BUTLER, of Massachusetts: Memorial of David R. Dillon, of Savannah, Georgia, praying that the Secretary of the Treasury be made a party to a case now pending against him, to the Committee on the Judiciary.

By Mr. BUTLER, of Tennessee: The petition of 350 citizens of East Tennessee, for an appropriation to remove obstructions from the Clinch River, to the Committee on Commerce.

By Mr. CHIPMAN: Memorial of J. H. Merrill, of Washington, District of Columbia, in relation to his design for a building for the Congressional Library, to the Committee on the Library.

Also, remonstrance of Washington B. Williams and others, of the District of Columbia, against a charter to the Corcoran Square Market Company, to the Committee on the District of Columbia.

By Mr. DARRALL: The petitions of C. A. Frazee, François Simein, and Raymond Deshotels, of Opelousas, Saint Landry Parish, Louisiana, to file their cotton claims before the Court of Claims severally, to the Committee on War Claims.

By Mr. KELLEY: The petition of citizens of Schuylkill County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and also for the passage of the currency bill submitted by Hon. W. D. KELLEY providing for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

By Mr. LOFLAND: The petition of citizens of Wilmington, Delaware, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

By Mr. SMITH, of North Carolina: Resolutions of the Legislature of North Carolina, asking an appropriation for a post-office, custom-house, and United States court-house building at New Bern, North Carolina, to the Committee on Public Buildings and Grounds.

By Mr. VANCE: A paper relating to the application of Wiley G. Woody, to be restored to the pension-rolls, to the Committee on Invalid Pensions.

IN SENATE.

FRIDAY, February 12, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes—to the Committee on Appropriations.

The bill (H. R. No. 4681) in relation to a cemetery at York, Pennsylvania—to the Committee on Military Affairs.

The bill (H. R. No. 3782) for the relief of Sewall B. Corbett—to the Committee on Claims.

The joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

CHOLERA EPIDEMIC IN 1873.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, and referred to the Committee on Printing.

Resolved by the House of Representatives, (the Senate concurring.) That there be printed ten thousand extra copies of the report of the Surgeon-General of the Army and the supervising surgeon of the marine-hospital service upon the cholera epidemic of 1873, five thousand copies of which shall be for the use of the House of Representatives, two thousand copies for the use of the Senate, two thousand copies for the use of the Surgeon-General of the Army, and one thousand copies for the use of the supervising surgeon of the marine-hospital service.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of War, accompanying copies of papers relating to the military reservation at Point San José, California; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a report of the Secretary of War, transmitting in obedience to law a copy of the report of Major William E. Merrill, of the Engineer Corps, relative to the survey and estimate for the extension of the Chesapeake and Ohio Canal from Cumberland, Maryland, to Pittsburgh, Pennsylvania; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

CREDENTIALS.

Mr. ANTHONY presented the credentials of Hon. AMBROSE E. BURNSIDE, chosen by the Legislature of Rhode Island a Senator from that State for the term beginning March 4, 1875; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. SCOTT. I present two petitions from citizens of Pennsylvania, who represent that they are largely interested as owners and agents in steam-vessel property; that the present steamboat law, approved February 28, 1871, is exacting and burdensome in many particulars, without providing the security for life and property claimed for it; and they therefore pray for its repeal or amendment. They state that as the bill now pending has been carefully prepared, with a view of affording protection to the public as well as relief to the owners, they ask for its passage. As that bill is before the committee, I move the reference of these petitions to the Committee on Commerce.

The motion was agreed to.

Mr. SCOTT also presented a petition of citizens of Logan, Mifflin County, Pennsylvania, praying Congress to extend aid for the completion of a great southern line of railroad to the Pacific; which was referred to the Committee on Railroads.

He also presented memorials of citizens of Armstrong County, Pennsylvania, and Mifflin County, Pennsylvania, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which were referred to the Committee on Finance.

Mr. STEVENSON presented the memorial of T. C. Coleman, John Sullivan, and other citizens of Louisville, Kentucky, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. HAMILTON, of Maryland, presented the memorial of Rev. Charles D. Andrews and J. Edwin Amos, of the District of Columbia, remonstrating against the abolition of the navy-yard at the city of Washington; which was referred to the Committee on Naval Affairs.

Mr. SPENCER presented a memorial of the Tuscaloosa Board of Industries of the State of Alabama, asking an appropriation of \$151,000 for the improvement of the navigation of the Warrior River; which was referred to the Committee on Commerce.

Mr. SARGENT. I present the petition of Juan de Toro, who states that for two years past he has been engaged in compiling an index of the grants of Mexico made in California and in the Territories; that this index is very carefully made and is very useful, and he desires an appropriation that it may be printed and he be compensated for

his labors in this behalf. I can see myself that an index which is well verified may be of great advantage to the Government in eliminating fraudulent claims from among those that may be offered, but I do not know the character of this work. I move the reference of this petition to the Committee on Private Land Claims.

The motion was agreed to.

Mr. FERRY, of Connecticut, presented the memorial of Joseph P. Parsons, and other residents of Seymour, Connecticut, remonstrating against the restoration of the duties on tea and coffee or any revival of internal taxes and praying for the repeal of the 10 per cent. reduction of duties upon foreign goods made by the act of 1872; which was referred to the Committee on Finance.

He also presented a resolution of the common council of the city of Hartford, Connecticut, in favor of an appropriation for continuing the improvement at the mouth of the Connecticut River in that State; which was referred to the Committee on Commerce.

He also presented the petition of Lemuel W. Serrell, Solicitor of Patents, asking for an addition to section 59 of the patent laws; which was referred to the Committee on Patents.

Mr. HITCHCOCK. I present a petition of a large number of citizens of Nebraska, which, after setting forth the evils of intemperance, asks an amendment to the Constitution of the United States which shall prohibit the manufacture, importation, and sale of all intoxicating liquors, except for mechanical and medicinal purposes, to take effect on the 1st of January, 1876, or as soon thereafter as possible. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN presented a memorial of citizens of Utica, Ohio, remonstrating against the restoration of the duty on tea and coffee, the removal of internal taxes, and asking the repeal of the act of 1872 reducing the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

Mr. CAMERON presented four petitions signed by citizens of the county of Lancaster, Pennsylvania, praying that aid may be extended to the Texas Pacific Railroad; which were referred to the Committee on Railroads.

He also presented the memorial of John Roach, protesting against the cancellation of the contract for carrying the semi-monthly mail between San Francisco and China and Japan; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Public Lands, to whom was referred the bill (S. No. 1093) for the relief of Reuben Goodrich, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 45) to grant the right of way through the public lands to the Canyonville and Galesville Road Company, in the State of Oregon, reported adversely thereon; and it was postponed indefinitely.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 832) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was recommended the bill (H. R. No. 3713) granting a pension to Sarah S. Cooper, reported it without amendment and submitted a supplemental report thereon; which was ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 2170) for the relief of Timothy D. Crook, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred a petition of brick-makers of the District of Columbia, praying to be paid for bricks furnished to the District, either in currency or bonds salable at par, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of clergymen of the District of Columbia, praying exemption of church property from taxation, reported a bill (S. No. 1291) to exempt certain property from taxation in the District of Columbia; which was read and passed to a second reading.

Mr. SPENCER. If there is no objection, I would like to have this bill acted upon this morning.

Mr. SHERMAN. The highest charity in the world is for churches to pay taxes like other people.

Mr. CLAYTON. I would like to ask the Senator from Alabama whether the bill exempts the ground on which churches stand and all church property from taxation?

Mr. SPENCER. It only exempts the ground on which they stand. Mr. CLAYTON. Does it exempt all church property? I should like to know about that.

Mr. SPENCER. Only the church buildings and the ground on which they stand.

Mr. EDMUNDS. Let us have the regular order.

The VICE-PRESIDENT. Objection is made. The bill will be placed upon the Calendar.

Mr. BOUTWELL. I am instructed by the Committee on Public

Lands, to whom was referred the amendment of the House of Representatives to the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, to report the same back with a recommendation that the Senate concur in the House amendment, and also recommending a verbal alteration in the text of the bill, to which I presume there will be no objection, changing the number of a section of land. I will not ask the Senate to consider it now if there is any objection. Perhaps it had better go on the Calendar.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. INGALLS submitted an amendment intended to be proposed by him to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4478) to relieve Charles H. Smith, M. D., of Richmond, Virginia, of all political disabilities; and

A bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, and Marcellus P. Christian, of Lynchburg, Virginia.

The message also announced that the House insisted upon its amendments to the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEWIS B. GUNCKEL of Ohio, Mr. JACOB M. THORNBURG of Tennessee, and Mr. EPPA HUNTON of Virginia, managers at the conference on the part of the House.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1292) to quiet titles to all lands entered under provisions of the homestead law entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and laws amendatory thereto, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1293) to secure and promote justice in the Navy and amendatory to certain acts relating to the Navy, and for other purposes; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CLAYTON. Mr. President, is there any further morning business?

The VICE-PRESIDENT. The morning business seems to be concluded, and the Committee on Railroads is entitled to the residue of the morning hour.

Mr. CLAYTON. A few days ago the President's message on Arkansas affairs was called up, and during the pendency of the question it went over at the end of the morning hour. I now move that the Senate proceed to the consideration of that question.

Mr. THURMAN. Mr. President, is the morning business through?

The VICE-PRESIDENT. The morning business is through, and the Committee on Railroads is entitled to the residue of the morning hour according to the order of the Senate.

Mr. CLAYTON. I want to raise the point of order that was raised yesterday morning. Yesterday morning on a similar occasion a motion was made to proceed to the consideration of some other business, and I think the Chair decided that the Senate could by a vote proceed to the consideration of other business than the business of the committee called under the rule. The Chair will recollect that the Senator from Kansas [Mr. INGALLS] raised that question.

The VICE-PRESIDENT. To raise that question, the Senator from Arkansas moves to postpone the present and all prior orders for the purpose of taking up the President's message in relation to Arkansas.

Mr. EDMUNDS. I make the point that that is not in order.

The VICE-PRESIDENT. The Senator from Vermont makes the point that the motion is not in order. The Chair will submit that question to the Senate.

Mr. EDMUNDS. My point of order is that the order which we adopted respecting devoting the morning hour to the introduction of bills and resolutions to committees in order is one of the standing orders of the Senate, and no majority of the Senate or anything except unanimous consent can set it aside until it is repealed in the regular way. It is just as binding upon us as the order for reading the Journal or for the reception of reports and so on. It is a rule of the Senate, no matter by what name we call it. It is what the Senate has agreed upon as the method of conducting its business. If Senators do not like it, let them give a day's notice and set it aside if they can; but it is unjust to the committees, it is unjust to this little morning hour which we ought to have, to say that a majority of the Senate can set it aside and go to something else. After one o'clock it is per-

fectly in order to make such a motion, we all know; but until then I am sure it is not.

Mr. CLAYTON. I think under the ruling of the Chair yesterday this motion would be in order; but I do not want to antagonize this motion with the business of the Committee on Railroads. I therefore withdraw the motion for the present.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

The VICE-PRESIDENT. The Committee on Railroads has the remainder of the morning hour.

Mr. STEWART. I have not been here during the session attending the meetings of the committee. There are, however, some bills which a majority of the committee reported at the last session. The first one on the Calendar is Senate bill No. 331. That bill I am not in favor of, though it was reported by a majority of the committee. The Senator from Oregon [Mr. KELLY] at that time was a member of the committee and reported in favor of it, and I suppose he will take charge of the bill.

Mr. KELLY. I ask that the bill be considered.

The bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph and for the performance of all Government service free of charge was considered as in Committee of the Whole.

The Chief Clerk commenced the reading of the amendment reported by the Committee on Railroads as a substitute for the original bill.

Mr. SHERMAN. It seems to me it is hardly worth while to read that bill. It is a subsidy bill guaranteeing construction bonds at the rate of 5 per cent. interest for so much per mile. I move that the bill be laid on the table.

Mr. MITCHELL. I hope not.

The VICE-PRESIDENT. The motion is not debatable.

Mr. MITCHELL. I appeal to the Senator from Ohio to not pre-judge the bill in advance before he has heard it read, before he knows what it is, before he has heard any explanation.

The VICE-PRESIDENT. Does the Senator from Ohio withdraw the motion?

Mr. SHERMAN. I withdraw the motion for the moment. I have read this bill; I have heard enough of it read already to know that the Senate of the United States will not pass the bill, and it is only wasting the morning hour. I appeal to the Senator himself. It is utterly idle for us to enter upon a guarantee of construction bonds at any rate per mile, whatever is mentioned. We know very well the Senate will not pass it. Why waste the morning hour when we have business pressing on us? Now, in order to test the sense of the Senate—

Mr. MITCHELL. Will the Senator allow me?

Mr. SHERMAN. I will let the Senator explain his bill a moment, and then I will submit the motion.

Mr. MITCHELL. I do not wish to explain it until it is read. I ask that the bill be read.

The VICE-PRESIDENT. The reading will be continued.

Mr. SHERMAN. Perhaps it is just as well to spend the morning hour in this way as any other; but this is a kind of bill that there is no use in considering, for it cannot be passed.

Mr. SPRAGUE. I desire to ask the Senator if this bill guarantees construction bonds at 5 per cent.?

Mr. SHERMAN. Yes, sir.

Mr. SPRAGUE. I move, then—

Mr. MITCHELL. Allow me to answer the Senator from Rhode Island.

Mr. SPRAGUE. Very well.

Mr. MITCHELL. The Government of the United States to-day and for a number of years past has been paying out of the Treasury of the United States in money every year, as shown by the records of the Departments, about \$350,000 for the transportation of the mails and other Government transportation over this identical line. This bill simply provides that the sum of \$280,000 of that amount, less than the whole amount now being paid by the Government for its transportation by some \$70,000, shall be appropriated in aid of the construction of this road. That is all there is of this bill.

I will state further, if the Senator will allow me, that this bill has been thoroughly considered at the last session of the present Congress not only by the Committee on Railroads of the Senate but by the Committee on Railroads of the House; that it has been thoroughly examined, criticised, amended, and reported to the two Houses of Congress, and they do not regard it as a subsidy to a railroad. It is not, as a matter of fact, a subsidy to a railroad. I am willing here, Mr. President, to say that if the Senator from Ohio is the Senate of the United States, then this bill cannot pass at this session. But I think that common courtesy at least, if nothing else, from the honorable Senator from Ohio would prevent him from rising in his seat and interrupting the reading of a bill that has been reported by a committee of the Senate and reported favorably. I say, without any discourtesy to the honorable Senator from Ohio, that I think common courtesy to the representatives from Oregon here, common courtesy to this Senate, common courtesy to a people that to-day occupy a territory larger in extent than all of New England, New York, Pennsylvania, Maryland, and Ohio combined; a people that to-day ship to the port of Liverpool more wheat *per capita* by five times than all the wheat-growing States of the Mississippi Valley—common courtesy would require that the bill at least should be allowed to be read. I think, sir, it

comes in very bad taste, to say the least, to-day from the honorable Senator to interrupt the reading of the bill and undertake to speak for the Senate of the United States and say that they will not pass a bill of this kind, and this, too, before they know what it is.

Therefore, Mr. President, I ask that the reading of this bill be continued; that at least that much courtesy be shown to the representatives upon this floor of a people who are to-day cut off from all railroad communication, and the only State in the United States to-day that has not railroad connection with the rest of the States. And the honorable Senator interrupts the reading of the bill before the Senate has time to know what the proposition is, and says it is a subsidy bill. I undertake to say to the honorable Senator and the Senate that it is not a subsidy bill, within the odious signification of that term—a term that has odium attached to it doubtless by reason of improvident legislation heretofore in the interest of grasping railroad corporations. This is not the character of the bill. Therefore I ask that at least common courtesy and decent respect be shown to the consideration of a bill that has received the respect and attention of an honorable committee of this Senate and that has been reported favorably by that committee.

Again, Mr. President, I cannot see why the honorable chairman of the Committee on Public Lands should interpose his objection and attempt to arrest the consideration of this bill at this particular time. I do not understand that precisely. Permit this bill to be considered, and then if it is a subsidy bill within the odious signification of that term as applied to legislation in the interest of railroads, vote it down, for God's sake; but do not attempt to arrest the consideration of a bill in advance and say that the Senate is not going to pass any such bill. I undertake to say that that is not the character of this bill. I undertake to say that this is a bill in the interest not only of national development but in the interest of economy, a bill in the interest of retrenchment, and a bill that the Senate of the United States ought to pass if they have any regard for the two great interests of national development and retrenchment in the disbursement of the Government funds.

Then I ask, Mr. President, and I hope the Senate will consent to give at least a reasonable time to-day to the consideration of this bill.

The VICE-PRESIDENT. The reading of the amendment will be continued.

Mr. SPRAGUE. I intended to move that the bill lie on the table; but it is not my desire to deprive the Senate of the eloquence undoubtedly in store on this measure, and therefore, so far as I am concerned, I am willing to allow the reading to be concluded.

Mr. SHERMAN. I wish to say a word only for the benefit of my friend from Oregon, who thinks I did him a discourtesy when I intended to do him a great kindness. I assure him that I did not desire to cut him off. Indeed, he spoke by my courtesy, and therefore he ought not to have arraigned me for a want of courtesy. I made a motion to lay this bill on the table in the ordinary way, and finding that the Senator desired to speak to it, I withdrew that motion to enable him to speak.

Mr. MITCHELL. I have no desire to speak. I do not care to speak on this bill. I want it considered by the Senate.

Mr. SHERMAN. Now, having disclaimed any want of courtesy to my friend, I will state that I had read this bill before; it was up before the Senate on a former occasion, and I knew what it was and nearly every Senator here knew something about it. It provides for the construction of a line of narrow-gauge railroad, as it is called, seven hundred miles long, from some point on the Union Pacific to Portland, Oregon. The amount of guarantee is \$8,000 a mile. The bonds that will be issued under this act, if it should be passed, will amount to \$5,600,000. It provides for interest at the rate of 5 per cent. for ten years on the construction bonds of the company, so that the amount that will be paid by the Government of the United States to aid in the construction of this road will be \$2,800,000. It is therefore purely a subsidy, and nothing more; a guarantee of bonds to the amount of \$5,600,000, with interest on them for ten years, amounting to \$2,800,000.

When I said that the Senate of the United States would not in the present condition of our finances enter into such a guarantee, I said what I believed was generally known; I said what I hoped had been tested by the sense of the Senate. All I did was in kindness to the committee that had this bill in charge, because it is perfectly manifest that the Senate cannot pass a subsidy bill involving the credit of the Government to the amount of \$5,600,000 in one hour or anything like it. This rule was intended to enable committees having charge of bills an opportunity to present those that were not likely to lead to objection or discussion, so that we might clear the Calendar of what are called unobjectionable cases. But instead of that, when the Committee on Railroads are called, they bring before us a bill that is opposed by the chairman of the committee, who says he is against it, a bill that contains a subsidy of \$5,600,000; and the Senator from Oregon seems to take it as an offense when I interrupt the reading of the bill, in order to invite the committee to go on and present other bills that they no doubt have in their charge which are not likely to lead to discussion. But as I find my friend from Oregon is very anxious for the consideration of this bill, I am perfectly willing that its consideration should go on.

Mr. FRELINGHUYSEN. I understood the Senator from Oregon to state that this bill had been reported favorably from the Committee on Railroads at the present session.

Mr. MITCHELL. At the last session. "At the present Congress," I think I said. That is what I intended to say.

Mr. FRELINGHUYSEN. It was reported last May, I see. No such bill has been reported from that committee this session, though they have had a number before them.

Mr. SHERMAN. I will close what I have to say by stating that if the Committee on Railroads think it best to spend this morning hour, the only one that will be given them for some time, in discussing this bill, I have no objection; but it seems to me it would be wiser and better to take a test vote at once on the bill and pass it from our consideration and then let them call up the other bills they have in charge; but I will not interfere with their management of their own bills.

Mr. KELLY. I do think the committee should have been permitted to go on and consume the morning hour, and if necessary any extension of time that they might desire to give this bill a fair consideration. The Senator from Ohio will bear witness that neither my colleague nor myself have obtruded much of our speaking upon the Senate during this session of Congress or the last. I would further say that scarcely any measure in which Oregon has a deep interest has been considered by the Senate. Now, is it asking too much if we simply desire this one bill to have a full and fair consideration before the Senate? We intend to be as brief as possible, not to consume any portion of the time of the Senate except what is absolutely necessary to present before this body a measure in which, as I said before, the State of Oregon and the Territory of Washington and the Territory of Idaho have a deep interest. I think this ought to be accorded to us; and not only the rest of the morning hour but an extension of time ought to be allowed to give it consideration. When it is known how little Oregon has received heretofore, when it is known how little has been appropriated for public improvements, for the improvement of its harbors and its rivers and its fortifications, I think we ought to have something done now.

So far from this being a subsidy, I think it will appear when a proper investigation of the matter is had that every year we are paying more to carry the mails and transport military supplies and transport Indian supplies, than the annual payment to this railroad would be under the bill.

The Senator from Ohio mistakes another thing. The bill does not guarantee the payment of the bonds—

Mr. SHERMAN. I did not say that. I said it guaranteed the payment of interest for ten years.

Mr. KELLY. It will be \$280,000 a year, and in consideration of that guarantee of the payment of \$280,000 this railroad company propose to carry the United States mails, not for ten years, but for all time, to do all the transportation of the Government free from all cost, free from all charge, and in perpetuity. So far from being a loser, the Government will be a great gainer.

But, as I said, I do not desire now to debate the provisions of the bill. I only say that we ought to have at least a fair consideration for this bill, and when it is properly before the Senate then I will explain its bearing.

The VICE-PRESIDENT. The Secretary will continue the reading of the amendment of the Committee on Railroads.

The Chief Clerk continued and concluded the reading of the amendment, which was to strike out all after the enacting clause of the bill and insert the bill reported by the committee, as follows:

That the Portland, Dalles and Salt-Lake Railroad, extending from a point on the Union Pacific or Central Pacific Railroad not farther east than Ogden nor farther west than Kelton, in the Territory of Utah, to Portland, in the State of Oregon, is hereby declared a military and post road; and the Portland, Dalles and Salt Lake Railroad Company, by its own cars, appropriate for the service and approved by the Postmaster-General, and with its own rolling-stock, equipment, and management, without fee or reward, except as hereinafter mentioned, shall forever transport the United States mail, Army and Indian supplies, troops and munitions of war of every kind; and shall transmit all dispatches upon its telegraph line for the United States Government free of charge.

SEC. 2. That the Portland, Dalles and Salt Lake Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turn-outs, stations, and watering-places; and all other appurtenances, including furniture and rolling-stock, equal in all respects to railroads of the first class when prepared for business, with rails of the T or angle iron, and upon the narrow-gauge plan, three feet in width; with a telegraph line, constructed in a substantial manner, to be operated along the line of the said railroad. And the said company shall commence the work on such road within one year from the approval of this act, and complete the same within five years thereafter.

SEC. 3. That in consideration of the services herein agreed to be performed by the Portland, Dalles and Salt Lake Railroad Company, the United States guarantee, as hereinafter expressed, the payment of interest, at the rate of 5 per cent. per annum in gold coin, payable half-yearly on the 1st days of January and July in each year, for the period of ten years, upon the construction bonds of said company, to the amount of \$8,000 only, for each and every mile of the main line of the said railroad, not including side-tracks. And for that purpose, and as evidence thereof, the Secretary of the Treasury is hereby authorized and directed to cause to be indorsed said guarantee of interest on behalf of the United States upon the construction bonds of said corporation, to the extent mentioned in this section, for not exceeding in the whole seven hundred miles of single track from its terminal point, as the same shall be established upon the line of the Union Pacific Railroad, or the Central Pacific Railroad, as hereinafter stated, to the city of Portland, its western terminus.

SEC. 4. That whenever and as often as the said corporation shall have completed a section of its road of not less than twenty-five miles, it shall report such fact to the Secretary of the Interior, who shall thereupon cause an examination of the same to be made by three commissioners to be appointed by him, who shall be paid for their services at the expense of said corporation; and if it shall appear by the report of said commissioners that such section has been completed substantially in accordance with the requirements of this act, then the Secretary of the Interior

shall report that fact to the Secretary of the Treasury, who shall thereupon cause the said guarantee of interest to be indorsed on an amount of the above-described bonds of the said company equal to the said sum of \$8,000 per mile on such completed section; and shall deliver the same to the lawful agent, attorney, or representative of said company. The said construction bonds shall be made payable by the said company in the city of New York at a specified time, not more than twenty years from the date thereof, with coupons attached for the half yearly interest, which shall also be made payable in the city of New York. All coupons attached to said bonds so indorsed and delivered, the time for the payment of which shall have elapsed before such delivery, shall be canceled and preserved, and the guarantee of interest on the part of the United States shall only commence with the half yearly payment next after the indorsement and delivery of the said bonds to the said corporation at the rate aforesaid. No indorsement or delivery of such bonds shall be made by the Secretary of the Treasury upon the last two sections of twenty-five miles each of the said main line of railroad until it shall appear from the report of said commissioners that the same shall be completed according to the requirements of this act; and that effectual railroad connection has been made by said company, as herein proposed, from the Union Pacific or the Central Pacific Railroad to the city of Portland: *Provided, however,* That if the said company shall first construct those portions of its railroad known as the Portage Links, around the Cascade Falls, and the Dalles of the Columbia, and complete the same before any other portion of the said road along the Columbia River, so as to facilitate navigation and lessen the expenses of transporting freight and passengers on said river, then and in that case it shall be the duty of the Secretary of the Interior, upon an application of the said company, to cause an examination of the same to be made by the commissioners, as herein provided; and if it shall appear by their report that either of those portions of said road has been completed as required by this act, then the Secretary of the Interior shall report that fact to the Secretary of the Treasury, who shall thereupon cause the said guarantee of interest to be indorsed on an amount of the above-described bonds equal to the said sum of \$8,000 per mile of completed road over either of said portages, although the portion so constructed may not be equal to a section of twenty-five miles.

SEC. 5. That nothing herein contained shall be so construed as to prevent the said corporation from issuing and disposing of its bonds in accordance with the powers granted to it by the State of Oregon by an act dated October 15, 1872, or any act amendatory thereof; but all such bonds and the mortgages, trust deeds, or other securities given to secure the payment thereof, shall, in all cases, be subordinate to the rights and powers herein reserved to the United States. And the services to be rendered by the said railroad and telegraph line for the United States Government shall inhere in and become a part of the corporate existence of the said company, and shall be a lien upon and attach to the said railroad, its road-bed, rolling stock, and equipments, and to the said telegraph line. And such services shall be performed by the said corporation, its assigns and successors, whether such transfer or succession be made by voluntary act of said corporation, by act of the Legislature of the State of Oregon, by sale under process of any court of competent jurisdiction, or by any other form of legal adjudication whatsoever.

SEC. 6. That it shall be the duty of the Secretary of the Treasury to see that the said bonds be not indorsed and delivered as hereinbefore provided until it shall be made to appear that there are no liens of any kind, by mortgage, trust deed, or otherwise, upon any section of completed road, excepting such as expressly recognize the priority of right in the United States to have the services performed as specified in this act; and the United States shall in no event be liable for any part of the principal of said bonds; and the performance by the corporation of the services stipulated in this act shall be deemed to be a full payment of all claims of the United States for reimbursement of any sums paid as interest as aforesaid; and in case of refusal or failure to perform such services by the said corporation for the period of six months, the said corporation, its successors or assigns, shall forthwith become liable to repay to the United States all sums of money paid by them, after deducting a reasonable compensation for any services actually performed; and the United States shall have power to bring actions or suits in the circuit court of the United States for the district of Oregon against said corporation, its successors or assigns, to enforce such repayment by judgment or decree and execution thereon, with the right of appeal to the Supreme Court of the United States by either party; and the obligation to perform said services in the future shall, notwithstanding the said judgment, decree, and execution, remain in full force and effect against the said corporation, its successors and assigns.

SEC. 7. That if any officer, agent, or employee of the said corporation, its successors or assigns, shall willfully refuse to transport the United States mails, Army or Indian supplies, troops or munitions of war, over its railroad, or transmit any dispatches over its telegraph line, after the United States shall be entitled to have such services performed as specified in this act, such officer, agent, or employee shall be deemed guilty of a misdemeanor, and, on conviction thereof in any United States district court having jurisdiction of the offense, be punished by a fine not exceeding \$500, or by imprisonment not exceeding six months.

SEC. 8. That the said company shall not unjustly discriminate in favor of or against any person or corporation in its charges for the transportation of persons or property over the said railroad, or dispatches over the said telegraph line; nor in favor of or against any particular town or place on the line of said railroad; nor make any excessive charges or other undue use of the powers and privileges hereby granted to the said company.

SEC. 9. That the said company shall annually report a condensed statement showing its net earnings, 25 per cent. of which, after the payment of interest due by the said corporation upon its bonds, shall be immediately invested in United States interest-bearing bonds, and the same shall constitute a sinking fund with which to redeem at maturity the principal of its first-mortgage bonds.

SEC. 10. That the United States make the several conditional grants herein, and the Portland, Dalles and Salt Lake Railroad Company accept the same, upon the condition that if the said company make any breach in the conditions hereof and allow the same to continue for one year, in such case the United States may at any time, by Congress, do any and all acts necessary to insure a speedy completion of said railroad.

SEC. 11. That the acceptance of the terms and conditions of this act by the said company shall be signified in writing under its corporate seal, duly executed pursuant to a vote of its stockholders first had and obtained; which acceptance shall be made within ninety days after the approval of this act, and shall be filed with the Secretary of the Interior.

SEC. 12. That in order to effectually enforce the rights and privileges specified herein, Congress may at any time add to, alter, or amend this act.

Mr. KELLY. Mr. President, the morning hour is so near its close that it will be impossible for me to present this bill as it ought to be and as it must be presented for the proper consideration of the Senate. I therefore ask the same privilege which has been accorded to other committees; that is, an extension of time. It is well known that this has been done for every committee that has asked it for several days past; and unless there be an extension of the time, it would be indeed folly for me to go on. It would be only consuming the time of the Senate for naught; and therefore before I begin I ask that the Committee on Railroads may have one hour and a half to consider this bill fully.

Mr. MORRILL, of Maine. I hope my honorable friend will not make that motion. It is very important that the bill which was up yesterday should be considered and disposed of. It is the regular order.

Mr. SARGENT, (to Mr. KELLY.) Ask for the next morning hour.

Mr. KELLY. It will not be in order for me to take away the privileges of another committee to-morrow; and I think it is better that we should go on now that this bill is up.

The VICE-PRESIDENT. The Senator asks that an hour and a half be given to the Committee on Railroads to-day.

Mr. KELLY. It may not consume anything like that, but I ask that length of time.

Mr. EDMUNDS. The bill will take more time than that. For the purpose of hearing the remarks of the Senator from Oregon, [Mr. KELLY,] I hope the time will be extended until he concludes; but it is impossible to dispose of this bill, with the important questions that are in it, in one hour and a half, I am quite sure, because it opens a very wide field.

Mr. MORRILL, of Maine. With every disposition to oblige the honorable Senator from Oregon, if it suits the convenience of the Senate, I will allow the regular order to be passed over informally till the Senator makes his remarks, subject to be called up at any time.

Mr. KELLY. I would decidedly prefer to dispose of the bill when we once commence it.

Mr. MORRILL, of Maine. Undoubtedly, but that is my case. Here is a bill that has been two days under discussion, and I hardly think my honorable friend will expect to displace the regular order and take up a new proposition, and one which he has noticed will lead to discussion and debate. Now, I am perfectly willing that the Senator shall have an opportunity to present his case to the consideration of the Senate, but I reserve the right to call for the regular order.

Mr. KELLY. I do not care to consume the time of the Senate in making an argument and then letting the bill pass over, for that would virtually amount to nothing. Every Senator here knows that when a bill is brought up for discussion and partly disposed of and laid aside, we have to commence anew when it is taken up again, because, in the multitude of business, all that has been said escapes from the attention of Senators. I would rather not go on at all, not say a word, than that this bill should not be disposed of, and I therefore ask the Senate for an extension of time; or if the Senate will agree to set this bill down for a specific day and make it a special order, I will yield.

The VICE-PRESIDENT. The Senator from Oregon moves that the time of the Committee on Railroads be extended one hour and a half. The Chair will put the question on that motion.

Mr. EDMUNDS. Before that motion is put I wish to submit to the Chair that this requires unanimous consent. The morning hour having expired, the unfinished business comes up and is before the Senate by the regular rules, saying nothing about this special rule that we have as to what is to be done in the morning hour. Then, when one o'clock comes, the unfinished business of yesterday is before us.

The VICE-PRESIDENT. That hour has now arrived.

Mr. EDMUNDS. Nothing then can be done except to move to lay the unfinished business on the table or dispose of it in some way, instead of laying it aside, which must be done by unanimous consent. I make no objection to the Senators from Oregon having as much time as the Senator from Maine is willing to give for the purpose of laying before the Senate their views on the subject.

The VICE-PRESIDENT. The morning hour having expired, the unfinished business of yesterday is before the Senate according to the rules, being the bill (S. No. 963) for the better government of the District of Columbia; the pending question being on the amendment offered by the Senator from California, [Mr. SARGENT.]

Mr. KELLY. I move now to postpone the regular order of business for one hour and a half.

The VICE-PRESIDENT. The Senator from Oregon moves to postpone the unfinished business of yesterday for one hour and a half.

Mr. MITCHELL. It has been the custom, I believe, ever since the special rule was adopted at the present session, to extend the time of committees beyond the close of the ordinary morning hour at one o'clock. I ask that the same courtesy be extended to this committee in order that this bill may be considered.

Mr. MORRILL, of Maine. I think this is rather an extraordinary proposition, that in the midst of a bill having had two days' consideration an attempt should be made to put it aside and to enter upon the consideration of a new bill, which these gentlemen are advertised will be discussed at length. I have never known such a proposition.

Mr. MITCHELL. We do not wish to displace your bill.

Mr. MORRILL, of Maine. It displaces it for an hour and a half.

Mr. SCOTT. Will the Senator from Maine permit me to make a suggestion?

Mr. MORRILL, of Maine. Certainly.

Mr. SCOTT. The motion of the Senator from Oregon was to extend the time for an hour and a half. I would suggest to him that if he will ask unanimous consent that the time be extended so that the Committee on Railroads may have one hour from the time they commenced, which is what has been accorded to other committees, the Senator from Maine will probably accord that to this committee, and

then let the gentlemen in charge of the bill use that time to the best advantage they can. I suppose that will probably extend for about half an hour longer.

Mr. MORRILL, of Maine. I have no objection to that, if that is usual. I have no objection to there being unanimous consent to extend this committee's time as heretofore.

Mr. MITCHELL. Make it one hour.

Mr. MORRILL, of Maine. One hour from the time when proceedings commenced on this bill.

Mr. MITCHELL. An hour from now. I appeal to the Senator from Maine to consent to that.

Mr. MORRILL, of Maine. I have no objection to that being done by unanimous consent.

The VICE-PRESIDENT. Does the Senator from Oregon [Mr. KELLY] accept the suggestion?

Mr. KELLY. I would prefer, as I said before, an hour and a half, because half an hour has been consumed and taken away from this committee. Mr. President, it is impossible in the space of one hour to present all the facts and circumstances of this case.

The VICE-PRESIDENT. The Senator from Oregon will allow the Chair to state the question to the Senate. It is proposed to extend the time of the Committee on Railroads one hour and a half from this time, if the Chair understands the motion.

Mr. MORRILL, of Maine. I do not agree to that.

The VICE-PRESIDENT. The question is on that motion.

Mr. MORRILL, of Maine. I understand the Senator to be satisfied to take an hour.

Mr. KELLY. No, sir.

Mr. MORRILL, of Maine. Then I resist the whole thing. I think it is an unreasonable proposition.

The VICE-PRESIDENT. The question is on the motion to extend the time of the Committee on Railroads an hour and a half.

The motion was agreed to, there being on a division—ayes 33, noes 13.

The VICE-PRESIDENT. The bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge, is before the Senate as in Committee of the Whole, the question being on the amendment reported by the Committee on Territories.

Mr. KELLY. Mr. President, I must be very brief. I know it will be very unsatisfactory to the Senate to present a case of this kind in an hour and a half; and my colleague, as well as myself, desires to be heard; and therefore I can only present the general features of the bill, and that in a very imperfect manner.

As was said by my colleague, the State of Oregon and the Territories of Washington and Idaho embrace an extent of country that is greater than all the New England States, all the Middle States, and Ohio and Indiana, together. It is a country rich in natural wealth, containing gold and silver and copper mines of almost unlimited extent. It is capable of raising all the cereals that are common to the valley of the Mississippi in great profusion. And yet this country of such vast territorial extent has no connection whatever with the railroad system of the United States. The outlet to it is by the Pacific Ocean, and the way that persons going to that country from the Eastern States reach Oregon is by the circuitous route of taking the railroad to San Francisco and then an ocean steamer from there to Portland. The computed distance in that way, according to the computation made by the Quartermaster's Department to regulate the mileage of those who travel, is fifteen hundred and seventy-four miles from Kelton, in the valley of Salt Lake, to Portland. Kelton is expected to be the initial point of this road, and it is but seven hundred and thirty-six miles by the proposed railway, so that we travel eight hundred and thirty-eight miles out of the way to reach our destination and at the same time have to undergo the hardships of a sea-voyage.

Let me call attention to what we are paying at this time simply for the transportation of the mail. Before the 1st of July last we were paying \$242,000 to transport this mail by stage-coaches. It has been recently reduced to \$134,700 from Kelton to The Dalles, and from The Dalles to Portland \$16,500, making for the simple transportation of the mails \$151,200. Now what will the United States pay as interest on the bonds of this company under the bill? Two hundred and eighty thousand dollars a year. So that the actual difference over and above the cost of transportation of the mails now is \$128,000; and for this sum of \$128,000 we shall secure the transportation of all the military supplies, all the Indian supplies, and all the other transportation the Government may require. We guarantee the interest for ten years only, and the bill proposes to do all this Government service in perpetuity for all time to come. It will be seen that although in the first instance the Government may pay a small amount, yet in the end it will be a great gainer. It is a far greater boon to the Government than it is to the company. This bill guarantees the performance of this service, and in such a way that there can be no doubt that the United States will be perfectly secure in having this service performed. The provisions of the bill are such that the United States will have a lien upon this railroad, into whatsoever hands it may pass from this company in case it shall be sold. The lien will attach, whether the road be transferred by the company directly or whether it be sold on execution and transferred in that

way. The purchaser takes it incumbered with all the rights that the Government has for the performance of the service of which I have spoken. Not only that, but in case there should be a failure to perform this service the agents of the company are held answerable; they can be prosecuted in a criminal court for refusing or neglecting to transport the mail or do any other service required by the law. And further, the Government is not required to guarantee the interest or do anything until this road is completed by sections of twenty-five miles.

By an examination of this bill every Senator can satisfy himself that the Government will be perfectly secure in what it may advance as interest.

As I said, it is impossible for me to present this case as it ought to be presented in the limited space of time that is accorded to me, and therefore I will yield for the present to hear what may be said by those who oppose the bill.

Mr. MITCHELL. I offer the following amendment to the amendment of the committee. In section 2, line 7, after the letter "T" strike out the words "or angle;" so as to read:

Equal in all respects to railroads of the first class when prepared for business, with rails of the T iron, and upon the narrow-gauge plan, &c.

I simply desire to state that the bill, as reported by the committee, provided that this road should be constructed of the T or angle iron. I propose to strike out the words "or angle," as it has been found upon examination that it is not proper iron for roads.

The amendment to the amendment was agreed to.

Mr. MITCHELL. I offer the following amendment, which simply enables the committee to build a broad-gauge road. After the word "upon," in line 8 of section 2, I move to insert the words "the standard gauge of four feet eight and a half inches in width or;" so that it will read:

With rails of good quality of the T iron, and upon the standard gauge of four feet eight and a half inches in width, or the narrow-gauge plan, &c.

The amendment to the amendment was agreed to.

Mr. MITCHELL. Mr. President, I regret very much to detain the Senate at this time, but a sense of duty compels me, if I can get the attention of the Senate for a very brief time, to state what I understand to be the provisions of this bill. Objection has been made in the inception of its consideration that it is a subsidy bill; that it is a bill belonging to that class of legislation known as being in the interest of railroad corporations and opposed to the true interests of the Government and of the people. I think not. It has seemed to me from the beginning, it seems to me now, that aside from every other consideration of national importance involved in the bill under consideration, that relating to the questions of economy, of retrenchment in the disbursement of the Government moneys for the performance of the Government service, ought to be sufficient, to disarm all opposition to this bill and to secure for it the unanimous support of the Senate; nor will I yet believe, notwithstanding the objections made this morning by the honorable Senator from Ohio [Mr. SHERMAN] and by the honorable chairman of the Committee on Public Lands, [Mr. SPRAGUE,] that there is any very great number of Senators on this floor who if they but take the pains to investigate this bill, to examine its provisions in the light thrown around it by the records of the Departments of Government, and consider its effect upon the question of national development (and I leave that out of question now in my argument and refer more particularly to the other question of economy in the disbursement of the public moneys) but will at once yield to this bill their hearty support. As I said some time ago in answer to the honorable Senator from Ohio, I do hope and trust that the odium which has gathered around the term "railroad subsidy," which has been the result unquestionably of legislation heretofore had in the interest of railroad corporations, legislation that has been opposed to the best interests of the Government, legislation that I will oppose upon this floor to-day—I say I trust and hope that that odium will not so operate upon the feelings of Senators or so warp their judgments as to cause them to classify this measure with that legislation known as being in the interest of railroad corporations and opposed to the true interests of the people and of the Treasury of the United States.

It might, I think, be a sufficient answer to any suggestion that might be made to the effect that this bill belongs to that class of legislation to refer the Senate, if it were proper to do so, and I think it is, to the records of the two railroad committees of the last session of the present Congress, who examined this bill thoroughly, carefully, criticised it, amended it, and finally reported it to both Houses of the present Congress with a recommendation that it do pass. Mr. President, so earnest, so united, so reasonable, so just are the demands of the people whom I represent in part here, for railroad connection with the great internal arteries of commerce of this country, that they, through their representatives on this floor, humiliating though it is, have presented to the consideration of Congress this proposition. I call the attention of the honorable Senator from Ohio and of every other honorable Senator on this floor to the proposition, that we may know just precisely what it is and what its effect will be if adopted. "Aid us," say they, "to the extent of \$280,000 per annum for the short term of ten years;" while to-day, yesterday, last year, for a number of years past, the Government of the United States is and has been paying, as shown by the records of the Department, out of its Treas-

ury in money the sum of about \$350,000, to come down to the exact figures \$341,714, as shown by the records of the Department, for the transportation of the United States mails and other Government transportation, and over this identical route. By the adoption of this bill there would be a saving of nearly \$70,000 per annum to the Treasury of the United States, a saving which in twenty years would amount to millions of dollars.

I appeal to the honorable Senator from Ohio, I appeal to every Senator on this floor who day after day in integrity of purpose are striving with all the zeal and energy that they can command to stay the golden flow from the national Treasury, to listen for once in the history of legislation in this Chamber to the appeals of the people of the North Pacific coast as they are echoed in thunder tones through the provisions of this bill, not only in the interest of national development, but in the interest of economy, in the interest of retrenchment. Talk about subsidy! The legislation proposed by this bill bears no resemblance to any legislation heretofore had at any time in the history of this country in the interest of railroad corporations. No tie of consanguinity or affinity can be traced between the two. It bears no relationship to any of these. It is not a proposition coming from a grasping railroad corporation seeking influence and wealth and power. It is not a proposition coming from men who hope as the result of the legislation proposed to realize personal and political fortunes. It is not a proposition coming from this political party or that political party—not at all; but it is a proposition coming from the whole people of the North Pacific coast without regard to political party; a proposition coming from a people who braved all the dangers and trials of frontier life, who at an early day took their stand upon that western coast and aided this Senate, the Congress, and this Government in wresting from the paws of the British lion that which properly and rightfully belonged to this Government. That is what this proposition is, and these are the people that present it.

Now, Mr. President, as there is nothing in or about this bill that I desire to conceal, but only wishing, only hoping, only praying, only desiring, as I do, that its provisions may be understood in all their bearings, in all their effects upon the two questions to which I have referred, national development, national progress, and public economy and retrenchment, I desire to call attention briefly, because I do not wish to take up a great deal of time, to the report in this case submitted by the Senate Committee on Railroads. I shall read briefly from that report for the purpose of showing what this proposition is; and I hope I shall have the attention of the Senate to the reading of this report. I desire the attention of every Senator for a very few minutes that we may see what this proposition is.

The United States are now paying—

I read from the report—

\$224,000 per annum for carrying a daily United States mail, in four-horse coaches each way, between Kelton, in Salt Lake Valley, and The Dalles, in Oregon, a distance of about six hundred miles; and \$18,000 for carrying it by steamboat (and over a short portage by railroad) six times a week, each way, between The Dalles and Portland, a distance of about one hundred miles; thus making the sum of \$242,000 which the Government is annually paying simply for the transportation of the mails between Kelton and Portland. The schedule time for performing this duty between those points is seven days in summer and nine in winter. If, therefore, by changing an appropriation of money for the performance of an inferior and inefficient service to a vastly superior one, without greatly increasing the cost to the Government, the closest stickler for retrenchment and reform could but regard the measure as a wise one.

I call the attention of the honorable Senator from Ohio to this declaration from the Senate Committee on Railroads, in which they say that "the closest stickler for retrenchment and reform could but regard the measure as a wise one." I again read from the report:

That is the object sought to be accomplished by the bill reported by the committee, and if, by its passage, it can be shown that even in the period of twenty years the Government will save from one to four million dollars, it may with reason be expected that the most rigid economist will yield it his hearty support.

I call the attention of the honorable chairman of the Committee on Railroads to this point—"the most rigid economist will yield it his hearty support."

And when, in addition to this economical expenditure of the public money and wise arrangement of the public service, it is made to appear that a series of benefits will be conferred, not only upon the people of that vast extent of country through which the road passes, but upon the whole Union, there ought to be no hesitation in adopting the measure proposed.

These are the general features of the bill. Whenever the Portland, Dalles and Salt Lake Railroad Company shall complete a section of its road of twenty-five miles in length, the United States will guarantee and pay interest at the rate of 5 per cent. per annum for ten years on \$3,000 of the construction bonds of the company, for every mile of completed road, not however exceeding in the whole seven hundred miles between Ogden or Kelton and Portland, whatever the actual distance between those points may be. In consideration of their payment of interest—

I call particular attention to this—

the railroad company obligates itself, its successors and assigns, to carry the United States mails, Army and Indian supplies, troops, and munitions of war of every kind, and transmit all telegraph messages for the Government free of charge forever.

What company, what man, ever before made to the Government such a proposition as this? Here is a clear statement of what is demanded by this company of the Government and what the company is to render to the Government in consideration of what it is to receive, \$280,000 for the short period of ten years; and in consideration thereof what is the company to do? It is to construct a great

national highway nearly one-third of the distance across the American continent and to place that highway at the disposal of the Government for all Government purposes for all coming time.

Reference has been made to Government contractors, and I desire now to refer to Government contractors. It may be said that the Government to-day is paying more than it ought to pay for the transportation of the mails over this route and for the performance of Government service. That I have no doubt is true, but it is unavoidable at the same time, and it will be unavoidable as long as this Government stands. Congress and all the Departments of the Government through the persistent, plausible, and urgent appeals of these Government contractors that swarm in the land like the locusts of Egypt have unconsciously and unwillingly become their emissaries, and the result is the Government and the people suffer and the contractors alone are benefited. Here is a proposition, then, that proposes to remedy this evil, which proposes to a certain extent to stanch this flow from the Treasury as it rushes down from the capitol of the nation to gladden the hearts and fill the pockets of Government contractors. What does it propose to do? It proposes to divert from the pockets of individual contractors the amount absolutely necessary for the performance of the Government service, and instead of paying it to these individual contractors it proposes to give it in aid of a great national highway, a highway that must in the very nature of things, in the short space of a very few years, by the increase of the revenue of the Government refund to the Government thrice the amount, yes, ten times the amount, that is now demanded by the provisions of this bill. How? By bringing the public domain into settlement, by developing its mines, by vitalizing its industries, by infusing a new life and a new hope into the people of the great North Pacific coast, the men, as I said before, who went on to that coast and braved all the dangers of pioneer life, the most terrible that ever beset any nation or any people in their march of progress.

Mr. President, as I said before, there is nothing in the bill that I desire to conceal, and I desire to talk especially with reference to the provisions of the bill. I will call special attention to its different features; and the Senate will bear in mind that one great object of this bill is to secure railroad connection between tide-water on the Pacific coast, on the waters of the Columbia at Portland, Oregon, and the great central railroad of the country.

The first section provides as follows:

That the Portland, Dalles and Salt Lake Railroad, extending from a point on the Union Pacific or Central Pacific Railroad not farther east than Ogden nor farther west than Kelton, in the Territory of Utah, to Portland, in the State of Oregon, is hereby declared a military and post-road; and the Portland, Dalles and Salt Lake Railroad Company, by its own cars, appropriate for the service and approved by the Postmaster-General, and with its own rolling-stock, equipment, and management, without fee or reward, except as hereinafter mentioned, shall forever transport the United States mail, Army and Indian supplies, troops and munitions of war of every kind; and shall transmit all dispatches upon its telegraph line for the United States Government free of charge.

I call attention to this provision. In the first place, it fixes the termini of the road, the western terminus absolutely at the head of tide-water on the waters of the Columbia River, and the other terminus on the line of the great overland road not farther west than Kelton nor farther east than Ogden. Then it describes the character of the road; that is, it is to be a military and post-road. In the third place, it prescribes the duty of the company to the Government, which is simply this: that it shall forever—not for four years merely, the time for which mail contracts are usually made with Government contractors, not merely for ten years, the time for which interest is to be paid upon these bonds, not merely for twenty or thirty or fifty years—but forever do the Government transportation free. That is the proposition.

What is the objection to it? Can any Senator upon this floor, however close a stickler for economy, for retrenchment, face this proposition, and face the country upon it and show that it is something that is wrong; that is opposed to the best interests of the Government; that is opposed to the best interests of the Treasury or of the people? If there is one I should like to hear him. This is the proposition that the people of the North Pacific coast, humiliating though it is, through their representatives in Congress, to-day submit to the consideration of the Senate; and will the Senate of the United States sit idly by in the face of such a proposition and refuse to act? Can the Congress of the Government afford to permit an opportunity to pass of making a contract so exceptionally liberal in its terms for the performance of so large a portion of the Government service; a contract that under the provisions of this bill is to run, in so far as its duration is concerned, parallel with the existence of this Government; a contract that will stand while political parties may rise and fall, while administrations may come and go; a contract which, if adopted by the Senate, by the Congress, by the Government, must stand, in my judgment, as a lasting and enduring monument to the wisdom of the men and the Government that made it.

Then I ask, after the people of Oregon and of Washington and Idaho Territories, after the people occupying the north Pacific coast have so humiliated themselves as to present a proposition to the Senate so liberal in its terms to the Government, will the Senate of the United States further humiliate them by the rejection of the proposition? Will the Senate say to them, "Yes, we know you are a deserving and enterprising people; we know you occupy a country that is in itself a very empire; we know the value of your undeveloped re-

sources are beyond the power of estimate; we know that your mines of silver and gold and iron and cinnabar and coal and other minerals are more than sufficient, if developed into life by the energizing touch of labor and capital, to supply the wants of the world; we know that your forests of cedar and pine and fir are not only the finest but the grandest in extent and value of any upon which God's sun ever rested; we know that your fertile valleys are the finest wheat-producing fields on the continent; we know also that you are separated from the rest of mankind by rugged mountain ranges and barren burning plains; we know furthermore that for lack of railroad communication your natural resources lie dormant and undeveloped, that your energies are paralyzed, that your industries lie prostrate, that your ambition is darkened, that your hopes are deadened; yes, we know all this, and we furthermore are compelled to admit, in our own judgments and our own consciences, that the proposition you submit to the Senate is one that is right, is one that is in the interest of the Government, in the interest of economy, in the interest of retrenchment, but yet we will refuse to act." And why? Simply because it may be said by somebody or by some newspaper or by something else that this in some sense is a Government subsidy to a railroad, and therefore we will not act. Will you say to the representatives on this floor from that country that they shall be humiliated by going back to their people and saying to them, "Yes, we submitted your proposition, your one-sided proposition in the interest of the Government to the Senate of the United States, and yet the Senate of the United States refused to act because forsooth of this cry against Government subsidy, this confounding of the proposition proposed by this bill with what might be proposed under another and a different bill—a Government subsidy—and this stood like a specter in our path, and we dared not act?" That the spirit of political ostracism, the spirit of denunciation from political papers or from some political party or portion of a party, stood before us like a specter, and we refused to do that which our better judgments and our own consciences must tell us is for the best interest of the Government. I trust not, Mr. President. I have more faith in this honorable body. I know there has been a disposition here to get rid of this bill, to shove it out of the way, to not have it considered, simply because somebody might say, "It is a Government subsidy to a railroad;" when in truth and in fact it is no such thing.

I do not wish to take up more time, for my colleague is anxious for a vote and he is no more anxious than I am; but I do not want to have a vote until this thing is understood. It has not been. It may perhaps properly be inquired what security has the Government for the performance of this service. I answer the inquiry, because it is a pertinent one. In the first place, so far as the first ten years are concerned, the Government has the whole thing in its own hands under the provisions of this bill, because any failure on the part of the company to perform the service required by the first section of the bill would be a sufficient reason, in the absence of any other securities, for withholding the payment of the interest. But there are other securities, full, complete securities to the Government, as I will show in a few words. Section 6 provides:

That it shall be the duty of the Secretary of the Treasury to see that the said bonds be not indorsed and delivered as heretofore provided until it shall be made to appear that there are no liens of any kind, by mortgage, trust deeds, or otherwise, upon any section of completed road, excepting such as expressly recognize the priority of right in the United States to have the services performed as specified in this act.

By virtue of this provision, then, the right to the performance of this service inheres in and becomes a part of the corporate existence of the company itself. It is the duty of the Secretary of the Treasury to see that there are no other liens. All rights of every character are postponed and made subject to the rights of the Government in this respect. It is further provided in section 6:

And in case of refusal or failure to perform such services by the said corporation for the period of six months, the said corporation, its successors or assigns, shall forthwith become liable to repay to the United States all sums of money paid by them, after deducting a reasonable compensation for any services actually performed; and the United States shall have power to bring actions or suits in the circuit court of the United States for the district of Oregon against said corporation, its successors or assigns, to enforce such repayment by judgment or decree and execution thereon, with the right of appeal to the Supreme Court of the United States by either party; and the obligation to perform said services in the future shall, notwithstanding the said judgment, decree, and execution, remain in full force and effect against the said corporation, its successors and assigns.

There is the civil arm of the Government invoked; and not only that, but the criminal arm of the Government is invoked by the provisions of this bill in order to compel on the part of the company the services demanded of it by the first section.

Section 7 provides—

That if any officer, agent, or employé of said corporation, its successors or assigns, shall willfully refuse to transport the United States mails, Army or Indian supplies, troops or munitions of war, over its railroad, or transmit any dispatches over its telegraph lines after the United States shall be entitled to have such services performed as specified in this act, such officer, agent, or employé shall be deemed guilty of a misdemeanor, and, on conviction thereof in any United States district court having jurisdiction of the offense, be punished by a fine not exceeding \$500, or by imprisonment not exceeding six months.

The interests of the Government, I will say in a word, then, are guarded at every point and in every particular.

Mr. President, what is the country which is by this road to be connected with the Union Pacific Railroad? Permit me hastily to attract the attention of the Senate to a few comparisons.

In the ten States of Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Nebraska, the whole product of wheat crop in 1872 was 155,228,000 bushels. The whole population in those ten States is 13,000,000; consequently they raised about 12 bushels *per capita*. Oregon's product of wheat the past year exceeded 6,000,000 bushels, with a population of about 125,000, or 48 bushels *per capita*, or four times as much as all these great wheat-growing States in proportion to its population.

These ten States consumed, according to the estimate of the Agricultural Department, 5 bushels *per capita*, or 65,000,000 bushels. They used for seed 20,000,000 bushels, making a total of 85,000,000 retained for home consumption, and shipped about 71,000,000 bushels, or 5½ bushels *per capita*; while Oregon retained for home consumption less than 1,000,000 bushels and shipped 5,000,000, or 40 bushels *per capita*.

The whole annual product of all kinds of grain produced in these ten States to which I have referred, including their 700,000,000 bushels of corn, is 1,028,937,000 bushels. Of this amount 815,955,574 bushels are consumed within their own limits, while they ship 213,021,426 bushels, or about 16½ bushels *per capita*; while Oregon ships wheat alone to the amount of over 40 bushels *per capita*.

The Pacific coast exported in 1873 35 per cent. of all the wheat exported by the United States into foreign countries, and the State of Oregon and Washington Territory furnished over one-tenth of this amount; and the past year a much greater percentage of our wheat exports must be credited to the Pacific coast, and to Oregon and the Territory of Washington.

The cost of transporting a bushel of wheat from the Mississippi River to Chicago—an average distance of about 200 miles—is 17 cents per bushel, or 8½ cents per bushel per each 100 miles; and yet we hear great complaints from the Mississippi Valley. Wheat from Chicago to New York, 1,500 miles, costs 32.7 cents per bushel, by all rail, or 2.2 cents per bushel for each 100 miles. From Chicago to Liverpool, via New York, by sail, the average cost of transportation per bushel of 60 pounds, including transportation charges and marine insurance, is 51.7 cents per bushel; while from Eastern Oregon and Washington Territory to San Francisco the cost is 85 cents per bushel. The cost from Walla Walla and Eastern Oregon—LeGrande—the great center of the wheat-growing country of Eastern Oregon, to Portland, down the Columbia River, including reshipments, is from \$15 to \$20 per ton, counting from different points.

The average charge per ton per mile for shipping wheat from Chicago to New York, water-route, is 9.6 mills, or 93 cents per ton for each 100 miles; from Chicago to New York, all rail, 12.1 mills, or \$1.21 per ton for each 100 miles. Compare with this the present charges for transporting freight along the line of this proposed road, and what do we find. From Kelton, on the Central Pacific, to Boise City, Idaho Territory, the distance is 250 miles. The charges for freight per ton are \$100 the whole distance, or \$40 per ton for each 100 miles, or 40 cents per ton per mile, or over 40 times the amount per mile charged for taking wheat from Chicago to New York. Again, the distance from the Columbia River to Boise City is 275 miles. The charges for freight per ton, whole distance, are \$110, or \$40 per ton for each 100 miles, or 40 cents per ton per mile; while from Portland, Oregon, the head of ship navigation, to Umatilla, the probable point of departure on the Columbia River for Boise City, the distance being about 200 miles, the cost of transporting a ton of freight by steamboat or railway around the portages of Cascades and Dalles is \$25 per ton, or 12½ cents per ton per mile in gold coin.

I call the attention of honorable Senators from the Mississippi Valley who to-day are complaining because they have to pay 17 cents per bushel from the Mississippi River to Chicago. I call their attention to the evils under which the people of the North Pacific coast are suffering to-day by reason of charges that are double and treble and quadruple the amount which they are suffering to-day.

While this is true of freight charges, passenger rates stand in the same exorbitant proportion.

Passenger fare on stage-coach from the Columbia River to Boise City, 275 miles, is \$44; or 16 cents, coin, per mile. From Boise City to the Central Pacific road at Kelton, 250 miles, the fare is \$50; or 20 cents, coin, per mile.

The distance from Salt Lake to the city of Portland will be about 700 miles, connecting at 500 miles with the navigable waters of the Columbia River. The route of the proposed road lies centrally through the Pacific Northwest, and its practicability is beyond question. It was the early Indian trail, followed by trappers and missionaries, and broadly marked by pioneer settlers and immigrations. It was first suggested by Whitney for the Pacific Railroad, and its practicability demonstrated by engineers, General Lander, Colonel Hudnutt, and Captain Blair. For a distance of 375 miles, except the crossing of Snake River, Mr. Hudnutt reports the want of but two bridges, one of 200 feet and the other of 100 feet in length. Engineer Dodge in his report says:

The grades are easy, the alignments good, and material for construction abundant.

From Portland, Oregon, to Sacramento it is 650 miles; from Sacramento to Ogden, 743; making a total of 1,393 miles. From Ogden to Portland, Oregon, via Sacramento, it is 700 miles farther than by this route.

Mr. President, I have done; not by any means that I have exhausted the subject, but my time is up. I have endeavored as briefly as I could to submit what I understand this bill is to the considera-

tion of the Senate, and I leave it with the Senate to decide on the merits of the case.

Mr. SHERMAN. I must again express my surprise that the Senator from Oregon should desire to open up the question raised in this bill at this period of the session. It is a Senate bill which has not passed the House, and its passage here will be utterly idle except to establish a policy. I supposed if anything was settled by the current feeling of the times, it was that the general sentiment of the people of the United States, especially of the older States, was against Government subsidies or aids to railroad corporations to build new railroads. We have had a great deal of experience with various forms of subsidies to railroads. A number of years ago, under the lead of Mr. Douglas, of Illinois, the first land grant of any importance was given to the Illinois Central Railroad, and we have had a great number of land-grant railroads since that time. It is now the settled conviction in nearly all the land-grant States that these grants have been injurious to the people even of the States where the railroads have been built. Where we grant large bodies of land to railroads, to be mortgaged and held by them for rise in price, and in most cases free from taxation—for they generally contrive that they will not take patents or pay taxes on the land for many years—the actual injury to the people of the land-grant States by the withdrawing of large bodies of land from settlement is more injurious to them than they receive benefit from the railroads. There came to us from all parts of these States objections to further land grants, and opposition to them, and a general statement that the whole policy of land grants to railroads has been injurious to the very States and Territories that eagerly sought them.

But, sir, passing that out of view, we have many land grants covering perhaps not this particular line but covering this whole section of country out in the Western States and Territories. I am told that railroads are now in process of construction more or less advanced from the line of the Union Pacific Railroad to reach the very region proposed to be reached by this bill under the most liberal possible land grants. But, sir, during the war we were involved in peculiar difficulties; we were in danger of a contest with foreign powers, with no line of communication between the Atlantic States and the Pacific. We were then induced under the strong pressure of necessity, under circumstances that I hope will never again arise in this country, to grant to the Union Pacific and Central Pacific and co-ordinate lines certain subsidies in money. Now, what has been the result? In the first place the railroad has been built. It has been of great benefit to the people of the United States. We have derived, no doubt, vast benefit from the construction of that road; but the corporations to whom these subsidies have been granted have in no case whatever complied with the terms and stipulations of the grant. In consequence mainly of the failure of these companies to comply with the stipulations of the law there has been raised against them a well-founded prejudice, strong and overwhelming, among the people at least of the older States.

My honorable friend from Oregon points to the stipulations contained in this bill to secure to the Government of the United States certain advantages. They are not worth the paper upon which they are written. Look at the subsidy bill for the Union and Central Pacific Railroads. There are reservations of various kinds. There are stipulations among others that each of these companies should pay to the United States 5 per cent. of the net earnings, and yet from the day of their completion to this hour not one dollar has been paid over in pursuance of this stipulation. Besides that, our guarantee to the Pacific railroads was simply an accommodation to the railroads to enable them to borrow money at a lower rate of interest. The bonds issued by the United States were practically the bonds of the railroads, and they were to pay not only the interest but the principal of the bonds; and yet now they refuse to pay either the interest or principal. The Government of the United States is compelled to pay nearly \$4,000,000 interest on bonds issued for the benefit of railroads that are earning large sums of money, and some of them at least are profitable speculative stocks. No faith is observed by these railroads with the Government, and we now have an offer from one of the companies, made with evident seriousness, that it will pay an annuity of \$500,000 in satisfaction of bonds for \$25,000,000 upon which we are paying an interest of \$1,500,000.

Besides that, the disposition of the money and bonds given by the people of the United States to aid in this railroad has led to scandals that I need not refer to.

At any rate, by reason of the failure of these companies to comply with the stipulations contained in the law and by a general discontent that the people of the United States should be called upon to pay \$4,000,000 in interest on account of this subsidy to railroads, some of which are now able to pay this interest, there has been created a strong popular feeling against any other subsidies; and it is right. In my judgment, no further subsidies ought to be granted in land grants or money subsidies; but railroads ought to be left like all other investments, like all other enterprises, to depend upon local interests and the hope of profit of those who build them. Real growth and development depend upon private enterprise and interest and not upon Government subsidies.

But it is said that the Government ought to aid because it will derive a benefit from the building of this railroad. There is a fallacy in this reasoning which if extended to other enterprises would bankrupt the Treasury.

It would be easy to show that the Treasury of the United States

would derive a great deal of benefit from building manufacturing establishments. I have no doubt that any Senator could prove that the establishment of a cotton factory or any other kind of improvement in his neighborhood would be of benefit, not only to the locality, but to the people of the United States. For instance, the establishment of a distillery, the poorest kind of an improvement, yields to the Government of the United States a large revenue; and therefore we get some benefit from the establishment of a distillery; so of a tobacco warehouse, so of a manufacturing establishment, and so of a railroad. But why should we discount and pay to the railroad company the benefit that we are to derive from the establishment of the railroad any more than we should pay to a manufacturing company the benefit that we may hope to derive from the establishment of a factory? The principle is wrong. The general rule is best, that every enterprise and every interest ought to develop itself through the personal or private interests of individuals with the hope of profit. The general principle of subsidy which has induced the granting of hundreds of millions of acres of public lands, and which has induced the grant of sixty-odd million dollars of the public money or public bonds, it seems to me, is unwise in itself.

I voted for these land grants with others, because at the time it was believed to be the best policy to develop the Western States and Territories. I voted for the subsidy granted to the Union Pacific Railroad; and yet that subsidy could only be justified by the circumstances under which we were then placed, the state of war, when, if we had been involved in foreign complications, a portion of our country might have been separated by a long line of wilderness from the body of the country. But, sir, I believe that the Pacific Railroad could have been built nearly as soon without the subsidy as with it. Private capital induced by private interest, the hope of gain, will build these improvements as rapidly as the country needs them; and they ought not to be built sooner.

In regard to this particular bill, in my judgment this, instead of being the strongest case that could be presented to us, is the weakest. I know the feeling of the Senators from Oregon to press forward an enterprise in which they are interested. Their people are interested in it. I commend their spirit. I commend them for the performance of what they regard as an important duty. We, however, must look at it in another light. How does it affect the people of the United States? What motive could actuate us to develop this particular line of railroad at the expense of the Treasury of the United States? Were the railroads in Ohio built by the people of the United States? Were the railroads in Pennsylvania built by the people of the United States? Were the railroads in Indiana built by the people of the United States? Each community has been compelled from time to time as it grew in development to build its own lines of railroads; and, sir, this narrow-gauge railroad, as it is called, will undoubtedly be built by the developing interests growing up in the western country. The time will come when this railroad will be built, by private capital and private means from the hope of gain, and the Government of the United States will then treat it as it does all other railroads; it will pay it for any service it may render to the Post-Office Department, pay it for any transportation it may carry for the Army. It will give it the right of way and any facilities that it gives to any other line of railroad.

But why single out this particular line of railroad for a subsidy? A subsidy has never been granted to any railroad except the Union Pacific, and that was only for reasons growing out of the war. But this is a new form of subsidy, a still more dangerous form than the other. Here the Secretary of the Treasury is called upon to guarantee the payment of interest for ten years on construction bonds. By whom are they issued? By a corporation of the State of Oregon. He is compelled to guarantee their bonds on certain terms for ten years, and thus we throw into the market at this time, likely to be disturbed, when the credit of the United States is liable to be impaired by our want of revenue and by the necessity of new taxes—we throw into the money market of the world a new form of guarantee by the United States.

It is only \$5,000,000 it is said, or \$5,600,000. It only involves the payment of \$2,800,000. That is a pretty large sum. But, sir, if you establish this precedent, where is it to end? If we are to guarantee the interest on construction bonds for this company, where will it end? How can you deny it to a dozen other railroads that I might mention? How can you deny it to the Northern Pacific, the Southern Pacific, the Texas Pacific, and various other lines? If it is right to build a railroad from a point on the Union Pacific to Portland, why is it not right to build it to Montana? Why is it not proper to extend these branches out in every direction? And thus the Government of the United States would be compelled to adopt a policy which would require them to guarantee the interest on the payment of a multitude of bonds. Why, sir, it is a dangerous form of security that ought not to be issued at all. If the Government of the United States is determined to assist this railroad company, let it give them money and let that be the end of it.

But the honorable Senator from Oregon says—and it is his chief argument—it now costs along the line proposed for this railroad three or four hundred thousand dollars a year to carry the mails; and he thinks on the whole that is an improvident contract. That contract will expire before this road can be built twenty-five miles, and then we can make a new contract. If the contract now existing for the

transportation of the mail over that line is excessive, as it appears to be from his own statement, that contract must only run for four years and has probably partly run out now and will soon expire.

Mr. MITCHELL. I did not say the transportation of the mail cost that amount; but the cost of mail service together with all the Government transportation over that route, according to the record, is \$341,700.

Mr. SHERMAN. If the transportation of the mail and Government property over that route costs three or four hundred thousand dollars, it shows that there is a line of business over that route, and when this railroad company builds the line it will get the benefit of carrying the mail, it will get the benefit of carrying the Government property. There will not be any less mail or any less property carried along the line of the road after the railroad is built than now, and this railroad will get the benefit of what business can be furnished by the Government of the United States. But because now we have to pay three or four hundred thousand dollars for transporting the mails and public property in a stage-coach, are not the people of the United States to have the benefit of these improvements by having the savings caused by the building of these improvements? The whole theory is wrong. If you adopt this principle, to pay a railroad company for ten years ahead the rates of transportation you now pay a stage-coach company, you will bankrupt the Government of the United States in ten years. I have made some computation. The amount that we should pay for ten years for carrying the mail and carrying such supplies as we may desire to transport on this road is \$280,000 a year for seven hundred miles. We have in this country seventy thousand miles. If we paid at this same rate of transportation on other railroads in the United States, it would make the railroad service alone worth from thirty-eight to fifty million dollars for carrying the postal matter. It is a wrong principle.

If this railroad can be built by private enterprise, aided in such way as the Government can properly aid it, it will be a good road; but it is not the interest of the people of the United States to force investments into unproductive railroads until the time comes when the locality, the neighborhood—when the people of the neighborhood will give it sufficient employment to pay a reasonable interest on the cost of the investment. Sir, it is bad public policy to force the development of distant and remote regions until by local settlements, by gradual accretion, by the growth of towns and villages, by the increase of business, they can build their own railroads and do like all the old States have done.

Mr. President, I have said enough. I did not desire to oppose this bill particularly. I had no desire of participating in the argument, and I am perfectly willing, for one, to take it as a test question whether the Government of the United States are now at this period of the session, in our present financial condition, willing to embark in this kind of a subsidy, this kind of a policy, which is entirely new, which has never before been proposed, of indorsing the construction bonds of any railroad company at a certain rate per mile established on this line. It is the establishment of a new policy. I may say that our western country, Oregon and California, have been dealt with most liberally, far more liberally than the older States were dealt with. They have had larger grants of land; they have had aid in money; their harbors have been improved, and their rivers have been improved. They have been most generously dealt with by the people of the United States. Now, sir, for us to go further and continue and enlarge upon the plan of subsidy that has heretofore been extended to them alone, to railroads extending to the Pacific, is asking too much; and especially now, when our credit is endangered, when our finances are disturbed, when our expenses are more than our receipts, is a most dangerous and fatal time to enter upon this policy. Let us have a little time; let us grow a little; let us pay the debts we have already contracted; let us overcome the difficulties that now surround us, and the time will not be far distant when the gradual growth of the country will demand the construction of this road and any aid that may be properly rendered by the Government of the United States in pursuance of the policy that may then exist. Nothing could be more futile, nothing could be more indefensible than now for us to make new obligations. We are scarcely able to pay those we have already contracted, and now we are about to levy a tax of \$35,000,000 on the people of the United States in order to enable us to meet the current appropriations.

Mr. MITCHELL. The Senator from Ohio referred to the liberality of the Government toward Oregon. I do not suppose it makes much difference, so far as this question is concerned, whether it has been liberal or not; but I should like to ask the Senator from Ohio if he knows about how much the Government gives annually to Oregon for the improvement of her harbors and rivers?

Mr. SHERMAN. I do not know. I presume we treat that State fairly with the others.

Mr. MITCHELL. I think she gets about \$100,000 a year.

Mr. FRELINGHUYSEN. Mr. President, I wish simply to say that the Committee on Railroads have at this session had before them some six or seven bills providing for subsidies; that they have carefully considered the subject, have had repeated meetings, have heard arguments, and that they will not report any such bill favorably to the Senate. I wish further to say that those bills which have been thus treated have infinitely more merit than the bill before the Senate. They are in relation to roads that have already land grants of

great value which they offer to surrender, to give back to the Government, if the Government will guarantee their bonds. They are roads which are in a good measure constructed and have large property. They offer, in addition to surrendering the land grant, to mortgage that property to secure the guarantee which they ask of the Government. And yet that committee, in view of all the circumstances of the country, have determined not to recommend one of those grants.

The VICE-PRESIDENT. The question is on the amendment as amended.

Mr. SHERMAN. In order to test the sense of the Senate, if it is agreeable to the Senator from Oregon—if it is not I will not do it—I move to lay the bill on the table. If the Senator prefers a direct vote on the passage of the bill, I will not make the motion.

Mr. MITCHELL. I prefer a vote on the passage of the bill.

Mr. SHERMAN. Very well; I withdraw the motion.

Mr. MORRILL, of Vermont. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. The original bill was a land grant but the amendment is a subsidy.

Mr. MORRILL, of Vermont. It increases very much the subsidy in the original bill.

Mr. SHERMAN. I suppose it is understood by the Senate that this is to be a test-vote, because the amendment itself is the whole bill. The original bill being a land grant, as I understand, the amendment proposes a subsidy in lieu of it.

Mr. MORRILL, of Vermont. I will state to the Senator from Ohio that the original bill is not a land grant, but is a lesser subsidy than that provided in the amendment. In the original bill it was \$10,000 per mile that the United States was to guarantee the interest upon. In the substitute they are to guarantee interest to the extent of \$3,000 a mile.

The VICE-PRESIDENT. The question is on the amendment as amended.

The question being taken by yeas and nays, resulted—yeas 19, nays 39; as follows:

YEAS—Messrs. Bogy, Boreman, Cameron, Clayton, Davis, Dennis, Dorsey, Flanagan, Goldthwaite, Hitchcock, Johnston, Kelly, Merrimon, Mitchell, Patterson, Pease, Ramsey, West, and Windom—19.

NAYS—Messrs. Alcorn, Allison, Anthony, Bayard, Boutwell, Chandler, Conkling, Cragin, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Howe, Ingalls, McCreery, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Ransom, Robertson, Sargent, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stewart, Thurman, Washburn, and Wright—39.

ABSENT—Messrs. Brownlow, Carpenter, Conover, Cooper, Jones, Lewis, Logan, Morton, Norwood, Scott, Spencer, Stockton, Tipton, and Wallleigh—14.

So the amendment was rejected.

The bill was reported to the Senate without amendment.

The VICE-PRESIDENT. The question is now on ordering the bill to be engrossed for a third reading.

Mr. EDMUNDS. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. SHERMAN. I suggest to the Senator from Vermont that we take the yeas and nays on the passage of the bill.

Mr. EDMUNDS. This is the third reading of the bill, which is practically the same thing.

The yeas and nays being taken, resulted—yeas 2, nays 46; as follows:

YEAS—Messrs. Cameron and Flanagan—2.

NAYS—Messrs. Alcorn, Allison, Anthony, Bayard, Bogy, Boutwell, Chandler, Conkling, Cragin, Davis, Dennis, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Ingalls, Johnston, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Pratt, Ransom, Robertson, Sargent, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stewart, Thurman, Washburn, West, Windom, and Wright—46.

ABSENT—Messrs. Boreman, Brownlow, Carpenter, Clayton, Conover, Cooper, Dorsey, Harvey, Hitchcock, Howe, Jones, Kelly, Lewis, Logan, Mitchell, Morton, Norwood, Patterson, Pease, Ramsey, Scott, Spencer, Stockton, and Tipton—24.

So the bill was rejected.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COOPER it was

Ordered, That the papers in the case of Thomas Hord be taken from the files and referred to the Committee on Claims.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 4478) to relieve Charles H. Smith, M. D., of Richmond, Virginia, of all political disabilities; and

A bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, and Marcellus P. Christian, of Lynchburg, Virginia.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on this day approved and signed the act (S. No. 764) to remove the political disabilities of Henry Heth, of Virginia.

FEES OF MARSHALS, ETC.

Mr. EDMUNDS. I ask leave at this time to present the report of a committee of conference.

The report was read, as follows:

The conferees appointed by the Senate and House of Representatives on the disagreeing votes of the two Houses on the House bill No. 3623 entitled "An act to amend the twenty-third paragraph of section 3 of the act entitled 'An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes,' approved February 26, 1853," report:

That having met after full and free conference they have agreed to recommend, and do recommend, that the House of Representatives recede from its disagreement to the thirteenth amendment of the Senate to said bill, and agree to the same modified as follows: After the word "four," in line 10 of said amendment, insert the words "and prior to the 1st day of January, 1875." And in lines 13, 14, 15, and 16 strike out all after the word "passed," in line 13, and insert the following words: "and from and after the 1st day of January, 1875, no such officer or person shall become entitled to any allowance for mileage or travel not actually and necessarily performed under the provisions of existing law;" and that the Senate agree to the same.

And that the House of Representatives recede from its disagreement to the fourteenth amendment of the Senate to said bill, and agree to the same.

GEORGE F. EDMUNDS,
A. G. THURMAN,
Managers on the part of the Senate.
JAMES B. SENEK,
G. G. HOSKINS,
R. M. SPEER,
Managers on the part of the House.

The report was concurred in.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. SPRAGUE. I ask leave to make a report from the Committee on Public Lands. I am directed by that committee to report back the bill (H. R. No. 4676) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri without amendment. As this is a local bill, I ask consent to have it considered now.

The bill was read.

Mr. EDMUNDS. Let that go over.

The VICE-PRESIDENT. The bill will be placed on the Calendar. Mr. CONKLING. I am instructed by the Committee on the Revision of the Laws of the United States to report back favorably the bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States, and the bill (H. R. No. 4546) to correct errors and supply omissions in the Revised Statutes of the United States. To-morrow morning, that committee being next in order, I hope every Senator will be ready to take up these bills and consider them.

SALARIES OF NEW YORK DISTRICT JUDGES.

Mr. CONKLING. I am instructed by the Committee on the Judiciary to report a bill which I send to the Chair; and if there be no objection to it—I think there is none, it being the unanimous report of the committee—I should be glad to have it acted on at the present time.

There being no objection, the bill (S. No. 1294) to fix the salaries of the district judges of the northern and southern districts of New York was read three times, and passed. It provides that from and after the 1st day of April, 1875, the salaries of the district judges of the northern and southern districts of New York shall be \$3,000 each.

BILL RECOMMENDED.

On motion of Mr. DORSEY, it was

Ordered, That the bill (S. No. 1201) to establish certain telegraphic lines in the several States and Territories as post-roads, and to regulate the transmission of commercial and other intelligence by telegraph, be recommended to the Committee on Post-Offices and Post-Roads.

BILL INTRODUCED.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1295) to fix the title of certain officers in the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

GOVERNMENT OF THE DISTRICT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 963) for the better government of the District of Columbia, the pending question being on the amendment of Mr. SARGENT.

Mr. SARGENT. I desire to make a verbal change in the amendment. In line 9, after the word "years," I move to strike out "from the first day of the then next December" and insert "in the ensuing Congress."

The VICE-PRESIDENT. That modification will be made.

Mr. SARGENT. Let the amendment be read as modified.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. The amendment, as modified, reads:

SEC. 67. That there shall be elected, by written or printed ballots, in said District, by the duly registered and qualified voters thereof, on the first Tuesday following the first Monday in June, 1875, and on the Tuesday next after the first Monday in November, 1876, and on every such Tuesday in November, in each alternate year thereafter, one person to be a Delegate to represent said District in

Congress, for the term of two years in the ensuing Congress. Each legal voter may cast for said Delegate one ballot, on which there shall be but one name once written or printed, and the person having the largest number of ballots shall be, and be declared, elected.

Mr. EDMUNDS. I should like to ask the Senator from California who proposes this amendment how much the expense has been of registration and election under the previous laws in this District at any election that has been held?

Mr. SARGENT. The Senator might ask me a great many questions that I could not answer off-hand. I can only form a judgment of the matter as he can himself. If the question goes as to the policy of registration, I must express my own opinion that registration laws tend toward a pure ballot. That is my opinion; but I do not know just what they cost here, and I cannot approximate the cost.

Mr. EDMUNDS. Certainly we ought to find out how much this mere ornamental contrivance is to cost; and if it does not do some essential good to the people of the District, we ought not to tax them for doing it; and if, as I am informed to-day by a responsible and respectable citizen of this District that from his knowledge and experience in assisting at some of the previous elections here where there were both registration and voting, this is to tax the people of the District of Columbia for every one of these elections anywhere from \$50,000 to \$75,000, then it seems to me that that amount of money could be devoted to some better object. Even if my information is incorrect, before the Senate saddle upon this overtaxed and absolutely bankrupt people, if you are to force them to meet their engagements, anything that is not a prime necessity of government or of life, we ought to understand how much it is going to cost.

Mr. MORTON. Will the Senator allow me to make a suggestion?

Mr. EDMUNDS. Certainly.

Mr. MORTON. I would suggest to the Senator that all the machinery of registration and election is provided for in this bill in another part for the purpose of electing three members of a board of education to consist of seven—to elect a minority of that board.

Mr. EDMUNDS. So I understand, Mr. President; but when we are in substance proceeding to govern this District by the sheer legislative power of Congress, by agencies that it chooses to select, and do not intend to allow the people of this District to govern themselves, as you would allow a village in Vermont or Indiana or California to do, then I say you ought not to do this thing unless there are paramount considerations of public necessity which will justify imposing upon the tax-payers of this District the burden which is necessarily to follow; and I submit that with a good deal of confidence to my friend from California, whose judgment and whose consideration in those regards I have a very high respect for.

If I am correctly informed that this ceremony of election costs, every time it is enacted and performed, anywhere from \$40,000 to \$80,000, then it does seem to me that we ought not to impose upon the people here this burden of spending \$40,000 to \$80,000 of their money to elect a Delegate to Congress who has no other earthly power than that of speaking to the House of Representatives upon topics which every member and every Senator is bound to consider for the good of this District, and as to which every one of all of us most cheerfully at all times listens to the appeals and statements of citizens who come to us privately. I submit that to my friend from California. Taxed as this District is, swamped indeed as it is, is it right to put this additional straw—and it is a good deal more than a straw, if it amounts to what I am told it does—upon them when there is no necessary and decisive benefit to be derived from it? I suggest that to my friend from California in the best possible good faith.

Mr. SARGENT. I do not know that I am very particularly in favor of a system of registration for this District. On the general principle I am in favor of registration—

Mr. EDMUNDS. So am I.

Mr. SARGENT. Because I think it tends to purity of the ballot.

Mr. EDMUNDS. I am not quarreling with that; I am quarreling with the necessary steps; and that is one—

Mr. SARGENT. I understand the Senator. In this District there is said to be a large floating population, men who are here for a week or two, the very material who corrupt elections; that is to say, transient persons. If registration is necessary in my own State, in the State of Vermont, where the people are very much more settled, where every man knows his neighbors, where a floating population does not exist in near so large a degree, then it is necessary as a safeguard here.

Mr. EDMUNDS. Yes.

Mr. SARGENT. I do not think that the amount which the Senator states can be correct, because it seems so extraordinary. At any rate it ought not to require so large a sum to register the number of voters in this District. Still I do not know that even the whole amount would be too great a premium, if we are to have elections at all, to have pure elections, because there is nothing that goes so far to sap the very foundations of society and destroy public morality and put bad men in office, and bring a train of consequences of the very worst character, as illegal voting, stuffing the ballot-box, and crimes of that character. I therefore think that it may be worth while to consider, even if we are to elect only a single Delegate, whether for the sake of public morality it may not be proper to expend a reasonable amount to see that the election shall be fair.

The proposition has been made, and voted down by an even vote, to elect the commissioners who are named in the bill. I understand that amendment will be renewed in another form, perhaps to elect one of them or to elect two of them. If either of these propositions should carry, the necessity for registration would be very largely increased because it would not then be a question merely of electing a Delegate to Congress but of men who are to collect and handle the resources of the District, to collect taxes and pay bills and involve the District in further debt. It might be well perhaps to let this amendment, if it can be adopted at all, go in the form it now is. The bill in the Senate will be capable of amendment; and if we find in the result that we have only a Delegate left to be elected, then what my friend from Vermont says would have very great weight, certainly with me, whether for the election merely of a Delegate we may not dispense with the system of registration. But there is one thing in favor of this system of registration. The petitions which the chairman yesterday held up to the view of the Senate here signed by the largest property-holders in this District—the men who take the most interest and I believe the most disinterested interest in the conduct of its affairs. They ask for a bill which contains this provision, and I take it therefore as an indorsement of theirs in favor of the proposition. But really the point of the amendment is giving the people of the District a Delegate. As to the registration, that can be attended to afterward if it be found in the outcome that we have only a Delegate to elect.

Mr. EDMUNDS. I think the Senator from California (which is very rare with him) has a little misapprehended the point that I suggested, which was not in respect of the necessity of registration if there is to be an election, for I agree with him that in any city of any considerable number of inhabitants it is one of the essential and necessary safeguards to the expression of the true will of the people who are to be governed. I agree to that entirely. That is not my point. If the District is to elect a Delegate, in my opinion it is essential that there should be registration. If the people are to elect anybody, I think there ought to be registration in a city of 100,000 or 125,000 inhabitants or whatever it may be here. The question is whether, taking it for granted that registration is necessary, there is to be gain enough to the interests of the people of this District in having a Delegate to warrant the expense necessary to the election of the Delegate. That is the point.

Now, if the whole expense, including registration, which is necessary to the security and purity and the guarding of the ballot and the taking of the votes, which of course is indispensable, is so great, we are to consider whether the merely complimentary—because that is what it amounts to in my mind—or the merely advisory advantage to be obtained by these people having a Delegate in Congress is sufficient to warrant the expenditure of from fifty to one hundred thousand dollars every two years. If not, we ought not to do it. The Senator says "let us do this now, but if it turns out that we are to elect nobody else, then let us drop this." It has already turned out in committee that we are not to elect anybody else practically; and so, if we are not to elect anybody else, do not let us impose upon this overburdened people the expense of paying \$50,000 or more every two years for electing a Delegate. If, when this bill comes into the Senate, the Senate should determine that there shall be an election which is a real election of persons to exercise authority over the District and to regulate its municipal affairs, then if my honorable friend proposes a Delegate my argument against a Delegate will lose so much of its force as it respects the expense, because we must go to the expense in any case. But, so long as the Senate decides that it will not allow the people of this District to choose their municipal rulers, I say it is unjust to impose upon them the enormous burden, in addition to their present burdens, of choosing a merely ornamental agent who is to speak for them in the House of Representatives and to call attention to things that the city needs, when, as I said yesterday, we all know that the citizens of this District can call attention and do call attention to whatever the city and the District needs in ways which are just as effectual.

Mr. FRELINGHUYSEN. It does not strike me that the argument of the Senator from Vermont is a good one. Instead of dispensing with the Delegate because the expense of registration and election is in the neighborhood of \$70,000, it is better to make the expense of registration less. We all know perfectly well that there is no necessity that there should be any such expense. They have registration in Vermont, they have registration in New Jersey, and the people of neither State would permit any such expenditure in the registration of about 30,000 votes. There is no propriety in it, and if any such expense has been incurred, it has been improperly incurred, and this new government must correct it.

I was in favor, and am in favor, and shall continue to vote in favor, of the people of the District having their own Legislature, having suffrage; but I am in favor, if they cannot get that, of their having this Delegate. It has been said here that we all represent the District. No; what is everybody's business is nobody's business, and we want some one here to inform us what the necessities of this community are, some one whom the people of the District can approach. There is just as much propriety in that as there is in having a Delegate from any of the Territories. I hope that this provision will prevail, and then I hope somebody who has had the matter under consideration will move that one or more of these commissioners shall

be elected by the people. Then there will be some members of the school board, a Delegate, and one or more of the commissioners to be elected, all coming under one expense of registration, and that expense need not be any more oppressive in this city than it is in the city of Burlington, in Vermont.

Mr. MORTON. Mr. President, as I said last night, I am willing to give the people of this District a Delegate, for I can see that he may be of use to them although he has got no power whatever; but when the proposition is offered as a substitute and as a toy thrown to them in lieu of absolute power, when the whole power is taken away from them and this is given to them as an apology, as something to amuse them, to satisfy them with, I am opposed to it on that ground. That I understand to be the purpose of this proposition mainly. I am willing to vote for it in connection with other things, but as a substitute and as a compensation for taking from these people all local self-government, to tax them without representation for years to come, I will not vote for it.

The question being taken by yeas and nays, resulted—yeas 21, nays 29; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Clayton, Cooper, Cragin, Dorsey, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Maryland, Hamlin, Harvey, Morrill of Maine, Morrill of Vermont, Patterson, Ramsey, Robertson, Sargent, Scott, and Washburn—21.

NAYS—Messrs. Bayard, Cameron, Davis, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Gordon, Hager, Hamilton of Texas, Hitchcock, Ingalls, Johnston, Kelly, McCreery, Merrimon, Norwood, Oglesby, Pease, Pratt, Ransom, Saulsbury, Schurz, Stevenson, Thurman, Tipton, Wadleigh, West, and Wright—29.

ABSENT—Messrs. Alcorn, Bogy, Boutwell, Brownlow, Carpenter, Chandler, Conkling, Conover, Dennis, Goldthwaite, Howe, Jones, Lewis, Logan, Mitchell, Morton, Sherman, Spencer, Sprague, Stewart, Stockton, and Windom—22.

So the amendment was rejected.

Mr. MORTON. I offer a substitute for the third section of the bill, which I ask may be read.

The CHIEF CLERK. The amendment is to strike out the third section of the bill and in lieu of it to insert:

SEC. 3. There shall be at the head of said Department a board of commissioners, to consist of three members, one of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and two to be elected by the qualified voters of the District, to be known as the board of commissioners of the District of Columbia, and the members first to be appointed and elected respectively shall be so for the terms following, in the order of their appointment, namely: first, one for six years, to be elected; secondly, one for four years, to be appointed; and, thirdly, one for two years, to be elected; and each member thereafter appointed or elected shall hold for the term of six years, except that all vacancies are to be filled for the residue only of an unexpired term. But in case of a vacancy in the appointment made by the President occurring during the recess of the Senate, the President may fill the same by appointing a member, who shall hold his place only until the end of the next session of the Senate. No member appointed for the full term of six years shall be eligible for reappointment or election. The member first confirmed for six years shall during his term be president of said board; and the succeeding president, from time to time, shall be that one of the other two members first appointed or elected whose term is nearest expired, or, after such terms have expired, shall be that member appointed or elected for six years whose term is nearest expired; but in case of there being no president under this rule, or of the inability or neglect of any president to act, said board of commissioners may elect one of their own number president *pro tempore*. The president of said board shall preside and preserve order at its meetings, and the salary of each said member shall be at the rate of \$4,500 per year. Each member of said board shall, before he enters upon the discharge of his duties, take an oath, before one of the justices of the supreme court of said District, to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law.

Mr. MORTON. All the change that that makes in the existing section is that it provides that two of the three commissioners shall be elected instead of appointed. In every other respect the language is just as it stands in the bill.

Mr. SARGENT. I move to amend the amendment so that it will read "two to be appointed and one to be elected." I propose this as a test; and if it is carried, of course it will require some subsequent amendments to perfect the section.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California to the amendment of the Senator from Indiana.

Mr. SARGENT. I have an observation to make on the amendment that I propose. The Government of the United States is indorser, or guarantor of the bonds of the District to the amount of some \$10,000,000. By the policy of the legislation of the last session it in effect has become the guarantor to the amount of \$18,000,000, or whatever the whole debt may be. Furthermore, the Government of the United States is responsible, directly responsible, for the indebtedness of this District. I think for these strong reasons it should have a controlling voice in the management of the affairs of the District. The principle of election certainly is conceded when a single person is to be elected to the board by the people. If it were possible to divide the thing evenly, I would be in favor of an even division, and would be very glad to vote for it. The people of this District will be called upon to pay 2 per cent. tax upon their property. That will not raise enough revenue, although the tax will be very onerous, to carry on the affairs of this District. It will take from one million to one million three hundred thousand dollars more in annual appropriations by Congress to administer the affairs of this District. That was about the amount we appropriated in the special bill that passed toward the close of the last session. That has been about the amount we have appropriated for a number of years past; indeed, we have rather exceeded that amount than fallen below it. I will not stop to discuss the justice of these appropriations by the Government. I will make a single observation merely on that point. We have a capital laid out here

upon grand dimensions. No men who were sane would ever for building purposes or for the purpose of residence have laid out a capital on a scale like that of the city of Washington, with these immense avenues that will take side by side three Broadways of New York, if I am not mistaken in my impressions, traversing the city, in all directions, the ordinary streets wide as Michigan avenue, in the city of Chicago. The ordinary streets here are wider than those in almost any other city, and I believe I can say that they are wider than the avenues in any other city in the United States. Everything is laid out on an immense scale. We have parks and reservations. We have, by the very necessity of these wide spaces, long distances to carry gas-pipes and to carry water-pipes. On account of the scale of the city extraordinary expenses are imposed upon the people in every direction.

This being so, and the Government of the United States in addition owning one-half the property, both real and personal, in the District, by any fair valuation which can be made, it is only just and legitimate that the Government should pay one-half of the expenses toward running it. That I think has always been the sense of Congress. It has been so expressed on the statute-books for several years past and especially in the act which we passed toward the close of the last session. This being so, the Government being guarantor for ten millions of bonds, it being responsible really for further indebtedness, the Government also being compelled by the very condition of things, being its capital, and by its sovereignty here to make the appropriation of a million or more annually for running the affairs of this District, it should have a controlling voice in the disposal of that money and in the administration of affairs here. If not a controlling voice, at any rate it should have an even voice. An even voice is impossible unless you have a board that might come to a dead-lock so that there could not be any business done before it. Consequently, where there are three, as one must be on one side, I wish to test the sense of the Senate whether it is not prudent in us to see that the Government has the control.

Mr. MORRILL, of Vermont. Mr. President, I do not regard this as raising properly the question of suffrage in the District. The present government, unless we exchange it for some other, has no suffrage whatever. This is a mere proposition to amend the existing laws for the time being, or until they can be tested by proper application and experience.

It has been suggested on some sides that we ought to give these people an opportunity to disburse their own money. That, however, is not the question. It is whether you will give them an opportunity to disburse already the funds of the United States. This city is bankrupt—no money in its treasury—and cannot pay its debt or even the interest thereon without the assistance of the Government of the United States.

Now, Mr. President, under these circumstances it seems to me extremely proper that we shall do something as a foundation for the government of the city hereafter; and it is not more required on the part of the colored people than it is on the part of the whites. We gave them a government, and what did they do? They did not pay any attention to the limits of law, but expended millions upon millions beyond the limits prescribed by Congress. They made great improvements, but did not obey the law. While this community is in a state of bankruptcy, I say that we ought to administer upon the finances of the District until they can rescue themselves by a season of economy somewhat from their present financial embarrassment; and it is, it seems to me, farcical to talk about its being an infringement upon the rights of suffrage here to say that we will substitute this bill as proposed for the existing form of government.

Then, when we come to look upon the broader ground whether the United States may institute such a government as this, it is to be observed that in the early history of the country we had nothing but governors and commissioners, territorial governments over much larger territories than this fractional part of the old ten miles square. It seems to me that the present bill is not in antagonism to the idea of suffrage at all. Then again, Mr. President, the people here, as has been said, are a floating population. There is as much responsibility for the past conduct of affairs to be placed upon the whites as upon the colored people. I think, therefore, that we ought to adopt in main the bill that has been reported. Anybody who will examine the bill will see that it has been prepared with great care. Perhaps it extends too far into minutiae, into details, but it will not hinder the practical operation of the bill; it will greatly facilitate the execution of the law.

It has been argued here that we should not even allow a Delegate in the other House. It has already been voted down. We all know that, so far as we have seen the practical operation of having a Delegate here, it has been eminently to the advantage of the District. The gentleman who has been selected has been abundantly qualified for his position. He has shown himself to be a man of integrity and intelligence, and yet the very parties who argue against the expense of having a Delegate here ask to have the whole machinery and paraphernalia of a municipal government at an expense of ten times the amount that it would cost for a Delegate.

But, Mr. President, I have already said more than I intended. I merely desire to enter my protest against the idea that we are infringing in the slightest degree upon suffrage in offering a substitute for the existing law which offers no suffrage whatever in the District.

Mr. HAMILTON, of Texas. I would like to ask the Senator from Vermont, who has just taken his seat, what guarantee we have under this bill, if it becomes a law, of a better government than we had under the former law? That was an appointed government. It was appointed by the President and confirmed by the Senate, and kept in existence here for years. The Senator has just stated that they paid no attention to laws whatever; that they ran over all law, and squandered the money of the people most shamefully. I say so too; and for my part I would rather trust the people of the District to administer their own affairs than trust any appointed power whatever.

Mr. President, I listened to the debate yesterday in regard to the question of suffrage, and I feel some interest in that too. I say this bill strikes down the suffrage, and I think it is because the colored people predominate in this District. That is my conviction; but I may be wrong about that. For one I conceive that no population in this Union is fit to administer a municipal government, from New York City down to the smallest village in the country. The affairs of a municipality may be compared properly, I think, to those of a railroad company, a steamship line, a banking institution, or any other concern in which individuals own stock. Nobody ever heard of the stockholders of a company inviting outsiders to come in and vote to regulate their affairs, and no corporation that did such a thing could exist for any length of time; it would soon become bankrupt.

My friend from Nevada [Mr. STEWART] yesterday said that the people outside of the District had interfered in the elections here, had carried the elections, and had forced a Legislature upon the Territory which was irresponsible, or words to that effect. If that is true, it is an argument directly against the late government, and it is an argument against the proposed government, because I think this is a perpetuation of the late government. I see that there is very little change in the subordinate offices in the District now from what they were two or three years ago. They are substantially the same. The same spirit that governed this District for the last three years is governing it to-day.

I unite with the Senator from Vermont, who has just taken his seat, in saying that the Delegate sent from this District to the other House on the organization of the territorial government is an able man. He is faithful to those whom he represents. He has started an idea here that never had any footing in this Hall or in the other end of the Capitol before, so far as I know, and it has been worked up diligently on all sides until in all the debate that has occurred here on this question I have not heard one solitary word said against the proposition to saddle one-half of this improvident debt on the Government of the United States and one-half of the expenses of the government for the future. What does that mean? I undertake to say from the advance that has been made on that question in the last eighteen months that eighteen months more will not expire before you will saddle the whole of the expense of the District on the Government of the United States, provided the United States Government will submit to it. Upon what basis has this proposition been made to the United States? Mr. CHIPMAN says that the Government of the United States owns as much property in the city of Washington as all the rest of the people put together—about \$300,000,000 in value.

Mr. MORTON. Will my friend allow me to read him an extract from a report on that very point?

Mr. HAMILTON, of Texas. Certainly.

Mr. MORTON. I read from the report of the board of public works, published by authority:

In this connection it may be proper to submit a general statement as to the relations of the United States Government toward the District of Columbia, touching the improvements of streets, roads, and avenues. The total value of public and private property in the District of Columbia is about \$150,000,000.

Turning over to another part of the report, we find—

Value of the ground of Government reservations, estimated by a commission in 1870.....	\$16, 186, 334 99
Cost of the public buildings erected on the above grounds, obtained from the appropriations made for the purpose, to date.....	30, 548, 426 12

Making \$46,734,761.11; less than one-third of the aggregate amount.

Mr. SARGENT. Will the Senator allow me a moment? Does that say anything about reservations or lands belonging to the Government on which there are no buildings?

Mr. MORTON. It says:

Value of the ground of Government reservations.

Mr. SARGENT. I think there are no public buildings included.

Mr. MORTON. It says "value of the ground of Government reservations;" and then comes the "cost of the public buildings."

Mr. SARGENT. Thereon?

Mr. MORTON. "Erected on the above grounds."

Mr. SARGENT. Will the Senator please tell me what the value of Franklin Square is?

Mr. MORTON. There is no other property outside of that.

Mr. HAMILTON, of Texas. I did not expect this debate to be so prolonged. I confess great surprise at finding a seeming universal acquiescence in the proposition to quarter upon the Government of the United States one-half of the expenses of this District in the future. I do not say this bill provides exactly that, but I understand from the bill that it hints at it pretty strongly. The substitute offered by the Senator from Iowa [Mr. WRIGHT] proposed in exact terms one-half, as I understand his bill; that is a tax of $1\frac{1}{2}$ per cent. on the property of the people of the District and an appropriation

out of the public Treasury equivalent to $1\frac{1}{2}$ per cent. upon an equal value of property. I see in a morning paper a statement that the Committee on the Library, I believe, or the Committee on Public Buildings and Grounds—I do not recollect which—have instructed their chairman to make a report, which they will do, to buy certain squares in the city of Washington for the purpose of putting up a building for the Library, and I do not know what else, but three or four other establishments of one kind or another, which will probably cost \$150,000,000 before they are finished, or to extend the Capitol. For one, if the property owned by the Government of the United States in the city of Washington is to be made a basis of taxation on the Government of the United States, I shall never feel it my duty to vote again for the expenditure of one solitary dollar for any public building. Look at the States. There is hardly a State in the Union but what has more than one public building of the United States within its limits—a court-house, custom-house, or post-offices. Your table groans at every session of Congress with applications to the Government of the United States to build these public buildings for the convenience of the officers of the Government. We always provide in advance that the jurisdiction shall be surrendered to the United States and that the State shall guarantee that it shall never tax the property. Why not? Is not every court-house, every custom-house, and everything else that belongs to the United States—arsenals, dock-yards, and everything else just as liable to taxation as the Capitol of the United States here, as the State Department, as the Post-Office Department, the Patent Office, and the Treasury building? It is proposed that the Government shall levy a tax upon the parks and circles and squares that have been embellished by the United States for the gratification of the people of Washington just as public buildings have been built for the gratification of the people mainly of the city of Washington. It is true that persons coming here from a distance enjoy somewhat of these things, but mainly they are built for the gratification of citizens of Washington, and here is a cool, deliberate proposition to tax the people of the United States for their benefit.

I can see but one solitary argument in favor of saddling this debt upon the United States. You have sat here blindly, with your eyes shut, for three years, and suffered the people of this District to be robbed of their money and of their property and loaded down with taxation. The city is bankrupt, as the Senator from Vermont [Mr. EDMUNDS] says. Where has the money gone? It has gone into the pockets of men; and notwithstanding that they have walked right square over the law to the knowledge of everybody, they came in great confidence to your door and asked for an appropriation to reimburse them for the money that they had expended, and you passed the appropriation without any hesitation.

Mr. President, for one I protest against any more hasty legislation in this regard. The bill that went through here last June went through at railroad speed. Nobody had time to look into it; nobody understood it. I thought, inasmuch as the District treasury was empty, that it was a mere proposition to borrow money from the United States to pay the interest on its bonds and to pay some contracts that had been executed where the laborers were without money, and that that money was to be refunded by the District to the Government of the United States. A few days ago a proposition came in here and was pushed through with great pertinacity; it was said it ought to be done at once; that the credit of the Government was at stake; that the interest on these bonds had not been paid; that there was not one single cent in the treasury to pay it; and the Government of the United States was called upon to pay the interest. I undertake to say that the Government will be called upon until those bonds are matured and made to pay every farthing of interest, not one sixpence of which ever will be reimbursed to the Government of the United States. That is my opinion. I shall not be surprised if it goes further than that. If you get another Delegate as efficient as the late Delegate in the House of Representatives to manage affairs, they may pile the balance of this debt on the people of the United States.

Look at it, Mr. President. Only four or five years ago a whole district of this city was a swamp; it was not worth twenty-five cents a square foot. It was bought up mainly by speculators and it has been made worth from \$1.50 to \$2 a foot. When you destroyed the territorial government last summer the persons who had been speculating in this real estate were embarrassed. So it was understood on the street. If the Congress of the United States had not come to their aid by taking up the worthless scrip, and a great deal of it was said to be in their hands—I do not know how much, but at any rate if you could have closed the doors of the Treasury it would have brought it out before this time. They had exhausted the property of the District; they had exhausted their credit; they could not go any further; improvement had to stop, and the only remedy was to audit and fund the debt in United States 3.65 bonds, to the extent, I see by the report here, of not less than \$10,000,000. The Government appropriated since 1870 about \$5,000,000, in round numbers, toward the payment of work done on the line of property said to be owned by the United States. That makes \$15,000,000 that has been saddled on this Government in the last three years. At that rate I want to know how much longer it will be before the Government will be called upon to expend \$5,000,000 a year for the city of Washington. And for whose benefit will it be?

I recollect last year there was something said about the width of the avenues here; that it was impossible for the people to pave and take care of the avenues because they were so wide, and inasmuch as the Government had laid off the avenues the Government should be properly charged with the cost of their improvement. Now, sir, this is downright sophistry; it is not anything else. The avenues do not differ in any respect from streets. They are called by a different name, that is all, and they were laid off before anybody lived on them, were they not? Were they not laid off and paved before anybody lived on them?

Mr. MORRILL, of Maine. My honorable friend of course desires to be accurate. Does he understand that there is no difference between avenues and streets in width?

Mr. HAMILTON, of Texas. I mean to say there is no difference in principle between an avenue and a street.

Mr. MORRILL, of Maine. In principle?

Mr. HAMILTON, of Texas. I mean that when the Government or when individuals lay off a town or city and people go upon those streets and buy property and settle there, they do it with their eyes open; they can see whether they are on an avenue or a street.

Mr. MORRILL, of Maine. As an abstract proposition, they are both streets, being walked on, of course. Is that what the Senator means?

Mr. HAMILTON, of Texas. I do mean that.

Mr. MORRILL, of Maine. Then I do not think I will combat the Senator's argument.

Mr. HAMILTON, of Texas. Then what becomes of the argument that the Government is bound to improve those avenues? Within my recollection, within the last five years, property on Massachusetts avenue was not worth half what it was worth on Seventh street, not half what it was worth on F street, and very many streets in the city. Now it is the highest property in the city almost, with the exception of that on Pennsylvania avenue. It is a very desirable section of the city. It has been made so entirely by the Government of the United States, by the payment of money out of the Treasury. Look at the circles. Those circles have been embellished and improved, and not one solitary dollar has been charged to the city. A public park is being laid out and embellished by the Government of the United States near the capital. The city is paying nothing on that. I do not think there is a parallel anywhere in the Union or in Europe. Every capital nearly raises the money out of the property of the people in order to embellish their city. Of course, the people of Washington will not do it if the Congress of the United States will furnish the money to do it. They were in terrible distress, terribly oppressed with debt and taxation, and looking in every possible direction for relief they turned their eyes upon Congress. That is not to be wondered at; but I do wonder that Congress listened to them. I confess I wonder at that. This is a far more important matter to my mind than the suffrage question, and I think that is important too.

Before I conclude I want to say that I would vote for a proposition to restrict the suffrage, white and black, to persons who own property in this city. I will not mention the sum, but it ought to be something; it ought to be from \$250 to \$500. I do not think a man who runs loose in the street, as the Senator from Nevada said the other day, ought to vote to raise money by taxation on the property of a town, either here or elsewhere. I know that was the universal custom all through the Southern States ever since my recollection. In all the towns and cities of the South, so far as I can remember, there was a qualification on suffrage. In voting for members of the Legislature, members of Congress, governors, and officers of that sort, suffrage was universal; everybody voted, except perhaps in Virginia, Missouri, and North Carolina; I do not recollect about those States distinctly. In most of the States the suffrage was universal; yet in municipal governments the suffrage was restricted to property-owners. A person who owned no property was not allowed to vote for municipal officers. I shall not make the proposition to do that here, because it is not necessary if the Senate declines to give the right of suffrage at all.

Yesterday the Senator from Maryland, [Mr. HAMILTON,] speaking in regard to the admission of a Delegate, said it would only cost \$5,000, and he thought the bill was worth a great deal more than that. Now I confess to my ignorance about a great deal of this bill. I have not read it, and I undertake to say not one-half the Senators on this floor have read it. It is impossible for ordinary men to master the details of such a thing—a book of two hundred or three hundred pages—in any reasonable time. I have looked at enough of it to try to ascertain what principles are involved; and I see that one principle is to carry on the government against the wishes of the people, without their assent, without their co-operation, without their votes. That is one principle. And another principle in the bill is to saddle, as I stated, one-half at least of the debt of this District on the Government of the United States, and one-half the expense of its government in the future. Against these two principles I wish to protest.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from California [Mr. SARGENT] to the amendment of the Senator from Indiana, [Mr. MORTON].

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I intend to vote for the amendment proposed by

the Senator from California. I believe that if this bill is to pass, it ought to pass with a majority of these commissioners under the control and direction of the Government of the United States because this bill does contemplate beyond question that the expenditure of money and the raising of money shall be under our control. Now, to provide by appropriations and by taxation for the expenditure of money through Congress, and then to provide by popular election for the men who shall administer the affairs, it seems to me is a mistake.

My friend from Texas is alarmed at the proposition made by my colleague from Iowa by which one-half of the expenditures of this District are to be paid by the General Government. That is not a very extraordinary proposition, nor is it a new proposition. If you look to the legislation of Congress for many years past, you will find that we have constantly and always made large appropriations for the people of this District. This very Metropolitan police that now costs nearly \$300,000 was wholly paid for by the Government of the United States for more than four years; and the District only came to be taxed to pay a portion of that expense because there was an increase of the salaries of the members of the Metropolitan police force. So of the water supply of this city; the Government of the United States owns the water-works and the Government of the United States has made vast expenditures out of the Treasury for the purpose of supplying these people with water, and the people are required now to pay only a mere pittance for this purpose. So of the gas supply and other things having reference to the local affairs of this city, including schools.

My friend from Texas says, repeating what was said by the Senator from California the other day, that a bill was passed through without consideration at the last session reorganizing the government of the District of Columbia and saddling the Government of the United States with a debt of \$10,000,000. I protest against that statement. It was the board of public works that created this debt; a board created by our laws, appointed by the President and confirmed by the Senate; and we simply provided for its adjustment into 3.65 bonds to the extent as the Senator has truly said of \$10,000,000. It was as a limitation of the power of the people of this District to create an illimitable debt, that the law of last session was passed.

I do not believe it is safe to intrust the administration of all these vast interests to the hands of a majority of a board to be elected by the people of this District. If we provide for the election of a majority of this board, let us provide that the board shall also levy taxes and provide that the people shall supply the remainder of the funds necessary to carry on the affairs of this District. The temporary board of commissioners now managing its affairs have made a report showing us that it will cost \$3,300,000 to maintain this District government for the ensuing year. They show that at a tax levy of 2 per cent. on the taxable property of this District there will only be raised \$1,600,000; so that whatever we do, if this District government is to be maintained as it is now being maintained at the capital of the nation, we are obliged to appropriate at least a million and a half dollars per annum. If we do that, then let us retain control over the appropriations and their expenditure. If we are not to do that and this District is to relapse into the condition it was in eight or ten years ago, then let us organize a mere municipal government here and let the people of the District take care of themselves and repair their streets and pave their streets and attend to all their municipal affairs without governmental interference. If this system of appropriations is to go on, it seems to me that we ought to provide in some way, as by the appointment of these commissioners, for the expenditure of the money under our own control. Therefore I shall vote for the amendment proposed by the Senator from California, so that the people of this District may also have a representation upon this board. We are bound to tax them. We do tax them under this bill and under any bill that we may pass. We are bound to tax them. Therefore they ought to have some representation in the method and manner of the expenditures which we are to make here under this system of taxation and appropriations.

Mr. MORRILL, of Maine. Mr. President, there are some desires in this world that grow on what they feed. My honorable friend sitting near me [Mr. MORTON] yesterday was extremely desirous that we should be careful not to violate the principle of suffrage in this District. That has grown to a desire now to control the executive part of the government here. I can add nothing to the impropriety of that after what has been so well said by my honorable friend from Iowa. It only needs a glance at the condition of things to see the absurdity of that proposition, in my judgment. What is our situation here to-day in this District as a Congress of the United States? We have by our legislation, forced upon us by the action of the people of this District governing in their own affairs—to use language quite common on this floor—been put in the position of indorsing bonds to the amount of \$10,000,000. How did that come? By allowing the people of the District to govern themselves. That is the way that was done; and we are to-day liable, as a Congress having the exclusive jurisdiction here, for between eighteen and twenty-one million dollars. That is the debt of this District. I will not go into the question of how that has been appropriated. It has been said that a good deal of it has been stolen. I do not sympathize with that idea at all. I think it has been expended in an extravagant way, but a great thing has been achieved by it after all. But the question is

can we afford to repeat it? Will you add other tens and eighteens of millions? That is the question. Have we not had enough of that local administration? Have we not gone far enough in allowing the people of this District to manage their own affairs, as the phrase is? Why, Mr. President, what have we been doing with these people all the time? Does my honorable friend who sits near me, and who is the earnest advocate of this proposition, know how many millions we have expended here for the water-works, entirely independent of this District and of these people? Does he know that to-day we pay all the expenditures for the administration of justice in this District—every dollar of them? Does he know that we originated and pay two-thirds of the expense of the Metropolitan police and of the fire department, and that we support in this District the benevolent institutions? And yet the argument is, "The people ought to govern themselves; we should not crucify these people; we must make this government and then turn it over into the hands of these people to administer, we paying the bills!" That may be a very nice way to do, but it does not occur to me that it is so.

This bill goes on the ground that we have seen enough of that. This bill goes on the ground that there shall be no extravagant expenditures, and no appropriations and no improvements except what are authorized by Congress. No board of public works is to exist; no such powers are to be conferred upon anybody. The Government, standing responsible for whatever is done here and responsible for this large debt, undertakes to administer its affairs independent of the power of the people to incur any further liabilities. And now my honorable friend, instead of being content with the idea that we will not crucify—if I may be allowed that term—the principle of suffrage, insists upon it that this government shall be put into the hands of the people here to govern practically the Government of the United States, it paying the bills, for that is precisely what it comes to.

If it is the pleasure of the Senate to save the question of suffrage by the election of one member of this board, I can understand how that can be done consistent with the duties and responsibilities that the Government of the United States will take upon itself under this bill; but that we should stand behind all the liabilities that have been incurred under these circumstances, that we should take the future direction of appropriations and be responsible for them, and then allow the people here to elect persons to administer all this, the Congress of the United States paying the bills, is a thing that I cannot conceive that the Senate of the United States will be likely to do; and that you will do if you vote for the proposition of the Senator from Indiana.

Mr. MORTON. Mr. President, this is a bill of surprises, or rather the support of it. I heard the Senator from Iowa [Mr. ALLISON] make a statement a few minutes ago—and I know that he is well informed, because he was on the committee of investigation, and he has paid great attention to the affairs of this District—I heard him say that the bill which was passed last June did not saddle the United States with \$10,000,000, but that that had been done by the board of public works. We all understand, I think, that the bulk of this debt was created either by or under the auspices of the board of public works, an appointed government. That is the understanding of the Senator from Iowa; it is my understanding; but we are now told by the Senator from Maine [Mr. MORRILL] that it has been done by the people of this District through the elective franchise, and that we propose now to put the government back into their hands. The Senator from Maine says it has been done by an elective government. Which is right? The Senator from Iowa is right; and my friend from Maine, I submit, is mistaken upon that point.

Mr. President, we have had a new principle of government advocated here this morning by my friend from Vermont, [Mr. MORRILL.] It is that because the United States own some property here which the board of public works says is less than one-third of the whole amount—property alone shall be represented—that this one-third of the amount of property here shall take to itself the entire government of this District, governing the other two-thirds and governing one hundred and fifty thousand people besides. That is a new principle in democratic government.

Mr. MORRILL, of Vermont. The Senator from Indiana does not wish to misrepresent me, I am sure.

Mr. MORTON. Certainly not.

Mr. MORRILL, of Vermont. He will find no such words in any remarks that I made. I merely stated that the present government was in a state of bankruptcy, and that I did not conceive that there was anything wrong in substituting this new form of government for the one that had done this, and that it did not disturb any suffrage the people here now have.

Mr. MORTON. If this District is in a state of bankruptcy, how did it become so? The Senator from Iowa has told us. I am not here for the purpose of bringing charges against the board of public works or making recrimination. No such thing. But upon the broad situation who is responsible for the creation of this debt? We have heard from the Senator from Iowa, and we knew it before; and yet it is proposed to again create an irresponsible government, with power to tax these people, to tax them heavily, and they have no voice, no power to resist it. My friend from Maine would consent if he could not help it, but he would not consent any other way, to give them one of these commissioners and place them in the minority; let them

have representation and put the power elsewhere—place an appointed government here that is able to tax them 3 per cent., and they have one man to represent their wishes, and he is powerless!

Mr. MORRILL, of Maine. Why does the Senator say that this is to put them into the hands of a government who have a power to tax them 3 per cent.?

Mr. MORTON. Well, I will not specify the amount, and perhaps there may be a limit upon taxation; but what I mean to say is that if you give them one commissioner and allow the President to appoint two, they are in the minority. They may vote against it, but they are powerless, and fifty millions of property is to govern one hundred millions and one hundred and fifty thousand people besides. If that is democracy or republicanism, I do not understand it. I agree with my friend from Texas in one thing: I would rather trust a government elected by the people and responsible to the people every year or every two years than any appointed government that can be created—a government not responsible to the people, but simply responsible, if responsible at all, to somebody else that has no particular interest in it. That is what we are doing. That is what we did do; and we are told that that appointed government—it is said—and I believe it is not denied—that that appointed government did disregard the law, ran right over it; and we are now told that there is a debt here of eighteen or twenty-one millions that we are to pay. That is the logic of this bill, that we are to pay every dollar of it. Not only so, but that we are to continue to pay the expenses of this District. When you have taken from this people the power, when you have made them as powerless as subjects are in Russia or in any other government in Europe, the logic is that you shall pay the expenses, and that is what is meant by it; that is what it will come to. It is that we are to pay the whole twenty-one millions; and we are to pay the debts hereafter to be created.

Why, Mr. President, see what this bill contemplates. Look at it:

SEC. 4. That any member of said board may be removed by the President for cause, to be stated in the written order of removal; but no member shall be removed by reason of his opinions, nor until after he shall have been allowed a reasonable opportunity of being summarily heard upon any charge made against him,

The President of the United States has the power to remove at any time for cause. Of course he is to be the judge of the cause. He may exercise that power most honestly and sincerely; but does not everybody see that it makes the President the absolute ruler of this District? He can remove these trustees or commissioners any day if the policy they pursue does not suit him in regard to a tax, in regard to streets, in regard to anything which he may consider to be cause; and if in the course of time it should so happen, if such a great misfortune should come upon the country that we should have a democratic President elected in 1876, it would not take him fifteen minutes after he was inaugurated to turn out these commissioners and put good, reliable democrats in their place and take charge of the entire government of this District. I think my friend from Ohio [Mr. THURMAN] has not lost sight of this in his cordial support of this bill. [Laughter.]

Mr. THURMAN. "A consummation most devoutly to be wished."

Mr. MORTON. Yes, my friend says it would be "a consummation most devoutly to be wished" to turn these commissioners out and put democrats in. I have no doubt he is entirely sincere in that remark.

The republican party is expected to do this thing, to strike suffrage down, to take a step backward. We are told by our democratic friends that the republican party has to go over a precipice, and is already on the verge. Well, if we go over, we will back over. That is the way just as it is proposed to do now—back over. We will never go over if we go straight ahead, as we ought to do, and stand fast by our principles.

Sir, I believe that the path of duty is the path of safety, and that is to organize this Government in accordance with the fundamental principles of republican government so far as we can do it; and I believe the path of safety consists in giving to the people of this District the control in their local and domestic affairs. So far as the property of the United States is concerned, the Government of the United States now controls it. It has its Superintendent of Public Buildings and Grounds; and so far as that property is concerned, it is not now and will not be under the control of the District. But the people here are to be taxed. They have \$100,000,000 of property now, we are told. The city has been increasing, and will grow again unless you place it under a despotic government, and their wishes are not to be consulted, but their property is to be taxed at the will of men who are to be appointed, in whose selection they have no choice, over whom they have no control, and who are in nowise responsible to them.

Mr. THURMAN. Mr. President, the Senate will bear me witness that I have referred to no party politics in the consideration of this bill. They will also bear me witness that in the report of the investigating committee on the affairs of the District of Columbia at the last session I manifested no spirit of a partisan whatever, and sought no political or party advantage from the action of that committee. But the Senator from Indiana seems to be under the delusion that it is impossible for a Senator on this floor to be actuated by any other consideration than party motives. I beg leave to assure him that he is entirely mistaken; that, however rare it may be, there is such a thing on all sides of this Chamber as considering a measure with sole reference to the public good; and surely, if any measure ought to be

and can be considered with sole reference to the public welfare or to the welfare of those interested in it, it is the District bill which is now before the Senate. There is no occasion whatsoever for party politics to be introduced into the discussion; and on this side of the Chamber there has been no such attempt. Although the opportunity was inviting enough to speak of the kind of government this District had for about two years, what was the result of that government, how that government originated, by whom it was appointed, and who was responsible for the *personnel* of the government and for the discharge of their duties, yet we have refrained from saying anything of the kind, while the Senator from Indiana, day in and day out, *more suo*, has been charging everybody here who favors such a government as the majority of the people of this District wish, as a majority of this Senate believe to be best, with being enemies of free institutions, enemies of popular suffrage, enemies of democratic principles, and the like!

Why, Mr. President, when I recollect what measures the Senator from Indiana has promoted in this Senate since I have had the honor to have a seat here, he must permit me to say that I cannot accept him as an expounder of democratic principles, nor follow his lead when he assumes to be the leader in support of free institutions.

The Senator asks if the late District government proved to be a failure, if it ran the people of this District greatly in debt, what branch of it was it that thus ran them in debt, the appointed branch, the board of public works, or the popular branch, the elected Legislature of the District; and he seems to think that there is an irreconcilable antagonism between what was said by the Senator from Iowa and the Senator from Maine on the subject of the indebtedness of this District and by whom it was created. Let me tell my friend from Indiana that there is no mystery about this thing at all. Every department of that government was responsible, the appointed and the elected. The appointed part of that government, its board of public works, was responsible; and the elected department, what was called the Legislative Assembly of the District, were but the base, subservient tools of the board of public works, and they could not be otherwise in the mode in which they were elected and chosen. That is the truth of this business. So far from that elected branch of the District government having stainless and pure hands, so far from their being free from any responsibility for the burdens under which these people now groan and which we are called upon to lift from their shoulders, if that legislative branch of the government had performed but half its duty, the board of public works never could have oppressed this District as it is now oppressed; and therefore my friend from Indiana will find poor consolation in the elected branch of the late government to support his amendment.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair is informed that a call was made for the yeas and nays on the adoption of the amendment to the amendment and they have been ordered. The Clerk will call the roll.

Mr. EDMUNDS. Let the amendment to the amendment be again reported so that we may understand precisely what the question is.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. The part of the amendment which it is proposed to amend reads:

There shall be at the head of said Department a board of commissioners, to consist of three members, one of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and two to be elected by the qualified voters of the District.

It is proposed to amend that clause so as to read:

That there shall be at the head of said Department a board of commissioners, to consist of three members, two of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and one to be elected by the qualified voters of the District.

Mr. EDMUNDS. Then the point of this amendment to the amendment, if I understand it, is that it is proposed that the people of the District shall not have a majority representation in the administration of their municipal affairs; and if I am against their having majority representation, then of course I am in favor of this amendment. If I am in favor of their having majority representation, then of course I am opposed to this amendment. As I have said, I think the people of this city certainly ought to have a chance of selecting a majority of their rulers, if they cannot have them all, which they ought to have. So I shall vote against the amendment to the amendment.

Mr. MORRILL, of Maine. To state the converse of that proposition, and which is the true position, as the Government of the United States pays the bills, they dance and we pay the fiddler, we think on the whole that we ought to have a majority of the control; and those who are in favor of that will vote for the amendment of the Senator from California.

Mr. CRAGIN. It has been stated by several Senators on this floor that this District is bankrupt and it is only through the Government of the United States that it can pay its debts. The question now is whether they shall select a majority of the assignees or whether the creditors or the party that is to pay the debt shall have a majority of the assignees. That is the whole substance of the question.

Mr. MORRILL, of Maine. That is the question.

The Chief Clerk proceeded to call the roll.

Mr. MORRILL, of Vermont. On this question I am paired with

the Senator from Illinois, [Mr. LOGAN.] If he were present he would vote "nay," and I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 24, nays 23; as follows:

YEAS—Messrs. Allison, Bayard, Cooper, Cragin, Davis, Dorsey, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Morrill of Maine, Ramsey, Ransom, Sargent, Saulsbury, Schurz, Scott, Stevenson, Stewart, and Thurman—24.

NAYS—Messrs. Boreman, Cameron, Clayton, Edmunds, Fenton, Ferry of Michigan, Flanagan, Hager, Hamilton of Texas, Harvey, Hitchcock, Mitchell, Morton, Patterson, Pease, Robertson, Sherman, Sprague, Tipton, Wadleigh, Washburn, West, and Wright—23.

ABSENT—Messrs. Alcorn, Anthony, Boggy, Boutwell, Brownlow, Carpenter, Chandler, Conkling, Conover, Dennis, Ferry of Connecticut, Frelinghuysen, Hamlin, Howe, Ingalls, Jones, Lewis, Logan, Morrill of Vermont, Norwood, Oglesby, Pratt, Spencer, Stockton, and Windom—25.

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Indiana as amended.

Mr. EDMUNDS. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. MORRILL, of Vermont. On this question I am paired with the Senator from Illinois, [Mr. LOGAN.] I do not know how he would vote if he were present, but I should vote "yea."

The Chief Clerk proceeded and concluded the call of the roll.

Mr. SARGENT, (having first voted in the affirmative.) I have no desire to be more extreme than my friend from Indiana, [Mr. MORTON.] On this proposition I vote "nay."

The result was announced—yeas 13, nays 33; as follows:

YEAS—Messrs. Allison, Cameron, Cragin, Dorsey, Fenton, Flanagan, Frelinghuysen, Gilbert, Hamlin, Ramsey, Scott, Sherman, and Washburn—13.

NAYS—Messrs. Anthony, Bayard, Boreman, Clayton, Cooper, Davis, Edmunds, Ferry of Michigan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Johnston, Kelly, McCreery, Merrimon, Morrill of Maine, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ransom, Sargent, Saulsbury, Schurz, Stevenson, Stewart, Thurman, Tipton, Wadleigh, West, and Wright—33.

ABSENT—Messrs. Alcorn, Boggy, Boutwell, Brownlow, Carpenter, Chandler, Conkling, Conover, Dennis, Ferry of Connecticut, Howe, Jones, Lewis, Logan, Mitchell, Morrill of Vermont, Robertson, Spencer, Sprague, Stockton, and Windom—21.

So the amendment was rejected.

Mr. ALLISON. I offer the following amendment to be inserted at the end of the ninety-fourth section:

Provided, That claims presented and allowed under the sixth section of an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, shall be presented for exchange, as provided by the seventh section of said act, within ninety days from the passage of this act, and if not so presented the privilege of thus exchanging shall not be exercised by any holder of any such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bond, as provided in the seventh section of the act hereinbefore referred to, after the expiration of ninety days from the passage of this act: *And provided further*, That nothing contained in this act shall be construed to in any manner pledge the faith of the United States to the payment of any debt or obligation of the District of Columbia, or of the cities of Washington and Georgetown, other than the fifty-year bonds provided for by the seventh section of the act hereinbefore referred to.

Senators will recollect that by the sixth section of the act passed in June last a board of audit was created to audit the unadjusted claims on the District, and by the seventh section the sinking-fund commissioners of the District of Columbia were authorized to fund the debt so audited into 3.65 bonds. The board of audit have audited, in round numbers, about \$8,000,000 of this debt; but the persons owning these claims refuse or rather omit to convert their claims into these 3.65 bonds; and it is supposed by some that they are holding these claims until this bill is enacted into a law, and that then they will claim that the Government of the United States has assumed the debt of the District of Columbia and that we shall be bound in some other way for its payment. The object of this amendment is to require the persons who hold these claims to present them to the funding commissioners of the District of Columbia within ninety days; and if they fail to do so, their rights will be cut off. I think it is an amendment that ought to be adopted in order to adjust the debts of this District.

Mr. STEVENSON. Will the Senator from Iowa yield to me for a moment? I suggest to him that he make the time six months. I think three months is too short a time.

Mr. ALLISON. I am not particular about the time.

Mr. EDMUNDS. Three months is long enough; the whole thing has already been pending so long.

Mr. ALLISON. These claims have all been filed long since. I should think ninety days would be sufficient. Senators around me say "ninety days." I am willing to compromise on four months, and I will so change the amendment.

The PRESIDING OFFICER. That change will be made.

Mr. CAMERON. I doubt very much the propriety of such an amendment as this. What right have we to say to the creditors of this District that they shall come in and accept the terms we offer, or else lose their debt?

Mr. EDMUNDS. No, we do not say they shall lose their debt; but we leave them just where they are.

Mr. CAMERON. It amounts to that. It is said that these men charged too much as compensation for their work. Probably they did, but they were contractors and workmen offering to do a certain amount of work for a certain price. The legal authorities of this District agreed to pay them that price. They expected when they

made the contracts to receive the amount for which they contracted at early periods and in good, honest, legal money. They were kept out of their money for months, some of them for years, because the corporation with whom they contracted, under the belief that they were the agents of the Government of the United States, were unable to pay them. Many of these contractors pledged the anticipated receipts under their contracts, for the purpose of raising money, at great loss to themselves. Few of them, after the struggle they have had here, have much pay for their work; and it would be wrong, it would be shameful as I think, for the Government now to put its heavy hand on these poor people, for they are all poor now.

It has become a habit to abuse and speak slightly of everybody who has had anything to do with the District government for the last three or four years. I would like Senators to turn their attention to what this District was, what this city was fifteen years ago and then contrast the condition of affairs now. Then the much-abused people of this city had here a parcel of straggling villages, every one of which was unfit to represent any part of the great capital of this country; and now they have made it one of the most beautiful cities in the world. If this great work has cost a little too much money, it has added to the wealth of every man and woman who had a foot of ground in the city. The price for which the property in this city would sell now is far ahead, some millions ahead of what it would have brought before these much-abused people took charge of the city. I have no interest in them; I hardly know anybody belonging to them; but I think it is my duty when I see men become as it were the victims of common scolds, to stand up and defend them as well as I can. Thirty years hence, some of these men, and among them the much-abused Governor Shepherd, will be almost canonized in this city. He is yet a young man, and he will probably live to overcome all this; and I have no doubt he will in after years be pointed at as the master spirit who had courage, intelligence, and vigor enough to combine the intellect of this town in favor of its prosperity. I have no patience with people who have got rich here through the intelligence and the vigor of the men who took charge of this work, and who now grumble about taxation. Men and women who talk about taxation and who are opposed to it are the last who ought to do so. You never hear of the poor talking against taxation. It is the rich that always quibble about taxes. I remember once a long while ago a very rich man was talking to me against the taxes of the borough in which I lived. I said to him, "Mr. Hummel, I wish to God I was taxed five times as much as you are, because I am sure it would represent something which I ought to pay." We all ought to have a pride in this city, and especially I as an old man who have been here off and on for more than fifty years am entitled to feel some pride in it; and if there have been some wrongs here, I would overlook them in consideration of the great good that has been done.

I shall vote against any proposition that cuts down the price of the laborer's toil.

Mr. THURMAN. Mr. President, I am quite sure that my friend from Pennsylvania has never read the testimony taken before your committee of last year, or he would not have made the speech we have just listened to. He says that these contractors expected to be paid in good, honest money, as I understand him, whereas that testimony shows that allowances of from 15 to 25 per cent. were made in letting contracts because of the depreciated medium in the form of green certificates and yellow certificates, and every other sort of colored certificates, in which these persons expected to receive their pay. This whole subject was considered at the last session when the bill was passed. It was brought more particularly to the attention of Congress by a message from the President upon that subject; and it was on a full explanation and after the report made by the committee, a report in which the committee were entirely unanimous, that the provision remained in the bill as originally reported—the provision for the conversion of the floating debt into the bonded debt provided for by the bill; and that bonded debt was fixed with the rate of interest of 3.65 per cent. upon a computation made with the utmost care that such bond would fully pay the contractors a fair and reasonable compensation for their work. And now the Senator from Pennsylvania says that they expected to be paid in good money when they made their contracts, whereas the fact is directly the reverse, and the contract price of the work was enhanced from 15 to 25 per cent. because they were not to be paid in good, honest money.

One thing further while I am up. My friend from Pennsylvania says, as I understand him, that in thirteen years from this time Shepherd will be canonized here in the District of Columbia. My friend forgets that in that grand old church which canonizes the saints, a hundred years must elapse, a full century after the death of man or woman, before he or she can be made a saint; and although this is a fast age, I do not think we have become so fast that in thirteen years from now Governor Shepherd will be canonized as a saint in any part of the United States. Mr. President, I am quite sure that five years from now no member of the board of public works will be a saint in the District of Columbia. When the fifty-two miles of wooden pavement in this District shall have rotted, as it will in less than five years from this day and become worse than an old corduroy road across a swamp, and when the people of this District or the Government of the United States will be called upon to expend some \$10,000,000 or \$15,000,000 to replace that rotten pavement, I do not

think that any member of the board of public works which laid it here and which taxed the people of this District to lay it, which imposed on the Government of the United States an expenditure of millions of money to lay it, will be canonized as a saint in the minds of any part of the people of this District.

Mr. CAMERON. I am sorry to consume a moment of time longer. I only desire to say that my good friend, the Senator from Ohio, was, I believe, one of that committee which investigated all these bad doings in the city of Washington. Was he not? In looking over the report of that committee I did not see a word which spoke derogatory to the character for honesty of Mr. Shepherd. Not a word of that kind, I think, is in that report. I said that in thirty years he would be canonized, not in thirteen; but I think it will be in a much shorter time than thirty years, for we move faster in this country than elsewhere. A man who showed himself so superior in the ability required for the post to which he was called will not have to wait many years before he is appreciated.

The Senator talks about the wooden pavements here. At the time they were commenced there was a rage all over the United States to build wooden pavements. They had long been used in Russia, and their failure there was not known here until we made them a part of our system of paving. They have failed in Cincinnati and they have failed I believe in Columbus, Ohio; they have failed in San Francisco, and they have failed in Chicago; but they had not failed when the experiment was tried here.

But everything that is created perishes. A pavement no more than a man or a woman lives forever. Pavements have their day and they are useful in their time, but they die. All the improvements which men project die and give place to something else. The wooden pavement already has given way to the concrete, which proves itself better than wood, and after a while that will perish and give way to something else. But in all time, with the improvements begun here, this city will go on and prosper and every year become more beautiful. I have a pride in believing that in a very few years this will be the most beautiful city in the world. Look at this Capitol now; there is nothing like it in any part of the present civilized world. It is more beautiful, more grand, and more convenient in all its appointments than any other building of the kind. Look around these streets everywhere. You can ride over them without being jostled or hurt. How was it before Mr. Shepherd took charge here? The Senator from Ohio and I came here about the same time a great many years ago, and he will remember what a set of straggling and dirty villages there were here; how difficult it was ordinarily to get from the Capitol to the White House or the public buildings beyond. It is no trouble to do that now. What has all this cost? Comparatively nothing. As I said some time ago, the assessed value and the real value of this city is many hundred per cent. more than it was before these expenses began, and the grumblers are getting the advantage of them. We had better act liberally, and we had better act so that in the future our acts shall be approved of.

I know the Senator from Ohio is one of the most humane, one of the most benevolent, and one of the most just men in this body; and yet he is a little governed by politics, I am sorry to believe. [Laughter.] He cannot believe that anything which comes out of a republican head or heart is quite right. If Mr. Shepherd had been a good democrat, I dare say my friend from Ohio would have patted him on the shoulder and said, "That is very nice." [Laughter.]

Mr. TIPTON. I desire to say that I apprehend that the Senator from Ohio misunderstood the Senator from Pennsylvania in this: that the Senator from Ohio supposed that the Senator from Pennsylvania said that this former officer of the District would be canonized in thirty years. I understood the Senator from Pennsylvania to say that he would be canonized for thirty years. [Laughter.]

Mr. CAMERON. That is a matter of opinion.

Mr. THURMAN. Mr. President, I would not say a word in prolongation of this discussion upon the point suggested by our venerable friend from Pennsylvania if it were not for one remark that he made, and that was that he had looked into the report of the investigating committee last year and found no condemnation, as I understood him, of Governor Shepherd.

Mr. CAMERON. Yes.

Mr. THURMAN. Well, sir, I have heard a great deal of that sort of thing heretofore by people who have not looked into the report with their glasses on, although they ought to have worn glasses if they could not see otherwise. It is very true that in that report I believe there is no specific charge against individuals; and why not? The report was made toward the close of the session. The committee felt that they had a great duty to perform to relieve this District from a government that was utterly bankrupt and had proved itself totally inefficient and ill-suited to rule over this people; and with the patriotic purpose of passing a bill that should relieve the people from that government, we determined to avoid every question that could excite discussion or excite passion on the floor of either House of Congress, and to put our report upon public grounds and public considerations so that it might be the unanimous report of the committee, no member foregoing his own conviction either as to the guilt or innocence of individuals; and that accounts for that report.

We did not consider ourselves a grand jury to find an indictment against particular individuals. We considered ourselves a joint committee of the two Houses of Congress to perform a much higher duty

than to prefer indictments against individuals, to perform the duty of reporting to Congress whether the then government of this District was the best government for the District, or whether another and a different government ought to be inaugurated in its stead. That was our highest duty to perform, and we performed that duty. Had we taken the other course, had we brought in indictments against individuals, even though we had reported them by the vote of the entire committee, we should have had such a contest in both Houses here that no measure reported by us could pass. We knew that, and therefore we avoided accusations against individuals and reported simply upon public considerations a bill that we asked Congress to pass. There is no inference from the silence of that report, as to the opinions of the committee or of the members of the committee, as to the guilt or innocence of individuals.

Mr. ROBERTSON. I move that the Senate do now adjourn.

Mr. CAMERON. I hope the Senator will wait a moment. I hope the Senator will withdraw the motion till I say a word in reply to my friend from Ohio.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his motion?

Mr. ROBERTSON. I do for the Senator from Pennsylvania.

Mr. CAMERON. The Senator from Ohio did not repeat exactly the words which I used. I said that in his report there was not one word affecting the integrity of Mr. Shepherd, written or printed. I repeat that now; and I will add that Mr. Shepherd was the great point of attack, and if anything could have been said derogatory to his integrity, if the Senator from Ohio had not found it out, some other member of the committee would.

Mr. ROBERTSON. Mr. President—

Mr. FRELINGHUYSEN. I ask the Senator who has the floor to move an adjournment, rather than have that motion made, to move that we go into executive session for a few minutes.

Mr. ROBERTSON. Very well.

Mr. FRELINGHUYSEN. But I do not wish to make that motion if it interferes with the Senator who has charge of the bill before the Senate.

Mr. MORRILL, of Maine. I desire to say that at this state of the session, and in the present condition of the business of the Senate, we ought to settle this matter before we adjourn. I hope the Senate will not adjourn or go into executive session at the present time.

Mr. ROBERTSON. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

Mr. SARGENT. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 24; as follows:

YEAS—Messrs. Bayard, Bogy, Cameron, Clayton, Cooper, Davis, Edmunds, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hitchcock, Johnston, Kelly, McCreery, Merrimon, Norwood, Patterson, Ransom, Robertson, Schurz, Stevenson, Thurman, and Tipton—24.

NAYS—Messrs. Allison, Cragin, Dorsey, Ferry of Michigan, Flanagan, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Maine, Morton, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Sprague, Stewart, Wadleigh, Washburn, West, and Wright—24.

ABSENT.—Messrs. Alcorn, Anthony, Boreman, Boutwell, Brownlow, Carpenter, Chandler, Conkling, Conover, Dennis, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Hamilton of Maryland, Jones, Lewis, Logan, Morrill of Vermont, Oglesby, Saulsbury, Spencer, Stockton, and Windom—24.

So the motion was not agreed to.

Mr. HAMLIN. I want to say one word upon the amendment pending. Will it be out of order? [Laughter.]

Mr. MORRILL, of Maine. It will be unusual. [Laughter.]

Mr. HAMLIN. I wish to say then that, if I understand the matter, Congress has provided for the funding of a certain amount of the indebtedness of this District, \$10,000,000 I think. If I heard the sum stated aright by the Senator from Iowa, about \$8,000,000 have been funded. Now I believe that having funded so much of that, no Congress will ever depart from that rule in relation to the balance, nor do I think they ought to do so.

Mr. ALLISON. If the Senator from Maine will pardon me, about \$8,000,000 have been audited while only a little over \$3,000,000 have been funded, and the persons who hold those claims are holding them back for the purpose of making claims against Congress in the future, probably.

Mr. HAMLIN. It was to that very point that I proposed to say a word. I do not think Congress, having funded to the amount which the Senator names, can fund the balance at any higher rate of interest in justice to those who have already taken the bonds. They will not do it. We must adhere to that rule. In relation to the amount that has not been audited, the Senator suggests that there are those withholding audit for the purpose of getting a higher rate of interest. It may be so. I wish to say, however, that it has come to my knowledge within a few days that a very considerable amount of that indebtedness is held by individuals in my neighborhood who did not know that the term for auditing had expired. They appealed to me the other day, and I have introduced a bill, and it has gone to the Committee on Finance to extend the time for auditing.

I hope, therefore, that this amendment will prevail; that the time may be extended; that the outstanding claims may be audited; and I know I speak for a very considerable portion of the claimants who were not aware that the time for auditing had expired.

Senators are very hopeful if they expect that this vast bill, which is a code of itself, is ever to become a law unless it is enacted at this Congress, and I have no sort of expectation of that. I think we are wasting all our time. I think it would be the wisest thing we could do to lay it on the table. It never can pass the House of Representatives at this session in the few remaining days; and yet if it shall stand any earthly possible chance, let this amendment go in, as it is a right one.

Mr. SHERMAN. This last proviso, it seems to me, is not well considered; but my friend from Iowa is generally correct. I will read it:

Provided further, That nothing contained in this act shall be construed to in any manner pledge the faith of the United States to the payment of any debt or obligation of the District of Columbia, or of the cities of Washington and Georgetown, other than the fifty-year bonds provided for by the seventh section of the act hereinbefore referred to.

That is an implied declaration that the faith of the United States is pledged to the payment of the principal and interest of those bonds. That is not the pledge. The pledge is a limited pledge that taxes will be imposed, and so on. I do not see any use in that proviso except to extend the obligation of the United States, and I think it ought to be stricken out.

Mr. ALLISON. I have no objection to the modification of that proviso, so that it will create no greater pledge than the pledge already created with reference to those fifty-year bonds. But I want no implication in this law whereby the faith of the United States is pledged for the payment of the whole debt of this District.

Mr. SHERMAN. I agree to that.

Mr. ALLISON. But unless that is enacted it will be so claimed.

Mr. SHERMAN. It is rather dangerous to legislate about a matter of this kind, affecting difficult questions, in a hasty way. I think this language ought not to be adopted. I am not prepared to propose an amendment.

Mr. STEWART. I move that the Senate proceed to the consideration of executive business.

Mr. FRELINGHUYSEN. It is very manifest, I think even the friends of the bill are satisfied, that it cannot be concluded to-night. Therefore I hope that motion will prevail.

Mr. MORTON. I would like to give a notice before the motion is put. I desire to say that to-morrow morning I will move to lay the bill on the table with a view of proceeding to the consideration of the resolution in regard to Mr. Pinchback.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at five o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 12, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev.

J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

TAXES AND TARIFF.

Mr. DAWES. I move that the House resolve itself into the Committee of the Whole to resume the consideration of the special order—the tax and tariff bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HALE, of Maine, in the chair,) and resumed the consideration of the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government.

Mr. ELLIS H. ROBERTS. Mr. Chairman, the bill which is now before the committee is inspired by no theory, but is demanded by necessity. The President and the Secretary of the Treasury call upon you to increase the revenues. The bill includes no item which is not proposed on account of revenue, no item which is not meant to put money into the Treasury, and inserted in the bill solely on that account, except the one section repealing the tax upon matches.

The bill, as you were told yesterday, proposes to raise from whisky an additional amount of \$18,600,000; from tobacco, \$4,000,000; from sugar, \$3,200,000; and by the restoration of the 10 per cent. taken off in 1872, about \$8,000,000; making about \$38,800,000, less \$2,500,000 taken off from matches; leaving the net product of the bill about \$36,300,000 upon the importations of 1872; but upon the reduced importations of the current fiscal year we doubtless ought to deduct at least two millions; so that the product of the bill may be estimated to be about \$34,300,000, or, as the distinguished chairman of the Committee on Ways and Means stated yesterday, in round numbers about \$35,000,000.

Now, Mr. Chairman, unless it can be clearly shown that the necessities of the Treasury call for so much money, this committee ought to reject this bill. A year ago the Secretary of the Treasury suggested the raising of about \$42,000,000 additional taxation. I was one of those who at that time joined with the majority of this House in re-

fusing to increase taxes; and unless now greater necessity can be shown than existed a year ago, I would expect this committee to reject this bill and to reject any plan for so large an increase of taxation.

But it seems to me the situation has changed; and to-day I feel that the necessity is upon us of raising substantially the sum of money which this bill provides. A year ago investigation led me to differ from the estimates of the Secretary of the Treasury, and I had the satisfaction of finding my estimates for the fiscal year ending July 1, 1874, substantially identical with the result. Now investigation has compelled the conviction—not mere authority from the Treasury but investigation for myself—has compelled the conviction that we need the amount of money provided in this bill.

In the annual report of the Secretary of the Treasury, dated the 7th of December, 1874, the Secretary gives his estimate of the expenditures and receipts for the fiscal year, including the actual results for the first quarter, showing that he would upon that basis have in the Treasury a surplus revenue on the 1st of July next of \$9,200,796 to be applied to the sinking fund. This would be \$6,657,914 better than the actual results of last year. This would leave about \$22,000,000 to be provided to satisfy the sinking fund.

But, Mr. Chairman, my colleague upon the Committee on Ways and Means, the gentleman from New York, [Mr. Wood,] told you yesterday that we must beware of the Treasury estimates, that they are not to be relied upon. What does he give us instead? He gives us his own estimates instead of the estimates of the Secretary of the Treasury. And when the Secretary, after an elaborate investigation, corrects certain differences in the statements of long-standing accounts, the gentleman from New York takes that adjustment of differences, as given in table I, page 18, of the report of the Secretary, as a ground for criticising the accuracy of the reports. Because the Secretary spends months in elaborating the accuracy of his reports, my colleague upon the committee chooses to take issue with him.

But, after all, we must depend for the future results upon estimates. We are to take the estimates of the Secretary of the Treasury as a basis of comparison, and I raise no issue with my colleague for criticising these estimates. It is his right and his duty to examine the estimates. I only ask the same right for myself.

Now, comparing the estimates of the Secretary of the Treasury as made in December, 1873, and in December, 1874, and as given in the official reports of the two years, we find that he estimated for the current fiscal year in December, 1873, that the internal-revenue receipts would amount to \$108,000,000, the customs receipts to \$180,000,000; whereas in December, 1874, he makes the internal-revenue receipts for this current fiscal year \$105,098,615, and the customs receipts \$162,001,200; showing a reduction in the estimate, caused by the lapse of a year, of nearly \$21,000,000 in the resources of the Government; and although he has made during the year a reduction of \$14,000,000 in the estimate of expenditures for the current fiscal year, there is a deficiency upon these estimates alone of \$7,000,000, caused by the difference in the situation of the country in December, 1873, and December, 1874. But again, Mr. Chairman, look at the actual results for the calendar year 1874, as shown by the monthly debt statements. Examine these figures of the debt, less cash in the Treasury, at three different dates:

January 1, 1874	\$2,150,315,326.17
July 1, 1874	2,143,088,241.16
January 1, 1875	2,142,598,302.02

You find that the debt was reduced between January 1, 1874, and July 1, 1874, \$16,227,085; but between July, 1874, and January, 1875, the reduction was \$489,939. So that there was a difference upon the balance for the six months from July to January of last year of nearly \$16,000,000 as against the first six months of that year.

Turn now to the current fiscal year. Put side by side the receipts and expenditures for the first six months of several years:

Items.	1871.	1872.	1873.	1874.
RECEIPTS.				
Customs.....	\$108,111,942 54	\$97,321,060 23	\$80,425,173 05	\$78,928,244 71
Internal revenue.....	65,032,496 29	60,235,748 52	47,916,645 60	53,556,111 22
Sales of public lands.....	1,218,737 05	1,468,146 45		
Premium on sales of coin.....	5,945,166 42	5,013,864 50		
Tax on circulation of national banks.....	3,187,825 55	3,379,388 70		
Repayment of interest by Pacific Railroad Companies.....	375,191 85	297,067 57		
Customs fines, penalties, and fees.....	508,031 16	257,673 75		
Consular, letters-patent, land fees, &c.....	926,903 95	912,475 97		
Proceeds of sales of Government property.....		336,801 88		
Miscellaneous.....	2,012,955 41	3,128,612 18	13,836,154 28	12,339,852 44
Total.....	187,319,250 22	172,350,839 75	142,177,972 99	144,824,208 40
EXPENDITURES.				
Civil and miscellaneous.....	\$29,310,882 92	\$33,794,413 82	\$37,323,404 63	\$37,890,062 58
War Department.....	19,976,553 34	23,161,198 20	25,144,432 11	21,668,516 13
Navy Department.....	12,080,847 68	13,069,663 56	18,135,663 00	14,582,041 25
Indians and pensions.....	4,615,898 89	4,801,463 65	4,416,544 69	21,458,189 26
Interest on the public debt.....	17,239,068 24	16,312,428 72	15,495,472 18	
Premium on purchase of bonds.....	58,854,320 01	54,357,806 03	50,933,311 28	50,055,409 02
	4,106,786 10	3,578,389 30	1,395,073 55	
Total.....	146,184,287 18	149,075,363 28	152,843,961 44	145,654,218 24

Observe, comparing this year with the statement for the preceding fiscal year, that the expenditures are \$7,200,000 less than for the six months of the preceding fiscal year; but yet there is a deficiency in that six months of \$830,000. The returns for the month of January are less encouraging. Compare them for several years:

Month of January.	1872.	1873.	1874.	1875.
RECEIPTS.				
Customs.....	\$18,636,530 81	\$14,753,063 85	\$13,576,973 71	\$10,168,150 40
Internal revenue.....	9,612,298 15	8,101,163 46	9,400,874 80	7,965,875 65
Miscellaneous.....	2,196,912 54	3,418,138 03	3,336,799 91	2,154,804 64
Total.....	30,445,741 50	26,272,365 93	26,314,648 42	20,288,830 09
EXPENDITURES.				
Ordinary.....	\$12,986,922 61	\$16,021,414 99	\$14,181,774 11	
Pacific Railroad interest.....	1,938,705 36	1,938,705 36	1,938,705 36	
Monthly interest acc't.....	9,886,651 89	8,718,488 17	8,348,957 19	
Civil and miscellaneous.....				\$6,806,807 60
War.....				3,840,587 88
Navy.....				1,620,520 28
Interior.....				697,772 44
Interest.....				8,721,012 16
Total.....	24,812,279 86	26,678,608 52	24,469,436 66	21,686,700 36

Not only has the customs revenue fallen off largely as compared with the last year as well as the preceding year, but the internal revenue has fallen off as compared with January of the year preceding \$1,434,999.15, and we are for the month worse off by \$3,233,082.03. Add to this the result for the first ten days of the month of February from this comparison:

Comparative statement of receipts and expenditures for first ten days in 1873, 1874, and 1875.

Items.	1873.	1874.	1875.
RECEIPTS.			
Customs.....	\$5,479,491 31	\$4,381,235 89	\$5,086,277 28
Internal revenue.....	2,303,015 71	2,503,214 27	2,422,605 88
Miscellaneous.....	1,043,294 59	40,722 83	96,209 83
Total.....	8,825,801 61	6,925,172 99	7,605,092 99
EXPENDITURES.			
War.....	\$1,297,430 90	\$892,269 17	\$1,640,493 75
Navy.....	295,812 43	507,968 30	210,020 82
Interior.....	275,205 70	278,751 51	389,640 27
Civil and miscellaneous.....	1,883,124 25	1,209,127 40	1,451,321 25
Total.....	3,751,573 28	2,888,116 38	3,691,476 09

By the flush caused by the discussion of this bill customs have revived feverishly, but internal revenue shows a falling off of \$81,000, and the balance is worse than last year for the period by \$123,434.71.

So that, as the chairman of the committee well stated yesterday, there has been since January a falling off in the balance of \$3,357,521 up to the evening of the 10th of February instant.

This has been produced in spite of the rush for goods and for stamps which calculations upon the effect of legislation have inspired, and which are referred to in the letter from the Department which I submit:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
February 10, 1875.

SIR: In compliance with your request of yesterday by telegram, I have the honor to inclose herewith a comparative statement showing the revenues of the Govern-

ment from various sources for the first ten days in February, 1873, 1874, and 1875, and also the expenditures covering the same periods.

It is the opinion of the Department that the increase in customs revenues in 1875 over those of 1874 is due to the fact that goods in bonded warehouses are being withdrawn in anticipation of an increased tariff. I will also add that the Commissioner of Internal Revenue states that the receipts from internal revenue have been very much stimulated during the current month by expected increase in taxation; in fact, unusually large orders are now being received by telegram for spirit-stamps, which indicate the payment of tax of stocks of spirits now on hand.

Very respectfully,

CHAS. F. CONANT,
Acting Secretary.

Hon. ELLIS H. ROBERTS,
House of Representatives.

What I desire now to impress upon this committee is that we are not only suffering from a deficiency in the Treasury, but notwithstanding the excitement caused by propositions to change the duties we are upon a falling schedule. The revenues are still decreasing, and the balances are still accruing against us.

Now, Mr. Chairman, put together the figures of the seven months, with reasonable estimates for the next five months, and we have this result:

Items.	Seven months.	Five months.*	Whole year.
Customs.....	\$89,086,395 11	\$63,500,000	\$152,586,395 11
Internal revenue.....	61,521,986 87	44,000,000	105,521,986 87
Miscellaneous.....	14,494,656 48	10,000,000	24,494,656 48
Total.....	165,103,038 46	117,500,000	282,603,038 46

*Estimated.

This would make the receipts for the year \$282,600,000 against estimates of expenditures as given by the Secretary of the Treasury of \$275,315,489. I know, sir, this estimate is more sanguine than the estimate of the Treasury. The Treasury ought to err, if it errs at all, on the side of abundant caution, but I am bound to say, upon examining these calculations, that the expenditure may exceed these estimates, and the receipts may fall below, so there is danger to-day that at the end of this fiscal year, on the laws as they stand, we will be with a deficiency upon our current expenses, without saying anything about the sinking fund. The figures I have submitted show an apparent balance in the Treasury of about \$7,000,000 on the 1st of July next. The probabilities range between that \$7,000,000 and a deficiency in the Treasury on that day.

CRITICISMS.

We heard on yesterday from my colleague on the Ways and Means Committee from the city of New York [Mr. WOOD] a very remarkable speech, in which first of all he complains of the debt statement which is submitted by the Secretary of the Treasury. He complains that there is included in the debt statement the Navy pension fund. Why should it not be included in the debt statement? It represents money which the Government has received. It represents a debt. The certificates are held for a specific purpose, I know, but they are obligations of the Government.

Mr. WOOD. Will my colleague allow me to answer him?

Mr. ELLIS H. ROBERTS. Certainly, if the gentleman does not take up too much of my time.

Mr. WOOD. Mr. Chairman, I am very much obliged to my colleague for making a reference to my statement in regard to the Navy pension fund. It gives me an opportunity to state more distinctly and more authoritatively the grounds upon which I made that statement.

Mr. ELLIS H. ROBERTS. I trust the gentleman will not take up much time in doing so.

Mr. WOOD. I will not take up my colleague's time. I will refer my colleague to section 4630 of the Revised Statutes, page 908, which is in these words:

SEC. 4630. The net proceeds of all property condemned as prize, shall, when the prize was of superior or equal force to the vessel or vessels making the capture, be decreed to the captors; and when of inferior force, one-half shall be decreed to the United States and the other half to the captors, except that in case of privateers and letters of marque, the whole shall be decreed to the captors, unless it shall be otherwise provided in the commissions issued to such vessels.

This naval pension fund is made up of that proportion of this property, or the proceeds of this property, belonging to the United States, and was placed in the Treasury as a fund by act of Congress, the interest of which should go toward paying the pensions and the balance to be met by appropriations from Congress when necessary. But the principal of the fund itself is the property of the United States. This \$14,000,000 which the Secretary of the Treasury sets down as a debt of the United States really belongs to and is the property of the United States as much as this Capitol. If my colleague will let me quote the other provisions of law relating to this as the authority for my declaration, I will convince him of it.

Mr. ELLIS H. ROBERTS. We all know the sources of the naval pension fund and of the certificates. They are debts of the United States. These certificates are set aside for a specific purpose. This money goes into the Treasury for a specific purpose, and it is as distinctly a debt as anything else.

But, Mr. Chairman, my colleague also objects to recognizing the coin certificates as a part of the debt statement, although those coin certificates represent gold put into the Treasury. I do not wonder that the gentleman from New York finds a great deal to criticize in the statement of the Secretary of the Treasury, when he refuses to recognize as a part of the debt of the United States certificates which represent coin that has actually been deposited in the Treasury of the United States.

But my colleague goes on to say that the Secretary of the Treasury ought not to ask for more money while he has forty-four or forty-five million dollars of coin in the Treasury. The gentleman must know that there is no great government that ever conducts its treasury with a less balance than our own maintains. The British treasury, without any legal-tenders to care for, without any bonds outstanding which it expects to pay, without any national credit which it seeks to look after, never has a less average balance than from seven to eight million pounds. It would be the height of imprudence for a Secretary of the Treasury to retain less money in the Treasury than the coin balance.

But the gentleman from New York is kind enough to suggest to the Secretary and to this House where money may be got to bridge over this deficiency. And where, Mr. Chairman, does he suggest? Why, he points to the very innocent little tariff bill which was signed by the President the other day, and says you may get \$4,000,000 out of that. We have had very sanguine estimates before, but the highest estimate I have ever heard from anybody who examined that bill and its provisions is from two to two and a half million dollars.

But my colleague says that certain changes were made by the Revised Statutes in the customs duties. We have had that talked over here a great deal, and I will not take time now to consider the effect of the Revised Statutes upon the tariff. But my colleague must know that whatever may have been the changes by the Revised Statutes, we have already had their effect. We have already had in the customs duties which we are collecting the effect of these changes by the Revised Statutes. Yet he tells the Secretary to look for more money out of a source upon which we are relying and from which we are receiving our customs day by day.

Now, Mr. Chairman, if this were a question of a review of the legislation for twenty years, I could imagine the propriety of the reference of my colleague to the Pacific railroads and the legislation and the administration with reference to them. But this is not a question of a review of our political history for ten or twenty years; it is a question of the present necessities of the Treasury.

Again, my colleague complains that we have been buying bonds at exorbitant rates, paying a premium for them, as he states. It is not important to this debate, perhaps, but the truth is that of all the bonds which have been bought into the Treasury, every dollar has been bought for less than par in gold, and the average of the entire purchases made was 95.19 in gold.

APPROPRIATIONS AND EXPENDITURES.

But I find, Mr. Chairman, that I must hurry on. The gentleman from New York calls attention to the fact that a year ago, upon this side of the House, we boasted of a reduction in the appropriations, and promised a reduction in the expenditures. If we boasted, Mr. Chairman, the boast had good foundation. If we made a promise, the promise has been fulfilled.

I submit the following comparison of appropriations for the last three years, recapitulating them by acts. They show, it will be seen, a reduction this year from last of nearly \$19,000,000:

Comparative statement of appropriations for the fiscal years of 1873, 1874 and 1875.

	Second session Forty-second Congress, fis- cal year 1873.	Third session Forty-second Congress, fis- cal year 1874.	First session Forty-third Congress, fis- cal year 1875.
To supply deficiencies in the ap- propriations for expenses of taking ninth census, approved December 16, 1871.....	\$480,000 00	.....	.....
To supply deficiencies in the ap- propriations for expenses of Joint Select Committee on al- leged outrages in Southern States, approved January 16, 1872.....	27,855 00	.....	.....
To supply deficiencies in the ap- propriations for salaries and contingent expenses of the Post-Office Department, ap- proved February 20, 1872.....	23,751 51	.....	.....
To supply deficiencies in the ap- propriations for the service of the Government, approved May 18, 1872, and January 8, 1873.....	6,065,070 88	\$1,646,833 82	.....
To supply deficiencies in the ap- propriations for the service of the Government, approved March 3, 1873, and June 22, 1874.....	.....	9,496,406 14	\$4,053,812 39

Comparative statement of appropriations, &c.—Continued.

	Second session Forty-second Congress, fis- cal year 1873.	Third session Forty-second Congress, fis- cal year 1874.	First session Forty-third Congress, fis- cal year 1875.
*For legislative, executive, and judicial expenses of the Government, approved May 8, 1872; March 3, 1873; and June 20, 1874.....	\$18,624,972 74	\$18,170,441 18	\$20,758,255 50
For sundry civil expenses of the Government, approved June 10, 1872; March 3, 1873; and June 23, 1874.....	20,134,669 33	32,173,257 90	26,924,746 88
For support of the Army, approved June 6, 1872; March 3, 1873; and June 16, 1874.....	23,683,615 32	31,796,008 81	27,788,500 00
For the naval service, approved May 23, 1872; March 3, 1873; December 31, 1873; and June 6, 1874.....	18,231,085 95	22,275,707 65	20,813,946 70
For the Indian service, approved May 29, 1872; February 14, 1873; and June 22, 1874.....	6,196,362 91	5,505,218 90	5,538,274 87
For rivers and harbors, approved June 10, 1872; March 3, 1873; June 23, 1874.....	5,588,000 00	7,352,900 00	5,228,000 00
For forts and fortifications, approved June 10, 1872; February 21, 1873; and April 3, 1874.....	2,087,000 00	1,899,000 00	904,000 00
For support of Military Academy, approved May 23, 1872; February 23, 1873; and June 6, 1874.....	326,101 32	344,317 56	339,835 00
For service of Post-Office Department, approved June 1, 1872; March 3, 1873; and June 23, 1874.....	6,425,970 00	6,496,602 00	7,175,542 00
For invalid and other pensions, approved February 20, 1872; January 10, 1873; and June 20, 1874.....	30,480,000 00	30,480,000 00	29,980,000 00
For consular and diplomatic service, approved May 22, 1872; February 22, 1873; and June 11, 1874.....	1,268,819 00	1,311,359 00	3,404,804 00
For fire-proof building at Albany, New York, approved March 12, 1872.....	1,875,000 00		
For court-house and post-office at Indianapolis, Indiana; Huron, Michigan; Saint Louis, Missouri; Hartford, Connecticut, &c., approved March 18, 1872.....	2,170,000 00		
For Reform School, District of Columbia, approved May 15, 1872.....	400,000 00		
For Medical and Surgical History of the Rebellion, approved June 8, 1872.....	1,397,054 38		
For reliefs.....	3,781,422 98	3,342,647 86	2,120,773 93
For miscellaneous.....			
Totals.....	154,216,751 32	172,290,700 82	155,030,491 27
Amended totals.....	154,216,751 32	170,424,800 82	151,106,128 27

TREASURY DEPARTMENT.
Warrant Division, July 1, 1874.

*There appears for the first time in this bill an appropriation of \$2,216,763 for defraying expenses incident to the national loan for the current fiscal year, the appropriations for that object having heretofore been indefinite. There also appears an appropriation for official postage-stamps required by the various Departments of \$1,865,900 in 1874, and \$1,707,600 in 1875, without any corresponding appropriation in 1873. To arrive at a just comparison of the appropriations made at each session of Congress, the amounts appropriated for postage and expenses of national loan in 1875 and for postage in 1874 should be deducted from the totals of those years, leaving the amended totals.

But, after all, the expenditures are the main thing. It makes less difference how much we appropriate than it does how much we spend.

Statement of imports and exports (domestic and foreign) into and from the United States during the six months ending December 31, 1874 and 1873.

IMPORTS.

Months.	1874.			1873.		
	Specie and bullion.	Merchandise.	Total.	Specie and bullion.	Merchandise.	Total.
July.....	\$1,296,142	\$47,132,199	\$48,428,341	\$1,212,504	\$49,325,029	\$50,537,533
August.....	1,500,548	45,247,367	46,747,915	890,737	51,802,852	52,702,589
September.....	1,406,292	45,855,130	47,261,422	2,215,016	47,726,772	49,941,788
October.....	1,210,084	45,276,697	46,486,781	10,832,293	46,506,819	57,339,112
November.....	1,113,412	37,727,759	38,841,171	4,448,547	34,637,196	39,085,743
December.....	2,104,130	36,833,375	38,937,505	2,226,601	33,433,247	35,659,848
Total.....	8,630,608	258,072,527	266,703,135	21,828,698	263,431,915	285,260,613

Now, setting aside the interest and the purchase of bonds for the sinking fund, which are matters of course outside of the discretion of Congress, and regarding the expenditures, which are the only things over which Congress has control, they were in 1873 \$180,488,636; in 1874 they were \$194,118,985; while for the current fiscal year, including actual expenses for that portion of the year already passed and estimates for the residue of it, they amount to \$172,527,590, an amount less than that of last year by \$21,591,395.

We have reduced the expenditures to that extent, and yet, Mr. Chairman, this deficiency still stares us in the face. I for one would be glad if we could have reduced the expenditures still more; but I call the attention of gentlemen on the other side of the House to the fact that they are not without responsibility because the expenditures have not been still further reduced.

REASON OF FALLING OFF OF REVENUE.

Now, Mr. Chairman, the gentleman from New York [Mr. WOOD] became very jolly yesterday, as it seemed to me, over the failures of the last year, stating that they only represented \$155,000,000 as against \$228,000,000 for the preceding year; but he very carefully omitted to state that in 1874 the business failures were 5,830 in number, the largest number since 1857, except alone the year 1861.

Now, it may be a cause of rejoicing to the gentleman from New York that it has not been the heavy capitalists who have failed during the year. It may be a gratification to him that in most of the failures the amount of money involved was not as large as in the preceding year, although the number of failures throughout the country was more during the last fiscal year than it has been in any year, except in 1861, since 1857. I do not rejoice to see the smaller business houses tumble, to know that disaster has struck below the shining speculators, to the steady traders and producers of the country.

The table as given by a leading mercantile agency is as follows:

Failures in the United States from 1857 to 1874.

Year.	Number.	Amount.
1857.....	4,032	\$291,750,000
1858.....	4,225	95,749,000
1859.....	3,913	64,394,000
1860.....	3,676	79,807,000
1861.....	6,093	207,210,000
1862.....	1,652	23,049,300
1863.....	485	6,864,700
1864.....	2,608	63,774,000
1865.....	2,799	75,054,000
1866.....	3,554	88,242,000
1867.....	2,915	85,252,000
1868.....	4,069	121,056,000
1869.....	5,183	228,499,000
1870.....	5,830	155,239,000

Mr. Chairman, the falling off in the revenue is due to causes that affect the whole country. It indicates depression and disaster; but it also shows thrift, saving, and a husbanding of resources necessary, doubtless, under the existing circumstances, and healthful to the country in the not distant future. Sir, you cannot rebuild the ruins of a panic; you cannot recover from the extravagance of the past few years without thrift and saving and sturdy economy. This means a falling off in the use of articles of luxury from beyond the seas. It involves therefore a reduction in imports and in the amount of duties received.

But this is not all, Mr. Chairman. I find that not only do the imports fall off, but the exports fall off as well. Some gentlemen may suggest: Has not this falling off in the revenue occurred from the change in our revenue laws? If it affected only imports and not exports, then possibly it would be fair to say that we might attribute something of these results to the change in the revenue laws. But look at this table of exports and imports for six months of the year before and the corresponding six months of the year after the important legislation of last June:

Statement of imports and exports (domestic and foreign) into and from the United States, &c.—Continued.

DOMESTIC EXPORTS.

Months.	1874.			1873.		
	Specie and bullion.	Merchandise.	Total.	Specie and bullion.	Merchandise.	Total.
July.....	\$3,777,366	\$40,967,184	\$44,744,550	\$10,574,414	\$40,725,170	\$51,299,584
August.....	7,317,525	38,755,863	46,073,388	3,697,942	41,403,377	45,101,319
September.....	2,703,591	36,335,632	39,039,223	3,034,686	41,354,042	44,388,728
October.....	2,504,356	47,312,898	49,817,254	3,076,128	52,747,839	55,823,967
November.....	4,921,854	53,284,559	58,206,413	4,168,667	55,675,473	59,844,140
December.....	12,827,049	61,224,919	74,051,968	2,655,197	65,457,285	68,112,482
Total.....	34,051,741	277,881,055	311,932,796	27,207,034	297,363,186	324,570,220

FOREIGN EXPORTS.

Months.	1874.			1873.		
	Specie and bullion.	Merchandise.	Total.	Specie and bullion.	Merchandise.	Total.
July.....	\$299,679	\$1,143,948	\$1,443,627	\$612,387	\$1,346,955	\$1,959,342
August.....	667,548	1,180,895	1,848,443	330,045	1,411,502	1,741,547
September.....	164,492	1,034,654	1,199,146	321,273	1,166,907	1,488,180
October.....	217,216	1,418,337	1,635,553	790,865	1,076,451	1,867,316
November.....	239,497	1,302,704	1,542,201	263,891	1,911,349	2,175,240
December.....	306,623	1,327,108	1,633,731	324,631	1,400,890	1,725,521
Total.....	1,895,055	7,407,646	9,302,701	2,643,092	8,314,054	10,957,146

* No returns have come from several small districts.

BUREAU OF STATISTICS, February 8, 1875.

EDWARD YOUNG,
Chief of Bureau.

Observe that the imports for 1874 were less by \$5,000,000 than the exports in 1873, while the exports are \$20,000,000 less. Sir, legislation has not produced this result. The country has suffered from a panic and from a general depression of its business interests. If I had time I would ask you to look at the earnings of the great railroad companies, which measure the movement of freight. These show the general falling off in the trade and activity of the country. It would be instructive to consider this falling off, not in this country alone but in all the countries of Europe. It is hardly less there than in this country. But time will not permit such an excursion. I find, sir, in the New York Tribune of the 10th instant this paragraph:

The falling off in freight and immigration has proved a very serious loss to the European steamship companies, and they are not paying their running expenses. Three hundred steamships are laid up in English ports for want of employment. Only fifty-eight steam vessels now run from the United States to Europe. In American dock-yards many vessels are on the stocks for which there is no market, and the number of vessels built this year shows a decline estimated by builders to be one-third of the total for last year.

The falling off in our revenue is due to the falling off of commerce all over the world.

WHY SELECT THESE ARTICLES FOR REVENUE?

The necessity for increased taxation has been forced upon us. It is due to general causes outside of legislation. The passage of some bill like this is imperatively demanded.

Now, it is a fair inquiry: Why are the articles named in this bill selected as the subject of duty and taxation rather than some other objects? In the first place, at this period of the session it was obviously necessary that the Committee on Ways and Means should present to the House a simple schedule, the effect of which might be readily estimated. We had to select, in framing this bill, articles which would produce in themselves a large amount of revenue and would do it with little or no increase in the machinery and officials necessary for collection.

It is known to the House that tea and coffee have been proposed as sources from which our deficiency might be in part made up. But while the consumption of the country, of tea, for example, was 54,500,000 pounds in 1874, the quantity now on hand or afloat is estimated at from 40,000,000 to 50,000,000 pounds, and is probably about 45,000,000, or nearly the stock for an entire year. The stock of coffee is limited only by the ability to secure it in advance of anticipated legislation.

The speculators and large buyers of tea and coffee have therefore been desirous to have the duty strike those articles. But the Committee on Ways and Means have been flooded by petitions protesting against such tax. The committee thought it wise, therefore, because they did not believe they could during this fiscal year secure much, if any, revenue from those articles, to omit them from the schedule.

It was proposed also to add an additional tax of 1 per cent. upon the circulation of national banks. If there are any gentlemen in this House who believe it would be wise to add 1 per cent. to the tax upon the circulation of national banks, I ask them to look on pages 140 and 141 of the report on finances of the Secretary of the Treasury for this year. They will see that the average earnings of national banks was 9 per cent. on the capital, and on the capital and surplus about

8½ per cent. They will also find that there is a continual tendency in States where the rate of interest is high to reduce the circulation. We have the estimate of careful men that the increase of 1 per cent. upon the tax upon the circulation of national banks would, within a year, lead to a contraction of perhaps \$50,000,000 of national-bank circulation in those States where interest is highest, that is to say, in the West and South. And the committee did not think it wise to take the responsibility of putting such a provision in a tax bill.

Again, it has been suggested in the House, as it was suggested in the committee, that the tax on incomes should be restored. I will not take time now to dwell upon the odious features of that tax, nor upon its great inequalities. Let this suffice, that it would require a very large increase in the number of officials to collect that tax, and more than that, the tax could not be made available until about the end of another fiscal year; therefore for present purposes this source of revenue is beyond our reach.

WILL REVENUE BE INCREASED BY THE BILL?

There are gentlemen who tell us that the revenue will not be increased by the bill which the committee have had the honor to submit. The very distinguished chairman of the Committee on Ways and Means [Mr. DAWES] has called attention at length and very forcibly to the subject of the tax on whisky. I will not travel over the ground which he has covered so well, but as my line of argument runs somewhat parallel to his, I will ask leave to add to what he has said two or three suggestions. In the first place it is objected that an increase of the tax on whisky cannot be collected. And the experience of the Johnson administration is referred to to justify that objection. I will not dwell upon the political demoralization which was the feature of national affairs at that time, nor will I recall the statistics of the frauds in regard to the collection of other taxes besides the tax on whisky under that administration.

You will remember that the law passed July 28, 1868, reduced the tax on whisky from \$2 to 50 cents per gallon. The same law also introduced the new system of collecting the tax by means of stamps. I hold in my hand a table showing the amount collected on distilled spirits for the six months ending September 30, 1868, and the six months ending March 31, 1869.

The table is as follows:

Comparative statement showing the gallon tax returned on distilled spirits during the six months ending September 30, 1868, and March 31, 1869.

Months.	Six months ending September 30, 1868.	Months.	Six months ending March 31, 1869.
1868—April.....	\$1,393,838 50	1868—October.....	\$3,134,460 66
May.....	1,312,595 35	November.....	2,556,768 95
June.....	445,282 35	December.....	2,767,090 52
July.....	1,045,946 13	1869—January.....	2,814,247 51
August.....	2,839,162 14	February.....	2,494,828 31
September.....	1,936,969 19	March.....	2,327,361 71
Total.....	8,973,793 66	Total.....	16,094,757 66

The first six months covered the time before the introduction of stamps; the second six months covered the time just after the introduction of stamps. While in April, 1868, the tax collected on whisky amounted to \$1,393,838, it amounted in the next March to \$2,327,361. For the six months ending March 30, 1869, the tax amounted to \$16,094,757, while for the six months ending September 30, 1868, it amounted to only \$3,973,793. In the judgment of revenue officers this result was in large part perhaps chiefly due to the introduction of the system of collecting the tax by stamps.

The present system in reference to the collection of the whisky tax is very thorough. It follows the grain through every gallon which is made until it reaches the consumer. In England a tax of \$2 (7s. 6d.) per gallon is collected upon distilled spirits without difficulty. Why may we not collect one-half of that sum in this country? I agree with the Commissioner in his confident judgment that he can collect a tax of a dollar per gallon; and if it can be collected there is no article upon which a tax may more properly be levied than upon distilled spirits. That is the practice of all countries; it is the logic of every tax system.

Complaint is made because this bill proposes to tax the stock on hand. I have voted for that proposition because I was not willing that legislation should be made, even by indirection, the instrument of speculation. Besides that, if you want to make your tax at once productive, it is inevitable that you must impose a tax on the stock on hand, because of about the 60,000,000 gallons, which are taxable in any one year, about 40,000,000 gallons are new either in bond or in the hands of wholesale dealers and rectifiers.

The next provision in the bill is the one increasing the tax on tobacco. Statistics show that there is a constant growth in the production and consumption of tobacco, running from 36,000,000 pounds in 1866, by an almost constant gradation, up 118,000,000 pounds in 1874. The accurate figures are:

	Pounds.
For the years 1863, 1864, and 1865 it averaged	35,790,469
In 1866	36,733,769
In 1867	47,631,494
In 1868	46,764,151
In 1869	64,305,117
In 1870	90,199,085
In 1871	95,096,622
In 1872	95,209,319
In 1873	114,789,208
In 1874	118,548,618

About two years ago I was very much interested in a hearing before the Committee on Ways and Means upon the subject of the tax on tobacco, when Governor Bagley, of Michigan, a distinguished man in the politics of his State, as well as a very large manufacturer

of tobacco, very clearly stated how by an almost constant law the consumption of tobacco increases while the price of tobacco never at all affects the consumption.

Mr. Kimball, who perhaps knows as much about the tax on tobacco as any man in the country, being at the head of the tobacco department in the Bureau of Internal Revenue, concludes that there are about ten million consumers of tobacco in this country, and they pay that tax; not, as my friend from Virginia, [Mr. WHITEHEAD,] who I see is using his pencil, will tell you by and by, the producer; not even the manufacturer. It is not North Carolina nor Virginia nor Connecticut (though they raise the tobacco) that pay this tax; nor is it New York, where the greater part of this tobacco is manufactured. But it is the consumer who pays the tax. Few men use more than 12 pounds of tobacco a year; and it is notoriously a luxury. I have here a clause in a petition which was submitted to the Committee on Ways and Means a couple of years ago, insisting that no consumer of tobacco ever complained of the tax. I believe that is correct. This is the one article with reference to which the consumer never complains of taxation. The petition says:

Who ever heard a consumer of tobacco complain of the tax? Why not? Because \$1 worth of smoking-tobacco, comparatively speaking, will go with the consumer from 50 to 100 times and that of the tobacco chewer from 33 to 66 times further than any other luxurious article that mankind is addicted to.

Mr. WHITEHEAD. As the gentleman has alluded to me, will he allow me to ask him a question? If this tax applies to the consumers only, why have not the committee increased the tax on cigars?

Mr. ELLIS H. ROBERTS. Mr. Chairman, the question is a fair one, and if the gentleman from Virginia will choose to move an amendment increasing the tax on cigars, guaranteeing by the manner of the amendment that the increase can be collected, I will very cheerfully vote with him.

Mr. MYERS. And I will not.

Mr. WHITEHEAD. That is not answering my question.

Mr. ELLIS H. ROBERTS. The next article on the bill is sugar; and I will suggest before I go on that the gentleman from Iowa [Mr. KASSON] has an amendment authorized by the committee which will include in the increase proposed by the bill the article of melado.

Now, Mr. Chairman, sugar, like tobacco, is of constant use, and differing from tobacco, is of almost universal use. Besides, differing from tea and coffee, the use of sugar is graded to a considerable extent by the degree of the resources of a family; that is to say, the wealthier classes use more sugar than the poorer classes. Sugar is a sure and an increasing source of revenue. The home-consumption tables of the Bureau of Statistics show that we imported during three years as follows, and I add footings for comparison:

Statement showing importations of sugar and molasses for the fiscal years ending June 30, 1872, 1873, and 1874.

Dutiable commodities.	Rate of duty.	Fiscal year 1872.			Fiscal year 1873.			Fiscal year 1874.		
		Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.
Sugar and molasses:			Dollars.	Dollars.		Dollars.	Dollars.		Dollars.	Dollars.
Molasses.....galls.	5 cents per gallon	42,057,924	10,108,888 63	2,102,896 20	44,112,413	10,424,652 14	2,205,620 66	47,205,641	11,122,174 39	2,360,282 05
Sirup of sugar, sugar-cane juice, melado or concentrated molasses.....lbs.	1½ cents per pound	65,911,871	2,693,239 50	988,678 07	107,084,690	4,504,763 53	1,606,270 37	133,252,852	5,398,380 12	1,998,792 80
Sugar, Dutch standard in color										
All not above No. 7.....lbs.	1½ cents per pound	246,804,411	12,144,645 37	4,319,077 20	200,588,712	9,781,864 39	3,510,302 47	253,201,748	11,626,709 87	4,431,030 56
All above No. 7 and not above No. 10.....lbs.	2 cents per pound	668,715,892	35,805,272 45	13,374,317 84	860,454,193½	46,342,843 98	17,209,083 87	963,873,857	48,560,098 72	19,277,477 14
All above No. 10 and not above No. 13.....lbs.	2½ cents per pound	345,734,373	19,911,000 93	7,779,023 54	250,842,299	14,584,125 75	5,643,951 76	264,668,066	14,123,764 62	5,955,031 49
All above No. 13 and not above No. 16.....lbs.	3 cents per pound	77,483,803	4,900,546 29	2,130,804 49	60,881,348	3,891,759 58	1,674,237 09	27,619,642	1,636,397 68	759,540 15
All above No. 16 and not above No. 20.....lbs.	3½ cents per pound	7,282,240	488,087 95	236,672 82	5,407,628	370,307 97	175,747 92	1,906,343	119,563 34	61,956 18
All above No. 20, and all loaf, and other refined.....lbs.	4 cents per pound	921,826½	63,746 06	36,873 06	324,651	22,171 85	12,986 04	187,259½	13,168 81	7,490 38
Quantities in—		Pounds.								
1872.....		1,412,854,421								
1873.....		1,485,583,521½								
1874.....		1,644,707,767½								

It will be observed that of the imported articles melado and the different grades of sugar there were consumed in the United States in 1873, 1,485,000,000 pounds; that is to say, about 37 pounds for each person in the population, taking for round numbers 40,000,000 as the population. In 1872 the consumption was but 35½ pounds to each person, whereas in 1874 the consumption was 41 pounds to each person of the population. There is a constant increase in the consumption of the imported sugar.

Now, it is true, Mr. Chairman, that very little of the refined grades of sugar are imported. The importations are in the coarser grades, and the refining is chiefly, almost wholly, done in this country. That, however, leaves the fact still patent that the growth of the use of sugar is constant; that it is a sure source of revenue, and that taxation upon this article bears not unequally upon the different classes of the population.

Again, the average percentage on all dutiable articles brought into the country was last year 38½%. On the grades of sugar of which most are used the duty ranges from 38½ to 42½ per cent.; and if you make the proposed addition the duty will become only about 47 per cent. on the grades of which most are used. So it seems to me, Mr. Chairman, that if you are compelled to tax anything, sugar is as legitimate a source of taxation as can be named.

I come now to the 10 per cent. restoration. The reduction of duties upon the class of articles so included did not increase the importation, and did not particularly augment the revenues. On the contrary it will be found that, notwithstanding the growth of the country, there were imported of the leading articles affected by the 10 per cent. reduction, in the fiscal year ending August 1, 1872, \$194,000,000; and in the fiscal year ending August 1, 1873, \$189,000,000; a falling off of about \$5,000,000 in the value of merchandise not in the duties.

Here are the accurate figures:

Articles.	Value of merchandise imported from—	
	August 1, 1871, to July 31, 1872.	August 1, 1872, to July 31, 1873.
Books, pamphlets, engravings, &c.....	\$2,396,262	\$2,583,500
Brass, and manufactures of.....	176,210	240,708
Copper, and manufactures of.....	1,953,285	3,778,834
Cotton, and manufactures of.....	35,555,721	35,018,913
Glass, and manufactures of.....	5,932,927	7,529,966
India rubber and gutta-percha manufactures.....	860,504	953,781
Iron and steel, and manufactures of.....	55,122,328	58,566,183
Lead, and manufactures of.....	3,281,315	3,220,690
Leather, manufactures of.....	932,063	1,034,857
Metals, metal compositions, and manufactures of, not elsewhere specified.....	783,013	921,960
Paper, and manufactures of.....	2,251,519	2,325,462
Straw and palm-leaf, and manufactures of.....	2,400,062	2,353,720
Wool, and manufactures of.....	81,038,024	70,455,769
Zinc, spelter, and manufactures of.....	1,393,941	900,655
Total.....	194,077,234	189,884,998

EDWARD YOUNG,
Chief of Bureau.

TREASURY DEPARTMENT, BUREAU OF STATISTICS.

Let me add here a statement of the effect on the duties on the leading articles:

Statement of the amount of revenue derived from certain articles entered into consumption in the United States during the fiscal year ended June 30, 1874, and the estimated loss of revenue on the same by the reduction of 10 per cent. of the rate of duty, act of June 6, 1872.

Articles.	Amount of duty received for fiscal year ended June 30, 1874.	Estimated loss of revenue by reduction of 10 per cent., act June 6, 1872.
Licorice juice.....	\$56 43	\$6 27
Licorice paste.....	129,489 93	14,357 77
Clay, unwrought pipe and fire clay.....	58,091 17	6,454 57
Clay, fuller's earth.....	748 45	83 16
Cotton, and manufactures of.....	9,041,201 96	1,004,578 00
Glass, and manufactures of.....	2,509,224 29	278,802 69
Gutta-percha manufactures.....	1,807 39	200 82
India rubber manufactures.....	203,800 17	22,644 46
Iron, and manufactures of.....	4,826,369 99	536,263 33
Steel, and manufactures of.....	6,094,030 51	677,114 50
Leather, and manufactures of.....	215,672 70	23,963 63
Metals, and manufactures of (n. o. p.).....	2,083,574 28	242,619 37
Manufactures of bone, ivory, horn, &c.....	50,915 76	5,657 30
Oil-cloth of all descriptions.....	35,924 04	3,991 56
Paper, and manufactures of.....	983,919 82	109,324 42
Straw, and manufactures of.....	3,774 87	419 43
Wool, and manufactures of.....	32,326,862 78	3,591,873 64
All other articles.....	1,190,402 40	132,266 93
Total.....	59,855,866 94	6,650,651 85

EDWARD YOUNG,
Chief of Bureau.

BUREAU OF STATISTICS, February 9, 1875.

So gentlemen have no right to tell us that the restoration will reduce importations or diminish the revenues.

I wish I had time to call attention to some of the leading articles included in this table; but I must refer gentlemen to the reports of the Bureau of Statistics for further details of figures.

Now, Mr. Chairman, the only exception to the features of this bill which increases the revenue is that one section which strikes out the tax on matches. That is stricken out because with the various articles which have been selected for revenue it was thought that so much could be spared from the Treasury. It was given to the tax on matches because of the strong appeals which come to the committee showing that particular industry is greatly disturbed, almost shaken to its foundations, because of frauds, or if not frauds, at least because a system of packing has been introduced, to which the law seems to give its approval and indorsement, which destroys those manufacturers who choose still to include one hundred matches in each box.

THE SINKING FUND.

Mr. Chairman, if the committee will bear with me a little while, I desire to refer to the very remarkable treatment of the sinking fund in which a member of the Committee on Ways and Means [Mr. WOOD] from the city of New York indulged yesterday. In the first place, he was kind enough to state he thought the sinking fund is absurd. Perhaps it is; but yet this country is bound by the act of February 25, 1862, to maintain the sinking fund. That law expressly provides that the money shall be set apart for the sinking fund before any of the ordinary expenses of the Government are paid. But the gentleman again says the sinking fund was abolished by the act of 1870. That act simply provides for the cancellation of the bonds and for keeping

the accounts. That act was passed in 1870, and since 1869 the sinking fund has been equitably kept up until last year. I will not go over the ground which the chairman of the committee went over yesterday, indicating how the failure to provide for this sinking fund has affected our credit abroad. It is an open secret that foreign bankers give as one reason why they did not close up our five per cents last year is the failure to provide for the sinking fund.

But not only does my colleague say, first, that the sinking fund is absurd, and, secondly, that it has been abolished, but in the third place he suggests it may be met by putting in the bonds which have been already bought for the reduction of the debt. Those bonds have been canceled and destroyed, and yet my colleague suggests the sinking fund may be met by putting in canceled bonds. First it is absurd and then it has been abolished, and next it may be paid by canceled bonds. I do not wonder upon such theories that the gentleman from New York suggests the Secretary of the Treasury ought to have more courage. He ought not to be so tender of the public faith, of the law, of solemn pledges perhaps, my colleague thinks.

My colleague is honored according to the newspapers with being the leading candidate of his party for Speaker in the next House of Representatives. What he says then is not simply the utterance of the Representative from New York, but it becomes the utterance of a great party, and indicates the policy that party would employ if in power. He tells us he would not repudiate. O, no; but he would settle the sinking fund with canceled bonds.

Besides, he tells us this sinking fund has been kept up for five or seven years in advance. The creditors of the country will understand what will be the fate of the sinking fund when it falls into the hands of gentlemen who say it is absurd, that it has been abolished, that it may be paid by canceled bonds, and that it has in fact been paid for five or seven years in advance.

My distinguished friend from Kentucky, [Mr. BECK,] who I am sorry not to see upon the floor to-day, called attention to the fact yesterday that there had been a reduction of the gross amount of the national debt. That is true. The national debt reached its maximum the 1st of March, 1866, when it was \$2,707,856,000.22. It was \$2,143,996,172.29 February 1, 1875. It has been reduced \$563,859,827.93.

If the whole reduction of debt were allowed on the sinking fund, and the latter reckoned from 1862, it would stand:

Reduction of debt.....	\$563,859,827 93
Demands of sinking fund.....	417,556,000 00

Excess..... 146,303,827 93

The gentleman from Kentucky [Mr. BECK] and the gentleman from Indiana [Mr. NIBLACK] urge that all reductions of the debt should so apply on the sinking fund. They know the joint resolution of March 17, 1864, in these words, (13 Statutes, 404:)

Joint resolution to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, and for other purposes:

Be it resolved, &c., That the Secretary of the Treasury be authorized to anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he is hereby authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest of the public debt: *Provided,* That the obligation to create the sinking fund according to the act of February 25, 1862, shall not be impaired thereby.

Approved March 17, 1864.

They know the distinct provision of law that the payment for the sinking fund is "to be made within such fiscal year." (Act of February 25, 1862.)

They set up equities against law; construction against solemn pledges. The pledge follows every obligation of the Government to-day. "Within every fiscal year" the guarantee of the sinking fund is to be maintained.

The CHAIRMAN. The gentleman's time has expired.

Mr. KELLEY. I ask the gentleman's time be extended.

Mr. KILLINGER. I object to any further extension of time. There are many gentlemen who desire to be heard, and some I fear will be cut out altogether.

Mr. DAWES. I hardly think the gentleman from Pennsylvania will do that, after two gentlemen yesterday were each allowed an hour and a half.

Mr. KILLINGER. If this were the last speech to extend beyond an hour I would withdraw my objection, but there are to be half a dozen of the same kind.

Mr. DAWES. I hardly think so.

Mr. CESSNA. I am opposed to all unnecessary delay or protraction of the discussion on this subject. I do not wish to object in any spirit of unkindness or antagonism. I am willing the gentleman from New York shall print the remainder of his remarks. I object, however, because I think that is the wish of the House. Although I take no part in this discussion I must object.

Mr. DAWES. I wish to say to the gentleman from Pennsylvania that the gentleman from New York did not come here prepared with a written speech, and he only wants a short extension of time.

Mr. ELLIS H. ROBERTS. If the gentleman had not objected I should have finished what I had to say by this time.

The CHAIRMAN. Is there objection to the extension of the gentleman's time for ten minutes?

Mr. CESSNA. If it does not come out of somebody else's time I object.

Mr. DAWES. I think the gentleman who will have the floor will perhaps be more courteous than the gentleman from Pennsylvania, [Mr. CESSNA.]

Mr. KELLEY obtained the floor.

Mr. ELLIS H. ROBERTS. Will the gentleman yield to me for ten minutes?

Mr. KELLEY. I yield for ten minutes to the gentleman from New York, [Mr. ELLIS H. ROBERTS.]

Mr. GARFIELD. I desire to suggest that when the gentleman from New York has occupied his ten minutes the committee be permitted to rise, that we may proceed with an appropriation bill.

Mr. KELLEY. O, no; let us go on with this.

Mr. CESSNA. Let me say to the gentleman from Massachusetts [Mr. DAWES] that I made my objection with no want of courtesy to the gentleman from New York or to the committee.

Mr. DAWES. In what I said I did not mean any other want of courtesy than that which cuts off a man in the middle of his speech. Mr. ELLIS H. ROBERTS. I understand that the gentleman from Pennsylvania [Mr. KELLEY] yields to me a portion of his time.

Mr. KELLEY. I yield my colleague on the committee ten minutes.

Mr. ELLIS H. ROBERTS. I desire to add but two or three points to what I have said. In the first place this: that there is no tax upon this country so onerous as the gold premium; that whatever reduces the revenue contributes to the increase of the gold premium; and that a falling off of the revenue has been accompanied almost *pari passu* by an increase of the gold premium, which means an increase in the price of articles of consumption, and is not attended by an increase in the wages of labor.

I ask the committee to pass the bill which is before it in some form that the revenue may be adequate to meet the obligations of the country; because if you suffer the Treasury to be bankrupt, you put a heavy hand upon every industry of the nation, upon every interest of the nation; because you trample down production and trade and commerce.

The natural revenues of the country are decreasing still; and, as I have indicated, so long as the country goes on in thrift and saving they cannot be expected very greatly to increase. The bill which is submitted provides only enough to meet the legitimate demands of the country. It contains nothing for jobs. It leaves no margin for extravagance. Nothing more is provided by the bill than the natural requirements of the Government call for. My colleague from the city of New York [Mr. WOOD] said he would not be sorry if the dependents of the Government went without their pay; that is to say, if the Army and Navy went without their pay; if the honest creditors of the Government went without their pay. And he added in the elegant manner which gives effect to all he says, "If that be repudiation, make the most of it." For one I am not willing that the Army and the Navy shall go without their pay. I am not willing that any honest creditor of the country shall go without his dues. I am not willing that any obligation of this nation shall be dishonored. We have had notice from the other side of the House by the speech of its distinguished Representative that they are willing to leave the Administration bare. Then I ask gentlemen on this side if they are willing to leave the Treasury empty? Many things may be left undone; but you cannot afford to leave the Treasury bankrupt. You cannot afford, with an opposition majority coming into this House, to refuse to provide for the legitimate demands of the Government in this year and the year to come. Gentlemen on the other side are willing to leave the Administration bare; that is to say, they are willing to leave the Government bare. This is not a question of party politics, Mr. Chairman. Yet the majority on this side are responsible for the honor of the nation; and when gentlemen come here and sneer at the sinking fund; when they come here and tell us "If that be repudiation, make the most of it," it seems to me that the majority of this House should say, "We will have none of repudiation; we stamp it out in its beginnings." I ask this House to stand faithfully to its solemn pledges; to say that the country shall not be left naked in the face of its enemies; that as a great party goes out of power in this House it may be at least said that one of its last acts was to protect the honor of the nation, was to stand true to law, to faith, to integrity.

I thank the committee for the courtesy they have shown me.

Mr. KELLEY. Mr. Chairman, the effort to protect the sinking fund and to provide for the exigencies of the Government by reimposing war taxes in the midst of such general depression as now prevails is as ill-judged as it is inopportune. It will fail of its intended effect. If we adopt this bill, I confidently predict that instead of replenishing the revenues it will deplete them, and that the Administration will meet the Forty-fourth Congress with a demand for a further increase of taxes to supply deficiencies.

The falling off in the revenues demonstrates the poverty of the people. They do not contribute to the Treasury, because they cannot supply their wants. They are unable to consume dutiable and taxable commodities, because we have by our legislation paralyzed their productive power. It is a maxim of mine, and I cannot too often repeat it, that a prosperous people not only supply their wants but gratify their desires; while a people suffering as the laboring people of this country now are not only do not gratify their desires, but are unable to provide themselves with the necessities of life.

Water-power hitherto utilized to the advantage of the country and its people now runs to waste; steam-engines and the cunning

machinery they once impelled rust in repose; and more than a million of willing working people are living in enforced idleness and want. Hence it is that the revenues decline; and not by reason of the thrifty economy so eloquently depicted by my colleague on the Committee on Ways and Means, the gentleman from New York, [Mr. ELLIS H. ROBERTS.] Those thrifty laborers who are living on public or private charity are not practicing economy or contributing much to the public welfare.

Sir, I have said that this condition of things is the result of our legislation. The chairman of the Committee on Ways and Means, who addressed the House yesterday, dissents, I know, from this proposition. He tells us that decline in the receipts of the Treasury is produced by occult and mysterious laws more potent than human legislation. Ay, sir, more potent than human legislation; but in spite of their potency its servants. Occult and mysterious they are, as are all the laws of nature; but, sir, they are brought into operation as the result of human legislation, and we have called them into activity.

Sir, in 1865 and 1866 the Government needed about \$600,000,000 a year, and it had only the people dwelling north of the then recently confederated States upon whom to draw; and in the form of direct taxes of internal revenue and duties on imports it drew in 1866 more than \$490,000,000 and in 1867 more than \$446,000,000, and that without complaint from or trenching upon the comforts of a prosperous people. Mark the strange contrast our present condition presents. Now, with our Government restored, with several of our Southern States abounding in prosperity as much as any others, as much as any can do under our vicious financial legislation, there is a demand for but \$300,000,000 from all sources, and it is said that to meet this we must reimpose upon a prostrate people \$35,000,000 of war taxes.

I am opposed to the proposition; and, sir, if any gentleman will study the occult and mysterious laws referred to in the light of constantly recurring knowledge, let him go back with me and behold the first application of Hugh McCulloch's patent financial tourniquet. It was in 1867. Mr. McCulloch was then Secretary of the Treasury of the United States and was dealing with the bond-brokers and bullion-dealers of this country and Europe. The first announcement of his purpose to apply his patent was issued in an edict from Fort Wayne, announcing his intention to resume specie payments.

Congress yielded to his wishes, and permitted a contraction of \$44,000,000 of the volume of greenbacks. Meanwhile he industriously converted those of our obligations which were temporary in their character, which were held by the American people and the interest on which was payable in our own paper money, into gold-bearing bonds, which might be exported. By the time Congress reassembled his tourniquet had produced its inevitable result—wide-spread paralysis—and from every State in the Union came a demand that the work of contracting the currency should be arrested. Many mills were then as idle as they are now, business was depressed, and general bankruptcy seemed imminent; but the people made themselves heard, and Congress repealed the act empowering the Secretary to contract the greenback money.

On the 4th of March, 1869, Mr. McCulloch retired from the office of Secretary of the Treasury and became a junior partner in the London bankinghouse of Jay Cooke, McCulloch & Co. When that house failed his fortunes were not impaired, he is now, thanks to the folly of the American Congress, the proud head of a great London banking house known as Hugh McCulloch & Co. and more than a million of the working people of the country are in want. In one week, ay, in the first five days of one week, it is recorded that forty-one sober, industrious, and honest working men in my own city begged the privilege of passing the winter in the house of correction rather than starve or steal.

But we are asked to close our eyes upon this suffering and maintain the honor of the country by imposing taxes enough to enable the Treasury to purchase more than \$31,000,000 of bonds. And when the sufferings of our people are alluded to, the reply is, "Look at our bonds! look at our credit! Was ever a nation able to put its bonds at a premium so speedily as we have done?" That is no answer to me, and it is no answer to the men who, having acquired by long years of toil and economy little homesteads embarrassed by a small mortgage, have seen them pass under the sheriff's hammer at a nominal price to the mortgagee. It is no answer to the worthy people who have lived under a noble sense of independence, in view of their ability to maintain themselves and their families by labor, and who now find themselves forced to endure the torture of living on the bitter bread of charity.

Sir, I am as anxious as any gentleman on this floor to sustain the credit of the country. I have desired to see it gradually appreciated; but when I see our finances so managed as to feed the gold and bullion brokers on the blood of my constituents, I feel constrained to beg Congress to order a halt, and if possible to retrace some of its mistaken steps. My colleague on the committee from New York [Mr. ELLIS H. ROBERTS] says that the public debt has been reduced \$600,000,000. Sir, I know that these figures represent the reduction as it appears in the books of the Treasury and in the monthly debt statements. But, sir, in its effects upon the industries of the country the debt has not been reduced. No, sir; measured thus it has been more than doubled. Let me demonstrate this.

What is the burden of a debt on a great country like this, to which four hundred thousand people would gladly come every year and

identify themselves with its fortunes and share the burdens of its debt if our unwise legislation was not repelling them? It is not the ultimate extinguishment of the principal. It is the draught it makes upon the current resources, the annual earnings of the people. Let us measure our debt by what it required to pay the interest when we owed the \$600,000,000 which we have extinguished and what it now requires. Everybody that could work was then employed; now more than a million workers are idle. Yet in days labor we now pay more than two for every one the interest on the total debt required. We pay more than two pounds of tobacco for one, more than two pounds of cotton for one, two bushels of wheat, two barrels of flour for one, and infinitely more than two gallons of petroleum, and so on with all the great staples of the country that we are able to export. And this is all due to the processes we have resorted to for enhancing the value of our bonds in foreign markets. We have thus doubled the burdens of the people while reducing the total of the debt. We have thus made the property of the rich man more valuable, while we have robbed millions of laborers of their whole estate, the wages of the current day they waste in enforced idleness.

I come now directly to the legislation of this Congress. No; before doing so I had better recur to some remarks in this same direction I had the honor of addressing to the Fortieth Congress. On the 18th of January, 1868, I said:

Mr. Chairman, two policies were open to us at the close of the war. We have tried one, and the results are but too painfully apparent; the other is still open to us. It is true we cannot repair the losses already endured, but we can check the downward tendency, quicken industry, and give a new impulse to the productive power of the country. It is open to us to diminish the depreciation in the rate of wages by diminishing taxes and furnishing, as we had done during the war, a sound circulating medium adequate in volume for the rapid exchange of commodities among our own people, and thus secure employment to our laborers with fair wages for their work; or, on the other hand, we can by imposing taxes not demanded by our exigencies and contracting the currency, impair confidence, force sales, palsy enterprise, reduce wages, and deprive the laborer of a market for the only commodity he has to sell—his industry.

Gentlemen will say there can for the present be no employment because the markets are overstocked and there is what political economists often speak of, "a glut in the market." Sir, the time has never been when the markets of the world were glutted. When that event shall come, every home will be well furnished, and every human being well clothed. A superabundance of the necessities of life cannot exist while the urgent wants of millions cannot be supplied. Our markets are not glutted. The stock of goods of every kind in the hands of merchants is unusually low, and there are unemployed people in the country who need them all, and who would gladly labor for the means to purchase them all. The wretch that shivers in a cheerless home without food, fuel, or adequate clothing; she who, ill-fed herself, shares her last crust with her hungry children; and they who in the midst of winter are deprived of the privilege of toiling, and as their goods are thrown rudely into the street realize a landlord's power when rent is in arrear, do not believe that the market is glutted. Nor is it. The disease from which we suffer is not glut or plethora. Its seat is in the functions of circulation. It is congestion produced by a financial tourniquet applied by a charlatan. That phrase "glut in the market" involves a perversion of terms, and is used to express the fact that the masses are from some cause unable to consume their usual supply of the comforts or necessities of life. It does not, as it implies, express the fact that there is an over supply of commodities essential to the comfort of man, but that there is financial derangement. It is a convenient phrase for the theorist, a veil used to conceal a fact the occurrence of which should admonish every statesman that there is something wrong in the prevailing practice of government.

The author of the next treatise on popular fallacies should make "glut in the market" the subject of a leading chapter; for they who use the phrase invariably confound terms and designate the consequence as the cause. Thus the Irish Republic, in the course of a generally able article in its issue of January 4, says:

"From all parts of Massachusetts and Connecticut we have been receiving during the past six weeks the very unwelcome intelligence that mill-owners and manufacturers were either contracting their producing operations or suspending them altogether. Running half or quarter time appears to be the order of the day, while not infrequently the engine fires are blown out and the machinery left to rust in idleness. The cause is obvious. There is little or no demand for goods. The consequences are what we have already stated. The hands of hundreds of thousands of honest workmen are idle, and their children are ill-fed and ill-clad under the biting blast of a North American winter."

Let me point out the fallacy of this statement. Fires are blown out and machinery left to rust in idleness not because there is no demand for goods, but because throughout the South and West there is no circulating medium with which to effect exchanges; and the policy of the Secretary of the Treasury with the cry of the creditor class for resumption have destroyed confidence in individual credit. The proposition should be stated thus:

There is little or no demand for goods. The cause is obvious: it is that the hands of hundreds of thousands of honest workmen are idle and their children ill-fed and ill-clad because mill-owners and manufacturers have been compelled to contract their operations and withhold from laborers employment and wages with which they would be able to purchase the products of the farmer and manufacturer.

The general theory I am advancing is not new, and is one that should never be disregarded by those who legislate for the people of a republic. The social evils we are enduring, the bankruptcy that is overtaking so many men of enterprise, the want and enforced idleness that prevail so largely among our laboring classes, are due to two causes—excessive internal taxation and the curtailment of our currency at a time when the numbers and activities of our people were rapidly increasing. The Secretary of the Treasury and his adherents are responsible for this general prostration of credit and business. They talk of the honor of the country and the necessity of maintaining it by making the paper dollar equal to the gold dollar and of hastening the day when our bonds shall be paid in gold. The means to which they resort will not produce the results they desire but will defeat them. Nor are those who resist them hostile to the bondholder. They aim to secure the laborer the possession and just fruits of his hard inheritance, and by the rapid development of the boundless resources of the country and the restoration of general prosperity to enable the Government to meet the utmost of its obligations with honor at maturity. The contest is between the debtor and the creditor class, the men of investments and the men of enterprise; and during all such contests the laboring classes are inevitable sufferers.

The issue thus raised is as old as civilization, and now, as always heretofore, the creditor class is the aggressor. Alison, in his *History of Europe* from the fall of Napoleon to the accession of his nephew, says:

"Whoever has studied with attention the structure or tendencies of society, either as they are portrayed in the annals of ancient history or exist in the complicated relations of men around us, must have become aware that the greatest

evils which in the later stages of national progress come to afflict mankind arise from the undue influence and paramount importance of realized riches. That the rich, in the later stages of national progress, are constantly getting richer and the poor poorer is a common observation, which has been repeated in every age from the days of Solon to those of Sir Robert Peel; and many of the greatest changes which have occurred in the world—in particular the fall of the Roman empire—may be distinctly traced to the long-continued operation of this pernicious tendency. * * * For the evils complained of arose from the unavoidable result of a stationary currency, coexisting with the rapid increase in the numbers and transactions of mankind; and these were only aggravated by every addition made to the energies and productive powers of society."

Again he says:

"But if an increase in the numbers and industry of men coexists with a diminution of the circulating medium by which their transactions are carried on, the most serious evils await society, and the whole relations of its different classes to each other will be speedily changed; and it is in that state of things that the saying proves true that the rich are every day growing richer and the poor poorer."—*Alison's History of Europe*, 1815-52, chapter 1.

As Sir Archibald Alison was not gifted with more than human prescience he could not have foreseen the condition of our country in the years that are passing. If, therefore, he described it, he did so by declaring a general law. That he did portray our condition with nice discrimination no one can controvert. Let us see how exact a compliance the contraction policy is producing with all the conditions the conjunction of which he tells us must produce the most serious evils to society.

Let me now refer to the action of this very Congress. What have we done? How does our record stand? There were in the Treasury available resources to the amount of \$18,000,000, with which it could have bought more than \$15,000,000 of gold-bearing bonds, reducing the annual draught upon the industry of the country \$1,000,000 in gold. The emission of these notes would have been a guarantee to our men of enterprise that the pernicious system of contraction, which was ruining them, would no longer be persisted in, but that at least a stationary amount of currency would be maintained. We struck these \$18,000,000 from the current money of the realm and from the available resources of the Treasury, and by that act blasted the hopes of the industrious classes of the country, by announcing that persistent contraction was the settled policy of the republican party.

That was bad enough, but it was not all or the worst; for by thus enhancing the value of our bonds we have provided for the contraction of the national-bank circulation, and it is contracting at a fearfully rapid rate. Having thus prostrated trade and individual credit, it has come to pass that the best investment known to the brokers of England and the continent is found in American gold-bearing bonds, and the only investment regarded as entirely safe by the cautious capitalists of this country is in the same bonds. We have given such a shock to credit and business, and have imparted so high a relative value to gold in comparison with all other commodities, that the money of the country in the hands of capitalists is being loaned on call or invested in gold-bearing bonds, while mines, mills, forges, furnaces, factories, and farms, when brought to auction in default of ability to meet the interest on mortgages, are bought at nominal prices by those who control the gold and bond market and can offer bonds as collateral for loans if needed temporarily.

Am I wrong in saying that our legislation has forced the contraction of national-bank circulation? Here is a statement received from the Treasury Department this morning:

Legal-tenders deposited under act of June 20, 1874, for the retirement of circulation.

New York	\$2,694,435
Connecticut	27,000
Rhode Island	153,900
Pennsylvania	35,200
South Carolina	405,000
Georgia	180,000
Tennessee	72,499
Ohio	140,850
Indiana	437,600
Illinois	1,446,710
Iowa	136,000
Michigan	316,300
Wisconsin	451,500
Minnesota	495,050
Utah	270,000
Missouri	2,516,050
Kansas	94,500
Louisiana	383,000
Nebraska	45,000
Total	10,303,594

This is an instructive statement and gentlemen from the West and South will pardon me for commending it specially to their attention. Our act which was to settle the currency question forever by authorizing free banking was approved on the 20th of June, 1874, but this statement shows that between that date and yesterday, February 11, 1875, \$10,303,594 in greenbacks have been deposited for the retiring of national-bank circulation, in addition to the \$18,000,000 of greenbacks which we retired and canceled by the same act. Again there were on deposit bonds to secure circulation on the 1st of July, 1874, \$391,171,200. Yesterday there were on deposit \$383,578,650, being a reduction of \$7,592,550.

Mr. TOWNSEND. What is the expansion in new notes?

Mr. KELLEY. I sought most diligently to ascertain it, and the utmost figure I could get was about \$600,000. But mark you, that \$600,000, or whatsoever the amount may be, is covered by notes included in the statement just presented. The withdrawal is \$10,303,000 in excess of any notes that may have been deposited to secure new circulation. If gentlemen will analyze this statement they will observe that the New England States and New York, which have always

had bank-notes in excess of their quota, have surrendered but \$2,875,335, while the Middle States, the West, and South, which have always been deficient and are in need of circulation, have surrendered \$7,428,259. Our unwise legislation has forced our bonds up to such a price that the money-needing sections of the country cannot afford to deposit them in exchange for 80 per cent. of their par value and pay a tax of 1 per cent. for the privilege.

While bringing these facts to the attention of the republican side of this House I beg leave to implore them to study them in the light of the philosophy of Sir Archibald Alison. I conjure them, before they force through this bill to provide by additional taxation for the purchase and cancellation of \$31,000,000 more of our bonds, to read in the parliamentary proceedings and the current history of the times the story of the sufferings inflicted upon the lower and middle classes of the English people by the act of Parliament of 1819 to compel the resumption of cash payments. That act caused the sale under legal process of some of the finest estates in England, for which more than one-half the entire price had been paid in cash, and upon which large expenditures had been made for improvements at prices so far below the purchase-money mortgages that the unhappy sufferers appealed to Parliament to relieve them from the judgments had against them for the balance.

To this condition are we forcing the enterprising and industrious classes of our country. Do not wonder, gentlemen, that you were beaten in the late elections. Do not hope to stand in manufacturing districts and carry congressional elections when the voters shall come from charitable institutions or cold firesides, leaving hungry and ill-clad wives and children behind them when they go to exercise a freeman's right to vote for a representative of their interests.

I have not time now to discuss the details of this bill and will have the opportunity to do it when we proceed to five-minute speeches; but I desire to call the attention of the House to the fact that there are but two prosperous industries in this country and that the bill strikes at both of them, and that they are prosperous because we have an export market for their products and only for that reason. I refer to the distillation of grain into spirits and the production and manufacture of tobacco. To show how largely we export spirits would require me to enter into a number of collateral branches of the question. The direct exports are very large, and we are now rivaling France and Germany in the manufacture of perfumery, chloroform, collodion, quinine, &c. We excel every other nation in the production of quinine. To increase the tax on spirits, as is proposed by this bill, will be to prostrate every producer of perfumeries and alcoholic drugs. One chemical-works in my district pays over \$50,000 spirit tax annually. To manufacture an ounce of quinine from the purest bark you can obtain requires the waste of 15 cents of the present spirit tax; from inferior bark it requires a waste of not less than 22½ cents—mark you, gentlemen, not of spirit but of the spirit tax; and I venture the prediction that, if we pass this bill and do not guard the industries referred to, either by giving them free spirit as Great Britain does to all her industries, or by protecting them by increased duties on their productions, these great alcohol-consuming industries will cease to exist, and we shall be importing Hungarian and Russian grain in the form of perfumeries, chloroform, collodion, and other similar articles. I put that to you, gentlemen of the West. If you think it better that your farmers and their wives should consume foreign grain than that which they and their neighbors raise, increase the tax on spirits and leave all these alcoholic preparations without protection, and you will accomplish your end.

I know there are those who believe that whisky and tobacco ought to be taxed because they are pernicious luxuries. Sir, I do not find any provision of the Constitution of the United States that authorizes Congress to enact sumptuary laws; and I do not recognize its right to put them in revenue bills when they would be unconstitutional if proposed in terms. I am not discussing moral propositions; I am trying to do the duty of a Congressman who should be a statesman, and to protect the general prosperity and trade of the people, leaving them to settle moral questions between themselves and their conscience.

I believe, Mr. Chairman, that I shall not avail myself of the ten minutes promised me by the gentleman from Illinois, but will close with the remark that on this point I will insert in my remarks in the RECORD, with the permission of the House, the letter of A. H. Jones, esq., president of the Philadelphia Drug Exchange, in which gentlemen who will take the pains to read it will see that, apart from all other questions, the imposition of this duty on spirits will add to the woes of the laboring classes by throwing many additional hundreds of them out of work, and will thus further diminish the revenues of the country, thereby perhaps endangering the continuance of the reduction of the public debt.

PHILADELPHIA, February 10, 1875.

MY DEAR SIR: The proposition to increase the rate of taxation upon distilled spirits is of special interest and importance to a large number of manufacturers who are obliged to use alcohol in their preparations. The present tax upon distilled spirits, 70 cents per gallon, is equivalent to about \$1.30 on each gallon of alcohol, and on each barrel, say of forty gallons, about \$52.

Selecting but one of the various branches of industrial interests wherein the cost of alcohol enters as an important crude material into consideration, namely, the manufacturing of chemicals and pharmaceutical preparations, it will be found that the consumption of this article (alcohol) is very considerable. The total amount consumed by manufacturing chemists I cannot readily ascertain, but there are known to me at least six firms that are largely engaged in making alcoholic prepa-

rations, and I presume that a single concern (probably one of the largest) uses per annum 1,000 barrels of alcohol, paying in this way into the Treasury of the United States a yearly sum of \$52,000. This it will be remembered from one house only.

I would here state that there are a great many smaller establishments engaged in preparing pharmaceutical preparations, and these, in the aggregate, consume a large quantity of alcohol; how much I cannot estimate accurately, as they are scattered over the whole country; in Philadelphia, New York, Boston, Baltimore, Saint Louis, Louisville, Cincinnati, and elsewhere.

In addition to the above, almost every druggist in the country, wholesale and retail, make more or less for their own sales, and hence the circle of those interested in the cost of alcohol is very much enlarged, commencing with the large chemical manufacturers and going down to the retail apothecary.

On pages 84 and 85 of the United States Dispensatory will be found a list of a number of preparations in which alcohol is largely used, and I will cite but a few.

Chloroform: Made very extensively in this country, and amount of tax paid on the alcohol I estimate as about \$30,000 per annum on chloroform alone.

Ether, sulphuric, also produced largely: One gallon of alcohol equal to between 4 and 5 pounds of ether, or a tax on each pound of ether of about 26 cents.

Ether, spirits nitrous, made here (I mean the United States) in large quantities.

Tannic acid.

Collodion.

Spirits of ammonia.

Alcoholic extracts.

Tinctures, and an immense number of preparations used in medicine and the arts.

It can therefore be easily understood why manufacturers are anxious that the increase of the spirit tax should receive careful consideration.

If there are those who suppose that by taxing spirits they are only imposing a burden on an article used exclusively for drinking purposes they are in error, and I suppose that members of Congress are better advised than to entertain such an opinion.

You perceive from what I have stated that alcohol is a crude material in many of the products made in this country.

Hence it is obvious that due regard should be had to advancing the rate of duties upon alcoholic preparations should an increased tax be imposed upon alcohol, (or distilled spirits.) That is to say, should alcohol be taxed more than at present, then chloroform, ether, tannin, spirits of niter, &c., should be protected by a corresponding advance in the duties.

The course of legislation in Great Britain on the subject of alcohol is perhaps clearly explained in the extract from the address made before the Philadelphia Drug Exchange on the tariff, which I annex:

"Great Britain, on the other hand, provides free spirits for manufacturers and imposes a duty on imported chloroform."

"You will find in the United States Dispensatory, page 1643, thirteenth edition, the following reference made to the act of Parliament passed in 1855:

"In Great Britain alcohol is subjected to a heavy duty, which until lately prevented it from being used in many manufactures, because the products of its use can be more cheaply obtained from abroad. The British Parliament, wishing to encourage the use of alcohol in the arts but not as a beverage, passed an act in 1855 allowing it to be used duty free, provided it be mixed with at least one-ninth of its bulk of pyroxylic spirit, which renders it unfit for drinking, but does not spoil it for use in the arts. This mixture is called methylated spirit, and is now employed extensively in Great Britain by hatters, brass-founders, and cabinet-makers for dissolving shellac and other resinous substances, and by manufacturing chemists for making ether, chloroform, and sweet spirits of niter."

It may interest you to hear a portion of the act read, a copy of which I have here, as follows:

"CAP. XXXVIII.

"An act to allow spirit of wine to be used duty free in the arts and manufactures of the United Kingdom. [26th June, 1855.]

"Whereas it is expedient, with a view to promote the advancement of the arts and manufactures of the United Kingdom, to allow spirit of wine to be used duty free in the various processes thereof: Be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present Parliament assembled and by the authority of the same, as follows:

"1. It shall be lawful for the commissioners of inland revenue to permit and authorize any distiller or rectifier of spirits or other person specially licensed in that behalf to mix, under the conditions and regulations hereinafter mentioned, spirit of wine of not less degree of strength than 50 per cent. over proof, and in a quantity of not less than four hundred and fifty gallons at one time, with not less than one-ninth of its bulk measure of wood naphtha or methylic alcohol, or to mix spirit of wine of such other degree of strength and in such other quantity or proportion with wood naphtha or methylic alcohol, or with such other article or substance as the said commissioners shall from time to time approve, order, and direct, and as to the satisfaction of the said commissioners shall render such spirit unfit for use as a beverage and incapable of being converted to that purpose, and thereupon such mixture shall be allowed duty free for use in such branches of the arts and manufactures of the United Kingdom as the said commissioners shall sanction or approve in that behalf, or if such mixture shall be made by a rectifier with duty-paid spirit of wine, he shall be allowed a drawback of the duty on such spirit of wine at the rate chargeable on spirits of the like strength distilled in that part of the United Kingdom where such mixture shall be made."

"2. The said mixture of spirit of wine with the wood naphtha or methylic alcohol shall be denominated methylated spirit, and the mixture of spirit of wine with any other substance appointed or approved by the said commissioners for the purpose aforesaid shall be designated by such term as they shall from time to time direct; and wherever in this act the term methylated spirit is used, the same shall be deemed to include any and every such other mixture as last mentioned, and the several provisions of this act shall be deemed to apply to any and every such last-mentioned mixture as if the term by which the said commissioners shall direct the same to be designated had been substituted in this act for and in lieu of the term methylated spirit."

"The imperial tariff of Great Britain for 1872, a copy of which I have at hand, states, page 11, duty on chloroform 2s. per pound."

"The British tariff for 1862-'63 names the duty on chloroform 3s. per pound. It is true that some chloroform is made in England from unmixed, and therefore taxable, alcohol. This is quoted on the list of Hopkin & Williams, London, October, 1874, at 6s. (or \$1.50 gold) per pound, against 3s. 6d. (or about 87 cents gold) for methylated chloroform."

"Chloroform in this country made from heavily taxed alcohol is quoted at \$1.05 per pound currency."

The preamble to the act to allow spirit of wine (or alcohol) to be used duty free in the arts and manufactures of the United Kingdom is sufficiently explicit to show to the legislators of this country that the British government regarded the subject of alcohol as entering into many of the processes of the arts and manufactures of the United Kingdom of sufficient importance to demand special legislation so far back as 1855.

I introduce it here, not to advocate free spirits for manufacturing purposes, but to show the importance of alcohol in medicine and in the arts, and to enforce what I have urged before, namely, that if alcohol is to be still more heavily taxed, then alcoholic preparations should be protected by increased duties.

That this is eminently just I hope will be admitted by all, and it will indeed be a

singular commentary upon the wisdom of our law-makers at Washington and their disposition to treat their constituents with fairness if they refuse to protect American industries in this direction, especially having before them the course adopted by two of the leading powers of the world, namely, England and France.

In England we find free methylated spirits for manufacturing purposes. In France, we turn to the tariff and observe that all chemicals not enumerated (and the enumerated list is small) are prohibited so far as this country is concerned—the United States not being a treaty power.

It can hardly be feared, therefore, that French alcoholic preparations should be encouraged while they prohibit American, nor that British chloroform, &c., made from free spirits, should be admitted into this country, unless the manufacturers of our own land are protected as they may of right demand.

I do not argue for free spirits, because the Government needs money too greatly; nor yet would I ask for a drawback for manufacturers, because, in my opinion, the revenue would be (or might be) defrauded; but the increase, if any, should be moderate, and both the crude material and the manufactured products should receive attention.

Again, an excessive rate of taxation leads to deception and corruption; lying and cheating too often result from inordinate taxes.

This I have seen illustrated in the matter of tax on alcohol in years past. When the tax on distilled spirits was two dollars per gallon alcohol could be had at a price far below the amount of the duty, and was bought in the open market at rates clearly indicating non-fulfillment with the requirements of the law.

The result was that honest manufacturers were almost ruined in some cases by reason of unfair competition, and those who stood by the Government and bought their alcohol at full prices saw their business departing and their customers "fold their tents like the Arabs and as silently steal away," to buy cheap alcoholic preparations made from alcohol costing about half what it would have done had the taxes been properly paid.

I cannot do better than to make an extract from the seventh annual report of the Philadelphia Drug Exchange regarding this subject:

It speaks well for many of the manufacturers and druggists of our city that they stood nobly by their resolution; but as I tell you it stopped the stills of the honest chemists and helped to build up the trade of those not so scrupulous:

"This association may with safety refer to their record; and to substantiate our statement we turn with pardonable pride to the seventh annual report, to the action taken with reference to the 'tax on distilled spirits,' pages 4, 5, 6, and we quote:

"At the meeting of your board held on March 18, primary action was taken upon the important subject of the 'tax on distilled spirits,' a topic destined to become of great prominence in the history of the drug exchange; and the advanced position then taken and subsequently maintained has secured for it the encomiums of the public press, and the confidence of not only our own but of other communities of the country.

"The tax, although an excessive one, would have been cheerfully submitted to, and the prices of alcohol and its products proportionably advanced; but the immense and palpable frauds in the return of the tax soon made it manifest that the manufacturer and the druggist were forced to choose one of two alternatives: either to maintain their business by buying the smuggled spirit as cheaply as possible or to sacrifice their business by adherence to the law. Under these circumstances the Philadelphia Drug Exchange has the undivided honor, in the whole country, of taking a firm stand for loyalty.

"At a large meeting held March 21, 1867, the following resolutions were adopted:

"Whereas the amendatory tax law passed by Congress at its last session contains this clause: 'Sec. 21. And be it further enacted, That whenever any distilled spirits, so found elsewhere than in a bonded warehouse, shall be sold or offered for sale at a less price than the tax imposed by law thereon, such selling or offering for sale as aforesaid shall be taken and deemed as *prima facie* evidence that said spirits have not been removed from a bonded warehouse according to law, and that the tax imposed upon the same has not been paid, and the same shall, without further evidence, be liable to seizure and forfeiture; and whereas we are anxious to maintain and vindicate our character as law-abiding citizens, however easy or profitable the violation of the law might be; and whereas in such adherence to the letter and spirit of the law we are liable, through dishonorable competition, to the loss of all that part of our business which depends upon the use or sale of distilled spirits: Therefore,

"Resolved, That we, members of the Philadelphia Drug Exchange, druggists, manufacturing chemists, perfumers, and brokers, will not buy, offer, or sell distilled spirits or alcohol, either directly or indirectly, at a less price than the Government tax, either by a net price or by any commission, drawback, return, or any counterbalancing advantage whereby the spirit of the law may be violated, or its intention defeated.

"Resolved, That for our own protection and for the assistance of the Government we will endeavor by every honorable means to discountenance and discourage any evasion of the law and to prevent the recurrence of any such violations which may come to our knowledge."

"It is true that these resolutions did not secure the unanimous support of the trade, but their signers included many of the most honored names of Philadelphia, and many who did not sign the resolutions have maintained an equally conscientious adherence to the law, notwithstanding constant and trying loss."

"A trial of nearly a year having shown the impotence of the Government to collect so high a tax, the exchange again met in November last, and while maintaining their unflinching adherence to the law while it remained resolved as follows:

"Whereas a meeting of the Philadelphia Drug Exchange, held on March 21 last, resolved to observe scrupulously the laws relating to distilled spirits, and to give all possible assistance to the Government in the enforcement of the same; and whereas the result of this effort, to those who have faithfully maintained it, has been a ruinous loss in their business and increased encouragement to those who defraud the revenue, while some of the most able officers of the Department acknowledge that their efforts to reach and control illicit distillation are utterly hopeless: Therefore,

"Resolved, That in order to put at end at the same time to an expensive and useless effort, and to the fearful demoralization which has taken place under the present heavy tax, Congress be petitioned to remove the tax of two dollars per gallon on distilled spirits, and to place them in the list of other manufactures, subject to a tax of 5 per cent., and that any additional tax be placed in the form of a license or special tax at the place of manufacture and also at the place of retailing.

"Resolved, That a committee of three be appointed by the chair to prepare a petition and to solicit the co-operation of other associations in this and other cities."

I remain, dear sir, with kind regards, respectfully, your friend,

ALEXANDER H. JONES.

Hon. WILLIAM D. KELLEY.

Mr. TOWNSEND. I desire to ask my colleague [Mr. KELLEY] how he proposes to make up the deficiency stated to exist in the Treasury.

Mr. KELLEY. I do not see any deficiency; the taxes to be imposed under this bill are to provide a fund with which to purchase \$31,000,000 of bonds; and I thank my colleague for asking that question. Yesterday the honored chairman of the Committee on Ways and Means drew so fearful a picture of the crimes of those who had neglected the sinking fund that in deference to their memory I asked

him whether he would have had Abraham Lincoln and Salmon P. Chase impeached and convicted, as he seemed to think they had merited. I now suggest that if his high-flown appeals in behalf of the sacredness of the sinking fund have any truth in them, Abraham Lincoln, and Andrew Johnson, and Salmon P. Chase, and William P. Fessenden, and Hugh McCulloch should all have been impeached, and afterwards convicted of felony.

Mr. DAWES, Mr. MYERS, and others rose.

Mr. KELLEY. I have not finished. There is no deficiency. The way one is made to appear is (though not so meant) kindred to the way the books of great corporations are sometimes doctored. The sinking fund was provided for by law in 1862, but it really came into existence as a separate and distinct fund in 1869. Before then we had extinguished large amounts of our debt, and have since then bought bonds and canceled them and stopped the interest on them. All the world knows that our credit is buttressed and sustained by the payment and cancellation of nearly twice the amount demanded by the sinking fund.

Mr. DAWES. Now, will the gentleman allow me to ask—

Mr. KELLEY. No, not in the midst of my reply. I wish gentlemen would sit down awhile, especially the chairman of the committee, [Mr. DAWES,] who had an hour and a half yesterday. This, I was about to remark, is the way the alleged deficit is produced: They carry back bonds from 1869 to 1862 and charge up against the canceled bonds and against the hungry working people of the country a deficit of the quotas of seven years to the sinking fund because the payments were not applied to it technically within each year. They thus mark their opprobrium of the dishonest management of Lincoln, Chase, Fessenden, Johnson, and McCulloch, by putting to their credit what would save them from impeachment or prosecution if they were all still living and their crime had not been outlawed. Thus they propose to impose the payment of the whole debt upon the people who have borne the burdens of the war, and to exact it from them in thirty years less seven; that is, by carrying back part of the payments of the twenty-three years and crediting them to the seven antecedent years, they hope to compel us to pay in twenty-three years this debt, which has already been doubled upon us by its conversion into gold-bearing bonds and the increase of the relative value of gold to other commodities, and which by that process may be quadrupled; when we will give four bushels of wheat instead of one, four barrels of flour instead of one, four pounds of cotton and tobacco and four gallons of petroleum for one. I have now got to the end of my answer, and will yield to the gentleman.

Mr. DAWES. I have listened with great interest to the views of the gentleman from Pennsylvania, my colleague on the Committee on Ways and Means. I want to know if I exactly understand him. As near as I can interpret his policy to-day—and I would like him to point out if there is any error—it is this: that we will carry on this Government from this time by abolishing all taxes, and paying current expenses by the issue of new notes. If I have misunderstood him I should like him to say where it is.

Mr. KELLEY. I can readily appreciate the fact that the gentleman in his obtuseness should have understood me to make that argument, but I venture to say there is not one person in that long gallery who so understood me.

Mr. DAWES. I understood the argument not to be addressed to the House of Representatives, but to be addressed to the gallery. I understand the difference between those who have the responsibility of carrying on the Government and who know the difference between the present mode and paying the interest on the public debt by issuing new promises to pay, as my friend suggests. I know the men sitting in these seats understand that difference. I am sorry my friend from Pennsylvania so far mistakes the general intelligence of the public as to suppose that even the galleries can see how we shall pay our demands by issuing more of them.

Mr. KELLEY. I am sorry to say that the task the gentleman has undertaken in forcing this bill through seems to have benumbed him, and I will refer him to gentlemen who sit round him, or to to-morrow's RECORD, to find out what I have been saying. I have not proposed to repeal a tax; I have not proposed to repeal a duty; all I have asked is that you shall pause in the horrid work of contraction which is dooming honest, independent, whole-hearted men and virtuous women to penury and want, and which is transferring the hoarded earnings of your men of labor and limited capital from them to those from whom in happier times may have received a loan on mortgage, or otherwise. I am only asking this Congress to have some sympathy with, and consideration for, the producing classes of this country, and not to bestow all their consideration upon the bond and bullion brokers who deal in our national credit.

Mr. DAWES rose.

Mr. KELLEY. No, sir; I am entitled to the last word, and I ask if the gentleman is going further to interrogate me that he will secure from the House such an extension of my time as will permit me to reply at length. To ladies I give the last word always. I owe respect to the chairman of the Committee on Ways and Means; I know his adroitness, and if I want to consume the time left me I will do it by recurring to the last speech he made in which he glowingly depicted me as suggesting that every foreign bondholder would hasten to convert his gold-bonds into currency three-sixty-fives, and then asked what fool would believe it? My answer, as his motion carried us to other busi-

ness, had to be made in private, and was that the fool who believed I had ever said anything of that kind never stood in his shoes nor wore his hat. I have no idea of giving my last minute now for the practice of any such shrewd parliamentary tactics as that. I yield to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD obtained the floor.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and a message in writing was received from the President of the United States by Mr. BABCOCK, one of his secretaries.

A message was also received that the President had approved and signed bills of the following titles, namely:

- An act (H. R. No. 366) granting a pension to Hugh Wallace;
- An act (H. R. No. 393) granting a pension to Rosanna Quinn;
- An act (H. R. No. 650) for the relief of John Brennan;
- An act (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;
- An act (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;
- An act (H. R. No. 1722) granting a pension to Martha Wold;
- An act (H. R. No. 1820) granting a pension to Samuel Henderson;
- An act (H. R. No. 1947) granting a pension to George Holmes;
- An act (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;
- An act (H. R. No. 2032) to amend section 2324 of the Revised Statutes, relating to the development of the mining resources of the United States;
- An act (H. R. No. 2218) granting a pension to Sarah Summerville;
- An act (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;
- An act (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll;
- An act (H. R. No. 2674) granting a pension to John W. Wright, now at the national military asylum near Dayton, Ohio;
- An act (H. R. No. 2901) granting a pension to John Hendrie;
- An act (H. R. No. 2949) granting a pension to James R. Borland;
- An act (H. R. No. 3008) granting a pension to John J. Bottgar;
- An act (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;
- An act (H. R. No. 3275) granting a pension to Eli Persons;
- An act (H. R. No. 3277) granting a pension to Robert D. Jones;
- An act (H. R. No. 3278) granting a pension to Margaret Beeler;
- An act (H. R. No. 3681) granting a pension to William M. Drake;
- An act (H. R. No. 3691) granting a pension to James Burris;
- An act (H. R. No. 3697) granting a pension to Belinda Craig;
- An act (H. R. No. 3702) granting a pension to Alice Roper;
- An act (H. R. No. 3707) granting a pension to Louisa Thomas;
- An act (H. R. No. 3722) granting a pension to John Fink;
- An act (H. R. No. 3723) granting a pension to Mary Logsdon;
- An act (H. R. No. 3723) granting a pension to Abby A. Dike;
- An act (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;
- An act (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery;
- An act (H. R. No. 1579) for the relief of Joseph J. Petri; and
- An act (H. R. No. 3177) for the relief of De Witt C. Chipman.

ORDER OF BUSINESS.

The committee resumed its session.

Mr. HAWLEY, of Illinois. I ask my colleague [Mr. BURCHARD] who is entitled to the floor on the tariff bill to yield to me to move the committee rise. I desire to say that we have had no private-bill day for four weeks, and if any attention is to be given to private bills it is necessary to-day should be set apart for that purpose. I think the Committee on Ways and Means should yield the balance of this private-bill day, as they have had two hours of it already, to me to go on with private bills. I therefore move that the committee rise in order to go into the Committee of the Whole on the Private Calendar and take up the private business.

Mr. DAWES. I know the desire to go to the Private Calendar and also the desire to press the other business of the House. I am willing to submit to the House itself what course shall be pursued. It is the wish of the Committee on Ways and Means to go on with this bill, if the House shall agree to that course. But if the House feels that the Private Calendar or the appropriation bills are of more importance than the continuation of this discussion, we shall of course yield, for we have no disposition to press this against the majority of the House to-day; but we are anxious that the bill should be disposed of as soon as possible.

Mr. MAYNARD. What is the intention of the chairman of the committee in regard to closing general debate on this bill?

Mr. DAWES. I should have moved to close general debate on this bill were it not for one or two things. There are one or two members of the Committee on Ways and Means who desire to address the House. The gentleman from Kentucky, [Mr. BECK,] whose interests at home are materially affected by this bill, met with a serious accident last night, as is known to every one, and he desires the unani-

mous consent of the House that he may be permitted to have the floor on this bill for thirty minutes to-morrow. If that is agreed to, I for one am willing to close general debate upon this bill whenever the gentleman from Illinois [Mr. BURCHARD] who has the floor gives his consent.

Mr. BUTLER, of Massachusetts. Is it the intention that only members of the Committee on Ways and Means shall have the right to speak on this bill? If they will only make the taxes apply to the gentlemen of the committee, I have no objection; but I understand that the taxes are to be borne generally.

The CHAIRMAN. The order to limit debate can only be made by the House.

Mr. HAWLEY, of Illinois. I understand that the chairman of the Committee on Appropriations wishes twenty or thirty minutes to be given to the consideration of the Military Academy bill.

Mr. GARFIELD. And the pension bill. There are two or three small appropriation bills which we can get through readily to-day and leave a portion of time for the consideration of the business of the Private Calendar as well. I hope the House will allow us to send these bills over to the Senate to-day.

Mr. BURCHARD. I desire to say that I shall only ask the attention of the committee for a short time. I am indifferent whether the committee rises or whether I proceed now.

Mr. GARFIELD. Let the committee rise now.

Mr. BURCHARD. My colleague, [Mr. HAWLEY,] the chairman of the Committee on Claims, yielded for a motion to go into Committee of the Whole on this bill; and therefore out of courtesy to him I yielded to him for a motion that the committee rise.

Mr. HAWLEY, of Illinois. I had no expectation that the Committee on Ways and Means would occupy more than an hour to-day, and I yielded for that on account of the desire of the gentleman from New York [Mr. ELLIS H. ROBERTS] to speak to-day—sickness in his family making it necessary for him to go home. I now insist on my motion.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HALE, of Maine, reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the special order, being House bill No. 4680, to further protect the sinking fund and provide for the exigencies of the Government, and had come to no resolution thereon.

PAY OF HOUSE EMPLOYÉS.

Mr. GARFIELD. I send to the desk a bill appropriating money for the payment of certain employés of the House, on which I desire that the House shall act now. It is necessary to enable us to pay the fourteen crippled soldiers, employed by the Doorkeeper, and other employés who have had no pay since the first day of the session.

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill was read.

Mr. THOMPSON. I must object to the present consideration of the bill, because I observe that it does not include the employés in the folding-room, who are a most meritorious class.

Mr. GARFIELD. I have proceeded on the information furnished me by the Clerk. If those employés are omitted I will withdraw the bill for the present and have the omission supplied.

The bill was accordingly withdrawn.

E. BOYD PENDLETON.

Mr. SHELDON, by unanimous consent, reported back from the Committee on Ways and Means, with the recommendation that it do pass, the bill (H. R. No. 3750) for the relief of E. Boyd Pendleton.

The bill was read. It authorizes and directs the proper accounting officers of the Treasury Department, in the settlement of the accounts of E. Boyd Pendleton, late collector of the fifth district of Virginia, to audit and allow such amounts as are shown to have been stolen or embezzled by his late deputy collector, R. W. Hobson, it first being proved to the satisfaction of the Secretary of the Treasury that such embezzlements or larceny did not occur through any fault or negligence of said Pendleton; provided that in case any of the money so stolen or embezzled shall thereafter be recovered, the same shall inure to the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SHELDON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876. I ask unanimous consent that it may be considered in the House.

The bill was read.

Mr. GIDDINGS. I object to the consideration of the bill in the House.

Mr. O'NEILL. If the gentleman from Illinois [Mr. HAWLEY] will

allow the House to go into Committee of the Whole on the state of the Union on the pension appropriation bill I think its consideration will not consume five minutes, and the bill may be passed very quickly.

Mr. HAWLEY, of Illinois. If it would not take more than five minutes I should not object, but discussion might arise upon it, and I therefore move that the House now resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. DUNNELL in the chair, and proceeded to the consideration of the bills upon the Private Calendar.

DUNCAN MARR.

The first bill upon the Private Calendar was the bill (H. R. No. 2683) for the relief of Duncan Marr, a loyal citizen of Montgomery county, Tennessee.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Duncan Marr, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$5,024, the same to be in full satisfaction of his claim for wood and brick taken from him near Clarksville, Tennessee, the quantity having been ascertained and reported on by the Quartermaster General of the United States Army.

Mr. WILLARD, of Vermont. I call for the reading of the report in that case.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 640) for the relief of Duncan Marr, a loyal citizen of Montgomery County, Tennessee, submit the following report:

On the 2d day of December, 1870, the claimant, Duncan Marr, made oath to the following claim against the Government of the United States, namely:

THE UNITED STATES TO DUNCAN MARR.	Dr.
December 25, 1862, to September 30, 1863, for 6,500 cords of wood, at \$2 per cord.....	\$13,000
September 30, 1863, to July 1, 1865, for 8,500 cords of wood, at \$2 per cord.....	17,000

Total.....30,000

Subsequently, and on the 31st day of July, 1871, the claimant made oath to the following additional claim, to wit:

That on and about the years 1864, 1865, and 1866, at or near Clarksville, Tennessee, Captain William Brunt, Sixteenth United States Colored Infantry, superintendent freedmen and acting assistant quartermaster, took from claimant—	
Seven thousand five hundred cords of good wood, lying near the Cumberland and Red Rivers, valued at \$2 per cord.....	\$15,000
Seventy-eight thousand brick, at \$9 per thousand.....	702
One hundred and twelve thousand brick, at \$9 per thousand.....	1,008
The use and occupation of one hundred and eighty acres of land from January, 1864, to January 1, 1866, at \$540 per year.....	1,080

Total amount of second claim.....17,790

Making the entire demand of the claimant against the Government the sum of.....\$47,790

Subsequently the claimant withdrew so much of his second claim as had reference to wood, reducing the demand the sum of.....15,702

Leaving a balance claimed to be due of.....32,088 for wood, brick, and use of premises.

These claims have been presented to the proper Department of the Government for examination and settlement.

These claims arose from the use by the Federal troops and freedmen of the premises of the claimant and the wood growing thereon, during and since the rebellion of 1861.

The first of these claims, for \$30,000, was filed December 2, 1870, and the second claim was filed with the Department July 31, 1871.

Upon the presentation of the first claim, and in July, 1871, the chief quartermaster of the Department of the South, Major A. R. Eddy, under the direction of the Quartermaster-General, investigated this claim, and August 7, 1871, made the following report:

HEADQUARTERS DEPARTMENT OF THE SOUTH, CHIEF QUARTERMASTER'S OFFICE, Louisville, Kentucky, August 7, 1871.

GENERAL: I have the honor to return herewith the claim of Duncan Marr, of Montgomery County, Tennessee, amounting to \$30,000, for quartermaster stores taken from him during the war by the Federal Army, with the information that upon an investigation made by James C. Wheeler, quartermaster agent, it is found that the wood for which claim is made was used by the troops stationed at Clarksville, Tennessee, from 1862 up to and for some time after the close of the war. It consisted of standing timber cut and hauled by the troops.

The land from which this timber was removed is situated within three-fourths of a mile of the city of Clarksville, and consisted of three different tracts, which were surveyed under the direction of the agent making the investigation, by which it is shown that one tract, lying on the north side of Red River, opposite Clarksville, contained 161½ acres, which averaged 50 cords per acre, 8,087½ cords. One 25-acre tract adjoining the corporation line averaged 30 cords per acre, 750 cords. The wood from the above-mentioned tracts was all removed. One other tract, containing 100 acres, one-fifth of which belonged to claimant, was also cleared by the troops; this averaged 50 cords per acre, and claimant's share was 1,000 cords, making a total of 9,837½ cords of wood taken from this claimant and used by the Army mostly for fuel and lumber, a portion being used in constructing and repairing the bridges and trestles on the Louisville, Clarksville and Memphis Railroad. A camp of freedmen was established on claimant's land, under the direction of the Bureau of Refugees, Freedmen, and Abandoned Lands. This camp remained upon claimant's land for some time after the close of the war, and all the fuel used at the camp was obtained from this land. From the situation of the timber, its nearness to the camps of the troops, and the general information obtained from the citizens of Clarksville and vicinity, it is evident the amount of wood stated above as taken from this claimant is not too large. Wood standing in the tree in that locality was worth \$1 per cord, which would be a just price to be allowed for this, making a reduction in the claim to \$9,837.50, which would be ample payment for the wood taken.

Mr. Marr remained at Clarksville during the war, availed himself of the first opportunity that offered to take the oath of allegiance, amnesty, &c., and faithfully observed them. He was a law-abiding citizen, and was never known to express

other than loyal sentiments. Federal officers who knew him intimately from the first occupation of Clarksville until the close of the war do not hesitate to pronounce him as a loyal citizen. He took no part against the Government, but exerted his influence on the part of law and order at all times.

Very respectfully, your obedient servant,

A. R. EDDY,
Chief Quartermaster.

Brigadier-General M. C. MEIGS,
Quartermaster-General United States Army,
Washington, D. C.

Upon presentation of the second claim, a second investigation was ordered, as appears by the following letter of the Quartermaster-General, indorsed on the foregoing report:

QUARTERMASTER-GENERAL'S OFFICE,
December 19, 1871.

Respectfully returned to Major A. R. Eddy, chief quartermaster Department of the South, Louisville, Kentucky, for reinvestigation and report in connection with another claim in favor of the same person, recently filed in this office.

By order Quartermaster-General:

M. I. LUDINGTON,
Quartermaster, United States Army.

Upon such second investigation the following report was made:

NASHVILLE, June 6, 1872.

COLONEL: The two claims in favor of Duncan Marr, of Montgomery County, Tennessee, and all papers pertaining thereto are herewith returned, and the following report respectfully submitted:

Claim No. 1, for \$30,000, was filed December 2, 1870, to recover pay for 15,000 cords of wood, at \$2 per cord. In July, 1871, this claim was investigated by James C. Wheeler, quartermaster agent, for Major A. R. Eddy, who had a survey made of all the land from which wood or timber was cut by the Federal authorities, and on August 7, 1871, Major Eddy filed a report, herewith inclosed, marked A, (before quoted,) which I respectfully ask to be made a part of this report. I went upon the land from which the wood and timber was taken, and am satisfied that the allowance made by Agent Wheeler of 50 cords per acre on 18½ acres, and of 25 cords per acre on 20 acres, is a liberal allowance; and that the price awarded (\$1 per cord for standing wood) is also a liberal price for wood in that locality at that time.

Claim No. 2, for \$17,790, was filed July 31, 1871, as claimant says, against his judgment, so far as relates to wood and timber. Attention is invited to the affidavit of claimant, herewith inclosed, marked B, in which he expresses a wish to withdraw the second claim so far as relates to wood and timber, but that the papers be retained to corroborate claim No. 1, which was investigated by Captain Wheeler.

The items for brick and rent of land mentioned in the second claim the claimant desires should be considered in connection with claim No. 1, before mentioned.

[Here follows a report as to the bricks, which will be considered in briefing claim No. 2.]

By reference to the first statement of Captain William Brunt, of the Sixteenth United States Colored Infantry, and acting assistant quartermaster, herewith inclosed, and attached to the second claim, marked D, it will be seen that he estimates the quantity of wood and timber used by him for the benefit of freedmen, for fuel and building purposes, from May 28, 1864, to about January 1, 1866, at 7,500 cords, the number of freedmen being 6,000 or more.

The last statement in reference to wood is given as answering the inquiry of the Quartermaster-General of December 19, 1871 indorsed on the back of claim No. 2, in pencil.

Also claimant and witnesses estimate that 300 cords of wood taken from claimant's land (if put into cord-wood) was used in the construction of fortifications, block-houses, and defenses.

The merits of the two claims collectively then stand as follows: 9,837½ cords of standing wood and timber, as awarded by James C. Wheeler and approved by Major A. R. Eddy, August 7, 1871, as covering all wood and timber taken by the Federal authorities from the commencement to the close of the war, and until the winding up of military operations at Montgomery County, Tennessee, in 1866, at \$1 per cord for standing wood, \$9,837.50.

If the Quartermaster-General United States Army cannot pay for the stores taken and used for freedmen and refugees, nor for timber used in the construction of fortifications, block-houses, &c., then deduct the following from the above amount:

7,500 cords of wood taken by Captain William Brunt, and used for the benefit of freedmen and refugees.....	\$7,500 00
300 cords of timber put in fortifications, at \$1.....	300 00

Total.....7,800 00

Very respectfully,

J. E. STEVENS,
Quartermaster Agent.

[In duplicate.]

Lieutenant-Colonel JAMES A. EKIN,
Dep. Q. M. Gen., U. S. A., and Chief Q. M. Dep. South, Louisville, Ky.

Upon these reports being made to the Quartermaster-General of the United States he referred the same to the Third Auditor of the Treasury, with the following recommendation:

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 10, 1873.

SIR: I have the honor to enclose herewith two claims of Duncan Marr, a citizen of Montgomery County, Tennessee, presented to this office under the act of July 4, 1864, and stated as follows:

Claim No. 1.

For 6,500 cords of wood, at \$2 per cord.....	\$13,000 00
For 8,500 cords of wood, at \$2 per cord.....	17,000 00

Total.....30,000 00

Claim No. 2.

For 7,500 cords of wood, at \$2 per cord.....	\$15,000 00
For 78,000 brick, at \$9 per thousand.....	702 00
For 112,000 brick, at \$9 per thousand.....	1,008 00
For rent of 180 acres of land, from January 1, 1864, to January 1, 1866.....	1,080 00

Total.....17,790 00

So much of claim No. 2 as is for timber has been withdrawn by the claimant, it being a duplicate of claim No. 1.

The charge for rent in claim No. 2 has not been considered, this office having no jurisdiction, under the law of 1864, in cases of rent arising in the State of Tennessee during the rebellion.

An examination of the claims has shown that the larger portion of the timber proved as taken was used for the comfort of freedmen, and that some of the brick charged for were put to a like use. A statement showing the quantity of timber and brick proved as taken, embracing both claims, and distinguishing that chargeable to freedmen from that chargeable to the Army, has been prepared, and is inclosed, marked X.

This office has no power to settle claims for wood and brick used by the Freedmen's Bureau.

The evidence establishes the loyalty of the claimant, and I respectfully recommend for settlement under the act of July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores," &c., the following described property taken for the use of, and used by, the United States Army:

On claim No. 1.
For 2,037½ cords of wood, at \$1 per cord..... \$2,037 50

On claim No. 2.
For 112,000 brick, at \$8 per thousand..... 896 00

Making a total of..... 2,933 50

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

The THIRD AUDITOR,
United States Treasury, Washington, D. C.

X.

THE UNITED STATES IN ACCOUNT WITH DUNCAN MARR.

(1.)

The Quartermaster's Department.

Claim No. 1.

2,037½ cords of wood, at \$1 per cord..... \$2,037 50

Claim No. 2.

112,000 brick, at \$8 per thousand..... 896 00

2,933 50

(2.)

The Freedmen's Bureau.

Claim No. 1.

7,500 cords of wood, at \$1 per cord..... \$7,500 00

Claim No. 2.

28,000 brick, at \$8 per thousand..... 224 00

7,724 00

To accompany letter of Quartermaster-General of March 10, 1873, to the Third Auditor.

By the following letter from the Third Auditor's Office, it will appear that so much of this claimant's demand as relates to quartermaster stores has been paid in full:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., February 5, 1874.

SIR: In pursuance of request by your committee, per George C. Smith, clerk, I herewith transmit the papers pertaining to the claim of Duncan Marr.

By Treasury settlement No. 2494, of March, 1873, there was allowed and paid upon this claim as follows:

For 2,037½ cords wood, at \$1 per cord..... \$2,037 50

For 112,000 brick, at \$8 per thousand, (used by Quartermaster's Department)..... 896 00

2,933 50

Very respectfully,

ALLAN RUTHERFORD,
Auditor.

HOB. JOHN B. HAWLEY,
Chairman Committee on Claims, House of Representatives.

From the report of the Quartermaster's Department it appears there is justly due the claimant the sum of \$8,024, as follows:

On claim No. 1.

For 7,500 cords of wood, at \$1 per cord..... \$7,500

For 300 cords of timber for fortifications, &c..... 300

On claim No. 2.

28,000 brick, at \$8 per thousand..... 224

Total..... 8,024

On the 2d of April, 1873, this claim was referred to the Adjutant-General United States Army, and by him referred to the Third Auditor of Treasury and by the Third Auditor to the Second Comptroller, as will appear by the following letters:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., April 22, 1873.

SIR: I have the honor herewith to transmit the papers in the claim of Duncan Marr, for action upon so much thereof as pertains to the Freedmen's Bureau. By settlement No. 2494, (March, 1873,) the sum of \$2,933.50 has been paid to the claimant.

Please return the papers.

I am, very respectfully, your obedient servant,

ALLAN RUTHERFORD,
Auditor.

Brigadier-General E. D. TOWNSEND,
Adjutant-General, United States Army.

WAR DEPARTMENT,
Adjutant-General's Office, May 2, 1873.

Respectfully returned to the Third Auditor, United States Treasury, with the information that this office has no jurisdiction over claims of this character, and no funds from which payment can be made.

It is therefore unnecessary at this time to consider the justice of the claim or to consult the records of the late Freedmen's Bureau for verification thereof.

E. D. TOWNSEND,
Adjutant-General.

TREASURY DEPARTMENT,
Third Auditor's Office, November 20, 1873.

Respectfully referred to the Second Comptroller for his decision on so much of the within claim as refers to the 7,500 cords of wood at \$1 per cord, \$7,500; and 28,000 bricks at \$8 per thousand, \$224; making the aggregate sum of \$7,724.

These items were not considered by the Quartermaster-General in his recommendation for the settlement of the quartermaster's stores, included in the claim, for the reason that the wood and bricks above mentioned were appropriated to the use of the Freedmen's Bureau.

There is a small balance, about \$300, standing on the books of this office to the credit of the Bureau of Refugees, Freedmen, and Abandoned Lands, prior to the 1st of July, 1870.

A. M. GANGEWER,
Acting Auditor.

Respectfully returned to the Third Auditor. There appears to be no provision of law for the payment of claims of this character. The act of July 4, 1864, authorizes payment only for such quartermaster's stores as were "actually received or taken for the use of and used by said Army."

As the stores for which pay is claimed were not taken for or used by the Army, this law does apply.

Even if there were no legal objections, there is no appropriation available out of which payment can be made.

I therefore see no other remedy for claimant than an application to Congress for relief.

J. M. BRODHEAD,
Comptroller.

SECOND COMPTROLLER'S OFFICE, November 22, 1873.

The evidence in the case fully establishes the loyalty of the claimant, and the report of the Quartermaster-General is fully sustained by abundant proofs, and your committee are clearly of opinion that there is justly due the claimant the sum of \$8,024, and therefore report the bill for his relief back to the House, with recommendation that the accompanying substitute be passed.

During the reading of the report,

Mr. BUTLER, of Massachusetts, said: I hope the gentleman will not insist upon the reading of this whole report.

Mr. LAWRENCE. I insist upon its reading. It is a case which I respectfully submit to the chairman of the Committee on Claims ought not to have gone to his committee. It is clearly a matter that belongs to the Committee on War Claims. The Committee on War Claims are not anxious to take jurisdiction of it, for they have an abundance of business already; but the committee have been and ought to be scrupulously careful not to take or to act upon any claim properly within the jurisdiction of another committee. Whenever a claim goes to a committee to which it ought not properly to go, it ought to be reported back to the House and referred to some other committee. I am sure that the Committee on Claims would not take jurisdiction of any claim that does not properly belong to that committee, and I think the chairman of that committee will see on reflection that this is a case over which his committee has no possible jurisdiction, and it is disrespectful to the Committee on War Claims that any other committee should assume jurisdiction of business properly belonging to it.

Mr. MAYNARD. Was not this bill sent by order of the House to the Committee on Claims?

Mr. LAWRENCE. I do not know.

Mr. MAYNARD. I understand it was, and I hope the gentleman from Ohio will not stand here and quarrel upon a point of etiquette.

Mr. LAWRENCE. I shall insist that this bill belongs to the Committee on War Claims.

Mr. MAYNARD. If the gentleman will let an honest claim be lost because it was not referred to the proper committee, I will make all sorts of apologies to him.

Mr. HAWLEY, of Illinois. The gentleman from Ohio is not treating the Committee on Claims with the highest courtesy. I understand that the whole of this claim arose after the war.

Mr. BURROWS. Every dollar of it.

Mr. HAWLEY, of Illinois. The Committee on Claims has probably a thousand claims before it which it cannot possibly examine, and I presume that the Committee on War Claims are in the same condition, and our committee will be able to give consideration to but a small portion of the claims before them. I presume the same is the case with the Committee on War Claims. The Committee on Claims has so much business before it that it certainly will not claim the right to consider any claim that does not properly belong to it, or arrogate to itself the right to act on claims which do not properly belong to it. I am surprised that the chairman of the Committee on War Claims [Mr. LAWRENCE] should now insist that this claim should have gone to his committee. It was referred to the Committee on Claims by order of the House; and if I had supposed it ought to have gone to his committee, I should have promptly reported it back and asked to have it sent there, as I have done in the case of many other claims. The Committee on Claims have considered this case, and have unanimously reported this bill to the House.

Mr. LAWRENCE. It is said that the most of this case arose after the war. When did the war close?

Mr. HAWLEY, of Illinois. On June 20, 1865.

Mr. LAWRENCE. On the 20th of August, 1866.

Mr. HAWLEY, of Illinois. I think not.

Mr. LAWRENCE. The Supreme Court has so decided. And all claims growing out of military operations up to the 20th of August, 1866, fall within the jurisdiction of the Committee on War Claims. Now, in regard to this claim, the report of the committee gives the following bill of particulars:

On the 2d day of December, 1870, the claimant, Duncan Marr, made oath to the following claim against the Government of the United States, namely:

THE UNITED STATES TO DUNCAN MARR, DR.
December 25, 1862, to September 20, 1863, for 6,500 cords of wood, at \$2 per cord..... \$13,000
September 20, 1863, to July 1, 1865, for 8,500 cords of wood, at \$2 per cord.. 17,000

Total..... 30,000

Subsequently, and on the 31st day of July, 1871, the claimant made oath to the following additional claim, to-wit:

That on or about the years 1864, 1865, and 1866, at or near Clarksville, Tennessee, Captain William Brunt, Sixteenth United States Colored Infantry, superintendent freedmen and acting assistant quartermaster, took from affiant—
 Seven thousand five hundred cords of good wood, lying near the Cumberland and Red Rivers, valued at \$2 per cord..... \$15,000
 Seventy-eight thousand brick, at \$9 per thousand..... 702
 One hundred and twelve thousand brick, at \$9 per thousand..... 1,008
 The use and occupation of one hundred and eighty acres of land from January, 1864, to January, 1, 1866, at \$540 per year..... 1,080

Total amount of second claim..... 17,790

Making the entire demand of the claimant against the Government the sum of..... 47,790
 Subsequently the claimant withdrew so much of his second claim as had reference to wood, reducing the demand the sum of..... 15,702

Leaving a balance claimed to be due of..... 32,088
 For wood, brick, and use of premises.

Mr. HAWLEY, of Illinois. The trouble with the gentleman is that the claim he refers to now has already been paid.

Mr. LAWRENCE. What is it in the report for? I read from the report.

Mr. HAWLEY, of Illinois. The report shows.

Mr. LAWRENCE. When did the claim accrue for which this bill is reported? I call for the reading of the rest of the report.

The Clerk resumed and concluded the reading of the report, which is given above.

The bill was then laid aside, to be reported favorably to the House.

JOHN ALDREDGE.

The next bill on the Private Calendar was the bill (H. R. No. 2685) for the relief of John Aldredge, reported from the Committee on War Claims.

The bill requires the Secretary of the Treasury to pay to John Aldredge, of McNairy County, Tennessee, such sum, not exceeding \$9,606, as the Secretary may deem reasonable, for money paid into the Treasury of the United States by virtue of an assessment made upon the disloyal citizens of and around Henderson Station, Tennessee, to make repayment for the destruction of cotton, the property of said Aldredge; the sum so to be paid to be charged to the account of captured and abandoned property.

Mr. SPEER. I call for the reading of the report.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 1104) for the relief of John Aldredge, having had the same under consideration, ask leave to report:

That they find, from the evidence submitted with the bill, that there was an irregular force of rebel troops made a raid upon Henderson Station, Tennessee, on or about the 24th of November, 1862, and captured the post, with the garrison, and destroyed a large amount of public and private property, and that there was an assessment made by proper military authority of the United States upon certain citizens living in the vicinity of said military post to reimburse the Government and loyal citizens that had suffered by said rebel raid; and that upon proper investigation John Aldredge's loss was alleged to be \$9,606.36, and that the money was collected; and that part intended to reimburse the Government went into and was used in the military railroad department, and the remainder, or that part intended to indemnify the loyal citizens who had suffered loss by said rebel raid, went into the Quartermaster's Department, as shown by evidence obtained from the Third Auditor's and Quartermaster-General's offices, and was accounted for and turned over to the Treasury of the United States. The evidence shows Mr. Aldredge, the claimant, to have been a loyal citizen of the United States during the late rebellion, and your committee are therefore of the opinion that he is entitled to the amount so collected for him and covered into the United States Treasury, and accordingly report back the said bill (H. R. No. 1104) with a substitute, and recommend the adoption of the said substitute.

Mr. SPEER. From information which I have I am of the opinion that this bill ought not to pass, and I will state briefly the reasons. I am informed that Mr. Aldredge was not the owner of the cotton which was destroyed. He had bought it, but had not paid for it. It was destroyed, and an assessment was levied upon the citizens of the town for the value of the property destroyed, and the money was paid into the Treasury. After that was done this man Aldredge took the benefit of the bankrupt law, and has been discharged. His creditors, therefore, will be unable to collect a dollar of what he owed them. He did not present this claim against the Government in his schedule of assets to the court of bankruptcy. He now, after being discharged, makes claim against the Government for over \$9,000. This bill proposes to take that amount out of the Treasury of the United States and to pay it over to him, while in fact, as I am informed, the cotton for which the amount is to be given was not paid for by him. He made no claim against the Government when he applied for his discharge in bankruptcy; and if he now gets the money those he owes will not get a cent of it.

Mr. POTTER. Did he make no reference to it in his statement?

Mr. SPEER. I was so informed. I ask the Clerk to read a letter which I am informed is from a responsible citizen of Tennessee.

The Clerk read as follows:

HENDERSON, TENNESSEE, January 15, 1875.

DEAR SIR: This is to certify that John Aldredge bought of me \$1,950 worth of cotton that was burned in the Henderson Station, burning in the year of 1862, and has never paid me a cent for same; and I understand he is trying to get pay out of Congress. He has taken the benefit of the bankrupt law since he purchased the cotton from me. I would respectfully ask if there should be any appropriation made for his claim the above amount be held for my benefit.

Respectfully, yours,

Hon. J. D. C. ATKINS.

WILLIAM CASSON.

Mr. SPEER. If this bill is to be passed, I think it should be with this amendment:

Provided, That the same be paid over to his assignee in bankruptcy.

Mr. LAWRENCE. I do not care what becomes of this money nor of this bill. I do not propose to appear as the advocate of any bill that makes an appropriation of money. But I do propose to do what I believe to be just, and I think it but just that this bill should receive a fair consideration. John Aldredge was a citizen of Tennessee. During the war there was a rebel raid made upon the country round about Henderson Station, and a large amount of private property was taken by the rebels. Aldredge was a loyal citizen. The Union military authorities levied an assessment upon the rebel citizens of that vicinity to pay the losses which the Union citizens had sustained by reason of the rebel raid.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. LAWRENCE. Certainly.

Mr. ATKINS. How does the gentleman know that these persons assessed were rebel citizens? I am informed that those persons had taken the oath of allegiance to the Government of the United States.

Mr. LAWRENCE. I will state how I know it.

Mr. HURLBUT. I was there, and I know it.

Mr. ATKINS. Does the gentleman from Illinois [Mr. HURLBUT] state that these were rebel citizens?

Mr. HURLBUT. I state that the men upon whom this assessment was levied were disloyal men.

Mr. LAWRENCE. That is a question upon which the military authorities who made the assessment may be presumed to have had the best information. I think it eminently just that after the military authorities of the United States have made an assessment upon the rebel citizens to reimburse loyal citizens who suffered by a rebel raid, and after the money has gone into the Treasury of the United States, those loyal citizens who suffered should be paid the losses they sustained.

It is said, however, that Aldredge has taken the benefit of the bankrupt law. I do not know how the fact may be; I have seen no evidence of that; but if gentlemen here affirm that they know such to be the fact, I have no doubt it is true.

Mr. ATKINS. I state that Aldredge has taken advantage of the bankrupt law.

Mr. LAWRENCE. But suppose that to be so; is this a claim which by law would pass to his assignee? He has no claim to-day that could pass to an assignee in bankruptcy. A man who erects a building for the Government under a contract has due to him a liquidated demand that will pass to his assignee in bankruptcy; but a claim like this, which is an unliquidated demand, which rests upon an appropriation to be made by Congress, which cannot be enforced upon any ground of contract, for which the party cannot sue in the Court of Claims, for which he has no remedy but that which rests in the judgment and discretion of Congress, will not in my judgment pass to an assignee in bankruptcy. But if this is a claim that would legally pass in that way, let the assignee in bankruptcy assert his claim upon the fund when Congress provides for its payment.

It is said (and a letter is presented here affirming the fact) that a portion of the property destroyed by the rebel forces was property which John Aldredge had bought from some citizen of Tennessee; and this citizen asks that the money shall be paid to him. We are asked to make provision for such payment upon a simple letter alleging that he sold this property and has not been paid for it. I suppose, sir, that Congress cannot undertake to settle the debts of anybody. The man who sends this letter here concedes that he sold the property to John Aldredge. If he did, let him pursue his remedy against Aldredge. But Congress has never yet undertaken, when appropriating money that may rightfully go to any citizen, to ascertain who his creditors are and appropriate the money for their benefit. Was such a thing ever heard of before? It is a method of proceeding utterly impracticable.

Mr. STORM. We did it in the last Congress.

Mr. LAWRENCE. For whom?

Mr. STORM. In the case of a certain claim, the allegation was that the property claimed to have been taken had not been paid for, and I think the gentleman from Pennsylvania had an amendment put on the bill directing that the proceeds should go to the benefit of the creditor.

Mr. LAWRENCE. I do not know of any such case.

Mr. SPEER. We ought to make a provision of that kind in all such cases.

Mr. LAWRENCE. We cannot undertake to settle disputed questions between creditor and debtor. Will you in this case undertake to pay over this money to a man who simply alleges in a letter that he is the creditor of John Aldredge, without presenting any evidence?

Before taking my seat, I wish to state that the persons upon whom the assessment was made in this case by the military authorities have presented a claim for reimbursement, upon which claim the Committee on War Claims have presented the following adverse report:

The Committee on War Claims, to whom was referred the bill (H. R. No. 3044) for the relief of H. Johnson and others, citizens of Tennessee, having had the same under consideration, report:

That in December, 1863, assessments were levied in Henderson County, Tennessee, on certain specified persons by the order of Brigadier-General Jeremiah C. Sullivan, of amounts fixed in money, to reimburse the losses sustained by loyal people, by reason of a rebel raid on Henderson Station.

The order under which these assessments were made does not appear among the papers, but its character can be fully ascertained from the notices which were served on the parties assessed, of which the following is a copy:

"SIR: You are hereby notified that pursuant to Special Order No. 15, from district headquarters, Brigadier-General Jeremiah C. Sullivan commanding, you have been assessed to pay the sum of — dollars, the same being your proportion of the damages resulting to the Government of the United States and to the property of loyal citizens by the late rebel raid on Henderson Station; you will pay the amount to Captain William J. Stephenson, commanding at Henderson within ten days from this date, and take duplicate receipts for said money. One you will forward to headquarters, post of Bethel, Tennessee; the other you will keep.

"By order of—

"WILLIAM J. STEPHENSON,
"Captain, Commanding Post."

The whole question involved is this: A military officer, with a view to pay to the Government of the United States and loyal citizens for losses sustained by a rebel raid on Henderson Station, made an assessment on certain named parties of the State of Tennessee, of specific sums of money, which assessments were paid by many of the parties on whom the same was imposed.

If this assessment was justified from any cause existing in a period of war, then the money raised by that means should not in justice be repaid.

If this assessment was not justifiable, then it was one of the incidents of war, a wrong done in the heat of a civil controversy, for which, on principles well recognized, the Government should not be made responsible. The Government is not responsible in pecuniary damages for the tortious acts of its officers, and nothing is disclosed in the papers presented which should make this an exceptional case.

The committee therefore report adversely on the bill, and recommend that it lie on the table.

Mr. LEWIS. Mr. Chairman, I have known Colonel Aldredge for some fifteen or twenty years. He is one of the leading Union citizens of West Tennessee. He sustained these losses because of his devotion to the Union cause. After the war he was for some years a senator in the Legislature of our State. He is one of the best men in the State; and having resided there for thirty years he is known as such to all the community. I have never heard any opposition made to him or to his claim except such as has grown out of hatred against him because he was a Union man during the war and did his duty.

Gentlemen have stated that they are "informed" of certain things in regard to Judge Aldredge. Now, if there is any charge against him, proof should have been produced here in the proper way. Why, sir, any man in this House can be "informed" at any time that there is something against any man who has an honest claim and who is a Union man—a loyal citizen of the Government. I do not think that any importance is to be attached to the statements that are made here upon this point. If gentlemen desired to show that this claim was not fair or just, they should have produced the proper proof. Evidence is what is wanted. It would have been easy, if the facts stated existed, to produce the evidence of witnesses showing those facts. Evidence in support of the claim has been presented in proper form before the Committee on War Claims; the whole case has been proved thoroughly. This is one of the best known and most striking cases in West Tennessee. I hope that the bill will be passed, and that this man will receive what is justly due to him. I trust that the House will hear from my friend from Illinois, [Mr. HURLBUT,] who was the major-general commanding that region at the time of the occurrence and who knows the facts.

Mr. HURLBUT. Mr. Chairman, it is right, I think, that the House should understand precisely the facts of this case before determining the question. The facts are simply these: This man John Aldredge was one, not of the few but of the many loyal citizens in the immediate neighborhood where he lives. It so happened that while that region of country was under my military command a band of troops, sometimes recognized by the confederate authorities and sometimes not so recognized, broke into Henderson Station, overpowered the guards, and destroyed public and private property. General Grant, then commanding all that region, issued orders through me which were properly extended to subordinate officers in charge of that district to examine into the facts. A military commission was appointed, which did examine and did pass upon the ownership of the property destroyed. The same military authority ordered a levy to be made upon certain citizens, not by any means in sympathy with the United States, in that neighborhood, denominated here disloyal citizens, and that money was collected. So much as belonged to the United States, to compensate them for their loss, was paid over and used, and so much as belonged to this man John Aldredge, by some slip on the part of the provost marshal general then in charge of that district, was not paid directly to him but was paid into the Treasury of the United States, and is there now. He asks that money so collected under this military order for his benefit and now in the Treasury of the United States shall be paid to him.

Objection, as I understand it, comes from the gentleman from Pennsylvania [Mr. SPEER] that he has since been in bankruptcy, and the money, if paid at all, should be paid by act of Congress to his assignees. I never heard of such a proposition in any bill that ever passed Congress. We deal with the man who had the right to the money, and leave the creditors, assignees, legal representatives, or legal claimants to settle in the courts of law. If it be true—I do not know anything about it but accept the statement of the gentleman that he has been in bankruptcy—this claim never appeared there and never could appear there. I never heard that in any case of bankruptcy the bankrupt was required to schedule a claim against the United States which was not a matter of strict right but a matter of grace. If, however, bankruptcy does have the effect to transfer his right to the assignee, the assignee holds the power to enforce that right when the money is paid to Aldredge.

Now, sir, there is no doubt whatever, from the statement and evidence before that committee and from the facts stated as within my personal recollection—there is no doubt, I say, of the fact of the absolute loyalty and high character of this man during the unfortunate time of the late rebellion. There is equally no doubt that competent military authority ordered the assessment of these men, and the amount was collected and is now in the Treasury of the United States. The only question, it seems to me, is to whom it ought to be paid. My clear idea of the law is that the claim is the personal right of this man, John Aldredge, not transferable to the assignee under the terms of the bankrupt law but remains for his benefit, and if he has any creditors they may prosecute him if they like.

Mr. STORM. Mr. Speaker, the gentleman from Ohio, [Mr. LAWRENCE,] who reports this bill as chairman of the Committee on War Claims, has the character in this House of being a prudent and careful man in making committee reports. But there is a grave allegation here, to ascertain the truth of which should secure the recommitment of this bill. I promise the gentleman from Ohio, if the allegation made by the gentleman from Tennessee [Mr. ATKINS] and my colleague from Pennsylvania should prove not to be correct, I will aid him in passing this bill. If the allegation be true, I think we should know it. The bill will not be injured by being recommitment.

Mr. BUTLER, of Tennessee. You might as well kill the bill as recommit it.

Mr. STORM. The allegation is that while in bankruptcy this claimant made no schedule of this property, which, notwithstanding what the gentleman from Ohio and the gentleman from Illinois have said, he was bound, under the forms the Supreme Court promulgated, to return. He was bound to make return of all property, whether in possession, remainder, or expectancy, choses in action—all property of whatever kind or wherever situated. Therefore, under the forms required by the Supreme Court, this should have been returned and have gone among the assets of the bankrupt. If the allegation be true, it is of such a character as to warrant the recommitment of the bill.

Mr. ATKINS. Mr. Chairman, I desire to say a word in reply. It has been asserted upon the floor by my colleague from the Memphis district that the principal objection to this bill is the loyalty of the claimant. So far as I am concerned I desire to distinctly avow here that I have no opposition to this gentleman on that ground or to any other claimant before Congress. I have uniformly voted to pension soldiers. I have introduced bills here to pension widows of Union soldiers. I have introduced bills to pension the children of Union soldiers. I know no such sentiment as that attributed to me; none whatever. I am incapable of occupying a seat upon this floor and entertaining resentment or unkindness toward any man who wore the blue. But enough of that.

Now, in regard to the remark made by the gentleman from Illinois, that this amount was levied upon disloyal citizens, I have only to say that I have information that all or nearly all of those men there, and there were forty-eight in number, have taken the oath of allegiance to the Government of the United States.

But I want to say another thing. When this raid was made upon this station, Henderson Station, by this confederate band, these men who were assessed were in their beds. This party of soldiers crossed the Tennessee River at sundown. Henderson Station is forty miles from the Tennessee River. They traveled there and did this mischief before daylight, and these men who were assessed were in their beds and did not know such a troop was west of the Tennessee River when the act was done.

Well, sir, I have no disposition whatever to make any war upon this claim, except that here is an old man verging upon three-score and ten who writes me a letter that this man Aldredge owes him nearly \$2,000 for that cotton; and that he (Aldredge) had taken the benefit of the bankrupt act, and had not paid him a single cent. Sir, with this state of facts, discarding all questions of loyalty, discarding all idea that a man should be paid simply because he was loyal, whether he has a just claim or not, discarding such an idea as that, I appeal to the sense of justice of this House whether these assignees should not have the benefit of this money, if it is to be paid at all. Therefore I move to recommit the bill.

Mr. E. R. HOAR. The remarks of the gentleman from Illinois [Mr. HURLBUT] attracted my attention quite impressively. I agree with him in his view of the law in one particular; in another I should not.

If this be a debt due by the United States to this claimant I have no doubt that as a matter of law, although there might be no means of collecting it by compulsory process against the United States, it would pass to his assignees in bankruptcy; and if a bill should be introduced to pay it to the assignee as the legal owner of the right of property, that would be done with as much reason as, in case the man were dead, it would be paid to his administrator or executor. For the purpose of settling his estate the assignee in bankruptcy is the owner of the bankrupt's rights of property.

But I agree with the gentleman that that is not the nature of the case; that this is a matter of grace and favor, in which the United States is endeavoring to make up to a loyal citizen his losses by raiders or robbers or confederates, or whatever may be the smoother phrase for them; the fund, whether it was rightfully or wrongfully collected you can hardly now ascertain, being in the Treasury of the United States for the purpose of indemnity.

That being so, when we are bestowing our grace and favor to make good the loss, it certainly seems to me we should make good the loss to the loser. And, if we find that a man who had just sold this property, had not got a dollar of pay for it, the purchaser having gone into bankruptcy afterward, so that no claim could be enforced, if he now gets this money, we shall be making a donation to the man who has actually lost nothing, while the man who has lost the \$2,000 or \$1,900 comes here and petitions us that he may be considered in the apportionment of our grace and favor. It would seem to me that if he has made seasonable application, of which I know nothing; if his credit is vouched for as showing that he is an honest claimant, and this claim is not merely put in here as an obstruction; if there is reason to believe that his letter is true, it would seem to me a reason why this should be recommitted to the Committee on War Claims, with instructions to inform that party that he will be heard.

Mr. ATKINS. I vouch myself personally for the reputation and honor of the gentleman whose letter has been read.

Mr. E. R. HOAR. The gentleman from Tennessee can make the motion to recommit, or I will make it.

Mr. KELLOGG. I desire to say only one word upon this bill. I do not think that it should be recommitted. I understand fault is found because Mr. John Aldredge did not include this in his assets in the proceedings in bankruptcy. Now, if a man has got an honest claim before this Congress, and has ever had any experience here, I do not think those of us who understand our proceedings would ever find any fault with him because he did not include that claim in his assets in proceedings in bankruptcy. If he has got an honest claim here it is the last place where he would expect to get it settled during his life-time.

The gentleman from Massachusetts [Mr. E. R. HOAR] has shown distinctly that a legal claim can be reached by the assignees in bankruptcy. It is a perfectly just claim, as the Committee on War Claims unanimously reported. If any claim can get through that committee with its unanimous approval, I think it ought to be passed. Let us now have a vote.

Mr. LAWRENCE. I wish to say just a word.

Several MEMBERS. Vote! Vote!

Mr. MORRISON. Will the gentleman allow me to ask him a question?

Mr. LAWRENCE. It seems to me that the proposition of the gentleman from Massachusetts [Mr. E. R. HOAR] is utterly impracticable. Now, suppose Mr. Casson owes somebody else, can we go back and inquire whether he owes anything for the cotton he bought? The idea that we in paying to any citizen of the United States money that he is entitled to can go back and inquire who his creditors are and how the fund ought to be distributed by him it seems to me is utterly impracticable. It is a proposition that the Government of the United States shall assume the guardianship of this man, and it seems to me that that is utterly impracticable.

Many MEMBERS. Vote! Vote!

Mr. MORRISON. I desire to call the attention of the chairman of the Committee on War Claims and of the House, and also the attention of the gentleman from Connecticut, [Mr. KELLOGG,] who has spoken of the unanimous report of the Committee on War Claims, to the fact that new facts are now before the House which were not before the committee.

Mr. KELLOGG. I do not know whether they make any difference in the result.

Mr. MORRISON. I do not know whether they make any difference, but these facts were not before the committee.

Mr. SPEER. In view of the motion of the gentleman from Massachusetts, [Mr. E. R. HOAR,] I will withdraw my motion until that is acted upon.

Mr. KELLOGG. Let it be understood that a recommitment of this bill would be to kill it.

The question was on the motion of Mr. E. R. HOAR that the bill be reported to the House with the recommendation that it be recommitted to the Committee on War Claims; and being taken, there were—ayes 51, noes 64; no quorum voting.

Tellers were ordered; and Mr. ATKINS and Mr. KELLOGG were appointed.

The committee divided; and the tellers reported—ayes 56, noes 89. So the motion was not agreed to.

Mr. LAWRENCE. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

Mr. ATKINS. I desire to move the amendment offered by the gentleman from Pennsylvania, [Mr. SPEER,] to add to the bill these words:

Provided, That the sum be paid over to his assignees in bankruptcy.

The question was put on agreeing to the amendment; and there were ayes 34, noes not counted.

So the amendment was not agreed to.

The question was then taken on the motion of Mr. LAWRENCE; and it was agreed to.

So the bill was laid aside, to be reported favorably to the House.

RELIEF OF LOYAL CREDITORS.

The next bill on the Private Calendar was the bill (H. R. No. 2686) to provide for the relief of certain loyal creditors whose moneys were confiscated by the confederate congress.

The bill, which was read, authorizes and empowers the Secretary of the Treasury to divide among the loyal northern creditors whose debts were confiscated by the acts of the confederate government the sum of \$203,334.89, being the amount captured from confederate receivers as proceeds of debts due northern loyal creditors, paid to such receivers by confederate debtors at New Orleans, *pro rata*, according to the amount of such confiscated debts; and for that purpose said court is authorized to cause thirty days' public notice to be given of the time and place of hearing in a newspaper published in the cities of Washington, New Orleans, New York, and Philadelphia; and said court shall thereafter hear and determine the claims of all persons to the said fund, and ascertain by testimony taken under oath who is justly entitled to any part thereof caused by confiscation of his debts; whether or not such creditor has received in any other way or from any other source any portion or the whole of said claim; and, after determining the amount, to distribute or allow for all such claims presented to him, and order a division of said sum between said claimants *pro rata*, after deducting the expenses of such division; and upon the approval of such division by the Secretary of the Treasury, he is authorized to draw his warrant upon the Treasurer of the United States, in favor of the several claimants, for payment thereof.

Mr. WILLARD, of Vermont. I should like to hear the report in that case.

The CHAIRMAN. The Chair understands there is no report.

Mr. BUTLER, of Massachusetts. I have the leave of the gentleman who reported this bill to offer a substitute for it.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause, and insert as follows:

That the Secretary of the Treasury is hereby authorized and empowered to divide among the loyal northern creditors, whose debts were confiscated by the acts of the confederate government, the sum of \$203,334.89, *pro rata*, according to the amount of such confiscated debts; and for that purpose he is authorized to appoint a commissioner, whose duty it shall be, after giving thirty days' public notice of the time and place of hearing in a newspaper published in the cities of Washington, New Orleans, and Philadelphia, to hear and determine the claim of all persons to the said fund; to ascertain by testimony taken under oath who is justly entitled to any part thereof caused by confiscation of his debts, whether or not such creditor has received in any other way, or from any other source, any portion or the whole of said claim, and after determining the amount, to distribute or allow for all such claims presented to him and order a division of said sum between said claimants, *pro rata*, after deducting the expenses of said division, which shall in no event exceed the sum of 5 per cent. in the amount thereof; and upon the approval of such division by the Secretary of the Treasury, he is authorized to draw his warrant upon the Treasurer of the United States in favor of the several claimants for payment thereof.

Mr. LAWRENCE. This bill was originally introduced by the gentleman from Massachusetts, [Mr. BUTLER,] and he proposed in the bill that the money appropriated should be distributed by the Secretary of the Treasury. When that proposition was submitted to the Committee on War Claims, they thought it advisable to let the parties in interest go to the Court of Claims and let the distribution of the money appropriated be made by the Court of Claims. So far as I am individually concerned, I have no choice about the matter. I am only carrying out what was the understanding of the committee. I understand now that the gentleman from Massachusetts thinks that it would be more expedient that the money should be distributed by the Secretary of the Treasury, and so far as I am personally concerned I have no objection to that, although I do not undertake to speak for the Committee on War Claims on that question.

Mr. McNULTA. I ask the gentleman to insert "Chicago" after the word "Washington," as one of the places where advertisement is to be made.

Mr. BUTLER, of Massachusetts. Certainly, I will do so. I want to make a statement to the Committee of the Whole, and I pray the attention of gentlemen while I make it. At the last session of Congress the bill I have offered as a substitute was reported from the Committee on Claims by the gentleman from Indiana, [Mr. HOLMAN.] It passed the House but failed to be considered in the Senate.

The circumstances are these: The confederate congress passed a law requiring all southern debtors of northern creditors to pay the amount of their debts, after the war began, into the Confederate States treasury. For that purpose they appointed certain receivers. When New Orleans was captured there was found in the banks of New Orleans to the credit of these Confederate States receivers \$203,000 and odd of money. That money was taken and sent to the Secretary of the Treasury here, with a letter which will be found in the history of that date stating that it should be a fund out of which the creditors whose debts had been confiscated might be paid.

Mr. LAWRENCE. All of which will be found in Parton's History of General Butler at New Orleans, which the gentleman is too modest to refer to.

Mr. BUTLER, of Massachusetts. It will be found in the history of that date.

Mr. STORM. It ought to be found in the report of a committee of this House.

Mr. BUTLER, of Massachusetts. It is in a report made to a former Congress. The bill, as reported by the Committee on War Claims, provides no way in which these owners can be notified, and provides no authority to adjudicate on the claims. The difficulty is this: There is not enough money to pay all these claims, and my amendment provides that it shall be divided up *pro rata* after advertisement, and that the whole expense shall not exceed 5 per cent. of the amount of claims paid, instead of sending the claimants to the

Court of Claims, where there would be about eighty suits eating up the whole amount of money available. The whole expense under this amendment cannot exceed \$10,000.

I need not elaborate upon this bill, because it has already passed the House twice, and the fact that it was favorably reported by the gentleman from Indiana, [Mr. HOLMAN,] who never allows anything to get through if he can help it that ought not to pass, is evidence that everything is right about this bill.

Mr. MERRIAM. Have the claimants ever presented their claims?

Mr. BUTLER, of Massachusetts. They have been sending petitions here ever since I have been in Congress.

Mr. MERRIAM. Where do they reside?

Mr. BUTLER, of Massachusetts. Some in New York, some in Philadelphia, more in Saint Louis, and many in Chicago.

Mr. HAMILTON. I do not see how the gentleman can distinguish between the money referred to in this bill and any other property of Union men destroyed by the confederacy. If we open the door for these claimants, I do not see how we can refuse to admit claimants for property destroyed in Pennsylvania, Maryland, and wherever else it was destroyed. I do not see how we can distinguish between a debt taken from a loyal citizen and a horse or other property taken.

Mr. BUTLER, of Massachusetts. Allow me to state that this very money was put into the Treasury, and this bill is to pay it out again.

Mr. O'BRIEN. What is the amount of these claims? The gentleman says that the amount appropriated by this bill is to be paid out *pro rata*.

Mr. BUTLER, of Massachusetts. The amount of money paid into the Treasury was \$203,000 and odd; the whole amount of claims is \$500,000.

Mr. O'BRIEN. Do these claims still remain in possession of the original creditors or have they been assigned?

Mr. BUTLER, of Massachusetts. This bill requires that the parties shall make proof before the commissioner that they are the claimants for this very money on account of debts confiscated.

Mr. WILLARD, of Vermont. I do not know that it is necessary to suggest an amendment; yet for greater protection there should be inserted after "expenses of division" the words "including the salary of said commissioner."

Mr. BUTLER, of Massachusetts. That is right.

Mr. WILLARD, of Vermont. This substitute provides that thirty days' notice shall be given, and that then these claims shall be adjudicated. Inasmuch as there is no limit fixed in the bill as to the time within which these claims may be presented, and inasmuch as the bill itself provides that this fund shall be distributed *pro rata* among whatever claims may be presented, so that any claim which may not be presented will be forever barred so far as this fund is concerned, I wish to ask the gentleman whether there should not be specified some limitation of time within which claims may be presented.

Mr. BUTLER, of Massachusetts. There is such a limitation. There is to be thirty days' notice; and then three months are allowed for the presentation of claims.

Mr. WILLARD, of Vermont. And all claims not presented within three months will be barred?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. MERRIAM. Might not many just claims be shut out in that way?

Mr. BUTLER, of Massachusetts. O, no; these creditors are all on the alert, and ready to avail themselves of any legislation of this kind.

Mr. WILLARD, of Vermont. I have the bill now in my hand; and I find that it does not contain any specification of three months as the time within which claims shall be presented. There is a provision for thirty days' notice in a newspaper of the time and place of hearing; that is all.

Mr. SENER. I desire to ask the gentleman from Massachusetts this question: Did the account in the bank at New Orleans show from what parties these several sums in the hands of the receivers came or in favor of what debt in the North they should be applied, if so, why not apply this fund to the payment of those debts specifically, instead of making a general provision?

Mr. BUTLER, of Massachusetts. The bank account did not show the individual creditors. It stood in the name of the Confederate States receivers. But the books of those receivers, which I have no doubt are in the archives—they were at one time—will show—

Mr. SENER. Would it not be equitable to provide for paying these sums to the parties whose debts were confiscated?

Mr. BUTLER, of Massachusetts. That is what the bill provides; it provides that this money shall be divided *pro rata* among them.

Mr. SENER. Only among those parties.

Mr. BUTLER, of Massachusetts. Only those.

Mr. WILLARD, of Vermont. Inasmuch as the substitute of the gentleman from Massachusetts contains no limitation as to time, I suggest that he add a provision specifying the time within which claims shall be presented. One year has been suggested—

Mr. BUTLER, of Massachusetts. Say six months.

Mr. WILLARD, of Vermont. I am willing to make it six months, if that be satisfactory to other gentlemen. I suggest, then, this addition to the gentleman's substitute:

And claimants shall have six months in which to present claims to said commissioner.

Mr. BUTLER, of Massachusetts. I accept the amendment of the gentleman from Vermont.

Mr. MERRIAM. I suggest that the gentleman add also the following, to which I presume there will be no objection:

Provided, That personal notice shall be given to all claimants as far as they are known.

Mr. BUTLER, of Massachusetts. I am content with that; anything to have these men paid. I accept that amendment as a modification of my substitute.

Mr. GIDDINGS. I rise to oppose this bill. I submit that this money should be returned to the parties from whom it was taken. It is no more the property of northern creditors than any other money taken by the confederate forces. The courts have invariably decided that payment to a Confederate States receiver was no discharge of the debt; and northern creditors have enforced their claims against southern debtors in every instance where it was possible to do so. This money belongs to the parties from whom it was illegally taken by the Confederate States receivers.

Now, if any of those parties are bankrupt, and the northern creditor cannot enforce his debt against the individual debtor, then there is no more right or justice in saying that this particular fund shall be applied to the benefit of the northern creditors than that any other property taken by the confederate forces should be applied in that manner. The money belongs to the parties from whom it was taken by the Confederate States receivers, and should be returned to those parties.

Mr. BUTLER, of Massachusetts. I desire to say in answer to the gentleman that the fund was at the time sent home for that purpose; and this bill provides that any man who has received his pay in any other way shall not receive it out of this fund. There are debtors to the amount of five or six hundred thousand dollars who had their property confiscated and who have not been paid. I know one case (and to the honor of southern men, or rather southern women be it spoken) in which a woman of large estate was ordered by the Confederate States receivers to pay a debt due the northern creditor to the receivers. She refused to do so; she stood out and never did it. After the war she paid all the money to the creditor. But there were those who were obliged to obey the order of the confederate government; and there was the remainder of the money—only the remainder—standing in the bank to the credit of the Confederate States receivers; and when it was sent home it was accepted by the Government as a fund out of which to pay these men who had suffered these losses.

Mr. GIDDINGS. Suppose there were loyal creditors in the South, this bill would cut them off; for it specifies only northern creditors.

Mr. BUTLER, of Massachusetts. If the gentleman will look at the act of the confederate congress, he will find that it confiscates only the debts of northern creditors; that government never would admit that there were any disloyal men in the southern confederacy.

Mr. GIDDINGS. It is to confiscate the property of aliens.

Mr. BUTLER, of Massachusetts. That is beyond the line.

Mr. LAWRENCE. Besides, the payment of this money to northern creditors will operate as a discharge of southern debtors.

Mr. GIDDINGS. They have already enforced their debts against southern debtors.

Mr. BUTLER, of Massachusetts. Then they cannot have any of this money, because the bill provides they shall not have it unless they prove they have not received it in any other way.

The committee divided; and there were—ayes 44, noes 26.

So the substitute, as modified, was adopted.

The bill, as amended, was then laid aside, to be reported favorably to the House.

THE MORGAN RAID.

The next bill on the Private Calendar was the bill (H. R. No. 2687) making compensation for supplies taken by Union military forces during the Morgan raid.

The bill, which was read, authorizes the commissioners of claims to receive, examine, and consider the justice and validity of claims for horses, and stores or supplies, taken or furnished during the Morgan raid in July, 1863, through Indiana and Ohio, for the Union military forces, whether under command of officers of the United States, or of either of said States. And said commissioners shall make report of said claims as of other claims.

Mr. WILLARD, of Vermont. Why make this exclusive; why not allow similar claims of northern people?

Mr. LAWRENCE. There is no other class of claims not already provided for by law. The object is substantially this: The present law provides for payment of claims of this character so far as they grew out of the taking by the Union Army, but during the Morgan raid there was an irregular State military force which did more service than the regular force of the United States, and they took these stores and supplies for military use. This is to pay citizens for property so taken and used by the military there.

Mr. WILLARD, of Vermont. I only rose to inquire why this should not be made general instead of special?

Mr. LAWRENCE. There was only one Morgan raid.

Mr. WILLARD, of Vermont. Read the bill again.

The bill was again read.

Mr. WILLARD, of Vermont. I do not object to the bill, but think it is always doubtful policy to make special provisions of this character.

Mr. DURHAM. Why do the provisions of this bill apply only to Indiana and Ohio and not to Kentucky?

Mr. LAWRENCE. Because there was no other Morgan raid except that which passed through Ohio.

Mr. DURHAM. Why, General Morgan made four or five raids in Kentucky.

Mr. KELLOGG. He lived there.

Mr. DURHAM. Certainly he did, and raided on the people of Kentucky.

Mr. LAWRENCE. The gentleman from Kentucky misunderstands this bill. It is not to pay for anything Morgan took, but for what our own troops took.

Mr. DURHAM. Then why do you not apply it to Kentucky?

Mr. LAWRENCE. There is already a law for the payment of all stores and supplies taken by our troops in Kentucky.

Mr. DURHAM. Where?

Mr. LAWRENCE. In the act of July 4, 1864, and I will show it to the gentleman in the book if he wishes to see it. This proposes to pay for stores and supplies taken not only by the regularly authorized forces of the military but by the State military force. There was a State military force which did effective and valuable services during that raid. They took stores and supplies, and this is to pay for them. These words are used, "stores and supplies," which have been construed and are well understood by the Quartermaster-General's Department and by the Court of Claims. They only call for payment wherever stores and supplies taken by the troops of the United States are paid for.

Mr. DURHAM. I am not antagonizing this, but I dislike to see this discrimination against Kentucky. When you go before the gentleman's committee with a claim proven as clearly as it can be, because it comes from Kentucky or Virginia or some other southern State it is rejected.

Mr. SENER. And even when of loyal men.

Mr. DURHAM. Yes, even of loyal men. The great plea is that they are disloyal.

Now, because Ohio or Indiana happens to be raided upon, the chairman of the Committee on War Claims can report in their favor. It is the distinction being made I object to.

Mr. LAWRENCE. I have made no distinction between citizens of Kentucky and Ohio. The misfortune is there were vastly more disloyal citizens in Kentucky than in Ohio, though there were enough in Ohio.

Mr. DURHAM. That is in the opinion of the gentleman.

Mr. LAWRENCE. No; in the opinion of every man who knows anything about it.

And I say so far as the gentleman intimates that I am unwilling to do justice to any man in Kentucky, he says what is not correct.

Mr. DURHAM. I do undertake to say that the gentleman is very unfortunate in coming to the conclusion that there are no loyal people in the State of Kentucky. Many claims have been reported by his committee I do not say unjustly, but I undertake to say that wherever the two sections come in competition he has invariably voted for men in the Northern States against men in the Southern States, apparently on the ground that they were southern men.

Mr. WILSON, of Iowa. I want to say a word in reply to the gentleman from Kentucky. He is not altogether fair in his strictures on the Committee on War Claims. They are very careful in regard to the claims they report, and it may be that sometimes they are too stringent. But I must say that it appears to me that Kentucky has been as well treated by that committee as any other State.

Mr. KELLOGG. I wish to say to my friend from Kentucky [Mr. DURHAM] that I have voted for Kentucky and Tennessee a great deal more than for any northern State. If I find what I consider an honest claim coming from Kentucky or Tennessee or any other State, whatever other members of the committee may do, I am ready to vote for it.

Mr. DURHAM. I concede that the gentleman from Connecticut [Mr. KELLOGG] is a fair man.

Mr. LAWRENCE. And I am always ready to do the same.

The bill was laid aside, to be reported favorably to the House.

ALBERT F. YERBY.

The next bill on the Private Calendar was the bill (H. R. No. 2688) for the relief of Albert F. Yerby, administrator of Addison O. Yerby, deceased, or whom it may concern.

The bill was read. It provides that the claim presented by Albert F. Yerby, administrator of Addison O. Yerby, deceased, late of the county of Richmond, and State of Virginia, for lumber and timber taken by an officer or officers of the United States Army, in the year 1861, in Northumberland County, Virginia, which was used by the Government of the United States for the construction of wharves, and other purposes; and also for an ox-beef slaughtered on the farm of Addison O. Yerby, deceased, by the order of the commander of the United States gun-boat Currituck; also for horses and mules taken, be referred to the commissioners of claims, and that the commissioners shall ascertain and determine whether Addison O. Yerby, at and prior to the time the property was so taken, was and had been a loyal citizen of the United States, and what was the amount and value of the property so taken; and that the commissioners shall determine who is the legal representative of Addison O. Yerby, and entitled to any money for the property, if any money shall be awarded

by the commissioners. In case any money shall be awarded by the commissioners, the same shall be awarded to the party lawfully entitled thereto.

Mr. WILLARD, of Vermont. I ask that the report may be read.

Mr. SENER. It is all right.

The report of the Committee on War Claims was read, as follows:

Addison O. Yerby was a citizen of the United States, residing in the county of Richmond, and State of Virginia, and said to be a loyal citizen of the United States. He was the owner of a saw-mill, situated on his farm on Dividing Creek, in the county of Northumberland, and State of Virginia, and had, as he by his representative claims, at said mill one hundred and fifty thousand feet of lumber, worth at the time \$25 per thousand feet, and which was valued at \$3,750. This lumber was taken by the Government of the United States in the year 1863, and transported by steamers to Point Lookout, in the State of Maryland, and there used in the construction of wharves and other building purposes.

He had also, as is claimed, an ox-beef, which was slaughtered on his farm by the order of the commander of the gun-boat Currituck, which gun-boat was a guard-boat of the transport steamers by which the lumber was carried away, which beef was valued at \$50, as stated.

The claim also covers two mules and four horses, which were valued, as stated, at \$1,250, which were seized and taken by the Eighth Illinois and Twelfth New York Regiments, and which were taken to the Army of the Potomac, then under the command of General Joseph Hooker. This seizure took place in the latter part of May or the forepart of June, 1863.

Addison O. Yerby died on the 1st day of January, 1866, leaving a widow and two children. Letters of administration have been granted on his estate.

The claims for the lumber and the ox-beef and the horses and mules would come within the equity of the act of Congress of 3d March, 1871, which made provision for the payment of stores or supplies which were taken from loyal men.

It is therefore requested that the claim for the ox-beef and lumber, horses and mules, be referred to the commission of claims for adjudication, and that Congress shall confer jurisdiction to that effect, should any doubt or difficulty from any cause exist.

The bill was laid aside, to be reported favorably to the House.

EMILLE LAPAGE.

The next bill on the Private Calendar was the bill (H. R. No. 2339) for the relief of Emille Lapage.

The bill was read. The preamble recites that Emille Lapage, surviving partner of the firm of Lapage Brothers, has presented his claim for the recovery of the proceeds of twenty-five bales of cotton, alleged to have been taken from them at Pitch Landing, North Carolina, in January, 1865, by a naval expedition under the authority of the United States, and which cotton when so taken was supposed to belong, as is said, to the so-called Confederate States; and the claimant avers that Major-General BUTLER, commanding the military department having jurisdiction over the place where the cotton was stored and taken, had given permission to Lapage Brothers to remove and retain the same prior to the time when the cotton was so taken; and the claimant avers that at and prior to the time the cotton was taken Emille Lapage and Henry A. Lapage, partners composing the firm, were loyal citizens of the United States; and it is also claimed that the cotton was sold under proceedings to condemn the same without prejudice to the rights of Lapage Brothers.

The bill therefore provides that the claim of Emille Lapage for the recovery of the proceeds of the twenty-five bales of cotton so taken be referred to the Court of Claims for examination and adjudication, and that the court shall ascertain and determine whether the cotton was seized as aforesaid, and whether the same was the property of Lapage Brothers when the same was so seized, and whether at the time of such seizure, and prior thereto, Emille Lapage and Henry A. Lapage were loyal citizens of the United States; and whether, when the cotton was condemned and sold, if condemned and sold, such condemnation and sale were made without prejudice to the rights of Lapage Brothers; and also what amount arising from the proceeds of the sale of the cotton was covered into the Treasury of the United States.

The second section provides that the court shall have jurisdiction to hear and determine and render judgment upon the claims aforesaid for such amount as shall be found to have been covered into the Treasury of the United States; provided that the court shall find upon examination the facts to be as alleged by Emille Lapage and therein before recited.

Mr. WILLARD, of Vermont. Let the report be read.

The report of the Committee on War Claims was read, as follows:

That it appears from the evidence that on or about the 1st day of January, 1865, the said Lapage Brothers were in possession of twenty-five bales of cotton at Pitch Landing, in the State of North Carolina; that Major-General BUTLER, commanding the department, being satisfied as to the loyalty of the said Lapage Brothers and that they were the owners of said cotton, issued an order permitting them to remove said cotton from said landing; but that before they could remove it a naval expedition seized the same as the property of the so-called Confederate States, and it was subsequently libeled in the prize court for the eastern district of Pennsylvania. It further appears that the cotton was condemned and sold, and the proceeds paid into the Treasury of the United States, without prejudice, however, to the claim of the memorialists, and that, in consequence of the fact that the cotton was under the control of and subject to the order of the said prize court, which did not render its decision in the case until July, 1867, the memorialists were unable to prosecute their claim in the Court of Claims, as provided by the act of March 12, 1863.

Your committee are of opinion, in view of these facts, that the said Emille Lapage, surviving partner of the firm of Lapage Brothers, is equitably entitled to the relief prayed for, and to that end report the accompanying bill authorizing the said Emille Lapage, surviving partner of the firm of Lapage Brothers, to institute suit in the Court of Claims for the recovery of the proceeds of said cotton paid into the United States Treasury, and recommend its passage.

Mr. SCUDDER, of New Jersey. I observe that in the bill there is a mistake in the name; it should be Lapage.

The CHAIRMAN. The correction will be made by the Clerk.

The bill was laid aside, to be reported favorably to the House.

MARK DAVIS.

The next bill on the Private Calendar was the bill (H. R. No. 2390) for the relief of Mark Davis.

The bill was read. The preamble recites that it appears that the military authorities of the United States in command of the city of New Orleans, on the 23d day of February, 1863, demanded and received at the city of New Orleans, from the agent of Mark Davis, a loyal citizen of the United States, residing at Petersburg, Virginia, promissory notes to the amount and value of ——— dollars, and demanded and received possession of real estate belonging to Mark Davis, and subsequently collected certain rents for the use and occupation thereof, the amount whereof does not clearly appear.

The bill therefore authorizes and directs the Secretary of the Treasury to ascertain the amount of money so collected by the authorities aforesaid for the rent of the real estate of Mark Davis and upon the promissory notes, and to adjust and settle the claim and to pay over such amount so collected by the authorities aforesaid to Mark Davis or his legal representative: *Provided*, That he shall first be satisfied that the claimant was a loyal citizen of the United States during the rebellion and that the sum allowed was received by the United States officers; and the necessary amount of money is appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

Mr. WILLARD, of Vermont. Let the report be read.

The report was read, as follows:

That the petitioner, Mark Davis, is, and always has been, a loyal citizen of the United States; that during the rebellion, and for many years prior thereto, he resided at Petersburg, in the State of Virginia.

He was formerly a merchant carrying on business in Virginia and at New Orleans, but some years before the rebellion retired from business, and was living at Petersburg, his place of residence, mainly on the income of the real estate described in his petition, which he owned in the city of New Orleans, and which was in charge of his agent, Mr. Edward Barnett, who leased it and received rents on account of Mr. Davis. Mr. Davis is an aged man and an invalid, and during the entire rebellion was confined to his domicile in Petersburg. On the 14th of February, 1863, the following requisition was made upon Mr. Edward Barnett, the agent of Mr. Davis, at New Orleans:

OFFICE OF CHIEF QUARTERMASTER,
DEPARTMENT OF THE GULF,
New Orleans, February 14, 1863.

SIR: You are hereby ordered to pay to Colonel Holabird, or to me, at this office, forthwith, all money, notes, bills, or other funds, and all evidence of debts due to or belonging to one Mark Davis, of Virginia, now in your hands, or in any way under your control.

Respectfully, yours,

JNO. W. MCCLURE,
Assistant Quartermaster.

EDWARD BARNETT, Esq.

In compliance with this requisition, Mr. Barnett, who had been the agent of Mr. Davis for over thirty years, delivered to the military authorities the possession of two stores, then under lease at the rate of \$7,500 per annum; two other stores then under lease at the rental of \$166.66 per month, and certain other real estate then under lease at \$30 a month, together with forty-one promissory notes, each for \$325, and maturing monthly from the 1st of July, 1862, until the 1st of November, 1863, given by H. Hollander and H. Weber. The first note being credited with \$500, paid thereon on the 9th of August, 1862; and also fourteen other promissory notes, each for \$166.67, made by Booth & Co., and maturing monthly from the 30th of September, 1862, until the 31st of October, 1863, the first note being credited with the \$75 paid thereon. These notes amount in the aggregate to \$27,953.24 without interest. They were all good, and were paid by the makers at maturity.

Possession of the real estate was restored to Mr. Davis some time in the year 1865. Mr. Davis, believing that his residence within a State in rebellion rendered it proper that he should apply for and obtain a pardon, did so apply, and obtained a pardon from the President of the United States on the 29th day of July, 1865.

Annexed to the memorial of the petitioner, together with certain exhibits and proofs, are—

An affidavit of sundry citizens of the State of Virginia, marked Exhibit A; Requisition upon Edward Barnett by John W. McClure, assistant quartermaster, marked Exhibit B;

Affidavit of Edward Barnett, marked Exhibit C; and the Receipt of S. B. Holabird, colonel and chief quartermaster, for the property seized, marked Exhibit D.

EXHIBIT A.

We, the undersigned, citizens respectively of Petersburg, in the State of Virginia, having been severally sworn, do depose and say we have known Mark Davis, sr., for many years; that previous to the year 1843 he was engaged in active business, partly in this city and partly in New Orleans, his home, however, being here. Since about the time last aforesaid the said Mark Davis, sr., has lived retired from business and without occupation. From the proceeds of his business a large portion of his property was invested in real estate in the city of New Orleans, the rents and profits of which constituted a like proportion of his income.

Mr. Davis has always been an exemplary citizen, and a truthful and honorable man. He took no part whatever in the rebellion, directly or indirectly; but to manifest, either by words or acts, sentiments of loyalty to the Government of the United States during the rebellion would have subjected him to every annoyance and a very great peril both in person and property. He was protected both by age and infirmity from being called upon to serve the Confederate States or promote the rebellion in any way whatsoever, and led a life of entire repose and quiet seclusion from affairs from the beginning to the end of the rebellion. We do not hesitate to say that any statement Mr. Davis may make is entitled to implicit confidence and belief.

D. AVERY PAUL,
A. G. MCLIVANE,
C. A. YOUNG,
JAMES N. DONNAN,
REUBEN RAGLAND,
T. T. BROOKS

City of Petersburg, to wit:

I, Drury A. Hinton, notary public for the corporation aforesaid, in the State of Virginia, do certify that D. Avery Paul, A. G. McLivane, R. A. Young, James M. Donnan, Reuben Ragland, and T. T. Brooks, whose names are signed to the writing above, this day personally appeared before me in said corporation, signed their names to the same, and made oath respectively to the truth of the statements therein contained.

Given under my hand and notarial seal this 25th day of April, A. D. 1872.

DRURY A. HINTON,
Notary Public.

EXHIBIT B.

OFFICE OF THE CHIEF QUARTERMASTER,
DEPARTMENT OF THE GULF,
New Orleans, February 14, 1863.

SIR: You are hereby ordered to pay to Colonel Holabird or to me, at this office, forthwith, all money, notes, bills, or other and all evidence of debts due to or belonging to one Mark Davis, of Virginia, now in your hands, or in any way under your control.

Respectfully, yours,

JOHN W. MCCLURE,
Assistant Quartermaster.

EXHIBIT C.

Affidavit of Edward Barnett.

NEW ORLEANS, November 22, 1871.

STATE OF LOUISIANA,
City of New Orleans:

I, Edward Barnett, of the city of New Orleans, do hereby certify and declare, that, as the agent and attorney in fact of Mark Davis, sr., of Petersburg, Virginia, under power of attorney from him dated April 4, 1851, I was in possession of the following-described improved properties, rights, and credits belonging to him in this city, namely:

First. Two stores in square bounded by Saint Charles, Camp, Common, and Gravier streets, both fronting on Saint Charles street, and forming the corner of Common street, valued at \$60,000, and rented to Hollander and Weber at \$6,500 per annum, payable monthly.

Second. Stores Nos. 34 and 36 Magazine street, in square bounded by Magazine, Tchapioulas, and Gravier streets, and Natchez alley. No. 34 rented at \$65 per month, No. 36 rented at \$166.66 per month, and valued at \$55,000.

Third. Property No. 244 Tchapioulas street, in square bounded by Tchapioulas, Delard, Pearl, and Louisa streets, rented at \$30 per month, valued at \$5,000. Together with the following rent-notes, cash, &c., namely:

Forty-one notes for \$625 each, of H. Hollander and A. Weber, tenants of said stores corner of Saint Charles and Common streets, maturing monthly from 1st of July, 1862, to the 1st of November, 1865, the first note credited with \$500, together with the lease of said stores.

Also, fourteen notes for \$166.66 each, signed by Booth & Co., maturing monthly from the 30th of September, 1862, to the 31st of October, 1863, the first note credited with \$75 for rent of said store No. 36 Magazine street, together with lease of same to said Booth & Co.

Also, one lease of said store No. 34 Magazine street to H. Spiro & Co., at \$65 per month in advance.

Also, lease to W. Zimmerman for premises No. 244 Tchapioulas street, at \$30 per month.

Also, \$1,085 in Confederate States notes.

Also, \$275.30 in currency.

All which was seized under military orders by order marked A, and identified by me, John W. McClure, captain and assistant quartermaster Department of the Gulf, under date of February 14, 1863, as will also appear by his receipt to me, marked B, and also identified by me, dated the 23d day February, 1863.

That above-described real estate only was returned to me by W. B. Armstrong, captain and assistant quartermaster, on the 31st of October, 1865, as per order dated 14th October, 1865, as appears by document marked C, also identified by me, the said Armstrong refusing to account to me for said notes, ready money, or rentals of said property, but referring me for same to the Government at Washington.

In witness whereof I hereto set my hand at the city of New Orleans, parish of Orleans, and State of Louisiana, on the 22d day of November, A. D. 1871.

EDWARD BARNETT.

Sworn to and subscribed before me this 22d day of November, A. D. 1871.

[I. R. S. 5 cents.]

A. BARNETT,
Notary Public.

EXHIBIT D.

The receipt referred to is follows:

"Received, New Orleans, February 23, 1863, from Edward Barnett, esq., forty-one notes for \$625 each, signed by H. Hollander and H. Weber, to mature monthly from 1st July, 1862, until 1st November, 1865. The first note is credited with \$500 paid 9th August, 1862, for rent of Mr. Davis's property corner Saint Charles and Common streets, as per lease, before E. Barnett, notary public, dated February 16, 1860.

"Also, fourteen notes for \$166.67, signed by Booth & Co., to mature monthly from 30th September, 1862, until 31st October, 1863. The first note is credited with \$75 for rent of store 36 Magazine street, as per lease, also received.

"Also, one lease for store No. 34 Magazine street, to H. Spiro & Co., at \$65 per month, in advance.

"Also, one lease to Mr. Zimmerman for store 244 Tchapioulas street, at \$30 per month.

"Also, \$1,085 in Confederate States notes.

"Also, \$275.25 in cash, balance as per account rendered this day. This interlineation on reverse side is \$275.25.

"S. B. HOLABIRD,
Colonel, Chief Quartermaster,
Per J. W. MCCLURE,
Captain, Assistant Quartermaster."

Upon the facts, the committee find, and are of opinion, upon well-settled principles of law and equity, that the petitioner is entitled to redress and proper compensation for the property so seized and appropriated, and the committee therefore report and recommend the passage of this accompanying bill.

Mr. KELLOGG. I move that the bill be laid aside, to be reported favorably to the House.

Mr. WILLARD, of Vermont. I think the report does not state the grounds on which the seizure was made. Will the gentleman from Connecticut [Mr. KELLOGG] explain that?

Mr. KELLOGG. This claimant, Mark Davis, resided in Petersburg, in the State of Virginia, and was a loyal citizen. He had an agent in New Orleans, where he owned his property and had notes due to him. The Government seized his property by the hand of Colonel Holabird.

Mr. WILLARD, of Vermont. Why?

Mr. KELLOGG. Simply because they wanted to get it.

Mr. WILLARD, of Vermont. I see that it was by a special order. Was it charged that he was a rebel?

Mr. KELLOGG. It may have been so charged. The bill provides that the Secretary of the Treasury shall first be satisfied that the

claimant was a loyal citizen; otherwise he will not get anything. The bill simply refers it to the Secretary of the Treasury, to ascertain the amount of money taken from this man and paid into the Treasury, and to pay it to Davis if he is satisfied that he was a loyal citizen of the United States during the rebellion.

Mr. WILLARD, of Vermont. I do not object to the bill. I only wanted to know why the property was seized.

The bill was laid aside, to be reported favorably to the House.

RANDALL BROWN.

The next bill on the Private Calendar was the bill (H. R. No. 633) for the relief of Randall Brown, of Nashville, Tennessee.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Randall Brown, of Nashville, Tennessee, the sum of \$1,600 for property taken by the rebel forces while the same was being used by the Government of the United States, to be shown upon proofs and vouchers.

The Committee on War Claims reported an amendment, to insert in line 5 the word "five" in place of six.

The amendment was agreed to.

Mr. WILLARD, of Vermont. I call for the reading of the report in that case.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 633) for the relief of Randall Brown, of Nashville, Tennessee, having had the same under consideration, report:

That the said Randall Brown is a colored man, resident of Nashville, Tennessee; that during the late rebellion, in the year 1863, he was the owner of three teams, wagons, &c., and was employed with said teams, wagons, &c., on the forts then being constructed for the defense of Nashville, by the Quartermaster's Department of the United States Army, with a promise or guarantee of protection against capture by the enemy; that during the month of July, 1863, while engaged with his teams in hauling wood to Overton's Station, on the Tennessee and Alabama Railroad, on the 3d of July, the rebel forces made a raid upon the hands engaged in hauling wood to said station, taking them prisoners and capturing several teams, among others the teams, wagons, &c., of the said Randall Brown.

The committee are of opinion that the claimant was entitled to the protection pledged him, and that the capture of said horses, wagons, &c., were without fault or negligence on the part of the said Brown; that the said horses, ten in number, were worth the sum of \$125 each, the price paid for horses for the military service of the United States at that time; that the wagons and harness were worth the sum of \$250; and these facts are clearly established by satisfactory evidence.

Your committee, therefore, report back the foregoing bill with the recommendation that the same be amended by inserting in line 5 the word "five" in place of "six," and that, as thus amended, the bill do pass.

Mr. WILSON, of Iowa. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

MRS. FLORA A. DARLING.

The next bill on the Private Calendar was the bill (H. R. No. 2691) for the relief of Mrs. Flora A. Darling, of New Hampshire.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Mrs. Flora A. Darling, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000, in reimbursement for losses sustained by her in consequence of the seizure by military authority of certain bank-notes and personal effects at the city of New Orleans in January, 1864, while on a flag-of-truce boat, under the protection of a passport given her by Major-General N. P. Banks, then commanding the Department of the Gulf.

Mr. WILLARD, of Vermont. I call for the reading of the report in that case.

The report was read as follows:

The Committee on War Claims, to whom was referred the memorial of Mrs. Flora Adams Darling, having had the same under consideration, ask leave to report:

That the memorialist is a native of New Hampshire; that in 1859 she was married to Edmond A. Darling, of New Orleans, Louisiana; that during the late rebellion her husband was a general in the confederate army, and was killed in a battle near Franklin, Tennessee, in November, 1863; that in the month of December following, having closed up the estate of her said deceased husband, so far as possible, she applied to General Dabney Maury, the confederate commander at Mobile, Alabama, for permission to return to her home in the North, there to remain permanently with her father and mother and her only child; that General Maury acceded to her request, and applied to Major-General N. P. Banks, then in command of the Department of the Gulf, for permission to go north under the protection of a flag of truce; that such permission was granted, and during the month of December, 1863, the memorialist was received on board a United States flag-of-truce boat, by Captain Thomas Tileston, United States Volunteers, then a flag-of-truce officer in the United States service, who then delivered to her a passport signed by Major-General Banks. Captain Tileston's sworn statement is herewith appended, and made a part of this report:

STATE OF NEW YORK.

City and County of New York, ss:

Thomas Tileston, being duly sworn, deposes and says:

I reside in the city of New York; my occupation is a broker. During the months of December, 1863, and January, 1864, I was flag-of-truce officer in the service of the United States, on the schooner Alice Maguigen, plying between Pascagoula, Mississippi, and New Orleans.

On or about the — day of December, 1863, as said officer, I received Mrs. General F. A. Darling, and, by direction of General Banks, commanding general of the Department of the Gulf, I delivered to the said Mrs. General Darling a permit to enter New Orleans under said flag of truce. I heard her remark that she had no United States money, but had funds she intended to exchange when she arrived in New Orleans. She also stated her intentions to proceed directly to New York and join her family in the North. I know of her arrest and the taking possession of her trunks by a sergeant in the United States Army, under the direction of the provost marshal general of the Department of the Gulf, on board the said flag-of-truce boat, but I do not know the name of the sergeant who made the arrest and seizure. I considered Mrs. Darling then, as I do now, a lady who was entitled to the protection that had been guaranteed to her by her passport. She was under my care during the passage, and I heard nothing and obtained no impression that

led me for one moment to believe she would be subjected to other treatment than that accorded to all other flag-of-truce passengers.

THOMAS TILESTON,
Late Captain, United States Volunteers.

Sworn to before me this 24th day of January, 1874.

J. CLINTON GRAY,
Notary Public, New York City.

Your committee further find that the memorialist, Mrs. Darling, proceeded to New Orleans on said flag-of-truce boat; that while said vessel was lying at the wharf in said city with a flag of truce flying from her mast, a sergeant of the United States Army, acting under the direction and orders of General Bowen, an officer on duty at New Orleans as provost marshal general of the Department of the Gulf, took possession of her trunks, and in her presence took therefrom a package alleged to contain \$5,000 in State bank notes, then at par, and \$10,000 in confederate cotton bonds; that she was then taken by the sergeant to the Julia street prison where she was confined eight days without money and without a change of clothing, and for three months thereafter was under arrest endeavoring during that period to obtain an interview with General Banks, but without success; that after that period of time she obtained an interview with General Banks, who sent a staff officer with her to General Bowen's headquarters; that the said General Bowen expressed entire ignorance as to what had been taken from her trunks, and that every officer to whom she applied informed her that they knew nothing of the matter.

Your committee further find, from the statement of the memorialist, that when her trunks were returned to her everything of value had been taken therefrom, including the cotton bonds and State bank notes, and some silver and gold coin and diamonds; that she made further effort to obtain redress, but failed, and that soon afterward she was, by order of General Bowen, taken on board a military transport and sent to New York City.

Your committee further find that Mrs. Darling applied to President Lincoln for redress, who directed an investigation to be made by the Bureau of Military Justice; that report thereon was made by Judge-Advocate-General Holt, under date of July 19, 1866, who had only the application or statement of Mrs. Darling before him, and from which report the following extract is taken:

"The application of Mrs. Darling having been referred to the military authorities at New Orleans for investigation, no trace of the property and no information whatever in regard to its seizure has been found possible to be obtained. This is probably owing in great part to the long period which has intervened since the proceeding complained of, and to the laches of the applicant in prosecuting her claim."

The Judge-Advocate General, in conclusion, says:

"As to the merits of the claim in respect to its other items, it is impossible, in the absence of any evidence whatever in support of the statements of the applicant, to arrive at any final conclusion."

"It is clear, however, that after a careful investigation none of these moneys can be found in the hands of any officer of the Government, and that there is thus no existing property of the party which can be restored to her in specie. In any event, therefore, the Military Department—whose power would be limited to such a restoration—would be wholly without the means or authority to grant any relief in the case."

From the foregoing extracts it appears that Mrs. Darling's claim was considered by the War Department upon the statement only of Mrs. Darling. As to the charge of laches in prosecuting her claim, it appears that Mrs. Darling had placed it in the hands of the late Hon. Robert J. Walker, and that Mr. Walker's illness and subsequent death account for whatever delay or neglect has occurred, which, however, your committee consider an immaterial matter.

Your committee are of opinion that the Government is in strict law bound to reimburse Mrs. Darling for losses sustained by her through the acts of a military subordinate, whether the same were authorized by the rules and regulations of war prescribed by it or not, while she was under the protection of a flag of truce with a proper passport or safe-conduct from United States military authorities. On this point Chancellor Kent defines the general rule with regard to flags of truce as follows:

"He who promises security by a passport is morally bound to afford it against any of his subjects or forces and make good any damages the party might sustain by violation of the passport. The privilege being so far a dispensation from the legal effects of war, it is always to be taken strictly, and must be confined to the purposes and place and time for which it was granted. A safe-conduct generally includes the necessary baggage and servants of the person to whom it is granted." (Kent's Commentaries, 161.)

Your committee are further of opinion that, in point of equity, the Government is bound to make reparation for the wrong done Mrs. Darling by the acts of its subordinates, at least so far as may be practicable. As to the recovery of the value of the confederate securities, no claim is made. That their being found in Mrs. Darling's possession was a justification of the seizure of her baggage cannot be maintained. As to the character of confederate notes, the Supreme Court says, in the case of Thornton vs. Smith, 8 Wallace, page 11:

"They must be regarded, therefore, as a currency imposed on the community by irresistible force. It seems to follow as a necessary consequence from this actual supremacy of the insurgent government as a belligerent within the territory where it circulated, and from the necessity of civil obedience on the part of all who remained in it, that this currency must be considered in courts of law in the same light as if it had been issued by a foreign government temporarily occupying a part of the territory of the United States."

The possession of the confederate cotton bonds by Mrs. Darling was therefore a lawful possession, and no possible benefit could inure to the confederate government by such possession, either in the South or North. Under the law of nations the possession of the currency or securities of one belligerent cannot be regarded as a violation of the flag of truce by the other.

They are not contraband. Wildeman, in a chapter in his work on the law of nations, includes every species of contraband known to modern nations, and mentions only official communications as contraband under a flag of truce.

If one belligerent does not wish to receive the person or effects of one who holds a passport under a flag of truce, he may refuse to receive the person or his effects; but to enter upon a flag of truce boat, and seize and confiscate the moneys and securities of a person who has been guaranteed protection, is denominated by the law of nations an act of perfidy.

As to the diamonds, which the petitioner values at \$1,000, they cannot be regarded otherwise than as personal effects. For the detention at New Orleans at her own expense, while under arrest, for three months, with other expenses incidental to the prosecution of her claim against the Government, your committee believe that, in strict equity, she should be reimbursed.

Your committee believe, in conclusion, from all the evidence before them, that Mrs. Darling was in possession of the property specified in her petition; that it was taken from her by a sergeant of the United States Army, acting under the color of authority of the provost marshal general at New Orleans; that she was subjected to detention and consequent expense, as well as considerable expense since in the prosecution of her claim for redress, and that, both in law and equity, she is entitled to reimbursement for the losses incurred while under the special protection of the United States Government.

Wherefore your committee report the accompanying bill appropriating the sum of \$5,000 as reimbursement for the State bank notes taken from her, for loss of personal effects, and reimbursement of necessary expenses incurred in procuring redress, and recommend its passage.

Mr. LAWRENCE. I desire to say that I do not concur in that report of the committee, because I believe the claim not sufficiently proven.

Mr. WILSON, of Iowa. I move that the bill be laid aside, to be reported favorably to the House.

The motion was agreed to.

THOMAS DAY.

The next bill on the Private Calendar was the bill (H. R. No. 1283) for the relief of Thomas Day, of Indiana.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Thomas Day, of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of \$640, in full satisfaction of the claim for damages sustained by him by reason of the appropriation by the United States, in 1863, for hospital purposes, of the grounds used and occupied by him for a nursery of fruit trees at Madison, Indiana.

Mr. WILLARD, of Vermont. I will not ask for the reading of the report in this case; but I do ask that it go into the RECORD.

Mr. HAWLEY, of Illinois. I have agreed with the chairman of the Committee on Appropriations that the committee should rise in time for him to have action upon the pension appropriation bill.

Mr. KELLOGG. I do not understand that the chairman of one committee of the House has control of the business of the House, and I trust the committee will continue its session and go on with this business.

Mr. GARFIELD. It is important that we should close up our action on the bill pending in the House, and I trust that the committee will now rise.

Mr. HAWLEY, of Illinois. The gentleman from Connecticut [Mr. KELLOGG] will understand that the report on the bill now reached, if its reading be insisted on, would take a long time, and I think we shall save time by rising. The bill will be the first thing in order when we go again into Committee of the Whole on the Private Calendar, and I move that the Committee do now rise.

The question was put on the motion of Mr. HAWLEY, of Illinois; and on a division there were—ayes 59, noes 42.

The CHAIRMAN. No quorum has voted.

Mr. GARFIELD. It does not require a quorum for the committee to rise; less than a quorum can rise. It was a plain matter of agreement that at this hour we should go on with the pension appropriation bill.

Mr. KELLOGG. O, no.

Mr. GARFIELD. Well; go on, if you want to try it.

Mr. WILLIAMS, of Massachusetts. I call for tellers on the motion to rise.

The CHAIRMAN. The Chair will order tellers.

Mr. WILLARD, of Vermont. It requires in this case an order of the committee for tellers, as a quorum is not required for tellers on a motion to rise.

Mr. WILLIAMS, of Massachusetts. I withdraw the call for tellers. So the motion of Mr. HAWLEY, of Illinois, was agreed to.

The committee accordingly rose; and Mr. KASSON having taken the chair as Speaker *pro tempore*, Mr. DUNNELL reported that the Committee of the Whole had had under consideration the Private Calendar, and had instructed him to report sundry bills to the House, some with and some without amendments, with the recommendation that they do pass.

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the following bill:

A bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of an act entitled "An act to regulate the fees and costs to be allowed to clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1863.

The message further announced that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 1799) granting a pension to Angelica Hammond.

The message also announced that the Senate had passed and asked the concurrence of the House in a bill of the following title:

A bill (S. No. 1294) to fix the salaries of the district judges in the northern and southern districts of New York.

DUNCAN MARR.

The first bill reported from the Committee of the Whole was the bill (H. R. No. 2683) for the relief of Duncan Marr, a loyal citizen of Montgomery County, Tennessee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN ALDREDGE.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 2685) for the relief of John Aldredge.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. SPEER. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 80, not voting 96; as follows:

YEAS—Messrs. Albert, Averill, Barber, Barrere, Begole, Biery, Bradley, Buffinton, Burchard, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Corwin, Crooke, Crouse, Crutchfield, Danford, Dobbins, Donnan, Dunnell, Eames, Farwell, Foster, Garfield, Gooch, Gunckel, Hegans, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hoskins, Howe, Hubbell, Hunter, Hynes, Kasson, Kelley, Kellogg, Lawrence, Lewis, Lofland, Loughbridge, Lowe, Lowndes, Lynch, Maynard, Alexander S. McDill, James W. McDill, MacDougall, Monroe, Myers, Negley, O'Neill, Orr, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, Poland, Pratt, Rainey, Ray, Richmond, Rusk, Sawyer, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, Smart, A. Herr Smith, H. Boardman Smith, William A. Smith, Snyder, Sprague, Stanard, Charles A. Stevens, St. John, Strait, Taylor, Townsend, Tremain, Waldron, Wallace, Wells, Jasper D. Ward, Marcus L. Ward, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—113.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Barnum, Bell, Bland, Bowen, Bromberg, Brown, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clayton, Clymer, Comingo, Conger, Cook, Cox, Crittenden, Davis, Durham, Eldredge, Field, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Hutton, Hyde, Lawson, Leach, Magee, McKee, Merriam, Milliken, Mills, Mitchell, Morrison, Neal, Niblack, Niles, O'Brien, Orth, Randall, Robbins, Ellis H. Roberts, James C. Robinson, Ross, Henry B. Saylor, Milton Saylor, J. Ambler Smith, John Q. Smith, Southard, Spear, Stone, Swann, Christopher Y. Thomas, Thompson, Vance, Waddell, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—80.

NOT VOTING—Messrs. Adams, Albright, Banning, Barry, Bass, Beck, Berry, Blount, Bright, Buckner, Bundy, Burrows, Cain, Freeman Clarke, Coburn, Cotton, Creamer, Crossland, Curtis, Darrall, Dawes, DeWitt, Duell, Eden, Fort, Freeman, Frye, Eugene Hale, Robert S. Hale, John T. Harris, Havens, Hays, Hendee, George F. Hoar, Hodges, Holman, Hooper, Houghton, Hurlbut, Kendall, Killinger, Knapp, Lamar, Lamson, Lamport, Lansing, Luttrel, Marshall, Martin, McCrary, McLean, McNulta, Moore, Morey, Nesmith, Nunn, Packard, Packer, Hosea W. Parker, Perry, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Ransier, Rapier, Read, William R. Roberts, James W. Robinson, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, Small, George L. Smith, Standiford, Starkweather, Alexander H. Stephens, Storm, Stowell, Strawbridge, Sypher, Charles R. Thomas, Thornburgh, Todd, Tyner, Wheeler, Whiteley, George Willard, and Wolfe—96.

So the bill was passed.

During the call of the roll,

Mr. STEPHENS, of Georgia, said: I am paired upon this question with the gentleman from New York, Mr. LAMPORT. If present he would vote for the bill, and I would vote against it.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF FOR LOYAL CREDITORS.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 2686) for the relief of certain loyal creditors whose moneys were confiscated by the confederate congress.

The bill was reported with a substitute, and the question was upon agreeing to the substitute.

Mr. GIDDINGS. I cannot conceive why these northern creditors should be paid out of this fund rather than those who lost other property during the war. According to the showing made here, this money was found in the hands of Confederate States receivers, having been paid to them under the confiscation act of the confederate government. The money was seized by Federal authority and sent to the Treasury of the United States. The courts in the Southern States, State and Federal, have uniformly held that the receipt of a Confederate States receiver is no discharge of a debt; and in every instance where parties have instituted suits they have recovered their debts, unless they have failed to make proper proof, or the debtors had no means to pay.

The proposition in this bill is to apply the money of a debtor who has paid his debt once to the Confederate States receiver to the payment of another man's debt. There is no sort of sense, justice, or honesty in applying this fund in this way, any more than in applying any other fund derived from property captured by Federal authority to the payment of the particular creditors of parties living in the South. It is wrong in principle, and will be opening a door which you will find it difficult to shut. It is making the Government responsible for all the property captured in the South during the war, and applies the proceeds to a particular favored class of northern creditors, who have no more right to this money than have any other persons.

According to the decision of the courts in the Southern States, it was illegally taken from southern debtors and found in the hands of confederate receivers and captured like any other property. The receipt of those receivers did not discharge the debtors, and when after the close of the war those debtors were sued, in every instance where they were able to respond, the money has been collected from them. It is no answer to say that these parties must show that they have not been paid in order to receive any part of this fund, for if some have not been paid others have been paid, and this is applying the money of one debtor to discharge the debt of another. There is no justice in it, there is no sense in it, any more than in applying the property taken otherwise in the war to the payment of particularly favored creditors.

When the war closed it was held by the courts throughout the South, State and Federal, that a payment made to a Confederate States receiver was no discharge of the debt. The creditors who instituted suits invariably collected their money when the debtors were able to pay. Those parties who have not been paid hold claims against parties who are bankrupt, and this money which was so collected by the Confederate States receivers is by this bill to be applied to pay the debts of bankrupts.

Mr. SPEER. Your proposition is that Congress should not appropriate money to pay the debts of bankrupts.

Mr. GIDDINGS. No; for if you pay the debt of one bankrupt, why not pay all? If you pay one class of persons who have lost by the war, why not pay all?

Mr. BUTLER, of Massachusetts. I desire to say one or two words about this matter. As I have already stated, this bill has heretofore passed this House in two different Congresses. In the last Congress it was before the Committee on Claims, and was referred for special examination to the gentleman from Indiana, [Mr. HOLMAN,] who reported favorably a bill identical with this.

I will again state the facts of the case. The confederate congress passed a law providing that the debts of all aliens should be confiscated and paid into the confederate treasury. This was done through the medium of certain receivers. When New Orleans was captured the receivers there had to their credit in the bank \$203,000, the representative of debts of northern creditors that had been confiscated. That money was taken and sent here to the Secretary of the Treasury; it was sent specifically (and was so received by him and put in his report) as a fund out of which these northern creditors might receive payment of their debts. Now, there not being enough to pay all these debts, the creditors have asked us to divide the fund. Two Congresses have undertaken to do that. It is necessary to have a commissioner to divide the fund *pro rata*.

Under the bill it is provided that no man shall receive any part of this money until he proves that he has not received his pay from any other source. The books of the Confederate States receivers (and I believe those books are still in existence) will show exactly from whom this money was taken, and who had claims upon it. This is a specific fund. It is as if the confederacy had undertaken to confiscate a northern man's horse, and that horse should now be found in the custody of the United States. The question would be simply, will the United States give back that horse to the man it belongs to?

The fact that some of these creditors may have been otherwise paid does not affect this bill, because all such payments must under its provisions be deducted whenever payment is claimed from this fund.

Mr. SPEER. Are the men who are to get this money the creditors of the debtors who paid the money into the hands of the Confederate States receivers?

Mr. BUTLER, of Massachusetts. Yes, sir; exactly those men and no others; it is limited to them.

Mr. MERRIAM. Whether this money should be divided among these northern creditors is a question which each member will decide for himself in voting on this bill; but I would like to know this, if I as a banker or merchant of New York have sold goods or loaned credit to a man in New Orleans and that money has been seized, how am I to know under this bill from whom it was seized, so that I may be notified that there is something due to me? How can I know that I am a party interested in this matter?

Mr. BUTLER, of Massachusetts. Let me answer that question in a word. The bill provides that there shall be published in all the principal cities of the country notice that this fund is in existence and is to be distributed. Not only that; when the books of the receivers are found it is made the duty of the commissioner to give notice to the parties whose debts appear to have been confiscated.

Mr. MERRIAM. Suppose the books are never found?

Mr. BUTLER, of Massachusetts. Then, as in other cases of this kind, resort must be had to legal notice; and let me tell the gentleman that if he or any other man had a southern debt confiscated, he has very likely found it out before now, and if this bill be passed he will apply to see whether its provisions cover his case. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the substitute reported from the Committee of the Whole on the Private Calendar was adopted.

The bill, as amended, was then ordered to be engrossed and read a third time.

The bill was read the third time by its title.

Mr. GIDDINGS. I ask for the reading of the engrossed copy of the bill.

The SPEAKER *pro tempore*. In the opinion of the Chair, the demand comes too late as the bill has already been read by its title.

Mr. GIDDINGS. I made the demand before the Clerk commenced to read the bill by its title, but the Chair did not recognize me.

The SPEAKER *pro tempore*. Upon that statement the gentleman's demand is in time. The bill has not been engrossed; and it must go to the Speaker's table unless some motion in regard to it be interposed.

Mr. BUTLER, of Massachusetts. As the gentleman demands the reading of the engrossed copy of the bill, I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time; and upon that motion I call for the yeas and nays.

Mr. GARFIELD. While the bill is being engrossed we might go into Committee of the Whole and pass the pension appropriation bill.

Mr. CESSNA. Before the yeas and nays are taken upon the motion of the gentleman from Massachusetts, I ask for a division. I think we can get through without a call for the yeas and nays.

The question being taken; there were on a division—ayes 33, noes 33; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. GIDDINGS were appointed.

The House divided; and the tellers reported—ayes 72, noes 36; no quorum voting.

The SPEAKER *pro tempore*. Is a further count demanded?

Mr. BUTLER, of Massachusetts. O, yes.

Mr. SPEER. If the House should now adjourn, will not this bill come up as unfinished business to-morrow.

The SPEAKER *pro tempore*. Undoubtedly.

Mr. SPEER. Then I move to adjourn.

Mr. CESSNA. The House is now dividing.

Mr. BUTLER, of Massachusetts. And therefore the motion to adjourn is not in order.

The SPEAKER, (Mr. BLAINE having resumed the chair.) The tellers cannot detain the House all the afternoon. The House has divided, and a return has been made. The motion to adjourn is in order.

Mr. BUTLER, of Massachusetts. The tellers made return just as fast as it could be done.

The SPEAKER. The gentleman who was temporarily occupying the chair announced the result "ayes 72, noes 36; no quorum voting." Therefore a motion for adjournment or for a call of the House is the only thing in order. The gentleman from Pennsylvania [Mr. SPEER] has moved to adjourn.

Mr. CESSNA and Mr. BUTLER, of Massachusetts, called for tellers on the motion to adjourn.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. GIDDINGS were appointed.

The House divided; and the tellers reported—ayes 33, noes 71.

So the House refused to adjourn.

The SPEAKER. The Clerk will now read the engrossed bill.

Mr. GIDDINGS. The last vote shows there is no quorum present.

The SPEAKER. There is a quorum present in the judgment of the Chair, but as the count did not disclose it he will not interpose his judgment.

Mr. KASSON. The pending motion is to reconsider the vote by which the bill was ordered to a third reading.

Mr. BUTLER, of Massachusetts. I withdraw that motion.

Mr. COTTON. I move there be a call of the House to see if there is a quorum present or not.

Mr. RANDALL. The better way would be to move to adjourn and have the yeas and nays on that.

The SPEAKER. Tellers on the motion that there be a call of the House would test whether there be a quorum or not.

Mr. BUTLER, of Massachusetts, demanded tellers.

Tellers were ordered; and Mr. WILBER and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 4, noes 61; no quorum voting.

Mr. GARFIELD. The gentleman who demanded the presence of a quorum before the engrossed bill was read has not himself voted.

Mr. RANDALL. Nobody has the right to interrupt the tellers.

The SPEAKER. The tellers have the floor.

Mr. GIDDINGS. I will vote now, and not be so long about it as the gentleman was awhile ago.

The SPEAKER. The Chair thinks there is a quorum present in the House.

The House further divided; and the tellers reported—ayes 47, noes 104.

The SPEAKER. The Chair votes "no," and defeats the motion. There is a quorum present, and the House refuses to order a call of the House.

Mr. KASSON. Is it in order to move to reconsider the vote by which the previous question was ordered?

Mr. BUTLER, of Massachusetts. It is not in order now.

The SPEAKER. The previous question now operating exhausts itself on the reading of the engrossed bill; but the previous question is required to be repeated on the passage of the bill.

Mr. GIDDINGS. I withdraw the demand for the reading of the engrossed bill.

The SPEAKER. The question now recurs on the passage of the bill.

Mr. BUTLER, of Massachusetts. I demand the previous question.

Mr. KASSON. I hope it will not be seconded just now, as this bill is of so dangerous a character that it requires further and more careful consideration.

The House divided; and there were—ayes 51, noes 49; no quorum voting.

Mr. BUTLER, of Massachusetts, demanded tellers.

Tellers were ordered; and Mr. KASSON, and Mr. BUTLER of Massachusetts, were appointed.

Mr. KASSON. I move the House do now adjourn; and pending

that I move the engrossed bill be printed in the RECORD to-morrow, so we can all see it.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. BUTLER, of Massachusetts. There is no objection to printing it, but in the mean time let us pass it.

The engrossed bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Treasury is hereby authorized and empowered to divide among the loyal northern creditors whose debts were confiscated by the acts of the confederate government the sum of \$203,334.89, *pro rata*, according to the amount of such confiscated debts; and for that purpose he is authorized to appoint a commissioner, whose duty it shall be, after giving thirty days' public notice of the time and place of hearing in a newspaper published in the cities of Washington, Chicago, New Orleans, New York, and Philadelphia, to hear and determine the claims of all persons to the said fund, to ascertain by testimony taken under oath who is justly entitled to any part thereof, caused by confiscation of his debts, whether or not such creditor has received in any other way or from any other source any portion or the whole of said claim; and after determining the amount, to distribute or allow for all such claims presented to him, and order a division of said sum between said claimants, *pro rata*, after deducting the salary of said commissioner and the expenses of such division, which shall in no event exceed the sum of 5 per cent. on the amount thereof, and upon the approval of such division by the Secretary of the Treasury he is authorized to draw his warrant upon the Treasurer of the United States in favor of the several claimants for payment thereof; and claimants shall have six months in which to present their claims to said commission; and provided that personal notice shall be given to all claimants as far as they are known.

Mr. KASSON. I move the House adjourn.

The House divided; and there were—ayes 62, noes 64.

Mr. KASSON. I demand tellers.

Mr. BUTLER, of Massachusetts. It does not require a quorum on the motion to adjourn.

The SPEAKER. The question of a quorum having been raised, it might as well be determined on this as on the motion for a call of the House.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. KASSON were appointed.

The House divided; and the tellers reported—ayes 72, noes 77.

So the House refused to adjourn.

Mr. DONNAN. I object to this bill being printed in the RECORD. We have it in print on our files, and there is no use of cumbering the RECORD with it.

Mr. KASSON. This bill was not printed; the substitute was in writing.

The SPEAKER. Objection comes too late. There being no further count demanded, the previous question is seconded and the main question is ordered.

Mr. YOUNG, of Georgia. I demand the yeas and nays on the passage of the bill.

The House divided; and there were ayes 21, not one-fifth of those present.

Mr. YOUNG, of Georgia, demanded tellers on the yeas and nays.

Tellers were ordered.

Mr. KELLOGG. I rise to a parliamentary inquiry. Does not this and the other bills reported from the Committee of the Whole come up as unfinished business to-morrow morning after the reading of the Journal?

The SPEAKER. They do.

Then, on motion of Mr. GARFIELD, (at five o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARTHUR: The remonstrance of tobacco manufacturers and dealers of Covington, Kentucky, against an advance on the existing rate of tax upon tobacco, to the Committee on Ways and Means.

By Mr. COBURN: The petition of 500 citizens of Indiana, for the equalization of bounties, to the Committee on Military Affairs.

Also, the petition of 30 soldiers of New Jersey, of similar import, to the same committee.

By Mr. HAWLEY, of Illinois: The petition of 300 citizens of Jasper County, Illinois, for an appropriation to construct the Hennepin canal, to the Committee on Railways and Canals.

By Mr. LOUGHRIDGE: Memorial of the National Woman Suffrage Association, relative to suffrage, to the Committee on the Judiciary.

By Mr. PACKER: Two petitions of citizens of Mount Carmel, Northumberland County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872, and also for the passage of the currency bill submitted by Hon. W. D. KELLEY, providing for the issue of 3.65 convertible bonds, to the Committee on Ways and Means.

Also, the petition of citizens of Trevorton, Northumberland County, Pennsylvania, of similar import, to the same committee.

Also, the petition of citizens of Lykens, Dauphin County, Pennsylvania, of similar import, to the same committee.

By Mr. SMITH, of Pennsylvania: The petition of citizens of Lancaster County, Pennsylvania, for Government aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. SPEER: The petition of citizens of Mifflin County, Pennsylvania, for Government aid to a southern railroad line to the Pacific, to the Committee on the Pacific Railroad.

Also, petitions of workmen of the Logan Iron and Steel Works,

Pennsylvania, and of citizens of McConnellstown, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and remonstrating against a tax on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SWANN: The petition of citizens of Baltimore, Maryland, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. TOWNSEND: Five petitions of citizens of Pennsylvania, of similar import, to the same committee.

By Mr. WALDRON: The memorial of Jules L. Williams, for relief, to the Committee on Military Affairs.

IN SENATE.

SATURDAY, February 13, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. FERRY, of Connecticut, presented the credentials of Hon. William W. Eaton, appointed by the governor of the State of Connecticut a Senator from that State to fill the vacancy occasioned by the death of Hon. William A. Buckingham.

The credentials were read; and the oaths prescribed by law having been administered to Mr. EATON, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

Mr. BOGY presented a memorial of the Union Merchants' Exchange, of Saint Louis, Missouri, in favor of the location of a mint in that city; which was referred to the Committee on Finance, and ordered to be printed.

He also presented a memorial of the Union Merchants' Exchange, of Saint Louis, Missouri, in opposition to the passage of a law transferring the control of the Light-House Board from the Navy to the Army; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. JOHNSTON presented the petition of John Kelly, of Alleghany County, Virginia, praying for a rehearing of his claim disallowed by the commissioners of claims, or that the same be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. SARGENT presented a memorial of the Pacific Mail Steamship Company, remonstrating against the repeal of the provision for the special subsidy granted to them by the law of Congress approved June 1, 1872, for mail service between San Francisco, Japan, and China, and praying that an appropriation be made to carry it into effect; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCCREERY presented a petition of delegates of the Creek Nation of Indians, praying the payment of the balance claimed to be due them under the treaty of June 14, 1866; which was referred to the Committee on Claims.

Mr. SCOTT presented a petition of citizens of Johnstown, Cambria County, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which was referred to the Committee on Railroads.

He also presented a memorial of citizens of Delaware County, Pennsylvania, and a memorial of citizens of Philadelphia, Pennsylvania, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which were referred to the Committee on Finance.

Mr. CHANDLER presented a memorial of citizens of Michigan, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. DORSEY presented a letter from the Postmaster-General, addressed to the chairman of the Committee on Post-Offices and Post-Roads, relative to the nature and extent of the operations of the registered-letter system and its defects; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GOLDTHWAITE presented the petition of John A. Brown, of Mobile, Alabama, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. CONKLING presented resolutions of the Ship-Owner's Association of the State of New York, in favor of Congress granting the appropriation asked for by General John Newton for the improvement of the channel at Hell Gate, New York; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom the subject was referred, reported a bill (S. No. 1298) to establish a mint for the coinage of gold and silver at Chicago, in the State of Illinois; which was read twice by its title.

Mr. MORRILL, of Vermont. I move that this bill be printed and recommitment to the Committee on Finance.

The motion was agreed to.

Mr. CHANDLER, from the Committee on Commerce, to whom were referred the petition of 208 American merchant seamen of the port of New York, and the petition of 8 American merchant seamen of Cairo, Illinois, praying for such legislation as will the better promote the marine-hospital service, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1193) to authorize the Secretary of the Treasury to issue an American register to the schooner Matilda, reported adversely thereon; and it was postponed indefinitely.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the bill (H. R. No. 3268) for the relief of John N. Reed, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. ANTHONY, from the Committee on Printing, reported a bill (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette; which was read, and passed to the second reading.

PRINTING OF ENGROSSED AND ENROLLED BILLS.

Mr. ANTHONY, from the Committee on Printing, who were directed by a resolution of the Senate to inquire into the expediency of making an alteration in the mode of engrossing bills, reported the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring.) That the fifth and sixth joint rules of the two Houses be, and the same are hereby, amended by the omission of the following words in brackets and the addition of the following words in italics; so that the rules will read:

5. While bills are on their passage between the two Houses, they shall be in *print* [on paper] and under the signature of the Secretary or Clerk of each House, respectively.

6. After the bill shall have passed both Houses, it shall be duly enrolled in *print* on vellum [parchment] by the Clerk of the House of Representatives or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

The resolution was ordered to be printed.

CONSULATE HOUSE AT TUNIS.

Mr. CHANDLER. I am directed by the Committee on Commerce, to whom was addressed a communication from the Secretary of State, inclosing a draught of a bill to allow the acceptance of the consulate house at Tunis by the Government of the United States, to report a bill; and I ask to have it put upon its passage now.

By unanimous consent, the bill (S. No. 1296) to authorize the acceptance in behalf of the United States of America of certain real property occupied by the United States consul at Tunis, was read three times, and passed. It authorizes the President of the United States to accept in behalf of this Government the title to the residence now and for many years occupied by the consul of the United States at Tunis, which has been courteously offered by His Highness the Bey of Tunis. When the proper muniment of the title shall have been furnished it is to be lodged in the Department of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3750) for the relief of E. Boyd Pendleton;

A bill (H. R. No. 2683) for the relief of Duncan Marr, a loyal citizen of Montgomery County, Tennessee; and

A bill (H. R. No. 2685) for the relief of John Aldredge.

BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1299) to establish a post-route from Ozark to Boston, in Christian County, Missouri; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1300) to establish a mint of the United States at Saint Louis, Missouri; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1301) to admit free of duty the diamond necklace presented by the Khedive of Egypt to Mrs. Minnie Sherman Fitch; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM J. COITE.

Mr. FERRY, of Connecticut. There is a gentleman from my State who has a bill on the Calendar, reported by the Committee on Naval Affairs a few days ago, who is employed in the Internal Revenue Department and is under orders to proceed to North Carolina. The bill is a pecuniary bill for his relief, involving some \$900. I have the consent of the chairman of the Committee on Naval Affairs to call up the bill. The gentleman cannot very well proceed on his trip to the South until this bill is passed. It has passed the House of Representatives and has been unanimously reported from the Committee on Naval Affairs. I ask consent of the Senate to take it up. It is House bill No. 3658.

There being no objection, the bill (H. R. No. 3658) for the relief of William J. Coite was considered as in Committee of the Whole. It provides for the payment to William J. Coite, late acting assistant paymaster United States Navy, of \$953.33, being the amount falsely returned by the clerk of Coite, when he was unable, through sickness, to supervise his final accounts.

Mr. FERRY, of Connecticut. The chairman of the committee is now here and can state the case if any Senator desires.

The bill was reported to the Senate, ordered to a third reading, and was read the third time.

Mr. SHERMAN. Will the Senator state what the bill is about?

Mr. CRAGIN. The Committee on Naval Affairs reported this bill back unanimously and adopted the House report. It is a House bill. This gentleman was a paymaster in the Navy during the war, and while he was sick with yellow fever his clerk made a false return to the Department by which he was involved in the sum of about \$900. He asks that in the settlement of his accounts he may be allowed that amount. It was clearly no fault of his. If there was any fault whatever, it was in his clerk in robbing him of that amount.

Mr. CAMERON. I think that bill ought not to pass. The paymaster ought to be responsible for his clerk. He gets a high salary because he has to incur responsibility.

Mr. CRAGIN. I ask that the report be read.

Mr. CAMERON. I have no objection to hearing the report, but I cannot vote for a bill of that kind.

Mr. SHERMAN. I only state to the Senate that other committees have felt themselves bound in very hard cases to report against such bills. I know the Committee on Finance have never reported a bill to make good a loss by a deputy except in the case of Spinner and the case of Hillhouse, and then we hesitated a long time before we did it in those cases.

Mr. CRAGIN. Since I have been in the Senate I presume there have been a dozen cases similar to this which have passed without opposition, cases where paymasters have lost money by fire or by other unavoidable accidents, or where they were robbed by their clerks. In one instance a paymaster in the Army, I remember, was robbed by his clerk at a hotel in this city of a large amount of money, without any fault of his, and he was made whole or not held responsible.

Mr. SCOTT. The most recent case which I recollect involving this principle was reported from the Committee on Claims, the case of a paymaster named Underwood, if I recollect aright, who claimed to be relieved from liability for money of which he was robbed in the city of Baltimore. The Committee on Claims is frequently called upon to adjudicate upon claims of this character, and unless the circumstances are such as to take them out of the general rule we have been disposed to hold all parties intrusted with the custody of public money responsible for acts of their clerks and employes. I do not know what the circumstances are in this case that are relied on to take it out of the operation of that general rule. The general rule is certainly a wholesome one.

Mr. FERRY, of Connecticut. Mr. President, it is undoubtedly true that there are precedents both ways in cases of embezzlement by clerks or deputies. In this particular instance, however, the claimant was a very faithful officer during the war, and while lying sick with the yellow fever and therefore incapable of exercising the supervision over his clerk which he otherwise might have been able to exercise he was robbed by that clerk by a falsification of accounts, so that the amount which this bill allows him is charged against him by the Government. This was obviously without any fault of his own, he being stricken down by disease while in the discharge of his duty and incapable, as I have said, from this disease of exercising supervision over his clerk. It certainly seems to me that as the precedents are both ways, the particular circumstances of this case ought fairly to induce the Senate to concur in the action of the House.

Mr. ALCORN. Mr. President, certainly we all feel a sympathy for that public officer who, stricken by disease, incapable of attending to his business, falls a victim to a designing clerk. He is to be pitied; but the Government is to be pitied much more that undertakes here to interpose between the officer and his bond. When it is established, as it is about to be established in this Government, that in all cases like this, whenever parties upon *ex parte* statements can make out a case in which hardship results, the Government is to relieve them from their bond. I say that the Government is much more to be pitied than that individual, for the reason that the Government represents the masses, the great body of the people, and the individual can suffer but for himself.

If you, however, establish the precedent here, why not extend the rule to an indorser upon the bond of an officer, who, believing that that officer was honest, that he was full of integrity, that he would not betray his trust, became his surety, and the poor indorser after awhile finds that his trust has been betrayed, that the officer has squandered his funds, and he is left to foot the bill. The indorser may himself have died; his widow and orphan children may come here asking Congress to relieve them from the penalties incurred by reason of their husband and father indorsing the bond of a faithless public officer. Here is a case that would excite the pity of Congress; but I ask whether the representatives of the Government have the right to interpose between the officer and his bond?

If the case that the honorable Senator from Connecticut recites is sufficient to incite the movement of this Senate in behalf of this individual, then I say give it out to all the world that if a custodian of the public funds is going upon his way through the country and he falls sick, being taken with an attack of fever, his brain becomes confused, his money is at the service of those who represent him, and he is robbed of his treasure, Congress will on his appeal relieve him from the liability of his bond. Who can resist such an appeal after the precedent that this will establish?

I undertake to say that the office-holders of this country, holding as they do the money of the public in their hands, can by conspiracy under this rule bankrupt the country. It is better that individuals should suffer; it is better that we should pass by these isolated cases of hardship; it is better that ruin should cluster around the household of a single individual, than to establish a precedent like this, a precedent that threatens to bankrupt the nation. When a public officer undertakes the discharge of a public duty, it is in consideration of receiving a certain compensation. He is paid for his risk; he takes the risk; under the forms of law he executes his bond; and if he fails to comply with the conditions of that bond, when the courts of the country refuse to grant him relief, I say as a Senator on this floor, "Give me my bond." Shylock-like, in this case I would call for the bond. The courts of the country grant relief in every case where relief ought to be granted. The legislative power of this country is not the court to pass upon questions of this character. Let an officeholder who claims relief from the responsibility of his bond go to the courts of the country, and if there is no relief there let him make up his mind that for the good of the State it is necessary that he should suffer.

Why, sir, where will you stop the rule? Once establish the precedent that relief is to be granted and there is no checking, there is no stopping the rule. There is a frontier in which and on which justice fades from view and a question of doubt is raised; we get upon the confines of doubt; and when we reach that Castle Doubtful, then in our sympathies we are disposed to give the doubt in favor of the poor man who has been robbed of his treasure or of the treasure of the nation. The precedent is dangerous.

I have been astonished since I have been here at the bills that have been passed for the relief of officers of this character. It lies, I repeat, in the power of an officer holding in custody the funds of this nation, by conspiracy to have men robbed, to have his funds burned up in a conflagration, to fall sick by the wayside and be robbed in the time of his incapacity to attend to his business, or to fall into the hands of a designing clerk; and a gracious government comes up and makes amends and says "we will sustain the loss."

I shall vote against this bill and I shall vote against every bill of this character. I consider that it is my duty here as a representative to demand the conditions of the bond; and wherever the conditions and penalties of the bond are sought to be avoided, to refer my constituent to the courts of the country, and if no relief is to be had there then he is without relief.

Mr. CONKLING. Mr. President, this question does not arise on a bond nor does it affect the rights of sureties. The question is whether this officer finding unexpectedly charged in his account,

Cash paid officers and crew in specie..... \$483 75
Prize-money paid to E. Eldredge, engineer..... 469 58

shall be debited with these two items amounting to \$953.33, or whether he shall be relieved.

I am well aware of the dangerous class of bills to which this belongs; I am well aware of the refusal by committees, the Judiciary Committee among others, to relieve in cases resembling this in general description; and yet I think it right to call the attention of the Senate to a fact which seems to exist in this case and which I am inclined to think goes far to distinguish it from all the ordinary cases of this kind. The fact to which I refer is this: these items were falsely put into the account by a clerk, and that clerk was not a bonded officer, he was not responsible; and, so far, I am aware it is the ordinary case; but now I come to the distinction: The report of the House committee states that this clerk was not selected by Mr. Coite at all, but in the language of the report:

Your committee would state that the claimant was furnished with a clerk, Henry S. Beedle, detailed from the enlisted men on the boat on which he did service.

Thus we find, as in another case to which the Senator from Ohio referred, that the officer in misfortune has suffered through the delinquency of one in no moral sense an agent of his, but one selected by external authority to act in this capacity. There is another fact stated in this report which strengthens this point, which is that the making up of the account in which this falsehood occurs by this clerk was not only during the absence of Mr. Coite and his sickness, but was an act done under the order of the Treasury Department. Let me read:

This last act of the clerk was performed when Coite was confined to his bed by sickness, caused by a relapse from the yellow fever, which he had while on duty. And it was done in obedience to an order from the Treasury Department.

I express no opinion upon this, but I think it right to call the attention of the Senate to it, because it may be the judgment of the Senate that a tangible distinction does arise from the fact that in place of this clerk being an agent selected as a sheriff or marshal selects his deputies, as a collector of internal revenue selects his deputies,

for whom therefore for reasons of good sense he ought to be responsible, this man seems to have been without intervention of Mr. Coite detailed from the enlisted men to act as clerk, and then he seems to have performed this fraudulent and unfortunate act not by the direction of the claimant who now seeks relief, but by an order proceeding from an authority above him. If there is a distinction to be found in the case favorable to it, I think it must be in these respects.

Mr. ALCORN. I did not state in what I said that this was a case in which securities were involved. I did not understand that there were securities.

Mr. CONKLING. I did not understand the Senator to say so; but my own understanding, to begin with, was that it was such a case, and I made the statement I did in order to describe it properly.

Mr. ALCORN. It belongs to a class of cases which I was illustrating. The statement of the Senator is based upon the report, which I have not read, but I heard him read it, I think, with sufficient distinctness to understand the point he makes. If the point which the honorable Senator makes in this case is good, it is good in a court of equity, and in a court of justice this party can be relieved. When the Government sues him upon his bond, he sets up in his answer that the Treasury Department, whose orders he was required to obey, detailed, without his authority and without his consent, a soldier from the line, and that the money was placed by the authority of that Department, under his order; and therefore he asks to be relieved. A court of equity is the place for him to go to in order to present this case. If he yielded when he should not have yielded the custody of the funds to one who was not authorized to receive them, then he is responsible, for he failed in the discharge of his duty. He was responsible upon his bond, and it was for him to see to it that no one took custody of the funds save and except one who was responsible to him or to the Government. But now it appears that under the authority of the Secretary of the Treasury a soldier was detailed and placed in custody of these funds without the consent of the petitioner. If that be true, then I say a court of equity will relieve him from liability. Let him go there and test the facts of this case where both sides of the question will be heard and where the court will scrutinize and analyze the testimony and make application of the law to the case.

This belongs to that class of cases which I mentioned awhile ago, and I oppose the bill on that ground. I have no doubt of the good faith, of the honesty, of the integrity of the petitioner here; but it is because he is just that character of man, it is because there is no question as to him, I would here oppose this bill. The amount is small; I am glad it is so, and I the more heartily oppose it on that account.

The VICE-PRESIDENT. The question is on the passage of the bill.
Mr. ALCORN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boreman, Boutwell, Chandler, Clayton, Conkling, Cooper, Cragin, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Hamilton of Texas, Hitchcock, Morton, Pease, Ramsey, Sargent, Schurz, Spencer, Stockton, Tipton, Wadleigh, Washburn, and Windom—28.

NAYS—Messrs. Alcorn, Cameron, Dennis, Gilbert, Hamlin, Howe, Ingalls, Kelly, McCreery, Merrimon, Mitchell, Pratt, Sherman, West, and Wright—15.

ABSENT—Messrs. Boggs, Brownlow, Carpenter, Conover, Davis, Eaton, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Harvey, Johnston, Jones, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Patterson, Ransom, Robertson, Saulsbury, Scott, Sprague, Stevenson, Stewart, and Thurman—30.

So the bill was passed.

HYGEIA HOTEL AT FORTRESS MONROE.

Mr. CAMERON. Before the Senate proceeds with the regular call of committees for business this morning, I ask to be allowed to bring up a bill which I reported the other day, and which was postponed by an objection from the Senator from Vermont, [Mr. EDMUNDS,] which he has withdrawn. I urge it because it is to erect a building at Fortress Monroe, which must be commenced at once to be used during the coming season. It is the bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia. There is no opposition to it.

Mr. CONKLING. I ask the Senator from Pennsylvania to give me his attention for a moment. Under the rule the hour this morning belongs to the Committee on the Revision of the Laws. On the Calendar are from that committee two bills, one of them correcting errors in the Revised Statutes. That bill should pass so as to be bound up with the statutes which are to be bound at once. I do not think it will take any time; and therefore, if the Senator from Pennsylvania will allow me, I will call up this bill and the other, which merely relates to the distribution of the statutes, as I am urged daily by the committee of the other House to get action upon them, and there is really a serious objection to delay. I do not believe it ought to take five minutes to pass both bills.

Mr. CAMERON. If the Senator had not interposed his objection, we should have been through with this bill. It was up the other day, and there was not a word said against it except an objection on the part of the Senator from Vermont, which has been withdrawn. It has only to go through the form of reading, and it is necessary, in order to be useful this year, that the bill should be passed at once.

Mr. CONKLING. I will not stand in the way of the Senator; but if his bill takes any time, I hope he will allow me to proceed.

Mr. CAMERON. Thank you, sir.

There being no objection, the bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia, was considered as in Committee of the Whole.

The bill authorizes the Secretary of War to grant permission to Samuel M. Shoemaker, owner of the Hygeia Hotel at Fortress Monroe, Virginia, to enlarge the hotel in such a manner as may be compatible with the interests of the United States, upon the terms and conditions set forth in joint resolution of the second session of the Fortieth Congress, House of Representatives, No. 266.

Mr. BAYARD. I understand the motion to be to take up the bill.

The VICE-PRESIDENT. Unanimous consent was asked and granted.

Mr. BAYARD. If the bill be before the Senate, I ask the honorable Senator who has it in charge to give some explanation to the Senate as to the extent of this invasion of public property for private benefit. The truth is that here is a very questionable exercise of power by Congress in delegating to the Secretary of War or any other member of the Cabinet discretion as to what portion of Government property is to be relinquished for individual benefit. It seems clear to me that we have no right to delegate a power which rests in our own discretion. A discretionary power, under general principles, cannot be delegated, and in this case it occurs to me that we ought to have a defined statement of the interest which the Government proposes to relinquish; and if it shall be certified to our satisfaction that the relinquishment is favorable to the Government, then I have no objection to join in doing what is reasonable or just or accommodating to a citizen, provided there is no loss to the public. But I am very clear that we ought not to delegate, and I am very clear that we have not the power to delegate, such a discretion to any executive officer. If this property which is to be affected belongs to the people of the United States, and if it is to be taken from them for the use of any individual, it ought to be done by a defined act of Congress for which we shall be responsible, or at least responsible to the extent of our share in the Government. I do not consider that this is within a safe principle, and I submit to my friend from Pennsylvania that it would be well that the extent of this proposed lease or proposed grant for individual private use of land which belongs to the people of the United States should be defined; and we should know precisely the extent of our release of the public right before we acquiesce in it. I think the bill should take that shape.

Now, Mr. President, this is entirely analogous in principle to the common action of almost all the committees of this body; I speak of two upon which I am assigned for duty, the Committee on Finance and the Committee on Private Land Claims, and I believe the Committee on Claims also follow the rule, that they do not grant relief which is to be at public cost to any man unless the measure of that relief is defined and restricted by the bill proposed. This is not for money, but it is for the use of public property, which is the equivalent of money, and therefore I think that the bill proposed by the honorable Senator from Pennsylvania—I suggest to him that he should so modify it—should contain a definition and restriction of the amount of public right which is to be granted to this individual, as proposed by the Senator, and that measure should be defined by Congress and not be defined by a member of the executive department.

Mr. CAMERON. Mr. President, the principles enunciated by the Senator from Delaware are certainly correct; and if he had been here the other day when the report was read, he would have found that the interests of the Government were perfectly cared for. The case is simply this: Fortress Monroe is one of the most important fortifications belonging to this country. There is always a large garrison there, and there is always a great number of ships belonging to the United States in the vicinity. There is also an artillery school there. All of these carry to Fortress Monroe very often a number of persons who can get no accommodations while there unless some individual is authorized to put up a building for their accommodation. Mr. Shoemaker, the owner of the building, was authorized several years ago by the Government of the United States to put up a hotel. Since then the number of visitors to the place has very much increased, and the buildings are not sufficient for the persons who go there.

I did not suppose there would be any objection to the bill, and I pledged myself that it should not occupy time. I will only say further that the bill is perfectly guarded; the buildings will be put up under the direction of the Secretary of War, because he is the proper person to see that they are well done, and they will be removed whenever the Government of the United States thinks proper to say they are not needed there. It is an accommodation to the United States Government and a great accommodation to the public who go there, and especially it is going to be a very great accommodation to the people of the South who go to the sea-shore to protect themselves from the severe heats of the summer.

I trust there will be no objection to the bill. I am sure that my friend the Senator from Delaware, having laid down his doctrine and put it in a condition to be printed, will be satisfied, and we can all vote for the bill.

Mr. THURMAN. I was not in the Senate when this bill was taken

up, and do not know what its provisions are. I should like to have it read. I understand it is a short bill.

The VICE-PRESIDENT. The bill will be read.

The Chief Clerk read the bill.

Mr. THURMAN. I think that bill ought to be amended by a provision, if it is not already substantially contained in the bill, that any license granted by the Secretary of War shall at all times be subject to revocation without the payment of any damages by the United States; and I move a proviso to that effect.

Mr. CAMERON. I will accept that, although it has been guarded before.

Mr. EDMUNDS. I suggest to the Senator from Ohio that this bill already contains a provision that this may be done upon the terms and conditions set forth in the joint resolution of the second session of the Fortieth Congress, House of Representatives, No. 266. I looked at that joint resolution the other day, and it provides as one of the terms, which are here referred to, that whenever the United States want to use the land or require the buildings to be removed, it shall be done without any claim whatever of the proprietor or any allowance to him, so that the amendment is scarcely necessary.

Mr. THURMAN. If the Senator is quite sure that is in, there is no necessity for the amendment.

Mr. EDMUNDS. I am quite sure; but I will look again.

Mr. THURMAN. I was not aware what were the provisions of that resolution. I have no objection to their enlarging that hotel. I should rather they would do it than not; but that provision ought to be in the bill if it is not already in.

Mr. CAMERON. I ask the Clerk to read the letter of Mr. Shoemaker, which will show the conditions on which the bill is based.

The Chief Clerk read as follows:

THE HYGEIA HOTEL,
Old Point Comfort, Va., November 12, 1874.

GENERAL: Having become the purchaser of the Hygeia Hotel, situated on the United States Government lands at Fort Monroe, Virginia, sold by special commissioners appointed by the circuit court of Elizabeth City County on the 9th day of April 1874, and being desirous of making some improvements in the said hotel, I respectfully ask permission to tear down the old dilapidated building now standing on the lot marked a, b, c, and d, on diagram and ground-plan herewith of the premises, on the north side of the two-story portion of the main building, and erect in their place a two-story frame tin-roof building, commencing at the northwest corner of the two-story portion of the present main building, thence running northward 56 feet 3 inches by 22 feet, thence eastward about 130 by 22 feet, as indicated on sketch by red dotted lines; also an ice-house about 30 by 30 feet. I also ask permission to occupy more of the United States Government lands on the east side of the present lot, commencing at the northeast corner, running eastward 40 feet, thence southward on a line parallel with the present lot to the water's edge, as shown by dotted red lines on sketch, on which I ask permission to erect a one-story frame building to be used as a bowling-alley.

Hoping this may meet with your most favorable consideration, I am, sir, very respectfully, your obedient servant,

S. M. SHOEMAKER,
Owner of the Hygeia Property.

Brigadier General A. A. HUMPHREYS,
Chief of Engineers United States Army, War Department, Washington, D. C.

Mr. CAMERON. Now, I ask—

The VICE-PRESIDENT. The Chair will suggest that the morning hour has expired.

Mr. CAMERON. Let us take the vote, then, on this bill.

Mr. THURMAN. I withdraw the amendment I offered.

Mr. EDMUNDS. I wish to move this amendment to correct the error in the number of the reference to the authority. The House bill reads, "Numbered 266." On looking at the statute we find that the resolution is numbered "46," which contains all the proper limitations. I move to amend by striking out "266" and inserting "46," and then the bill will be right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below.

The bill (H. R. No. 3750) for the relief of E. Boyd Pendleton—to the Committee on Claims.

The bill (H. R. No. 2385) for the relief of John Aldredge—to the Committee on Military Affairs.

The bill (H. R. No. 2633) for the relief of Duncan Marr, a loyal citizen of Montgomery County, Tennessee—to the Committee on Claims.

DISTRIBUTION OF REVISED STATUTES.

Mr. MORRILL, of Maine. Mr. President—

Mr. CONKLING. I wish to appeal to the honorable Senator from Maine. Inasmuch as I gave way to other Senators the whole of the hour that belonged to the committee which I represent, I appeal to the honorable Senator to allow me to take up the two bills of that committee which I think will occupy but a few minutes, to the end that I may retrieve the error that I have committed in allowing the hour to be consumed.

Mr. MORRILL, of Maine. If it will be satisfactory to the Senate, I have no objection that this unfinished business shall be passed over informally, retaining my place on the floor.

The VICE-PRESIDENT. The District bill will be passed over informally.

Mr. CONKLING. I ask for the consideration of the bills to which I have referred.

The bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States was considered as in Committee of the Whole. It directs the Secretary of State to furnish for the use of the Senate one thousand copies of the Revised Statutes of the United States, and for the use of the House of Representatives three thousand copies of the same, to be distributed to the members of the present Congress. It also authorizes the Secretary of State to make arrangement with persons engaged in the business of selling books to keep on sale the Revised Statutes of the United States; but in any such arrangement it shall be provided that the same be sold at the Government price to all purchasers; and the Secretary may allow to any such person keeping the Revised Statutes for sale such part of the 10 per cent. above the actual cost as he may deem just and reasonable.

Mr. BAYARD. I should like to ask the honorable Senator who reported the bill whether the indexes for these statutes have been prepared?

Mr. CONKLING. They have been, as I understand, prepared under the direction given by the previous statute. The statutes are about to be printed and bound complete with the index; and it is deemed quite important to have, not this bill but the other which corrects errata in the laws passed at once, to the end that it may be published and bound with the statutes, the index being a part of the statutes, as I understand.

Mr. BAYARD. I can understand the entire inefficiency of the edition without the index; but it also occurred to me to ask whether the errors which have been discovered in the Revised Statutes, or to speak more correctly, the discrepancies between the laws which were intended to be revised and codified and the laws which were published as the result of the codification, have been corrected in this present publication. The Senator is aware of the very trenchant criticism which has been bestowed, and in many cases most justly, upon the revised code as presented. Alterations which were neither authorized nor intended by Congress have appeared in the new code. Changes of duties upon imports, affecting to a very large extent important interests of the country, have appeared there, and have *sub silentio* been incorporated into law by the adoption of these Revised Statutes. The honorable Senator from California [Mr. SARGENT] the other day drew the attention of the Senate to an exceedingly grave change in the naturalization laws, by which the law of the country upon that most important subject was importantly changed.

I wish to know whether the Revised Statutes which, either through error or from other cause have been made to differ from the authorized law of the land, have now been reduced to conformity with that law. The object of the codification and revision of the law was simply to place in compendious shape the laws as they stood with all the repeals express and implied appearing upon the face of the statute. The result of the codification and revision was to change materially the statutes of the United States on important subjects, and I desire to know whether in the publication now to be authorized by Congress the law as it was and as it was intended to be promulgated by Congress is to appear, or whether the alterations which were made without authority by the revisers of the laws are to take the place of what was the public law of the land. Some amendments have been proposed. I am not aware of what is the present condition of the amendment proposed by the honorable Senator from California. He pointed out a very important change in the naturalization laws, and I have seen and heard produced statements showing important alterations in the tariff laws.

This ought not to be repeated twice. If we intend to amend the law, let us say so. If we intend merely to restate it in its former vigor, let us say so; but do not, under the name of revising and codifying the law, change your law without debate and without notice to the country. What I have said is intended to draw attention to the fact, in order that the proposed publication may restrain the changes thus made, as I believe, without the intention of Congress, and certainly without the authority of Congress. I desire to know from some one connected with the matter whether the present publication will contain the laws as they were intended by Congress or the laws as they have been altered without authority by the revisers.

Mr. THURMAN. I should like to inquire whether it is the intention to incorporate in the revised statutes the corrections made at the present session, so that the corrections shall be contained in the same volume.

Mr. CONKLING. That is exactly what we are driving at, although the bill now pending does not relate to that. This debate is springing up now on the first of these bills.

Mr. THURMAN. Is that contemplated?

Mr. CONKLING. Certainly it is. The pending bill simply provides for the distribution of the statutes and putting them on sale. The bill which will follow this in a moment, is one to which these questions more properly apply. The very purpose of the committee of the other House in urging me to secure the passage of these two bills, is that they may go forth to the end that everybody may have the whole law before him.

Mr. BAYARD. I understand the Senator from California offered an amendment.

Mr. SARGENT. That is provided for the bill on page 7:

Section 2916 is amended by inserting in the first line, after the word "alien," the words "being free white persons, and to aliens."

On referring to the original volume I find that that word "alien" should be in the plural. There is no word "alien" in the section, and I am afraid this clause here may not be operative.

Mr. CONKLING. The reply the Senator from California makes enables me now for the first time to understand exactly the Senator from Delaware. His inquiry relates to the amendments which have been offered in one or the other House of Congress.

Mr. BAYARD. They relate to alterations of the statutes.

Mr. CONKLING. Now I apprehend the Senator, and if he will pardon me, I wish to answer him. The very thing on which the committee which originated this bill has been laboring is that of which the Senator now inquires; and the next bill consisting of errata is the assembling together of all those errors to which he refers as far as they have been able to discover them, so that the very purpose of the process in which we are engaged is to provide for such alterations as the Senator from Delaware refers to.

Mr. THURMAN. It is quite obvious from what has just fallen from the Senator from New York that the proper place to consider the suggestions that have been made in regard to any errors which have occurred or any alterations that have been made in the Revised Statutes will be on the next bill, and not on this.

Mr. CONKLING. Not on this bill, but the next.

Mr. THURMAN. This bill provides simply for distribution.

Now I want to call the attention of the Senator to the provisions of the existing bill. It provides for furnishing to the Senate of the United States one thousand copies and to the House of Representatives three thousand copies for distribution to the members of the present Congress. I do not understand that any part of these four thousand volumes are to be distributed to the committees of either House or to the library of either House. They all go to the members. Some other provision is made, I suppose, or exists already in law, for providing the various committees of the Senate and of the House and the Senate library and the House library—

Mr. CONKLING. And the Departments.

Mr. THURMAN. And the Departments with the proper volumes. Then this is simply for distributing to the members of the Senate and the members of the House four thousand copies of these statutes. For what purpose? Certainly not that each one of them may retain his quota, for he is to make some distribution of them.

In the first place, here is a little mathematical difficulty in respect to the Senate. The Senate, when full, consists of seventy-four members. A thousand copies would give each member thirteen and leave a surplus of thirty-eight, so that what is to be done with these thirty-eight copies is a matter not provided for by the bill, unless you amend it so as to give some Senators fourteen and others only thirteen copies. That is a little matter to which I first call attention. The same difficulty exists, although the surplus would not be so great, in the distribution to the members of the House. I do not know whether it ought to be precisely in that form, whether or not the arithmetic ought to be right.

What is a more material matter; why give to each Senator thirteen copies of these statutes? To distribute around? If they are to be distributed, let the Departments distribute them. We have no franking privilege. It is very true that any lawyer would be very glad that we should send him a copy and pay the express charges; any library in any of our States would be very glad if we did the same thing; but why not leave the distribution of these statutes to the Department of State? Why give thirteen copies to each Senator and ten to each member of the House? What good can come of that, but to give us annoyance and trouble? It seems to me that two copies should be sent to each Senator and two copies to each Representative and Delegate.

Mr. CONKLING. What for, if I may inquire of the Senator? Why should two copies be sent to each member?

Mr. THURMAN. Because he may need one copy here and he may need one copy at his home. If he discharges his duty he will need two copies.

Mr. CONKLING. Why should he not buy them?

Mr. THURMAN. Why should he not buy the stationery with which he writes bills, as to that matter? The Senator asks why we should not buy them when he proposes to give each one of us thirteen copies. Why give us any at all?

Mr. CONKLING. That is the question which I press on the Senator.

Mr. THURMAN. I think all the States give to their lawgivers copies of the laws. I know we do in the State of Ohio, and always have done so.

Mr. CONKLING. If the Senator will pardon me a moment, I am shocked at his profuseness and prodigality, objecting to a Senator having thirteen copies to send to public libraries and State institutions and the like; and yet actually proposing out loud, audibly, here in the Senate, to take two copies and keep them himself in order that he may have one here and one at home. There is a reckless regard-

lessness of expense about that latter suggestion of the Senator, in the presence of which I take my seat utterly confounded. [Laughter.]

Mr. THURMAN. The Senator should not have left his seat unless his wit was more pungent than it is this morning. [Laughter.] I advise him to keep his seat until it is brightened up a little. The Senator knows very well that a sufficient number of these laws contributed to the members of the House and of the Senate are intended for their own use in order that they may discharge their public duties. That is all right; and the more they study the laws the better it will be for the country. I am in favor of giving them all the facility they can have for studying the law.

Mr. CONKLING. In that view, I am willing the Senator should have two copies. [Laughter.]

Mr. THURMAN. Certainly; and the truth about it is, if the Senator from New York supports some measures that he has supported in times past, he ought to have four copies; and even then I fear he would not know what the law is. [Laughter.]

But, sir, I am quite serious about this matter. Why should this distribution be made to members of the House and members of the Senate? That they may send off to some favored persons or some favored institutions eleven or twelve copies of these laws. There is no reason for it that I can see at all. You have laws already which provide that copies of all laws of the United States shall be furnished to the various State libraries. You have a law already in force, I believe, under which each Senator can designate certain institutions of learning to which documents published—and I believe it includes the laws, perhaps it is not specific, certainly documents—may be sent. That we have already; that we have acted upon; but whether we do this or not, let the Department of State, which has the custody of the laws, distribute these laws; but I do not see any reason for sending this number of copies to the members of the two Houses.

Mr. CONKLING. This matter is not large enough I think to detain the Senate long, but perhaps I may be pardoned for stating very briefly the reasons moving those who prepared this bill, so far as I know. In the first place, the honorable Senator says that a thousand, in place of some fractional number, is named in the bill, and that when you divide a thousand by the number of Senators here, when the Senate is full, which the Senate is not now, you have some fraction left over. I do not doubt that. The Senator says it, and I know how eminent he is as a mathematician; but I know also that it is not customary in fixing the number of documents to be printed to fix a fractional number. On the contrary in unnumbered cases a thousand has been stated in the order, and this calculation of the Senator from Ohio, true as it may be, is rather belated, if it is to reform the custom of the Senate, because for years, indeed from time immemorial, the practice has been to take a round number without reference to a number into which the whole Senate as a divisor would go so many times and leave no fraction over.

As to the motive and reason for giving for distribution to the members of the two Houses some copies of these Revised Statutes, the Senate will remember that the publication, the printing, of this work is under special provisions which do not contain the arrangement to which the Senator has referred under which copies of documents in the ordinary form go to State libraries, institutions of learning, and elsewhere. This publication stands upon a footing of its own. It brings in, in new form, in new terms, with new pages to be cited, the great body of laws. It will be some time before, through the ordinary channels, this volume will find itself upon the shelves of lawyers or within reach of courts. Therefore it has been deemed wise that every Senator may be able to send to the law library of his State, to send to such places of deposit as he may think will conserve the convenience of the greatest number, a few copies of this body of laws in advance; and I suppose there was the less hesitation in so providing because of this fact: Under the statute as it stands, providing for this work, the Secretary of State is to cause to be printed a certain number of copies. The composition taking place, the arrangements being made for printing and binding, the added cost of these four thousand copies is to consist wholly in press-work and paper, so that it being much less expensive than it would be to print afresh four thousand copies, the whole question being whether the edition to be printed at all events should be enlarged to four thousand or not, I suppose the House committee which originated this bill felt the less hesitation in answering this public convenience.

That is all, Mr. President, I have to say about that, and I hope the Senate will vote, and let us proceed to the more important bill.

Mr. FRELINGHUYSEN. I would ask the Senator from New York whether there is any provision made in this bill to have these corrections made in the text of any future issue? I suppose it is too late to make the corrections in the text of this edition?

Mr. CONKLING. It is stereotyped.

Mr. FRELINGHUYSEN. It would be very well to have a provision that they should be made in the text of future editions.

Mr. CONKLING. Quite true; but if my honorable friend will pardon me, under existing laws no future edition is issued. In other words, before a future edition is ushered in there will be further legislation. By that time, it may very well be that changes will take place in these statutes, and other errors may be discovered so that the Senator will see that it would be hardly worth while to amend the bill now and send it back to the House for the purpose of providing for that.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CONKLING. I ask now that the other bill may be taken up.

ERRORS IN REVISED STATUTES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States.

Mr. SARGENT. On line 161, page 7, I move to strike out the word "alien" and insert "aliens." I find that this is not an error in the print but is in the engrossed copy that comes from the House. I make this motion from the fact that there is no word "alien" in the line referred to. The word is "aliens," in the plural; and I do not desire that there should be any chance of error.

I am sorry to have to move an amendment which will, if adopted, send the bill back to the House of Representatives simply to add an "s," but the objection to the bill as it stands is as strong as if it were some other word which was not in the section, and therefore I ask that the word "alien" may be made "aliens."

Mr. CONKLING. If the words which conclude line 161 and the only word in line 162 are carried into the law as it stands now, does the Senator doubt what the effect of these words will be?

Mr. SARGENT. I think it raises a doubt. As a judge I would decide that where the law uses the word "alien" it should be by proper intentment "aliens;" but still I think there is a doubt about it, and it is a question of so grave importance to my people that I do not want to leave a doubt.

Mr. CONKLING. Let me put my question in another form. If this section be enacted as it stands, these words must certainly go into the statute somewhere. Can there be a doubt where they would go?

Mr. SARGENT. I think so, because there is no word "alien" which they are to follow, in the line mentioned. I will read the line as it stands:

The provisions of this title shall apply to aliens of African nativity and to persons of African descent.

It should read:

The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity, and to persons of African descent.

The only reason for the amendment is that these new words are to come in after a word which is not to be discovered in the line in which they are to be placed. I do not say that a fair-minded judge, a person of acumen, who was familiar with the intention of Congress by looking at our debates, might not say that this should be construed as if the word "alien" were plural; but I do say that at first glance perhaps it would be held by a narrow-minded judge after examination that on construction the two statutes were incompatible and that this did not amount to an amendment.

Mr. HAGER. I notice that in the statute the word is "aliens," in the plural. If it were "aliens" in this bill, it would conform to the statute. Whether it be necessary to correct it or not, it occurred to me that the courts would put that interpretation upon it. No doubt they would in this case construe the word "alien" to be "aliens," inasmuch as the word does not occur in the line except once, and then in the plural, and here it is in the singular. The courts would, I think, construe that word in the singular as if it were in the plural. Therefore I hardly think it is necessary to send this bill back to the House of Representatives, although I agree with my colleague that it is a very important amendment to the existing law. The intention is to restore the law as it was anterior to this revision. This bill, I think, will effect that purpose in the form in which it is by the interpretation of the courts. I have no doubt that the courts would so construe it; and I suggest whether it be absolutely necessary under the circumstances to send the bill back to the other House.

Mr. CONKLING. This ought not to be done unless it be absolutely necessary; and although the engrossed bill does omit the "s," doubtless it was an error in copying. If the amendment is made, of course it sends the bill back to the House; and speed is of the essence of this legislation in order to give it full utility.

Mr. MORRILL, of Vermont. I suggest to the Senator from California to allow the bill to pass, and to ask the House to make the correction in the enrolled bill.

Mr. CONKLING. That I think is a good suggestion.

Mr. SARGENT. I accept that suggestion.

Mr. CONKLING. That avoids the necessity of expressing any opinion about it.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. THURMAN. I wish to inquire of the chairman of the committee who reported this bill, and which I found on my table this morning for the first time, whether the object of this bill is simply to correct errors in the Revised Statutes, so as to set the law back precisely to what it was before the Revised Statutes were passed, or whether it goes beyond that and introduces new legislation. My impression on looking at the bill is that it introduces new legislation. I would ask, for instance, whether sections "300 A" and "300 B" in this bill are in the existing law now, or whether they are not new legislation?

Mr. CONKLING. That is not new legislation. It is the existing law.

Mr. THURMAN. Just as it is there? Then why are these sections in this bill? Can the Senator tell me that? Were they dropped

out of the Revised Statutes? If that is the case it is well enough to put them back; but how they came to be dropped out I really am at a loss to understand. I have the impression, unless the Senator has carefully examined it, that this is new legislation, and legislation of a very important character. If the Senator has examined the matter, of course I have not a word to say.

Now I want to know of the Senator why section 74 of the Revised Statutes is omitted?

Mr. CONKLING. What is that?

Mr. THURMAN. The thirty-fourth line on the second page of the bill is this:

Section 74 is struck out.

Section 74 is in these words:

The mileage or traveling allowance to the officer or other person executing any precept or summons of either House of Congress shall not exceed ten cents for each mile necessarily and actually traveled in the execution thereof.

Why is that stricken out? There was a provision inserted in an appropriation bill in reference to the Sergeant-at-Arms of the House and possibly it included the Sergeant-at-Arms of the Senate, fixing a salary of \$4,500, and that he should receive no other perquisites, emoluments, or fees whatever.

Mr. CONKLING. That antedated the enactment of the Revised Statutes.

Mr. THURMAN. That may be so, but it was a temporary provision which was placed in that appropriation bill; and that it has been so considered is seen from the fact that the same provision is repeated in an appropriation bill now pending in the House of Representatives or one of those which have already passed at this session. I do not think that that has been considered as a permanent provision of the law; and, if not, then this seventy-fourth section ought not to be stricken out.

Mr. SARGENT. I think the rule in reference to legislative provisions in appropriation bills is that they are just as much legislation as if they were in any other law for all future time, provided they say that hereafter such and such shall be the rule; but where "hereafter" or "thereafter" is omitted, they are then merely temporary provisions, and affect only the appropriation to which they are attached. I understand the fact to be that the Sergeants-at-Arms of the House and Senate do not now receive, and have not since that original provision received, any remuneration in the way of mileage for the service of process. The amount allowed now is the actual necessary expenses of the individual who is sent to execute process, but it has ceased to be a perquisite of the Sergeant-at-Arms. He is not allowed to take any money on account of it. By this section in the Revised Statutes the old system is revived, whereby the pay of the officer could not be limited at all; his drafts on the contingent fund might be very great, especially at a session where there are many investigations, and there would be chances for constructive mileage and for very large perquisites indeed.

It seems to me, therefore, that it is perfectly proper to strike out this section, and let the matter rest on the provision as to actual expenses, which are audited by the auditing committees of each House, and do not go to increase the salary? If the provision is repeated in regard to these mileages in any subsequent appropriation bill it has escaped my attention, and it certainly would be unnecessary, because I know it was intended to make a permanent rule.

Mr. THURMAN. The Senator from California is entirely right that a provision of a permanent nature in an appropriation bill is as much a permanent law as if enacted in any other bill. That is undoubtedly true; but it does not depend entirely upon the phraseology; it depends upon the whole context of the bill whether or not the provision relates simply to the appropriations contained in that bill and is therefore temporary in its character, or whether it is a permanent law of the land. I have not examined the provision; my attention was called to it by some one, I forget who now, and I have not looked at the law, but I was told that that provision which was inserted in an appropriation bill is inserted again, which led me to suppose that it was of a temporary character or otherwise it would not be inserted in an appropriation bill at the present session. If the committee have examined it and find that it is a permanent provision of the law, then it is all right enough that the seventy-fourth section should be stricken out. I have no knowledge on that subject, and of course must be governed by what the committee have done. If they have carefully examined the subject and know that that is the case, this bill is all right in striking out the seventy-fourth section.

Mr. FERRY, of Connecticut. Is the amendment proposed by the Senator from California withdrawn?

Mr. SARGENT. I propose when the bill shall pass to ask the Senate that in enrolling the bill the letter "s" be added to "alien," and have the same request made in the House, if I may procure some member there to make it, which will obviate the necessity of sending the bill back to the House in the formal method, which causes delay.

Mr. FERRY, of Connecticut. I move to amend by striking out the last four lines on page 7. I shall say nothing on the subject-matter of this amendment further than to present the subject to the Senate and ask for the yeas and nays.

By the existing law all persons, without distinction of race, nativity, or color may, with certain qualifications of residence and character, be naturalized. That is the law now. It is proposed by the part of this bill which I move to strike out to limit the capacity of natu-

ralization to persons of white and of African descent, excluding entirely Asiatics who may desire to become naturalized and possess the requisite qualifications. I think that is contrary to the whole tendency of legislation and of government in this country for the last twenty years; and if the revisers of the statutes have produced any change more enlarged and progressive by their revision than the law was before, I would not now, at this stage of the history of our Government, go back to the invidious distinctions which this amendment creates. As I said, holding these convictions strongly, I desire to have the question made fairly to the Senate and taken by yeas and nays.

Mr. SARGENT. If that really presented this question fairly to the Senate, I should have no objection to meeting the Senator on the proposition either in debate or by a vote; but it does not. A change was made in the statutes, not by legislative discretion but by a blunder, a blunder of the most obvious character. It resulted in an accident by which there is an important change in the law. Now, to insist that an accidental change of that kind in the law, without the intelligent assent of either House of Congress, without the idea of any member of either House that this important change was being made in the law, shall stand, on account of that mistake, as the law of the land, is to advance a proposition which is not, as the Senator says, fair, but entirely unfair. If that proposition is true, then we ought to examine every one of these errata from the first to the last line of this bill; and if it shall be found that by similar mistakes and errors the law has been improved, or has been changed so that in the mind of a majority of Congress it is an improvement, we ought to reject it. That is not intelligent legislation. I understand that the provisions of this bill, and we have the guarantee of the committees that the provisions of this bill simply restore the law as Congress intended it should be at the time they passed the Revised Statutes. Let that be done and it is fair. Less than that is unfair. When that is done, if the Senator desires to bring forward a bill which shall enable Asiatics to be naturalized, I shall be prepared to debate that question with him. Before, however, that debate comes I most earnestly hope that that Senator would take a trip to the Pacific States, that he would pass through our towns and villages there, that he would see in some of the back streets of our cities the condition of the population there which is to be brought up in large numbers to our polls. I should like to have him investigate upon the spot. I assure him that if he has these ideas strongly, he will return without them.

I do not care to continue the argument as to the policy of the law *pro* or *con*. I simply say that it is unfair and unjust to insist that a mistake shall have the force of legislation. I would not resist the introduction of any intelligent legislation and I would not resist the consideration of any proposition at any time for a change in the laws, however I might vote upon it; but I do say that an error of law, an error in changing the law, which the Senator himself never voted for, which I never voted for, which he never knew until I called his attention myself to the fact that this error had been made, should not be allowed to become the permanent law of the United States.

Mr. CONKLING. The amendment offered by the honorable Senator from Connecticut is in my opinion more entirely untenable than the Senator from California says it is. Now I beg the Senator from Connecticut to observe for a moment what we are engaged in. Congress by act directed three commissioners to do a certain thing. It was not legislative; it was not judicial; it was ministerial. It was to daguerreotype in miniature all the laws of the United States exactly as they stood. The duty which these commissioners were directed to discharge, I might compare with the duty of an engraver set, as engravers several times have been, to reproduce in miniature one of the large pictures hanging in the Rotunda. It was the business of the artist and of the commissioners alike to reproduce exactly in all their lineaments the original which they were set to copy, making no change whatever except by reducing the size. That was the beginning of all this. The commissioners having, as they thought, performed their work, another person not called a commissioner, a person employed by the joint committees of the two Houses, was directed to traverse the work, to verify it, to discover if he could any lack of truthful imitation in the reproduction. He did his work. Then the committees of the two Houses traversed again what he and his predecessors had done, and at this point the lead in the work was taken by the committee of the House, and not by the committee of the Senate; and that committee, and afterward the House, devoting many sessions set apart for the consideration of this to the exclusion of all else, went over step by step, for the purpose of verifying the work that had been done.

Despite of this and the attention given also by the committee of the Senate afterward, certain defects yet remain. Time has revealed them. Time, I say again, as I warned the Senate when we acted upon this legislation, will undoubtedly reveal other defects, despite all these repeated processes of correction. One of the defects now revealed is that at which the Senator aims in his amendment. Certain words which stood in the law, which were part of the law, which were operative words, which the commissioners originally and all who followed them, including the two Houses of Congress, were directed to preserve, to reproduce unimpaired—certain such words, it turns out, were dropped.

Now what is the function of this bill? Simply to put them back,

simply to correct this deviation from the statute. Therefore it is a great deal more than the Senator from California says, it is more than the case where in a single instance by a single act of legislation the two Houses of Congress inadvertently fell into an error. It is the case where a whole course of legislation required one single thing, to wit, a truthful and absolute reflex of the whole body of law as it stood; and in attempting to do that, all concerned, including the two Houses of Congress, fell into an error. Now we come with this bill, the purpose of which is to correct that error; and what does the honorable Senator from Connecticut propose? To hold up for examination the merits of the original provision; and when we are attempting to verify and correct a purely ministerial proceeding of codifying the laws, the Senator wishes to go into the broad questions of the merits of those laws which we proceeded to codify.

Mr. President, if I were dealing with a man far less acute than the Senator from Connecticut, I need not say to him that the East is not farther from the West than is the one thing from the other of these two. To codify laws is to reproduce them just as they are, good, bad, or indifferent. It is a dishonest codification if it is anything else. To consider the merit, the demerit, the value, the particulars of all existing laws with a view to their change and improvement, is a wholly different thing. I abstain from expressing all opinion, as I begged the honorable Senator from California to do, as we must be economical of time, touching those who should or should not be included in the naturalization laws of the country. I abstain from it because I repeat, and I beg the Senator from Connecticut to listen to me when I repeat—if he thinks I am right to withdraw his amendment for I think logic requires him to do it,—that we are now simply engaged in making a truthful completion of that work in which commissioners, committees, and Congress have been engaged, which has no more to do with the merits or the defects of the laws as they exist than the painting of a portrait truthfully has to do with the beauty or the deformity, the hue or the age of the original from which it is painted. If the portrait is true it is a "counterfeit presentment." If this codification is true and honest, it is a reproduction of the laws as they stand, and not a production of the laws as the Senator from Connecticut thinks they ought to stand and as he is abundantly able to make them stand when we are considering a bill appropriate for that purpose.

Mr. FERRY, of Connecticut. Mr. President, it is obvious, after what has fallen from the lips of the Senator from California and the Senator from New York, that the real question after all cannot be taken upon the amendment which I have proposed. That question would be whether the Senate would deliberately exclude from the operation of the naturalization laws all Asiatics, a third of the human race or more. But as it is presented, Senators obviously are about to vote upon the considerations set forth in the remarks just made by the Senator from New York without regard to their judgment upon the question on which I would like to have an expression of the views of the Senate; and therefore as it is impossible to obtain on the proposition which I have made such an expression upon the real subject-matter of my proposition as I desire, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SARGENT. I ask permission to have the word "aliens," in line 161, page 5, of this bill, inserted in the enrollment instead of "alien."

The PRESIDING OFFICER. The Chair hears no objection to that.

Mr. SARGENT subsequently offered the following resolution:

Resolved, That the House of Representatives be requested to correct a verbal error in the bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States, by adding in the enrolled bill an "s" to the word "alien," line 11, page 6, of the engrossed bill.

Mr. SARGENT. That is the same request that was made verbally and assented to by the Senate a few moments ago, and I want the request made to the House.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3737) for the relief of Norman H. Ryan;

A bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876;

A bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876; and

A bill (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of a public building at Atlanta, Georgia.

NATHANIEL P. HARBEN.

The PRESIDING OFFICER. The unfinished business is the bill (S. No. 963) for the better government of the District of Columbia.

Mr. GORDON. I ask the Senator from Maine to allow me to have the bill (S. No. 522) for the relief of Nathaniel P. Harben, of Georgia,

acted on. The Committee on Claims reported the bill and have since reported an amendment, which I hold in my hand, and I think it will lead to no discussion whatever. The amendment is to refer the case to the claims commission.

Mr. SCOTT. I have no objection to that with this exception: I think it is hardly fair, as there are a number of cases involving questions of similar character to that which the Senate has refused heretofore to give time to consider, that one single case should be selected, and undoubtedly this case if its nature were stated would lead to some debate.

Mr. GORDON. Very well, I will not press the request now.

Mr. SCOTT. I will join with the Senator from Georgia and others at any time in asking sufficient time from the Senate to consider all these bills, and I shall urge it.

Mr. GORDON. I withdraw my application for the present.

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. DENNIS presented a petition of conductors and street-car drivers of Washington, District of Columbia, praying for the passage of a law defining the number of hours that shall constitute a day's labor for street-car employes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GORDON. I present the petition of John Withers, of Texas, praying the removal of his political disabilities. I move its reference to the Committee on the Judiciary. The bill is already before that committee, and I ask that this petition be attached to the bill.

The motion was agreed to.

Mr. GOLDTHWAITE presented the petition of P. U. Murphy, of Mobile, Alabama, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. EDMUNDS. I was not able to be present in the Senate this morning when reports were called for. I ask consent now to be allowed to submit two or three reports from the Committee on the Judiciary.

The VICE-PRESIDENT. The Chair will receive the reports, if there be no objection.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred a resolution offered by the Senator from Missouri [Mr. BOGY] instructing that committee to inquire into the expediency of repealing the act of June 1, 1870, authorizing subsidies to the Pacific Mail Steamship Company, to report the same with a substitute. The substitute merely is a resolution directing the committee to inquire into the law. This resolution was not adopted instructing us to make an inquiry. It was sent to us. We think that the proper form is such as I submit. I ask its present consideration. There will be no debate about it, I suppose.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Judiciary be, and it hereby is, instructed to inquire and report whether the United States or any Department of the Government is legally bound to now carry into effect any contract made pursuant to the act of June 1, 1872, respecting additional mail service between San Francisco, China, and Japan.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the same committee, to whom was referred the bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections, to report the same back, and ask that it be referred to the Committee on Privileges and Elections, who have charge of subjects of that character.

The VICE-PRESIDENT. That change of reference will be made.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1995) to amend an act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State," reported it with an amendment.

Mr. PEASE, from the Committee on Claims, to whom was referred the petition of Hiram W. Love, submitted a report thereon accompanied by a bill (S. No. 1302) to refer the claim of Hiram W. Love, of the State of Iowa, to the Court of Claims.

The bill was read and passed to a second reading, and the report was ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876; and

A bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876.

The bill (H. R. No. 3737) for the relief of Norman H. Ryan was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 4685) authorizing the Secretary of the Treasury to use his discretion in the selection of material for the construction of a public building at Atlanta, Georgia, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

GOVERNMENT OF THE DISTRICT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 963) for the better government of the District of Columbia.

Mr. MORRILL, of Maine. I think the question is on the amendment proposed by the Senator from Iowa, [Mr. ALLISON.]

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) It is.

Mr. MORRILL, of Maine. I rise to say little or nothing in regard to that proposition, although it seems to me eminently fit that it should be made. It is simply, as I understand, to give time for a certain class of persons who hold a certain class of securities to present them. I do not understand that it is anything more than that. But I wish to make a few observations in the nature of an appeal to the Senate upon this bill. We have now been some three days upon the bill. Certain objections have been made to the bill. Those have been fully considered by the Senate, and, so far as I know at the present time, all objections to this bill have been overruled by the Senate. It stands, therefore, in that position to-day. All the objections of a fundamental character to this bill which have been made on the one hand or the other have been considered and overruled by the Senate. Now, it is agreed that something must be done; some bill must be passed at this session. This is more likely to accomplish results than anything else which it is probable we can get. If these objections are not repeated again and no disposition is made to prolong the discussion, this bill may receive the consideration of the Senate, and pass from it in the next few hours at furthest. I submit, therefore, whether it is not fair on the whole that it should have that consideration at the present time, and that what has been acted upon should not be renewed again.

I am emboldened somewhat to make this appeal to the Senate from this consideration: The time of this session is fast running out. Fifteen days, including the present, are all that are left to us—days of work in this session—and of the twelve appropriation bills three only have been considered and passed by Congress. Nine of these bills yet remain to be considered by the Senate in these fifteen days—a shorter period than I have ever known so many bills to be crowded upon the consideration of the Senate.

One word more on this subject. I think I have a right to appeal to the Senate to vote upon this bill; vote upon its merits, and then if it is voted down, very well. This bill has devolved a great deal of labor, not a welcome labor, not labor that has been sought by this committee; but it has devoted a great deal of time to it. If it turns out to be inadequate it can easily be corrected of course; but as some legislation must take place, it seems to me that the best thing the Senate can do is to accept the bill in its present condition, repeating what I said before, as all the fundamental objections to it have been considered and overruled by the Senate.

Now I wish to appeal to my honorable friend from Indiana who sits near me [Mr. MORTON] who yesterday felt that he would be constrained to move the consideration of a subject that is committed to his charge. I can understand that my honorable friend feels in that way; but I appeal to him not to attempt that as against this bill. If he should move to lay this bill on the table and the motion should succeed, then we are to have this whole subject in some other shape and at a time when it will be in my judgment impossible for us to give it consideration. What is not done this week in the way of general legislation must yield to the imperative and absolute necessities of the appropriation bills which will be upon you in the next fifteen days. As my honorable friend gave notice on a former occasion that at the close of the bill he would proceed with his matter, he will have general consent doubtless to take it up; but now I hope that he will not feel constrained by anything that was said yesterday to interrupt the progress of this bill. Let us consider it to-day to the end; and I hope we shall be in a condition to conclude it before the Senate adjourns to-day. I wish to add one other thing; and that is, that I will ask the Senate to continue its session until this bill is closed.

Mr. MORTON. I ask the Senator whether he intends to pursue the bill after to-day?

Mr. MORRILL, of Maine. No, sir; I intend to ask the Senate to continue the session of to-day until this bill is disposed of. I have no expectation or desire nor do I believe that the circumstances of the business of the Senate and of the country will admit the pressing of it one moment after to-day. With these observations I hope that we shall have a vote on the amendment of the Senator from Iowa, [Mr. ALLISON.]

Mr. MORTON. I gave notice last night, feeling that it was my duty to do so, that this morning I would make a motion to lay this bill on the table with a view to proceed to the consideration of the resolution in regard to the Senator-elect from Louisiana. The Senator from Maine makes an appeal for me not to do so. Now, with the understanding that this present bill is not to be pursued after

to-day and that he will not interpose any appropriation bill on Monday, I shall refrain from making the motion.

Mr. MORRILL, of Maine. There will be no appropriation bill in a condition to be presented to the Senate on Monday.

Mr. MORTON. I hope to have a general understanding that on Monday the Senate will without objection proceed to the consideration of the resolution in regard to Mr. Pinchback.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa.

Mr. ALLISON. As suggested by the Senator from Ohio [Mr. SHERMAN] last evening, I desire to modify my amendment. I send up the amendment, as modified, to be read by the Clerk.

The CHIEF CLERK. The amendment, as modified, is to insert at the close of section 94:

Provided, That claims presented and allowed under the sixth section of an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 30, 1874, shall be presented for exchange, as provided by the seventh section of said act within four months from the passage of this act, and if not so presented the privilege of thus exchanging shall not be exercised by any holder of any such claim; and the sinking-fund commissioners of the District of Columbia are prohibited from issuing any bond, as provided in the seventh section of the act hereinbefore referred to, after the expiration of four months from the passage of this act: *And provided further*, That nothing contained in this act shall be construed to in any manner pledge the faith of the United States to the payment of any debt or obligation of the District of Columbia, or of the cities of Washington and Georgetown, other than is provided for by the seventh section of the act hereinbefore referred to and the amendment thereto as to the fifty-year bonds therein referred to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The VICE-PRESIDENT. If no further amendment be offered, the question is on ordering the bill to be engrossed and read a third time.

Mr. THURMAN. My friend from Delaware not now in his seat [Mr. BAYARD] had some amendments to offer to this bill. In his absence I will offer one for him. I move to strike out of the fifty-second section, on pages 100 and 101, the paragraph commencing with the word "and" in the sixteenth line, and ending with the word "exemplary" in the twenty-third line.

The VICE-PRESIDENT. The Secretary will read the words proposed to be stricken out.

The CHIEF CLERK. The words proposed to be stricken out are:

And every person, in whole or in part, owning or renting or permitting the occupation of any building or premises for the sale of such article, or having knowledge that such article is to be or is being sold or habitually drunk therein, shall be liable, jointly and severally, with any other person in this section made liable, in the same or different suits, for said compensation and damages, which may be exemplary.

Mr. MORRILL, of Maine. I do not know that I am particularly strenuous about this proposition; but I will ask the honorable Senator from Ohio whether he does not know that this is very like the law of his own State.

Mr. THURMAN. Yes, sir; such provisions were in our laws, but they will not be in much after this winter, I think, for the people have condemned them in the most emphatic manner.

Mr. MORRILL, of Maine. This proposition is in the nature of holding dealers in intoxicating liquors responsible for the damages incurred by that practice. I do not deem it of importance enough to make any observations about it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. BAYARD. When this bill was under consideration before the holidays, I proposed to amend the section creating a board of excise, and submitted then to the Senate some remarks in opposition to the general scheme proposed by the bill for regulating the sale of intoxicating liquors. I shall now propose, having read the bill somewhat carefully as to the sections, to strike out the whole of them from page 87 to line 48 on page 102, being "chapter 7 of the board of excise."

Mr. President, this subject is one of great difficulty. Legislation in regard to it varies in almost every State of the thirty-seven. I am perfectly aware that while intelligent, careful, and conscientious legislators may all concur as to the end to be reached, they differ widely in their methods and ways of reaching it. I am very clear as to the proper mode of dealing with this question by law. I am not now referring to the domain of morals, I am not now referring to this as a simply social question; but law has its domain, morals have theirs. The question too often is made to take rather the shape of sumptuary legislation, which has by almost all civilized nations been long since abandoned as impracticable, inquisitorial, and utterly inefficient for the objects in view. There can be no doubt that it behooves the State, for the purpose of police regulation, to treat the sale of intoxicating liquors with more care and with greater stringency than are generally used in framing laws relative to the sale of other commodities; but yet the principle remains that you are dealing with property, that you are attempting to apply rules which are for the regulation of property in accordance with the safety of the community. A strictly regulated, well-defined system of license, by which the sale of intoxicating liquors shall be confined to those who have made their business a source of large revenue to the State, by which the number of those will be lessened, by which the revenues

of the State will be increased, tends rather to discourage the widespread use or abuse of intoxicating drinks.

I am aware that there has been in many of the States of the Union the very dangerous, and I think the very fallacious, attempt to mingle moral lessons with legal restrictions. Sir, the two schools are entirely apart. There may be an inferential result from the character of law proposed; but morals *per se* are not within the domain of laws of this character, and the attempt to mingle the two will, I think, be found maleficient and the cause of evil.

The bill as now proposed by the committee contains many features calculated to make the law not only odious but to destroy the self-respect of all the citizens who shall embark in the traffic which is proposed to be legalized by this bill; and both of these to an extent that, I think, make it exceedingly dangerous, and lead in this community, not to the revenue, which they desire to obtain, not to the discouragement of intoxication which we all desire to aid in, but will lead to concealment, will lead to hypocrisy, will lead to illicit sales and to the defrauding of the community of the revenue which it could gain and properly gain by a moderate license law. Such a law is now in force in this District. I do not mean to say that it could not be improved; I doubt not that it could, and that its provisions could be made more stringent, that the license fees could be increased, and the effect reached by way of causing those who go to the expense of taking out these licenses to become watchful that they are not defrauded of their more exclusive right to sell by the illicit sale of others all around them.

My amendment is to strike out chapter 7, relating to the board of excise, contained upon pages 87 and those following until page 102, for the purpose of allowing the present laws of the District regulating this subject to be kept in force. If Senators will glance over some of the provisions of this bill, they will see how highly objectionable they are from the extent to which inquisition is permitted in the establishments of all persons who shall take out licenses for the sale of alcoholic or fermented drinks. At page 92, for instance, there is a provision that—

The members of said board, (of excise,) its secretary, and any person expressly authorized by the board, shall be allowed at all times to freely inspect any place or premises licensed or that may be the proper subject of a license hereunder, and also any article hereinafter mentioned which may be kept or found at such place. And any member of said board, or person by it authorized, may at any time inspect any place licensed, or that requires a license, and whatever is sold or kept for sale or to give away thereat.

Observe, sir, the consequences of such permission. Inquisition is not confined to the members of the board of excise, but they may delegate that authority to any one else. Hostile and scandal-loving men may seek and obtain authority to visit the place of business of any one against whom their enmity has been excited by day or by night, in garret or in cellar, in parlor or in bed-room. There is no place left for privacy and for domestic and private right. Why, sir, it seems to me to state such a proposition is to insure its condemnation by any one; it is degrading the character of the men who accept licenses subject to such nocturnal or daily examination. Sir, such examinations are hateful; they are not in consonance with the theory of our Government in any way. If the inspection is to be permitted of a man's premises in any portion of them, that appropriated to the dwelling of his family or of his guests as well as that appropriated for the public carrying on of his business of hotel keeping or restaurant keeping, so that he is to have no privacy and his rights as a citizen are to be subject to inspection, hostile, unfriendly, and scandalous inspection, it seems to me such a proposition is abhorrent to any just and fair mind.

Well, sir, let us look further at some of the provisions of the bill.

Mr. MORRILL, of Maine. What section is that from?

Mr. BAYARD. It is section 48, on page 92, from line 33 to line 41 inclusive.

As I desire to assist my friend from Maine in making his bill as nearly unobjectionable as possible, perhaps I may offer now, and ask that the question be put by the Chair, an amendment to strike out that authority of inspection to be found upon page 92, contained between lines 33 and 41. If my honorable friend agrees with me in believing such a proposition injurious to private right and beyond the proper domain of legislation in authorizing the examination of premises so licensed, I shall be very glad.

Mr. MORRILL, of Maine. I understood the Senator's proposition to be to strike out the entire chapter.

Mr. BAYARD. I did propose that; but it may be that I may be successful in procuring certain modifications of it, and I would rather the more restricted amendments be put before the more general one be discussed.

Mr. MORRILL, of Maine. I should be very glad to hear any criticism from any quarter as to the details of that subject. I can understand that there may be a great variety of opinion as to many of these details, and the provision to which the Senator now refers I think very properly falls under criticism, for I agree with him that it is pretty stringent. But I should hope that there would be no desire to strike out the whole subject. In its offensive features, or extreme features, it is open to criticism, but, as a whole, the chapter is undoubtedly wholesome. There ought to be a wholesome restraint put about the licensing of the sale of intoxicating liquors. The only object the committee could have was to provide such wholesome restraint.

I am aware, Mr. President, if I am not trenching upon the honorable Senator's time, for I do not wish to make a speech—

Mr. BAYARD. I would rather hear the Senator.

Mr. MORRILL, of Maine. I am aware that in many respects there are provisions in this branch of the bill which are more stringent than is common to the whole country and which may be offensive to the general sense of gentlemen here; but the subject itself I hope my honorable friend will not think it necessary to assail. Therefore I invite most certainly criticisms upon the several points in this general provision, and will co-operate and concur, if there is anything that should be deemed impolitic or excessive, in striking it out; but the system itself I hope will be retained in the bill. I hope my honorable friend will not feel called upon to go any further than that, because I say to him, upon some consideration of the subject, that the present system of licenses in this District is not, I think, what it ought to be. It is loose and irregular.

Mr. BAYARD. I do not suppose it is what it ought to be, but I believe it is a great deal better than what is proposed to take its place. However, as no motion is before the Senate, and as I stated my amendment as a proposition, without asking the Chair to submit it, I will withdraw it, and ask that section 48 be amended on page 92 by striking out all after the word "for," in line 33, to the end of the section in line 41. That simply excludes this power of inspection by day or by night of the premises of any person who has taken out a license under this bill. I ask that the amendment be indicated.

The CHIEF CLERK. On page 92, commencing in line 33, it is proposed to strike out the following words:

And the members of said board, its secretary, and any person expressly authorized by the board, shall be allowed at all times to freely inspect any place or premises licensed or that may be the proper subject of a license hereunder, and also any article hereinafter mentioned which may be kept or found at such place. And any member of said board, or person by it authorized, may at any time inspect any place licensed or that requires a license, and whatever is sold or kept for sale or to give away thereat.

Mr. MORRILL, of Maine. I understand the amendment is now confined to that.

Mr. BAYARD. It is confined at present to that. That is my present motion.

Mr. MORRILL, of Maine. I do not care particularly about that.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Delaware to strike out the words just read.

The amendment was agreed to.

Mr. BAYARD. On page 95 of the bill, commencing in line 62, it reads:

Any person (except druggists or apothecaries for the purpose and in the manner aforesaid) who shall have or keep any article included within either of said wine and beer licenses or said liquor licenses, or who shall sell or give the same away to any person within said District, or who shall allow the same to be drank upon any premises under his control, or where he sells or aids in selling any such article or drink, as a business or occupation, in whole or in part, without such license so to do, shall, by reason thereof, be deemed to have committed a misdemeanor, and shall be punishable for such crime, &c.

It is very plain that that language is much too broad and that it will embrace within its penalty any person who merely entertained his friends at his table and gives them a glass of wine or spirits or fermented liquor. I think if in line 65 the words "or give the same away" were stricken out, the clause would be relieved in part from the criticism I have made upon it. Therefore I submit that motion to the Senate, in line 65, page 95, to strike out after the word "sell" the words "or give the same away;" so that the clause shall read:

Any person (except druggists or apothecaries for the purpose and in the manner aforesaid) who shall have or keep any article included within either of said wine and beer licenses or said liquor licenses, or who shall sell to any person within said District, or who shall allow the same to be drank upon any premises under his control, &c.

Mr. MORRILL, of Maine. I do not think that language is susceptible of the construction put upon it by the Senator from Delaware. The Senator should bear in mind that this regulates the dealing in liquors, and it applies simply to persons engaged in their sale. It provides that a man shall not sell or give away except within the limitation of his license; that is all. It does not invade the domestic circle, nor does it inhibit the giving of the article away to persons or a private gentleman keeping it in his own house, in his own cellar, in all varieties. It has no reference to that at all. It has reference, I will say to my honorable friend, simply to persons who are dealing in it, that in the premises licensed for such a purpose they shall not sell nor shall they give away except within the terms of the license.

Mr. BAYARD. My honorable friend will perceive that he has drawn this bill entirely in all the clauses in the disjunctive. It is:

Any person (except druggists or apothecaries for the purpose and in the manner aforesaid)—

Now, those words, "any person," would include the honorable Senator or myself, or any one else, except these two classes—

who shall have or keep any article included within either of said wine and beer licenses or said liquor licenses—

That refers to the articles included in this liquor license—

or who shall sell or give the same away to any person within said District, or who shall allow the same to be drank upon any premises under his control, or where he sells or aids in selling any such article or drink, as a business or occupation in whole or in part, without such license so to do, shall, by reason thereof, &c.

So that as it stands now there is nothing to prevent these penalties from being applicable to any person, not being a druggist or

apothecary, who shall sell or give away certain articles included in this license.

Mr. INGALLS. If the Senator will turn to the next page, page 93, commencing with line 89, he will see the explanation is there made of what it refers to.

Mr. MORRILL, of Maine. Certainly. By no possibility could it fall within the interpretation my honorable friend from Delaware puts upon it.

Mr. BAYARD. Then if it be in some degree cured by the language following, it has no value where it now is.

Mr. MORRILL, of Maine. But it has the greatest possible value, because persons might to a certain extent be within the principle of all the mischief intended to be remedied by this bill by giving away indirectly.

Mr. BAYARD. Then let us cure it by inserting before the word "person" the word "licensed," so as to read "any licensed person."

Mr. MORRILL, of Maine. I have no objection to that. The Senator may make it just as explicit as he pleases. It will be seen that the language referred to by my friend from Kansas covers the whole thing:

But nothing herein shall be deemed to include having, drinking, or giving or receiving any article to drink at the private residence or in the domestic circle of any person, &c.

Mr. MORRILL, of Vermont. The Senator from Delaware will perceive that before the sentence is closed the whole matter is cured before you reach the semicolon. It is where such article is given away.

Or where he sells or aids in selling any such article or drink as a business or occupation, in whole or in part, without such license so to do.

Mr. THURMAN. In what line?

Mr. MORRILL, of Vermont. Lines 69 and 70.

Mr. INGALLS. I wish the Senator would define the difference between the words "in the domestic circle," as distinguished from the words "private residence."

Mr. BAYARD. I do not understand how this matter can interfere with the revenues of the District or with the regulations for its government. I submitted a motion to strike out the words "or give the same away" on lines 65 and 66. As that is not in the line of business and is not under the head of license, I do not see what harm is to come of it.

Mr. MORRILL, of Maine. If my honorable friend will allow me, the suggestion is this, that under the pretext of giving away dealers may do a large business. In order to remedy the mischiefs that are sought to be controlled, it is provided that they shall not deal in it in that way. It is to meet one of the frauds that may be practiced upon the law.

Mr. SAULSBURY. I think that the whole difficulty might be remedied by incorporating in the amendment of my colleague before the word "person" the word "licensed."

Mr. MORRILL, of Maine. I make no objection to that.

Mr. SAULSBURY. That would prevent any licensed person from giving it away, as suggested by the Senator from Maine, and committing a fraud.

Mr. MORRILL, of Maine. I have no objection to that. That is the bill now as I understand it; but if my honorable friend thinks that will strengthen it any I am perfectly willing to modify the clause in that way.

Mr. THURMAN. "Licensed" to give away?

Mr. SAULSBURY. No, sir; he takes a license to sell and must follow his legitimate business.

Mr. MORRILL, of Maine. Whether he gives or sells, he has license.

Mr. SAULSBURY. It does not apply to an unlicensed party, but to a man who has a license to sell.

Mr. ALCORN. Then I suggest that you will have these men undertaking to throw trammels around licensed dealers, and you will give men who are not licensed the liberty of giving away what they choose. You are offering a premium to men to avoid the license.

Mr. BAYARD. I confess I cannot see what premium can be offered by a man giving away property that costs considerable money, at any rate.

Mr. SAULSBURY. I will suggest to my colleague that there is a law here which prohibits selling to minors. Now, a man having a license, while he is precluded from selling to a minor, might, if the clause stands as it is, give away to a minor; in other words, pretend to give away and receive privately pay for it.

Mr. BAYARD. That would be a sale.

Mr. SAULSBURY. I know; but the law would be evaded in that way.

Mr. BAYARD. All these pretended covers, these attempted frauds, are met and rejected by courts of justice every day. Where a stringent license law exists and persons are indicted for the sale of intoxicating drink, and by any evasion they seek to get rid of that and receive an equivalent for it, the courts invariably throw the defense overboard and insist upon conviction. I have seen it done fifty times in the course of my life when courts would not permit the law to be evaded, and would instruct the juries that no such evasion should be successful; as the matter of selling the cracker and giving the glass of spirits, saying that the sale was of the cracker, a perfectly innocent matter, and the spirits a mere gift. All those attempted evasions are ruled out of court every day and the party convicted.

Now, sir, no man is going to follow the business of giving away commodities so highly taxed by this government already as to make their use one of the luxuries of life, expensive enough at any rate. It seems to me that the effect of this law as it now stands would be to put some private citizen, unlicensed, not dealing in the article at all, in danger of a malicious prosecution at the hands of some one who would be justified by the letter but not by the spirit of the law.

The truth is, Mr. President, it will not do to be strapping down men's individual habits in this way. My objection to the whole of this section is that it is based on the theory of controlling the individual habits of men. It is what I have heard termed "moral inspection," that is to me utterly odious and which I never saw productive of any good. I am in favor of a stringent system of license which shall regulate the sale of intoxicating spirits, which shall bring revenue to the State, and by its very expensiveness shall discourage the constant use of intoxicating spirits. I do not propose under color of regulating this traffic and legalizing this traffic by license issued that there shall be a system of moral inspection by one man over the habits of another. This law as it stands now seems to me open to the objection that it would render liable any private individual not concerned in this traffic who should choose to give to whom he saw fit any of the commodities mentioned in this section.

Mr. MORRILL, of Maine. Does my honorable friend understand that this section prohibits that in any of its language?

Mr. BAYARD. I certainly do. Let us look at it.

Mr. MORRILL, of Maine. I mean as a common dealer.

Mr. BAYARD. It does not apply to dealers alone; that is the point precisely.

Mr. MORRILL, of Maine. The Senator can do as he pleases; he is not within the inhibitions of this law by any sense whatever or by any possibility.

Mr. BAYARD. If that be the case, there would be no objection to it.

Mr. MORRILL, of Maine. It does not touch anybody except somebody who is licensed to sell.

Mr. BAYARD. Then insert the word "licensed" before the word "person."

Mr. MORRILL, of Maine. I have not the slightest objection to that.

Mr. BAYARD. Then I move to insert the word "licensed" before the word "person."

Mr. HAMILTON, of Maryland. That is all right.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. In line 62, page 95, before the word "person" it is proposed to insert the word "licensed;" so as to read:

Any licensed person, &c.

Mr. THURMAN. Let us see how that is. You license a man to sell wine, beer, or liquor. Then, if this word "licensed" is put in before "person," you forbid him to keep any wine, beer, or liquor. I think that is going to be the effect of it. I invite the attention of my friend to that. Suppose the word "licensed" be put in; then it will read:

Any licensed person (except druggists or apothecaries for the purpose and in the manner aforesaid) who shall have or keep any article included within either of said wine and beer licenses or said liquor licenses, or who shall sell or give the same away to any person within said District, or who shall allow the same to be drunk upon any premises under his control, &c., shall be deemed to have committed a misdemeanor.

Mr. ALCORN. That point I made awhile ago.

Mr. THURMAN. Then it is, if you please, a law licensing a man to do this very thing, to keep this grog, to sell the grog, and then, if you put the word "licensed" in, you provide that he shall be guilty of misdemeanor for doing it.

Mr. BAYARD. If he shall give it away.

Mr. THURMAN. But you put in the word "licensed"—

Any licensed person—

Omitting the parenthesis—

who shall have or keep any article, &c.

The effect, therefore, will be, first, to give him a license and get his money, and then punish him for doing the thing that he is licensed to do.

Mr. SHERMAN. The word "licensed" must not be put in.

Mr. THURMAN. O, no; it must not be.

Mr. BAYARD. I will withdraw the motion.

Mr. MORRILL, of Maine. There is no possibility that this provision will affect any man who is not a dealer. Every man who does not deal in liquor is certainly outside of the provisions or inhibitions of this law. It is expressly so provided on the next page.

Mr. THURMAN. It ought to be "any unlicensed person."

Mr. MORRILL, of Maine. But that you do not mean. I submit to my honorable friend from Delaware that the supposition upon which he went is fallacious, and that therefore no amendment to cover the point raised by the Senator is necessary in this section.

Mr. HAMILTON, of Maryland. If I understand this section of the bill, it is to prohibit anybody from selling or dealing in this article who has not a license.

Mr. THURMAN. The word "unlicensed" ought to be inserted.

Mr. HAMILTON, of Maryland. You may say "unlicensed," but

that is merely superfluous language. This bill provides that any person who undertakes to sell or deal in this article without a license and contrary to law shall be punished. That is the meaning of this whole provision; and this we secure as far as we can. This is a very difficult subject to legislate upon, to prevent people drinking whisky, either inside or outside of law. The section provides:

But nothing herein shall be deemed to include having, drinking, or giving or receiving any article to drink at the private residence or in the domestic circle—

That is the meaning of it—

where no such article is bought or sold at the same place and no evasion of this act is attempted.

So that this subsequent clause shows that what we contemplate in preventing people from giving away liquor is that it shall not be done at an establishment of this kind where it is sold. That is the whole meaning, and if the words in the bill do not convey that meaning they should be there.

Mr. THURMAN. There is no necessity for any provision in the bill at all against giving away liquor in any form or shape. In the first place it is not proposed to prevent anybody except liquor dealers from giving away liquor. It is not proposed to prevent my friend from Maine from giving away a glass of wine to a friend who calls on him.

Mr. MORRILL, of Maine. No; but *Morrill* reasons would prevent me doing any such thing. [Laughter.]

Mr. THURMAN. The section is only intended to apply to persons who are licensed. Now, if they are licensed, and if they see fit to give away their liquors, I do not see any harm done. I should like to know where the harm is. The only question about giving away is in the case of unlicensed persons. Some States have provided against giving away because of tricks resorted to by unlicensed persons to really sell liquor under the pretense of giving it away, as the old trick of selling the cracker and giving away the liquor; but, as was very properly said by my friend from Delaware on my left, [Mr. BAYARD,] every court has held that that is a mere trick, an evasion, and that it is really the liquor that has been sold. Nowhere in the United States has any man escaped punishment by the trick of giving away liquor and charging for a cracker of no value a sum of money. So that there is no necessity really to provide for it in any respect. In respect to this particular clause under consideration, the word "unlicensed" ought to be inserted before the word "person." As it now stands the section embraces all persons, licensed and unlicensed, except druggists and apothecaries.

Mr. INGALLS. Will the Senator allow me to call his attention to the fact that in lines 69 and 70 the words are used "without such license so to do?" The mistake has arisen from the fact that those words should come in after the words "any persons," in line 62, or between the words "who" and "shall" in line 63.

Mr. THURMAN. The Senator from Kansas is right about that. The mistake has arisen because those words were so far off from their antecedent.

Mr. INGALLS. That is the great trouble with this whole bill.

Mr. THURMAN. Really I would like to know as a matter of curiosity who did devise some of the provisions of this bill. I am quite sure that my friends of the Senate committee could never have done it.

Mr. MORRILL, of Maine. My honorable friend has touched a subject of which he knows very little, I am afraid.

Mr. THURMAN. I want the Senator to hear me to see whether he will father this provision—

Mr. MORRILL, of Maine. I am the putative father of this bill.

Mr. THURMAN. Very well; whether the verdict of the jury is right in finding you to be so or not. [Laughter.]

Mr. MORRILL, of Maine. I will say that this provision is not peculiar to this bill. This provision of the bill is taken from the license law of the city of New York. There is a sufficient degree of freedom, I think, in the sale of liquor in the city of New York so that this should not alarm anybody here in the city of Washington.

Mr. THURMAN. Now, I want the Senate to pay a little attention to section 49. Let us begin at the beginning.

Mr. MORRILL, of Maine. On what page?

Mr. THURMAN. Page 92, section 49. This is a chapter constituting a board of excise and regulating its powers and duties, and providing generally on the subject of the sale of spirituous and malt liquors and wine. Section 49 begins by saying:

There shall be three classes of licenses, the same to be required and given, respectively, with due regard to the public convenience and welfare of the people of said District, namely:

First. Those for which no fee is chargeable.

That would not determine anything by itself; but below that we find what that first class is:

First. Under the first class shall be embraced all licenses not embraced under the definition of either of the other two classes; and said first class will, among others, embrace all licenses that may be required for such matters, persons, or things as hacks, cabs, drays, omnibuses, junk-shops, pawnbrokers' shops, bowling-alley, livery-stables, billiard-tables, peddlers, bill-posters, intelligence-offices, street-stands, and the like.

This board may require licenses for all these things, but shall charge no fee whatever for the license. That is all plain enough. The second class of licenses is wine and beer licenses and the third class liquor licenses, and for the two last classes, that is the wine and beer

and the liquor licenses, fees are to be chargeable. Then we come to a definition below of what is a wine and beer license and what is a liquor license:

Secondly. Under the head of wine and beer licenses shall be included all licenses for the keeping or sale of lager-beer, root-beer, and such ale and fermented drinks as shall not be materially stronger than the lager-beer of commerce.

Is not that a funny test? I should like to know if a man is indicted for violating the provisions of this bill in regard to the sale, how the jury are to find whether the beer that was drunk was "materially stronger than the lager-beer of commerce?"

Mr. MORRILL, of Maine. By calling experts.

Mr. THURMAN. I heard of calling an expert once upon this very subject of lager-beer. A man was indicted in Saint Louis under the Missouri statute against selling intoxicating liquor, and the seller said it was not intoxicating liquor, it was lager-beer. They called experts to prove whether lager-beer would intoxicate, and one old Dutchman testified, "I drink sixty glasses a day and it don't intoxicate me, but I suppose if a man made a hog of himself he might get drunk on it." [Laughter.] I should like to know how you will get your experts here. You would have to furnish them liquor right in defiance of your bill. You ought to have an appropriation for liquor in order that they may try it or let the jury themselves try it.

Mr. MORRILL, of Maine. I am inclined to think that in the country in which my friend lives it is not different from almost any other, and they will find plenty of experts on the streets here anywhere.

Mr. THURMAN. Plenty of experts unquestionably there are, but where will you get experts of that particular beer, experts at that particular shop, experts who can tell whether that particular glass which the man sold and which has vanished down the throat of some thirsty fellow was "stronger than the lager-beer of commerce." How do you find that out? The beer has gone to its destination, to its long home. [Laughter.] I should like to know what kind of experts, unless you cut the fellow open and have a chemist to investigate his stomach, will settle such a question.

Mr. MORRILL, of Maine. I will tell my honorable friend what my experience about that is in Maine. We have the Maine law there; but we have had all these things tried there. Whether lager-beer will intoxicate depends not so much upon the beer as on the fellow who drinks it. If his head is a little weak, he will surely get tipsy. One man testifies, "Why I drank a pint and I was tipsy." Another fellow says, "I could drink enough of it to drown myself, but I could not get drunk on it." That is one of the tests. There are plenty of these experts all around. There will be no difficulty in finding plenty of men to tell the jury what the effect of it would be on them; and they will return a verdict according to the testimony.

There is another test, and that is the chemical test: What is the percentage of alcohol in lager-beer? What effect will that have? Will that intoxicate? That again depends on the subject, the man who takes it. If his head is weak and his stomach weaker, as some people's are, he will be affected by it. And so of cider. I submit to my honorable friend that while there may be some difficulty in finding a jury to convict, there is no difficulty in finding plenty of experts to tell exactly what the effect will be. I will say to my friend that a pint of lager-beer would set me whirling.

Mr. INGALLS. If the Senator from Ohio had continued the reading of this section, he would have ascertained that the board of excise—

Mr. THURMAN. I was coming to that.

Mr. INGALLS. The board of excise are—

To fix and declare some practical test of the greatest strength, or of the largest alcoholic ingredients, having reference to the intoxicating power.

The only practical test of the effect of alcoholic liquors, or the intoxicating power of alcoholic liquors, is in their effect upon the animal organism, either human or otherwise; and therefore the board of excise are here authorized to establish a practical test of the intoxicating powers of the liquors that are offered for sale by these licensed agents. I presume, therefore, that they will be authorized to hire either professional or habitual drunkards for the purpose of ascertaining precisely what the strength of the liquor is which is offered here in the city of Washington. [Laughter.]

Mr. THURMAN. That would be an excellent thing for the old toppers, because they would be allowed then to drink at the public expense and be paid a per diem—

Mr. INGALLS. They might be hired for a salary.

Mr. THURMAN. To be sure. That is the strongest recommendation this chapter in the bill has, that it will give employment to a set of old fellows who are very seedy, and they will not have to wait to be asked to be treated. But let us see what kind of a thing this is. It is a maxim of philosophy as well as of law that impossibilities are not to be required. Let us see what this provision is:

Under the head of wine and beer licenses shall be included all licenses for the keeping or sale of lager-beer, root-beer, and such ale and fermented drinks as shall not be materially stronger than the lager-beer of commerce, and also wines generally—the board of excise to fix and declare some practical test of the greatest strength or of the largest alcoholic ingredients, having reference to the intoxicating power—in what shall be embraced in a beer license.

"Some practical test." What kind of a practical test? I know there are a great many instruments, their names ending in "ometer," to find out almost everything, to find out whether water has been

put in milk, to find out how much alcohol there is in spirit, and the like. I suppose it is contemplated that something of that kind is to be done. I do not know, I cannot tell how many chemists are to be employed for this purpose; but I do know that any such provision as this destroys the practical efficacy of your bill. There is no reason in the world for this division into wine and beer licenses as one class and liquor licenses as another.

Here is another curious thing about it, when you come to describe the class:

Under the head of liquor licenses shall be included all licenses for the keeping or sale of rum, whisky, brandy, gin, or other distilled or alcoholic drinks, and all licenses for the keeping or sale of porter, stout, and for such strong beers as the test to be from time to time established and applied by the board shall exclude from said second and place within this third class of licenses.

That is, a liquor license which authorizes a dealer to sell rifle whisky, which authorizes him to sell the strongest possible intoxicating liquor, shall not include the weakest beer. If a man wants the weakest beer to sell, if a hotel-keeper wishes to keep the weakest possible beer for the benefit of some customer who wants it, then he must get two licenses; he must get a beer license of the second class and he must get a liquor license of the third class, and although the liquor license authorizes him to sell alcoholic liquors of whatever strength and the strongest possible malt liquor, even to brown-stout, yet it shall not cover the case of the weakest small beer. There is no sense in that. This classification is one that has no merit in it, in my judgment, and will only lead to the destruction of the practical efficacy of the bill.

In fact, Mr. President, all the provisions in this bill in regard to the liquor traffic in my judgment might be well left out and their place supplied by a very few simple regulations upon the subject. There are laws already existing on the subject. If we strike out this section I understand those laws will remain in force. There is no necessity therefore, as it seems to me, for these provisions. Indeed, it would be better, in my judgment, to strike out this whole chapter about the board of excise. There is no necessity for having it. Here is a board to raise revenue; you have three commissioners, and it is their duty to levy and execute taxes, while they also provide for such licenses and for such taxation under the name of license as you may think fit to allow; but do not establish another department of this government to be called a board of excise. You will only complicate it. It will only be mischievous in its practical effect, and only injure the prospects of the bill or render the law a failure in practical effect if enacted.

Mr. HAMILTON, of Maryland. I will call the attention of the Senator from Ohio to the objectionable part of the section that he refers to. I am as liberal on this question as any man on this floor probably. There is no fanaticism about me in regard to this liquor question; but we know that licenses are granted in every State of the Union, probably, except the State from which my honorable friend from Maine comes and the State of Massachusetts, and one or two of the adjoining States. We have them in my State; the Senator has them in his State.

Mr. THURMAN. No.

Mr. HAMILTON, of Maryland. No licenses for the sale of liquor?

Mr. THURMAN. No.

Mr. HAMILTON, of Maryland. Then you have prohibition?

Mr. THURMAN. No.

Mr. HAMILTON, of Maryland. I thought you had a license system from which the State derived revenue.

Mr. THURMAN. No.

Mr. HAMILTON, of Maryland. We have it, and therefore to some extent I have regulated my action on this subject. In Maryland we have a license system as tolerant as this.

Mr. THURMAN. Allow me to say a word lest I might be misunderstood. The constitution of Ohio prohibits any license for the sale of intoxicating liquors to be granted. The constitution of the State declares that no license for the sale of intoxicating liquors is granted, but the General Assembly may provide by law to restrain the evils resulting from such traffic; I believe that is the expression. Then we have a statute prohibiting the sale of all spirituous liquor under a certain quantity, I think a quart, but I do not remember exactly the quantity. The statute has been in force ever since 1852, and has been from that time to this a perfect dead letter generally. It may be executed in some places, but practically throughout the State there is free trade in liquor.

Mr. HAMILTON, of Maryland. The Senator was criticising the second clause of this part of the bill under the head of wine and beer licenses. The object of the classification is to discriminate in the amount that shall be paid for licenses. There is no difficulty about that. I do not think in a system of this kind we ought to charge as much for licensing a man to sell beer as we do for the sale of brandy or whisky. The Senator's objection to this particular section is principally that the board of excise may fix and declare some practical test of the alcoholic strength of beer. Strike that out, if the Senator thinks it objectionable.

Mr. MORRILL, of Maine. I have no objection to striking out that clause.

Mr. HAMILTON, of Maryland. I do not care about that test. If that makes the section appear ridiculous to the Senator's mind, let it go out; it amounts to nothing really. Let him move to strike that out, and it will be satisfactory to us.

Mr. MORRILL, of Maine. There is no motion pending, and I want to appeal to my honorable friend from Ohio not to evolve his wit on this bill. If he tells all he knows and does not know about the statutes on temperance, I am afraid the end of this session will find this bill pending. I beg, therefore, to be excused from hearing anything on that point. Let this go out if the Senate choose; it is not at all important. I ask, Mr. President, if there is any question pending?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Delaware.

Mr. MORRILL, of Maine. What is that? I thought it had been acted on.

The PRESIDING OFFICER. It has not been. It will be reported.

The CHIEF CLERK. The amendment is to insert before the word "person" the word "licensed."

Mr. MORRILL, of Maine. That was withdrawn by my honorable friend.

Mr. THURMAN. Then I have an amendment to offer.

The PRESIDING OFFICER. There is no amendment pending.

Mr. THURMAN. I will offer an amendment, if the Senator from Maine will accept it, on page 96, after the word "attempted," in line 93, to strike out the period and add—

Nor shall it include any society or association not of a business or commercial character.

Mr. MORRILL, of Maine. I have no objection to that. It is already included, in fact.

Mr. THURMAN. I want it clear.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. BAYARD. Section 50, beginning on page 97, provides:

That upon any complaint being made in writing to said board of excise by any person in said District that any person having any said beer license or liquor license has violated any provision of this chapter in any particular in said complaint mentioned, or that the place licensed has become a source of crime or vice, dangerous to the safety or morals of the people of said District, or the haunt of disorderly, vicious, or criminal persons, it shall be the duty of said board of excise (if there be no good reason to regard said complaint as wholly unfounded) to summon the licensee or person affected thereby before said board to answer said charge at a time and place therein named, stating in such summons the substance of said charge, and the same may be served by posting on the licensed premises, when the licensee cannot conveniently be found. Said board shall make just rules of proceedings on trials, and shall hear in a fair and summary manner testimony that may be offered under oath for and against any such charge, and if the same has been in its opinion sustained, at the conclusion of the trial said board may either give its decision forfeiting and annulling said license, or may require the present payment in advance of an increased license fee for the residue of the term of the license, (not exceeding that herein authorized as an original fee,) as a condition of allowing such license to longer continue; but upon any such conviction of any licensee upon a second charge, whether of the same kind or not, and also after such forfeiture, such licensee shall be deemed an unlicensed person and his place an unlicensed place, and the license shall be forfeited and annulled and the bond shall be put in suit. The police board shall provide for the service and return by its subordinates of any such summons; and on application to a justice of said supreme court for a subpoena requiring any person to appear and testify on any such trial before said board of excise, it shall be the duty of any such justice to sign such subpoena, in a form which said justice or court may approve, and any such justice may punish disobedience to the same, or a failure to attend, or a refusal to answer any proper question before said board on such trial, as he might punish for a like contempt of a like nature committed by refusing to obey a legal subpoena or to testify in any trial before himself. Any person feeling aggrieved by the action of the board of excise may bring its proceedings and answer to the petition before the said court, or a justice thereof, for review, in the same manner and to the same effect as is authorized in regard to the proceedings of the board of health, and the decision of the court or justice shall be upon the same basis and limited in the same way, and determine finally whether the license in question is forfeited or not.

This section is open to an objection that I think can reasonably be made to almost every section of the bill, and that is that it employs about four words to do the work of one. In the next place, the object of the section, to punish violations of the license granted, is fully met by the action authorized by a preceding section upon the bond which is required to be given by the licensee before the license shall issue. That bond stipulates in a certain sum of money, and a very full sum, for an action upon any breach of any condition of the license.

What necessity is there, after you have compelled the licensee to give this bond, after you have given the Government the right of action on the bond for any breach of the license whatever, that you should create a new tribunal and authorize it to frame laws of its own and methods of procedure of its own, which may or may not be consonant with the laws that now exist? Why not let the trial for breaches of the duty of the licensee take place according to the laws of the land, in which the rules of testimony as adopted in other cases are applied, and in which you are not called upon to meet a new-fangled system of proceeding prescribed by this section? If a place where liquor is sold has become dangerous to the safety or morals of the people, or the haunt of disorderly, vicious, or criminal persons, then that place has become a nuisance, and it can be abated under the common law; it can be abated under many other laws now prevailing in the District of Columbia.

I suggest to the honorable Senator that the whole of this section is not only entirely superfluous, but it is cumbersome and troublesome. It is of no use for the performance of his duties by the licensee. Therefore I move to strike out section 50.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware to strike out section 50.

The amendment was rejected; the ayes being 12—less than a majority of a quorum.

Mr. MORRILL, of Vermont. I offer an amendment to come in on page 72, after line 126 of section 34:

And in relation to gaming-houses and gambling, and the seizure, confiscation, and destruction or disposal of all the tools, implements, and articles used for gaming.

I hardly think that this amendment needs any explanation; it is merely to give authority to the board of police to make regulations in respect to the seizure or confiscation of tools and implements used in gambling-houses.

Mr. EDMUNDS. I do not believe that provision is adequate as a totality and there ought to be a law—perhaps it is in this bill somewhere—which shall positively prohibit, instead of providing for the regulation of, gambling-houses, &c. It may be that something of the kind is in the bill. I should like to have the Senator from Maine state how that is.

Mr. MORRILL, of Maine. There is.

Mr. EDMUNDS. If this bill does not contain any prohibition of this character, it ought to do so. Instead of providing regulations, such as the amendment of my colleague proposes, conferring power to regulate them, the bill ought to provide a positive prohibition against such things being tolerated under any circumstances. But if the Senator from Maine says, as I understand him to have said, that there is a prohibition of that character, then I should like to ask my colleague what office this regulation clause is to perform. If you are to prohibit gambling absolutely, as you do not prohibit the sale of liquors, then there is no occasion for regulations on the subject of keeping such houses.

Mr. SHERMAN. I have looked through this bill, I think, enough to see that there is no criminal code in it. There is no definition of any offense in the bill that I see, to be punished by law. I suppose it is left to the law as it now stands.

Mr. EDMUNDS. The law as it now stands, as I understand it, leaves this matter to the Metropolitan police.

Mr. SHERMAN. So I understand.

Mr. THURMAN. There is a law punishing the keeping of gambling-houses.

Mr. SHERMAN. Not at all, but I understand it is left to the Metropolitan police and unless they act there is practically no prohibition.

Mr. EDMUNDS. Will the Secretary be kind enough to read the amendment and its connection again? I am unable to see, running through the bill hastily, any provision prohibiting the keeping of gambling-houses.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment and the clause of the section to which it is attached under the head of "nineteenthly."

Mr. EDMUNDS. That is in section 34; so that in this respect it will read, when adopted—

That the regulations of the board of police (subject to said supervision) shall, among other things, contain appropriate provisions in effect not inconsistent with this act, and on the subjects following, and they may be abrogated, or amended new ones added, by the board from time to time, namely:

First. Relative to the time and manner of exercising authority and discretion by any subordinate of the board, except as herein otherwise provided.

Then it goes on with a series of municipal regulations touching subjects which are not wrong in themselves, street regulations, and all that sort of thing. Now, to provide that this board may make regulations touching gambling-houses, with only authority to enforce those regulations by a mere municipal fine, to be recovered by an action of debt—because I doubt whether you could punish a man criminally for not obeying the orders of this board, for criminal law must emanate from the supreme authority—it seems to me is totally inadequate. If we are to authorize them to do anything on the subject of these affairs, they ought to be required to abolish them as nuisances, and of course if they made a mistake the parties injured could appeal to the courts. But whatever they are to do about gambling-houses and other vicious places of that character, it seems to me they ought to be required to do peremptorily, and we ought to say that they should abolish and abate as a nuisance any gambling-house, or house of prostitution, or a variety of places of such character, which never ought to be tolerated under any system of law. Instead of their having authority to make regulations about such things, they ought to be required to suppress them, it strikes me.

Mr. MORRILL, of Maine. If my honorable friend will allow me to interrupt him, my impression about that whole thing is that it is left entirely under the criminal law of the District as it stands.

Mr. SARGENT. On page 7, section 7—and I would call the attention of the Senator from Vermont to it—I find this provision:

That the authority of making, publishing, amending, abrogating, and promulgating ordinances—

That is to say the power of making ordinances—

shall belong exclusively to said commissioners; and they may exercise the same, in the aid of the powers hereby conferred, to check vice and immorality, and to enforce obedience to this act.

I think there is power given to the board of commissioners to pass ordinances covering all the different kinds of vice and immorality to which the Senator referred.

Mr. EDMUNDS. Undoubtedly; but then the question that I submit to my honorable friend from Maine and to the Senate and to my colleague is, that aside from matters of municipal regulation, the infraction of which you punish not as a crime but as a breach of a

by-law, so to speak, by an action or whatever else, when you come to a matter of crime and are to punish a person as a criminal by imprisonment, for instance, instead of by an action, you cannot do it by authorizing this board of regents or anybody else in this District to make a thing a crime that the statutes have not declared to be a crime. That is my point.

Mr. MORRILL, of Maine. There is no pretense that they have any such power as that, and therefore it was that I said that must be left to the interpretation of the law.

Mr. EDMUNDS. I appreciate the force of that. I was now replying to my friend from California who seemed to imply by what he said that this authority to the commissioners to make regulations of this character, by-laws, so to speak, to be enforced by an action for penalties no more than \$250, &c., as it is limited was sufficient. I think it ought not to be the sole legislation in respect of gaming-houses and other places that are vicious in themselves, as distinguished from the ordinary affairs of leaving ashes on the sidewalk and things of that kind.

Mr. SARGENT. Where does the Senator find the provision which limits the penalty that may be prescribed by ordinance for immorality, to an action and to a fine of \$250?

Mr. EDMUNDS. Is it not in the seventh section?

Mr. SARGENT. If so I do not find it.

Mr. EDMUNDS. Let us see:

Whoever shall violate any legal ordinance made and promulgated hereunder shall be liable for the penalty so fixed for any violation thereof; and such penalty may be recovered in a civil suit in the name of said District, as said commissioners may authorize.

I suppose that the learned gentlemen who drew up this bill and spent so much valuable time upon it were impressed with the idea I have just suggested, which is not by any means a new one, that when you are to proceed against a man under criminal law for a crime, you cannot make any act of his a crime by authorizing a board of regents or anybody else to say so; the law must say what is a crime and what is not. The regents may make a regulation for the violation of which they may enter a civil suit and recover a particular sum; and my simple point is that in some way we ought to provide in connection with this scheme a provision which shall make it the duty of those administering affairs in this District to enforce a statute which operates of itself against crimes of this character.

Mr. MORRILL, of Maine. My understanding is that there is a law in the District against gambling. Of course it will be the duty of the commissioners to make rules and regulations for the enforcement of that law; but they would not be authorized to make a law.

Mr. SARGENT. I have no objection to making this matter more specific and making the power of the board more specific; but I should like to call attention to the fact that on page 8 this provision follows that which has been read by the Senator from Vermont:

But in any instance, any said penalty may be regarded as in the nature of a fine, and the same may be enforced and collected as any other fine, in the police court.

That is to say, a civil action may be maintained to recover the amount, or it may be treated as a fine and be enforced by imprisonment, as for instance it is in my State, and I presume it is so in this District, where for every two dollars of fine one day of imprisonment is inflicted until the amount is consumed by the imprisonment. I presume there is some such method of enforcing penalties in the police court here. This would give the power of prosecution for the violation of an ordinance prohibiting immorality, to enforce the penalty as a fine, to be collected in the same way that fines are collected in the police court.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

Mr. THURMAN. If the idea of that amendment is that these people can provide for seizing private property and confiscating it without any judgment of a court whatever, I am opposed to it; but I suppose all the rules and regulations which are made by the board of police are subordinate to such ordinances as may be passed by the commissioners. Is not that so?

Mr. MORRILL, of Maine. Entirely so.

Mr. THURMAN. And subject to abrogation?

Mr. MORRILL, of Maine. Certainly.

Mr. THURMAN. I do not think an amendment should be adopted providing for the confiscation of property without any judgment whatsoever or judicial order for its confiscation. That is too much power to put into the hands of a police board.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

The amendment was rejected.

Mr. THURMAN. I have an amendment to offer to section 25, on page 55, in the school clause. Before I offer it, however, "to return to our mutton," I want to inquire of the Senator from Maine, who reports this bill, why under this bill it is perfectly lawful to sell or give away cider, which I believe is mainly produced in New England, when you cannot sell a glass of beer or wine?

Mr. MORRILL, of Maine. I hope you will not go back to the liquor.

Mr. THURMAN. I want to know how that is; whether he put that in in order to catch the New England Senators. [Laughter.] It is a little curious indeed that nobody can sell without a license a glass of beer, but any one may absolutely destroy the stomachs of the people,

to whom he sells, with the worst kind of cider, without any penalty whatever for it. But now to leave that subject of liquor and go to another, the twenty-fifth section of this bill provides as follows:

That, except in cases of the pecuniary inability so to do, and in cases of the mental or physical incapacity of children so to learn, it will be the duty of every parent, guardian, and of other person having the care or control of any child in said District, to cause, to the best of the authority and means of such person, said child to be reasonably instructed, (in reference to its capacity,) either in said free public schools or privately, at least in reading, writing, spelling, geography, elementary arithmetic, and the elements of English grammar; and unless any such child has received from said board of education a certificate of having attained such amount of instruction, it will be the duty of such person to cause, to the best of the authority and means of said person, such child to attend such public schools, or some good private school or instruction, during such school-attending age for a period of at least fourteen weeks of each year, eight of which shall be consecutive, from its sixth year to its eighteenth—

That is, twelve years—

but two evenings of attendance of any public or good private evening school shall be the equivalent of one day's attendance at a day school. Any certificate from the board of education, under its seal, touching any matter within the sphere of its duty, or any transcript from its records or register, signed by its president and certified by its secretary as correct, or as being a true copy, shall be regarded as *prima facie* evidence of any facts such certificate may state and as to the qualifications, age, residence, attendance, or non-attendance at any public or other school of any child or person named, or as to any facts required to be stated in any register mentioned in this chapter.

Now I pause for a moment to say that that introduces what is called compulsory education, and it introduces it in respect to both sexes and requires that compulsory education from the age of six to the age of eighteen, twelve years, although many people have been of the opinion that it is not wise to send a child of six years of age to school but that school education ought to commence much later. But, however that may be, here is a provision for compulsory education for twelve years of all the children of either sex between six and eighteen years of age in this District. How is that enforced? One would suppose that it would be enforced by the punishment of the parent or the guardian who omitted to send the child to school. That would be the natural supposition, but on the contrary the punishment is upon the child.

Mr. MORRILL, of Maine. Will my honorable friend state his amendment?

Mr. THURMAN. When I read the rest of the section I will propose the amendment.

Mr. MORRILL, of Maine. Suppose you propose it, and then state the reason for it.

Mr. THURMAN. My amendment is to strike out the whole section.

Mr. MORRILL, of Maine. What section are you on?

Mr. THURMAN. I move to strike out the whole of section 25. I have read the provision for compulsory education. Then comes the provision to punish, not the person who fails to send the child to school, but to punish the child by prohibiting any person from employing any such uneducated child within this District, making it an offense to employ the child. I think it is bad enough for the child to have no education, to be ignorant, but to deprive it of employment strikes me as being inhuman. I move to strike out the whole section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio to strike out section 25.

The question being put, there were on a division—ayes 16, noes 15; no quorum voting.

Mr. THURMAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I wish the Senate to understand this matter; a number of Senators have come in since I made the motion.

The twenty-fifth section of this bill requires compulsory education of all children, of either sex, from the age of six to the age of eighteen, and then provides not for punishing the parent or guardian who shall fail to send the child to school, but for punishing the child by making it unlawful for any person in this District to employ a child who is not certified by this board of education or some member thereof to have attended school and in one instance to have made the proper progress as required by this law. Why, sir, it is monstrous enough that the child should be in ignorance; but to deprive the child of even employment that may give it its daily bread on account of the fault of the parent or guardian does strike me as one of the most disgraceful provisions I have ever seen in a law; but I am opposed to the whole section from beginning to end.

Mr. MORRILL, of Maine. Well, I move to strike out that which is offensive to my friend. There is no more wholesome provision in the whole chapter on schools than this section. It is not very onerous any way. It is to require all children here within certain ages to attend a school of some kind. It may be a private school. That answers it. But they shall go to school; they shall not be vagrants; they shall not lounge around the streets without attending school; but if they show that they attend a private school, that answers the purpose.

The objectionable feature to the Senator from Ohio is the provision that if this class of children—and it is designed of course to reach a portion of vagrant children—do not attend school, they shall not be employed and nobody shall pay them wages. The object of that, the moral discipline intended to be enforced in that way, is to require children to go to school, and that is supposed to have more power over them than any ordinance that could be made or any force which

could be used by the parents. It will take away all excuse for the children not attending school. It may be a little stringent, and I am inclined to think it is rather novel. I have no objection therefore, if it will obviate the objection to the whole section, to let that clause be stricken out.

Mr. THURMAN. Then you leave the section without any sanction.

Mr. MORRILL, of Maine. No; we still make it the duty of children—

Mr. THURMAN. But inflict no penalty for its non-performance. It amounts to nothing.

Mr. MORRILL, of Maine. The rules and regulations that the commissioners make will provide for that. If striking that clause out will satisfy my honorable friend, let it go out.

Mr. THURMAN. No; that will not satisfy me.

Mr. MORRILL, of Maine. Well, I have a right to amend the section before it is stricken out. I move to strike out all after the word "chapter" in line 28 to the end of the section.

Mr. HOWE. It seems to me instead of perfecting his section the Senator from Maine will really cripple it, mar it by that.

Mr. MORRILL, of Maine. It does mar it in some sense; that is to say, it takes away the moral force to that extent, but it leaves the section still making it the duty of all children to be educated.

Mr. HOWE. And yet striking out the last part of the section will leave everybody at liberty to bribe the child not to go.

Mr. MORRILL, of Maine. That is the precise thing the Senator from Ohio objects to.

Mr. HOWE. You are not going to make it any more satisfactory to the Senator from Ohio or more satisfactory to yourself by striking out the latter clause.

Mr. MORRILL, of Maine. I was trying to make it satisfactory to the rest of the Senate.

Mr. EDMUNDS. Let the amendment be withdrawn and let us try the question on striking out the section.

Mr. MORRILL, of Maine. Very well; I withdraw my amendment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. THURMAN] to strike out the twenty-fifth section.

Mr. SHERMAN. I submit a motion to strike out the latter clause. I think as the section is worded it would punish the temporary employment of a child. For instance, I employ a vagrant boy on the street for a day or a week as a matter of charity. Is he to be punished? The first clause I think could be enforced by regulations of the commissioners which they have ample power to make under the first section. I move to strike out the latter part.

Mr. THURMAN. I rise to a question of order. I moved to strike out the whole section and on that the yeas and nays were ordered.

Mr. SHERMAN. I can move to strike out a part.

Mr. THURMAN. Is it in order now to move to amend the section?

The PRESIDING OFFICER. It is in order to move to perfect the words proposed to be stricken out; and that motion takes precedence.

Mr. MORRILL, of Maine. Let us take the vote on striking out the latter clause.

The PRESIDING OFFICER. The Senator from Ohio [Mr. SHERMAN] moves to strike out that portion of the twenty-fifth section which will be read.

Mr. SHERMAN. I move to strike out all after line 28.

Mr. HOWE. Are the yeas and nays ordered on this amendment?

Mr. THURMAN. The yeas and nays were ordered on my motion to strike out the section.

The PRESIDING OFFICER. The yeas and nays have been ordered on the original amendment of the Senator from Ohio farthest from the Chair, [Mr. THURMAN.] They have not been ordered on the amendment of his colleague, [Mr. SHERMAN.]

Mr. HOWE. I was under the impression that the yeas and nays were called for on the amendment to the amendment; but being up, I will say that I shall not vote for the amendment to the amendment. I think then you would vote for the most anomalous piece of legislation that I ever heard of. The section as it stands says two things: First, that it is the duty of a child of a certain age to attend school; and, secondly, that employers shall not hire a child not to go to school. The Senator from Ohio [Mr. SHERMAN] shakes his head. That is the way it strikes me.

Mr. SHERMAN. The part I propose to strike out simply punishes the employer of a vagrant child—that is all it does—without any relation to its going to school.

Mr. HOWE. It can scarcely be called a punishment of the Senator from Ohio for hiring a vagrant child when the law simply says he shall not pay the child. The peculiarity of the section as it stands is that it does not say you shall not hire the child, but if you hire him you shall not pay him.

Mr. SHERMAN. No; it says no such child—

Shall be employed, or furnished with employment, or be paid wages by any person in said District for work done by any such child during any portion of the day, when, according to the regulations of said board, the public schools are open.

Mr. HOWE. Precisely; but suppose you do hire him.

Mr. SHERMAN. Then you are subject to the penalty.

Mr. HOWE. What penalty? The penalty of not paying him?

Mr. SHERMAN. O, no.

Mr. HOWE. That is all the penalty I see there.

Mr. THURMAN. It says he shall not be employed or furnished

with employment or be paid wages. He cannot be lawfully furnished with employment.

Mr. HOWE. Suppose you do employ him or furnish him with employment, what becomes of you?

Mr. SHERMAN. You are prosecuted for a violation of the ordinance. The law goes on to provide—

But it shall be a good defense to any prosecution under this clause.

Because there is a general provision in the bill to authorize prosecutions.

Mr. HOWE. Is there any prosecution provided for in this section?

Mr. SHERMAN. Yes; because a section of the bill authorizes a prosecution for any violation of any clause of this bill, and the board of regents has power to fix a penalty. Then this goes on to provide in case of such prosecution what the evidence shall be.

Mr. WASHBURN. I hope this section will not be stricken out. I do not think if Senators understood the exact condition of it they would see anything peculiar in this section. It applies, as I understand, to only the period of fourteen weeks during the year. Very many of our States have this provision and have had it for years. Very many States that have not a provision similar to this are taking steps to require education at least for a certain portion of time. Is it too much to require that every child during a given age shall receive at least fourteen weeks' education during the year? If it is not too much, then is it improper to say that the individual who endeavors to prevent that child from securing fourteen weeks' education in a year shall be prevented from so doing? In my own State the great difficulty is that our manufacturers—those persons who employ children—have been unwilling that those children shall go to school during the number of weeks required by the law; and if you go into many factories you will find children that ought to be at school undergoing training and preparation to assume the duties and responsibilities of men and women in supporting the government are employed in the factories and growing up in ignorance. This being the case, it has been found absolutely necessary to provide by law that manufacturers for a certain number of weeks in the year shall not employ these children.

This section provides that if these children do not attend during the day, they may as an equivalent attend an evening school. It does not seem to me that this Senate wants to say that no provision shall be made for educating all the children in this District. It occurs to me that it is a necessity which we ought to insist upon. If, as my friend from Ohio says, six years is too young an age, strike out "six" and insert "eight;" but do not let us say that they shall not be required to attend school during a certain portion of the time in the year, and that manufacturers or business men or individuals who may wish to employ them in any capacity of life shall not be prevented from employing them during this limited period. It is not a hardship on these children. It is the greatest boon you can confer upon them. They at this early period of their existence are not prepared to judge for themselves. I hope this section will be retained in the bill.

Such a provision has been earnestly recommended recently in the State of Pennsylvania. I do not know whether it has been finally adopted there or not, but it was recommended by the executive of that State but a short time ago and very earnestly, after he had been to some of the New England States which had this provision. He looked and examined into its working and felt the value of it, and he went back feeling that there was nothing that he could do which would be of so great benefit to the children growing up in that great State as to recommend to the Legislature to adopt a provision similar to the one which is contained in this bill.

Mr. THURMAN. Mr. President, no man on this floor is more devoted to the cause of education than I am, I am quite sure. I have proved that by my work. I bestowed the largest portion of six years of my life in administering the common-school system of the State of Ohio; and I do not yield to any man in the desire to see the children of this country educated; but at the same time I do not believe that this section would be productive of good. So far as my experience goes, parents avail themselves of the opportunities of education that are afforded. I do not know any place in which education is more general than in the State of Ohio. We never have found any difficulty there in inducing parents to send their children to school. The only trouble has been to provide a sufficient number of schools for them. Parents are so ambitious of seeing their children educated and seeing their condition bettered in the world, that I know of no place in America where parents are not willing to send their children to school if opportunities are afforded them to do so.

I do not think compulsory education is a desirable thing here. That there may be places in the world where it is, I will not gainsay. But though compulsory education might be a desirable thing, this section does not provide for it. It first provides that it shall be the duty of parents and guardians to send children to school fourteen weeks in each year for twelve years; but there is no sanction whatsoever, except the provision that the punishment shall fall on the child, that the child shall not be employed unless it brings a certificate not simply that it has attended school for fourteen weeks in the year, but also that it has made the "reasonable attainments" which are required in this bill. If the child cannot do that, cannot come forti-

fied with a certificate that it has attended school fourteen weeks in the year, and not only that but has "made the reasonable attainments aforesaid," it cannot be employed; and what are these "reasonable attainments?" Attainments in reading, writing, spelling, geography, elementary arithmetic, and the elements of English grammar. Unless it comes fortified with that certificate, everybody is prohibited from employing that child up even to the age of eighteen years. Why, Mr. President, it will not do at all.

The Senator who has this bill in charge and my colleague see that this is an enormity to visit the punishment upon the child instead of on the delinquent parent or guardian.

Mr. MORRILL, of Maine. My honorable friend quotes me. I desire to say that that is too strong. I do not concede that it falls upon the child. The child owes service to the parent. In all these cases the child is put to service by the parent, oftentimes against his will, and in most cases it is so. Therefore it falls on the parent and not on the child.

Mr. THURMAN. Not at all.

Mr. MORRILL, of Maine. The law steps in before a negligent parent to insist upon it that the child shall have an education, and takes away the service from the parent to that end. That is my understanding of it.

Mr. THURMAN. An orphan child owes no service to its guardian for the benefit of the guardian. That is very certain. The wages obtained by a child under guardianship belong to the child; they are simply to be administered by the guardian; and we know in practice that the wages which are obtained by these children, up say to the age of eighteen years, do not all go to the parents, even where the children have parents.

Seeing that, the Senators have proposed to strike out this latter clause which visits the punishment upon the child. Very well, suppose it is stricken out, then the section stands making it the duty of the parent or guardian to send the child to school, but without any sanction whatever to that provision of the law, without anything to enforce it.

Mr. HAMILTON, of Texas. I would call the attention of the Senator from Ohio to the sixth disqualification in regard to suffrage on the next page. It deprives a man of the elective franchise who fails to send his child to school. That is punishment enough on the parent, I should think. If you strike out the section proposed by the Senator from Ohio it will leave that punishment for the parent.

Mr. THURMAN. What page is that?

Mr. HAMILTON, of Texas. On page 130, in enumerating the disqualifications for suffrage.

Mr. WEST. There is no franchise in the bill.

Mr. HAMILTON, of Texas. Yes, there is; it is in voting for some officer; it requires a registration of voters—

Sixthly. Must not during the past year have omitted to do his duty as in this act contemplated in regard to educating or sending any child to school.

Then he is not to be registered as a voter.

Mr. THURMAN. I am very glad the Senator has called my attention to that. Here is a limiting of suffrage in a prodigious way. There is a small smack of know-nothingism in this that had escaped my attention entirely.

Mr. HAMILTON, of Texas. I had intended to refer to that.

Mr. THURMAN. The voter "must, if coming of age after the 4th day of July, 1876"—which is pretty close upon us—"be able to read and write the English language, unless disqualified from so doing by physical incapacity." That knocks out a good many Germans in this District from voting, and a large amount of American citizens of African descent.

Mr. MORRILL, of Maine. I am sorry my honorable friend has started anything so far ahead as 1876. [Laughter.]

Mr. WASHBURN. A single word. The Senator from Ohio has referred to the provision as to wages as a punishment of the child.

Mr. THURMAN. Is it not?

Mr. WASHBURN. I do not so regard it.

Mr. THURMAN. Yes; it provides—

No child within such school-attending age, and who has not a certificate from the board of education of having made the reasonable attainments aforesaid or of having attended fourteen weeks during the then current year * * * shall be employed.

Mr. WASHBURN. Very true, Mr. President; but if I understand the meaning of that language, it is that if a child has made these attainments the board may give permission although the child has not attended school fourteen weeks in the year; but if the child is ignorant and has not made these attainments, the board must require that the child attend fourteen weeks. The outside is the requirement of fourteen weeks. If the child has attended for fourteen weeks, although it has not made the attainments which are referred to here, there is no difficulty in employing it during the rest of the year.

Mr. STOCKTON. Mr. President, I regret very much that the Senator from Massachusetts [Mr. WASHBURN] should have given us such an account of the inhuman conduct of the manufacturers in Massachusetts to show the necessity of the passage of such a law as this for compulsory education to keep them from preventing children from having a proper education. It is fortunate for us, however, that we are not called upon now and here to make laws in reference to the State of Massachusetts. They have their laws there, and they probably are suitable to their people. This law is not aimed to control rich

manufacturers anywhere. The effect of it will not be to operate on that class of children who are fortunate enough even to be in the employment of rich manufacturers.

Year after year, since I have been here, have you appropriated \$30,000, \$40,000, and \$50,000 from the Treasury in the middle of winter to keep the poor children in this District from starvation. Now when you vote to compel them to go to school, vote first to fill their bellies. To compel the wretched children who are begging for their parents in this District to go to school or make them or their parents suffer the penalties of this bill, is simply an absurdity. It is cruel and inhuman.

Education is undoubtedly a necessity in this country. It is undoubtedly true that we cannot hope that republican institutions shall for any length of time continue in this country unless we educate the people; but a compulsory system of education which omits altogether any reference to the circumstances of those who are compelled to go or of those who have charge of them or may be dependent upon them, is certainly an absurdity. It is requiring what cannot be done, and punishing where there is no fault and no crime. Mr. President, not long since I met in the streets of Washington a poor boy ten or eleven years of age covered with rags, his feet bare in the middle of the coldest days in the winter. On the statements of those who were kindly charitable to inquire, I found that the boy had a widowed mother and five or six brothers and sisters over in what they call the Island. He was a white boy with a strong Virginia accent. Where those people came from I do not know, nor their history. Those who were charitable enough, I know, did attend to that little case. Is that boy to be made to go to school fourteen weeks without clothes and without shoes or stockings?

Your compulsory system is not for the rich. It is not for those who can afford to pay for their education. It is for the poor; and this system would apply to the poor boys who cannot provide for their wants, the wants of their parents and the wants of their starving brothers and sisters, and who require the pittance they earn simply to sustain life. This boy, assisted by a few charitable people, was started as a newspaper boy and from begging around as a newspaper boy he advanced until he finally got into another little business, and the last I heard of him he was driving a cart on the public works. You want him to go to school. What are you going to do with the brothers and sisters he supports? What is his mother going to do when she waits for him to come back and bring the half-dollar he has earned in the day?

I say the bill in this respect will do more wrong, it has more faults, as applied to the condition of things now in the District of Columbia than any bill I have ever seen introduced in Congress. I am opposed to the whole compulsory school system here from beginning to end. I agree with the Senator from Ohio [Mr. THURMAN] in regard to the advantages of education. I was glad to hear him say he had spent six years of his life in trying to improve the school system of the State of Ohio; but I say the people who want to improve the school system in the District of Columbia have got to go to work in a different way. They have got to put their hands into their own pockets and Congress must put its hand into the public pocket and go to work and keep the people from starvation while you are engaged in educating them. It is a poor way to make a child learn his A-B-C's with nothing in his stomach and with bare feet. Charity of that kind always fails of its object. It should begin with giving the necessities of life. We have been doing that already. There is a vast mass of people who have been thrown into this District, a large number more of colored than white, by the results of the war. We had to take care of them here. They were called the wards of the public, and democrats as well as republicans all through the war voted to assist those people when they could not assist themselves. Now, before you compel them to go to school, you have got to say that you will take care of them so that they can go to school. We must not forget those relations which poverty has between parent and child. On whoever this system falls it may fall so heavily, that when isolated cases come before you you will feel yourselves the impropriety of the passage of such a law.

As I said before, I am in favor of education. I do not know that I am in favor of compulsory education anywhere. I would much prefer that those good preachers of New England should go out and preach the doctrine of education and should go to hovels and with their hands assist all those whom they are able to help, have them to send their children to school, take them to school and have them taught for nothing, take them to public schools. I would much prefer to have it done in that way than done under a law whose penalties are so rigorous that the courts can have no mercy, no gentleness, to these distressed people whose case I have painted to you.

I trust that the Senator from Massachusetts and other gentlemen who are advocating this bill on humanitarian grounds will consider the condition of this District, and that they will feel that it is not wise for us to force people here to do what they cannot do, to dissolve the tie of parent and child when they are helping one another, simply to effect a system of education by force of law and by penalties.

Mr. HAMILTON, of Maryland. Mr. President, it is manifest that there are very serious objections to the twenty-fifth section of this bill. Extremists cannot meet in the District of Columbia and expect to have their notions carried out. This is the great compromise ground for the whole country. New Englanders may think that certain things, particularly upon the liquor question and upon this school question,

will satisfy them and their people. I do not object to their doing just what they think proper in their own sections, but here we meet upon different ground. We meet here upon compromise ground. Men of extreme opinions and men of moderate opinions meet here, and we must settle those things somehow or other. In legislating for this District, that has been the case hitherto and will be in all time to come. We should not attempt to pass a bill of this kind where particularly on its main features there is so much antagonizing opinion. At the same time, where numbers are so close, we must compromise upon all questions of this kind.

This bill, besides the twenty-fifth section, provides ample facilities for public schools; all opportunities are afforded; and I think the friends of the measure, the friends of a government in this District, those gentlemen who are in earnest about the establishment of a government here, may well omit this entire section.

Mr. SHERMAN. I should like to say to my friend that he certainly has not read this section. This section does not apply to the case so finely pictured by the Senator from New Jersey at all. It says:

That, except in cases of the pecuniary inability so to do.

When a person can show that he is pecuniarily unable to send his child to school and furnish clothing, the section does not operate at all. It is only intended to compel those who have the means to educate their children to use those means to a limited extent; that is all.

Mr. THURMAN. Will my friend from Maryland allow me one moment to state a fact that has just come to my knowledge?

Mr. HAMILTON, of Maryland. Certainly.

Mr. THURMAN. It is from a person perfectly well acquainted with the affairs of this District and one of its officials. According to his estimate there are ten thousand children in this District for whom there are not school accommodations, for whom there is no school room; and yet we know that the school board is behind. We had to appropriate a large sum of money at the last session in order to pay its debts. How can you enforce this section under such circumstances?

Mr. HAMILTON, of Maryland. I admit that the whole of this section is not as objectionable as the honorable Senator from Ohio [Mr. THURMAN] has implied. It is the latter part of the section that is so entirely objectionable to him and to those gentlemen who think with him, and it is objectionable to me; but I say it is manifest that unless there is some yielding, some compromise on this question, the bill will not pass. This question of enforced education is an original one here. It is a subject of contention between people and between States and between sections. The South is liberal on that question. The people of the Middle States are entirely different from the people of the North. They may be more advanced than we are. That is our trouble, our misfortune, if it be so; but still our people do not think as they do. In this condition of things, when the public mind here is not prepared to receive enforced education, why undertake to peril a bill for the government of this District by it when one is so necessary? Why not leave this advanced opinion to the future—a few years hence at all events? When we cannot do all at once, let us do the best we can. Being opposed to this section, yet if all the section is retained by the Senate I shall vote for the bill in the hope that it will not be as bad as I think it will be in its execution; for when you have miserable laws and bad laws are passed, and sometimes you are obliged to vote for them to get good ones, you have the consolation of this fact always resting on you, that they are never executed, or at least very seldom, in a civilized community. They become a dead letter on your statute-book. Therefore, for the purpose of avoiding diversity of sentiment and consolidating strength on this bill, I hope this twenty-fifth section will be stricken out.

Mr. BAYARD. The Senator from Ohio nearest me [Mr. THURMAN] moved first to strike out section 25. His colleague [Mr. SHERMAN] has proposed an amendment to that motion by moving to strike out a portion of the section. At a proper time I shall move to strike out section 26 as well as section 25, and my reasons for voting in favor of all these amendments I will give in as few words as possible.

I confess I was not aware that this bill contained a scheme of compulsory education. It seems to me that this is but another illustration of adopting a coercive system and relying upon coercion as a principle in our government instead of the voluntary system on which I think the philosophy of that government rests. It is the interference coercively by the State with that which I believe to be the natural duty of the parent that I object to.

I have no boasts to make of my services in the cause of education, but I can only proclaim myself most sincerely the friend of the cause of education. I appreciate its blessings; I appreciate its importance; and I endeavor, so far as my individual life is concerned, to carry into effect the professions that I make. But I do object to the State taking the place of the parent. If you remove the responsibility from the parent, if you interpose the power of the State instead of the duty of the parent, you take from the parent that sense of obligation which is the very best security for the education of the child.

What is the object of this compulsory system of education, which shall place all children in the District from the age of six years up to eighteen under the police control of the officers of the District; that their mental and intellectual regimen shall be measured by the certificate of a board of education; that the discretion and control of the parent, instructed by his sense of duty, instructed by the love for

his children implanted in his breast by the God of nature, shall be overruled, and disregarded, and made subordinate to the certificate of a board of education of the District of Columbia?

Mr. President, I resent it as a parent myself. Among the chief blessings which have met me in life is the presence of children who look up to me for protection and whom I feel bound by every tie to protect and guard and educate. If these feelings be mine when I can contemplate some board of education or its police agent entering my family, asking me what I have done with this little one or that, whether I have taught them mental arithmetic or whether I have taught them English grammar or any other branch of common education—if I feel resentment at such inquisition into my affairs, shall I not give my humbler neighbor, perhaps my poorer neighbor, or any neighbor, rich or poor, high or low, black or white, credit for the same feeling which I have myself?

Sir, I tell you that these inquisitorial, prying, coercive regulations are wholly contrary to the spirit of our institutions, and I regret to see them gaining in force or in credit in this country. I do not care whether I shall stand by myself or whether I shall stand with the great majority of the people of this country at my back, I shall, so long as my conscience is so clear as it is upon this subject, object and protest against this invasion of the domestic and family circle and the rights of the poorest or richest citizen of this land.

Talk about the education of your children! Here is what? Their intellects are to be trained by law in writing, spelling, geography, elementary arithmetic, and the elements of English grammar; and this, forsooth, that education may be encouraged, and we and the nation may not be disgraced by illiterate or vagrant children! I would rather have one lesson of truth, of modesty, of self-subordination, of self-denial, and have those qualities by which a community shall be built up, than I would have this attempt to interfere and give mental education to children and punish those who do not give it as well as the child for not receiving it.

This occasion is too short for justice to be done to a subject so great as this. But if this bill had nothing in it but this provision, it would never receive my sanction, however beneficent its other provisions might be. I trust it will be stricken out.

I want to say further that I do not regard this District as a ground for making experiments of systems all over the country. I admit that Congress has exclusive right of legislation in this District; but it is not the ground for experiments from any quarter of the country. There ought to be, in my opinion, a consideration for the wishes and the feelings of those for whom we make laws. I have no idea that such a law as this would be desired by a tithe of the population of this District. For this reason alone, even did I approve of the proposition, I would not vote for it. I do not believe in the justice or the policy of enforcing laws upon a people against their will. I know the attempt will be unsuccessful; it will simply lead to evasion and to hypocrisy, which are much worse than open disobedience.

As I said before, I was not aware that this bill contained any such proposition as that of compulsory education and police regulations of the families of citizens of this District in regard to the education of their children. I can well understand that if schools here are established at public cost the attendance upon them may be regulated by public law, and must be; but to compel parents to send their children to public or private schools is an act of coercion destroying that free discretion and duty which by a higher law than any law you can make has been established in the hearts of parents toward their children and of children toward their parents.

I hope that not only section 25 will be stricken out, including the portion moved by the Senator from Ohio, [Mr. SHERMAN,] but that also section 26 may be stricken out; and upon that when the question comes I shall ask for a vote by yeas and nays.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

Mr. MORTON. I should like to have that amendment stated. I do not know exactly what it is.

The Chief Clerk read the amendment of Mr. SHERMAN and also the entire section proposed to be stricken out by Mr. THURMAN.

Mr. SPRAGUE. To my mind the enactment of this clause in the bill is of no account whatever. We must judge of the working of a law where it has had application and favorable consideration. The country will look to New England for the proper understanding of a law where in New England such a law has operation, because it is conceived that there favorable circumstances attend it. The Senator from New Jersey [Mr. STOCKTON] has touched the key of this whole question. The compulsory laws in New England are a dead letter. This fact is evident, and the statistics will show it, that notwithstanding the lavish expenditure of money, the building of edifices of an extravagant character, and the whole attention of the people being directed to the system of education, owing in each of those States to the enormous centralization of values, leaving in their circumference and surroundings people without power and without the means of procuring an education, and the circumstances attending the factory system to-day, in proportion to the population, there are more unlettered people than there were in the time of the Revolution. The law respecting New England, where you would look for favorable application of this system, is a dead letter.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The question being put, a division was called for; and the yeas were 27 and the noes 18.

Mr. CAMERON. This is a very important question; the country should know how their representatives vote upon it; and therefore I ask for the yeas and nays. I take it for granted that all who are in favor of the education of the poor will support this section and not vote to strike out any part of it.

Mr. THURMAN. The yeas and nays have been ordered.

The VICE-PRESIDENT. The yeas and nays were ordered on the motion made by the Senator from Ohio [Mr. THURMAN] to strike out the section. The question has just been taken on the amendment moved by the other Senator from Ohio [Mr. SHERMAN] to strike out a portion of the section; and on that the Senator from Pennsylvania asks the yeas and nays.

Mr. BOREMAN. I understand the motion is to strike out the latter clause of the section.

The VICE-PRESIDENT. The Chair understands that the Senator from Pennsylvania asks for the yeas and nays on the proposition upon which the vote was just taken by a division.

Mr. CAMERON. Yes, sir.

The VICE-PRESIDENT. The Chair will put the question then on ordering the yeas and nays.

Mr. THURMAN. I appeal to the Senator to withdraw that call. The yeas and nays have already been ordered on the amendment offered by me. It is only wasting time to take them twice.

The VICE-PRESIDENT. Does the Senator from Pennsylvania persist in asking for the yeas and nays?

Mr. CAMERON. Yes, sir.

The yeas and nays were ordered.

The VICE-PRESIDENT. The question is on the amendment moved by the Senator from Ohio nearest, [Mr. SHERMAN,] to the twenty-fifth section of the bill.

The question being taken by yeas and nays, resulted—yeas 27, nays 23; as follows:

YEAS—Messrs. Bayard, Boggy, Boreman, Cooper, Cragin, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Sargent, Saulsbury, Sherman, Sprague, Stevenson, Stewart, Stockton, Thurman, and Tipton—27.

NAYS—Messrs. Boutwell, Cameron, Chandler, Clayton, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Ramsey, Scott, Spencer, Washburn, West, and Wright—23.

ABSENT—Messrs. Alcorn, Allison, Anthony, Brownlow, Carpenter, Conkling, Conover, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Texas, Hamlin, Hitchcock, Jones, Lewis, Logan, Oglesby, Pratt, Robertson, Schurz, Waileigh, and Windom—23.

So the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Ohio [Mr. THURMAN] to strike out the twenty-fifth section, upon which the yeas and nays have been ordered.

Mr. THURMAN. Before that vote is taken I wish to give some official figures. I have here from a speech delivered by the Delegate from this Territory at the last session these figures which are taken from the official reports:

Children of school-age in the District of Columbia.....	25,935
Seats provided for the same in public schools.....	11,910

Without public-school benefits of school-age.....	14,025
---	--------

Of this number 6,759 are in attendance upon private schools, leaving 7,266 for whom there are no school accommodations; and now you propose that those seven thousand and odd children, now perhaps eight thousand, when they ask for employment and cannot present the certificate that this bill requires, shall be refused employment.

Mr. EDMUNDS. I think that statement is calculated to mislead. I suppose those figures show the total number of children of school age first, then second the total number of children who have attended school, not the average daily attendance but every single child who has been to school once during the year is put down as having attended school. I suppose the fact will turn out to be, if this city is like others, that with the number of seats provided there will always be seats for a great many more children than attend on each day, although the total result may show that if all the children attended school every day there would not be seats enough for them. There are sickness and vagrancy and the ten thousand things that always make a percentage of children absent themselves from school. Therefore in a district anywhere in Ohio where you have a hundred children of the school age, if you have seats for seventy, and ninety of them attend school, you will have seats enough, because it will happen from the ten thousand accidents that occur that the total number or anything like the total number will not attend on any given day. That figuring, therefore, as against this section in my opinion is entirely fallacious.

Mr. FRELINGHUYSEN. I understood that by the vote just taken that part of the section which prevented children having employment unless they went to school was stricken out of the section.

Mr. THURMAN. Yes.

Mr. FRELINGHUYSEN. So that it does not follow, as I understand the Senator from Ohio to intimate, that unless they have schooling they are to be deprived of employment. It seems to me that a statement that there are from ten to fourteen thousand children here that have not got school accommodations shows the impor-

tance of our passing this section so as to express our opinion to these commissioners, if it only amounts to a declaration, that they should make provision for the schooling of the children.

The question being taken by yeas and nays, resulted—yeas 23, nays 29; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Sargent, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Tipton—23.

NAYS—Messrs. Allison, Boreman, Boutwell, Cameron, Chandler, Clayton, Cragin, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Ramsey, Scott, Sherman, Spencer, Stewart, Wadleigh, Washburn, West, and Wright—29.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Carpenter, Conkling, Conover, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Texas, Hamlin, Hitchcock, Jones, Lewis, Logan, Oglesby, Pratt, Robertson, Schurz, and Windom—21.

So the amendment of Mr. THURMAN was rejected.

Mr. SHERMAN. I move to insert on page 7, section 7, line 4, before the word "vice," the word "gambling."

Mr. THURMAN. Before we leave section 25 let me offer an amendment to it.

Mr. MORRILL, of Maine. I have no objection to the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The amendment was agreed to.

Mr. THURMAN. I have an amendment to offer to section 25 that I hope will be accepted. I line 17 I move to strike out the word "sixth" and insert "tenth," and the word "eighteenth" and insert "fifteenth." It requires now compulsory education from the sixth year to the eighteenth. If my amendment prevails it will be from the tenth to the fifteenth year. I hope there will be no objection to that.

Mr. MORRILL, of Maine. I would suggest "eighth" instead of "tenth."

Mr. THURMAN. Well, I will put it at eight.

Mr. MORRILL, of Maine. I accept that.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. In section 25, line 17, it is proposed to strike out "sixth" and insert "eighth," and to strike out "eighteenth" and insert "fifteenth;" so as to read:

From its eighth year to its fifteenth.

Mr. PATTERSON, (at five o'clock and thirty minutes p. m.) I move that the Senate adjourn.

Mr. MORRILL, of Maine. I hope my honorable friend will not do that.

Mr. PATTERSON. We shall not get through this evening.

Mr. MORRILL, of Maine. Certainly we shall. I hope there will be no disposition to adjourn until we get a vote on this bill.

The VICE-PRESIDENT. Does the Senator from South Carolina insist on his motion?

Mr. PATTERSON. Yes, sir.

The VICE-PRESIDENT. It is moved that the Senate do now adjourn.

The motion was not agreed to; there being on a division—ayes 19, noes 26.

The VICE-PRESIDENT. The question is on the amendment moved by the Senator from Ohio, [Mr. THURMAN.]

The amendment was agreed to.

Mr. HOWE. I wish the Senator from Maine would look to the thirteenth line of the one hundred and thirty-fourth section, on page 182, where provision is made as to the Second Auditor auditing the accounts.

Mr. MORRILL, of Maine. That should be the Fifth Auditor.

Mr. HOWE. I move to strike out "second" before "auditor" and insert "fifth," and then to insert "First Comptroller" instead of "Second Comptroller."

Mr. MORRILL, of Maine. My advice is that the accounts should be audited by the Fifth Auditor instead of the Second. The Senator from Massachusetts will know better about the proper Comptroller.

Mr. BOUTWELL. It should be the First Comptroller.

Mr. MORRILL, of Maine. Very well; I agree to it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wisconsin, [Mr. HOWE.]

The amendment was agreed to.

Mr. SARGENT. I move to strike out pages 126, 127, 128, 129, 130, 131, and 132, being sections 67, 68, 69, 70, 71, and 72. These sections provide a form of registration and election and are to be used only to elect three out of the eight members of the board of education. It is a mere shadow of the power of election. If the substance is not in the bill, the shadow ought not to be here. I think that is very obvious. If when we get into the Senate a motion is made and carried by which there shall be an elective officer left in the bill, it will be very easy to replace these sections; but as the bill stands it is simply electing a minority of a board who have no power in controlling the action of a board and electing a minority of a board which less than any other named in the bill ought to be elective, because the commissioners of the board of education ought not to be elective officers.

Mr. THURMAN. The motion is to strike out chapter 11.

Mr. SARGENT. Yes, sir.

Mr. MORTON. I propose to submit again in the Senate the amendment I offered yesterday providing that two of these commissioners

shall be elected by the qualified voters of this District, and if that amendment be adopted then this election machinery will be required.

Mr. SARGENT. If that be agreed to, we can non-concur in this amendment when the bill comes into the Senate.

Mr. EDMUNDS. But we are in the Senate now I understand. The bill has been reported to the Senate.

Mr. MORRILL, of Maine. And has been for hours.

Mr. SARGENT. Then I withdraw my motion.

Mr. MORTON. I desire now to renew the substitute I offered yesterday for section 3, providing for the election of two of these commissioners.

The VICE-PRESIDENT. The amendment of the Senator from Indiana will be read.

Mr. MORTON. I suppose we all know what it is.

The CHIEF CLERK. The amendment is to strike out the third section of the bill and in lieu of it to insert:

SEC. 3. There shall be at the head of said Department a board of commissioners, to consist of three members, one of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and two to be elected by the qualified voters of the District, to be known as the board of commissioners of the District of Columbia, and the members first to be appointed and elected respectively shall be so for the terms following, in the order of their appointment, namely: first, one for six years, to be elected; secondly, one for four years, to be appointed; and, thirdly, one for two years, to be elected; and each member thereafter appointed or elected shall hold for the term of six years, except that all vacancies are to be filled for the residue only of an unexpired term. But in case of a vacancy in the appointment made by the President occurring during the recess of the Senate, the President may fill the same by appointing a member, who shall hold his place only until the end of the next session of the Senate. No member appointed for the full term of six years shall be eligible for reappointment or election. The member first confirmed for six years shall during his term be president of said board; and the succeeding president, from time to time, shall be that one of the other two members first appointed or elected whose term is nearest expired, or, after such terms have expired, shall be that member appointed or elected for six years whose term is nearest expired; but in case of there being no president under this rule, or of the inability or neglect of any president to act, said board of commissioners may elect one of their own number president *pro tempore*. The president of said board shall preside and preserve order at its meetings, and the salary of each said member shall be at the rate of \$4,500 per year. Each member of said board shall, before he enters upon the discharge of his duties, take an oath, before one of the justices of the supreme court of said District, to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law.

Mr. MORTON. Upon this question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SARGENT. To be consistent with my action of yesterday, I suppose I should submit a motion to reduce the "two" to "one." I submit the same amendment to the amendment that I did yesterday.

Mr. MORTON. O! let us take a vote upon this.

The VICE-PRESIDENT. The Senator from California moves to amend the amendment.

Mr. SARGENT. My motion is that the number to be elected shall be one, and two be appointed. The Clerk has the amendment in form.

Mr. EDMUNDS. Let it be read.

The CHIEF CLERK. It is proposed to amend the first part of the section by striking out "one" where it occurs and inserting "two," and by striking out "two" and inserting "one;" so as to read:

There shall be at the head of said department a board of commissioners, to consist of three members, two of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and one to be elected by the qualified voters of the District.

Mr. SARGENT. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DENNIS, (when his name was called.) I am paired with the Senator from Arkansas [Mr. DORSEY] on this question. If present he would vote "nay," and I should vote "yea."

Mr. EDMUNDS, (when his name was called.) I withhold my vote for the moment, because I am paired with the Senator from Rhode Island, [Mr. ANTHONY] on the bill itself, and I do not know which way he voted on this amendment. If he voted against the way I did yesterday, I should feel that the pair covered this also. I withhold my vote for the present.

Mr. MERRIMON, (when his name was called.) The Senator from Oregon [Mr. MITCHELL] was called out an hour ago, and I agreed to pair with him.

Mr. MORTON, (when his name was called.) On this subject I am paired with the Senator from Missouri, [Mr. SCHURZ.] If he were here I presume he would vote "yea," and I should vote "nay."

Mr. MORRILL, of Vermont, (having voted in the affirmative.) I do not know but that I ought to withdraw my vote. I had not intended to be paired any longer than yesterday but I was paired yesterday with the Senator from Illinois [Mr. LOGAN] on this point. I will therefore withdraw my vote for the present.

The call of the roll was concluded.

Mr. EDMUNDS. I find that I am at liberty to vote, and I vote "nay."

Mr. MERRIMON. The Senator from Oregon is in his seat now, and besides I understand from him that he is paired with the Senator from California, [Mr. HAGER.] I therefore vote "yea."

Mr. MITCHELL. On this question I am paired with the Senator from California, [Mr. HAGER.] If he were here he would vote "yea," and I should vote "nay."

The result was announced—yeas 25, nays 20; as follows:

YEAS—Messrs. Allison, Bayard, Boggy, Cooper, Cragin, Davis, Eaton, Goldthwaite, Gordon, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Morrill of Maine, Norwood, Ransom, Sargent, Saulsbury, Scott, Stevenson, Stewart, Stockton, Thurman, and Tipton—25.

NAYS—Messrs. Boreman, Boutwell, Chandler, Clayton, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Howe, Ingalls, Pease, Ramsey, Sherman, Spencer, Wadleigh, Washburn, West, Windom, and Wright—20.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamlin, Harvey, Hitchcock, Jones, Lewis, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Robertson, Schurz, and Sprague—23.

So the amendment to the amendment was agreed to.

The **VICE-PRESIDENT**. The question now is on the amendment of the Senator from Indiana, [Mr. MORTON,] as amended.

Mr. MORTON. Yesterday, after the amendment offered by the Senator from California had been adopted providing that one of these commissioners should be elected, I voted against it because I intended to renew my amendment in the Senate and again take the sense of the Senate upon having two commissioners elected. I am satisfied that with a full Senate my amendment would carry; but many Senators are absent, several who would vote for the amendment if here. Now, as we cannot procure the election of two commissioners by the people, I think it for their interest that they should at least have representation on the board, although they will be in a minority. I will therefore now vote for the amendment as amended; that is, providing that one of these commissioners shall be elected by the people.

The **VICE-PRESIDENT**. The question is on the amendment as amended, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DENNIS, (when his name was called.) On this question I am paired with the Senator from Arkansas, [Mr. DORSEY.] If present he would vote "yea," and I should vote "nay."

Mr. MITCHELL, (when his name was called.) On this question I am paired with the Senator from California, [Mr. HAGER.] If here he would vote "nay," and I should vote "yea."

Mr. MORRILL, of Vermont, (when his name was called.) Understanding that the Senator from Illinois, [Mr. LOGAN,] if present, would vote "yea"—being so informed by the Senator from Indiana, I vote "yea."

Mr. MORTON, (when his name was called.) On this question I am paired with the Senator from Missouri, [Mr. SCHURZ.] If he were here he would vote "nay," and I should vote "yea."

The result was announced—yeas 22, nays 24; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Cragin, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Howe, Morrill of Vermont, Pease, Ramsey, Sargent, Scott, Sherman, Spencer, Washburn, Windom, and Wright—22.

NAYS—Messrs. Bayard, Boggy, Cooper, Davis, Eaton, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Morrill of Maine, Norwood, Ransom, Saulsbury, Stevenson, Stewart, Stockton, Thurman, Tipton, Wadleigh, and West—24.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Carpenter, Conkling, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamlin, Harvey, Hitchcock, Ingalls, Jones, Lewis, Logan, Mitchell, Morton, Oglesby, Patterson, Pratt, Robertson, Schurz, and Sprague—27.

So the amendment, as amended, was rejected.

Mr. EDMUNDS. I now move to amend the bill in the same place by inserting the words which I send to the chair, to have two of the commissioners elected and one appointed.

The **VICE-PRESIDENT**. The amendment will be read.

The **CHIEF CLERK**. The amendment is to strike out of the first part of the section the following words:

There shall be at the head of said Department a board of commissioners, to consist of three members, to be severally appointed by the President of the United States, by and with the advice and consent of the Senate, to be known as the board of commissioners of the District of Columbia.

And in lieu thereof to insert:

There shall be at the head of said Department a board of commissioners, to consist of three members, one of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and two to be elected by the qualified voters of the District.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HAMILTON, of Maryland. I rise to a question of order. Did we not just vote on that same proposition as presented by the honorable Senator from Indiana?

Mr. EDMUNDS. No, sir; you have not. You amended that proposition. The proposition to put this into the bill has never yet been voted upon. You have a chance to vote on it now.

Mr. STEVENSON, (at five o'clock and fifty-eight minutes p. m.) I move that the Senate adjourn.

The motion was not agreed to; there being on a division—ayes 21, noes 28.

The **VICE-PRESIDENT**. The question recurs on the amendment of the Senator from Vermont.

Mr. SCOTT. I have been voting steadily for an elective commissioner here upon the ground that the citizens paying less than one-half, as I think, of the expenses should at least have that much representation. I am unwilling to see this bill pass without giving to the citizens of the District some opportunity of representation in the board of commissioners; and as there seems to be a pretty settled determination to deprive them of all representation, I shall vote to give them two commissioners if they cannot have one.

Mr. SARGENT. I am influenced by the feeling stated by the Senator from Pennsylvania. I thought they should have a minority of this board, and I thought also that there should be the principle of election in the board. I have voted steadily and have made motions to produce that result. Failing in that, however, I shall certainly vote for two now.

Mr. STEWART. I move to amend the amendment by striking out the provision for two to be elected and inserting one. I think that will go in now by unanimous consent.

The **VICE-PRESIDENT**. The question is on the amendment of the Senator from Nevada to the amendment of the Senator from Vermont, which will be read.

The **CHIEF CLERK**. It is proposed to amend the amendment so as to make it read:

That there shall be at the head of said department a board of commissioners, to consist of three members, two of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and one to be elected by the qualified voters of the District.

Mr. SCOTT. There is one question of time that I should like to understand. We have voted upon this several times already; and unless I can see some indication of a change in the manner of voting, I shall have to vote against it, because I do not propose to go through this operation half a dozen times.

Mr. STEWART. This will be adopted now.

Mr. SCOTT. I do not believe in useless forms of legislation; and as this will be the third time we have been brought to this vote, unless I can have some assurance that those who have heretofore voted against electing one will change their course, I shall vote for electing two.

The **VICE-PRESIDENT**. The question is on the amendment to the amendment.

The question being put there were on division—ayes 23, noes 22.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSTON. I ask that the question be stated.

The **VICE-PRESIDENT**. The Clerk will state the question.

The **CHIEF CLERK**. The amendment to the amendment, if it prevail, will making the pending amendment read:

There shall be at the head of said Department a board of commissioners, to consist of three members, two of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and one to be elected by the qualified voters of the District.

Mr. MORRILL, of Vermont. Not knowing how the Senator from Illinois [Mr. LOGAN] would vote on this question, I withhold my vote, being paired with him. I should vote "yea" if at liberty to do so.

Mr. MORTON. I am paired with the Senator from Missouri [Mr. SCHURZ.] If present he would vote "yea," and I should vote "nay."

Mr. DENNIS. I am paired on this question with the Senator from Arkansas [Mr. DORSEY.] If he were present I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 23, nays 22; as follows:

YEAS—Messrs. Bayard, Boggy, Cooper, Cragin, Davis, Eaton, Goldthwaite, Gordon, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Sargent, Saulsbury, Sprague, Stevenson, Stewart, Stockton, Thurman, and Tipton—23.

NAYS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Howe, Ingalls, Pease, Ramsey, Scott, Sherman, Spencer, Wadleigh, Washburn, West, Windom, and Wright—22.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamlin, Harvey, Hitchcock, Jones, Lewis, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Robertson, and Schurz—28.

So the amendment to the amendment was agreed to.

The **VICE-PRESIDENT**. The question recurs on the amendment of the Senator from Vermont, [Mr. EDMUNDS,] as amended.

Mr. EDMUNDS. It is obvious that we are playing at cross purposes about this business, and we are in the hands of the Philistines. I move that the Senate adjourn.

Mr. MORRILL, of Maine. No; let us try the next vote.

Mr. EDMUNDS. No, debate is in order.

The **VICE-PRESIDENT**. The question is on the motion to adjourn.

The question being put, a division was called for, and the yeas were 28.

Mr. HOWE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORTON. I was paired with the Senator from Missouri [Mr. SCHURZ] on the question of suffrage and on the final passage of the bill. I do not know whether the pair would bind me on a question of adjournment under these circumstances.

Mr. BOREMAN and others. I think not.

Mr. MORTON. I hardly think it would. I shall vote against the adjournment.

Mr. WRIGHT. On the question of adjournment I am paired with the Senator from Missouri, [Mr. SCHURZ.] If he were present he would vote "yea," and I should vote "nay."

The yeas and nays were taken; and were as follows:

YEAS—Messrs. Bayard, Boggy, Clayton, Cooper, Davis, Dennis, Eaton, Edmunds, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Norwood, Pease, Saulsbury, Spencer, Sprague, Stevenson, Stockton, Thurman, Tipton, and West—27.

NAYS—Messrs. Allison, Boreman, Boutwell, Chandler, Cragin, Ferry of Michigan, Frelinghuysen, Howe, Morrill of Maine, Morrill of Vermont, Morton, Ramsey, Sargent, Scott, Sherman, Stewart, Wadleigh, Washburn, and Windom—19.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamlin, Harvey, Hitchcock, Ingalls, Jones, Lewis, Logan, Mitchell, Oglesby, Patterson, Pratt, Ransom, Robertson, Schurz, and Wright—37.

Mr. MORTON. Before the result of the vote is announced I give notice that, in accordance with the understanding, on Monday morning I shall ask the Senate to proceed to the consideration of the resolution in regard to the right of Mr. Pinchback to a seat in this body.

Mr. EDMUNDS. Let us have the vote announced.

The VICE-PRESIDENT, (at six o'clock and fifteen minutes p. m.) Twenty-eight Senators have voted in the affirmative and nineteen in the negative. So the Senate stands adjourned till Monday at twelve o'clock.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 13, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order. But I am willing that it should be waived for a few moments simply for matters of unanimous consent.

GENEVA AWARD.

Mr. CESSNA, by unanimous consent, introduced a bill (H. R. No. 4686) to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington 8th May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDINGS AT ATLANTA, GEORGIA.

Mr. WELLS. I am instructed by the Committee on Public Buildings and Grounds to report, and ask that it may now be passed, a bill authorizing the Secretary of the Treasury to use discretion in the selection of material for the construction of a public building at Atlanta, Georgia.

The bill was read. It authorizes the Secretary of the Treasury to use discretion in the selection of material for the construction of the public building authorized to be erected at Atlanta, Georgia, by act of Congress approved February 12, 1873, and repeals all acts or parts thereof inconsistent with the provisions of this act.

Mr. WELLS. This bill is recommended by the Secretary of the Treasury and the Supervising Architect.

There being no objection, the bill (H. R. No. 4685) was read three times, and passed.

Mr. WELLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIE P. EVANS.

Mr. LAWRENCE, by unanimous consent, from the Committee on War Claims, presented an adverse report to accompany Miscellaneous Document No. 13, part 2, second session Forty-third Congress, relative to the claim of Marie P. Evans; and moved that it be printed and recommitted.

The motion was agreed to.

JOHN S. CHAPMAN.

Mr. SHELTON, by unanimous consent, from the Committee on Ways and Means, reported back, with the recommendation that it do pass, with an amendment, the bill (H. R. No. 3543) for the relief of John S. Chapman; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

BANNING, SUMMERS & CO.

Mr. SHELTON also, by unanimous consent, from the same Committee, reported a bill (H. R. No. 4687) for the relief of Banning, Summers & Co., of Louisville, Kentucky; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NORMAN H. RYAN.

Mr. HAWLEY, of Illinois. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3737) for the relief of Norman H. Ryan, and that it be now put upon its passage.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Norman H. Ryan, out of any money in the Treasury not otherwise appropriated, the sum of \$736, in full for

services as store-keeper of the bonded warehouse of E. W. Dutcher, at Amboy, Illinois, from the 18th day of April, 1865, to the 15th day of October, 1868.

Mr. HAWLEY, of Illinois. This is the unanimous report of the Committee on Claims. I ask unanimous consent that the bill be passed.

Mr. RANDALL. There ought to be some explanation given.

Mr. HAWLEY, of Illinois. There is a report from the committee accompanying the bill.

Mr. RANDALL. Let it be read.

The Clerk commenced reading the report of the committee; which is as follows:

The sworn statements of the petitioner and of Robert Little, the then collector of internal revenue for the third district of Illinois, show that Norman H. Ryan was duly appointed and commissioned by the said Little as store-keeper of the bonded warehouse (Class A) of Elisha W. Dutcher, at Amboy, in said district, on the 27th day of June, 1867. The compensation of that office was fixed under the regulations of the Department, as shown by the following communication:

"TREASURY DEPARTMENT,
"OFFICE OF INTERNAL REVENUE,
"Washington, August 9, 1867.

"SIR: Your recommendation of four dollars per diem as the salary of Thomas H. Ryan as store-keeper of E. W. Dutcher's bonded warehouse is hereby approved.

"Respectfully,

"THOMAS HARLAND,
"Acting Commissioner.

"ROBERT LITTLE, Esq.,

"Collector Third District, Freeport, Illinois."

The collector's certificate of appointment, dated June 27, 1867, is also filed, and the collector's statement that the appointment was duly approved by the Commissioner in a letter of advice to him.

It is shown by both of the above-mentioned affidavits that the said Ryan continued in charge of said warehouse as store-keeper under that appointment and commission, without intermission, until and including the 14th day of October, 1868, when the warehouse was permanently closed; and that for the period between the 18th day of April, 1868, and the final closing of said warehouse—one hundred and eighty-four days, at four dollars a day, \$736—he has received no compensation. The regulations of the Department provided that the salary of such store-keepers should be paid monthly to the collector of the district by the owner of the warehouse. But in this case, as shown by the affidavit of the petitioner, the owner of the warehouse and distillery became insolvent in January, 1868, and has since remained so; and the affidavit of Collector Little states as follows:

"That said Elisha W. Dutcher permanently closed his distillery connected with said warehouse on the 25th day of January, A. D. 1868, leaving a large quantity of wines in said warehouse, on which the Government tax was unpaid, and which were exposed to theft on account of the insecurity of said warehouse. That to protect the Government interest it was necessary that said wines should be constantly guarded. That, affiant still being collector, said Ryan, at the special instance and request of affiant, did continue his custody of, and faithfully and honestly guarded, said wines from said 25th day of January, A. D. 1868, until and during the 14th day of October, A. D. 1868; and that said Ryan, for such service, from the 18th day of April, 1868, to the 15th day of October, 1868, has not been paid, to affiant's knowledge."

The permit for the removal of the remaining wines, when the taxes were finally paid, dated October 13, 1868, signed by Robert Little, collector, certified by the assessor, and addressed to N. H. Ryan, store-keeper, filed with your committee, shows ninety-three barrels held in bond until that time. The affidavit of the petitioner further shows that there were in bond at the time he assumed charge of the warehouse as store-keeper, one hundred and thirty barrels and two hogsheads of spirits, parts of which were removed at various times on collector's permits; and that there were besides received into said warehouse in bond four hundred and twenty-five barrels of high-wines, which were removed from said warehouse on the 4th day of August, 1868, by the United States marshal, on a writ of replevin in favor of parties who paid the tax thereon.

These facts sufficiently show the value and necessity of the service rendered by the petitioner as store-keeper after the insolvency of the distiller and closing of the distillery; and as the Department finds no authority for paying him therefor out of the Treasury, your committee believe it the duty of Congress to afford him relief, and for that purpose they report the accompanying bill and recommend its passage.

Before the reading was concluded,

Mr. RANDALL said: I will not insist on the whole report being read, if the gentleman from Illinois will answer me one question. Has this man performed certain service for which he has never been paid?

Mr. HAWLEY, of Illinois. Certainly; that is the fact.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GARFIELD. I demand the regular order.

Mr. BUTLER, of Massachusetts. I will not be here on Monday, and ask unanimous consent to introduce some bills for reference.

Mr. RANDALL. I insist on the regular order.

RELIEF FOR LOYAL CREDITORS.

The SPEAKER. The regular order being demanded, the question is on the passage of the bill which comes over as unfinished business from yesterday; the bill (H. R. No. 2636) for the relief of certain loyal creditors whose moneys were confiscated by the confederate congress; on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 44, nays 145, not voting 100; as follows:

YEAS—Messrs. Albert, Averill, Barber, Begole, Bradley, Cessna, Stephen A. Cobb, Crooke, Crutchfield, Donnan, Dunnell, Field, Benjamin W. Harris, Hathorn, John W. Hazelton, Hodges, Hynes, Lamport, Loughridge, Maynard, James W. McDill, Morey, Myers, O'Neill, Page, Parsons, Thomas C. Platt, Poland, Rusk, Schell, Isaac W. Scudder, Sessions, Shanks, Smart, H. Boardman Smith, William A. Smith, Charles A. Stevens, Christopher Y. Thomas, Wallace, Walls, Jasper D. Ward, Whiteley, John M. S. Williams, and William Williams—44.

YAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Barrere, Biery, Bland, Bowen, Brown, Buckner, Buffinton, Burchard, Burleigh, Benjamin F. Butler, Caldwell, Cannon, Carpenter, Cason, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clements, Conger, Cook, Cox, Crittenden, Crossland, Crouse, Danford, Darrall, Dawes, Duell, Durham, Eames, Eldredge, Finck, Fort, Foster, Garfield, Giddings, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, Hoskins, Howe, Hunter, Hutton, Hurlbut, Hyde, Kasson, Kelley, Lamson, Lawrence, Lawson, Lewis, Lowndes, Luttrell, McKee, McNulta, Merriam, Milliken, Mills, Mitchell, Monroe, Moore, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Orr, Orth, Packer, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Pike, Pratt, Randall, Ray, Richmond, Robbins, James C. Robinson, James W. Robinson, Ross, Henry B. Saylor, Milton Saylor, Sener, Sheets, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, A. Herr Smith, John Q. Smith, Southard, Spear, Sprague, Stone, Storm, Strait, Swann, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Marcus L. Ward, Wells, Whitehead, Whitehouse, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, Wood, Woodworth, John D. Young, and Pierce M. B. Young—145.

NOT VOTING—Messrs. Albright, Banning, Barry, Bass, Beck, Bell, Berry, Blount, Bright, Bromberg, Bundy, Burrows, Roderick R. Butler, Cain, Amos Clark, jr., Clayton, Clymer, Clinton L. Cobb, Coburn, Comingo, Corwin, Cotton, Creamer, Curtis, Davis, DeWitt, Dobbins, Eden, Farwell, Freeman, Frye, Glover, Gooch, Gunckel, Hagans, Robert S. Hale, Harmer, Hendee, George F. Hoar, Holman, Hooper, Houghton, Hubbell, Kellogg, Kendall, Killinger, Knapp, Lamar, Lansing, Leach, Lofland, Lowe, Lynch, Magee, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, McLean, Negley, Nunn, Packard, Isaac C. Parker, Pelham, Phillips, James H. Platt, jr., Potter, Purman, Rainey, Ransier, Rapier, Read, Ellis H. Roberts, William R. Roberts, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Sloan, Small, George L. Smith, J. Ambler Smith, Snyder, Stanard, Standiford, Starkweather, Alexander H. Stephens, St. John, Stowell, Strawbridge, Charles R. Thomas, Waldron, Wheeler, White, Whitthorne, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, and Wolfe—100.

So the House refused to pass the bill.

During the call of the roll the following announcements were made.

Mr. HARRIS, of Georgia. My colleague, Mr. BELL, is detained from the House on account of sickness; if present he would vote "no."

Mr. HAWLEY, of Illinois. My colleague, Mr. MARTIN, was detained from the House yesterday and is detained to-day on account of sickness in his family.

Mr. BUTLER, of Massachusetts. I change my vote from the affirmative to the negative in order to be able to move a reconsideration.

The result of the vote was announced as above recorded.

Mr. BUTLER, of Massachusetts. I move to reconsider the vote by which the House refused to pass the bill.

Mr. RANDALL. I move to lay the motion to reconsider on the table.

Mr. BUTLER, of Massachusetts. I desire to say—

Mr. RANDALL. I object to debate.

Mr. BUTLER, of Massachusetts. I only wish to ask to have this bill recommitted.

Mr. RANDALL. No; we had better dispose of it now.

The motion to lay the motion to reconsider on the table was agreed to.

MORGAN RAID.

The next bill reported from the Committee of the Whole with a favorable recommendation was House bill No. 2687, making compensation for supplies taken by the Union military forces during the Morgan raid.

The bill authorizes the commissioners of claims to receive, examine, and consider the justice and validity of claims for horses, and stores or supplies, taken or furnished during the Morgan raid in July, 1863, through Indiana and Ohio, for the Union military forces, whether under command of officers of the United States, or of either of said States, and to make report of said claims as of other claims.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. BUTLER, of Massachusetts. I call for a vote on that question. I want to see if we are to pay for all that was destroyed during the Morgan raid—

Mr. LAWRENCE. This is not for what Morgan destroyed.

The SPEAKER. The Chair will suspend business until the House comes to order. [After a pause.] From this time to the end of the session there will necessarily be a great struggle for the floor and for the precedence of measures. The Chair asks the co-operation of members in the preservation of order, so that they may vote intelligently upon the questions submitted to them. His only mode of bringing order is to absolutely suspend business, and that he will do in every instance when order is not maintained.

Mr. LAWRENCE. I ask that this bill may be read.

The SPEAKER. It has been read twice in Committee of the Whole and once in the House.

Mr. BUTLER, of Massachusetts. I object to the further reading of the bill.

The question was taken upon ordering the bill to be engrossed and read a third time; and upon a division there were—ayes 52, noes 46; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. NESMITH were appointed.

The House divided; and the tellers reported that there were—ayes 79, noes 71.

Before the result of this vote was announced,

Mr. BUTLER, of Massachusetts, called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 34 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 117, not voting 75; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Bland, Bright, Bromberg, Brown, Buckner, Caldwell, Cason, Caulfield, John B. Clark, jr., Clements, Clymer, Cook, Cox, Crittenden, Danford, Dobbins, Dunnell, Durham, Finck, Foster, Gunckel, Gunter, Hamilton, Hancock, Hatcher, Gerry W. Hazelton, Hereford, Holman, Lamson, Lawrence, Lowndes, Magee, Maynard, Alexander S. McDill, McKee, McNulta, Milliken, Mills, Monroe, Moore, Myers, Neal, Nesmith, Niblack, Niles, O'Brien, O'Neill, Orr, Hosea W. Parker, Parsons, Perry, Phillips, Poland, Randall, James C. Robinson, James W. Robinson, Henry B. Saylor, Schell, Isaac W. Scudder, Sener, Shanks, Sheets, Sheldon, Sherwood, Sloss, H. Boardman Smith, John Q. Smith, Southard, Spear, Sprague, Alexander H. Stephens, Stone, Swann, Christopher Y. Thomas, Vance, Waddell, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, John M. S. Williams, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—97.

NAYS—Messrs. Albert, Averill, Barber, Bass, Begole, Biery, Bowen, Bradley, Buffinton, Burchard, Burleigh, Benjamin F. Butler, Cain, Cannon, Carpenter, Cessna, Freeman Clarke, Clayton, Stephen A. Cobb, Comingo, Conger, Crooke, Crossland, Crouse, Crutchfield, Curtis, Donnan, Duell, Eames, Eldredge, Field, Fort, Giddings, Glover, Gooch, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Herndon, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hunter, Hutton, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Lampont, Lansing, Lawson, Longbridge, Lowe, Luttrell, Lynch, McCrary, James W. McDill, MacDougall, Merriam, Mitchell, Morey, Orth, Packard, Packer, Page, Isaac C. Parker, Pendleton, Phelps, Thomas C. Platt, Potter, Pratt, Rainey, Ray, Richmond, Robbins, Ross, Rusk, Sawyer, Henry J. Scudder, Lazarus D. Shoemaker, Smart, A. Herr Smith, William A. Smith, Snyder, Charles A. Stevens, Storm, Strait, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, and James Wilson—117.

NOT VOTING—Messrs. Albright, Barry, Beck, Bell, Berry, Blount, Bundy, Burrows, Roderick R. Butler, Chittenden, Amos Clark, jr., Clinton L. Cobb, Coburn, Corwin, Cotton, Creamer, Darrall, Davis, Dawes, DeWitt, Eden, Farwell, Freeman, Frye, Garfield, Hagans, Eugene Hale, Robert S. Hale, John B. Hawley, Hendee, George F. Hoar, Hooper, Hubbell, Hynes, Kendall, Killinger, Knapp, Lamar, Leach, Lewis, Lofland, Marshall, Martin, McLean, Morrison, Negley, Nunn, Pelham, Pierce, Pike, James H. Platt, jr., Purman, Ransier, Rapier, Read, Ellis H. Roberts, William R. Roberts, Milton Saylor, John G. Schumaker, Scofield, Sessions, Sloan, Small, George L. Smith, J. Ambler Smith, Stanard, Standiford, Starkweather, St. John, Stowell, Strawbridge, Charles R. Thomas, Waldron, Wheeler, and Ephraim K. Wilson—75.

So the House refused to order the bill to be engrossed and read a third time.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALBERT F. YERBY.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2688) for the relief of Albert F. Yerby, administrator of Addison O. Yerby, deceased, or whom it may concern.

Mr. BUTLER, of Massachusetts, called for the reading of the bill; and it was read.

The question being taken on ordering the bill to be engrossed and read a third time, there were—ayes 52, noes 31; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. KELLOGG were appointed.

Mr. HOLMAN. I trust that the bill will be again read. I think it is not understood.

Mr. BUTLER, of Massachusetts. I object to debate. This bill is to pay for timber taken down in Virginia.

Mr. KELLOGG. The claimant is a loyal man, and ought to have his pay.

Mr. BUTLER, of Massachusetts. Undoubtedly. They were all loyal men down in Virginia! I never heard of one that was not!

The House divided; and the tellers reported—ayes 93, noes 58.

Mr. BUTLER, of Massachusetts, called for the yeas and nays.

ORDER OF BUSINESS.

Mr. GARFIELD. I rise to a parliamentary inquiry. Suppose we should now go into Committee of the Whole for the consideration of appropriation bills, in what position will these private bills be left?

The SPEAKER. They will come up as the unfinished business when the committee rises.

Mr. GARFIELD. I move then that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the pension appropriation bill and the Military Academy bill.

Mr. SCUDDER, of New Jersey. It seems to me that we should first dispose of the bill now pending.

The motion of Mr. GARFIELD was agreed to.

PENSION APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. FORT in the chair,) and proceeded to the consideration of the bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876.

Mr. O'NEILL. This bill has already been read the first time.

The CHAIRMAN. The bill will be read by paragraphs for amendment.

The Clerk reads as follows:

For Army pensions to invalids, widows, and dependent relatives, revolutionary pensions, and pensions to soldiers of the war of 1812, and for furnishing artificial limbs or apparatus for resection, with transportation or commutation therefor; also, for compensation to pension agents and the expenses of the several agencies, and for fees for preparing vouchers and administering oaths, as provided for by the acts of April 24, 1816; July 4, 1836; May 13, 1846; February 20, 1847; February 2, 1848; July 21, 1848; July 29, 1848; February 3, 1853; June 3, 1858; July 14 and 17, 1862; June 30, 1864; June 6 and July 25, 1866; July 27, 1868; June 17 and July 8 and 11, 1870; February 14 and June 8, 1871; February 20, 1872; and March 3, 1873; and all other pensions provided by law, \$29,500,000.

Mr. O'NEILL. I move to amend the paragraph just read by striking out the specification of the dates of various acts, so that the paragraph will read as follows:

For Army pensions to invalids, widows, and dependent relatives, revolutionary pensions, and pensions to soldiers of the war of 1812, and for furnishing artificial limbs or apparatus for resection, with transportation or commutation therefor; also, for compensation to pension agents, and the expenses of the several agencies, and for fees for preparing vouchers and administering oaths, as provided for by the several acts of Congress applicable to pensions provided by law, \$29,500,000.

The amendment was agreed to.

The Clerk read as follows:

For Navy pensions to invalids, widows, and dependent relatives, and pensions to sailors of the war of 1812, and for furnishing artificial limbs or apparatus for resection, with transportation or commutation therefor; compensation to pension agents, expenses of agencies, and fees for preparing vouchers and administering oaths, as provided by the acts of April 23, 1800; February 20, 1847; August 11, 1848; July 14 and 17, 1862; June 30, 1864; June 6 and July 25, 1866; March 2, 1867; July 27, 1868; June 17 and July 8 and 11, 1870; June 8, 1871; February 20, 1872; and March 3, 1873; and all other pensions provided by law, \$500,000: *Provided*, That the appropriation aforesaid for Navy pensions, and the other expenditures under that head, shall be paid from the income of the Navy-pension fund, so far as the same may be sufficient for that purpose.

Mr. O'NEILL. I move to amend this paragraph in the same manner as the one last read, by striking out the dates of various acts, and making the paragraph read as follows:

For Navy pensions to invalids, widows, and dependent relatives, and pensions to sailors of the war of 1812, and for furnishing artificial limbs or apparatus for resection, with transportation or commutation therefor; compensation to pension agents, expenses of agencies, and fees for preparing vouchers and administering oaths, as provided by the several acts of Congress applicable to pensions provided by law, \$500,000: *Provided*, That the appropriation aforesaid for Navy pensions, and the other expenditures under that head, shall be paid from the income of the Navy-pension fund, so far as the same may be sufficient for that purpose.

The amendment was agreed to.

Mr. SPEER. I wish to ask whether these amendments restore the old fees allowed to pension agents.

Mr. O'NEILL. No, sir.

Mr. SPEER. Do they provide any increase of compensation?

Mr. O'NEILL. No, sir. The law changing the charge for vouchers was passed at the last session of Congress, and remains upon the statute-book. This bill makes no change whatever in the compensation of pension agents.

Mr. SPEER. Does the bill or either of these amendments change in any way the manner in which pensions are to be paid?

Mr. O'NEILL. There is no change in existing law in any respect; no addition to salaries, fees, or compensation of any kind.

Mr. SPEER. What is the effect of the amendments which the gentleman proposes?

Mr. O'NEILL. These amendments simply strike out the recitals of the different pension laws, so as to avoid surplusage.

Mr. SPEER. Then the amendments do not at all change the effect of the bill as printed?

Mr. O'NEILL. Not in any respect. The design of the amendments is simply to save trouble at the Pension Office. In fact, there has been during the course of years an entire change in the method of keeping accounts in that office.

Mr. SPEER. I am simply asking for information.

Mr. O'NEILL. I understand that.

Mr. GARFIELD. The only reason I see for striking out this recital of various acts of Congress is that there may be recited a law that has been repealed. If so, it might perhaps be claimed that some obsolete pension law had been revived. It is safer, therefore, to make the appropriations to carry out all pension laws in force.

Mr. O'NEILL. In the Revised Statutes the whole of the pension laws are grouped together, so that any recital of the different acts is unnecessary.

I move that the bill be laid aside, to be reported to the House.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. GARFIELD. I move that the Committee of the Whole proceed to the consideration of the Military Academy bill.

The motion was agreed to.

The committee accordingly proceeded to the consideration of the bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876.

Mr. GARFIELD. I ask unanimous consent that all general debate on this bill be closed, that the first reading of the bill be dispensed with, and that the bill be at once read by paragraphs for amendment.

There being no objection, it was ordered accordingly.

Mr. ALBRIGHT. I would like to know what action the Committee on Appropriations have taken with respect to the assistant professors of tactics; whether they are to receive the same compensation as other assistant professors at West Point.

Mr. GARFIELD. We have in that respect followed the law exactly as it is.

Mr. ALBRIGHT. The Committee on Military Affairs agreed to an amendment on this point, and on the motion of the gentleman from Georgia [Mr. YOUNG] that amendment was made in order upon the consideration of this bill.

Mr. GARFIELD. The gentleman will find the provision on that subject on the third page of the bill, which we have not yet reached.

The Clerk read as follows:

For department of instruction in mathematics, namely, repairs of instruments, \$50; text-books and stationery for use of instructors, \$30; in all, \$80.

Mr. YOUNG, of Georgia. I offer the following amendment:

The Clerk read as follows:

At the end of line 42, page 3, add the following:

That assistant instructors of tactics commanding cadet companies at West Point shall receive the same pay and allowances as assistant professors in the other branches of study.

Mr. YOUNG, of Georgia. Mr. Chairman, this was made in order by a vote of the House.

Mr. SMITH, of Ohio. I reserve the point of order.

Mr. YOUNG, of Georgia. This was made in order to the Military Academy appropriation bill under a suspension of the rules by a two-thirds vote Monday week last. The amendment is recommended by the Secretary of War, by the Superintendent of the Military Academy at West Point, and by the commandant of cadets. There are four instructors of tactics, and I believe there are six assistant professors. The assistant professors are officers of the Army, and remain on duty at West Point only four years. The assistant instructors of tactics are detailed, and remain for the same length of time. The assistant instructors of tactics have the same duties in reference to studies that the assistant professors have to perform. They have to instruct the cadets in tactics, and besides that they have to attend to the military duties outside, to the drill of the cadets and to field duties. It has been determined to be proper by the Secretary of War and the Superintendent that these gentlemen deserve the same pay and allowance as assistant professors. I think it is right and proper. This matter was examined by the Military Committee of the House, and they unanimously recommended it to the Committee on Appropriations to be included in this bill. The House on Monday week last, as I have already stated, by two-thirds vote made this in order to this bill.

Mr. GARFIELD. Will the gentleman from Georgia state how much will be the increase if this amendment is adopted?

Mr. YOUNG, of Georgia. It will be a little over \$1,000. It will be about \$300 for each of these assistant instructors of tactics.

Mr. GARFIELD. How many are there?

Mr. YOUNG, of Georgia. Four.

Mr. GARFIELD. I recognize the equity of the general arrangement suggested by the gentleman from Georgia, and will not antagonize the amendment coming from the Committee on Military Affairs.

Mr. TREMAIN. I hope the amendment will be adopted.

Mr. ALBRIGHT. These gentlemen, too, are under more expense.

Mr. YOUNG, of Georgia. That is true; they are under more expense and have more unpleasant duties to perform.

The amendment was adopted.

Mr. GARFIELD. I ask unanimous consent that the amendment be placed at its proper place after line 10.

There being no objection, it was ordered accordingly.

The reading of the bill was concluded.

Mr. YOUNG, of Georgia. I move to add the following.

The Clerk read as follows:

That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musicians of the band.

Sec. 2. That the teacher of music shall receive \$100 per month, one ration, and the allowance of fuel of a second lieutenant of the Army; and that of the enlisted musicians of the band, ten shall each be paid thirty-four dollars per month, and the remaining thirty shall each be paid thirty dollars per month; and that the enlisted musicians of the band shall have the benefits as to pay, arising from reenlistments and length of service, applicable to other enlisted men of the Army.

Mr. SMITH, of Ohio. I rise to a point of order on that amendment, that it is new legislation and therefore not in order to this bill.

Mr. YOUNG, of Georgia. I hope my friend from Ohio will not insist upon the point of order. There is a bill before the House which has been pending for some time on the general Calendar (but which I fear we will never reach) for the increase of this Academy band. It is the only band in the Army now authorized by law. Heretofore and before the war there was a band allowed to every regiment and appropriation made to maintain it. There is now only one band allowed in the whole Army for which there is any appropriation, and that is the Military Academy band. It numbers now about twenty or twenty-five men, and the Superintendent of the Military Academy as well as the Secretary of War informs us that it is impossible to keep it up with the present number at the present pay of musicians. It is part and parcel of the military band of the country.

Mr. SMITH, of Ohio. Did I understand the gentleman to say that this is not new legislation?

Mr. YOUNG, of Georgia. O, no; it is new legislation—

Mr. SMITH, of Ohio. Then I insist on my point of order.

Mr. YOUNG, of Georgia. I regret it, but if the gentleman will yield for a moment I will ask to have read a communication from the Secretary of War.

Mr. SMITH, of Ohio. I reserve the point of order until the communication is read.

The Clerk reads as follows:

WAR DEPARTMENT.
Washington City, January 7, 1874.

Sir: You will remember that during the present summer I spoke to you of the desirability of increasing the band of the Military Academy, and I desire again to bring the subject to your attention with a view of securing such legislation as will promote the efficiency of this the only band that is authorized by law for the Army.

I understand that at the last session of Congress a bill having this object in view was introduced and passed one House, but failed for want of time in the other. I now inclose draught of a proposed bill indicating the character of legislation that is desirable, and which is recommended in my annual report for 1873, page 21, and I trust that it or some measure embodying the features of this bill may receive the approval of Congress.

If it is not deemed advisable to have passed in its present shape, it might, perhaps, with propriety be incorporated in that portion of the Army appropriation bill relating to the Military Academy.

Very respectfully yours,

WM. W. BELKNAP,
Secretary of War.

Hon. JOHN COBURN,
House of Representatives.

Several MEMBERS. The amendment is all right.

Mr. YOUNG, of Georgia. I have also here the recommendation of the Board of Visitors. I promised as one of the members of the Board of Visitors to see to this matter for them, and I hope there will be no further objection to it.

Mr. GARFIELD. I have a statement here of the effect of the proposed change. Under the present organization there is one leader, who receives seventy-five dollars a month; there are six first-class musicians, receiving each thirty-four dollars per month; there are six second-class musicians, receiving each twenty dollars per month; there are twelve third-class musicians, receiving each seventeen dollars per month—making a total per annum as it now stands of \$7,236. Under this organization the band has one leader and twenty-four musicians.

The proposed organization will give them in place of one leader and twenty-four musicians, one teacher of music and leader at \$100 per month, ten musicians at thirty-four dollars per month, and thirty musicians at thirty dollars per month; that is to say, one leader and forty musicians at a total cost per annum of \$16,080, which will be an annual increase of \$8,844.

It is fair to say that the Committee on Appropriations has considered this, and there was a difference of opinion among them as to whether it ought to be inserted in the bill. This, however, was mainly on the ground that it was new legislation; and as we did not ourselves wish to inaugurate new legislation, the committee resolved to let it stay out. If the House desires to make this increase it will give sixteen more musicians than we now have, at a cost of \$8,844 per annum.

Mr. BUTLER, of Massachusetts. Against \$7,000?

Mr. GARFIELD. I mean an increase of \$8,844. The present cost is \$7,236. The proposed cost under the amendment of the gentleman from Georgia will be \$16,080.

Mr. SMITH, of Ohio. I insist on the point of order.

Mr. YOUNG, of Georgia. I ask the chairman of the Committee on Appropriations if he has not papers in his possession from the War Department, and the Military Academy also, recommending this appropriation?

Mr. GARFIELD. Yes, sir; the Committee on Appropriations had those recommendations before it. I simply rose to state exactly how the case stands.

Mr. YOUNG, of Georgia. I desire also to say that this has the unanimous approbation of the Committee on Military Affairs after investigating the subject. I hope the gentleman from Ohio [Mr. SMITH] will not insist upon the point of order. There is only one such band in the country.

Mr. ALBRIGHT. Yes; only one Army band.

The CHAIRMAN. If the gentleman insists on his objection the amendment will have to be ruled out.

Mr. SMITH, of Ohio. I do insist on it.

The CHAIRMAN. Then the amendment is not before the committee.

Mr. FIELD. I offer the following amendment.

The Clerk read as follows:

Add to the bill these words:

Provided, That the President of the United States be authorized and directed to fill any vacancy occurring at said Academy by reason of death or other cause of an person appointed by him.

Mr. SENER. Is not that new legislation?

Mr. GARFIELD. I raise the point of order on the amendment.

Mr. FIELD. It does not increase the expense. It is not new legislation. It merely provides that in the event of a boy appointed by the President failing by physical or other disability to pass the examination, the vacancy so created can be filled.

Mr. PARKER, of Missouri. Has not the President that power now?

Mr. FIELD. He has not. There are now two vacancies existing by reason of his inability to fill them. The expense is precisely the same, and we may as well have this costly academy filled by the youth of our country and allow them to have the full benefit of it. I call for a vote. My amendment does not change existing legislation nor does it add to the expense required to maintain the Military Academy at West Point.

Mr. YOUNG, of Georgia. I desire to say to my friend from Michigan that there is nothing in the law to prevent the President doing that now.

Mr. FIELD. The President informs me that he cannot do it. The law is ambiguous, and this amendment will make the duty of the President plain with reference to filling vacancies that may occur among the number of cadets appointed by him at "large."

Mr. GARFIELD. I insist on the point of order.

The CHAIRMAN. The Chair thinks it is new legislation.

Mr. FIELD. Who makes the point of order?

The CHAIRMAN. The gentleman from Ohio, the chairman of the Committee on Appropriations.

Mr. FIELD. I appeal from the decision of the Chair. I insist that this is not new legislation of the character covered by the rule.

Mr. GARFIELD. The appeal from the decision of the Chair is not debatable.

Mr. FIELD. It is frivolous to make such an objection to this proposition, which does not increase the appropriations.

Mr. PARKER, of New Hampshire. Let the amendment be again reported.

The amendment was again read.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] raises the point of order on the amendment that it is new legislation. The Chair sustains the point of order, and the gentleman from Michigan [Mr. FIELD] appeals from the decision of the Chair.

Mr. FIELD. Certainly I do.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 94, noes 26.

So the decision of the Chair stood as the judgment of the committee.

Mr. GARFIELD. I move that the committee rise and report the bills to the House.

The motion was agreed to.

So the committee rose; and Mr. FORT reported that the Committee of the Whole on the state of the Union had had under consideration, pursuant to the order of the House, the bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876, and the bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876, and had directed him to report them back with amendments, with the recommendation that they do pass as amended.

PENSION APPROPRIATION BILL.

The first bill reported from the Committee of the Whole was the bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876, with amendments.

The amendments were concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876, with an amendment.

The amendment was concurred in.

Mr. GARFIELD. This bill as reported by the Committee on Appropriations appropriates \$364,740. The amount appropriated in the bill of last year was \$339,835. There is an increase therefore in the bill this year over that of last year of \$24,905. This consists mainly in an increased appropriation for continuing work on the new hospital for cadets, and a new item of appropriation in the bill this year for the construction of school-houses for soldiers' children and furniture for the same, \$8,000. In almost all other respects the bill stands the same as last year. No amendment has been made in the Committee of the Whole except one in regard to the pay of instructors of infantry, cavalry, and artillery tactics, which I understood the gentleman who offered it to say will make but a small increase to the bill. I submit in further explanation of the details of this bill a letter from the War Department, addressed to the Hon. S. S. MARSHALL, member of the Committee on Appropriations, who had charge of this bill in the committee and who I regret is not here to manage the bill himself. I have delayed action on it as long as I thought it was safe to do so, in the hope he would return.

The following is the letter from the War Department :

WAR DEPARTMENT,
Washington City, January, 4, 1875.

DEAR SIR : Since my conversation with you about Military Academy matters I have written to the Superintendent, and have his reply concerning the museum, the school-house, and the employment of a principal mechanic. I quote from his letter, as follows :

"As to building for military museum: From time to time articles made for military purposes, or models of such articles pertaining to the Engineer, Ordnance, and Quartermaster's, and other Departments of the service have been sent to or procured for the academy for use, by way of illustration, in the education of cadets; also, articles valuable as relics connected with military events, or from personal or other association; that such quantity of articles has thus accumulated as to require room for its proper use and storage not now available. The only room available, and which has not capacity for present wants, is in the academy building. It is proposed, if an appropriation for a building shall be had, to collect in one building what articles suitable for the purpose are now on hand and establish the foundation for a military museum. A collection of the kind does not now exist in this country. The intention is, as far as may be possible, to collect and arrange specimens, and when such cannot be had, models of all kinds of cannon, with carriages, muskets, or other arms, with ammunition for same, manufactured in our country, appliances of the Quartermaster's Department for field transportation of stores and shelter of troops, &c., of the Medical Department for field purposes, and of the Subsistence Department, the different kinds of equipments from time to time used, and in fact a collection which shall illustrate the military history of this country in so far as relates to appliances for War; also to collect as many articles, valuable from personal and historical association, having relation to the military history of the country, as may be practicable.

"A collection of the kind suggested would be of value and interest not only to the military student, but any citizen of our country visiting the academy.

"A building for this purpose could also, by proper arrangement of room, be used for the purpose of lectures, examinations, and other like objects for which there is now no suitable provision, necessity requiring the use of the library or other building, to the detriment of its proper use."

The foregoing are the Superintendent's views. The Secretary is principally interested in the matter, because such a collection of military material would greatly augment the value of the instruction upon the subjects to which the models might refer, and also the interest of the cadets themselves, and would, by adding to their efficiency as military officers, benefit the country at large. He is rather in favor of making the proposed museum at West Point technical in character and particularly devoted to the instruction of the cadets, believing that a national military museum, if established at all, should be located at the capital of the nation. He therefore recommended in his report the appropriation for a museum upon the grounds I have stated above.

In regard to a post school at West Point, the Superintendent writes as follows :

"The post school, at which the attendance this winter has usually been about eighty, has, for want of a better place, been kept for quite a number of years in a room which is part of the basement of the soldiers' chapel. The room is inadequate as to size, badly located as to surrounding buildings, being adjacent to barracks, and not susceptible of good ventilation. The room has capacity for about fifty, and gives no means of separating the very young children just beginning from the older ones. No special effort should be made to establish what is usually called a graded school, but means of making a division of those just beginning from those advanced and older would be very beneficial. It has been my intention, should an appropriation be made, to build a plain building with two school-rooms. The item for the school building does not depend at all on that for a teacher. The building is as necessary now as if a civilian were employed as teacher."

The Secretary directs me to say that if it is deemed inexpedient at this time to make appropriations for both military museum and post school, he deems the latter of greater importance than the former, and thinks the school-house should have preference, as such a building is of present necessity on sanitary grounds as well as expediency, will cost a comparatively small amount, and no further appropriation on such account will be necessary.

I quote literally what the Superintendent says with regard to the hire of a principal mechanic. He seems to regard the employment of such a person as a permanent necessity. But if the suggestion he makes be approved by the committee, the item for the employment of a principal mechanic could with propriety be omitted from the appropriation bill :

"With respect to the item for the hire of a principal mechanic, I would say that the services of such a person have always been necessary here. Heretofore it has been necessary, when such a person has been employed, to charge his services for the particular time specified to the appropriation to which the work he did applied.

"In this connection I would like the attention of the committee invited to the propriety of making one item of the appropriation for repairs and improvements and the hire of mechanics of \$22,500 instead of dividing into two, one of which for materials is \$14,500 and one for hire of mechanics of \$8,000. The total amount for both is no more than sufficient for the necessities of the academy and post from year to year; but it is impossible to always adjust a year in advance, with respect to necessary work the expenditure for mechanic hire to cost of materials on a fixed ratio, when the kind of labor and of materials vary according to the nature of the work. The matter is further complicated by the difficulty of estimating in advance for the labor of enlisted men as mechanics and otherwise, which is always availed of as far as possible and is an important element, but not easily determined for any particular work, owing to the varying necessities of the post and character of the work.

"Should these items above specified be consolidated, there would be no special necessity for the items for a principal mechanic, as a suitable mechanic for the purpose could be employed when necessary. The services of such a person have heretofore been had for about fifty cents more per day than a mason."

Very respectfully, your obedient servant,

W. F. BARNARD,
Private Secretary.

Hon. S. S. MARSHALL,
House of Representatives.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF AN AMENDMENT.

Mr. FIELD. I ask unanimous consent to have printed an amendment which I desire to offer in Committee of the Whole on the state of the Union to the bill now pending in relation to the tariff and the increase of the revenue.

There was no objection, and the leave was granted.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. COTTON, by unanimous consent, from the Committee on the District of Columbia, reported a bill (H. R. No. 4688) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876; which was read a first and second time, recommended to the committee, and ordered to be printed.

PRINTING OF THE ARMY APPROPRIATION BILL.

Mr. GARFIELD. I ask unanimous consent for the reprinting of the Army appropriation bill, as I understand the edition is nearly exhausted.

There was no objection, and the order to print was made.

SOLDIERS' MONUMENT, GLOUCESTER, MASSACHUSETTS.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4689) to donate condemned cannon for inclosing the soldiers' monument at Gloucester, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

METROPOLITAN POLICE DISTRICT OF COLUMBIA.

Mr. BUTLER, of Massachusetts, also, by unanimous consent, introduced a bill (H. R. No. 4690) relating to the Metropolitan police of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

COMPENSATION OF JURORS.

Mr. BUTLER, of Massachusetts, also, by unanimous consent, introduced a bill (H. R. No. 4691) to regulate the compensation of persons appointed to attend upon grand and other juries, and for other necessary purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAYMENT OF CLAIMS.

Mr. LAWRENCE. I desire to report back from the Committee on War Claims the bill (H. R. No. 4156) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

I will state that the bill has only been completed by the clerks to-day, and I take the first opportunity in my power to ask that it may be acted on by the House. I will state that the committee were authorized to report at any time.

ORDER OF BUSINESS.

Mr. GUNCKEL. On Monday I moved that the rules be suspended, and the following resolution was adopted :

Resolved, That the rules be so suspended that House bill No. 3341, entitled "A bill to equalize the bounties of soldiers who served in the late war for the Union," shall be reported by the Committee on Military Affairs on Saturday, the 13th day of February, at two o'clock p. m., and be considered in the House, and that the previous question shall be called upon the same at four o'clock on that day.

Mr. DAWES. I am obliged reluctantly to raise the question of consideration as between this bounty bill and the revenue bill.

The SPEAKER. The bounty bill comes up under a suspension of the rules, and is entitled to be considered in preference to other business; but the gentleman from Massachusetts [Mr. DAWES] raises the question of consideration.

Mr. DAWES. I do.

Mr. RANDALL. Between what?

The SPEAKER. Between the bounty and the tariff bills.

Mr. GUNCKEL. The revenue bill is a bill to pay foreign bondholders, and the bill for which I speak is a bill to pay a debt which we owe to our own soldiers.

Mr. WILSON, of Iowa. I suggest that the reports made yesterday from the Committee of the Whole on the Private Calendar have not yet been disposed of.

Mr. KELLOGG. I would inquire of the chairman of the Committee on Ways and Means if he proposes to close debate upon his tariff bill to-day, or whether there are not many long speeches yet to come?

Mr. DAWES. That is the very reason why I want to go into Committee of the Whole.

Mr. SPEER. I rise to a parliamentary inquiry. If the soldiers' bill goes over to-day, when will it come up again?

The SPEAKER. The Chair does not know.

Mr. SPEER. Then, if we go into Committee of the Whole on the tariff bill, it is a practical defeat of the bill to equalize soldiers' bounties.

The question was put upon the consideration of the bill in relation to bounties; and on a division there were—ayes 96, noes 48. So the House resolved to consider the bill.

Mr. CONGER. I wish to report back from the Committee on Commerce several surveys, and to have them printed for the benefit of the House and the Senate.

Mr. DAWES. I call for the regular order of business.

Mr. CONGER. I hope the gentleman will not insist on that; many of these surveys relate to works in his own State.

The SPEAKER. The gentleman from Massachusetts demands the regular order, and the Clerk will proceed to read the bounty bill.

Mr. DAWES. The question was between the bounty bill and the bill in relation to the revenues of the country. The House has decided to proceed with the bounty bill, and I think they should do so.

Mr. ALBRIGHT. The gentleman from Ohio [Mr. GUNCKEL] yields to me to ask a committee of conference on a bill.

Mr. BUCKNER. I demand the regular order.

The SPEAKER. The Chair hopes the gentleman now demanding the regular order will maintain it so that some business may be done. The Clerk will read the bounty bill.

EQUALIZATION OF BOUNTIES.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, wagoner, and private soldier, including those borne upon the roll: as slaves, who faithfully served as such in the military service of the United States, who have been honorably discharged from such service, the sum of eight and one-third dollars a month for all the time which such non-commissioned officer, musician, artificer, wagoner, and private soldier actually so served, between the 12th day of April, 1861, and 9th day of May, 1865.

SEC. 2. That in case of the death, either before or after the passage of this act, of any such non-commissioned officer, musician, artificer, wagoner, or private soldier, the allowance and payment shall be made to his widow, if she has not remarried, or, if there be no widow, or she has remarried, then to the minor child or children of such deceased non-commissioned officer, musician, artificer, wagoner, or private soldier.

SEC. 3. That in computing and ascertaining the bounty to be paid to any non-commissioned officer, musician, artificer, wagoner, or private soldier, or to his proper representative, under the provisions of this act, there shall be deducted therefrom any and all bounties already paid under the provisions of any United States or State laws.

SEC. 4. That no bounty under the provisions of this act shall be paid to or on account of any soldier who served as a substitute in the Army, or who was a captured prisoner of war at the time of his enlistment, nor to any one who was discharged, on his own application or request, for other cause than disability incurred in the service, prior to the 19th day of April, 1865, unless such discharge was obtained with a view to re-enlistment, or to accept promotion in the military or naval service of the United States, or to be transferred from one branch of the military service to another, and such person did actually so re-enlist, or accept promotion, or was so transferred. And no bounty shall be paid to any soldier discharged on the application or at the request of parents, guardians, or other persons, or on the ground of minority.

SEC. 5. That every petition or application for bounty made under the provisions of this act shall disclose and state specifically, under oath and under the pains and penalties of perjury, what amount of bounty has been paid under the provisions of any United States or State laws to the non-commissioned officer, musician, artificer, wagoner, or private soldier, by whom or by whose representative the claim is made.

SEC. 6. That the widow, if she has not remarried, or if there be no widow, or she has remarried, the minor child or children of any non-commissioned officer, musician, artificer, wagoner, or private soldier, whose enlistment was for a period less than one year, and who was killed or died while in the line of duty, during the war for the suppression of the rebellion, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the sum of \$100.

SEC. 7. That in case the bounty due any person under this act shall amount to a sum not less than \$100, it shall be at the option of such person to receive from the Government, through the Second Auditor of the Treasury, in lieu of such bounty, a warrant, not subject to assignment, receivable at any of the land offices of the United States in full payment of one hundred and sixty acres of any of the public lands subject to entry by homestead or purchase; and for any lands located with said warrants, patents shall be issued without requiring proof of either residence or settlement.

SEC. 8. That any attorney or agent who shall receive from any claimant a sum greater than ten dollars for the prosecution of any claim under the provisions of this act, upon conviction thereof shall pay a fine not to exceed \$1,000, or imprisonment for a term not less than one year, or both, as the court or jury may adjudge, and shall forever thereafter be excluded from prosecuting claims of any nature whatsoever against the Government of the United States.

SEC. 9. That it shall not be lawful for any soldier to transfer, assign, barter, or sell his discharge, final statement, descriptive list, or other paper, for the purpose of transferring, assigning, bartering, or selling any interest in any bounty under the provisions of this act. And all such transfers, assignments, barter, or sales heretofore made are hereby declared null and void as to any rights intended to be so conveyed by any such soldier.

SEC. 10. That in any case where a person entitled to receive payment of bounty under the provisions of this act shall make application therefor, or where such application shall be made by the proper representative of such person, being deceased, and the discharge of such person has been lost, it shall be competent for the accounting officers to receive, in lieu of the actual production of such discharge, proof of the actual loss of the same, and secondary proof of its issue and contents, together with proof of the identity of the claimant or person deceased, under such rules defining the character and form of the evidence as the Secretary of the Treasury shall prescribe.

SEC. 11. That no adjustment or payment of any claim of any non-commissioned officer, musician, artificer, wagoner, or private soldier, or his proper representative, under the provisions of this act, shall be made, unless the application be filed within five years from the passage of the same.

Mr. KASSON. I desire to ask the gentleman from Ohio a question before he enters upon the debate.

Mr. GUNCKEL. I should like to explain this bill first, and then I will answer any questions gentlemen have to ask. I would like to explain it just as it is.

Mr. ALBRIGHT. Will not the gentleman allow me to ask a conference on Senate bill No. 320, fixing the number of paymasters in the Army?

Mr. GUNCKEL. I will yield for that purpose.

The SPEAKER. The Chair will state here that for the remainder of the session, if no member insists upon the regular order, it will be the duty of the Chair to do so, because no business can be done if at every moment the business pending may be interrupted by requests for unanimous consent. There must be the regular order.

Mr. GUNCKEL. Mr. Speaker, I desire first to say that this is bill No. 3341, and that by direction of the committee I shall move to strike out section 6, the provisions of which have been already provided for by a bill introduced and passed on motion of Governor WARD, of New Jersey; and also section 7, which provides for the donation of lands, and which we withdraw in deference to the wishes of gentlemen from the West.

Mr. KASSON. That is just what I wanted to know.

Mr. GUNCKEL. I shall move at the proper time to strike out both sections.

Mr. GUNCKEL. Mr. Speaker, the House has kindly given two hours for the special consideration of a bill to equalize soldiers' bounties. It was reported at the last session from the Committee on Military Affairs, but on the point of order that it appropriated public money it was sent under the rules to the Committee of the Whole on the state of the Union, where it has quietly rested ever since. Hoping to hasten its consideration, I moved at the last session to suspend the rules and pass the bill, but one member cried out in a loud voice that "it will take four hundred million acres of the public land" and another added, "Yes and a hundred million dollars from the Treasury." No debate was permitted; I was not permitted to deny their statements nor explain the provisions of the bill; and I was not surprised to find that the bill failed to receive the requisite two-thirds vote.

Let me assure the House, in the very beginning, that so far from taking four hundred million acres of public land, we do not take a single acre; and that instead of \$100,000,000, it will require from the public Treasury much less than we appropriated a little while ago for the payment of invalid pensions.

And yet it is a bill in which more than one hundred thousand of the brave men who fought the battles of the war for the life of the nation are interested; and not only they, but several thousand widows and orphans of those who died of wounds received or sickness contracted in the service of the country. They beg no charity, seek no gratuity. They ask justice. They believe that the Government owes them a debt, a just debt, more than ten years ago promised, but still unpaid; and all they ask is that the Government pay what is honestly due them.

I beg, therefore, that you will put all prejudice aside and give their case a patient hearing and a fair consideration.

Now, Mr. Speaker, I desire by way of reminder to gentlemen on both sides of the House to send to the Clerk's desk the platforms of the two great political parties of the country, the platforms on which both the republicans and democrats on this floor were elected. I shall ask him first to read, from McPherson's Manual, plank 8 of the republican platform. It is the boast of the republican party that it has fulfilled every pledge it ever made, and I believe that from the formation of the party down to the present time, it has fulfilled all its pledges with two exceptions; one was the civil-rights bill. We have done what we could in this House to redeem our pledge in that respect. The other was to equalize bounties; and I now ask my republican colleagues on this floor to make good that pledge also.

The Clerk read as follows:

We hold in undying honor the soldiers and sailors whose valor saved the Union. Their pensions are a sacred debt of the nation, and the widows and orphans of those who died for their country are entitled to the care of a generous and grateful people. We favor such additional legislation as will extend the bounty of the Government to all our soldiers and sailors who were honorably discharged and who in the line of duty became disabled, without regard to the length of service or the cause of such discharge.

Mr. GUNCKEL. That was a distinct pledge to equalize bounties.

I now ask the Clerk to read plank 9 of the democratic platform, found on page 210 of McPherson's Manual.

The Clerk read as follows:

We remember with gratitude the heroism and sacrifices of the soldiers and sailors of the Republic, and no act of ours shall ever detract from their justly earned fame for the full reward of their patriotism.

Mr. GUNCKEL. The republicans charged that these were "glittering generalities," really meaning nothing; while the democrats claimed they covered quite as much as the republican platform, and as fully included equalization of bounties. But to remove the objection and relieve the question of all doubt, many of the States placed special planks in their platforms, pledging the democratic party to this measure of justice. I ask the Clerk, as a specimen of these, to read from page 158, McPherson's Manual, the sixth plank of the platform of the democratic convention of Indiana, merely adding that the Pennsylvania one is substantially the same.

The Clerk read as follows:

That justice and equality demand that all soldiers who enlisted in the military service of the country during the war of the late rebellion, and who have been honorably discharged therefrom, shall have a bounty granted to them by Congress in proportion to the time they may have served, whether that time shall have been for three months or a longer period.

Mr. GUNCKEL. With both parties thus distinctly and solemnly pledged, the soldiers had a right to expect a speedy remedy at the hands of the Forty-third Congress. Several months passed and nothing was done. Then there commenced coming petitions from all parts of the country, signed by thousands and tens of thousands (one petition has two thousand names to it) of our best citizens, reminding us of our promises, stating the existing hardship and injustice, and asking for the one and only remedy, equalization of bounties. Even Legislatures were moved to memorialize us on the subject. Witness this one from the State of Wisconsin:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Wisconsin, ask leave to call the attention of Congress to the fact that the bounties paid to soldiers of the late war have not been, but should be, properly equalized. The soldiers having entered the service at the beginning of the war have received, if they served as enlisted men for a period of two years or over, a bounty of \$100 at the time of their dis-

charge, and an additional bounty of \$100 under a subsequent act of Congress, but they received no local bounty. The soldiers, however, who entered in the latter part of the war received a bounty of \$100 per annum and large local bounties in addition thereto.

Your memorialists also ask leave to call attention to the fact that a great many soldiers entering the Army at the early stage of the war were discharged on account of disease, or to enable them to accept commissions, before the expiration of two years, and did not, therefore, receive either the original or the additional bounty.

Justice, as well as the interests of the nation, demands that the bounties should be equalized. Justice, because the class of soldiers first referred to have done as much, if not more, service than the class entering the service at a later period, and should, therefore, receive at least equal compensation. The interests of the nation demand such equalization, because the present inequality, if permitted to remain, would have a tendency to prevent, in case of a war, voluntary enlistment at a time when troops would be most needed, and force the nation to resort either to draft or exorbitant bounties.

Your memorialists therefore respectfully pray that an act equalizing bounties be passed at as early a day as possible.

Approved March 3, 1874.

W. R. TAYLOR,
Governor.

Obedient to these demands, gentlemen have from Monday to Monday introduced bills to equalize bounties, until their number has become so large that if I felt quite sure that all who introduced bills would vote for one upon its final passage I would have more than enough to pass this bill and could spare the House the infliction of this speech.

All these petitions, memorials, and bills, together with hundreds of letters, have been referred to the Committee on Military Affairs; and I have done what is rather unusual, I have carefully read them all. I have desired to learn every complaint and to ascertain exactly what the evil was, so that a full and proper remedy might be applied. And as I think something of the same kind will help the House to a proper understanding of the subject, I will give a few cases, as specimens of classes, taken from these memorials and petitions.

A petition from Danvers, Massachusetts, states that many enlisted between July and December, 1861, and served nearly two years, but by reason of disability contracted in the service were prevented from serving out the full term, and so received no bounty. Some served within a few weeks and some within a few days of the full term of two years, but never received one dollar of bounty; while others served nearly the full term of three years and yet received but fifty dollars bounty.

A number of Pennsylvania soldiers complain (as indeed do men from all the States) that although they enlisted for and served faithfully for three years, that because they were promoted for gallant conduct in battle, and did not serve the whole time as privates, they have been deprived of their bounties. In some cases men served as privates twenty-three months, in others thirty-five months, but being promoted even in the last month of their service, they lost more in bounty than they gained in increased pay. Practically, they were punished because deserving promotion.

Some soldiers of the Thirty-ninth Ohio state their case thus: They enlisted for the term of three years under the President's proclamation of May 3, 1861, before the 22d day of July, 1861; but by the failure of the officer to correctly date their enlistment and of the United States mustering officer to muster them into the service before August 6, 1861, they have received, and under existing laws, as construed by the Treasury Department, can receive no bounty.

Soldiers from Missouri, Kentucky, Ohio, Indiana, Iowa, and West Virginia who enlisted for six or nine months, or any period less than one year, were excluded on a decision by the War Department that they were not volunteers but militia. Some of these soldiers were in the hottest engagements, did the hardest duty, and performed most gallant service, and although they were promised bounty, have never received one dollar.

The surviving members of the First Tennessee Mounted Infantry say that they enlisted in the service and served faithfully until they were discharged, but it so happened that they enlisted between the dates of two calls; that soldiers enlisted before and after received full bounties, but they received nothing at all. The officers held that they were too late for the one call and too early for the other. They say that in their isolated position they knew nothing about these things; they only knew that their country needed their services, and that it was their duty to go into the Army and do the best they could.

Some of the enlisted men of the Fourth Iowa Regiment complain that they were enrolled prior to July 22, 1861, but on account of being ordered beyond the limits of the State of Iowa, were not regularly mustered into the United States service until subsequent to August 6, 1861, and so deprived of bounty.

Many touching appeals come from widows and orphans, who plead that as their husbands and fathers gave their lives (having died since the war, but from sickness contracted in the service) and so all they could give, they should have the bounty promised and believed to be due from the Government, but which for some cause or other is denied them.

And now to show how these inequalities and wrongs have originated and been continued, I will state a case of a Connecticut regiment, which my friend from Connecticut [Mr. KELLOGG] attempted by a distinct provision of law to meet. The men enlisted in June, but, without any fault on their part, remained in camp until the 6th of August before they were mustered into the United States serv-

ice, and so were ruled as not entitled to bounty. My friend's amendment provided that any soldier mustered in before the 6th of August should be entitled to bounty. But the Second Auditor held that as these men were mustered in "on" and not "before" the 6th of August they were not included, and so they were again ruled out, and remain unpaid to this very day.

I will state another very hard case, and I commend it to the notice of the New York delegation.

The United States called for three-years men. The State of New York did not wait for that call. Her Legislature provided for enlisting two-years men, and accordingly thirty-eight New York regiments were mustered into the United States service for two years. They served faithfully and were honorably discharged, but have been denied bounty because they did not come under the call. Should they suffer for the mistake or fault of the New York State authorities? Should the Government of the United States attempt to avoid payment on such a quibble?

Let me give one other case, because a frequent one, and I will close this recital. Take the case of men who, for instance, served one year eleven months and perhaps three-quarters of a month, who were then taken sick, sent to hospital, and being permanently disabled and so of no further use to the Government were then sent home, and have been sick ever since—disabled for life. These men, simply because they did not serve the full two years—because they were physically unable to do so, having been used up in the service and the Government chose to dismiss them to get rid of further support—have been deprived of their bounties.

I have thus given you illustrations of several classes of cases where hardship and injustice seem to have been done and where a remedy is justly demandable from the Government.

But before I speak of remedies, let me ask how came these inequalities, this injustice? The men all claim that these bounties were promised, that it was a part of the contract under which they enlisted, and that they are debts justly due them from the Government. Is this so? And if so, why have they not been long ago paid?

I hold in my hand Raff on Bounties, and in it find some sixty different acts of Congress relating to bounties, together with the proclamations of the President of the United States, orders of the War and Treasury Departments, and a digest of the various decisions of officers thereunder. To these must be added innumerable proclamations of governors, orders of State officers, statements of military committees, and promises of recruiting officers. From this "confusion worse confounded" I think we may get clearly three things: First, that the general purpose of the Government was to pay bounties to all soldiers at the rate of \$100 per year, or, as clearly expressed in the act of July 4, 1864, to pay \$100 to one year's men, \$200 to two years' men, and \$300 to three years' men; second, that the common, general understanding of the people and those entering the service was that bounties would be paid at the rate of \$100 per year to all soldiers for whatever term they enlisted; third, that by reason of the many fragmentary acts, hastily passed as each emergency demanded, some of them naming special amounts for particular terms of service; and by the strict construction and severe technical rulings of the Departments, many just and deserving cases have been ruled out and bounties refused, which in common justice ought to be paid and at the earliest day possible.

The United States has already paid nearly \$400,000,000 in bounties. Compared with this amount it will take but a trifle to pay the remainder, and so cancel the entire debt and relieve the Government from its last obligation. It will have to be done some time. Why not meet it boldly now and dare to do justice to the gallant men to whom we are really indebted for our national existence and all that is near and dear to us as a Republic?

Mr. McKEE. Will the gentleman tell us just how much it will take from the Treasury?

Mr. GUNCKEL. I will come to that in a few minutes, and then I will cheerfully answer any question relating to that part of the subject.

Now, to meet all this inequality and injustice, we have carefully prepared a bill which we think will answer every complaint, reach every difficulty, and meet every reasonable expectation of every soldier in the whole country. It adopts what is well known as the equalization principle. It provides—

That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, wagoner, and private soldier (including those borne upon the rolls as slaves) who faithfully served as such in the military service of the United States, who have been honorably discharged from such service, the sum of \$8.33 a month for all the time which such non-commissioned officer, musician, artificer, wagoner, and private soldier actually so served, between the 12th day of April, 1861, and the 9th day of May, 1865.

But that no bounties shall be paid to any but such as are really deserving, it provides that no bounty shall be paid to or on account of any soldier who served as a substitute, or who was a captured prisoner at the time of his enlistment, nor to any one who was discharged on his application or request or on the application or request of parents or guardians or other persons, or on the ground of minority.

Mr. LOUGHRIDGE. I desire to ask the gentleman a question. I observe in the bill the words "including those borne on the rolls as slaves." I do not understand that there were slaves on the rolls.

Mr. GUNCKEL. They were slaves at the time. I think there was a provision at one time early in the war that the money should be

paid to the masters. Now it will go to the men. There is no distinction on account of color.

Mr. LOUGHRIDGE. They were slaves then?

Mr. GUNCKEL. Yes; when first put on the rolls.

Now, the important question is—and I have been asked it several times—what will this measure cost? Satisfied of the justice of this claim, the Committee on Military Affairs have made it their great labor to find out some method of doing the right thing to the soldier and at the same time making as little draft upon the Treasury as possible. We have spent days and weeks upon this work; and we think we have reported a bill which does full justice to all the soldiers, and is yet so peculiarly framed and so carefully guarded that it takes a much less amount from the Treasury than any bill of this kind heretofore reported to the House.

Mr. SAYLER, of Ohio. But I hope it does not do any injustice.

Mr. GUNCKEL. It does not; it does justice to the soldier, and at the same time to the Government. And as illustrating this, I refer to the second section of the bill, which provides that in case of death the bounty shall be paid to his widow if she has not remarried, or if there be no widow, or she has remarried, then to the minor child or children of such deceased soldier. The usual provision is to give to the widow, whether she has remarried or not, and in case of her death to the children, whether minors or not; and if there be no children, then to the father or mother, and if no father or mother, to the brothers and sisters. This change will cut down the cost of the bill several millions of dollars. And it does no injustice. If the widow shall have so far forgotten her husband as to have loved and married somebody else, she has no meritorious claim on the bounty of the Government by reason of her former husband's services. So we see no good reason going beyond the minor children. It is some ten years since the war closed, and most of those who were then children are grown up, married, and presumably able to support themselves without Government aid.

The bill introduced by my good friend Governor WARD, of New Jersey, was a most generous provision, and I think the House did itself credit by passing it. It was a section of our bill, but much more expensive as you passed it. Governor WARD said it would cost \$600,000. As we had it, it ought not to have cost more than one-half that amount.

Mr. SAYLER, of Indiana, arose.

Mr. GUNCKEL. I prefer to go on and answer questions when I am through.

We made the bounty \$100, you made it \$200; we confined it to widows who have remained unmarried and to minor children only. You gave it to the widow in any and every case and to the children, whether minors or not, and also provided for the father, mother, brother, sister, &c., and the result is an extra expenditure of several hundred thousand dollars. I speak of that simply to show how carefully we have tried to guard the bill and avoid any large expenditure of money.

Again, we provide in section 3—

That in computing and ascertaining the bounty to be paid to any non-commissioned officer, musician, artificer, wagoner, or private soldier, or to his proper representative, under the provisions of this act, there shall be deducted therefrom any and all bounties already paid under the provisions of any United States or State laws.

And by so doing we cut down the cost of the bill nearly one-half. For the information of the House, I will append a table showing the local bounties paid by the several States:

Local bounties paid by the States.

Maine.....	\$7,837,643 97
New Hampshire.....	9,636,313 00
Vermont.....	4,528,774 88
Massachusetts.....	22,965,550 36
Rhode Island.....	820,768 60
Connecticut.....	6,887,554 27
New York.....	86,629,228 15
New Jersey.....	23,868,966 62
Pennsylvania.....	43,154,986 92
Delaware.....	1,136,599 06
Maryland.....	6,271,992 00
District of Columbia.....	134,010 00
West Virginia.....	864,737 00
Kentucky.....	692,577 00
Ohio.....	23,557,373 00
Indiana.....	9,182,354 02
Illinois.....	17,296,205 30
Michigan.....	9,664,855 00
Wisconsin.....	5,885,356 19
Iowa.....	1,615,171 20
Minnesota.....	2,000,464 00
Missouri.....	1,282,148 55
Kansas.....	57,407 00

286,781,256 09

Now, when were these large local bounties paid? Late in the war, during the last year or two of the war. And how much to each soldier? Why some got \$500, some \$800, others \$1,000, and others still from twelve to fifteen hundred dollars, and this in addition to the Government bounty, while the poor fellows who enlisted early in the war, and from purely patriotic motives, got sometimes neither local nor Government bounty; and I am glad to say that the men who got these large local bounties do not ask anything further from the Government. In all the petitions, letters, &c., examined by me I did not find one from this already much-favored class. We think this

deduction just, and as it is one of the leading features of the bill, I will say once for all that I cannot yield for a motion to strike it out.

Without stopping to explain the bill any further, as you have printed copies before you, I return to the question, what will it cost? General Schenck, in the Thirty-ninth Congress, estimated his bill at \$30,000,000. Henry D. Washburn, in the Fortieth Congress, estimated his at the same amount. Mr. Krebs, in the Forty-second Congress, estimated a bill similar to General Schenck's at \$20,000,000.

Now, I beg special attention to the important fact that three bills alluded to were broader and more expensive than the one here now pending. I think they would have cost a third or a quarter more than this one will, if not amended in the House. And then you should consider that since the time of those estimates many men have gone abroad or have died; many have died without leaving widows or minor children; so that the amount required under the same bill would be considerably less than four or six years ago. If these gentlemen calculated with reasonable accuracy, and I presume they did, I would be safe in asserting that this bill would not require more than \$20,000,000.

Mr. WILLARD. Did not the Paymaster-General estimate \$100,000,000 for Schenck's bill?

Mr. GUNCKEL. Yes, he did. I was just about to allude to it myself. I have his estimate before me. And let me say right here, that, so far as I know, neither he nor the Comptroller, nor the Second Auditor, has ever made an estimate on the present bill. We examined them all before the Military Committee and prepared our bill afterward; and in the light of what they told us, and what we could learn from all other sources. I shall be willing to admit that they are not very favorable to equalizing bounties at either the War or Treasury Department. With all deference, I fear they have no great respect or sympathy for a private soldier of the volunteer service at the War Department. And at the Treasury Department, naturally enough, they look to the Treasury only—seeking to get as much in and let as little out as possible. We have seen how strict, severe, and technical they have been in construing the old laws; what favor can we expect from them in estimating for a new one?

I hold in my hands the official estimate of J. M. Brodhead, Comptroller of the Treasury, on Judge NIBLACK's bill, dated February 15, 1874, and in it I find this statement:

January 15, 1873, the Paymaster-General submitted to Hon. JOHN COBURN, chairman of House Committee on Military Affairs, an estimate of the amount required to carry out the provisions of H. R. No. 89, known as NIBLACK's bill, the amount being \$137,275,105.94. * * * My estimate on the first-named bill (H. R. No. 89) was \$101,947,825.00.

A slight difference in the estimates of these two officers of only \$35,327,280.00!

Now mark. These two officers, both capable and honest, with the same data before them, doing a work they had often done before, estimate the cost of the same bill and differ \$35,000,000! Is it not mere conjecture—guess-work? And are we to deny our soldiers and refuse to pay a just debt because of such guess-work? But let us go a little further. Where do they get their data? From the Adjutant-General. Well, I have here General Townsend's testimony, and we shall see how reliable are the data. I will ask the Clerk to read the portions I have marked.

The Clerk read:

Mr. GUNCKEL. Have you furnished data for the estimate of cost of equalizing bounties to Paymaster-General and Second Auditor of the Treasury?

General TOWNSEND. I have done so in various forms. I have done so in a complete form in 1873 to the Paymaster-General. The statement is found on page 1540 of volume 88 of the Congressional Globe for 1873.

Mr. GUNCKEL. Are the figures given there taken from records or are any of them estimates?

General TOWNSEND. It would be seen by reading the report that some are estimates. For instance, the average duration of service is estimated.

Mr. GUNCKEL. How do you approximate the average duration of service?

General TOWNSEND. By taking the muster-out rolls of several regiments and striking an average between the dates of enlistment and discharge.

Mr. GUNCKEL. That would be a mere estimate; and all that you claim for it is that it is approximation?

General TOWNSEND. Yes. I suppose that the estimate would exceed the reality, for it is safer to overestimate than to underestimate; but I do not think that the basis of calculation would be affected to the amount of \$10,000,000.

Mr. GUNCKEL. The work would run over a period of years?

General TOWNSEND. Some of the bounty laws limited the payment to two years. This one of Senator CLAYTON's does.

Mr. GUNCKEL. That would be as to the filing of applications; but would it not be from three to five years before all of these bounties can be claimed and settled?

General TOWNSEND. Certainly it would at least be ten years, even with an increased force.

Mr. GUNCKEL. Examine in the Congressional Globe the statements made by the Paymaster-General and yourself, and say, first, whether a man who enlists and re-enlists is counted once or twice in your estimates?

General TOWNSEND. The statements do not give evidence on their face as to that; but inasmuch as they are filed for the whole period for which bounty is allowed, I believe that both enlistment and re-enlistment are counted in the aggregate.

Mr. GUNCKEL. What do you find to be the total number of enlisted men during the war in the service of the United States?

General TOWNSEND. The total number of men enlisted during the war, deducting certain classes that were to be excluded from bounties, was 2,109,639.

Mr. GUNCKEL. Do you mean to say that there were that many individual soldiers enlisted during the war? Does it include any one man twice by reason of re-enlistment?

General TOWNSEND. Yes; it does include men twice.

Mr. GUNCKEL. Are you sure of that?

General TOWNSEND. I did not prepare the statement in person; but I think it does.

Mr. GUNCKEL. Do you deduct those who resigned with a view to accept promotion in the military or naval service of the United States?

General TOWNSEND. Those are not deducted.

Mr. GUNCKEL. How many would that class probably embrace?

General TOWNSEND. I cannot guess. It would require a long and difficult research to ascertain the number.

Mr. GUNCKEL. There is a deduction made in that table for bounties already paid; would not these amounts be larger at this time?

General TOWNSEND. They would be very large.

Mr. GUNCKEL. That would be an important element in the calculation?

General TOWNSEND. Yes.

Mr. GUNCKEL. That calculation is on the assumption that every one entitled to a bounty applied for it?

General TOWNSEND. Yes.

Mr. GUNCKEL. Here, then, we see how the boasted data upon which all estimates have been based are obtained. General Townsend, who is one of the most intelligent and reliable officers in the Army, does not claim accuracy for the figures given, but frankly admits that some of them are probably incorrect and others mere estimates—attempts to approximate the truth; that the tendency is to overestimate; and that the total given may exceed the real amount in the sum of \$10,000,000. Coming down then to the real truth, the Paymaster's figures are a mere estimate upon an estimate of the Adjutant-General; an estimate upon an estimate; a guess upon a guess! And yet it is upon such figures that Congress is to be frightened from doing its duty and paying an honest debt.

If time permitted, I could show you that they are not even good at guessing. Why, what do they do? They take every soldier that was ever put on paper at the War Department, whether in the Army or not, and, as General Townsend admits, those that re-enlisted are counted twice. So they figure up the total number of men enlisted at 2,574,608. Then they make the average time of service to be thirty months. Remember there were three-months men, six-months men,

and nine-months men, and that of those who enlisted for one, two, or three years many deserted soon after enlistment, and very many others were killed or sickened and died long before their term of service expired. Who believes there were 2,574,608 men in the service who served an average of thirty months each? And yet that is the basis of their calculation; for they figure what it would cost to pay that many soldiers for thirty months each at the rate of \$8.33 $\frac{1}{3}$ per month, then deduct what has already been paid in bounties by the Government, and hold the balance as the true amount required to equalize bounties. Was ever a statement more unfair?

Why, when one of the former bounty laws was pending a similar estimate was made that the cost would be \$200,000,000, and yet they have nearly all been paid under that law, and the actual amount is less than one-third the amount estimated.

Now, sir, I have had a calculation made, not by the Paymaster-General, nor yet by the Comptroller or Second Auditor; but made by an intelligent, reliable gentleman, educated and trained in one of their offices and thoroughly competent for the work. We all know that such work or calculation is not made by the head of a Department or Bureau himself, but by some one in their employ. I have deemed it best to go to the original source without the ordinary circumlocution. I shall not trouble the House to read the statement, but will print it in my remarks, and I venture to say that the only mistake about it is that it is much larger than the actual truth will sustain. For he has taken the data of the Adjutant-General, which the Adjutant-General himself admitted might be \$10,000,000 too much.

A MEMBER. What is the total?

Mr. GUNCKEL. The total is \$29,728,634.86; but with General Townsend's deduction it would be only about \$20,000,000. And mark, that is not to be paid at once. General Townsend said in his testimony it would take ten years to pay the bounties. So if this estimate is correct, it would only take two or three millions per year.

Equalization of bounties—estimate of expenses.

Date of call.	Number called for.	Time in months.	Number of men actually enlisted.	Bounty paid.	Amount required to equalize.	Remarks.	Amount paid.	Amount required to equalize.
April 15, 1861	75,000	3	93,326	.....	\$25	.....	.....	(1)\$2,333,150
May 3, 1861 .....	.....	6	2,715	.....	50	.....	.....	135,750
.....	.....	12	9,056	.....	100	.....	.....	905,600
July 22 and July 25, 1861	500,000	24	30,959	\$150	50	\$100 act July 22, 1861, and \$50 act July 28, 1866	(2)\$4,642,500	1,547,500
.....	.....	36	671,419	200	100	\$100 act July 24, 1861, and \$100 act July 28, 1866	(2)134,283,800	67,141,900
June 2, 1862 .....	.....	3	15,007	.....	25	.....	.....	375,175
July 2, 1862	300,000	36	430,201	200	100	.....	(2)86,040,200	43,020,100
August 4, 1862	300,000	9	87,588	.....	75	.....	.....	6,569,100
Regulars .....	.....	36	24,768	200	100	Raised between April 12, 1861, and October 1, 1863, and not otherwise embraced in this estimate.	(2)4,953,600	2,476,800
October 17, 1863, February 1, 1864, March 14, 1864.	700,000	36	158,507	400	.....	Veterans	(3)63,000,000	.....
.....	.....	.....	150,000	300	.....	Estimated	45,000,000	.....
.....	.....	.....	100,000	200	.....	Estimated	.....	10,000,000
.....	.....	.....	165,365	.....	.....	Substitutes, estimated	.....	.....
.....	.....	.....	84,956	.....	.....	Paid commutation	.....	.....
.....	.....	.....	83,652	.....	25	100 days' men	.....	2,091,300
April 23 to July 18, 1864.	.....	3	.....	.....	.....	.....	.....	.....
.....	.....	12	.....	100	.....	.....	.....	.....
July 18, 1864	500,000	24	272,463	200	.....	.....	.....	.....
.....	.....	36	.....	300	.....	.....	.....	.....
.....	.....	12	.....	100	.....	.....	.....	.....
December 18, 1864	500,000	24	194,653	200	.....	.....	.....	.....
.....	.....	36	.....	300	.....	.....	.....	.....
Total	2,675,000	.....	2,574,608	.....	.....	Amount required to equalize fractional periods of service .....	.....	5,000,000
.....	.....	.....	.....	.....	.....	.....	405,021,000	141,596,000

DEDUCTIONS.

(1) One-quarter of \$2,333,150	\$583,287 71	Maximum.
(2) Class the four marked (2), (see explanation) and amounting to \$114,186,300, and from this deduct	28,546,575 00	\$141,596,000 00
(3) Deduct \$75 for each veteran	11,888,025 00	
Deduct for 150,000 deserters, \$75 each	11,250,000 00	
Deduct for officers, minors, &c., (see explanation)	15,000,000 00	
Deduct for limitation of extent of those entitled to receive 10 per cent	14,159,600 00	
Deduct 1-10 of 1-10 for those of foreign birth who died	1,415,960 00	
.....	82,843,447 71	
Deduct for exceptions named in addenda to explanation	58,752,552 29	
.....	14,130,600 00	
One-third of whom received large local bounties and not included in this bill	44,592,952 29	
.....	14,864,317 43	
Leaving amount necessary to equalize bounties under bill H. R. No. 3341, (Gunckel's bill)	29,728,634 86	

But if this be a debt, a just, honest debt due from the Government to the soldier, what matters it whether it be a little more or less? It is not a question of amount, but of obligation. What matters it whether the national debt be \$150,000,000 or \$1,500,000,000? What matters it whether \$10,000,000 or \$20,000,000 be required to pay the pension-list? Whatever the amount, they are honest debts and must be paid. An honest man does not hesitate about paying a debt

because it happens to be large; and no more will an honest Government. We are careful to pay the bondholder; let us be just as careful to pay the soldier; and I venture the remark that if the republican party had been half as careful to pay the debt the Government owes these soldiers as it has been to pay according to the letter and spirit of the contract the debt we owe our foreign bondholders, the party would not be in a minority to-day.

Now, to show how the justice of this proposition has been heretofore recognized, I call attention to the vote upon a similar bill introduced and reported in the Thirty-ninth Congress by my predecessor, General Schenck. It deducted local bounties, but was more expensive in other respects than the present bill. Indeed, I think it would have cost one-third more. And yet on the final passage of that bill the yeas were 139 and nays 2. The yeas were Mr. Nicholson, of Delaware, and Mr. Trimble, of Kentucky, neither of whom has ever been heard of since they committed this act of political suicide. And now who voted in the affirmative? Without troubling the House with all the names, I will give those that are members of the present House. They were Mr. Speaker BLAINE, HEZEKIAH S. BUNDY, HENRY L. DAWES, (I am not mistaken, it is really HENRY L. DAWES,) CHARLES A. ELDRIDGE, JAMES A. GARFIELD, (I hope my colleague is not disposed to go back on that creditable vote,) ROBERT S. HALE, SAMUEL HOOPER, WILLIAM D. KELLEY, WILLIAM LAWRENCE, S. S. MARSHALL, LEONARD MYERS, WILLIAM E. NIBLACK, (I am glad to say that my democratic friend, Judge NIBLACK, has always been the soldier's friend; indeed, a bill introduced by him is the foundation of the bill which we report to-day.)

Mr. LOUGHRIDGE. I will ask the gentleman from Ohio [Mr. GUNCKEL] whether he thinks any member of this House will vote against this bill.

Mr. GUNCKEL. I simply know that when I tried to have the rules suspended and pass the bill at the last session, I could not obtain a two-thirds vote; indeed, I got but little more than half of the House. I think it was largely because, under the rules, the bill could not then be explained, and so was not generally understood. I shall hope for better things to-day.

Mr. LOUGHRIDGE. I think we shall pass this bill.

Mr. GUNCKEL. I sincerely hope so; and if we do, how many, many hearts will gladden at the news! When interrupted I was giving the names of those in the present House who voted for equalization of bounties in the Thirty-ninth Congress. Those not already named were SAMUEL J. RANDALL, PHILETUS SAWYER, GLENNI W. SCOFIELD; and the friends of Mr. FINCK of Ohio, Mr. ORTH of Indiana, and Mr. WINDOM, of Minnesota, found it necessary to say that those gentlemen were absent, but if present would vote for the bill.

Among the yeas I find the names of several gentlemen now in the Senate: WILLIAM B. ALLISON, of Iowa; ROSCOE CONKLING, of New York; THOMAS W. FERRY, of Michigan; JUSTIN S. MORRILL, of Vermont; and W. B. WASHBURN, of Massachusetts; and the names of some distinguished gentlemen not now in either branch of Congress: John A. Bingham, at present minister to Japan; Columbus Delano, now Secretary of the Interior; John F. Farnsworth, George W. Julian, E. H. Rollins, Thaddeus Stevens, (a worthy example for the Pennsylvania delegation,) Samuel Shellabarger, Robert C. Schenck, at present minister to England; Henry D. Washburn, James F. Wilson, &c.

Now, were all these gentlemen right in voting as they did? If equalization was right then, why wrong now? If the debt was acknowledged just then, shall it be repudiated now?

But a similar bill was again presented to the Fortieth Congress (when my distinguished friends from Massachusetts and Ohio, Messrs. DAWES and GARFIELD, were in the House) and passed without a call of the yeas and nays, and, so far as appears, without a dissenting voice. After these repeated recognitions of the justice of the claim, how can we longer refuse payment?

But, Mr. Speaker, I have already detained the House much longer than I intended. A few words more and I have done.

The House will bear me witness that I have never advocated or voted for any job, subsidy, or scheme of extravagance. If my record is faulty, it is because I have kept too severely to the strict line of economy. But I do not believe in repudiation, and least of all repudiation toward our soldiers. I pay my own debts; I want the Government to pay its debts. The fact that these are old makes the obligation only so much the greater. We have been liberal to the officers; shall we not be just to the privates? For, forget it as you may, it was the private who did the fighting and to whom belongs the real credit for the great victories and grand results of the war.

I close by quoting the words of Hon. George W. Julian, of Indiana, used in advocating a similar bill six years ago:

Equality is equity, and the nation cannot refuse to heed this maxim in dealing with the brave men who protected the law-makers of this Capitol during the war and saved the country itself from destruction. Nor do we accept the plea of national poverty so often urged in the light of the boundless resources developed by our war of four years. The amount required for a fair equalization of these bounties, we are sure, has been much overstated; but whatever it may be it is just, and should be provided for without unnecessary delay. With the soldier there was no task too great, no sacrifice too large, no duty too arduous, no hardship too severe; but with an alacrity that marked their earnestness in the cause, they cheerfully responded to every order, claiming none other shield than the consciousness that their banners were the emblems of liberty, of justice, and of truth. The prayer of these men must neither be denied nor evaded when they only ask the nation for justice.

Mr. ALBRIGHT. Let me ask the gentleman a question: Whether, according to the decisions of the Treasury Department, a very large number of soldiers who were enlisted in the service and served for nine months, until the expiration of their service, were prevented from receiving any bounty at all by a technical ruling of the Department; and whether the Second Auditor, Mr. French, does not state that he

considers that class of men the most meritorious that went into the service?

Mr. GUNCKEL. The Second Auditor commenced paying them, supposing they were volunteers fully competent under the law. The War Department found out they were not volunteers, but militia, and under some old law the President had the right to call out the militia; and therefore the nine-months men and others who served for less than a year were treated as militia and ruled out. The Kentucky and Indiana men were ruled out on that mere quibble, for it was nothing else.

Mr. ALBRIGHT. But is it not the fact that they were actually mustered in by United States mustering officers, placed under command of United States officers, taken into the field in Virginia and other States, and served just in the same way as other soldiers?

Mr. SAYLER, of Indiana. And paid by United States paymasters.

Mr. ALBRIGHT. Yes, sir. But when it came to this bounty question this point was raised, that if they had not been in the service for a year they were not in the United States service and therefore were not to be paid bounty.

Mr. GUNCKEL. Precisely so; and a bill has been introduced by my friend from Indiana [Mr. CASON] for the relief of Indiana men who did gallant service at New Orleans, and were deprived of bounty on the technical ruling that they were not volunteers but merely militia.

Mr. ALBRIGHT. Pennsylvania furnished twenty-seven thousand of that class of men at a time when the demand for troops was very great; when the Army had been defeated on the peninsula, and at the time of the second Bull Run; and they were immediately brought into the Maryland and Virginia campaigns. And the same is true of Ohio and some other States. These men have been deprived of this bounty to this day, and have failed in any way to get any recognition of their services to the country. This bill proposes to reach a class of men, too, who were in the service for a less period of time. The bill is meritorious, just, and fair all the way through. It provides that there shall be deducted from the bounties of the men entitled to the same, any local or other bounties they may have received, and in that way equalized; and that then it shall be ascertained whether they come under the general terms of the law, which provides there shall be paid \$100 for one year's service and makes that the basis of the calculation. Nine-months men will get seventy-five dollars.

Mr. WILLARD, of Vermont, and Mr. HAWLEY, of Connecticut, rose.

The SPEAKER *pro tempore*, (Mr. CESSNA.) To whom does the gentleman from Ohio yield.

Mr. GUNCKEL. I yield to my colleague on the committee, the gentleman from Connecticut, [Mr. HAWLEY.]

The SPEAKER *pro tempore*. For how long?

Mr. HAWLEY, of Connecticut. I desire only to make a short statement, and an inquiry for information. I see that the bill provides in paying these bounties for a deduction of any bounties paid to soldiers under existing laws. Now see how that will work. I wish the gentleman to explain if he has thought of it, and has any intention to remedy the injustice that will arise. My State paid an extra bounty all the while, adding to the pay of the soldier every three months ten dollars, making forty dollars a year, as a gratuity in excess of his pay. That is to be deducted in paying the soldiers of my State. They are to have deducted any bounty they may have received, and they did receive a bounty from the State. My State then is to be taxed to make up a hundred dollars a year to the men of other States who did not have either the generosity or the means to pay their boys this little extra allowance. Now, if you are going to pay them all \$100 a year, why assess on Connecticut this \$100 a year for the soldiers of other States? I think it would be quite equitable to make an allowance to Connecticut of all that it paid in bounties to its own soldiers. The gentleman says that this is a debt due to the soldiers of the country. Connecticut at the close of the war had a debt of \$10,000,000, which she has now got down to \$5,000,000, because she treated her soldiers generously; whereas some States that did not pay their boys anything extra are out of debt and are going on their way rejoicing. Now, sir, if you are going to pay this extra bounty, I think you should refund to Connecticut, Vermont, and other States which have already paid these bounties that which they disbursed for this purpose.

Mr. GUNCKEL. That is a very long question, but long as it is, very easily answered. These inequalities and this injustice of which I was speaking were mostly in the early part of the war, and the men who are asking simple justice are the men who enlisted early in the war, not for gain, but from patriotic motives.

Now, we provide in this bill that there shall be deducted local bounties. I am glad to be able to say, and I say it in justice to the American soldiers, that in all the petitions and memorials which I have read, not one of them has come from a soldier who received local bounty, because some of them got \$800, some \$1,000, some \$1,200, and even as high as \$2,000, in the shape of local bounties. We simply propose to give the poor fellows who early in the war enlisted from motives of patriotism, and who by the technical rulings of the Department have been deprived of what they think is absolutely due to them the bounty which they claim. I will have printed with my remarks a table, showing the local bounties paid by the States, towns, &c., and it will be found to amount to between two and three hundred million dollars. We are not trying to equalize as between States or localities but as between soldiers, doing justice to all

alike. Besides, if the House should make the change which the gentleman from Connecticut suggests, it will add ten millions to this bill.

I now yield to the gentleman from Pennsylvania [Mr. MYERS] to offer an amendment.

The SPEAKER *pro tempore*. (Mr. CESSNA in the chair.) The amendment of the gentleman from Pennsylvania will now be read.

The Clerk read the amendment, as follows:

After the words "private soldiers," wherever they occur in the bill, insert the words "sailors and marines."

Mr. MYERS. I am warmly in favor of the provisions of the bill now presented to the House, but that bill has an omission which I desire to have corrected.

The SPEAKER *pro tempore*. Does the gentleman from Ohio yield to the gentleman from Pennsylvania for debate?

Mr. GUNCKEL. I will yield him five minutes to explain his amendment.

Mr. MYERS. Make it ten minutes.

Mr. WILLARD, of Vermont. I would like to ask the gentleman from Ohio if he proposes to allow any one to speak upon this bill except those who are in favor of it. Will he allow any one to explain amendments which they desire to offer?

Mr. GUNCKEL. It is a question for the House to determine whether they will take one day or ten days to dispose of this bill.

The SPEAKER *pro tempore*. The gentleman from Ohio has twenty minutes of his time left, and yields five minutes to the gentleman from Pennsylvania, [Mr. MYERS.]

Mr. MYERS. Mr. Speaker, I should not do justice to my own convictions if I did not attempt to supply the omission made in this bill. It is scarcely a wonder that the sailors and marines have been forgotten in this bill. In time of peace there are but eighty-five hundred of them. They are abroad most of the time, and cannot reach our ears by the presence of personal petition. But when platforms have to be made they are remembered whether we are speaking of bounties or gratitude to the defenders of the country. When the war was going on many of the naval battles were as brilliant as those on land. The battle between the Monitor and the Merrimac was as decisive on sea as the battle of Gettysburgh by land. Those on the Mississippi and Tennessee Rivers, at Forts Jackson and Saint Philip, and the contest between the Kearsarge and the Alabama, will never be forgotten by the American people. Congress did not forget them, for by the act of July 1, 1864, we enacted that persons enlisting in the naval service or in the Marine Corps thereafter should be entitled to the same bounty as those enlisted in the Army.

Some gentlemen may make objection that the sailor receives prize-money. Not half of the seamen received prize-money during the rebellion; and the average amount of prize-money that was received by the common sailors was not more than fifty dollars a man. Besides there is a gross wrong inflicted by law or usage on our sailors, to do away with which the Committee on Naval Affairs have reported a bill now on our Calendar which I had the honor to present and which I hope will be passed by the present Congress. Sailors on their enlistment have over sixty dollars deducted from their pay for clothing, an injustice inflicted by no other government and which the soldiers and the marines do not have to encounter. The soldier, and even the marine who treads the same deck with the sailor, is allowed his clothing annuily free of charge as a matter of the plainest justice. Therefore if an advantage in the shape of prize-money did sometimes come to our seamen in helping to put down the rebellion, it was more than counterbalanced by this deduction from the pay which their families should have received.

I may be asked how much my amendment will add to the expense of this bill. I feel confident it will not add more than five or six million dollars at the furthest. In December, 1863, the Secretary of the Navy reported to Congress that the enlistments during 1862 were about fifteen hundred and twenty-nine per month, and in 1863 that the average was two thousand a month—thirty-four thousand in all up to July 1, 1863; and remember this bill only allows bounty for the time of service. On July 1, 1864, Congress recognized the bounty principle for sailors, and those enlisting thereafter were declared entitled to receive the same bounty as if enlisted in the Army. We should not forget these men. The argument as to early enlistment without bounty applies just as much to them as to soldiers. Let us do justice to all the men who helped to save the country, seamen as well as soldiers.

Mr. GUNCKEL. Of the class to which the gentleman refers there were about one hundred thousand. It will take at least \$100 each, or a little more, to equalize their bounties. Gentlemen can easily calculate what it will amount to. Among all these petitions and memorials I have found one only from persons of that class. I am willing, however, that the amendment of the gentleman from Pennsylvania [Mr. MYERS] shall be considered and disposed of by the House.

Mr. COMINGO. Will the gentleman allow me to offer an amendment?

Mr. GUNCKEL. I will hear it read.

The SPEAKER *pro tempore*. There are two amendments already pending.

Mr. COMINGO. I will ask that it be read for information.

The SPEAKER *pro tempore*. It requires unanimous consent to have the amendment received and considered as pending.

The amendment was to add to section 1 the following:

And the provisions of this act shall extend to all soldiers who were mustered into the service of the United States and were subsisted, clothed, and paid by the Government of the United States.

The SPEAKER *pro tempore*. Is there objection to receiving that amendment?

Mr. KASSON. I object.

Mr. WILLARD, of Vermont. Will the gentleman from Ohio [Mr. GUNCKEL] yield to me?

Mr. GUNCKEL. How much time have I left?

The SPEAKER *pro tempore*. The gentleman has fifteen minutes left.

Mr. GUNCKEL. I yield five minutes to the gentleman from Vermont, [Mr. WILLARD.]

Mr. WILLARD, of Vermont. This bill is one which if it becomes a law will require the expenditure of from thirty to one hundred million dollars. I understand from the gentleman who has charge of the bill that it will call for about \$30,000,000.

Mr. GUNCKEL. I think \$20,000,000.

Mr. WILLARD, of Vermont. The amendment of the gentleman from Pennsylvania [Mr. MYERS] would add \$10,000,000 more to the bill. Official estimates place the amount which this bill may call for as high as \$100,000,000.

Mr. GUNCKEL. That is a different bill from this.

Mr. WILLARD, of Vermont. If we are going to make any such expenditure as this we should at least do justice and equity, and not tax one class of the people who have been generous in their treatment of the soldiers in order to pay the soldiers who went from another portion of the country, and who were not treated so generously by their States. Let me give an example. The State of Vermont was represented by its Legislature in extra session, called in April, 1861, at the very outset of the rebellion, before we could see through and before we anticipated the large calls for troops which were made, and when bounties were not needed in order to raise recruits for the war. The first call for seventy-five thousand men had then been issued. Our Legislature, determining to deal generously with its own soldiers, then passed a law that every soldier from Vermont who went into the war for the suppression of the rebellion should be paid by the State seven dollars per month, the money to be paid to the family of the soldier if he had one, otherwise to his order. That law was in force throughout the entire war. More than twenty-five thousand men enlisted from Vermont, served through their term of enlistment, and received for the whole time from the State of Vermont this pay of seven dollars per month.

This bill excludes every one of those soldiers from any participation in this bounty, except as to the difference between \$7 and \$8.33 $\frac{1}{3}$ per month. In other words, it says to the soldiers from Vermont, "Because your State dealt generously with you in the beginning you shall not participate now in this new bounty of the General Government; yet we will tax you soldiers of Vermont to pay bounties to soldiers who went from States which did not pay local or State bounty." That is not equity, that is not justice.

If we are now to attempt to equalize this matter of bounties, to say that the United States shall vote thirty or one hundred million dollars for the purpose of paying bounties to soldiers to whom it has not before paid bounties, then let us not except the men who happen to come from a State which felt called upon in the very outset to deal generously by its citizen soldiers. Let us stand here in this matter as the United States. When the United States later in the war offered a bounty of \$100 a year, they did not except those who received pay from their own States or those who received pay from their towns and counties. Gentlemen say that this bill is for the purpose of equalizing that distribution of bounties. Why, then, do they turn round and adopt a different principle, excluding a particular class from the benefits of the act? Sir, if they do that, it will look very much as though States which had not been willing to deal generously by their own soldiers were ready now to come in here and tax the whole United States to do what they ought to have done and did not do.

Mr. GUNCKEL. Was it the generosity of Vermont that induced her to vote bounties to soldiers, or was it a desire to avoid the draft by sending to the South for slaves, or to Canada for aliens, to be enlisted in the Army of the United States?

Mr. WILLARD, of Vermont. We did not do that.

Mr. GUNCKEL. I yield to the gentleman from Connecticut [Mr. KELLOGG] for three minutes.

Mr. WILLARD, of Vermont. The gentleman from Ohio, [Mr. GUNCKEL,] after making that insinuation, must allow me a single word more. I said at the outset that the law to which I referred was passed in April, 1861, when Vermont was ready, as she was all through the war, to furnish her proportion of soldiers. Why, sir, Vermont kept ahead of every call; and when the war closed we were ahead to the extent of our quota of a hundred thousand men, and we never sent beyond our own borders to obtain soldiers.

Mr. RANDALL. Before the gentleman from Connecticut [Mr. KELLOGG] proceeds I wish to ask the gentleman from Ohio [Mr. GUNCKEL] when he will be ready to yield to me for an amendment to insert the word "sailors?"

The SPEAKER *pro tempore*. That amendment is now pending, having been offered by the gentleman's colleague, [Mr. MYERS.]

Mr. KELLOGG. Mr. Speaker, while I am always glad to vote for

anything that looks toward equalizing bounties to our soldiers, as I have done several times since I have been here, I do not see how, with this provision for deducting State bounties in this bill, we can do justice to the soldiers in the different States. In my own State, not in the late stages of the war, but when the war first broke out and the echoes of the first guns of the rebellion reached us, we offered ten dollars a month to volunteers; and under the call for seventy-five thousand men five regiments of our own brave boys and men—not men imported from Canada or anywhere else—sprang to the front; and the General Government would take only three regiments of the brave men who first volunteered, not for the bounty, but for the flag and the Union of the States. The others were put in training in camp and one of them was afterward accepted; and after the battle of Bull Run the General Government was very glad to get the other regiment, which was the Fifth Connecticut Volunteers. The Supreme Court has decided that all soldiers who enlisted for three years and were accepted under that call for seventy-five thousand men were entitled to \$100 bounty, whether they served the full three years or were discharged before that time for any good cause or for disability to serve longer.

What is the result? When our men had been in camp two months, every man in the ranks was mustered in within the time required; but the mustering officer arrived so late that the commissioned and regimental officers were not mustered in until the day after the time expired, and the muster of the regiment dates from the muster of the field officers of the regiment. On account of that single day fifty or one hundred men of the Fifth Regiment of Connecticut Volunteers have been deprived of their \$100 bounty from that time to this, to which they were entitled by the decision of the Supreme Court. A bill to remedy that injustice has been passed by the Senate and sent to the Military Committee of this House, who will not report it because they want to put through this general bill. I introduced a bill to pay those men their bounties, to which they were entitled under the proclamation of President Lincoln, in the last Congress, and the Military Committee said it was sufficient for the purpose, and it passed both Houses and became a law. The bounties were refused on a mere technicality; and a bill is now before the committee to pay those men what the Supreme Court of the United States have decided they were entitled to receive.

Now, I say, if you will make this general bill right and strike out this deduction of State bounties I will vote for it; but because our State chose to pay ten dollars a month to her soldiers in the first part of the war and other allowances to the soldiers and their families all through the war, I cannot consent that such payments shall be deducted in any equalization of bounties paid by the United States Government when you are now, long after the war is over, equalizing bounties among the soldiers of the several States on the part of the General Government. I cannot vote for this bill unless you strike out that provision in regard to State bounties, for not a soldier in my State would get a dollar under this bill. There is no justice in it. What the State or the town chose to give the volunteers under State laws you have nothing to do with. All we have asked is to pay our soldiers what you agreed to do under Mr. Lincoln's first proclamation; and you are not willing to do that. You want us now to help pay your soldiers additional bounties in the large States, when you were not generous enough to give them anything while the war was upon us; and you refused to pay our volunteers anything, because our State was patriotic and generous enough to give them State bounties at the time.

Mr. GUNCKEL. Mr. Speaker, the Senate bill to which the gentleman refers applies to Connecticut troops and other New England troops; and it would require an appropriation of \$1,000,000. But it does not equalize bounties at all. Therefore our committee oppose it, as I know the House also would.

Mr. KELLOGG. The bill does not take \$100,000 out of the Treasury to pay what is honestly due our soldiers, or one-half of it; and all we ask is what the Government agreed to pay them.

Mr. GUNCKEL. It would take \$1,000,000. I have the official figures here, given by the Second Auditor of the Treasury.

I yield three minutes to the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. Mr. Speaker, I am very much gratified at the action of the Committee on Military Affairs in reporting the bill now under consideration. The committee have done me the honor, I believe, to adopt as the text of the bill a measure which I introduced early in the present Congress, and which I have kept before Congress for several years past. I understand that the bill reported is my bill, with two or three amendments which the committee have authorized the gentleman from Ohio [Mr. GUNCKEL] to propose.

I am also gratified by the statement of the gentleman from Ohio (who has examined this question) that the enactment of this bill will not call for the expenditure of nearly so much money as we have been in the habit of supposing for several years past, from estimates of the Treasury Department. I have never believed that it would cost a very large sum of money to equalize substantially all bounties and do justice to soldiers who under existing laws have not received the bounty to which they are fairly entitled.

The gentleman from Ohio is also right when he says that a class of soldiers who have been excluded from bounty under the existing law have reason to complain of the action of the Government in that

respect. And if injustice has been done by the rulings of the Treasury Department or the War Department, it devolves upon Congress by appropriate legislation to correct the injustice thus inflicted. This bill we are assured will make such correction; if not completely, it will substantially do so.

It has become a part almost of the common law of this country, especially of the States which furnished the greater portion of the soldiers during the late war, that the soldiers shall be fairly treated in every manner concerning their compensation. It has been so declared substantially by law; so declared in political platforms; so declared in proclamations of the President; so declared in the speeches made by gentlemen who were understood to represent the views of the Government in this respect.

There is but one way in which the soldiers who have been excluded from their just rights in regard to bounty can be fairly treated; that is, by giving them something like an equality of compensation with respect to others similarly situated. But the most remarkable feature in connection with this whole subject is that the class of soldiers who were first to volunteer, who really rendered more important service during the war than any other class, have proportionately received the smallest pay. Those soldiers who volunteered toward the closing years or months or weeks of the war have received proportionately the greatest amount of bounty, though from the necessity of the case they rendered the smallest amount of service.

I trust that this bill will pass in some shape. Even though it may ultimately fail for want of the concurrence of the Senate, let us show that this House is not insensible to the obligations resting upon us as a matter of honor as well as duty.

Mr. GUNCKEL. I yield three minutes to the gentleman from Missouri, [Mr. PARKER.]

Mr. PARKER, of Missouri. Mr. Speaker, I very much regret that my friend from Iowa [Mr. KASSON] raised an objection to the amendment of my colleague, [Mr. COMINGO.] The State of Missouri had eleven regiments of men who under an agreement between the governor of that State and President Lincoln were in 1861 mustered into the service, as other soldiers were, for three years or during the war. They were clothed and fed, subsisted in all respects, paid by the Government of the United States, and mustered in as United States soldiers. We have always believed that under existing bounty laws they were entitled to be regarded as were other soldiers; but through the technical construction which has been placed on those laws, not any stronger or broader in their character than the first section of this bill, these eleven regiments have never received a dollar of money. Yet, sir, they served faithfully and well in the Union Army.

Mr. McNULTA. What was the character of the service rendered by these troops?

Mr. PARKER, of Missouri. Let me say to the House that the service done by these men was of a character very different from that done by soldiers who went farther south. It was believed necessary, on account of the disloyal element in the State of Missouri, that the homes and property of the loyal men should be protected. The loyal men of the State had sent their able-bodied force to the front. This plan was entered into between the President and Governor Gamble, in order that we might get a force for our own protection and security. It is in the memory of the House that the whole State of Missouri was a battle-field and every man there in these three years of service not only had to engage in the battles of the State, but was constantly called upon to defend his own home.

I hope the House will agree to the amendment proposed by my colleague, [Mr. COMINGO,] so as to make this section sufficiently plain to give these eleven regiments bounties, so that the question will not be left to the interpretation of the Second Auditor. They are entitled to it. They were regarded in all respects as soldiers mustered into the service of the United States. Their service entitles them to it; and if there were any troops in the service of the Government who ought to have bounty, it is certainly these eleven regiments of Missouri troops. Nearly all the other soldiers who served for three years have received some bounty. These men have not received a single dollar. The mustering in of these troops enabled them to have the troops from Illinois and other States, which had been sent to Missouri to keep it in the Union relieved and sent to other places.

Mr. GUNCKEL. I think the first section of the bill covers those troops, and no amendment is needed.

Mr. PARKER, of Missouri. I think this first section of the bill will cover them, but I want to have the language of the bill so prepared that when this comes back to the Second Auditor—for as it is now it is no stronger than many other laws from the benefits of which these eleven regiments have been excluded by the technical construction of the Second Auditor—he will be prevented from placing the same technical interpretation upon it and again cutting them out from the benefits of this law. I wish to have it made so plain that he who runs may read. These men are entitled to bounty and they ought to have it. I hope the gentleman from Iowa will withdraw his objection and permit my colleague [Mr. COMINGO] to offer his amendment so the House may vote upon it.

Mr. GUNCKEL. The bill already includes them, and I now yield to the gentleman from Indiana, [Mr. SAYLER.]

Mr. SAYLER, of Indiana. Mr. Speaker, I recognize fully the claim of these Missouri soldiers, referred to by the gentleman from Missouri, [Mr. PARKER,] who last addressed the House. I believe the bill now

before the House very clearly embraces them, and I believe after the declaration of that fact on the floor of this House the Second Auditor will hesitate to put any such construction upon the law as has been intimated.

But I wish to answer, as well as I may, a proposition made by several gentlemen on this floor, and especially by the gentleman from Vermont, [Mr. WILLARD,] that this bill is iniquitous, because of the fact it leaves inequality between the different States of the Union. I take it that this is a bill for the purpose of equalizing bounties of soldiers and not for the purpose of equalizing the expenses of the States.

I know of no State obnoxious to the objection urged here. I know in the States where I am familiar in the West there were as large bounties paid as in any other State I know of, perhaps as large as any in the country. Wherever these local bounties have been paid, whether in Vermont or Indiana or anywhere else, they have gone to the benefit of the soldiers, and to that extent in those States their soldiers were better provided for and better paid than the soldiers from the other States. We wish to put them all on an exact equality as to these bounties; not in reference to localities, but as among comrades, among the men who stood shoulder to shoulder in defense of the country; who laid down in the trenches side by side; who were out together on outpost duty joined in a common danger; the men who nursed their wounded fellows and buried their dead—we want that they all shall stand side by side upon exact equality so far as these bounties are concerned. We want that the men of Vermont shall be made equal with the men from Indiana; that the men from Connecticut shall be made equal to the men from Ohio. We want all these soldiers, from whatever State they may have come, shall still be recognized as comrades equal before the law in reference to pay and emoluments. Very many worthy soldiers have been ignored in bounty laws heretofore passed. Very many nine-months soldiers were shot down in line of battle, and their widows and orphans have been deprived of one dollar of bounty. So with other classes referred to by the gentleman from Ohio.

I say again, this is a bill to equalize bounties among soldiers, and I hope it will be passed before we adjourn to-day.
[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendments bills of the House of the following titles:

The bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States;

The bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States; and

The bill (H. R. No. 3658) for the relief of William J. Coite.

The message further announced that the Senate had passed, with an amendment in which the concurrence of the House was requested, the bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia.

The message also informed the House that the Senate had passed a bill (S. No. 1296) to authorize the acceptance in behalf of the United States of America of certain real property occupied by the United States consul at Tunis.

The message also announced that the House of Representatives was requested to correct a verbal error in the bill (H. R. No. 4546) "to correct errors and to supply omissions in the Revised Statutes of the United States," by adding in the enrolled bill an "s" to the word "alien," line 11, page 6, of the engrossed bill.

EQUALIZATION OF BOUNTIES.

The House resumed the consideration of the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GUNCKEL] has three minutes of his time remaining.

Mr. GUNCKEL. I yield two minutes to the gentleman from New Hampshire, [Mr. SMALL.]

Mr. SMALL. I merely want to say that this bill in my judgment is most unjust in its provisions and will be in its operation. While my State paid her soldiers during the entire war \$300 to three-year men, \$200 to two-year men, and \$100 to one-year men, and town bounties besides, and has provided since the war for reimbursing the towns, New Hampshire soldiers will not get one dollar under this bill, but she will be compelled to help to pay the soldiers of the other States. I protest on behalf of my State against the passage of this bill.

Mr. GUNCKEL. I have one minute remaining of my time, and yield half a minute to the gentleman from Indiana, [Mr. SHANKS.]

Mr. SHANKS. I offer the following amendment:

The Clerk read as follows:

After the word "slaves," in line 5, insert the words "and Indians."

Mr. GUNCKEL. I have no objection to that amendment being admitted as pending.

Mr. COMINGO. I offer the following amendment:

Add to the first section these words:

And the provisions of this act shall extend to all soldiers who were mustered into the service of the United States and were subsisted, clothed, and paid by the Government of the United States.

The SPEAKER *pro tempore*. Does the gentleman offer that in lieu of the former amendment?

Mr. COMINGO. I do.

Mr. GUNCKEL. I now call the previous question on the bill and amendments.

Mr. DAWES. I ask the gentleman to yield to me for five minutes. I will then return him the floor, that he may move the previous question.

Mr. GUNCKEL. I yield to the gentleman on the understanding that my right to the floor is not prejudiced.

Mr. DAWES. I think it is fair that the House should fully understand how much will be taken out of the Treasury by this bill. I therefore want the gentleman from Ohio [Mr. GUNCKEL] to listen to me and see if I state it correctly. He has kindly lent me his statement of the expense of this. I understood it was made by gentlemen who were furnished to him by the Second Auditor to make out that statement.

Mr. GUNCKEL. I said it was made up by men who were in the employment of the Second Auditor—by men who had been in the habit of making up these estimates.

Mr. DAWES. What is their business now?

Mr. GUNCKEL. I do not think I am called upon to say.

Mr. DAWES. Let me state to the House that this estimate as to the expenses seems to have been brought down to \$58,752,532.29, and then there are deductions made in another handwriting, which I recognize I think as that of the gentleman from Ohio, [Mr. GUNCKEL.] That is the gentleman's subtraction from the statement which these men made to him. I suppose that without doubt they are according to the gentleman's own convictions. I do not doubt that but these gentlemen who made out the statement for him, who have been in the employ of the Second Auditor and understand the business, have brought it down to fifty-eight millions, and my friend from Ohio has by other means satisfactory to himself brought it down to \$29,728,000; or say in round numbers twenty-nine and three-quarter million dollars. He states further to the House that in his opinion it might safely be brought down to \$20,000,000. That is the honest conviction, I have no doubt, of the gentleman from Ohio; but I call the attention of the House to the fact that the gentlemen who have been in the employ of the Second Auditor, and are the men who know all about it, and as I understand from the gentleman were employed by him, of course to bring it down as low as their conscience would admit, have brought it down to fifty-eight million.

My friend could not get it from the papers before him above twenty-nine and three-quarter million dollars. He has been able to satisfy himself in his zeal and earnestness in advocating this bill that the amount which this bill would take out of the Treasury would be only \$20,000,000. He tells us that it will take ten years to get the whole amount out of the Treasury, because it will be ten years before all the claimants get ready to present their claims. But does he not understand that the Treasury must be ready to meet the demand at once, for they cannot tell how many of these claimants will not be ready within the ten years? So that the best statement the gentleman can present to the House is that the amount will be twenty-nine and three-quarter million dollars. He has reduced the statement of the gentlemen whom he employed to make an estimate from \$58,000,000 down to twenty-nine and three-quarter million dollars.

Mr. GARFIELD. Will the gentleman from Massachusetts yield to me for a moment to enable me to read a telegram which I have received from the Second Auditor of the Treasury?

Mr. DAWES. I will yield for that purpose.

Mr. GARFIELD. I telegraphed to the Second Auditor of the Treasury, asking him how much this bill would draw from the Treasury, and he answers me:

TREASURY DEPARTMENT,
Washington, D. C., February 13, 1875.

To Hon. J. A. GARFIELD,
House of Representatives:

My attention has not been called to the details of this bill, but the bounty bill which was under consideration by the Committee on Military Affairs at the last session would call for \$100,000,000. The committee has the testimony of the Second Comptroller, Second Auditor, and I think of the Paymaster-General and Adjutant-General upon that point. Of the two last I am not sure.

E. B. FRENCH.

Mr. DAWES. I am taking the case as the gentleman from Ohio presents it to the House; and according to his statement there is this \$30,000,000 in round numbers to be added to the existing deficit of \$35,000,000, making \$65,000,000, when the Committee on Ways and Means find the House exceedingly impatient, and reasonably and properly so, in the last hours of the session, to debate a bill that only proposes to bring \$35,000,000 into the Treasury.

I ask gentlemen, however they may feel toward the soldiers of the country, to look to the honor of the nation, and not let this Congress adjourn until they meet the obligations of the Government; and I ask them also to put a bill to meet those obligations before a bill that will take out of our depleted Treasury such a sum as this.

Mr. SYPHER. I would ask the gentleman, suppose this bill does take \$100,000,000 out of the Treasury, will we not save that amount in the next democratic administration?

Mr. DAWES. Let us save it first.

Mr. GUNCKEL. I move the previous question, and I presume that after the previous question is seconded I shall be entitled to my hour

to reply to the assaults that have been made upon this bill; and I want my colleague from Ohio [Mr. GARFIELD] and the gentleman from Massachusetts [Mr. DAWES] to remain and hear me when I take the floor to answer their remarks.

Mr. DONNAN. I ask the gentleman from Ohio to yield to me for a minute.

The SPEAKER *pro tempore*. The gentleman from Ohio has no time to yield to anybody.

Mr. WILLARD, of Vermont. I rise to a point of order. Does not this bill require a two-thirds vote for its passage?

The SPEAKER *pro tempore*. It does not.

Mr. WILLARD, of Vermont. Is not this the first day on which the bill has been considered?

The SPEAKER *pro tempore*. The bill is being considered under a suspension of the rules by a two-thirds vote of the House.

The question was put on seconding the previous question; and on a division there were—ayes 86, noes 47; no quorum voting.

Mr. DAWES. I ask a further count.

Tellers were ordered; and Mr. DAWES and Mr. GUNCKEL were appointed.

The House again divided; and the tellers reported ayes 91, noes not counted.

So the previous question was seconded.

The main question was then ordered to be put, being first upon the amendment offered by Mr. HAWLEY, of Connecticut.

Mr. GUNCKEL. Have I a right to the floor now?

The SPEAKER *pro tempore*. Yes; the gentleman has the right to the floor.

Mr. GUNCKEL. If I had been told that the gentleman from Massachusetts—I was about to say the Senator from Massachusetts—could be capable of being so unfair as he was a little while ago, I would not have believed it. Now, what has he done? After my two hours had expired he induced me to give him five minutes just before the question was to be taken on seconding the previous question, and then he throws before the House a statement in reference to this bill which is wholly incorrect and calculated to mislead those unfamiliar with the facts. And he gets my colleague from Ohio [Mr. GARFIELD] to help him prejudice the case and injure the bill with a telegram, in reference to an old bill not before the House and different in many particulars from the present one. My colleague, if he had been here and had heard my remarks, would have known that I was careful in giving not only my figures but two written statements in connection with this matter which give him all the facts, and the data on which I made my statement. If he had listened to me he would have found that the statements I presented showed deductions, large deductions, from the amounts estimated as the cost of former equalization bills. What more? I called the attention of the gentleman from Massachusetts [Mr. DAWES] to the facts and figures, and among other things to the testimony of Adjutant-General Townsend, in which was an admission that the estimates were probably too large and would justify a deduction of \$10,000,000.

The statement shows, too, on its face, a large deduction by reason of a clause in this bill deducting local bounties, a deduction not anticipated by the gentleman who made the statement, yet fully justified by the facts.

The case simply is, that I take a statement prepared for a general equalization and modify it to suit the pending bill, and as I give all the data, the House can judge whether the deductions are proper or not.

More than that, I also gave him a statement of my predecessor in this House, Mr. Schenck, of Mr. Washburn, of Indiana, who reported a bill to the Fortieth Congress, and also of Mr. Krebs in the Forty-second Congress, justifying my own estimate fully in every particular. And I showed that in the Forty-second Congress the gentleman from Massachusetts [Mr. DAWES] and the gentleman from Ohio [Mr. GARFIELD] voted for a bill which if then passed would have taken from the Treasury from eight to ten million dollars more than this bill will require. And both of those gentlemen were elected to Congress upon a platform which distinctly declared that the republican party was pledged to equalize bounties; and yet because this bill does not happen to suit New England, which spent a great many thousand dollars in local bounties—

Mr. PARKER, of New Hampshire. And you want us to help you pay your bounties.

Mr. GUNCKEL. Well, why should you not? The objection does not come from the South, which must pay her share of this bounty, and yet will get no benefit therefrom. I hope the soldiers of the country will notice it comes from New England and from New York. New York had thirty-eight regiments in the service, and upon a mere technicality thousands of her brave soldiers have been ruled out of their bounty, which was as honestly due to them as any debt in the world. My distinguished friend from Massachusetts [Mr. DAWES] is very careful that the foreign bondholder shall be paid not only according to the letter but the spirit of the law; yet he seems unwilling to pay these poor private soldiers, many of them disabled, scattered all over the country, who are coming to you session after session and making an appeal for simple justice. They ask you to simply pay them what you owe them and have owed them these many years past. And whether large or small, if we mean to be honest, we should pay, and without further delay.

Mr. COBURN. I ask the gentleman to yield to me for a few minutes.

Mr. GUNCKEL. I yield for five minutes to the chairman of the Committee on Military Affairs.

Mr. COBURN. The objection to this bill is that it does not equalize bounties; that the expenditures that have been made by the States cannot be reimbursed in this way. As my colleague on the committee [Mr. GUNCKEL] has said, this is not a proposition to reimburse the States, but so far as it can do so it is a proposition to equalize bounties to soldiers.

The bounties that were paid toward the last of the war were very much greater than those paid at the beginning of the war. But the House should always remember that the most meritorious soldiers were those that went out in the early part of the war. Members from New England talk about the large bounties that their States and their localities gave to their soldiers. Now, I do not know, I have no means of ascertaining, and I think no one has the means of estimating the amount of local bounties given by the counties, towns, cities, and States. That is a matter that can be ascertained only by a very long and thorough investigation requiring months and perhaps years to get through with it.

I know it to be the fact that in many of the Western States very large local bounties were given. The city in which I live, but a small city, gave bounties to the amount of more than half a million dollars, perhaps a million dollars; I cannot say how much exactly. The various townships gave local bounties. But they are not now asking that any equalization of those bounties shall be made. It is not a question in which the people as a people, or the localities as localities, are complaining or have any right to complain. That was a matter of patriotism; a matter purely voluntary; a matter in which they undertook to aid the Government in their own way. That was a matter that was outside of any legal enactment, and ought not now to be taken into the calculation any more than the money that was expended for the benefit of the soldiers through the sanitary commission. There were hundreds and thousands of methods by which the people throughout the entire North gave bounties and aid and sustenance to the soldiers.

The Committee on Military Affairs, after going over this whole matter and trying to come to some kind of equitable adjustment, thought that this adjustment of local bounties would come as near to equalizing bounties as any other kind of calculation. Therefore they provide in this bill that these local bounties shall be deducted. If gentlemen are disposed to cavil at this matter, as they seem disposed to do to-day, and require that each soldier shall have the same amount of bounty from the beginning to the end of the war, in proportion to the time he served, they will not be able in the lifetime of any soldier to make the calculations necessary to enable them even to approximate to a correct result. What we propose to do by this bill is to give \$8.33 a month bounty to every soldier for the time he served, deducting therefrom the amount of State or other local bounty he received.

Mr. GUNCKEL. I now yield for five minutes to the gentleman from Pennsylvania, [Mr. SPEER,] after which I think I shall call for a vote and yield no further.

Mr. POLAND. I ask the gentleman from Pennsylvania [Mr. SPEER] to yield to me for a moment.

Mr. SPEER. I will do so.

REVISION OF THE LAWS.

Mr. POLAND. The Senate has passed without amendment the bill of the House for correcting the Revised Statutes. But they have adopted a resolution recommending the addition of the letter "s" to a single word in the enrolled copy of the bill.

The SPEAKER *pro tempore*. The resolution of the Senate will be read.

The Clerk read as follows:

IN SENATE OF UNITED STATES, February 13, 1875.

Resolved, That the House of Representatives be requested to correct a verbal error in the bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States, by adding in the enrolled bill an "s" in the word "alien," line 11, page 6 of the engrossed bill.

Mr. POLAND. I ask unanimous consent that the reference to section 2160 be corrected in the enrollment by adding the letter "s" to the word "alien," in the first line of that section.

There being no objection, it was ordered accordingly.

EQUALIZATION OF BOUNTIES.

The House resumed the consideration of the bill (H. R. No. 3341) to equalize the bounties to soldiers who served in the late war for the Union.

Mr. SPEER. Mr. Speaker, I heartily sympathize with the object of this bill. While I do not believe that absolute equality will be reached by its passage, yet it is a step toward equalizing the bounties due to our soldiers. Hence, although it will not accomplish complete equalization, it certainly deserves, in my judgment, the favorable consideration of this House.

The objection, and the only objection, urged to its passage is that the national Treasury is not able to sustain such a draft upon it as will be made by this measure. Now, I beg to call attention to the fact that though the chairman of the Committee on Ways and Means [Mr. DAWES] and the chairman of the Committee on Appropriations [Mr. GARFIELD] are guarding the Treasury as it is their duty to do, and in that effort are attempting to defeat the passage of this bill, yet both of those gentlemen voted for the Choctaw claim, which would take out of the Treasury four or five million dollars. And there is now

pending in the House the Hennepin Canal bill, which, if passed, will take out of the Treasury before that canal shall be completed from ten to twenty million dollars.

Mr. HAWLEY, of Illinois. I insist that that statement shall not be repeated. I deny its truthfulness. No estimate of the cost of that work has ever gone higher than \$4,000,000.

Mr. SPEER. The gentleman has a right to his opinion, and I have a right to mine, and I declare my deliberate judgment that less than ten millions will not complete that work. I want to call attention to the fact that by a two-thirds vote of this House a day was set apart for the consideration of that bill. I affirm that the Hennepin Canal and the Choctaw claim, if they should be passed, will take out of the Treasury dollar for dollar as great an amount as this bill will; and I desire that the country shall observe what members of this House go on the record in favor of those two propositions, and yet, when a matter of justice to the men who have shed their blood for the flag of the country is before us, cry out that the National Government cannot afford to pay them. If we can build the Hennepin Canal, if we can pay or twice pay (as I believe the proposition is substantially) the Choctaw Indians, we can afford to do, at least attempt to do, justice to the men whose bravery in the field against a gallant foe and whose sufferings and sacrifices have saved us a capital, a country, and a home.

Mr. GUNCKEL. I yield two minutes to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. Mr. Speaker, I desire to occupy the attention of the House but a moment. I would not speak at all upon this question had I not myself introduced a bill to equalize the bounties of soldiers who served during the rebellion. I did so because I felt there was a wide-spread conviction throughout the country that exact justice had not been done to our volunteer soldiers. In my view, it is the general conviction of the country that nothing short of an equalization of bounties as provided in this bill will close up the nation's account with the volunteers who came forward and saved the Republic.

In a nation like ours, relying as we do upon volunteers for the defense of the Government, supporting as we do so small a standing Army, I do not think it safe or wise to disregard the claims of the men who come forward in defense of the country. Just so long as there is a conviction throughout the land that anything else than exact justice has been done to the volunteers, just so long ought we to labor to remove that conviction and settle our account with the volunteers who saved the Republic.

I do not so much look at the amount that may be called for by the passage of this measure. I have hope and faith in the early revival of the business of the country. I do not believe that we are to be bankrupt, or that we are not able now and shall not be a year hence to meet this demand and the other demands that may be made upon us.

Every mail brings to me a letter from some soldier interested in the adjustment of this unsettled account. There is a general expectation that such a measure as this will be passed. I insist that the party about to go out of power in this House of Representatives cannot well afford to disregard the cry that comes up, not merely from the West and the Middle States, but from New England itself. I thank the gentleman from Indiana for the suggestion that this is a national matter, and that New England has no right to undertake to slough herself off and listen to such words as those of the gentleman from Vermont, [Mr. WILLARD.] They are sectional; they are local. Rather let us look upon this as a national balance that we must meet and settle up before we can be justly considered as having squared our accounts with the noble men who saved the Republic.

[Here the hammer fell.]

Mr. GUNCKEL. Mr. Speaker, before calling for a vote I wish to make but two brief remarks. A while ago I said, when speaking of the amendment of my friend from Pennsylvania, [Mr. MYERS,] that the sailors and marines numbered one hundred thousand, and that to include them in this bill would add about \$1,000,000 to the expense of the measure. I find that the total number of sailors and marines is estimated at about one hundred thousand, a great many of whom have been paid. How many remain unpaid, and just how much additional expense would be involved in the amendment, I do not know.

A single other remark: The bill of General Schenck in the Thirty-ninth Congress deducted local bounties just as this does; and every New England member voted for it. As I have already stated, there were but two votes recorded against its final passage. I now call for a vote.

The first question was upon the amendment reported by the Committee on Military Affairs, to strike out sections 6 and 7 of the bill; which was agreed to.

The next amendment was that of Mr. MYERS, which was to insert after the words "private soldier" wherever they occur the words "sailor and marine."

The amendment was agreed to.

The question next recurred on Mr. SHANKS's amendment, as follows:

In the fifth line of the bill, after the word "slaves" insert "and Indians."

The amendment was agreed to.

The question next recurred on the amendment of Mr. COMINGO, as follows:

And the provisions of this act shall extend to all soldiers who were mustered into the service of the United States and who were subsisted, clothed, and paid by the Government of the United States.

The amendment was agreed to.

Mr. KELLOGG. I hope the gentleman will yield to have the amendment offered to strike out "or State."

Several MEMBERS. Vote! Vote!

The SPEAKER. Further debate on the amendment is not in order.

The bill was ordered to be engrossed and read a third time.

Mr. DAWES. I call for the reading of the engrossed bill.

Mr. GUNCKEL. I move to reconsider the vote by which the bill was ordered to be engrossed, and on that demand the yeas and nays.

Mr. DAWES. I will withdraw my demand if you will give us the yeas and nays on the passage of the bill.

Mr. GUNCKEL. Of course.

Mr. DAWES. I withdraw the demand for the reading of the engrossed bill.

Mr. GUNCKEL. I withdraw the motion to reconsider.

Mr. DAWES. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. YOUNG, of Georgia. I move that the House adjourn.

The House divided; and there were—yeas 45, noes 46.

So the House refused to adjourn.

The question was then taken on the passage of the bill; and it was decided in the affirmative—yeas 177, nays 40, not voting 72; as follows:

YEAS—Messrs. Adams, Albright, Atkins, Averill, Banning, Barrere, Bass, Begole, Biery, Bland, Bradley, Bright, Bromberg, Brown, Buckner, Bundy, Burdard, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Carpenter, Cason, Canfield, Cessna, John B. Clark, Jr., Clayton, Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Cox, Crittenden, Crossland, Crouse, Crutchfield, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Durham, Eldridge, Farwell, Field, Finck, Fort, Foster, Freeman, Garfield, Glover, Gunckel, Gunter, Harmer, Henry R. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Holman, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Lamson, Lampson, Lawrence, Lofland, Loughbridge, Lowe, Lowndes, Lynch, Magee, Marshall, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Mills, Mitchell, Monroe, Moore, Morey, Morrison, Myers, Neal, Negley, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Perry, Phillips, Pike, Thomas C. Platt, Rainey, Randall, Ray, Read, Richmond, Robbins, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Isaac W. Scudder, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, St. John, Stone, Strait, Charles R. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Vance, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whitehead, Whiteley, Whitthorne, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—177.

NAYS—Messrs. Arthur, Ashe, Barnum, Bowen, Buffinton, Chittenden, Crooke, Dawes, Eames, Gooch, Eugene Hale, Hamilton, Benjamin W. Harris, John T. Harris, Joseph R. Hawley, Hays, Hereford, Herndon, E. Rockwood Hoar, Hunton, Kellogg, Lawson, Milliken, O'Brien, Hosea W. Parker, Pendleton, Pierce, James H. Platt, Jr., Poland, Potter, Sener, Small, Smart, Charles A. Stevens, Storm, Swann, Taylor, Christopher Y. Thomas, Whitehouse, and Charles W. Willard—40.

NOT VOTING—Messrs. Albert, Archer, Barber, Barry, Beck, Bell, Berry, Blount, Benjamin F. Butler, Amos Clark, Jr., Freeman Clarke, Clymer, Clinton L. Cobb, Creamer, Curtis, Davis, DeWitt, Eden, Frye, Giddings, Hagans, Robert S. Hale, Hancock, Hendee, George F. Hoar, Hooper, Hoskins, Hynes, Kendall, Killinger, Knapp, Lamar, Lansing, Leach, Lewis, Luttrell, Martin, McKee, McLean, Nesmith, Niles, Parsons, Pelham, Phelps, Pratt, Purman, Ransier, Rapier, Ellis H. Roberts, William R. Roberts, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Sheets, Sloan, Sloss, J. Ambler Smith, John Q. Smith, Standiford, Starkweather, Alexander H. Stephens, Stowell, Strawbridge, Sypher, Tremain, Wheeler, White, Ephraim K. Wilson, Wood, and Pierce M. B. Young—72.

So the bill was passed.

During the vote,

Mr. CLEMENTS stated that his colleague, Mr. MARTIN, who was detained from the House by illness in his family, would if present vote in the affirmative.

Mr. RAINEY stated that his colleague, Mr. RANSIER, was absent by leave of the House on account of illness in his family, and that if present he would vote in the affirmative.

Mr. WHITTHORNE said: I am paired with Mr. SCOFIELD, who if present would vote in the affirmative. I have concluded to vote in the affirmative myself, and therefore will have my vote recorded.

Mr. DURHAM stated that his colleague, Mr. BECK, was still confined to his room by illness.

The vote was then announced as above recorded.

Mr. GUNCKEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WALDRON. I ask unanimous consent to report from the Committee on Ways and Means a bill for the relief of certain mining, manufacturing, and other corporations in the sixth collection district of Michigan.

Mr. RANDALL. I demand the regular order of business.

Mr. CRITTENDEN. I move to adjourn.

NEW HAVEN HARBOR, CONNECTICUT.

The SPEAKER *pro tempore*, (Mr. CESSNA in the chair.) Pending the motion to adjourn, the Chair lays before the House a letter from the Secretary of War, in further answer to resolution of the House of January 21, 1875, in relation to the expenditure for increasing the facilities of commerce in New Haven Harbor, Connecticut.

The communication was referred to the Committee on Commerce.

ORDER OF BUSINESS.

The House divided on the motion to adjourn; and there were—ayes 99, noes 57.

Mr. CONGER demanded the yeas and nays.

The House divided; and there were ayes—31, noes 133; not one-fifth of those present.

Mr. MAYNARD demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. MAYNARD and Mr. SENER were appointed.

The House again divided; and the tellers reported—yeas 35, noes 96. So (one-fifth having voted in the affirmative) the yeas and nays were ordered.

Mr. CRITTENDEN. I withdraw the motion to adjourn.

Mr. PACKER. I ask unanimous consent for the consideration at this time of the post-route bill.

Objection was made.

Mr. LAWRENCE. I rise to make a privileged report—a report which the Committee on War Claims is authorized to make at any time. I desire to report from the committee a bill to pay the claims allowed by the commissioners of claims. This bill ought to go through, that it may be acted on by the Senate.

Mr. RANDALL. I rise to a question of order. The yeas and nays were ordered on the motion to adjourn.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The gentleman from Missouri withdrew it.

Mr. RANDALL. My point of order is that he had no right to withdraw it after the yeas and nays had been ordered.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. HURLBUT. I move that the House now adjourn.

Mr. CONGER. I rise to a question of order. The yeas and nays had been ordered on the motion to adjourn by the House.

The SPEAKER *pro tempore*. The vote had been taken on the motion to adjourn, and the gentleman who made the motion had the right to withdraw it.

Mr. CONGER. Let me make one remark in regard to the business of the House. I ask gentlemen to hear me for one moment.

Several members objected.

The question being taken on the motion to adjourn,

The SPEAKER *pro tempore* declared that in the judgment of the Chair the "ayes" had it.

Mr. O'BRIEN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 78, nays 96, not voting 115; as follows:

YEAS—Messrs. Banning, Barnum, Barrere, Begole, Biery, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Bufinton, Burchard, Caulfield, John B. Clark, Jr., Stephen A. Cobb, Comingo, Cook, Corwin, Cotton, Crittenden, Crossland, Danford, Durham, Eldredge, Farwell, Finck, Garfield, Giddings, Gooch, Gunckel, Gunter, Hamilton, Henry R. Harris, Hatcher, Joseph R. Hawley, Hereford, Holman, Hutton, Harburt, Kasson, Kellogg, Magee, Marshall, McCrary, Merriam, Milliken, Monroe, Morrison, Neal, Niblack, Orr, Orth, Pierce, Potter, Randall, Robbins, James C. Robinson, Ross, Milton Saylor, Sherwood, John Q. Smith, Southard, Speer, Stone, Storm, Strait, Taylor, Thompson, Tyner, Waddell, Jasper D. Ward, Marcus L. Ward, Charles W. Willard, William Williams, James Wilson, Jeremiah M. Wilson, and Pierce M. B. Young—78.

NAYS—Messrs. Adams, Albright, Ashe, Atkins, Averill, Barber, Bradley, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick E. Butler, Cain, Caldwell, Carpenter, Cason, Chittenden, Clayton, Coburn, Coogler, Crooke, Cronase, Crutcher, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Glover, Hancock, Harner, Benjamin W. Harris, John T. Harris, Harrison, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Herndon, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hynes, Lawrence, Lawson, Lowe, Lowndes, Lynch, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Mills, Niles, O'Brien, Packard, Parker, Page, Isaac C. Parker, Pelham, Pendleton, Poland, Rainey, Rapier, Ray, James W. Robinson, Sawyer, Henry B. Saylor, Henry J. Scudder, Sener, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Stanard, Charles A. Stevens, Christopher Y. Thomas, Thoraburgh, Townsend, Vance, Waldron, Wallace, Walls, Whitehead, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, and John D. Young—96.

NOT VOTING—Messrs. Albert, Archer, Arthur, Barry, Bass, Beck, Bell, Berry, Blount, Cannon, Cossens, Amos Clark Jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Cox, Creamer, Curtis, Darrall, Davis, Dawes, DeWitt, Duell, Eden, Foster, Freeman, Frye, Hagans, Eugene Hale, Robert S. Hale, Hathorn, Havens, Hays, Hendes, George F. Hoar, Hooper, Hunter, Hyde, Kelley, Kendall, Killinger, Knapp, Lamar, Lamson, Lampport, Lansing, Leach, Lewis, Leland, Longbridge, Luttrell, Martin, McKee, McLean, Mitchell, Moore, Morey, Myers, Negley, Nesmith, Nunn, O'Neill, Hosea W. Parker, Parsons, Perry, Phelps, Phillips, Pike, James H. Platt, Jr., Thomas C. Platt, Pratt, Purman, Kansier, Read, Richmond, Ellis H. Roberts, William R. Roberts, Rusk, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheets, Sheldon, Sloan, Sloss, Small, Smart, J. Ambler Smith, William A. Smith, Standiford, Starkweather, Alexander H. Stephens, St. John, Stowell, Strawbridge, Swann, Sypher, Charles R. Thomas, Todd, Tremain, Wells, Wheeler, White, Whitehouse, Whiteley, Wilber, Willie, Ephraim K. Wilson, Wolfe, Wood, and Woodworth—115.

So the House refused to adjourn.

During the call of the roll,

Mr. HARRIS, of Georgia, stated that Mr. LAMAR, of Mississippi, was detained at home by sickness.

The result of the vote was then announced as above recorded.

Mr. LAWRENCE. I rise to make a privileged report.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. CONGER] has been recognized by the Chair. Only one gentleman can be recognized at a time.

REPORTS OF SURVEYS.

Mr. CONGER. I ask unanimous consent to report back from the Committee on Commerce various reports of surveys referred by the

House to that Committee without printing, and move that they be printed and recommitteed. This is necessary in order that the reports of the surveys may go to the Senate, to be considered in connection with the river and harbor bill.

Mr. WARD, of Illinois. Is that the regular order?

The SPEAKER *pro tempore*. The gentleman from Michigan makes a request for unanimous consent.

Mr. STORM. I object.

Subsequently the objection was withdrawn and the order was made.

WAR CLAIMS.

Mr. LAWRENCE. I rise to a privileged question.

Mr. KELLOGG. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Ohio, [Mr. LAWRENCE.] After he has stated the question to which he rises, the Chair will entertain the motion to adjourn.

Mr. LAWRENCE. I am instructed by the Committee on War Claims to report a bill making appropriations to pay claims allowed by the commissioners of claims.

The bill (H. R. No. 4692) was received, and read a first and second time.

Mr. LAWRENCE. I ask that the bill be now put upon its passage, and on that I call the previous question.

Mr. KELLOGG. I object to the bill because the committee have put in claims that have not been passed upon by the commission.

Mr. LAWRENCE. The committee have put in no claims that were not passed upon by the commission.

The SPEAKER *pro tempore*. The Chair has stated that the regular order of business is the business reported yesterday from the Committee of the Whole on the Private Calendar; but that can be postponed by a motion to go into Committee of the Whole on the state of the Union on the bill of the Committee on Ways and Means, or a motion to go into Committee of the Whole on the state of the Union on the appropriation bills, or by the introduction of any measure which a committee have leave to report at any time. The gentleman from Ohio [Mr. LAWRENCE] announces that his committee was authorized to report this bill at any time.

Mr. KELLOGG. Pending the consideration of that bill, I have moved that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair will put that question in due time.

Mr. LAWRENCE. I call the previous question on the bill.

Mr. RANDALL. I suppose that before we pass a bill like this we ought to have it read.

The SPEAKER *pro tempore*. The bill will be read before the House is called to pass upon it.

Mr. KELLOGG. I insist on the motion to adjourn.

Mr. FORT. I trust the House will not adjourn.

The SPEAKER *pro tempore*. A motion to adjourn is not debatable.

Mr. MACDOUGALL. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered, only 16 members voting therefor.

The question was put on the motion of Mr. KELLOGG; and on a division there were—ayes 99, noes 46.

So the motion to adjourn was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BASS: The petition of Esther P. Fox, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of owners and masters of vessels at Buffalo, New York, that a harbor of refuge be built at the mouth of Au Sable River, on the west side of Lake Huron, to the Committee on Commerce.

By Mr. CLARKE, of New York: Remonstrance of tobacco manufacturers and dealers of Rochester, New York, against an advance on the existing rate of tax upon tobacco, to the Committee on Ways and Means.

By Mr. COBURN: Petition of citizens of New Jersey, for the equalization of bounties, to the Committee on Military Affairs.

By Mr. CONGER: The petition of Mrs. Sarah F. Cowell, of Rome, Michigan, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mrs. Liddy Middaugh, for bounty and arrears of pay due her deceased husband, Zine Green, to the Committee on Military Affairs.

By Mr. CURTIS: Eight petitions of citizens of Pennsylvania, for a bounty of eight and one-third dollars per month to all soldiers, sailors, and marines for the time served by them, to the same committee.

By Mr. DANFORD: The petition of Andrew McFarland, and 155 others, for the repeal of the charter to the Masonic Hall Association of the District of Columbia, to the Committee on the District of Columbia.

By Mr. FARWELL: The petition of citizens of Jewett, Illinois, for the repeal of the 10 per cent. reduction of duties made in 1872, to the Committee on Ways and Means.

By Mr. HAGANS: The petition of Ellen J. Brosman, for relief, to the Committee on Military Affairs.

By Mr. HARRIS, of Georgia: The petition of citizens of Georgia, for a post-route from Carrollton to Cedartown, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. LOFLAND: The petition of citizens of Wilmington, Delaware, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. MAGEE: The petition of citizens of Newport, Pennsylvania, that the national credit be extended to the great southern line to the Pacific, and interest upon bonds of the company to be guaranteed by the Government, to the Committee on the Pacific Railroad.

By Mr. MYERS: The petition of Warren Gale, for extension of patent for improvement in straw-cutters, to the Committee on Patents.

By Mr. SCUDDER, of New York: The petition of the Ship-Owners' Association of the State of New York, for an appropriation to improve Hell Gate, to the Committee on Commerce.

By Mr. SMITH, of Pennsylvania: The petition of citizens of Lancaster County, Pennsylvania, for the passage of the Texas Pacific Railroad bill, to the Committee on the Pacific Railroad.

By Mr. SPEER: The memorial of John Dougherty, of Mount Union, Pennsylvania, in relation to safe, rapid, and cheap railway transit, and praying Congress to aid the Southern Pacific Railway, to the same committee.

Also, the petition of 577 citizens of Johnstown, Pennsylvania, for congressional aid to the Southern Pacific Railroad, to the same committee.

By Mr. STORM: The petitions of Grech's Machine-shop and 7 others; Franklin Iron-Works and 44 others; Gibraltar Iron-Works and 27 others; Steam-forging of Reading Iron-Works and 14 others; Scott Foundry and 51 others; West Reading Boiler-Works and 21 others; Philadelphia and Reading Railroad Company Rail Mills and 44 others; William McIlvain & Sons and 65 others; Union Boiler-Works and 40 others; Keystone Hardware-Works and 44 others; Seyfert, McManus & Co.'s Sheet Mills and 102 others; Seyfert, McManus & Co.'s Pipe Mills and 230 others; Reading Iron-Works, Blast Furnaces Nos. 1 and 2, and 60 others; Reading Iron-Works, Rolling Mills, and Nail Factory, and 265 others, of Reading, Pennsylvania, asking the Government of the United States to extend its aid to the completion of the Texas and Pacific Railroad, to the same committee.

By Mr. SWANN: The memorial of Henry J. Rogers, relative to his code of signals, to the Committee on Naval Affairs.

By Mr. WOODWORTH: The petition of Jonah Woodward, to be reinstated on the pension-rolls, to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, February 15, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY (Hon. GEORGE C. GORHAM) called the Senate to order, saying:

The Senate will please come to order. I am in receipt of this communication from the Vice-President:

VICE-PRESIDENT'S CHAMBER,
Washington, February 13, 1875.

DEAR SIR: Please inform the Senate that absence from the city for two or three days will prevent me from being present at its session on Monday.

Respectfully, yours,

HENRY WILSON.

Hon. GEO. C. GORHAM.

Mr. HAMLIN. Mr. Secretary, I send a resolution to the chair.

The SECRETARY. The Senator from Maine offers the following resolution, and asks for its present consideration:

Resolved, That in the absence of the Vice-President Hon. HENRY B. ANTHONY be, and he is hereby, chosen President of the Senate *pro tempore*.

The resolution was considered by unanimous consent, and agreed to, *nem. con.*

Mr. ANTHONY thereupon took the chair.

Mr. HAMLIN. Mr. President, I submit the following resolution:

Resolved, That the Secretary wait upon the President of the United States and inform him that in the absence of the Vice-President the Senate has chosen Hon. HENRY B. ANTHONY, a Senator from the State of Rhode Island, President of the Senate *pro tempore*; and that he make a similar communication to the House of Representatives.

The resolution was considered by unanimous consent, and agreed to.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. FENTON. I am requested to present the memorial of Henry B. Dawson, esq., editor and publisher of the Historical Magazine, published in the village of Morrisania, New York, who complains that the postmaster at that place refused to mail the magazine, and although he represented the fact to the Postmaster-General that gentleman has refused to direct the postmaster at that place to mail

his publication, greatly to his injury. I move the reference of this memorial to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. CAMERON. I present a large number of petitions of working men of Reading, in Berks County, Pennsylvania, who ask for some aid to the Texas Pacific Railroad. They believe that an appropriation by Congress to this great work will restore confidence and give labor to a great number of persons who now need it very much. I have several petitions of the same nature from working people employed in different manufactories in the city of Philadelphia. I move that all these petitions be referred to the Committee on Railroads.

The motion was agreed to.

Mr. HAMILTON, of Texas, presented a memorial of Eugene Armendiaiz and others, praying Congress to pass an act authorizing them to become a body-corporate with a franchise to construct a bridge across the Rio Grande River at Brownsville, Texas; which was referred to the Committee on Commerce.

Mr. RAMSEY presented a memorial numerously signed by citizens of Northern Dakota and Northern Minnesota, in favor of the early passage of the bill now pending in Congress for the division of Dakota Territory; which was referred to the Committee on Territories.

Mr. SCOTT presented three petitions of citizens of Berks County, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railway to the Pacific; which were referred to the Committee on Railroads.

He also presented a memorial of citizens of Indiana County, Pennsylvania, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. MORTON presented a petition of 100 women, tax-payers of the District of Columbia, asking that the District government bill be so amended as to read "all citizens, irrespective of sex, otherwise duly qualified, shall be competent to vote for such officers as are made elective;" which was ordered to lie on the table.

Mr. MORRILL, of Maine, presented a memorial of citizens of Hallowell, Maine, stating that disastrous injury will be done to innocent holders of municipal bonds unless by a law of Congress a sure and certain method is provided for enforcing the judgments of United States courts in cases where municipal officers by resigning evade compliance with judgments and writs of *mandamus* of United States courts, and praying Congress to pass a law which will remedy this evil; which was referred to the Committee on the Judiciary.

Mr. ROBERTSON presented a petition of over twelve hundred citizens of South Carolina, asking Congress for an amendment to the Constitution to prohibit the manufacture, importation, and sale of all intoxicating liquors, to take effect on the 1st of January, 1876, or as soon thereafter as possible; which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Charleston, South Carolina, asking an appropriation for the purchase of a site in that city for a depot for the United States light-house establishment; which was referred to the Committee on Commerce.

Mr. CLAYTON presented a petition of citizens of Hot Springs, Arkansas, asking that a receiver be appointed to take possession of the Hot Springs reservation in that State; which was referred to the Committee on the Judiciary.

Mr. HAMILTON, of Maryland, presented the petition of Jane E. Slamm, of Prince George's County, Maryland, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. BOGY presented a resolution of the Legislature of Missouri, remonstrating against the imposition of any additional tax upon manufactured tobacco; which was referred to the Committee on Finance, and ordered to be printed.

Mr. MERRIMON. I present a memorial signed by 37 merchants and dealers and manufacturers of tobacco of the town of Durham, North Carolina, remonstrating against any increase of the tax on tobacco. As it is brief, I ask that it be read.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks that the petition be read. The Chair hears no objection, and it will be read.

The Chief Clerk read as follows:

To the honorable Senate and House of Representatives in Congress assembled:

We, the undersigned, manufacturers and dealers in tobacco, of Durham, North Carolina, would very respectfully but earnestly petition your honorable bodies to make no advance on the existing rate of tax upon tobacco, for the following among many other reasons which could be given:

First. Tobacco, on the average value of the entire amount which enters into consumption, is now more heavily taxed than any other article, either of domestic or foreign production.

Second. The great preponderance of this tax falls upon the laboring portion of the community, the consumers of cheap tobacco, who not only pay the tax but about 50 per cent. additional caused by the expense of packing in accordance with the requirements of law, and the interest upon the tax, which is paid in advance.

Third. It must be apparent, from the repeated action of the House of Representatives to abolish all tax upon leaf-tobacco for consumption, that under the general reduction of wages which now exists a large class of consumers severely feel the burden of this great tax upon an article of home production and which is indispensable to them.

Fourth. The revenue now obtained from tobacco far exceeds in amount that which was contemplated by Government during the highest days of taxation: when

the currency and all business were greatly inflated; and when it is remembered that every reduction of this tax resulted in increased revenue, is it not fair to believe that, in view of all these evils and difficulties, advance of the tax now would fail to enrich the Treasury.

The memorial was referred to the Committee on Finance.

Mr. MERRIMON presented a memorial of merchants, manufacturers, importers, and dealers in New York, praying for the repeal of certain stamp tax on drugs, perfumery contained in schedule C; which was referred to the Committee on Finance.

He also presented the petition of Mrs. Minerva Ruffin Caldwell, widow of the late governor of North Carolina, Tod R. Caldwell, praying compensation for mules and other property taken by the Army in 1865; which was referred to the Committee on Claims.

Mr. SHERMAN presented a memorial of citizens of Cherokee County, Alabama, remonstrating against the restoration of duties on tea and coffee, and praying for the repeal of the 10 per cent. reduction of duties on certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. HARVEY presented the following concurrent resolution of the Legislature of Kansas; which was referred to the Committee on Railroads:

House concurrent resolution No. 28.

Whereas certain railroad companies holding lands in the State of Kansas have thus far failed to perfect the title to their lands, whereby such lands are, by decision of the Supreme Court of the United States, exempt from taxation; and whereas at the first session of the Forty-third Congress a certain bill passed the House of Representatives of which the following is a true text, namely:

"Forty-third Congress, first session, bill (H. R. No. 3281.) In the Senate of the United States May 13, 1874. Read twice, and referred to the Committee on Railroads: An act to amend the act entitled 'An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes, approved July 2, 1864.'

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21 of the act to amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes, approved July 2, 1864,' be amended by adding the following: *Provided, however,* That the neglect of any such company or parties in interest to pay the costs of such survey, selecting, and conveying, as herein provided, and take the patents therefor, shall not prevent the legal title vesting in said company or party in interest subject to the payment of such costs, and all lands so earned and to which said company or party in interest shall be entitled, in accordance with the provisions of this act or of the act of which this is amendatory, shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located, from the time such company or party in interest shall have been or may be entitled to a conveyance thereof, the same as though no costs or fees had been imposed by the provisions of this section; and upon the sale of any such lands for taxes so assessed which may be found delinquent, the purchaser thereof shall pay the proper officer all costs due thereon as herein provided, and thereupon letters-patent shall issue to such company conveying said lands, subject to the legal rights and title of the tax-sale purchaser, and that it shall be the duty of the Commissioner of the General Land Office to prepare and deliver without delay patents for all lands applied for by any company as aforesaid when the same are clearly within the grant, and free from conflicting claims, and all legal fees and charges have been paid by said company. That if any company shall fail to pay the proper costs or fees required by law, and to select for patent the lands pertaining to its grant, within such period as to enable the local authorities to assess said lands, lists of the same shall be furnished to the governor of any State or Territory, upon application to the Commissioner of the General Land Office, and payment of the cost of preparing the same, said lists to be duly certified by the Commissioner, and approved by the Secretary of the Interior, under seal of their respective offices: *Provided, however,* That nothing in this act shall be construed to relieve any railroad company from the effect of any forfeiture heretofore suffered or incurred.

Passed the House of Representatives May 11, 1874.

"Attest:

"EDWARD McPHERSON,

"Clerk."

And whereas the claims of equity and justice alike demand the certain class of lands mentioned in said bill should bear their just proportion of the public burden and be subject to the same laws which govern the question of taxation as other property of the like character is subject to in the State of Kansas; and whereas this just regulation is sought to be defeated by the continued neglect of the grantees of the lands in question to perfect their titles to the same by paying to the United States a nominal sum of money to liquidate certain costs of survey and conveyance, as provided by the terms of the several acts of Congress making the grants of lands referred to: Therefore,

Be it resolved by the house of representatives of the State of Kansas, (the senate concurring,) That the Senate of the United States is hereby requested, as speedily as practicable, to pass and enact into a law the bill above set forth.

Resolved, That the secretary of state be requested to send one copy of this resolution to the President of the Senate and one copy to each of our Senators.

Passed the house of representatives February 1, 1875.

HENRY BOOTH,
Chief Clerk.

JOHN H. FOLKS,
Secretary of Senate.

Concurred in by the senate February 2, 1875.

I, Tom H. Kavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original instrument of writing on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of State. Done at Topeka this 8th day of February, A. D. 1875.

[L. S.]

TOM H. CAVANAUGH,
Secretary of State.

Mr. HARVEY presented concurrent resolutions of the Legislature of Kansas, in favor of granting the right of way to the Atchison, Topeka and Santa Fé Railroad, through the Indian Territory to Fort Smith, in Arkansas; which was referred to the Committee on Commerce.

Mr. WASHBURN presented a resolution of the Board of Trade of Boston, Massachusetts, against changing the administration of the present light-house system; which was referred to the Committee on Commerce.

Mr. HOWE presented a memorial of W. C. Kibbe, in favor of the construction of a double-track freight-railway under Government auspices and control from tide-water on the Atlantic to the Missouri River; which was referred to the Committee on Railroads.

Mr. INGALLS presented a memorial of 55 citizens of Miami County, Kansas, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties on certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. THURMAN presented a memorial of numerous tobacco manufacturers of the city of Dayton, Ohio, remonstrating against any increase of the tax on tobacco; which was referred to the Committee on Finance.

Mr. FERRY, of Michigan, presented additional papers in relation to the application of the officers of the Fifth Michigan Cavalry Volunteers for compensation for services rendered during the late war; which, together with the papers now on file relative to the case, were referred to the Committee on Military Affairs.

Mr. HAGER. I present the memorial of William W. Woolley, J. J. Davidson, and about 100 others, asking that a resolution be passed asking the Attorney-General to file a bill in equity to set aside the patent to the Rio de Santa Clara land grant, California. It is alleged that over seventeen thousand acres of land have been fraudulently granted to certain parties. I move that the memorial be referred to the Committee on the Judiciary, as it involves a legal question.

The motion was agreed to.

Mr. OGLESBY presented the petition of Mrs. S. J. Ghriest, praying the passage of a law authorizing the Commissioner of Pensions to place the name of her son and her own name on the pension-roll; which was referred to the Committee on Pensions.

He also presented a petition of physicians of Illinois, in behalf of the Medical Corps of the Army, praying for such legislation as will the better promote the efficiency of that corps; which was referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

Mr. PRATT. I ask that an order be made allowing Samuel Jamison to withdraw from the files his memorial praying to be compensated for the seizure of his property by the military authorities, upon leaving copies on the files of the Senate. In this case I made an adverse report, but it was principally upon the ground that the claimant had not furnished sufficient specifications of his loss nor sufficient proofs of the loss itself to justify the committee in taking action; and I think it but right that he should be allowed an opportunity of making his claim again before Congress if he can.

The motion was agreed to.

On motion of Mr. SCOTT, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the memorial of citizens of Pittsburgh praying the reimbursement of money paid out by them for fortifying their city in 1863, and that the claimants have leave to withdraw their papers.

On motion of Mr. HAMILTON, of Texas, it was

Ordered, That the petition and papers of Samuel Harper be taken from the files and referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print a letter from the Secretary of the Treasury, communicating, in compliance with a Senate resolution of March 11, 1873, information in relation to the space allotted to each steerage immigrant on board ship, asked to be discharged from its further consideration; which was agreed to.

Mr. ANTHONY, (Mr. INGALLS in the chair.) The same committee, to whom was referred a resolution of the House of Representatives to print the report of the Commissioner of Agriculture for 1872 and 1873, have instructed me to report the same without recommendation. I suppose that to-morrow or next day the Committee on Printing will be called under the rule assigning the remnant of the morning hour to the committees in the order in which they stand on the list, and then I shall ask to call up this resolution. There is a very great difference of opinion in the Senate as to the propriety of printing any copies of this report, and we should suppose that our recommendation would not have a very great effect either way; and therefore we submit the matter for the consideration of the Senate.

The resolution was ordered to be placed upon the Calendar, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of the annual report of the Commissioner of Agriculture for the year 1872 two hundred and thirty thousand copies, of which fifty thousand shall be for the use of the Senate and one hundred and eighty thousand for the use of the House of Representatives; and that there be printed of the report of the said Commissioner for the year 1873 one hundred and fifty-five thousand copies, of which thirty-five thousand copies shall be for the use of the Senate and one hundred and twenty thousand copies for the use of the House of Representatives.

Mr. CHANDLER. I am directed by the Committee on Commerce, to whom was recommitted the bill (H. R. No. 1588) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes, to report back a skeleton of the steamboat bill, so called, and recommend its passage. I wish to state that it has been very much torn to pieces, and I would ask Senators to examine it carefully and see whether

there is anything worth passing in it. If so, I will to-morrow attempt to call it up if it is worth calling up. There are two very good things left in it. One that stops the collection of pilotage at Hell Gate, which will save a few hundred thousand dollars to the New England States; and most of the patent-rights which were declared to be useless and worse than useless have been cut out from this bill. There may be more good things in it for which some Senators on examination will think worth devoting time to pass the bill. I ask each Senator to give it a careful examination to-day, and if it should be deemed worth the time it will take to pass it, I will endeavor to call it up to-morrow.

Mr. BOGY. Is the bill amended in any particular?

Mr. CHANDLER. Yes, sir; very largely amended.

Mr. BOGY. I would suggest that the amendments be printed and the bill made the special order of the day for to-morrow.

Mr. CHANDLER. They are all printed at the request of the committee, and they will be laid before the Senate.

Mr. BOGY. Would it be in order to make the bill a special order for to-morrow?

Mr. EDMUNDS. That would not be in order.

Mr. CHANDLER. I do not ask to make it a special order. I ask Senators to look at it, as all the amendments are printed and each member can examine the amendments.

Mr. BOGY. I will state that this bill was before the Senate last week and was referred to the Committee on Commerce to be read. It was not intended at that time nor insinuated that the bill was to be amended. It was remarked that the bill had never been read in the committee, and therefore the great object was to have the bill read in the committee and reported by to-day. As I then understood, the bill was to occupy the same position before the Senate when reported as it did then, as a special order for a special hour, and unless that be insisted upon the bill is lost as a matter of course by the motion to refer back to the committee. This stratagem will have attained its object. Unless the bill can be put back where it was, it is gone of course. That intention was stated here, a trap was set, and we went into it. We were entrapped, if it be correct to say so. It was stated that the bill had never been read in the committee, and the great object was to have the bill read. I did not myself understand the object very well, nor had I much faith in that proposition. I must confess I thought then there was something behind. Now as the bill comes back amended, unless it is made the special order for some time during the session, we never can reach it; and if we do reach it, with all of these amendments, it never can be disposed of, and this bill which has been before Congress for four years will be again defeated by this stratagem. I anticipated some such thing at the time, and I am sorry to say that my anticipations have been realized.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred—

Mr. BOGY. What was done with my motion, I would inquire?

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) The Chair is informed that the motion is not in order at this time.

Mr. EDMUNDS. The report is made to-day.

Mr. BOGY. I had the floor.

Mr. EDMUNDS. I beg the Senator's pardon, I thought I had the floor.

The PRESIDING OFFICER. The Senator from Missouri yielded the floor and the Chair recognized the Senator from Vermont.

Mr. BOGY. I yielded the floor because my motion had not been disposed of.

Mr. EDMUNDS. I yield to my friend from Missouri if he wishes to make a point, with pleasure, of course.

Mr. BOGY. I wish to make a point. I made a motion that this bill be made the special order for to-morrow at one o'clock. I am told it is not in order. I should like to know why.

The PRESIDING OFFICER. The Chair would inform the Senator that the bill having been reported to-day it can only be acted on by unanimous consent, and the bill not being before the Senate his motion is not in order. The bill will go upon the Calendar.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 796) to protect all citizens in their civil and legal rights, to report it without amendment, and I give notice that I shall move to take it up at the earliest possible moment, in a day or two.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4669) to provide for the selection of grand and petit jurors in the District of Columbia, to report it with two or three minor amendments, and to state that the necessities of public justice seem to require that the bill should be passed immediately, and therefore, although as a usual thing and except in a pressing emergency I should not think of doing it, I ask unanimous consent that it may be considered now.

Mr. MORRILL, of Maine. I do not want to object; but this is simply a bill relating to the District of Columbia, and I hardly think that is of much consequence.

The PRESIDING OFFICER. Does the Senator object?

Mr. MORRILL, of Maine. I can hardly conceive that the Senate will interest itself in this bill. I do not object, however.

Mr. SARGENT. I proposed an amendment to the bill which I understand is not incorporated in the bill or anything in lieu of it. I want time to examine the bill and I ask that it go over until to-morrow.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. DENNIS, from the Committee on Claims, to whom was referred the petition of Elizabeth Loebrick, praying Congress to allow her compensation for money expended and services rendered in behalf of sick and wounded soldiers during the late war, asked to be discharged from its further consideration; which was agreed to.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1144) to prevent cruelty to animals in the District of Columbia, reported it with amendments.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the petition of Elizabeth Reidenbach, widow of F. Reidenbach, late of Company E, Second Artillery Illinois Volunteers, praying to be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of John Northwood, a citizen of Michigan, praying that the same amount of pension may be allowed soldiers of the late war who have lost their right arm above the elbow as is allowed those who have lost a leg above the knee, asked to be discharged from its further consideration for the reason that the relief asked was embodied at the last session of Congress in a general law; which was agreed to.

He also, from the same committee, to whom was referred the petition of Andrew Jackson Keeler, a citizen of Hancock County, Maine, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the petition of Murray A. White and others, the Boatman's Insurance and Trust Company, praying the passage of an act referring their claims to the Court of Claims, asked to be discharged from its further consideration; which was agreed to.

RAILROADS IN THE TERRITORIES.

Mr. STEWART. I am directed by the Committee on Railroads, to whom was referred the amendment of the House of Representatives to the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands, to report the same back. The bill passed at the last session went to the House, and the House struck out all after the enacting clause and proposed an amendment by way of substitute providing for the right of way only. There are some defects in this bill, as the committee think, and they have directed me to move that the Senate non-concur in the amendment of the House of Representatives and ask for a committee of conference. I make that motion.

Mr. EDMUNDS. I remember that bill last year. I should like to look at it. I wish the Senator would let it go over until to-morrow.

Mr. STEWART. I report the recommendation of the committee that the Senate non-concur and ask for a committee of conference.

The PRESIDENT *pro tempore*. The report will lie over.

BILLS RECOMMENDED.

Mr. PATTERSON. I desire to have unanimous consent that the vote by which the bill (H. R. No. 2354) granting a pension to Mrs. Emily L. Slaughter was indefinitely postponed be reconsidered. The claim is before the Pension Bureau, and I wish to have the vote reconsidered.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. PATTERSON. I now move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

On motion of Mr. FERRY, of Michigan, it was

Ordered, That the bill (S. No. 1149) declaring the meaning of an act approved March 9, 1868, relative to a patent for induction apparatus and circuit-breakers be recommitted to the Committee on Patents.

EZRA C. OWEN.

Mr. WRIGHT. On the 25th of January last there was a report from the Committee on Pensions on the bill (H. R. No. 3721) granting a pension to Ezra C. Owen, recommending the indefinite postponement of that bill. My attention was not directed to it at the time. I now ask that by unanimous consent that order may be reconsidered, and the bill go on the Calendar. I suppose there will be no objection to it.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MCCREERY and Mr. INGALLS submitted amendments intended to be proposed to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian

tribes, for the year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HITCHCOCK submitted an amendment intended to be proposed to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

COMPENSATION OF BANK EXAMINERS.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3825) to amend the national bank act, and fixing the compensation of national-bank examiners, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the first amendment of the Senate, and agree to the same, with the following amendments, namely:

In lines 7 and 8 strike out the words "thirty-one of the national-bank act" and insert in lieu thereof "5192 of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories."

Strike out all after "than," in line 12, to and including "dollars," in line 14, and insert in lieu thereof "three hundred thousand dollars, twenty-five dollars."

Strike out "redemption cities," in line 27, and insert in lieu thereof "the cities named in section 5192 of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories."

And the Senate agree to the same.

That the House recede from its disagreement to the second amendment of the Senate, and agree to the same.

JOHN SCOTT,
JUSTIN S. MORRILL,
T. F. BAYARD,
Managers on the part of the Senate.
HORACE MAYNARD
C. L. MERRIAM,
M. J. DURHAM,
Managers on the part of the House.

Mr. THURMAN. If it is the object of the Senator from Pennsylvania to have action on that report at once, I hope he will explain it.

Mr. SCOTT. I desire immediate action. It requires but a very brief explanation. I am not aware whether the Senator from Ohio was here when the bill was considered before. At present the national-bank examiners are compensated by daily pay and mileage. It was complained that under the charge for mileage national-bank examiners who went, for instance, from this city to the city of Columbus—I use it for illustration—and examined several banks, charged mileage upon each one. To remedy that defect in the law, this bill fixes a specific compensation for the examination of banks, beginning with twenty dollars for the examination of a bank with a capital of \$100,000, and making the amount to depend then upon the increase of capital up to a certain sum; and it exempts from the operation of the law redemption cities, for the reason that there the salaries that have been paid have been fixed by the Comptroller of the Currency and assessed upon the banks upon an understanding between the Comptroller and the banks. The committee have also excepted from its operation the Territories and the Pacific coast, for the reason that the travel required there of the national-bank examiners is so great that the specific compensation fixed in this bill would not give them an adequate compensation, and there it is left to be fixed by the Comptroller of the Currency as in the redemption cities. That is the effect of the bill as amended by the committee of conference.

Mr. THURMAN. Is that all?

Mr. SCOTT. That is all.

Mr. THURMAN. Is twenty dollars enough in any case?

Mr. SCOTT. Twenty dollars is the amount fixed for the examination of a bank whose capital does not exceed \$100,000. Then when you run from \$100,000 to \$300,000, the allowance is twenty-five dollars, and from that up it increases in amount; I cannot just give all the amounts. A letter from the Comptroller of the Currency states that these sums thus fixed will give to the examiners about the same annual salary they have heretofore obtained under the former law by daily pay and mileage, cutting off the abuse to which I have referred.

Mr. THURMAN. I am very much in favor of reducing expenses wherever I can; but we must not emasculate the law. These expenses of examination are paid by the banks, I believe.

Mr. SCOTT. By the banks.

Mr. THURMAN. So I understand. Now you propose to pay an examiner twenty dollars for examining a bank. Do you allow him any mileage?

Mr. SCOTT. I have just stated that this bill cuts off mileage. The former law did allow mileage.

Mr. THURMAN. How then will an examiner be able to pay his expenses if he has to travel any distance to examine a bank? His hotel bill would be four dollars a day, and if you are to have a thorough examination it may require a week, and how is he to be paid?

Mr. SCOTT. The Senator evidently has not looked very largely at the subject, because these examiners are assigned to their positions by the Comptroller of the Currency, and he states upon an examination of the operation of this law that the sums specifically fixed will result in giving to the examiners about the same amount annually as they obtained heretofore under the law which gave them daily pay and mileage. He has examined that subject; the bill was submitted

to him; so that the compensation of the examiners under this bill will be about the same as it was before, but the bill takes away from the examiners the opportunity of exacting from the banks double mileage, as they did in some instances; and it is deemed advisable by the Committee on Finance of the Senate and the Committee on Banking and Currency of the House that the banks shall not be put in the position of resisting an attempted exaction by any examiner of double mileage, that the opportunity for making the demand should be taken away. This rate of twenty dollars for the smaller banks and the larger sums for the larger ones is satisfactory to the Comptroller of the Currency, who states that it will be an adequate compensation to the examiners.

Mr. THURMAN. I am still at a loss to know how that can be. I want these examinations to be thorough. Now, suppose an examiner is sent from Washington—not selected in the city of Columbus, but sent from Washington to Columbus to examine a bank of \$100,000 capital; he will travel four hundred and twenty-four miles, and we cannot assume that he has a free pass; we will assume that he pays his transportation; and his transportation and meals will cost him fifteen dollars from here to Columbus. Then his hotel bill there will be \$4.50 a day, or at least four dollars a day. By the end of the first day in Columbus he is out of pocket nineteen dollars. Then he has to come back to Washington. What compensation is there here for examining a bank, or will the man perform his duty faithfully when it may require him to be a week there to make a thorough examination?

Mr. SCOTT. It is evident that the Senator from Ohio has not given very much consideration to this subject.

Mr. THURMAN. That is true. I am asking for information.

Mr. SCOTT. If there were but one bank to be examined, and the Comptroller of the Currency were to send a man from here to Columbus to examine but the one and there his duty ended, the Senator's statement would be entirely right; but there are perhaps six banks in Columbus, and while it may take a man two days or three days to examine one, it may take him but two hours to examine the next; and before his return in all probability he will examine a bank in Chillicothe or a bank in Cincinnati or a bank in Pittsburgh or banks all along the route he travels. It is on an examination of the manner in which these examiners have been assigned to duty that the Comptroller says these sums will pay them what they have heretofore received.

Mr. THURMAN. I think I have enough knowledge of it to know that no bank examiner can discharge his duty in regard to examining a bank in two hours. He is required to count the funds of the bank and see that the law is complied with, and he cannot count the funds as he is required to count them in two hours. He will have to take somebody's word for it. However, if the committee think that under this law there will be an efficient examination of these banks, I have no objection.

Mr. DAVIS. One question I wish to put to the Senator from Pennsylvania. I should like to know whether the present bill changes the existing law in any other respect than as to the compensation of bank examiners?

Mr. SCOTT. In no other respect whatever.

Mr. DAVIS. What is the minimum for a \$50,000 bank? Is it twenty dollars?

Mr. SCOTT. For all under \$100,000, it is twenty dollars.

Mr. DAVIS. What is the maximum?

Mr. SCOTT. I do not remember.

Mr. DAVIS. It is regulated by the capital of the bank?

Mr. SCOTT. Yes, sir.

The report was concurred in.

BUSINESS OF THE PENSION COMMITTEE.

Mr. PRATT. I give notice that I will before the usual hour of adjournment of Wednesday ask the Senate to take a recess until seven o'clock that evening for the purpose of considering bills which have been reported from the Committee on Pensions. There are several private bills, House bills, which can be acted upon, and which have been reported to the Senate since the committee were called, and there are some general bills, one particularly, amending the law of 1871 granting pensions to the soldiers of the war of 1812 and restoring a certain class of pensioners to the pension-roll. I wish that this bill should be considered. It has been in the Senate now some ten months since it was passed by the House of Representatives, and unless the chairman of the Committee on Appropriations shall object, I shall ask the indulgence of the Senate that Wednesday evening be set apart for the consideration of this bill, together with sundry private bills.

Mr. SARGENT. What is the bill the Senator refers to?

Mr. PRATT. The bill that I specially refer to is one which amends the act of February 14, 1871, granting pensions to the soldiers of the war of 1812 and restoring certain pensioners to the pension-roll.

Mr. SARGENT. The Senator does not design on Wednesday evening to call up a bill which has recently reached us from the House of Representatives involving a great many millions of dollars?

Mr. PRATT. No, sir; this bill was passed by the House of Representatives on the 17th of March last, and it is high time that it should be considered by the Senate.

SENECA NATION OF INDIANS.

Mr. INGALLS. I submit the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments, and that the first section of the bill be stricken out; that the first two lines of the second section be stricken out, and that the following be inserted: "That all leases of land within the Cattaraugus and Allegany reservations in the State of New York heretofore made by or with the authority of the Seneca Nation of New York Indians," and that the fourth section of the bill be stricken out and the following be inserted: "All leases of land situate within the limits of said villages when established as hereinbefore provided, except those provided for in the second section of this act, in which Indians or said Seneca Nation, or persons claiming under them, are lessors, shall be valid and binding upon the parties thereto, and upon said Seneca Nation, for a period of five years from and after the passage of this act, except such as by their terms may expire at an earlier date; and at the end of said period, or at the expiration of such leases as terminate within that time, said nation, through its councilors, shall be entitled to the possession of the said lands, and shall have the power to lease the same: *Provided, however*, That at the expiration of said period, or the termination of said leases, as hereinbefore provided, said leases shall be renewable for periods not exceeding twelve years, and the persons who may be at such time the owner or owners of improvements erected upon such lands shall be entitled to such renewed leases, and to continue in possession of such lands, on such conditions as may be agreed upon by him or them and such councilors; and in case they cannot agree upon the conditions of such leases or the amount of annual rents to be paid, then the said councilors shall appoint one person and the other party or parties shall choose one person as referee to fix and determine the terms of such lease and the amount of annual rent to be paid; and if the two so appointed and chosen cannot agree, they shall choose a third person to act with them, the award of whom or the major part of whom shall be final and binding upon the parties; and the person or persons owning said improvements shall be entitled to a lease of said land and to occupy and improve the same according to the terms of said award, or if they paying rent and otherwise complying with the said lease or said award; and whenever any lease shall expire after its renewal as aforesaid, it may, at the option of the lessee, his heirs and assigns, be renewed in the manner hereinbefore provided."

And the House agree to the same.

JOHN J. INGALLS,
W. B. ALLISON
LEWIS V. BOGY,
Managers on the part of the Senate.
B. W. HARRIS,
W. L. SESSIONS,
A. COMINGO,
Managers on the part of the House.

Mr. EDMUNDS. I should like to ask my friend from Kansas whether this conference report does not change the text of the bill that had been agreed upon between the two Houses?

Mr. INGALLS. The bill had not been agreed upon between the two Houses. It came to the Senate and was here amended and went back to the House for concurrence, and the House refused to agree to the amendments and asked for a committee of conference, and the bill was returned with that request, which was agreed to by the Senate, and the committee was appointed; and this is the result of their deliberations.

Mr. EDMUNDS. Yes; but the question with me is whether this conference report does not change the text of the bill which the Senate amendments did not touch and upon which amendments the conference was appointed.

Mr. INGALLS. The report of the conference committee does not change the text of the bill, as the Senator suggests.

Mr. EDMUNDS. I dare say the report is right; but I should not wish this to be drawn into a precedent for authority in a conference committee to change the text of a bill outside of the pending disputes between the two Houses. Without making any point of order, I merely wish to put in a caveat in order that it may not be drawn into a precedent that a conference committee have authority to go outside of the pending questions between the two Houses to change those parts of the bill which both Houses have in effect assented to.

Mr. INGALLS. The Senator is mistaken. The report of the conference committee does not go outside of the questions at issue between the two Houses; but it strikes out the first section of the bill which stood in the original draught, in order to obviate certain objections that were made by parties in interest; but the remaining amendments are in the interest of the original proposition submitted here in the Senate by way of amendment.

Mr. EDMUNDS. I accept what my honorable friend has stated, because he has stated the case with a certain qualification which brings him within the rule, although he adds to it that a certain clause of the bill, which the parties in interest thought to be inadmissible, and which was not the subject of conference, not having been disagreed to by either House, is drawn in question. But I assume from what he states that the committee have only acted upon the subjects which were in dispute between the two Houses, as it appears on the record, drew into question; and if that be so, then of course no point ought to be made about it. I did not intend to make any point, but only to say that if in any respect this report does go into parts of the bill that the two Houses had agreed about, however convenient or necessary, it is outside of the jurisdiction of the committee, and merely to state what I have in order that so far

as I am concerned it might not be drawn into a precedent if it went over that line.

Mr. INGALLS. I must be entirely ingenuous with the Senator from Vermont and state that the report of the conference committee does in one respect go outside of the original amendment made here in the Senate by striking out the first section of the bill.

Mr. EDMUNDS. Then I hope it may be taken by unanimous consent, so that it shall not be drawn into a precedent.

Mr. INGALLS. That is my desire also.

Mr. SHERMAN. This is a very dangerous business, and it is never done except by unanimous consent, and generally in a special form. I see that both the Senate and House agreed to the first section of the bill. How far that is material I do not know, but the committee of conference strike out that section.

Mr. INGALLS. I will state to the Senator from Ohio that the first section of the bill as it originally was reported from the House declared that all Indians who are at present upon these reservations should be considered as members of the Seneca tribe of New York Indians. There were upon those reservations certain members of the Cayuga and Onondaga tribes and also a very few Canadian Indians, and the council of the Seneca Nation thought it unjust that those parties should be included by legislative action among those who are affected by the operations of this bill. I trust that unanimous consent will be given to the report of the conference committee, with the understanding of course that it is not in any sense whatever to be drawn into a precedent affecting the action of the Senate upon agreeing to reports of committees of conference.

Mr. SHERMAN. The trouble is that this conference report compels us to state a falsehood on the record. I do not object to the substance of it, but upon the record it makes the Senate adopting it state a falsehood, because it says—

Mr. INGALLS. Probably not a falsehood, but something that is incorrect.

Mr. SHERMAN. It is not true. That is what I call a falsehood—

That the Senate recede from its amendments, and that the first section of the bill be stricken out.

I submit to the Senate that it can be done in ten minutes by the committee on conference meeting again and proposing that the Senate recede from its amendments, and at the end of the report adding—

The conferees unanimously recommend that the first section of the bill agreed to by both Houses be stricken out.

Mr. INGALLS. What difference does it make whether that recommendation goes in at the end of the report or at the commencement of the report? It is the commencement of the report now, as one of the recommendations of the committee of conference. It appears to me it is a matter of the most trivial form whether it still should appear in one portion of the report rather than in another. If it is germane to the report, if it is a matter that can be properly acted on by the Senate, it is certainly immaterial whether it appears on the first page or upon the last.

Mr. SHERMAN. It is sufficient to say that it is in express violation of parliamentary law, and it is in express violation of the joint rules of the two Houses. I remember the Senator from Wisconsin [Mr. Howe] felt very indignant once because the Senate rejected a bill reported by him from a conference committee when he felt himself at liberty to go a little beyond the matters in controversy between the two Houses. The Senate upon debate rejected it for fear of establishing such a precedent. It was a matter which there was no disagreement about, and the Senator stated all the facts in presenting the report.

When we have an established form by which what is here desired can be done, I would a great deal rather conform to it. There is no power so dangerous in legislation as the power of committees of conference. I have served on a great many of them, and I know that in every case where, when I have been a member of a conference committee, it has been necessary to change the text of a bill, the formula has been adopted of a unanimous recommendation to change the text of the bill, and it has always been agreed to in that form.

Mr. HAMLIN. I do not wish to throw any obstruction in the way that shall prevent the Senator from Kansas obtaining the result which he desires; but, taking this matter as it is presented to the Senate, I wish to make a suggestion to that Senator, and I hope he will adopt it.

The power of conference committees is very great. They do incorporate amendments on existing amendments in appropriation bills, and they do compel Senators to vote against a whole measure or submit to a proposition which is wrong in and of itself. But when you go beyond that and allow a committee of conference to strike out of a bill that part of the text which has been agreed to by both branches, you establish a power that makes your committees of conference the legislative body, instead of the Senate and the House.

Now, the thing may be all right, and I would suggest that this report be recommitted to the committee of conference, and that they submit their report to their respective bodies, stating the facts, recommending agreement or disagreement upon the various disagreeing votes as the case may be, and then state the fact that the first section of the bill ought to be expunged, and take the sense of the two Houses whether they will do it or not, but not to do it in virtue of the right and the power of that committee to make a report of that kind. I do

think the precedent is so very dangerous that we ought to pursue the course I have suggested; and I hope my friend from Kansas will adopt it.

The PRESIDENT *pro tempore*. Does the Senator from Maine make a motion?

Mr. HAMLIN. I move that the report be recommitted to the committee of conference.

Mr. HOWE. I rise to inform the Senate that I have got over that fit of indignation to which the Senator from Ohio alluded just now. I got over it a great while ago during the same session and within a very few days, because although as the Senator says the Senate did refuse to make an amendment in the text of a bill which had been agreed to by both Houses in pursuance of the recommendation of a conference committee of which I was chairman on the part of the Senate, yet the same Senate did make precisely the same amendment on precisely the same bill on the recommendation of another conference committee of which the Senator from Ohio was chairman. So I got over my temper at once.

Mr. SHERMAN. I will state to the Senator that the report was recommitted in that case and the course always pursued was adopted; that is, a separate recommendation was made that a certain change in the original text should be made, and a separate vote was taken on it.

Mr. HOWE. The Senator is mistaken about that separate vote. They made it precisely in the way the first conference committee recommended. There is no trouble about this thing. When a conference committee undertake to amend the text to which both Houses have agreed, the effect of it is that a single objection prevents it; if you can find a man in either House who objects to that it cannot be done; but if no man objects, if the thing which the conference committee ask to have done is a thing which everybody in both Houses says ought to be done, then you can just as well do it on the report of a conference committee and on the report of the first conference as on the report of the second. That is all there is about it.

The PRESIDENT *pro tempore*. It is moved that the report of the conference committee be recommitted to the same committee.

The motion was agreed to.

GOVERNMENT OF THE DISTRICT.

The PRESIDENT *pro tempore*. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of Saturday, which is the bill (S. No. 963) for the better government of the District of Columbia.

Mr. DAVIS. I hope the morning business will be allowed to go on. It has not yet been concluded.

Mr. MORRILL, of Maine. I wish to make an observation. On Saturday I appealed to the Senate to allow me to have that day for the consideration of this bill, and I gave notice that on to-day I should not have any appropriation bill or other thing in the way of the business of the Senate. Although a premature adjournment cut me off from what I expected to be able to accomplish, I do not feel that I am in a position to urge the attention of the Senate to this bill, and therefore I shall not oppose it to such business as the Senate may choose to proceed with. But I shall feel that by a premature adjournment I did not have the opportunity to which I was fairly entitled to conclude the bill, and therefore I shall ask its consideration at such time as I can present it to the Senate under such circumstances that I hope they will be disposed to consider it. Therefore I yield at present.

Mr. MORTON. In pursuance of the notice I gave on Saturday, and of the understanding had at that time, I now move to postpone the present and all prior orders and that the Senate proceed to the consideration of the resolution in regard to the admission of Mr. Pinchback as a member of this body.

Mr. HITCHCOCK. I hope the Senator will give way for morning business.

Mr. MORTON. I give way for morning business.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will receive morning business.

ADDITIONAL PETITIONS AND MEMORIALS.

Mr. CONKLING presented sixty-one petitions of officers and members of medical institutions of the State of New York, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

Mr. GORDON presented twenty petitions of physicians of Georgia, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

Mr. BOGY presented twelve petitions of physicians of Saint Louis, Missouri, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3341) to equalize the bounties to soldiers who served in the late war for the Union; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the resolution of the Senate requesting the House of Representatives to cor-

rect a verbal error in the bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States, by adding in the enrolled bill an "s" to the word "alien" in line 11, page 6, of the engrossed bill.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bills; which were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1799) granting a pension to Angelica Hammond;

A bill (H. R. No. 1317) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters patent for improved device for converting reciprocating into rotary motion;

A bill (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;

A bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky;

A bill (H. R. No. 4444) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874;

A bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans;

A bill (H. R. No. 4335) authorizing John Hazeltine to make application to the Commissioner of Patents for the extension of his patent for a new and useful water-wheel;

A bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States;

A bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States;

A bill (H. R. No. 3658) for the relief of William J. Coite; and

A joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome.

BILLS INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1303) to authorize the board of audit of the District of Columbia to receive, audit, and adjust certain claims for damages by reason of the change of grade on Pennsylvania avenue; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1304) to secure depositors in the Freedman's Savings and Trust Company from ultimate loss; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1305) to restore certain lands in the State of Iowa to market, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. MERRIMON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1306) to prevent vexatious seizures of the citizens' property and effects and substitute therefor a fair and peaceable remedy; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1307) amendatory of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast by the northern route," approved July 2, 1864, and the acts and resolutions additional thereto and amendatory thereof; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1308) giving jurisdiction to the United States Court of Claims in the claim of J. W. Lewellen, of Richmond, Virginia; which was read twice by its title.

Mr. GORDON. I introduce this bill by request. I know nothing about the merits of the case. I move that it be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1309) regulating the transmission of registered letters and money packages through the United States mails; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CATTARAUGUS AND ALLEGANY RESERVATIONS.

Mr. INGALLS. I present the report of the committee of conference on the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases, as amended, to meet the objection made by the Senators from Ohio and Vermont. As it has already been read to the Senate in full, I ask that the Senate may now concur in the report of the committee.

Mr. McCREERY. Let it lie over until to-morrow.

The PRESIDENT *pro tempore*. The report will lie over.

LANDS IN MICHIGAN.

Mr. FERRY, of Michigan. I ask consent to call from the table the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes, in order to concur in the amendment made by the House of Representatives.

There being no objection, the Senate proceeded to consider the amendment of the House of Representatives to the bill, which was in line 16 of section 1 to strike out "restored to market" and insert "offered for sale at a price not less than \$2.50 per acre."

Mr. FERRY, of Michigan. I will state in brief that the bill passed the Senate, went to the House, and passed the House with an amendment increasing the minimum price from \$1.25 to \$2.50 for the residue of lands subject to sale. The Committee on Public Lands of the Senate have also made an amendment correcting a typographical error in the description of a section from 4 to 24. I ask for the concurrence of the Senate in the action of the House and Senate committees.

Mr. THURMAN. Since that bill was up on a former day I have received a letter from a gentleman of Michigan, a perfect stranger to me, saying that the amount of land embraced by the bill is very large. I inquired of the Senator, when the bill was up before, what was the amount of land embraced in it, and he was unable at that moment to give me any definite answer. I have not the letter with me now, but my recollection is—it may be erroneous—that the writer of the letter says this bill embraces about two hundred thousand acres of land, and he suggested some amendments to it to prevent a sacrifice of those lands. I do not know but that the bill may be all right; but the suggestion struck me as very important, and I wish the Senator would consent to let the bill lie over until to-morrow, that I may bring that letter in, and, if I think it proper, move amendments in accordance with the suggestion made by the writer.

Mr. FERRY, of Michigan. I am not disposed to press the consideration of it now if there be substantial objections; but I want to answer the Senator from Ohio by stating to him that I have seen a like letter, which I presume emanates from the same source of the one he has referred to. The objection of the author of this letter is to the opening of these lands to homesteads, and his object is to have the entire lands disposed of at public sale; and I would state to the Senator that under a former restoration of lands in the same State parties bought in at \$1.25 some seventeen thousand acres of land by the formation of a purchase ring. My object in this bill was to shut out these rings and assure to the settler under the homestead and pre-emption laws the right and priority to take up these lands.

I recollect very well at the time the Senator put the question to me I was not informed of the amount of the land to be restored, and I do not know but there may be two hundred thousand acres, as stated by the writer of the letter referred to. The amount is not so material as the manner of disposition. A portion of the lands are already excepted by the bill, and all that are valuable for pine timber must be sold at public sale. Such, however, as are valuable mainly for farming purposes are by the bill open to homesteads. I cannot even now say what proportion is arable land, but whatever the amount is, such lands are open to homestead and pre-emption; and I would be very glad to see every foot of that class of land taken up by homesteaders rather than any should remain untaken and so open to public sale, for the practice is, I find, wherever valuable lands are put up at public sale, that rings are formed, and they are sold at but little over the minimum price. In the instance which I cited there were some six hundred and forty acres purchased above \$1.25 and seventeen thousand acres at \$1.25 an acre.

Having promised the Senator from Indiana that if this case caused any discussion I would not press its consideration in his time, if the Senator from Ohio now prefers to have it lie over I will not now urge the passage; but I think, as it has been before the committee, before both Houses, and received the concurrence of both, and received the consideration of the committee for two weeks and they now report it asking that the House amendment may be concurred in, I hope the Senator will not persist in his request to have the bill postponed. However, in deference to the Senator's wishes I will not now insist.

Mr. THURMAN. As I said when I was on my feet before, I am wholly ignorant of the character of the author of that letter. He wrote, however, as a man well acquainted with the subject and made some suggestions that seemed worthy of our consideration, and I would be glad if the Senator would let the bill lie over until to-morrow, and then I will interpose no further objection to its consideration.

Mr. FERRY, of Michigan. I shall not press it now. I should like in this connection to say that I will call the matter up to-morrow, which will give a night for the Senator to examine the letter.

Mr. THURMAN. Very well.

Mr. MORTON. I believe my motion is pending.

The PRESIDENT *pro tempore*. But the Senator gave way to morning business.

HARPER'S FERRY PROPERTY.

Mr. DAVIS. I offer a resolution regarding the Harper's Ferry property, in which the Government itself is interested, and I ask that it be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to proceed to have the decree of the district court of the United States for the district of West Virginia for the enforcement of the purchase-money of the water-power at Harper's Ferry sold to F. C. Adams by the United States, which was entered at its September term, 1874, in the suit of the United States against F. C. Adams and others, carried into execution as speedily as practicable by a resale of the property therein decreed to be resold, and without awaiting the determination of any other suit now pending in said court wherein the United States is plaintiff or coplaintiff with respect to the title to the said property.

Mr. DAVIS. I want to make a remark before I move the reference of the resolution.

In 1869 an act passed Congress for the sale of this property. It was sold in 1871. Since that time nothing has been collected from the party who bought the property. The property is going to destruction. As I understand the money ought to have been collected long ago. It was due partly in one year and partly in two years after the sale, which was four years ago. Now I move that the resolution be referred to the Committee on the Judiciary, and printed.

The motion was agreed to.

Mr. EDMUNDS. I wish to make one remark on the subject referred to the Judiciary Committee. Some attention has been called to this matter in the public newspapers by somebody, and I think it right to say for one that so far as I know there is no ground to impute any laches or negligence to the Attorney-General. Whether his subordinates have been as prompt as they ought to be is another question.

HOUR OF MEETING.

Mr. MORRILL, of Maine. I offer the following resolution:

Resolved, That the daily hour of meeting of the Senate shall be eleven o'clock a. m. from and after to-morrow.

Mr. THURMAN. Let it lie over.

The PRESIDENT *pro tempore*. The resolution will lie over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1012) for the relief of the district judge of Vermont; and the joint resolution (S. R. No. 15) authorizing Thomas W. Fitch, engineer, of the United States Navy, to accept of a wedding present sent to his wife, Mrs. Minnie Sherman Fitch.

ORDER OF BUSINESS.

Mr. MORTON. I renew my motion to proceed to the consideration of the resolution for the admission of Mr. Pinchback as Senator-elect from Louisiana.

Mr. THURMAN. The question is on postponing the present business, I suppose.

The PRESIDENT *pro tempore*. The motion is to postpone the pending order, being Senate bill No. 963, and all prior orders, and proceed to the consideration of the resolution indicated by the Senator from Indiana.

Mr. THURMAN. Is it in order to move to postpone and proceed to the consideration of a particular subject in the same motion?

The PRESIDENT *pro tempore*. The question can be divided at the request of any Senator.

Mr. THURMAN. I ask that it may be divided. I wish the Senator from Maine were here, for I should like to understand somewhat definitely why he consents that the District bill may be laid aside, or rather why he says that he will not press the District bill on the consideration of the Senate to-day. The only reason he gave for not insisting upon its consideration to-day was that something had taken place on Saturday which induced him to refrain from asking the Senate to proceed with the consideration of that bill, and the only thing that he mentioned as having taken place on Saturday was what he called a premature adjournment of the Senate.

Now, Mr. President, I wish to say that the Senate adjourned after six o'clock on Saturday, and after having sat every day of the week, and after members had met in their committees almost every morning long before the meeting of the Senate. Why, therefore, the adjournment was premature, unless the Senator from Maine was certain of carrying his bill if we sat it out into the small hours of Saturday night, I cannot conceive. But if he was certain of carrying his bill had we continued in session on Saturday night, then it is perfectly clear that he can carry his bill before Tuesday morning; then it is perfectly clear that when we have all the daylight of to-day as well as all of to-night for the consideration of his bill, he can carry his bill through the Senate. The adjournment therefore on Saturday was not a premature adjournment. It was not premature unless, as I have said, the Senator was able to carry his bill. If he was able to carry his bill then, he can carry it to-day, and hence there is no reason for postponing it unless he intends to abandon his bill; and to abandon it, after having intimated that he can carry it, would be a very singular proceeding indeed.

The Senator may possibly have referred to some of the votes that were taken. Well, what were the votes that were taken? The most important vote that was taken was that which provided for the election of one of the three commissioners. If I am not mistaken, the Senate decided three times that we would not provide for the election of two of them; we would only at the outside provide for the election

of one. Three times the amendment offered by the Senator from Indiana, to elect two of the commissioners, was amended by striking out "two" and inserting "one," and the amendment thus amended was voted down twice; but when that amendment was made the last time, when the question was upon concurring with it, the Senator from Nevada [Mr. STEWART] felt authorized to say that the amendment thus amended to limit the election to one would receive the votes of a majority of the Senate. There is nothing then in that to destroy this great prospect for the government of the District of Columbia which has been worked at during this session; nothing has been done to destroy it; and why therefore the Senator should say that something took place on Saturday which induces him in effect to abandon his bill and let it die with this Congress, is really something that is past my comprehension.

Since the Senator from Maine has come in, I wish to repeat in brief one thing that I said. The Senator had no right to speak of the adjournment after six o'clock on Saturday as a premature adjournment, unless he felt a reasonable assurance that if we continued to sit on Saturday into the night, perhaps till midnight, he could pass his bill. If he had no assurance that he could pass his bill by our sitting through that night or late into the night, then he has no right to say that an adjournment at six o'clock was a premature adjournment, nor to base an abandonment of his bill on the idea that the Senate had prematurely adjourned.

Well, sir, if he could have passed his bill had we sat until midnight, or even until daylight—but certainly we would not have sat beyond midnight, it being Saturday night—then he can pass his bill to-day. He has more time now to pass it than he had then; and therefore he cannot abandon his bill on the ground that it was premature in us to adjourn, unless it is certain he could pass his bill then if we had not adjourned, and if it is certain he could pass it then, I say he can pass it now.

But, Mr. President, one word about this bill. I am afraid that my friend from Maine has got an idea into his head for which there is no foundation. I am fearful that he has got an idea into his head that his bill is not fairly treated by Senators on this floor who propose amendments to it. I for one must say that I have not heard one factious amendment offered to the bill. The bill covers nearly two hundred pages, and it has not perhaps been read by every Senator in this body. New light upon it springs up from debate. It is necessarily a subject of debate, because the bill covers so much ground. Had the bill been a short bill, merely setting up a frame-work of a government, without going into the multitudinous details embraced in it; had it been a bill of twenty pages; had it been a bill no longer than an ordinary State constitution, setting up merely a frame-work of government, every Senator would have read it before this and been prepared to vote upon it. It is only because the bill is so voluminous, it is only because it goes far beyond setting up the frame-work of a government, and goes into minute details of legislation, that Senators have not read it.

Mr. MORRILL, of Maine. My honorable friend should remember that he participated in framing the bill which led to the formation of the committee, and this committee were directly instructed to do two things: to make a frame-work, and also statutes necessary to carry it into execution.

Mr. THURMAN. Most unquestionably, and I was very much in favor of it. I think it was on my motion that they were also required to draught statutes, but I did not expect them to draught them all in their frame-work of government, any more than when I vote for a member of a constitutional convention to frame a constitution for my State I expect that he will put all the criminal laws and all the civil laws of the State in the constitution. But I do not wish to criticise the action of the committee. I only mention this for the purpose of showing that Senators are not factious when they move amendments to the bill reported by the committee. I mention it for the purpose of showing that the Senator has no right to suspect any Senator on this floor of any covert purpose whatever because he offers amendments to this bill or because he asks for an explanation of it. It was the duty of that committee to report statutes and I was in hopes they would report statutes, for our idea was that Congress should be the legislative power of this District, as the Constitution provides that it shall be; and I hoped therefore that we would pass the statutes which otherwise would be left to a municipal government to pass or be made in the shape of rules and regulations by some board of commissioners. I considered it much more proper that Congress should pass the necessary statutes to operate in this District. No one would think for a moment of vesting a Legislative Assembly here, such as we had but one year ago, with power to make laws regulating descent or distribution or the like. Certainly no one would think of vesting in these three commissioners or regents any such power as that. The power of legislation belongs to Congress, and I did suppose that the general statutes, so far as they might be necessary in the opinion of the committee, would be reported as separate statutes for the action of Congress, but that the frame-work of the government would be as brief at least as the constitution of the great State of New York. I did not expect one hundred and ninety-odd pages here embracing not simply the frame-work of a government but going into the minutest details of legislation.

Now, Mr. President, I am anxious and have been all the while that this subject should be fairly considered and that this District should

have a good government. With some of the general ideas, or at least the most material, of this bill I concur; but I do think and have thought all the time that there were provisions in the bill, indeed who's chapters in the bill, which should be stricken out and made the subject of separate statutes to be introduced and considered by Congress. But the bill is not a dead bill unless the chairman having it in charge sees fit to kill it. Those who offer amendments do not offer them in hostility to the general features of his measure. That has been proved again and again by the votes of a majority of the Senate. They do not offer amendments, they do not ask for explanations for the purpose of killing his bill, much less for the purpose of treating it with frivolity. And although the amendments might strike out a large portion of the bill, as I think might be done with advantage, still that bill can be so reformed by amendments as to set up a proper frame-work of government, consistent with the Constitution of the United States, in this District.

I hope therefore the Senator will not abandon his offspring in this way. I hope he will not permit it to be killed, for to postpone it now means its death as every one must see. But, sir, it is not for me to admonish so able and so wise and experienced a Senator. I am not admonishing him; I am not lecturing him; I am simply expressing with an earnestness that is sincere what I feel in respect to this great measure.

Mr. MORRILL, of Maine. I have had no disposition from the beginning till now to abandon this bill, and I have none now; but I find myself in such a predicament to-day because of certain commitments of my own and others, that I do not feel that in good faith I can press the consideration of it at this moment. This I stated when the bill came up on Saturday as the unfinished business of the previous day. My friend from Ohio I suppose was not in or did not understand what I said.

Mr. THURMAN. I did listen to the Senator. I cannot say that I heard all the Senator said, he spoke so low.

Mr. MORRILL, of Maine. I undertook to state the position of this bill. I said that it having occupied three days prior to Saturday, and there being but fifteen legislative days left, including Saturday, I did not think that more than one-fifteenth part of the residue of the session belonged to this bill, or that I could claim more for it. I put it distinctly on that ground, that I should ask the Senate and would urge the consideration for one-fifteenth of the time left of a bill as important as I regarded this to be. I said distinctly that having no appropriation bill ready for to-day, I would not, if the Senate gave me the legislative day of Saturday, urge it against anything to-day, and particularly I would not urge it against gentlemen who had given notice that to-day or as soon as that bill was through they would move to take up certain other business, and particularly the Senator from Indiana who sits near me.

Now, Mr. President, although I did not have the legislative day, as I thought I had a right to have, and as I think now I had a right to have had, I feel bound in good faith not to urge this bill to-day.

Now I will say to my honorable friend from Ohio that although I have not attributed or suspected the slightest disposition to cause delay on any side of this Chamber in regard to this bill, yet I was greatly pained on Saturday at the delay and the time consumed over matters that I thought might have been dispatched a great deal more hurriedly if Senators beforehand had given the bill that consideration which they seem now to think its importance justly demands. I think I have a right to say that a great deal of time was exhausted during the progress of the day—time enough to have passed the bill and a good deal more.

I want now to say a word to my honorable friend from Ohio who addressed me on this subject and I want to show him that I think his skirts are not entirely clear on this matter. I had a right to go on with this bill; it was in a condition to be completed; it had been kept distinctly before the Senate, and every proposition assailing it had been voted down. We were in the progress of finishing it, and the next two or three hours undoubtedly would have finished it either for good or for bad. That was the condition of things. I was anxious to stay. I thought I had a right to demand of the Senate, so far as anybody having an important bill in charge ever has a right to demand—and certainly in the high sense that my honorable friend urges it on me to proceed with the bill now considering its importance, and I agree with him in that—that it stay until nine o'clock or ten o'clock if necessary and finish the bill. But to my mortification, not to say my chagrin, an adjournment was moved; the yeas and nays were taken; and my honorable friend, with pretty much all my allies on this side, went over. I am not complaining; I am not saying that there was any bad faith about it. It may be that my honorable friend understood that we had two or three days more which we could expend on this bill just as well as not, and displace something else that had no business here. But that was not my business and I have no charge of the business of the Senate except this particular thing immediately, and prospectively nine appropriation bills which will stand here demanding consideration on to-morrow at least and will confront the Senate in such a manner that I think they will find they cannot afford to put them aside.

Now if my honorable friend thinks I have vindicated myself from any disposition to abandon the bill, I shall have accomplished all I desired; but I wish to say one thing further. I have given notice that in consideration of not having had the legislative day of Satur-

day, I will seek the first opportunity when I think I can displace other business of less importance, when I am out of the implied faith not to disturb this day, to ask the Senate to take up this bill; and so I leave it for the present.

Mr. MORTON. Mr. President, if it is in order, as a division of the question has been called for and the Chair has decided that it may be called for, I will withdraw the motion I have made, and with a view of cutting off debate I now move to lay the District bill upon the table. I make that motion if it is in order.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to lay the pending bill on the table with a view then to move to take up the Pinchback resolution.

Mr. BAYARD rose.

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from Indiana moves to lay the District bill on the table.

Mr. STEVENSON called for the yeas and nays; and they were ordered and taken.

Mr. ALLISON, (having first voted nay.) Understanding that this bill is to be abandoned, I vote yea.

The result was announced—yeas 34, nays 23; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Doremus, Boutwell, Chandler, Clayton, Conkling, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelighuysen, Gilbert, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Mitchell, Morton, Oglesby, Pease, Pratt, Sargent, Scott, Sherman, Spencer, Washburn, West, and Wright—34.

NAYS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merriam, Norwood, Ransom, Sanisbury, Sprague, Stevenson, Stockton, Thurman, and Tipton—23.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Conover, Jones, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Patterson, Ramsey, Robertson, Schurz, Stewart, Wadleigh, and Windom—16.

So the motion to lay the bill on the table was agreed to.

Mr. MORTON. I move that the Senate proceed to the consideration of the resolution to admit Mr. Pinchback to a seat in the Senate.

Mr. BOGGY. Is the motion amendable?

The PRESIDENT *pro tempore*. The resolution will be amendable when it is taken up.

Mr. BOGGY. I move to amend by taking up the steamboat bill.

The PRESIDENT *pro tempore*. That is not in order. It has been held that it is not in order to move to amend a motion to take up one bill by inserting another bill.

Mr. BOGGY. Is it in order to move to lay this motion on the table?

The PRESIDENT *pro tempore*. The Chair thinks that has been done.

Mr. BOGGY. I move to lay this motion on the table with a view to take up the steamboat bill.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to proceed to the consideration of the resolution admitting Mr. Pinchback. The Senator from Missouri moves to lay that motion on the table.

Mr. EDMUNDS. Is the motion to lay on the table in order? If you cannot amend the motion, you certainly cannot lay it on the table; for the rule providing for amendments and motions to table a proposition is exactly the same.

The PRESIDENT *pro tempore*. The Chair is advised that it has been so held.

Mr. EDMUNDS. Very well; go ahead.

Mr. CONKLING. I do not wish to be understood as differing with the Chair, even on a matter of recollection; but I am quite positive that it has been said and has been ruled that a motion to take up a bill, like a motion to postpone or a motion to adjourn or many other motions that might be stated, is not open to a motion to lay on the table, as it is not to a motion to amend. I think during this session that has been the judgment of the Senate.

Mr. THURMAN. I do not profess to know much about rules, but it seems to me this whole thing is determined by one consideration. If a motion to take up a bill is a debatable motion, not involving the merits of the bill—for we cannot debate them on a motion to take up—but if it is a motion which is debatable at all, then a motion to lay on the table is in order.

Mr. CONKLING. Will the Senator pardon me a moment. A motion to postpone a bill is a debatable motion, very debatable; but is it a motion which you can move to lay on the table?

Mr. SHERMAN. I will say to the honorable Senator that the eleventh rule provides for that.

Mr. CONKLING. The honorable Senator therefore answers my question as I would answer it; it is only so by express rule; certainly not by general parliamentary law. Is there any express rule by which you can move to lay on the table such a motion as this if it were not included in the rule, which is a motion to proceed to take up a measure? You may have an express rule by which you can move to lay on the table a motion to adjourn; but can you do it without an express rule?

Mr. SHERMAN. I think under the eleventh rule you can move to lay anything in the world on the table except a motion to adjourn or proceed to executive business. The rule provides—

When a question is under debate, no motion shall be received but to adjourn; to proceed to the consideration of executive business; to lay on the table; to postpone indefinitely; to postpone to a day certain; to commit; or to amend; which several motions shall have precedence in the order they stand arranged; and motions to adjourn, to proceed to the consideration of executive business, and to lay on the table shall be decided without debate.

I think the Chair is right.

Mr. EDMUNDS. It would follow, then, let me suggest to the Senator from Ohio, that a motion to amend must be in order, for if you stand on the eleventh rule a motion to postpone indefinitely or to lay on the table has no greater force than a motion to amend, for the eleventh rule says that you may move to amend when a question is under debate. If therefore this motion falls within the category of the eleventh rule as being a motion which is subject to being laid upon the table, to be postponed indefinitely, to be postponed to a day certain, to be committed, or to be amended, then the Senator from Missouri was right in making his motion to amend. You cannot say that this rule operates in one part of it upon this motion but does not operate in another part of it. The rule either does not apply to it at all; it stands as an independent motion in order to bring business for debate upon its merits under the consideration of the Senate, or it is a motion which is subject to all of these motions. You cannot say it is subject to one and not to the others. Therefore if the Senator from Ohio is right, the Senator from Missouri was clearly right upon the logic of the thing, and his motion ought to have been received. I do not know what the practice of the Senate is, but if one is admissible the other is I am quite sure.

The PRESIDENT *pro tempore*. The Chair will submit the question of order to the Senate. The Senator from Indiana moved to proceed to the consideration of the resolution admitting Mr. Pinchback to a seat; the Senator from Missouri moves to lay that motion on the table. The point of order is raised that the latter motion is not in order, and the Chair submits that question to the Senate.

Mr. HAGER. I ask the Chair if the question is stated properly. The Senator from Indiana moved to take from the table the resolution. It has been taken from the table, as I understand, and is now pending before the Senate.

Mr. WEST. O, no.

Mr. EDMUNDS. No; we laid the District bill on the table.

The PRESIDENT *pro tempore*. The question is, is the motion of the Senator from Missouri to lay on the table the motion of the Senator from Indiana in order?

The question, being put, was declared to be decided in the negative.

Mr. SHERMAN. What is the question? I did not hear.

The PRESIDENT *pro tempore*. Whether the motion to lay on the table the motion of the Senator from Indiana was in order. The Chair will put the question again.

Mr. SHERMAN. I am quite sure the Chair was right in the first place. Let me put a case to the Senate. Suppose a Senator should move to take up some proposition that would lead to debate. A limited amount of debate is always authorized on a motion to take up a bill or proposition.

Mr. EDMUNDS. Not on its merits.

Mr. SHERMAN. Well, on its merits or some other way. It is open to some debate. Suppose a majority—

Mr. EDMUNDS. The rule expressly prohibits debate upon the merits of the subject proposed to be considered—the same eleventh rule.

Mr. SHERMAN. I understand that rule perfectly; but nevertheless such a motion is open to limited debate and has been debated. Such motions have been debated time out of mind. Now, sir, the motion to lay on the table was intended to enable the Senate at any time to dispose of any question under debate, to do anything it pleased; otherwise, the only way you could get rid of a motion made to take up a particular subject-matter would be to adjourn or go into executive session. The Senate certainly ought always to retain its power to lay aside without debate a proposition to take up a particular bill. I have seen it done here fifty times.

I do not see any use in Senators on either side of a question getting into any discussion of points of order about this matter. I would rather see the question put and let the vote on laying this proposition of the Senator from Indiana on the table be made a test question. As I have no doubt a majority of the Senate have made up their minds as indicated by the previous votes to take up the case of Pinchback, let us go on with it and not waste our time here on points of order and propositions that only waste time. Let us vote as a test-vote on this proposition.

Mr. EDMUNDS. I hope the Senator from Ohio will not suppose that I am on either side of the merits of this question because this point of order is pending. I think I may say to him with some strength that it will require some argument which has not yet been delivered to make it clear to me that the merits of the Pinchback question are in any particular direction; and therefore I do not by any means wish to be set down as being on any particular side and as raising a question of order because I have a particular object to gain by it. That is not my attitude at all. I only say that if the motion to lay on the table is in order, the motion the Senator from Missouri made to amend the proposition is also in order, because the eleventh rule expressly says that if you can do the one thing upon a question you can do the other. But it has been decided over and over again that you cannot amend a motion to proceed to the consideration of a particular measure. That was decided by Vice-President Colfax, to my recollection, with the universal acquiescence of the Senate. If you cannot do that, then it follows necessarily that you cannot move to lay it on the table by force of the eleventh rule, because that is a motion touching the merits, putting it out of the way. The motion to adjourn and the motion to proceed to executive business stand on entirely different considerations, because when

either prevails the pending question would still be before the Senate, when it finishes its executive business or meets again, will it proceed to consider the motion to proceed to the consideration of that particular measure. But when you come to the motion to amend or lay on the table, then you are acting upon the question itself and not superseding it, as a motion to adjourn does. That is the difference.

If the Senate had not decided over and over again that this motion is not amendable, I should have agreed with the Senator from Ohio that it was the subject of being postponed indefinitely, which would put it off forever, and so you would never reach the merits, or of any other motion under that rule; but the Senate having so decided, and there being no precedent of which I know of a motion to lay a proposition of this kind on the table, I think that in following out the decision we have already made we must hold that this is not in order. That is all.

Mr. BAYARD. The construction of this general Rule No. 11 seems to me very plain, and under it there can be no doubt in my opinion that the motion to lay on the table is in order upon any question under debate, and I find no exclusion of the question now under debate from the general operation contemplated by this rule. If there be any other rule or anything to be gathered from any other rule in conflict with this provision of Rule 11, I have been unable to find it. Therefore, with my present lights, I consider the motion of the Senator from Missouri in order. At the same time I beg leave to say that I trust it may not prevail. The Senate is aware that two weeks and more ago the honorable Senator from California [Mr. SARGENT] obtained the floor to speak upon the Louisiana question; that his sudden illness prevented his delivering his speech, and from the time of his recovery until now he has been desirous of being heard upon that subject; and understanding that this motion is made by the honorable Senator from Indiana—I understand this privately—partly to enable the honorable Senator from California speedily to be heard, I earnestly trust that his wishes on this subject may be considered on both sides of the Chamber, and that for his convenience there will be no hesitancy in allowing this question to be taken. Although I must say, as I said before, that I think under the rule the motion of the Senator from Missouri is in order. I trust it will not prevail.

Mr. BOGY. I have no doubt the Senator from California will make a very fine speech, and we shall all be glad to hear him; but I do think the steamboat bill is much more important, and I should like to have the yeas and nays on my motion.

The PRESIDENT *pro tempore*. Does the Senator request the yeas and nays on the point of order?

Mr. BOGY. No, sir; on my motion.

The PRESIDENT *pro tempore*. The question is on the point of order, which the Chair submits again to the Senate.

Mr. BOGY. I thought my motion had been decided by the Chair to be in order.

The PRESIDENT *pro tempore*. The Chair submitted it to the Senate.

Mr. THURMAN. I wish to say one word on this Rule 11. It seems to me that the argument of the Senator from Vermont, although it appears extremely plausible, is not sound. I do not place my view of the question under consideration upon Rule 11. I think the Senator from Missouri has a right to move to lay the motion on the table, and I think he has a right to do that under the general parliamentary law, and I do not think he derives that right from Rule 11. I think Rule 11 is not one that confers the right to make the motion; but it is for another purpose, to exclude the making of other motions and to regulate the order of precedence in which the motions enumerated in the rule shall be considered. That, I think, is it. I do not think Rule 11 was adopted for the purpose of conferring the right to make these motions, but on the contrary it was for the purposes I have mentioned. It provides expressly—

When a question is under debate, no motion shall be received but.

And then it enumerates seven motions. The operation of the rule, therefore, is first to prevent any other than one of these enumerated being made. Then the last clause of the rule provides as to the precedence of these motions: "which several motions shall have precedence in the order they stand arranged." Then the last clause provides that certain of these motions shall be decided without debate and that certain others of them may be debated, but not on the merits of the bill.

Mr. EDMUNDS. May I ask the Senator a question, because I do not wish to take up time. If the Senator is right, that this does not fall within the eleventh rule as being one of the subjects mentioned in it and it is a general parliamentary right, would it not follow as well that you may move by general parliamentary right to amend?

Mr. THURMAN. I think it would.

Mr. EDMUNDS. But the Senate has decided over and over again that it would not allow that.

Mr. THURMAN. I think so; but because the Senate may have made one erroneous decision it does not follow as a matter of course that we ought to make another; and yet there is a distinction between the cases, and to that I wish to call the attention of the Senator from Vermont.

The reason why it was held before that you could not move to amend a motion to take up one bill by substituting another bill, was that if

you were allowed to do that you might never be able to get at any bill, for motion after motion could be made; as fast as one motion to amend was voted down, somebody could move to amend by striking out the name of the bill mentioned and inserting another, and so on, and thus you could never come to a conclusion. Because that might be done, it was thought well to prevent such a result, and I recollect that reason being given by the Vice-President who decided it, and whose decision has been referred to as a reason why a motion to amend a motion to take up a bill was out of order. But that does not apply at all to the motion to lay on the table; for that, instead of being a motion that prolongs the consideration of a subject or enables delay or dilatory motions to be made, is just exactly in the opposite direction—it cuts off debate. It does seem to me, therefore, that the motion is in order. But I was in hopes that the Senator from Missouri would not press it; for I concur in what was said by the Senator from Delaware that it is due to the Senator from California and is according to that courtesy which we have always been accustomed to extend to each other on this floor that he should be allowed to proceed with his remarks. I hope, therefore, the Senator from Missouri on further consideration will withdraw his motion.

The PRESIDENT *pro tempore*. The question is upon the point of order. The question is, is the motion of the Senator from Missouri to lay on the table the motion of the Senator from Indiana in order?

Mr. HAMLIN. I am inclined to concur in the view which the Senator from Ohio has taken in relation to the rule which has been referred to, the eleventh rule; but I think the Senator is mistaken in supposing that the rule has anything to do with this motion now before the Senate. The rule which gives consecutively the motions that may be made when a question is under debate applies to that which is before the Senate for its consideration. The motion submitted by the Senator from Indiana is one to bring a question before the Senate. If that shall be decided affirmatively, we then will have before the Senate a subject to which that rule will apply, and as to which a motion may be made, first to adjourn, and so on down to the end of the list of motions therein specified. But I submit that this is not one of the motions contemplated by the rule as it stands. It would be nonsensical. If it be in order to lay the motion of the Senator from Indiana on the table, it is in order to commit it; and what have you got to commit? What would be the condition of the subject? We want to get at a specific subject for discussion and action; and you propose to submit that to a committee, and you thus avoid the wish of the Senate.

If I am right, and I think I am, in the construction of the rule, the motion in my judgment is clearly out of order; just as much out of order as it would be to move to amend; and there can be certainly no doubt upon that question. If it be in order to postpone it, if it be in order to lay it upon the table, it must be in order to amend it. But it is not, I submit again, one of that class of cases which come within the rule; and not coming within the rule, the motion to lay upon the table should not be entertained by the Senate. I do not know what the practice of the Senate has been; but I do know that you can find precedents for almost anything, and precedents that are often established without the slightest discussion, without the examination of their bearing, without even the knowledge of a larger portion of the Senate that the question is so decided at the time when it is decided. I believe that the motion ought not to be entertained; and in addition to what I have said, it would be the mere negation of the affirmative form of the original form.

Mr. THURMAN. I think we had better have the yeas and nays on this question, so as to have a precedent.

The yeas and nays were ordered.

Mr. HOWE. I am going to vote the opinion—I forget whether it is "yea" or "nay"—that this motion is not in order. A motion to lay on the table a motion to proceed to the consideration of a specific bill or resolution, I think, cannot be in order for this plain reason: As it seems to me you cannot lay it upon the table, you cannot get it out of the consideration of the Senate but in one way, and that is by adjourning. I suppose a motion to adjourn would be in order and would take precedence, and so would a motion to go into executive session. But what is the question under consideration and open to debate, or a motion to proceed to consider a particular bill or resolution? All the arguments that tend to show you ought to consider that bill at this time. Suppose you go through the form of laying that motion on the table and do not adjourn, do not go into executive session, you have got to move to proceed to the consideration of some other measure; and whatever that measure is, precisely the same line of debate is open upon it. Every single argument that would be pertinent on the motion of the Senator from Indiana would be pertinent, would be strictly germane upon any possible motion which could follow that, except a motion to adjourn or to go into executive session. So it seems to me. Therefore I shall vote that it is out of order to submit a motion to do what cannot be done.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. FERRY, of Michigan. Will the Chair state the question?

The PRESIDENT *pro tempore*. The Senator from Indiana moved to proceed to the consideration of the case of Mr. Pinchback. The Senator from Missouri moves to lay that motion on the table. The point of order is raised that such a motion cannot be laid on the table. The question is, is the motion of the Senator from Missouri to lay on the table in order?

Mr. CLAYTON. How does the Chair decide the point of order? The PRESIDENT *pro tempore*. The Chair submitted it to the Senate.

Mr. CLAYTON. Made no decision?

The PRESIDENT *pro tempore*. Made no decision.

Mr. THURMAN. Those who are of opinion that the motion to lay on the table is in order vote "yea."

Mr. EDMUNDS. Certainly; and those of the opposite opinion vote "nay." [Laughter.]

The question being taken by yeas and nays, resulted—yeas 25, nays 29; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Cragin, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Sargent, Saulsbury, Schurz, Scott, Sherman, Sprague, Stevenson, Stockton, and Thurman—25.

NAYS—Messrs. Allison, Chandler, Clayton, Conkling, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Harvey, Howe, Jones, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Spencer, Wadleigh, Washburn, West, Windom, and Wright—29.

ABSENT—Messrs. Alcorn, Anthony, Boreman, Boutwell, Brownlow, Cameron, Carpenter, Conover, Davis, Hamilton of Texas, Hitchcock, Ingalls, Lewis, Logan, Morrill of Maine, Morton, Robertson, Stewart, and Tipton—19.

So the Senate decided that the motion of Mr. BOGY was not in order.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Indiana, [Mr. MORTON.]

The motion was agreed to.

SENATOR FROM LOUISIANA.

The Senate proceeded to consider the following resolution reported from the Committee on Privileges and Elections by Mr. MORTON on the 8th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning on the 4th of March, 1873.

Mr. MORTON. Mr. President, I shall detain the Senate but a short time in stating the question which is now presented. Mr. Pinchback has presented credentials properly certified, signed by the governor of Louisiana, countersigned by the secretary of state, showing that on a given day in January, 1873, in accordance with the act of Congress, he was elected to a seat in this body for the term commencing on the 4th of March, 1873. The simple question presented is whether, upon these credentials, thus signed, countersigned, and bearing the seal of the State of Louisiana, he is entitled to his seat; and if there be questions as to whether he was properly elected, as to whether the Legislature was properly organized, or whether he was guilty of conduct in the election that would prevent him from properly becoming a member of this body, they cannot be inquired into until after he has taken his seat.

I shall confine my remarks to presenting a few authorities on this point which I consider as quite conclusive. It is no part of my purpose to go over the old Louisiana story. The Senate knows it by heart. The first authority that I present was that growing out of the admission of Mr. GOLDTHWAITE as a member of this body from the State of Alabama. It was objected that Mr. GOLDTHWAITE was not properly elected; that there were members in the Legislature of Alabama who voted for him and whose votes were necessary to his election who had not themselves been elected; that others voted for him who were under the disabilities of the fourteenth amendment to the Constitution and had no right to a seat in the Legislature of Alabama under any circumstances. In other words, the question was whether Mr. GOLDTHWAITE had been elected in fact by the Legislature of Alabama. The Committee on Privileges and Elections reported the following resolution:

Resolved, That GEORGE GOLDTHWAITE be permitted to take a seat in this body as a Senator from the State of Alabama upon taking the proper oath; and that the Committee on Privileges and Elections proceed hereafter to consider the grounds on which his right to a seat is contested, and hereafter make report to the Senate thereon.

The Senator from Ohio, [Mr. THURMAN,] then a member of the committee, in the course of his remarks said:

So far as GOLDTHWAITE was concerned that report was unanimous on the part of the committee, as appears by the report itself, a copy of which I hold in my hand. It went upon the ground, which has been observed ever since, this Government was formed, that the certificate of election of a Senator was *prima facie* evidence of his right to a seat and sufficient until it was overthrown; that he was entitled on that *prima facie* case to his seat in the body, and if any one said he was not entitled to it the contestant was bound to overthrow that *prima facie* case by sufficient charges and sufficient testimony, but that in the mean time the Senator was entitled to his seat on his *prima facie* case.

There was not, and there is not, as I had occasion to observe then, after a most careful examination of all the precedents, a single case in the whole history of this Government in which that rule has been departed from.

And upon that report Mr. GOLDTHWAITE was seated upon his *prima facie* case.

In the case from Rhode Island, in 1834, Mr. Robbins had the certificate of the governor that he was elected by the Legislature of Rhode Island; but the question was whether he was elected by the Legislature of Rhode Island; whether, in point of fact, the body that elected him was a legislative body at all; and the question was a very grave one. The term of the governor of Rhode Island, of the lieutenant-governor, and of the members of the Senate, had, by a joint resolution of the two bodies, been extended one year—a remarkable resolution and one presenting a strange question. After that

Legislature by its own resolution had extended its existence one year, it elected Mr. Robbins to the Senate. The question was whether it was a Legislature at all; and the Senate of the United States, after a long debate, decided that Mr. Robbins had a *prima facie* case on the governor's certificate, and he was admitted to his seat; and the question as to whether the Legislature was a lawful one was decided afterward, and after long debate and consideration.

So far as I can find out by examination, as stated by the Senator from Ohio in the Goldthwaite case, there is no precedent to the contrary. It has always been held that a person presenting the certificate of the governor of a State had a *prima facie* case, and that all questions as to his valid election, as to his conduct during the election, could only be investigated after that time.

But, Mr. President, not intending to take the time of the Senate, I shall content myself by referring to one other case, which is the most full and satisfactory of any of them. I refer to the case of General Shields, who was admitted as a member of this body in 1849. Before he was admitted a motion was made to refer his credentials to the Committee on the Judiciary, upon the ground that General Shields had not been nine years a citizen of the United States; that he had not the qualification required by the Constitution. This presented the strongest possible case. Here was a candidate for admission who, it was claimed, did not possess a qualification required by the Constitution; that is, he had not been a citizen of the United States the proper length of time; and if any question could be examined in advance of admission it would seem to me that that would be the one. The question came up for discussion, and the debate was participated in by Mr. Douglas of Illinois, Mr. Mangum of North Carolina, Mr. Walker of Wisconsin, Mr. Turney of Tennessee, Mr. Badger of North Carolina, Mr. Butler of South Carolina, Mr. Webster of Massachusetts, Mr. Atchison of Missouri, Mr. Berrien of Georgia, and Mr. Foote of Mississippi. After full debate, and I believe with the concurrence of all these Senators, it was decided that he had a *prima facie* case upon the governor's certificate, and that no question could be raised as to whether he was a citizen of the United States or had been properly elected until after he had taken his seat. He was thereupon sworn in, and after that the question was examined; he was found not to have been a citizen of the United States the requisite period, and was turned out of the Senate. I shall ask the Clerk to read this debate. It is not very long, and that is all the speech I propose to make at this time. I consider it conclusive on this question. It leaves but one point. If we recognize Mr. Kellogg as the governor of Louisiana, then Mr. Pinchback has a *prima facie* case to a seat in this body, and whatever objections there may be to the character of the body by which he was elected, to the mode and manner of his election, can be inquired into only after he has taken his seat; for, as was said by Mr. Webster, the Senate gets no jurisdiction of any question connected with the case until after he becomes a member of the body.

Mr. SARGENT. It will take an hour to read it.

Mr. MORTON. O, no; not more than fifteen minutes. However, this debate is somewhat lengthy; and as I am anxious not to take the time of the Senate, I will ask to have it incorporated in my remarks, and will notify Senators where it is to be found, so that any one can examine and see whether I have stated the substance of this debate correctly.

Mr. HAMILTON, of Maryland. Will the Senator give the page?

Mr. MORTON. Volume 20, Congressional Globe, second session Thirtieth Congress.

Mr. CONKLING. What is the date of the year?

Mr. MORTON. Eighteen hundred and forty-nine, on the 6th day of March.

Mr. HAMILTON, of Maryland. What page?

Mr. MORTON. Page 327. I now yield the floor to the Senator from California, [Mr. SARGENT,] and ask to have the debate referred to incorporated in the RECORD in connection with my remarks.

The debate referred to is as follows:

Mr. DOUGLAS. Mr. President, I again rise to a question of privilege. I do it without any concert with my colleague, whom I desire to be sworn. I do it as the only representative present from the State of Illinois, which is entitled to two Senators on this floor. It appears from the credentials now on your table that James Shields was elected a Senator of the United States by the Legislature of Illinois for six years from the 4th instant. His credentials are in due form, and therefore those credentials entitle him to a seat in this body. He stands in precisely the same position in which other Senators stood who were yesterday admitted to seats; and if there is any objection on the ground of ineligibility, it must arise after he has been sworn and has taken his seat. This body has no jurisdiction over him on this matter until he has been admitted to his seat as one of its members, for then alone can the question of eligibility arise. At present he has a right to a seat here, and to a vote on any question that may arise until the Senate shall adjudge him ineligible. In assuming this ground, I am justified by the uniform precedents, so far as I have examined them.

In the case of Mr. Gallatin, which is a leading case on this subject, he was sworn, took his seat, and voted until the Senate decided the question of eligibility and adjudged that question against him, and then he was turned out.

In the case of Mr. Smith, of South Carolina, in which the question of alienage arose, he was sworn in, and subsequently, I believe, the question of alienage was decided in his favor.

Mr. BUTLER. Where do you find that case?

Mr. DOUGLAS. I find it among the cases of contested elections.

Then there was the case of Mr. Rich, from Michigan, which was also one of alienage, but he was sworn. And you will find that in every case that has arisen, that has been the course pursued, with perhaps one exception; and in fact that constitutes no exception at all, for the facts appeared on the face of the credentials, and it was not a case arising on an objection by an individual Senator. If, sir, in

this case the ineligibility was shown on the face of the credentials, I would not ask that General Shields should be sworn. But if the credentials are in the usual form, and that is not doubted, the presumption is in his favor, and he has a right to a seat here until the Senate shall adjudge him ineligible. All I ask, sir, is that the State of Illinois may be treated as other States are treated. If there is no ineligibility shown on the face of the credentials, to deprive him of the right conferred upon him by his State, this will furnish the first instance of the rejection of a Senator when his credentials are in due form. And why, sir, should there be such an exception now made in this case? I speak not, sir, on behalf of the claimant of this seat; but I speak on behalf of the State of Illinois, which I in part represent. I insist, sir, that if you were now engaged in calling the yeas and nays, and his credentials had not been presented, it would be my right and my duty to present his credentials, and it would be his right to be sworn and vote on the pending question. I call upon the Senate to pause and examine this question. The Senate is not yet organized. No business can be done until the constitutional rights of members to their seats have been acceded to. I do not say that General Shields is eligible to a seat on this floor. I know nothing of the facts, sir; but I do know, from the credentials on your table, that he has been duly elected by the Legislature of the State of Illinois. His credentials are in due form. They are in such form as to make it a matter of right that he shall take his seat. I know also that yesterday you swore other members who presented credentials identically the same. And I likewise know that hitherto you have never refused the right to a seat to any gentleman coming with like credentials. After General Shields shall have been sworn and admitted to a seat I shall throw no impediment in the way of any examination that the Senate may desire to make of the facts of the case. It is the right of this body then to institute an investigation when objections are made; but (and I say it with great respect) this body has no right to reject without examination a Senator, when he presents his credentials in due form, showing that he has a right to a seat here.

The VICE-PRESIDENT. Does the Senator from Illinois insist on his question of privilege?

Mr. DOUGLAS. Yes, sir; on the ground that the State of Illinois is entitled to two votes in this Senate.

Mr. MANGUM. Mr. President, I am disposed to think that the Senator from Illinois is right. The credentials in this case are in due form; they are properly authenticated under the seal of the State, and hence they constitute a *prima facie* case. If it be deemed necessary, the Senate can enter upon an investigation after the claimant has been admitted to his seat; and, with my present impressions, I withdraw my resolution.

Mr. WALKER. Mr. President, I withdrew my resolution to permit the Senator from North Carolina to offer his resolution; but as he has now withdrawn it, I renew my motion, and in doing so I wish to give some expression of my feelings on this subject.

The Secretary read Mr. Walker's resolution, as follows:

Resolved, That the certificate of election of Hon. James Shields to a seat in this body be referred to the Committee on the Judiciary, with instructions to inquire into the eligibility of the said James Shields to a seat in the Senate of the United States as a member thereof.

Mr. TURNER. I suppose that resolution is not yet before the Senate.

Mr. DOUGLAS. The question pending is my motion that James Shields be sworn.

Mr. BUTLER. Which is a privileged question.

Mr. DOUGLAS. Yes, sir; a privileged question.

Mr. TURNER. I insist that a *prima facie* case is presented which entitles the claimant to a seat; and it is not in the power of any one to exclude him from the enjoyment of his right. Why, if this were so, one member by an objection could yesterday have excluded one-third of this body; for yesterday one-third of the seats here were vacant, and they were filled by gentlemen on the presentation of just such credentials. It cannot be done, sir. I insist that General Shields is entitled to his seat, and if any constitutional question shall arise the Senate may then inquire as to his eligibility to remain here.

Mr. BADGER. I imagine that there is very little difference of opinion among Senators as to the right of General Shields to be sworn in at the present time as a member of this body. In the absence of any precedents to the contrary, it seems to me perfectly clear that General Shields, having presented to the Senate his credentials, showing in proper form his election to a seat in this body, is entitled to be sworn in as a member of this body, and treated as constitutionally a member of this body, until upon investigation it shall be fully ascertained that he is not constitutionally eligible to a seat here. That is undoubtedly the general rule, and I do not see that any question as to the particular practice or precedents of the Senate with reference to his eligibility can make any difference in the application of the rule. It is a question solely for him to decide, personally, whether he will choose to avail himself of the right which these credentials give him, to be sworn in as a member before the question of his eligibility is settled, or not. It does not seem to me that there is any conflict whatever between the application to swear in General Shields and the resolution offered by the Senator from Wisconsin to refer his credentials to an appropriate committee, so that they may be duly examined and reported upon.

Mr. BUTLER. I entertain views which differ from some which have been expressed here. General Shields comes here with credentials, under the seal of the State of Illinois, in due form; and it is to be presumed that it has thoroughly investigated the matter, and that the State which has given him a commission under its seal has decided primarily upon his qualifications. Coming here, then, with *prima facie* qualifications and credentials, I cannot see how we can refuse him the right to be sworn as a member of this body. I think the case is analogous to proceedings at law involving the rights of membership—the right of holding office. Usually, the question is made, under proceedings by a writ of *quo warranto*, "By what right do you hold office?" The member is sworn in, and the question as to his eligibility to a seat is afterward determined.

If the State has given General Shields his credentials, as it is proved by the facts before us, it is a delicate matter—a very delicate matter—to decide as to his eligibility. If the Senate concur generally in my views, he should be at once admitted upon the authority of these credentials. The examination of his constitutional eligibility unquestionably should be deferred until after he has taken his seat. I give no opinion upon the legality of his election; but I take the liberty of saying that when this matter is inquired into—as it certainly will be—I trust that it will be referred for investigation to a committee on privilege, especially raised for the purpose. The Senator from Wisconsin desires this to be referred to the Committee on the Judiciary. Now there is no such committee; but when one shall be organized, its duty will be to examine questions of law; and that does not touch the high question involved in this debate. I think that the leading members of the Senate ought to constitute that committee, without regard to party.

Mr. WEBSTER. This is a very important question, sir, and it becomes us so to act as not to deprive ourselves of the power to exercise our undoubted constitutional right of judging of the qualifications of a member of this body, at the same time to act with all proper respect toward the State which has sent us a Senator which it has elected. To observe the established precedents in cases of this character is the best course we can adopt. There may be instances or precedents in which objection has been made before the member has taken his seat in either one House or the other. This gentleman's case is the other way. Being admitted to his seat, he is then to produce his credentials, and they are to be examined and investigated by the Senate, to decide if, constitutionally, he is eligible to a seat here. I think the proper course to be adopted in this instance is to allow the gentleman to be sworn at once.

Mr. ATCHISON. On yesterday my attention was called to the Journal of the

Senate, in relation to the proceedings in the case of Mr. Gallatin. I found there that when Mr. Gallatin presented himself on the authority of his credentials, he was sworn in, and another Senator was sworn in immediately after him. As soon as he had been sworn in, a communication, in the shape of a remonstrance from the State of Pennsylvania, as to his eligibility to office, was presented to the Senate, and proceedings were had to test his eligibility. He was first sworn in, however, and no objection was made to his being thus sworn. It is very strongly to be presumed that, prior to his being sworn, the remonstrance was in the hands of the Presiding Officer of the Senate.

Mr. BERRIEN. I do not apprehend that the adoption of either of the courses suggested this morning in relation to the reception of General Shields will affect the ultimate action of the Senate upon the subject of his eligibility; but I do not concur in some of the suggestions which have been made, and I will therefore express very briefly the views I entertain upon the subject, premising that no one is more disposed to pay proper respect to the certificate of a State of the Union than I am myself.

It is said that the credentials of this gentleman are *prima facie* evidence of the qualification necessary to his admission as a member of this body. I think not, sir. Until the evidence is controverted it must be correct evidence of the regularity of the election by the Legislature of his State, but that is the only thing. It is not even *prima facie* evidence of the qualifications of the individual. But, sir, it is suggested that the presentation of these credentials, this application to the Senate to be sworn in immediately, should be concurred in by the Senate, and that they must stand, when thus concurred in, until an investigation is made by the Senate as to the gentleman's eligibility; now, on the other hand, when a member of this body offers a resolution proposing an inquiry into the legality of the election of a Senator, I suppose that some attention should be paid to the representations of that Senator, and therefore what would seem to me a correct course on this question, would be that the Senator from Wisconsin should state to the Senate the grounds upon which he submits his resolution, and such facts as he may be able to present in relation to the matter, so that we may be enabled to decide advisedly between the two courses suggested to be taken. I make this suggestion because I apprehend that the applicant in this case is not disposed to contest the facts of the case, but, admitting them, to rest his claim upon the constitutional question which they present. The facts in the case, I suppose, will be presented to the Senate by the Senator moving this resolution, so that a decision upon his constitutional eligibility may be had.

Mr. DOUGLAS. My motion is not made at the request, nor even with the knowledge, of General Shields. It is made by me, as a Senator from Illinois, insisting on the rights of that State. I have no objection to the Senator from Wisconsin making any statement he chooses at the proper time; but if he is to go on and make statements of facts with respect to the question at issue—thus superseding my motion—I contend that his course will be wholly irregular. I insist that the proper mode is to allow General Shields to be sworn, and then to proceed with the investigation of the testimony in the case regularly. As regards the facts in the case, I do not know what they are myself, and am therefore not prepared at present to make any statement as to the legality or non-legality of the election.

Mr. WALKER. I do not wish to pursue any course of action in relation to this question without full regard to the wishes of honorable Senators. Upon a former occasion, sir, before you occupied the post of Presiding Officer of this body, when the question of the reception of General Shields was up, I rose and stated my object in making the motion which I submitted; but, upon the suggestion of the Senator from North Carolina, it was withdrawn. I then stated that in justice to General Shields, to the Senate, and to the country, I would move a reference of his credentials to the Committee on the Judiciary, with instructions to inquire into the eligibility of General Shields. I say now, and I wish to be understood when I made the motion as declaring, that I have no wish or desire of the remotest kind to place General Shields in a position where injustice can be done him, or to do anything which shall exclude him from a seat upon this floor. I have known him long in different capacities, military and civil; I know him to be a gentleman of ability. The country is acquainted with his capacity, and the enemies of this country also, I think, can testify to his efficiency. I knew him at an early period of my life in the State from whence he comes, which was then the home of us both. The lapse of time has not operated upon the heart that pulsates in my bosom in such manner as that I could urge any malicious objection to the admission of an old and esteemed friend as the representative of a State to the body in which I have been honored with a seat. I disclaim all such feelings before the Senate, before the country, before the friends of General Shields, and before that gentleman himself, if he is present; but in justice to that gentleman, in justice to the Senate, and in justice to the country, I desire that an investigation by a proper committee may be had upon this subject. Would it be just to General Shields, to the Senate, or to the country, particularly to the State which has honored General Shields with a seat here, first to admit him and afterward to expel him from this body? Those who purpose to take that course must take a different view of this matter than I do. It would seem to be a far preferable course to allow General Shields to do—what I am informed he is prepared to do—show that he is not endeavoring to thrust himself into this body, and to give him an opportunity of proving that he is entitled to the honor which his State has conferred on him, and which will through all future time bring credit to the State which has conferred it. It seems to me this is much the better course; to give General Shields the opportunity of proving his eligibility before he is sworn than first to swear him and then afterward may have to expel him. These are my conscientious views on this subject. If they are wrong, it is because I have not a just appreciation of its merits. I do not wish to resist whatever shall be deemed the proper course of the Senate on this question; but, as has been intimated by the Senator from Georgia, [Mr. Berrien,] unless objections are made with relation to a point of order, I will state the grounds that have induced me to bring forward this resolution fully and explicitly.

Mr. BUTLER. I do not rise exactly to a question of order, but would simply suggest that if the Senator from Wisconsin is to go on and present the evidence at large, and facts pertaining to the eligibility of General Shields, it will in some degree prejudice the minds of the committee and of Senators upon the question.

Mr. WALKER. So I thought; my opinion of this course of action on my part corresponds with that of the Senator from South Carolina. With reference to precedents on this subject, I would say that in presenting this resolution I did not desire to violate the usual course of proceedings; I did not desire to urge the adoption of a new and extraordinary mode of conduct. I have not examined all the cases of a similar character to the one before us; I have only had the opportunity of looking into a few of them. The case of Mr. Gallatin is not one that can be quoted as a precedent for the course suggested by the Senator from Illinois. That seems to have been a case where previous objection was not made. Mr. Gallatin appeared and was duly sworn, and it was not until some time after he had been thus qualified that objection was made to his occupying a seat in this Chamber.

But it is said that no precedent can be shown for the course that I have seen fit to suggest. I am informed, sir, that there is a precedent. I am informed that a Senator from Connecticut once presented his credentials, but that, in consequence of some question of ineligibility, he was refused his seat.

Mr. DOUGLAS. I would submit whether, in the case of the Senator from Connecticut, it did not stand upon the following grounds: The constitutional term of the Senator from Connecticut had expired, and the State Legislature failed to make any election of Senator in his place. The Governor of the State thereupon made an appointment, and the objection was taken that the governor had no authority, in case of such vacancy, to appoint a Senator, and therefore the Senator was excluded

from a seat in this body. The fact appeared on the face of his credentials, and therefore it was seen that he had no sort of right to a seat as Senator. In this case there is simply a presumption as to the Senator's ineligibility to membership of this body. The very case of the Senator from Connecticut strengthens the general rule for which I contend.

Mr. BERRIEN. Mr. President, I desire simply to explain why I suggested the propriety of the Senator from Wisconsin stating the grounds upon which he based his resolution. In my judgment, such a statement would be neither unusual nor wanting in delicacy; but in regard to the other question—the question of order—why, sir, it is the every-day practice, when a Senator is about to submit a resolution for the consideration of the Senate, to state upon what grounds he requests the consideration of that resolution; and surely it is but the dictate of common sense, when a Senator comes here and presents his credentials, and asks to be sworn, that he should not be prevented from being sworn by the mere submission by one Senator of an unexplained resolution. That would seem to me an act of gross injustice. Here is a gentleman producing the credentials of his State, certifying his election as a Senator, who asks to be sworn; and it cannot be permitted for another Senator to get up and by the mere submission of an unexplained resolution deprive him of the privilege which he asks. Certainly if we are called upon to consider the resolution, if it be proposed, as we are to presume, upon a knowledge of certain facts which would be considered sufficient grounds for offering the resolution, and if we are called upon to support it, we must be made participants in that knowledge. We cannot act without it; and hence the suggestion which I made that the Senator, having objected to the administration of the oath of office to the applicant by the resolution which he has submitted, must be presumed to have done it upon grounds satisfactory to himself; and before he called upon us to participate in that resolution, to sustain it by our votes. I think it was proper that we should be advised of those grounds.

Sir, it is perfectly indifferent to me, except as relates to the observance of order and the principles of the Constitution, what course may be pursued. As the Senator from Wisconsin says, we must ultimately come to the consideration of the resolution. I have no wish upon this subject, except that the ordinary and proper course should be pursued, and that our constitutional obligations should be maintained.

Mr. FOOTE. Mr. President, I should consider it in very bad taste, indeed, for me to undertake to occupy the attention of the Senate at this time, and under existing circumstances, by an extended address, either argumentative or declamatory. It is certainly not because I do not feel a just deference for the opinions of those distinguished gentlemen who seem to be of opinion that the motion of the Senator from Illinois [Mr. Douglas] should not prevail that I feel authorized to say, in hearing of the Senate, (and I think what I have to say on this point will be sanctioned by all who hear us,) that the argument of the question is now exhausted; that it is now established, beyond all reasonable doubt, that precedent sustains fully the motion of the Senator from Illinois; that that motion is grounded firmly and irresistibly upon parliamentary usage. And I cannot perceive anything in the circumstances of this case which should constitute an exception to a general rule which, I think, has been fully established.

I have risen, therefore, simply for the purpose of stating my opinion in this general form, and for the additional purpose (which I trust will not be offensive to any) of expressing the high gratification which I feel at the admirable temper and spirit exhibited in this body on the present occasion; and having thus expressed myself, being ready to vote, and believing that others are also, I trust that our time will not be occupied at any considerable length beyond the present moment in a discussion that, it seems to me, is unnecessary, and that will result unprofitably, and that may, perchance, be productive of more or less ill feeling.

The question was then taken on the motion of Mr. Douglas, and it was agreed to.

Mr. Shields was then qualified, and took his seat.—*Congressional Globe*, volume 20, second session Thirtieth Congress, pages 327-329.

Mr. SARGENT. Mr. President, the resolution before the Senate and the action proposed is but one phase of the very many-sided question that comes up to us continually from the South. It would be impossible at the present time to discuss any question relating to the political condition of the South without more or less involving consideration, with regard to every other. I had prepared some time since, as is known to the Senate, some observations with reference to the general condition of Louisiana, some considerations upon the employment of military force in Louisiana to put down insurrection, and upon the circumstances which happened when an attempt was made by fraud and by force to seize the lower house of the Legislature of Louisiana and subvert the existing State government. I did not have an opportunity to make those remarks, not through the fault of the Senate, but through my own illness; and now at the earliest opportunity, when this subject is properly before the Senate, I desire to make the observations upon that branch of the subject which I should have made at that earlier day.

I am very well aware that if epithets and catch-words would convince the Senate and annihilate the republican party, such debates as this would have terminated long since and all these questions would have been disposed of. We have been assured over and over again by democratic Senators that the President has been guilty of usurpation; that the republican party are trying to subvert the liberties of the State of Louisiana and to destroy the rights of a people; that the people of New Orleans are patriotically struggling for their rights and liberties. This is the tone which is assumed by Senators and by the democratic press of the North and South in the mock appeals which they make to Congress and to the North. Such talk is not new in this Hall. Such utterances in this Hall and out of it hailed the outbreak of the rebellion and accompanied it step by step throughout its progress. Such talk is not new in Louisiana, of a crushed people, of people struggling for their liberties in resistance to a central despotism. Here is the way that Governor Moore, the governor of that State in 1861, talked to the truly loyal people there:

The Government at Washington—

He said—

maddened by defeat and the successful maintenance by our patriotic people of their liberties and rights against its usurpation in the harbor of Charleston, has now thrown off the mask, and sustained by the people of the non-slaveholding States is actually engaged in levying war, by sea and land, to subvert your liberties, destroy your rights, and shed your blood on your own soil.

That is the language which we hear now; that we are subverting the rights of a people; that we are guilty of usurpation; that the Administration is maddened by political defeat, and is endeavoring to overthrow the government of Louisiana. The air has been filled with such declarations, and it is filled with them now.

A short time ago the State of Missouri sent to the Senate its utterances and conclusions with regard to the progress of things in Louisiana, and it said: The acts of the Government in Louisiana are—

An outrage upon a helpless people, calculated to insult and bring into public odium the gallant Army of the United States, intended for nobler purposes than that of upholding an effete local usurpation.

When I heard that resolution read to the Senate, containing very much more of the same character as the slight extract from it which I quote, I was reminded of the charges brought against President Lincoln in 1861 by this same Legislature—charges nearly identical with those which they now fulminate against the present President of the United States. That Legislature then said that Lincoln had acted "in avowed defiance of the Constitution of the United States;" that he was exercising "usurped power;" that he was making "an unholy attempt to reduce a free people into subjection to him," &c. I certainly am right in saying that the declarations which we hear now on this floor and by the democratic press of the country, and which come up from Louisiana, are simply the echoes of the old cry which in 1861 hailed and stimulated the rebellion. They mean exactly the same thing now that they meant then, and they are as false to-day as they were false then.

I think the eloquent Senator from Missouri [Mr. SCHURZ] cannot enjoy the acclaim of the enthusiastic members of the party in the rotunda of the hall of the Legislature of Missouri, which recently elected his successor to this body. I would not be unkind in directing attention to the political history of Missouri a few years past, when by the then apparent effect of the political action of the Senator from Missouri there was a train of circumstances set in motion which led inevitably to the election of Cockrell, or some other confederate general, or a man wholly sympathizing with those ideas. I suppose the Senator from Missouri then, in spite of the plain pointing out which was made to him of the result of the action which he then took, did not believe that that action would result as it has resulted. How has it resulted? In sending a man diametrically opposed to the principles which he then professed. How was the election of his successor hailed by the men he has been encouraging to destroy him and his party? The Saint Louis Journal says:

There was great rejoicing among Cockrell's friends over his election. The scene in the rotunda beggared description. The great mass of humanity surged to and fro, some cheering madly, others hooting and cursing, and all excited to the highest possible pitch. The rebel element here manifested itself prominently. "By G—d, we've beat 'em at last!" "Yes, d—n 'em! the gray has scooped the blue this time! 'Mebbe we haint just crawled out of the brush!" "Whoo'er up boys, and see how old Grant likes the rebel yell this time!" These were the cries that resounded through the halls of the old capitol building.

I do not believe that those cries were any more grateful to the ears of the Senator from Missouri [Mr. SCHURZ] than they would be to mine; but I do insist that the course of many men who a few years ago were trusted by the republican party who were in full fellowship with it, and who deserted that party or denied its principles, has led, logically and necessarily, to such a consummation as that witnessed in Missouri.

Now, sir, we have also learned from democratic Senators their ideas of constitutional law. We have violated, they say, the sacred Constitution, and so has the President, in Louisiana, and hours of melancholy jeremiads have been uttered over that desecrated instrument. Not a democratic speech has been made by a Senator in this Hall where he has not been luminous, ay voluminous, upon constitutional power. I impeach the law of these orators. I deny that they understand or have ever understood the Constitution of this country. They have been expounding the Constitution of the country for the past fifteen years, and as constitutional expounders they have been lamentable failures. Not learning by ridiculous failures, they keep up that pretense of oracular constitutional wisdom, as if the country and the Senate could not understand the obliquity and perverseness of their interpretations.

I wish to refresh the recollection of the Senate by citing a few of the mooted points upon which democratic authorities have been found at fault and repudiated; and then we can discover how much faith to put in such constitutional expounders, and the value of their assumption that such wisdom begins with them and will die with them. I will not go back to the precedent at New Orleans, where Jackson dispersed a Legislature, closed a court, and exiled a judge, for the democracy that inspired that act was a purer article than any we have recently seen; and Jackson declared that "the Union must and shall be preserved." I will not go back to the dispersion of a Legislature in Kansas by United States troops on the order of a democratic President, because that was a territorial Legislature, and all democratic authority, constitutional and otherwise, told us that Territories had no rights against the interests of slavery. I propose to come at once to some of the scenes in which we were all actors, when the heaviest responsibilities rested on every conscience, when party interests were forbidden by patriotism to be weighed against the nation's life, and those who spoke for the democracy were recreant to the highest trusts or else gave their best exposition of constitutional law.

On the 4th of December, 1860, South Carolina having seceded and other States preparing to follow its example, a grave constitutional question arose as to the power of the General Government to coerce a State. It was a fundamental question: Was there constitutional power in the hands of the General Government to coerce a State? James Buchanan, a democratic President, devoted, like the democracy of to-day, to constitutional law and the Constitution, sent his last annual message to Congress, and, like the democratic lawyers and democratic Senators at the present day, he discussed the question whether there was any constitutional power on the part of the Government of the United States to protect itself from sheer rebellion. He said:

The question, fairly stated, is: Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw or has actually withdrawn from the confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and to make war against a State. After much serious reflection I have arrived at the conclusion that no such power has been delegated to Congress nor to any other department of the Federal Government.

In the light of recent events, of all that has happened since, of the great wave of civil war that has rolled over the country, of the subjugation of the South, the emancipation of the slaves, and all the great events of the past fifteen years, how puerile seems this reasoning, this constitutional exposition of the last democratic President of the United States. He goes on:

It is manifest upon an inspection of the Constitution that this is not among the specific and enumerated powers granted to Congress, and it is equally apparent that its exercise is not "necessary and proper for carrying into execution" any one of these powers.

It may be necessary and proper in order that the Government may even exist, as the Constitution declares that the Government may exist, but that which I have quoted was democratic constitutional exposition! He continues:

So far from this power having been delegated to Congress, it was expressly refused by the convention which framed the Constitution.

He summed up:

Without descending to particulars, it may be safely asserted that the power to make war against a State is at variance with the whole spirit and intent of the Constitution.

I do not cite this to argue against it; I cite it because its absurdity as a constitutional exposition is so great, that a mere statement that such was taken as democratic constitutional law in 1861 is sufficient to show the unsoundness of democratic constitutional logic. But let us look further. Jeremiah S. Black was the Attorney-General of the United States at that time under this democratic administration. He was the one who was principally relied upon to furnish the law to the administration and pass upon constitutional questions. This great light of constitutional law, selected for his capacity in that respect, wrote a letter to Mr. Buchanan just before this message, an extract from which I have read, wherein he advances the same idea. He said:

If it be true that war cannot be declared—

After having gone on to show that it could not—

nor a system of general hostilities carried on by the central Government against a State, then it seems to follow that an attempt to do so would be *ipso facto* an expulsion of such State from the Union. Being treated as an alien and an enemy, she would be compelled to act accordingly. And if Congress shall break up the present Union by unconstitutionally putting strife and enmity and armed hostility between different sections of the country, instead of the "domestic tranquillity" which the Constitution was meant to insure, will not all the States be absolved from their Federal obligations? Is any portion of the people bound to contribute their money or their blood to carry on a contest like that?

I cite these to call attention to how kindly and readily these eminent democratic constitutional expounders gave away the legal life of the nation, the right of the nation to live, and construed the Constitution into a mere rope of sand. South Carolina had seceded three days before this message of Mr. Buchanan. "Anti-coercion" was the democratic party cry all over the North. The first victory which the republican party succeeded in gaining in the rebellion was in establishing the principle of coercion. I myself, and I have no doubt that other republican Senators on this floor, repeatedly met upon the stump and elsewhere the assertion made by democratic orators that there was no power to coerce a State, and we had as the very first step in our progress toward putting down the rebellion to maintain the constitutional right of the Government to coerce a rebellious State.

Let us come down a little further, for these reminiscences are valuable as showing to what tribunes this constitutional question is referred by the democratic party.

On April 15, 1861, Lincoln issued a proclamation for seventy-five thousand men. The democratic party leaders at once saw how unconstitutional that was. The day before Major Anderson had marched out of Sumter after defending it for thirty-four hours. Governor Jackson condensed the speeches of a great many democratic lawyers in his reply to the President's requisition. The governor was the chief magistrate of the State of Missouri, which now holds the same language with regard to Louisiana. The governor said in reply to Mr. Lincoln when he called upon him for the quota of troops from that State:

Your request is illegal, unconstitutional, revolutionary, inhuman, diabolical, and cannot be complied with.

The substance of a great many democratic speeches and a great many democratic editorials is contained in these two lines, as they were made at that time. I do not know but that some of the democratic Senators who are about me used just such language with reference to the efforts of President Lincoln to assemble a military force to put down the rebellion; but one thing I do know as within my frequent observation, that just such objections, just such points of constitutional law we had to meet continually in order to sustain the Government.

There came a time when the North began to be somewhat tired; there was not ready volunteering and scarcely any at all; our armies were perishing in the field and needed new life-blood which could only be procured by means of conscription; and at the very time when, to use the language of an eminent man, the rebels were robbing the cradle and the grave to fill up their army, our armies were perishing for want of the supply of new men. A proposition was passed through Congress for a conscription law. Recruiting was dull and the armies must be filled up. Then there were anti-draft meetings in the city of New York larger than the meeting recently assembled at the Cooper Institute to protest against the proceedings of the Administration in Louisiana, and they were as violent in their language and they saw just as much unconstitutionality in the idea that the Government had any right to draft citizens into the Army as recently at the Cooper Institute or the Manhattan Club they did in the course of the Administration toward insurrectionary Louisiana.

In Pennsylvania there was the case of William F. Nichols, who brought a bill in equity to restrain proceedings under the enrollment law or the drafting of citizens into the Army. The supreme court of that State was democratic by one majority; the casting vote was given by Mr. Woodward, formerly of the House of Representatives, very well known I presume to every member of this body; and the law was held unconstitutional and the injunction was granted. I want to call attention to this eminent democratic authority at that time. Subsequently the decision was reversed; fortunately there was a change in the bench by death or by election by the people.

Mr. SCOTT. A new election.

Mr. SARGENT. There was a new election by which the people redeemed the supreme court, and thus a most disastrous conflict between the Government of the United States and the State of Pennsylvania was averted, and the new court held as any one now would hold from the logic of past events and the floods of light which have been cast by our courts on this proposition in various proceedings, that the law was strictly constitutional. I want to read an extract from the opinion of Judge Woodward, given at that time, who was the majority of one on the supreme bench. Mr. Woodward from 1865 for several years represented Pennsylvania in the other House of Congress. He said:

The great vice of the conscript law is that it is founded on an assumption that Congress may take away, not the State rights of the citizen, but the security and foundation of his State rights. And how long is civil liberty expected to last after the securities of civil liberty are destroyed? The Constitution of the United States committed the liberties of the citizen in part to the Federal Government, but expressly reserved to the States and the people of the States all it did not delegate. It gave the General Government a standing Army, but left to the States their militia. Its purposes in all this balancing of powers were wise and good; but this legislation disregards these distinctions and upturns the whole system of government when it converts the State militia into "national forces," and claims to use and govern them as such.

On such reasoning it was held that the Government of the United States had no right to require and enforce the presence of one of its citizens in the Army of the United States. At the very time when the nation was about to be inevitably destroyed, forever severed, and with all the evil consequences which would flow from a division precipitated both upon the North and the South, this decision was made on these constitutional grounds, which have, I say, become puerile in the light of recent events; but this is high democratic authority.

Then there came the question of emancipation as a war measure, so declared in the proclamation of Mr. Lincoln. Vattel and all other writers on international law had clearly shown that a civil war of vast proportions stands on the same footing as a war between nations, and that the right exists to weaken an adversary nation by seizing or destroying its property or freeing its slaves; but democratic Senators and lawyers were never tired of explaining how unconstitutional was emancipation, no right existing under the Constitution or growing out of the Constitution, and no right by the war power, no right by the example of nations through all time, no right no matter how clearly laid down by Grotius, Vattel, Puffendorf, and all writers on international law, but nevertheless the Government was bound hand and foot, and could not avail itself constitutionally of the most ordinary power which is exercised by every nation which goes to war with another or even with a formidable insurrection among its own subjects. I need not quote democratic denunciation of this policy of the Government. It is too familiar to every one. I pass to another proposition.

After we had shown that we could and would emancipate, they said "but you cannot arm the slaves;" and they resisted all our efforts, resisted by all-night-long sessions in the other House and I do not know how long sessions here, every proposition which looked toward the arming of slaves, the taking of this freed element of manhood and putting in his hands the means to defend its liberty and protect the Union which had given it that liberty. I want to show by a

very brief extract just what was thought by these constitutional expounders on that proposition. I have here a number of extracts from democratic speeches, but I will quote only from one, from Mr. Crittenden—if not nominally a democrat, talking in the same vein—a representative of the State of Kentucky eminent for his public services, but who seemed to become chilled in his feelings toward the success of the war for the Union when its logic seemed to be inevitable that the blacks must be freed and next that they might be used for the purpose of filling up the Union Army. He said with reference to this proposition:

It is a crime against the civilization of the age—

I have no doubt that this worthy old man had visions of horrors at the idea that arms could be put in the hands of the slaves; he feared excesses on their part; but I am glad that the result never justified these dismal apprehensions. I do not cite that remark of his even as reflecting upon his judgment. But he goes on to say:

It is a crime against the Constitution.

Here we have again an exposition of the Constitution.

It is an act of hostility against the Union. These are the sentiments with which I am compelled to regard this measure.

I say it is a crime against the Constitution.

Like every other proposition intended to strengthen the national arm, it was necessarily a crime against the Constitution! But with measures which were not exactly warlike in their character as regarding the finances, there was the same democratic impenetrability to a proper construction of the Constitution of the United States. I say confidently a proper construction of the Constitution of the United States, because in this matter the Supreme Court of the United States have distinctly decided that the legal-tender acts, as they were called, were entirely constitutional; and democratic lawyers, I suppose, with a decision like that upon their tables, must admit the constitutionality of those provisions which were made in order to give us the life-blood in that great struggle. But I want to call attention to the position of the democratic party on that matter. The Government could not sustain its credit by the issue of notes that were not legal-tenders, or could not bring within its vaults by any means sufficient gold to pay its current expenses and enable the people to pay their taxes and pay off our Armies from month to month; and so resort was had to legal-tender notes. This issue was opposed on the premise that it was entirely unconstitutional. I have here the remarks of the Senator from Delaware, the father of the Senator who now holds that seat, [Mr. BAYARD,] which I give as an illustration of the position which was taken by the democratic party at that time on this floor and in the House of Representatives and by their press generally.

He said:

I shall, however, pass over the constitutional argument. I really do not think, from anything I ever heard on the subject, that is worth an argument. The thing is to my mind so palpable a violation of the Federal Constitution that I doubt whether in any court of justice in this country, having a decent regard to its own respectability, you can possibly expect that this bill which you now pass will not, whenever the question is presented judicially, receive its condemnation as unconstitutional and void in this clause.

To show that this anticipation of the Senator from Delaware and his democratic associates of the action of the courts of justice on this proposition was entirely incorrect, that they were in error then as they always are on constitutional points, I desire to call attention to the decision of the Supreme Court of the United States upon the question. A very brief extract will suffice for this purpose. The Supreme Court, in the legal-tender decision made in 1871, said:

We are not aware of anything else which has been advanced in support of the proposition that the legal-tender acts were forbidden by either the letter or the spirit of the Constitution. If, therefore, they were what we have endeavored to show, appropriate means for legitimate ends, they were not transgressive of the authority vested in Congress.

And again they say:

But, without extending our remarks further, it will be seen that we hold the acts of Congress constitutional as applied to contracts made either before or after their passage.

There were other propositions wherein democratic lawyers became extensively learned with regard to their constitutionality. In December, 1862, the House of Representatives passed a bill to indemnify the President and other persons for suspending the writ of *habeas corpus*, and it passed both Houses finally. There was a necessity for it, because rebel emissaries were plotting mischief, seeking to carry out the pledges of the democratic leaders to aid the rebellion. This act was held constitutional by the supreme court of New York in the case of *George W. Jones vs. William H. Seward*, and was held constitutional wherever it was brought to the attention of courts. But our democratic constitution-expounders had hastily before that, contemporaneously with its passage, shown their care for and knowledge of the Constitution. There was a protest made by thirty-six democratic members of the House against the passage of the measure, putting it upon high constitutional grounds. Among those members who thus protested and showed their knowledge of the Constitution of the United States were George H. Pendleton, Clement L. Vallandigham, SAMUEL SULLIVAN COX, Charles A. Wickliffe, Daniel W. Voorhees, and many others whom I might name. They recite:

On the 8th day of December, A. D. 1862, and during the present session of Congress, Mr. Stevens, of Pennsylvania, introduced the bill No. 591, entitled "An act

to indemnify the President and other persons for suspending the privilege of the writ of *habeas corpus*, and acts done in pursuance thereof," and after its second reading moved that its consideration be made the special order for the Thursday then next ensuing; which motion being objected to, he moved the previous question; and this being sustained, under the operation thereof the bill was read a third time, and passed.

They go on and give various reasons for protesting, of which this is the third:

Because it purports to confirm and make valid, by act of Congress, arrests and imprisonment which were not only not warranted by the Constitution of the United States, but were in palpable violation of its express prohibitions.

Unfortunately for these protestants the courts, as soon as they had opportunity to pass upon the matter, held that the law was strictly constitutional. But that did not diminish the confidence of these orators, and they kept on trying to show their knowledge of the Constitution, though no court agreed with them. The fact that the Supreme Court of the United States differed with them did not abash them for a moment in the confidence with which they then approached and now approach such questions. Mr. Pendleton, whose name I read, made a speech on the subject, in which he used this language, on the 3d of March, 1863:

Martial law! The war power! Military necessity! As these terms are used to-day they have no lawful existence among us. They abrogate and destroy the Constitution. They violate the whole of it in letter and spirit in order that they may compel obedience to part. They are the devices of fanaticism; its flimsy pretexts under which power conceals its aggressions, the specious names under which cowardice seems to skulk from observation while it gratifies its malignant rage.

This was said in the midst of the civil war, when the Government was struggling by the tension of every nerve to save the country. This language, heated as it is, is however scarcely more so than we have heard recently from democratic orators and Constitution expounders with regard to matters in Louisiana. He goes on; it sounds almost recent and fresh:

They are the inventions of despotic power distorted from their original purpose by a party distressed and baffled by the humiliations of a war which it had not the virtue to prevent and has not the ability to manage; the insufficient cloak with which it seeks to cover as it were with the mantle of constitutionality the efforts of despairing and impotent wrath. Powers thus usurped will have but a brief and profitless day. They depend upon force. It is lawful to resist them by force. It may become wisdom and patriotism to resist them by superior force. After much long suffering "resistance to tyrants is obedience to God."

I do not know but that it is well sometimes to turn over the musty volumes of the Globe to find the fire that is smouldering within their leaves, to find out how men's passions were excited a few years ago against the Government, on what pretexts they then acted, under what pretenses of regard for the Constitution, pretenses brought forward at the very moment when action was required, to cause delay and to protest against it—tactics which exist to this very day.

There were other propositions. There was an exclusion of papers from the mails. The New York News, published by Ben. Wood, rang with incendiary appeals for bloody resistance to the Government in the North. Major-General Wallace suppressed the Baltimore Evening Transcript. General Rosecrans forbade the circulation of the Metropolitan Record in the Department of the Missouri. And there were other papers which were forbidden to be transported through the mails. The object was to prevent hostile printed matter from reaching the enemy and to prevent such matter from instigating others to co-operate with the enemy by the aid of the United States mails. The question was presented, was there constitutional power on the part of the Government of the United States to prevent these incendiary communications from passing through the mails. Caleb Cushing, Pierce's Attorney-General, Caleb Cushing—strong in the confidence of the democratic party, a great constitutional lawyer, a light for them and Franklin Pierce, President of the United States—a democrat, a lawyer, a constitution expounder, had discussed the matter, and Cushing decided as an administration measure that incendiary matter even in time of peace could be excluded from the mails. I ask the Clerk to relieve me by reading what I have marked in the book which I send to the desk. I desire to show how far democracy can construe the Constitution in favor of slavery, and then I shall show how far it can construe its clauses against liberty and national existence, when the same measure is involved.

The Chief Clerk read as follows:

ATTORNEY-GENERAL'S OFFICE,
March 2, 1857.

* * * With these premises we have the main question very much simplified. It is this: Has a citizen of one of the United States plenary indisputable right to employ the functions and the officers of the Union as the means of enabling him to produce insurrection in another of the United States? Can the officers of the Union lawfully lend its functions to the citizens of one of the States for the purpose of promoting insurrection in another State?

Taking the last of these questions first, it is obvious to say that, inasmuch as it is the constitutional obligation of the United States to protect each of the States against "domestic violence," and to make provision to "suppress insurrections," it cannot be the right of the United States, or of any of its officers, and, of course, it cannot be their duty, to promote, or be the instrument of promoting, insurrection in any part of the United States.

As to the first question, likewise, it seems obvious to say, that, as insurrection in any one of the States is violation of law, not only as regards that State itself, but also as regards the United States, therefore no citizen of the Union can lawfully incite insurrection in any one of the States. * * * It would be preposterous to suppose that any citizen of the United States has lawful right to do that which he is bound by law to prevent when attempted by any and all others; and monstrous to pretend that a citizen of one of the States has a moral right to promote or commit insurrection or domestic violence, that is, robbery, burglary, arson, rape, and murder, by wholesale, in another of the States.

These considerations, it seems to me, are decisive of the question of the true construction of the act of Congress. Of that it is impossible for me to doubt. Its enactment is, that "If any postmaster shall unlawfully detain," he shall be subject to fine, imprisonment, and disqualification. Then, if the thing be of lawful delivery, it cannot be lawfully detained; while, on the other hand, it cannot be unlawful to detain that which it is unlawful to deliver. Such is the plain language and the manifest import of the act of Congress.

I do not mean to be understood that the word "unlawfully" of the act determines the case; on the contrary, my conclusion would be the same, though that word had not been here inserted. By employing it, indeed, the act expressly admits that there may be lawful cause of detention. But such lawful cause would not be the less exist, although its existence were not thus expressly recognized. And, of all conceivable causes of detention, there can be none more operative than treasonableness of character, for in every society the public safety is the supremest of laws.

Nay, if, instead of expressly admitting lawful causes of detention, the act had undertaken to exclude them—if, for instance, it had in terms required the postmasters to circulate papers, which, in tendency and purpose, are of character to incite insurrection in any of the States—still my conclusion would be the same. I should say of such a provision of law, it is a nullity, it is unconstitutional; not so by reason of conflict with any State law, but because inconsistent with the Constitution of the United States.

The Constitution forbids insurrection; it imposes on Congress and the President the duty of suppressing insurrection; this obligation descends through Congress and the President to all the subordinate functionaries of the Union, civil and military; and any provision of an act of Congress requiring a Federal functionary to be the agent or minister of insurrection in either of the States would violate palpably the positive letter, and defeat one of the primary objects, of the Constitution.

These, my conclusions, apply only to newspapers, pamphlets, or other printed matter, the character of which is of public notoriety, or is necessarily brought to the knowledge of the postmaster by publicity of transmission through the mails unsealed, and as to the nature of which he cannot plead ignorance.

Mr. SARGENT. On the next page the Clerk will find marked a letter from Jefferson Davis in which he commends this doctrine of exclusion from the mails of printed matter in the interest of slavery as eminently proper and worthy of a State-rights administration; and I should like to show how that eminent constitutional democratic expounder, Jefferson Davis, looked upon this power of which the democrats subsequently found it convenient to deny the constitutionality.

The Chief Clerk read as follows:

WASHINGTON, January 4, 1858.

GENTLEMEN: When I last addressed you in answer to your letter communicating the views and feelings of the citizens of Yazoo City, in relation to the circulation of incendiary matter through the mails of the United States, I promised that you should hear from me further, and gave you assurance of such action by the last administration as would be satisfactory to you.

I have thus long delayed the promised communication in expectation of receiving the opinion of the Attorney-General upon the legal merits of the case, the question having been referred to him by the Postmaster-General, Hon. James Campbell. The Attorney-General, in the opinion inclosed, sustains the conclusion of the President and the Postmaster-General, and so satisfactorily disposes of the question at issue that I hope that we shall be saved from any further agitation of it.

Concurring fully with you in your opinion of the powers of a State, the duty of its citizens, and the obligation of our community in such contingency as that presented by the case reported in your letter, I trust we shall also agree that the matter has been concluded in a manner worthy of the State-rights administration under which it arose.

With great regard, I am your friend and fellow-citizen,

JEFFERSON DAVIS.

To Messrs. ROBERT BOWMAN, GEORGE B. WILKINSON, and A. M. HARLOW, Committee, Yazoo City.

Mr. SARGENT. I do not know that it is worth while to quote much democratic authority to the point that it was unconstitutional to exclude papers rife with rebellious suggestions—provocative of insurrection—from the mails. I will simply quote as a specimen a few remarks of Mr. Pendleton, of whom there are not entirely unlikely signs that he may be the next democratic nominee for President of the United States, showing that democratic exposition of the Constitution are matters which change with every whim of passion—that they have no stability whatever. In 1863 Mr. Pendleton made a speech in the House of Representatives referring to this very question of the exclusion of newspapers from the mails—newspapers loaded with treason, newspapers calculated to excite passion and insurrection—and speaking for his party with its record on the subject he held that all this was entirely unconstitutional. He said:

Thus far my argument has been founded on the considerations suggested by the report of the committee and on the absence of any law conferring the power in question on the Postmaster-General. But my conclusions do not rest upon this alone. The argument rises to a higher dignity. It involves express provisions of the Constitution and principles of constitutional liberty.

"Congress shall make no law abridging the freedom of speech or of the press." This is the first article of the amendments of the Constitution.

Then he goes on to elaborate upon that idea. So that I say that they wrest the Constitution according to the exigencies of the moment; that they are unsafe, time-serving constitutional expounders. But why descend to particulars? The democratic national convention in 1864 condensed and embodied the constitutional lore of the party, and by one exposition showed that by this and by all the war measures the Constitution had been violated in every particular. They resolved as follows:

Resolved, That this convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under pretense of military necessity or war power higher than the Constitution, the Constitution has been disregarded in every part, and public liberty and private rights have been alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of all the States or other peaceable means, to the end that at the earliest practical moment peace may be restored on the basis of the Federal Union of the States.

We all know the circumstances attending and immediately following the adoption of that resolution. It was a turning point in the history of the war of the rebellion; it was the point when distress was past, when all failures had ended, when all disappointments had been encountered, when the nation with high heart was looking for and now realizing a turn in the tide of fortune that was sweeping on to the results of the great struggle of the rebellion, and the democratic party came in and announced that the war was a failure. But what I want to call attention to is the fact that they declared that by all of these war measures by which the country was saved the Constitution had been violated in every part. Either by emancipation, by coercion, by financial measures, by every measure of precaution, by every measure of coercion, we had been acting unconstitutionally from the very first; and this embodied the concentration, the essence of democratic constitutional learning.

With these exhibitions of democratic constitutional discretion, I say I impeach their law; I deny their ability to expound that instrument; and when they denounce in this Chamber the efforts of the Government to preserve peace and the forms and substance of law in Louisiana, I hear the old cry against coercion, conscription, and emancipation. Senators may be eminent lawyers in *assumpsit*; they may and are undoubtedly learned in torts and remedies outside of politics; but history has recorded their gigantic blunders in construing the Constitution; and I have not, therefore, been surprised to learn from this source that the President has been guilty of violations of the Constitution. A little more exaggeration would say violations of the Constitution in every part. A little more warmth and enthusiasm perhaps would reproduce their resolution of 1864, and it would create no surprise in my mind, and I doubt if it would in the mind of any who heard it. I prefer, however, to examine the matter for myself. Reasoning for myself on the constitutional obligations of the President, I lay it down as a proposition that it is the duty of the General Government to protect a State against domestic violence; that this is a constitutional obligation, whether that violence is seated in a governor's chair or a legislative hall; whether it is by a disorganized mob or by an organized rebellion. Section 4, article 4, of the Constitution reads as follows:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

There have been two laws passed enforcing this provision of the Constitution. The first, in 1795 is found in the first volume of the Statutes, page 424. The first three sections of it are material to the proposition which I desire to discuss, and I ask the clerks to relieve me by reading them.

The Chief Clerk read as follows:

That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the militia as he shall think proper. And in case of an insurrection in any State, against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection.

Sec. 2. And be it further enacted, That whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State or of any other State or States, as may be necessary, to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

Sec. 3. Provided always, and be it further enacted, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith by proclamation command such insurgents to disperse and retire peaceably to their respective abodes within a limited time.

Mr. SARGENT. That act was supplemented in 1807 by one of a single section, which was signed by Jefferson as President of the United States, when Madison was Secretary of State. It provided:

That in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purposes such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

Acting under this provision of the Constitution and these statutes, the *de facto* governor of Louisiana, when the Legislature could not be convened, called for Federal intervention in September, 1874, against the violence of the Penn usurpation. The language of that call was as follows:

NEW ORLEANS, September 14, 1874.

To President GRANT, Washington:

Under article 4, section 4, of the Constitution of the United States, I have the honor to inform you that the State is now subject to domestic violence of a character that the State forces, under existing circumstances, are unable to suppress, and, the Legislature not being in session and not being able to be convened within the requisite time to take action in this matter, I respectfully make requisition upon you to take measures to put down the domestic violence and insurrection now prevailing.

WM. P. KELLOGG,
Governor of Louisiana.

And again subsequently, on December 9, less than one month before the *coup d'état* of Wiltz and his coconspirators, he telegraphed as follows to President GRANT:

NEW ORLEANS, December 9, 1874.

President GRANT, Washington:

Information reaches me that the White League purpose making an attack upon the State-house, especially that portion occupied by the treasurer of the State. The organization is very numerous and well armed, and the State forces now available are not sufficient to resist successfully any movement they may make. With a view of preventing such an attempt, and the bloodshed which would be likely to result should an insurgent body again take possession of the State-house and in dispersing them, I respectfully request that a detachment of United States troops be stationed in that portion of the Saint Louis Hotel which is not used for any of the State officers, where they will be readily available to prevent any such insurrectionary movement as that contemplated.

WM. P. KELLOGG,
Governor of Louisiana.

In other words, the President was invoked by the State government, which he before that time had recognized under his constitutional power, to interfere with the Army of the United States, as was provided by the acts of 1807 and 1795, as was contemplated by section 4 of article 4 of the Constitution; and all the conditions being stated and, as I assert and as cannot be denied, all the conditions existing, the President of the United States did intervene and send a military force in September, after issuing a proclamation, and suppressed the Penn insurrection. The then insurgents have never laid down their arms, and for that reason the Federal intervention continued. The adherents of the Penn revolt who figured in the assemblage of January 4 were engaged in further domestic violence to seize a branch of the Legislature, and it was the duty of the United States to protect the State government against them; which it did. There is hardly room for a difference about the facts.

Paley, a master of moral philosophy, lays down liberal rules to judge a certain class of misstatements. For instance, he says that falsehoods are not lies where jests are uttered; or by which an advocate asserts the justice or his belief in the justice of the cause of his client; where he asserts that his client is not guilty; where he has a cause to gain; where no one is deceived. Falsehoods in these cases he holds are not lies. Now, apply these extremely liberal rules of Paley, and we can excuse for partisan purposes almost any statement made by our democratic friends with regard to Louisiana; and there is not a violation of conscience, or in other words no lie is told. If the blacks and the white republicans can vote in Louisiana unobstructed, unimpeded, the democratic cause is necessarily lost there. Paley says it is not a falsehood provided it is uttered with intent to gain a cause. If the White League are guilty of murdering men all over the State, if they indulge in massacres where many men fall, if they use all repressive means to encroach on the rights of republicans and make Louisiana a hell, according to Paley it is not a falsehood for their defenders to say they are not guilty. Perhaps the broader statement may be made that no one is deceived by these excuses, these palliations, these jokes about outrage-mills, this whistling grave matters down the wind, and they are not expected to deceive the Senate at least. It will be fortunate for the people of this country provided they are not deceived, and understand the spirit in which these assertions in reference to Louisiana are made by democratic orators.

I desire to make a candid statement of the facts as I understand them, drawn from official documents, eliminating everything which I believe is disputed by any fair authority.

The Legislature of Louisiana was to meet on the 4th of January, 1875. Public and repeated threats of assassination of republican members for weeks before were made, and these were repeated and indorsed by the democratic papers of the State. A few days before A. J. Cousins, a republican member of the Legislature, was kidnaped for the purpose of preventing his participation in the organization of the Legislature, which was very close. He was carried off beyond the lake by the democratic party or its agents engaged in that work, and there kept with the nefarious purpose, by these illegal means, of controlling the organization of that Legislature. A man at that time, I think the day before, resembling a republican member of the Legislature, for his resemblance to that republican member was shot down in the streets of New Orleans. There were threats of kidnaping and assassination of other members, and attempts were made to kidnap other republican members. Information was given to the governor that organized violence was to be used to influence the organization of the house, and this caused him to put the State-house in charge of the State militia and the police. The State-house, at the time of the assembling of the Legislature, was surrounded by an excited crowd of several thousand persons.

Under these surroundings of assassination, kidnaping, threats, and military and police forces, entirely exceptional to our ideas of such assemblies, the Legislature of Louisiana met. By a law of 1872, passed by a former Legislature and approved by Warmoth, a returning board was constituted, with power to pass on the election of members and certify a roll to the secretary of state. The returning board certified to the secretary of state fifty-two republicans and fifty democrats—one hundred and two in all. The law of Louisiana relating to the organization of the house provides—

That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been

elected to either branch of the General Assembly; and it shall be the duty of the said clerk and secretary to place the names of the representatives and senators elect so furnished upon the roll of the house and of the senate respectively; and those representatives and senators whose names are so placed by the clerk and secretary respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate. Nothing in this act shall be construed to conflict with article 34 of the constitution of the State.

Thus the one hundred and two members constituted the roll of the House, who alone were competent to organize it, and this was the roll for all purposes of organization, and was the roll to be called on the demand of any two persons named on it. Article 36 of the constitution of Louisiana provides that—

Each house of the General Assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

The roll being thus made up, and the right to have the yeas and nays being thus secured, the laws of Louisiana provide for a presiding officer until the organization is completed, as follows:

That for the purpose of facilitating the organization of their respective bodies, the secretary of the senate and the chief clerk of the house of representatives shall hold over and continue in office from one term of the General Assembly to another until their successors are duly elected and qualified.

The construction of these laws is not difficult or devoid of high precedent. The law of the United States provides a roll for the same purpose of organization in the other House by the act of March 3, 1863, now existing and existing for years past, and the practice under it gives the construction to be placed on these statutes of Louisiana. The laws are almost identical—are fully identical in every important point. By the act of March 3, 1863, the law regarding the creation of a roll of the House of Representatives is as follows:

That before the first meeting of the next Congress, and of every subsequent Congress, the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of all persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively or the laws of the United States.

As Senators well know, under this law the Clerk makes up the roll, presides until a Speaker is chosen, and always calls the yeas and nays on any demand. Mr. Vigers held over as clerk in the Louisiana house, and was quietly and fairly proceeding with his duties in calling the roll to ascertain who were present with a right to vote, there being in all one hundred and two, when Mr. Billieu, a representative from La Fourche, moved to elect a temporary speaker. The clerk replied that the legal motion was to elect a speaker. There is no temporary Speaker in the House of Congress or by the laws of Louisiana, or so far as I know of any State in this Union; and the clerk unquestionably was right in stating that the motion was illegal, or rather that the legal motion was to elect a speaker. Billieu paid no attention, however, and hurriedly put his motion against the protest of the republican members, the majority there assembled, and did not put any negative. Wiltz had previously taken a position near the clerk's desk, and instantly on the putting of the motion, without waiting for any announcement of the vote and disregarding the irregularity of the proceedings and the protest of the majority, sprang to the speaker's desk, pushed away the clerk, seized the gavel, and declared himself temporary speaker. As if an oath could give sanction to this high-handed illegal proceeding, a convenient justice of the peace, near the stand for the purpose, pulled out a book looking like a Bible and swore Wiltz into the office of temporary speaker—an office having no existence. Wiltz then pretended to swear in the democratic members *en masse* against the protest of the republicans. Some democratic member moved to elect a Mr. Trezevant clerk, which Wiltz declared carried, and Trezevant sprang forward and took the clerk's desk. The republicans protested and called for the yeas and nays, but Wiltz paid no attention to the call. There was a constitutional provision requiring that the presiding officer should do so, but in their eagerness the constitution was disregarded, no attention being given to the call for the yeas and nays, none to the provisions of the law or the constitution. A Mr. Flood was elected sergeant-at-arms in the same way with protests and calls for the yeas and noes; and Colonel Lowell made a point of order that the constitution allowed any two members to call the yeas and nays. Wiltz ruled the point of order not well taken. The wildest confusion reigned in the house, as it well might. As soon as Flood was thus elected sergeant-at-arms, Wiltz ordered a number of assistants to be appointed. Instantly a large number of men throughout the hall turned down the lapels of their coats, upon which were pinned blue-ribbon badges, on which was printed in gold letters "Assistant sergeant-at-arms," many of whom were recognized as captains of White-League companies in New Orleans and vicinity.

Thus the threats of the white-leaguers were made good and they had possession of the lower house of Louisiana. The republicans protested against this violence and lawlessness, and began to leave the hall. The democrats then swore in five members not returned by the returning board, and by their help elected Wiltz speaker, he claiming to have had 55 votes, the republicans withdrawing and not voting as they deemed the whole thing illegal. Wiltz then ordered his White-League emissary sergeants-at-arms not to allow any one to enter or leave the hall. The swearing in of these five members by that minority of the body, as I will show when I come to speak of the affairs of Arkansas, was entirely illegal, unknown to any legisla-

tive body, gave them no right to their seats, gave them no right to participate in subsequent legislation, no right to assist in the organization, because a minority can only adjourn from day to day, and here was a minority of democrats left in the hall who created themselves into a majority by this illegal proceeding. Greater commotion at once ensued, knives and pistols were drawn, and bloodshed seemed imminent. Without there was a surging mob of thousands; within there were high-handed, illegal, unconstitutional proceedings taking place in the midst of a confusion there reigning, with knives and pistols drawn, anarchy and confusion prevailing. Under these circumstances this democratic *coup d'état* was accomplished. Wiltz's object in endeavoring to prevent the republicans from leaving the hall seems to have been to compel the republicans to remain by force so as to keep a quorum in the hall to help out his arbitrary minority proceedings. To effect his object on motion of Dupre, a democrat, a committee was appointed to wait on the United States military officer and request the interference of United States troops. This request was complied with, and General De Trobriand came on the floor. He was cheered by the democrats, and Wiltz asked his aid; which was rendered, and peace was restored.

The Senator from Ohio [Mr. THURMAN] said that "in the lobby there were fifty or sixty of the worst ruffians of the republican party in the city of New Orleans." How does he know that? Who were they? What were their names? What had they done or either of them? He objects to Sheridan's phrase "banditti" applied to men described as murderers, described as men who were engaged in most nefarious outrages which the pen or tongue can depict. He says, "Why stigmatize men as banditti; the phrase is harsh; Government officers ought not to use such language;" and yet he himself speaks of the republicans who were there in the lobby as "the worst ruffians in the city of New Orleans." Let us see. I want to know if they were more ruffianly than his own party friends who kidnapped Cousins, or more ruffianly than those democrats who shot down an entirely innocent man in the street because he looked like a republican member of the Legislature? But look at the inconsistency of it. He says that a word from De Trobriand stilled these men and silenced fifty of the worst radical ruffians in the city of New Orleans. Either there are no radical ruffians in the city of New Orleans or the one side or the other of this statement is incorrect. If they were such ruffians, a mere word from the military officer would not have brought peace. If they were not such ruffians, then he does reckless injustice.

These acts of Wiltz and his coconspirators, by which the minority usurped the control of the house by force and fraud, by which the minority turned itself into a majority afterward by seating members in violation of all parliamentary law, by calling in a United States force to put down a protest against its proceedings and overawe the majority, were a subversion of a republican form of government. The essence of republican government is the control of the majority. This was a despotic act of a desperate and unscrupulous minority—a *coup d'état*, a French institution imperial and autocratic and it cannot and must not thrive on American soil.

On the written request of the legal majority of fifty-two members the governor called on the United States troops to enable him to restore order and enable legally returned members to proceed with the organization. That call was as follows:

NEW ORLEANS, January 4, 1875.

His Excellency WILLIAM P. KELLOGG, Governor:

SIR: The undersigned, members-elect of the house of representatives of the General Assembly of this State, assembled at the hall of the house, in the state-house, at twelve m. this day, and answered to the call made by the clerk. Immediately thereafter the chair was forcibly taken possession of, in violation of law, and an attempt was made to organize the house contrary to law. We cannot obtain our legal rights unless the members-elect are placed in possession of the hall. Whenever the hall is cleared of all persons save the gentlemen elected, we will proceed to organize. We therefore invoke your aid in placing the hall in possession of the members-elect, that we may attend to the performance of our duties.

James S. Matthews, parish of Tensas; E. W. Dewees, parish of Red River; E. L. Pierson, parish of Natchitoches; O. S. Hunsacker, parish of Saint James; V. Dickenson, parish of Saint James; P. Jones Yorke, parish of Carroll; C. W. Lowell, parish of Jefferson; J. D. Jourdain, seventh ward, parish of Orleans; E. R. Ray, parish of East Feliciana; J. Ross Stewart, parish of Tensas; L. J. Soter, parish of Avoyelles; Samuel Thomas, parish of Bossier; F. Marie, parish of Terre Bonne; James Randall, parish of Concordia; William Crawford, parish of Rapides; J. J. Johnson, parish of Caddo; Isaac Sutton, parish of Saint Mary's; Henry Demas, parish of Saint John the Baptist; C. W. Keeting, parish of Caddo; J. E. Parker, parish of Jefferson; W. G. Lane, parish of East Baton Rouge; E. Poin-dexter, parish of Assumption; M. Hahn, parish of Saint Charles; F. A. Woods, parish of West Baton Rouge; A. E. Levisse, parish of Caddo; J. W. Armistead, parish of West Feliciana; George Gracien, fifteenth ward, parish of Orleans; L. Butler, parish of Ascension; Cain Sartain, parish of Carroll; G. H. Hill, parish of Ascension; J. M. Carville, parish of Iberville; J. S. Davidson, parish of Iberville; William Edgely, parish of Concordia; John DeLacey, parish of Rapides; E. D. Triplett, parish of East Baton Rouge; George Drury, parish of Assumption; E. A. Hubeau, parish of Jefferson; H. Raby, parish of Natchitoches; J. Connaughton, parish of Rapides; William Murrell, parish of Madison; D. C. Hill, parish of Ouachita; W. F. Southard, parish of Ouachita; F. R. Wright, parish of Terre Bonne; Emile Honore, parish of Point Coupee; J. P. Wilson, parish of East Baton Rouge; L. W. Baker, parish of Bossier; Milton Jones, parish of Point Coupee; A. E. Milon, parish of Plaquemines; L. A. Snaer, parish of Iberia; F. M. Grant, parish of Morehouse; S. R. Pile, parish of Saint Mary's; R. F. Guichard, parish of Saint Bernard.

I have consented to sign this document on the ground that the conservative members of the house have set a precedent by appointing a special committee to wait on General De Trobriand, who immediately appeared at the bar of the house, escorted by said special committee.

ROBERT F. GUICHARD,
Of Saint Bernard.

Under ordinary circumstances, without party excitement, no one would object to the request of a majority of a Legislative Assembly that the governor should give them possession of the hall in which they are accustomed to meet and where by law they should meet. Such aid was rendered without the use of more than a display of force. The five persons illegally seated were removed by the United States troops; that is to say, by the representation of the United States troops; for I believe that no soldier except officers entered the hall, and by the same display of force in the persons of the five officers who entered as there previously had been on the invitation of the democratic members in the person of the one officer who entered, he himself speaking for his staff and the soldiers under him, and he accompanied by his staff, doing no more.

Mr. BAYARD. Will the Senator allow a correction?

Mr. SARGENT. These corrections as they are called are simply speeches. The Senator will have an opportunity to be heard and I shall listen to him with great pleasure. I am stating the result of my reading of the legal documents on these matters. The Senator when he comes to reply, and his party friends also, will have abundant opportunity. I simply state that as I desire to speak at some length, I do not want to prolong my remarks to the extent that they would be if interruptions were permitted.

Mr. BAYARD. I shall not interpose.

Mr. SARGENT. I appreciate the Senator's courtesy, and I would yield to him with as much pleasure as to any other Senator.

The military returning for the purpose of removing those who were illegally seated gave an opportunity for the republican members to enter the hall from which they had been excluded by the order of Wiltz, who caused the door to be shut in their faces. I ask, and the question is pregnant, whether such an act of the military authority or any legitimate consequences to which it might have led in the way of a further display or use of force—for I seek to evade no question here—was within the purview of the constitution and laws which I have cited? If the halls of a State Legislature are sacred against the protecting power of the United States when rebellion is being made successful there, then the constitutional duty of the United States cannot be performed and each State is at the mercy of its enemies if they can possess the State capitol.

Questions of this character are not entirely new. They have been discussed by our courts and by the early writers upon the Constitution. They have been discussed in state papers. We are not left entirely in the dark with reference to the proper construction of the clause of the Constitution which I have read or the laws which were passed in pursuance of it. Mr. Madison, a former President of the United States, claimed by democrats as good authority for them, although they wander very far from his precepts and his course of thought, discussed this question in the Federalist under this very guarantee clause as it is called. He and the other writers of the Federalist and our judges have laid down the rule so clear and plain that it seems almost to require partisan perversion of the meaning of the Constitution to escape the conclusion to which they arrive. In the forty-third number of the Federalist written by Mr. Madison, on page 235 of the edition before me, I find a quotation of the sixth clause of the article to which I refer, namely:

To guarantee to every State in the Union a republican form of government; to protect each of them against invasion; and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

This is followed by his comment upon the several provisions of this clause:

In a confederacy founded on republican principles and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovation.

I pause to hear what innovation is more aristocratic than the assumption of a minority of a Legislature to take from a majority its organization, to admit members without the consent of the majority, and control subsequently thereby, for good or evil, the legislation of the State. Is not that aristocratic? Ought not, in the language of Mr. Madison, the superintending government to have power to protect and defend the system against such aristocratic innovation?

He says:

The more intimate the nature of such a union may be the greater interest have the members in the political institutions of each other, and the greater right to insist that the forms of government under which the compact was entered into should be substantially maintained.

But a right implies a remedy; and where else could the remedy be deposited than where it is deposited by the Constitution? Governments of dissimilar principles and forms have been found less adapted to a federal coalition of any sort than those of a kindred nature. "As the confederate republic of Germany," says Montesquieu, "consists of free cities and petty states subject to different princes, experience shows us that it is more imperfect than that of Holland and Switzerland." "Greece was undone," he adds, "as soon as the king of Macedon obtained a seat among the Amphictyons." In the latter case, no doubt, the disproportionate force, as well as the monarchical form of the new confederate, had its share of influence on the events.

It may possibly be asked what need there could be of such a precaution, and whether it may not become a pretext for alteration in the State governments, without the concurrence of the States themselves. These questions admit of ready answers. If the interposition of the General Government should not be needed, the provision for such an event will be a harmless superfluity only in the Constitution. But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign powers.

The ambition of enterprising leaders such as Wiltz seized the lower house of a Legislature with further-reaching intentions than even that; and it was within the purview of the Constitution, as stated by Mr. Madison, to prevent this very thing—to defend the system against such innovation.

To the second question it may be answered, that if the General Government should interpose by virtue of this constitutional authority, it will be of course bound to pursue the authority. But the authority extends no further than to a guarantee of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long therefore as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so and to claim the Federal guarantee for the latter. The only restriction imposed on them is that they shall not exchange republican for anti-republican constitutions; a restriction which, it is presumed, will hardly be considered as a grievance.

He further says—

Protection against domestic violence is added with equal propriety. It has been remarked that even among the Swiss cantons, which properly speaking are not under one government, provision is made for this object; and the history of that league informs us that mutual aid is frequently claimed and afforded, and as well by the most democratic as the other cantons. A recent and well-known event among ourselves has warned us to be prepared for emergencies of a like nature.

At first view it might seem not to square with the republican theory to suppose that a majority have not the right or that a minority will have the force to subvert a government.

They did have the force in the Legislature of Louisiana by the aid of the White Leagues which they called in, by the aid of the turbulent and restless population which they had at their back, the minority did have power to seize on the lower house of the Legislature—

And consequently that the Federal interposition can never be required but when it would be improper. But theoretic reasoning in this, as in most other cases, must be qualified by the lessons of practice. Why may not illicit combinations for purposes of violence be formed as well by a majority of a State, especially a small State, as by a majority of a county or a district of the same State; and if the authority of the State ought in the latter case to protect the local magistracy, ought not the Federal authority in the former to support the State authority? Besides, there are certain parts of the State constitutions which are so interwoven with the Federal Constitution that a violent blow cannot be given to the one without communicating the wound to the other. Insurrections in a State will rarely induce a Federal interposition, unless the number concerned in them bear some proportion to the friends of government. It will be much better that the violence in such cases should be repressed by the superintending power—

That is to say, the Government of the United States—

than that the majority should be left to maintain their cause by a bloody and obstinate contest. The existence of a right to interpose will generally prevent the necessity of exerting it.

Is it true that force and right are necessarily on the same side in republican governments? May not the minor party possess such a superiority of pecuniary resources, of military talents and experience, or of secret succors from foreign powers as will render it superior also in an appeal to the sword?

In Louisiana the blacks with the white republicans are probably twenty thousand in the majority, and in the city of New Orleans unquestionably largely in the majority; but on account of this very superiority of pecuniary resources, of the possession of property, accustomed to rule by an unrestrained and unlicensed will taught in the school of slavery, the minority is enabled to produce these results and call for this Federal intervention of which Mr. Madison in the Federalist points out the likelihood, and the exercise of which he approves.

May not a more compact and advantageous position turn the scale on the same side against a superior number so situated as to be less capable of a prompt and collected exertion of its strength?

Do not these very conditions exist in Louisiana, and could any text follow closer to the exigency of things there and the necessary action of the President of the United States than is here laid down by James Madison?

Nothing can be more chimerical than to imagine that in a trial of actual force victory may be calculated by the rules which prevail in a census of the inhabitants or which determine the event of an election.

He further says:

In cases where it may be doubtful on which side justice lies, what better umpire could be desired by two factions flying to arms and tearing the State to pieces than the representatives of confederate States not heated by the local flame? To the impartiality of judges they would unite the affection of friends. Happy would it be if such a remedy for its infirmities could be enjoyed by all free governments; if a project equally effectual could be established for the universal peace of mankind.

Hamilton having the opposite political views from Madison in the early division of parties, Hamilton the federalist agreed with Madison the anti-federalist, and his discussion of this matter, on page 108, in No. 21 of the Federalist, I desire to call attention to. He said:

Without a guarantee, the assistance to be derived from the Union in repelling those domestic dangers, which may sometimes threaten the existence of the State constitutions, must be renounced. Usurpation may rear its crest in each State and trample upon the liberties of the people; while the National Government could legally do nothing more than behold its encroachments with indignation and regret. A successful faction may erect a tyranny on the ruins of order and law, while no succor could constitutionally be afforded by the Union to the friends and supporters of the Government. The tempestuous situation from which Massachusetts has scarcely emerged evinces that dangers of this kind are not merely speculative. Who can determine what might have been the issue of her late convulsions if the malcontents had been headed by a Caesar or by a Cromwell.

Or if they had been headed by a Wiltz or a Marr, what would have been the result?

Who can predict what effect a despotism, established in Massachusetts, would have been upon the liberties of New Hampshire or Rhode Island; of Connecticut or New York?

The inordinate pride of State importance has suggested to some minds an objec-

tion to the principle of a guarantee in the Federal Government, as involving an officious interference in the domestic concerns of the members. A scruple of this kind would deprive us of one of the principal advantages to be expected from union, and can only flow from a misapprehension of the nature of the provision itself. It could be no impediment to reforms of the State constitution by a majority of the people in a legal and peaceable mode. This right would remain undiminished. The guarantee could only operate against changes to be effected by violence.

By the surrounding of a legislative hall by an organized mob, as was the case in the city of New Orleans, where the white-leaguers were assembled, where hook-and-ladder companies were at hand ready with their implements to scale the windows of the senate chamber and seize that body if the *émeute* in the house succeeded, where knives and pistols were drawn, and where republican members were controlled in their ingress and egress by force—when there was such violence as to defy the State constitution and work a change in ordinary parliamentary safeguards and a recurrence to aristocratic forms or else a government by a mob—in such events the violence was that which Mr. Hamilton says the Constitution was intended to guard against.

Toward the prevention of calamities of this kind too many checks may not be provided. The peace of society and the stability of government depend absolutely on the efficacy of the precautions adopted on this head.

This matter was discussed at great length in the case of *Luther vs. Borden*, 7 Howard, page 42, by Chief Justice Taney, certainly good democratic authority; a man that all democrats would insist was, and I dare say with a single exception and perhaps without exception republicans would admit, above reproach. In the Rhode Island case he had occasion to pass upon a kindred question, upon the power of the General Government under the guarantee clause of the Constitution and under the laws which I have cited. He said, on page 42 of 7 Howard:

So, too, as relates to the clauses in the above-mentioned article of the Constitution, providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere. But Congress thought otherwise, and no doubt wisely; and by the act of February 28, 1795, provided that "in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrection.

By this act, the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere, is given to the President. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature, and who is the governor, before he can act. The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must, of necessity, decide which is the government and which party is unlawfully arrayed against it before he can perform the duty imposed upon him by the act of Congress.

That decision the President had made. That decision he did not make on the 14th of September last or the 4th of January last, but had made months and months before; and had announced his conclusion. When there was an insurrectionary attempt on the 14th of September, called the Penn insurrection, to overthrow the State government of Louisiana, it was in spite of the recognition by the President under the Constitution and laws of the United States which the Supreme Court here say it was his province to make. The court proceed:

After the President has acted and called out the militia, is a circuit court of the United States authorized to inquire whether his decision was right? Could the court, while the parties were actually contending in arms for the possession of the Government, call witnesses before it and inquire which party represented a majority of the people? If it could, then it would become the duty of the court (provided it came to the conclusion that the President had decided incorrectly) to discharge those who were arrested or detained by the troops in the service of the United States or the Government which the President was endeavoring to maintain. If the judicial power extends so far, the guarantee contained in the Constitution of the United States is a guarantee of anarchy, and not of order. Yet if this right does not reside in the courts when the conflict is raging, if the judicial power is at that time bound to follow the decision of the political, it must be equally bound when the contest is over.

In other words, it is bound all the way through, and the decision of the President is constitutional. Of course it is under the sanctions of his oath and the responsibilities of his office, and in performing that duty he does not assume the functions of a Caesar who should have his robes stripped from him. He is simply performing his constitutional duty as President of the United States. So says Chief Justice Taney. But it comes so easily and so gratefully from democratic orators when there is any attempt made to fulfill the guarantees of the Constitution, to protect a State from domestic violence, such as we have seen of late, to say, "Here is a Caesar; here is an unconstitutional act; this is a violation of law and of the Constitution; and the people of the United States ought to rise and strip the robes of this Caesar from him." Then tear down the monument erected to Taney; take his bust from the Supreme Court room; defile his memory with your opprobrium and obloquy; tear the pages written by Madison and Hamilton from the Federalist; blot the proudest record of your whole country and the proudest sentiments ever uttered in defense of liberty and in defense of the Constitution, and you may be consistent; but you are not consistent at this late day in reversing all the teachings of the fathers while pretending to revere and follow them. You assume to raise this cry against the

President of the United States for treading in the footsteps where they trod and in the paths which they marked out.

The court say:

It cannot, when peace is restored, punish as offenses and crimes the acts which it before recognized, and was bound to recognize, as lawful.

The court say further:

It is said that this power in the President is dangerous to liberty and may be abused. All power may be abused if placed in unworthy hands. But it would be difficult, we think, to point out any other hands in which this power would be more safe and at the same time equally effectual. When citizens of the same State are in arms against each other, and the constituted authorities unable to execute the laws, the interposition of the United States must be prompt or it is of little value. The ordinary course of proceedings in courts of justice would be utterly unfit for the crisis.

Ordinary proceedings of course would be entirely unfit for the crisis. It requires the President to act, and how act? The Constitution says he shall protect, but how protect? The laws come in and say by the use of the Army of the United States. The law authorizing the militia was changed by the anti-federalists to the Army of the United States. He must act promptly, effectually, and by the Army of the United States; and yet for so doing he is denounced as a Cæsar and his acts as anti-republican.

The ordinary course of proceedings in courts of justice would be utterly unfit for the crisis. And the elevated office of the President, chosen as he is by the people of the United States, and the high responsibility he could not fail to feel when acting in a case of so much moment, appear to furnish as strong safeguards against a willful abuse of power as human prudence and foresight could well provide. At all events it is conferred upon him by the Constitution and laws of the United States, and must therefore be respected and enforced in its judicial tribunals.

Ay, sir, and should therefore be respected by Senators of the United States and the Senate of the United States, and they should not teach the people to look upon it with contempt or with suspicion, if it is constitutional, conferred by the Constitution and the laws of the United States.

Now, to show that this very anticipation of Chief Justice Taney in the case of *Luther vs. Borden*, of the manner in which a President of the United States, and even this President thus denounced, would look upon the necessary and constitutional exercise of this power, however unwilling under any circumstances even so grave as these to exercise it, I call attention to a single passage in the recent message of the President of the United States:

I have no desire to have United States troops interfere in the domestic concerns of Louisiana or any other State.

On the 9th of December last Governor Kellogg telegraphed to me his apprehensions that the White League intended to make another attack upon the State-house, to which, on the same day, I made the following answer, since which no communication has been sent to him:

"Your dispatch of this date just received. It is exceedingly unpalatable to use troops in anticipation of danger. Let the State authorities be right, and then proceed with their duties without apprehension of danger. If they are then molested, the question will be determined whether the United States is able to maintain law and order within its limits or not."

I have deplored the necessity which seemed to make it my duty under the Constitution and laws to direct such interference. I have always refused except where it seemed to be my imperative duty to act in such a manner under the Constitution and laws of the United States. I have repeatedly and earnestly entreated the people of the South to live together in peace, and obey the laws; and nothing would give me greater pleasure than to see reconciliation and tranquillity everywhere prevail, and thereby remove all necessity for the presence of troops among them. I regret, however, to say that this state of things does not exist, nor does its existence seem to be desired in some localities; and as to those it may be proper for me to say that, to the extent that Congress has conferred power upon me to prevent it, neither Ku-Klux-Klans, White Leagues, nor any other association using arms and violence to execute their unlawful purposes, can be permitted in that way to govern any part of this country; nor can I see with indifference Union men or republicans ostracized, persecuted, and murdered on account of their opinions, as they now are in some localities.

Show me the man who dares stand up in the face of the American people and say that the sentiments of the extracts I have read are not just and humane, that they do not do honor to the head and heart of the President of the United States? Who looks with indifference upon the murder of Union men for their political opinions? Who desires to see Ku-Klux-Klans, or White Leagues, or any other association of men use arms and violence to enforce unlawful and illegal purposes? At the same time, while it is repugnant to his feelings to use military force to compel obedience to the laws, he recognizes it as a constitutional duty. In this very case referred to in *Luther vs. Borden* a former President of the United States wrote a letter to Governor King, of Rhode Island, who represented the charter government, and in that letter President Tyler said:

I have, however, to assure your excellency that should the time arrive (and my fervent prayer is it may never come)—

In the very spirit in which his successor, President Grant, speaks of the regret with which he sees these things transpire—

when an insurrection shall exist against the government of Rhode Island, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guaranteed to each State by the Constitution and laws, I shall not be found to shrink from the performance of a duty which, while it is most painful, is at the same time most imperative. I have also to say that in such a contingency the Executive could not look into any real or supposed defects of the existing government, in order to ascertain whether some other plan of government proposed for adoption was better suited to the wants and more in accordance with the wishes of any portion of her citizens.

It will be my duty, on the contrary, to respect the requisitions of that government which has been recognized as the existing government of the State through all time past, until I shall be advised in a regular manner that it has been altered and abolished and another substituted in its place, by legal and peaceable proceedings, adopted and pursued by the authorities and the people of the State.

Thereby stating his belief in the existence of the power, the painful duty which would be put upon him to exercise it and use the Army of the United States to put down domestic violence in that State and protect the authority which he recognized as the existing authority. The people of the State by a large majority had adopted another constitution formed by a convention called by means not provided by the constitution itself, and President Tyler, with the assent of the democratic party at that time—I believe without the dissent of any strong party in Congress, because a resolution to censure him for his course failed in the House of Representatives—President Tyler stated his readiness to intervene with military force and thus put things back as they were, or rather to maintain the existing order of things against the will of the people of the State. I say that the President recognized this, as have all his predecessors and the law writers on the Constitution and the judges, as a constitutional duty. If it is a constitutional duty, that duty carries with it the legal right, and implies all the requisite means to discharge it. The guarantee clause gives the power. The emergencies which give rise to exercises of this power are exceptional, but the means are ample. I have already quoted from the opinions of Alexander Hamilton. In a most able and exhaustive opinion of his as Secretary of the Treasury, upon the constitutionality of the United States Bank, in a letter written to President Washington, he discussed the nature of the power granted by the Constitution to effect any particular object, holding that the end itself being clearly recognizable in the Constitution, the force is conveyed by the Constitution, sovereign in its nature, to give full effect to that power which is thus conferred. I ask the Secretary to read what I have marked on pages 95 and 96 of the book which I send to the desk.

The Secretary read as follows:

Now, it appears to the Secretary of the Treasury that this *general principle* is inherent in the very definition of government, and *essential* to every step of the progress to be made by that of the United States, namely, that every power vested in a government is in its nature *sovereign*, and includes, by force of the term, a right to employ all the means requisite, and fairly applicable, to the attainment of the ends of such power, and which are not precluded by restrictions and exceptions specified in the Constitution, or not immoral or not contrary to the essential ends of political society.

This principle, in its application to government in general, would be admitted as an axiom; and it will be incumbent upon those who may incline to deny it to prove a distinction, and to show that a rule which in the general system of things is essential to the preservation of the social order is inapplicable to the United States.

The circumstance that the powers of sovereignty are, in this country, divided between the national and State governments does not afford the distinction required. It does not follow from this that each of the portions of power delegated to the one or to the other is not sovereign with regard to its proper objects. It will only follow from it that each has sovereign power as to certain things, and not as to other things. To deny that the Government of the United States has sovereign power as to its declared purposes and trusts, because its power does not extend to all laws, would be equally to deny that the State governments have sovereign power in any case, because their power does not extend to every case. The tenth section of the first article of the Constitution exhibits a long list of very important things which they may not do; and thus the United States would furnish the singular spectacle of a political society without sovereignty, or of a people governed without government.

If it would be necessary to bring proof to a proposition so clear as that which affirms that the powers of the Federal Government as to its objects are sovereign, there is a clause of its Constitution which would be decisive; it is that which declares that the Constitution and the laws of the United States made in pursuance of it and all treaties made, or which shall be made, under their authority shall be the *supreme law of the land*. The power which can create the supreme law of the land in any case is doubtless sovereign as to such case.

Mr. SARGENT. Mr. President, democratic sanction to the exercise of such power by a President of the United States is recent. After the cessation of hostilities on the 21st of May, 1865, President Johnson authorized General Canby to telegraph to the commander of the Department of the Mississippi as follows:

You will prevent by force, if necessary, any attempt of any of the Legislatures of the States in insurrection to assemble for legislative purposes, and will imprison any members or other persons who may attempt to exercise these functions in opposition to your orders.

President Johnson authorized General Canby, the commander of the Department of Mississippi, to arrest legislators or any person who should abet legislators in assembling for legislative purposes; and this was months after the surrender of the rebel army. I say that there is democratic sanction for this precedent. Why? Because the then ensuing democratic national convention passed a resolution indorsing Johnson's administration for its regard for and preservation of the Constitution of the United States. I do not think there is an answer for it that this man was President of the United States and had some patronage and it was an object to tickle his elbow or please his fancy and induce him to favor the democratic party. If that was so, then it was the lowest kind of political scheming. That was so, or else it was an intelligent indorsement, or unintelligent, as you please, of the administration of Andrew Johnson, of the constitutionality of his proceedings when he employed the Army of the United States to prevent the assembling of Legislatures and arrested the members.

Mr. MORTON. Will my friend from California yield to me a moment?

Mr. SARGENT. Yes, sir.

Mr. MORTON. I desire to give notice that I will ask the Senate on to-morrow not to adjourn until this resolution has been disposed of.

Mr. HAMLIN. To-morrow?

Mr. STEVENSON. To-morrow has been set apart for the funeral ceremonies of Mr. HOOPER.

Mr. MORTON. I was not aware of it.

Mr. HAMLIN. I saw in the papers that at four o'clock and forty minutes notice of the decease of Mr. HOOPER will be communicated to the House, and I saw in the papers also that the services will be in the Hall of the House to-morrow. I presume the House will send a resolution here acquainting us of these facts and requesting the attendance of the Senate to-morrow. If so, then the Senator's suggestion can hardly be carried out to-morrow.

Mr. MORTON. Unless the Senate might meet afterward.

Mr. HAMLIN. I do not know but that it might take a recess for the purpose.

Mr. STEVENSON. I hardly think we should do that. I hope the Senator from Indiana will not fix to-morrow; at least out of respect to Mr. HOOPER, who will be buried from the House.

Mr. MORTON. Of course, I do not want to violate any of the proprieties; but the time of the session is so limited, if we expect to do anything with this resolution, we shall have to remain here until it is disposed of when we next take it up.

Mr. SAULSBURY. I understand several Senators desire to speak upon it—

Mr. SARGENT. I believe I am entitled to the floor.

The PRESIDENT *pro tempore*. The Senator from California is entitled to the floor.

Mr. SARGENT. Mr. President, in the same manner that they approved the act of President Johnson in this military interference with the Legislatures of Mississippi and elsewhere they approved McClellan's order to arrest the Maryland Legislature, which was a non-seceded state, which never did sunder its relations with the Union, which, by any logic which they would admit, was entitled to all its rights as, in their own phrase, a sovereign State. But he gave these orders and they were executed, and they hastened to nominate him for President of the United States. So, as I say, we not only have the teaching of the fathers on this point so plain it cannot be misunderstood, but we have the assent of the democratic party in their great national conventions where they meet for the very purpose of exchanging views and picking out the men who according to their ideas are most faithful to the Constitution.

Passing from this, however, I say that under the Constitution of the United States the right and duty of the United States to intervene to protect a State against domestic violence cannot be questioned. There is no limit as to place of intervention. A legislative hall is not excepted by the Constitution, and may be, as in this case, the most necessary place for its exercise. Stress has been laid by our democratic friends upon the idea that here was an attempt by the military to decide who were entitled to seats in the hall; that they were made to decide upon contested elections. There is no integrity in the idea whatever. The military were used simply to protect the majority of the Legislature in their right to the possession of the hall against intruders who would illegally destroy their authority as a majority of the body. There was a duty on the part of the Government to enforce the laws of the State of Louisiana, so set down in the law of the United States following the guarantee clause of the Constitution. There was a right of the majority to have the presiding officer named by the law to preside until an organization was effected, to have the roll called, to have honor, honesty, decency and fair play in the organization of that house. All these laws and the laws of Louisiana required it, and the military was simply called in to clear the hall of those who had intruded to seats there and who were not members of the house. They had the same right to do this that they would have had to protect the returning board as it was sitting listening to the arguments of democratic and republican lawyers on contested seats and contested questions, if the mob had attempted to break them up. If a White League or an organized force had attempted to break up the returning board the military would have had the right, it would have been their duty, under the guarantee clause, to have protected the returning board in this necessary discharge of its functions, to see that none intruded into its deliberations, usurped its functions, or broke up its sessions. But is it not audacious for those rioters who were guilty of the fraud and the force which took place there, who were guilty of the crimes which were staining then and there the legislative history of the Legislature, who were brandishing their knives and pistols, the agents of a passionate mob outside who were encouraging their proceedings by their hideous yells—is it not audacious for these men or those who apologize for them to complain of those measures which were taken to reduce them to submission to the laws? They are the complaining parties, not the majority of the Legislature of Louisiana, none of the fifty-two members who were entitled to seats there. Those who complain are the White-League sergeants-at-arms who turned down the lapels of their coats on the instant and showed the preconcert by which they were there to produce these very results. Those who complain are the mob and the minority on that floor who had usurped the right to organize the house, and sought to effect it by force and fraud.

This seizure of the house was but part of a plan to invade the senate and seize the rest of the government. The President in his message says with regard to this:

Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the Legislature. That the democratic minority of the house

undertook to seize its organization by fraud and violence; that in this attempt they trampled under foot law; that they undertook to make persons not returned as elected members, so as to create a majority; that they acted under a preconcerted plan, and under false pretenses introduced into the hall a body of men to support their pretensions by force, if necessary, and that conflict, disorder, and riotous proceedings followed, are facts that seem to be well established, and I am credibly informed that these violent proceedings were a part of a premeditated plan to have the house organized in this way, recognize what has been called the McEnery senate, then to depose Governor Kellogg, and so revolutionize the State government.

Was it not the duty of the Government to interfere under circumstances like these? Most of these facts are patent upon the face of them, and the only one added is that by the President, who states it on reliable authority. The seizure of the house was simply an incident of the plan by which the senate was to be revolutionized, by which the State government was to be overthrown. Now what becomes of the guarantee clause of your Constitution, what becomes of the decision of your Supreme Court if all this power in the Constitution falls powerless before an attempt like this? It is a mere farce, and as I said before, any power designing to subvert a State government can succeed in its ends provided by force or fraud it can get possession of the State capitol.

But these events in Louisiana are not to be treated as the whole case. They are but one incident to a long train of circumstances which must be understood to see what the Government was resisting in New Orleans. On the 14th of last September, after a demand on the governor to resign, in an insurrection against the State government, fifteen policemen were killed and thirty wounded. The intervention of Federal soldiers restored peace. I have already shown that Governor Kellogg at that time, under article 4, section 4, of the Constitution, made a requisition for United States aid. The armed organizations continued having large quantities of arms which they had captured from the State militia and which they never have surrendered although required to do so by a proclamation of the President of the United States. They retain them at this time as implements of warfare against the State and National Government.

Democratic Senators have sneered at the idea that the call for troops covered the action of January 4, that the call on September 14 related to and continued down to January 4. Let us see. There is a parallel in the case of Pennsylvania in 1794, when Washington was President of the United States. Edmund Randolph was Secretary of State, and by direction of the President, August 30, wrote to Governor Mifflin, of Pennsylvania, on this very question of continuing forces in the field even after the dispersion of those engaged in resisting the laws; and I quote from Hamilton's Works, page 22, *et passim*.

Mr. STEVENSON. What volume?

Mr. SARGENT. Volume 5. I ask the Secretary to read what I have marked.

The Secretary read as follows:

There remains only one point on which your excellency will be longer detained; a point, indeed, of great importance, and consequently demands serious and careful reflection. It is the opinion you so emphatically express, that the mere dispersion of the insurgents is the sole object for which the militia can be called out, or kept in service after they may have been called out.

The President reserves to the last moment the consideration and decision of this point.

But there are arguments weighing heavily against the opinion you have expressed, which, in the mean time, are offered to your candid consideration.

The Constitution of the United States (article 1, section 8) empowers Congress "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;" evidently from the wording and distribution of the sentence contemplating the execution of the laws of the Union as a thing distinct from the suppression of insurrections.

The act of May 2, 1792, for carrying the provision of the Constitution into effect adopts for its title the very words of the Constitution, being "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," continuing the constitutional distinction.

The first section of the act provides for the cases of invasion and of insurrection, confining the latter to the case of insurrection against the government of a State. The second section provides for the case of the execution of the laws being obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals.

The words are these: "Whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an associate judge or the district judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations and to cause the laws to be duly executed." Then follows a provision for calling forth the militia of other States.

The terms of this section appear to contemplate and describe something that may be less than insurrection. "The combinations" mentioned may indeed amount to insurrections, but it is conceivable that they may stop at associations not to comply with the law, supported by riots, assassinations, and murders, and by a general spirit in a part of the community which may baffle the ordinary judiciary means, with no other aid than the *posse comitatus*, magistrates, and officers in the execution of their duty. And the objects for which the militia are to be called are expressly not only to suppress these combinations, (whether amounting to insurrections or not,) but to cause the laws to be duly executed.

It is therefore plainly contrary to the manifest general intent of the Constitution and of this act, and to the positive and express terms of the second section of the act, to say that the militia called forth are not to be continued in service for the purpose of causing the laws to be duly executed, and, of course, till they are so executed.

What is the main and ultimate object of calling forth the militia? "To cause the laws to be executed." Which are the laws to be executed? Those which are opposed and obstructed in their execution by the combinations described in the present case—the laws laying duties upon spirits distilled within the United States, and upon stills; and incidentally those which uphold the judiciary functions. When are the laws executed? Clearly when the opposition is subdued; when penalties for disobedience can be enforced; when a compliance is effectuated.

Would the mere dispersion of insurgents and their retiring to their respective homes do this? Would it satisfy either member of the provision, the suppression of the combinations, or the execution of the laws? Might not the former, notwithstanding the dispersion, continue in full vigor, ready at any moment to break out into new acts of resistance to the laws? Are the militia to be kept perpetually marching and countermarching toward the insurgents while they are embodied, and from them when they have separated and retired? Suppose the insurgents, hardly enough to wait the experiment of a battle, are vanquished, and then disperse and retire home, are the militia immediately to retire also to give them an opportunity to reassemble, recruit, and prepare for another battle? And is this to go on and be repeated without limit?

Such a construction of the law, if true, were certainly a very unfortunate one, rendering its provisions essentially nugatory, and leading to endless expense and as endless disappointment. It could hardly be advisable to vex the militia by marching them to a distant point, where they might scarcely be arrived before it would be legally necessary for them to return, not in consequence of having effected their object—of having “caused the laws to be executed”—but in consequence of the mere stratagem of a deceitful dispersion and retiring.

Mr. SARGENT. On the 14th of September last there was a demand on the governor by a committee of thirty appointed by a meeting held in New Orleans that he resign his office. He declined. There was then an insurrection in the streets of New Orleans. I will say to my friend from Kentucky, [Mr. McCREERY,] who remarks to me, *sotto voce*, that there was no insurrection there, and hence it was not a parallel case, that there was insurrection in New Orleans, there were men killed and wounded there by the scores, and the demand they made at their meetings was the overthrow of the State government. What constitutes an insurrection? Is it not the rising of citizens, of the populace, against the government? Is it not enforcing their demand by blood? Is it not demanding the subversion of the government? Then if an insurrection existed there, and certainly there was much more of one than there was in Pennsylvania, where it was simply resistance to the excise law, where I believe there was nobody killed, nobody hurt, or in extremely rare instances if at all—if that in Pennsylvania which Randolph refers to was an insurrection, then for God's sake how much more important was the insurrection which took place on the 14th of September in Louisiana, in the city of New Orleans, when these consequences of which I speak occurred? Of course those who were killed were only republicans; they may have been only negroes. It may not amount to insurrection to kill men of that sort although the object is to subvert a government, and those who were killed were the men who maintained it; but in my mind it is an insurrection.

In Pennsylvania, by the express order of President Washington, the troops were kept in the field after the dispersion of the insurgents or those who were resisting the excise law. Says Alexander Hamilton in his letter to Lee, who was commanding the forces:

BEDFORD, October 20, 1794.

SIR: I have it in special instruction from the President of the United States now at this place, to convey to you the following instructions for the general direction of your conduct in the command of the militia army, with which you are charged.

After giving other directions, he says:

When the insurrection is subdued, and the requisite means have been put in execution to secure obedience to the laws, so as to render it proper for the Army to retire, (an event which you will accelerate as much as shall be consistent with the object,) you will endeavor to make an arrangement for detaching such force as you deem adequate, to be stationed within the disaffected country in such a manner as best to afford protection to well-disposed citizens and to the officers of the revenue, and to repress by their presence the spirit of riot and opposition to the laws.

Now, that is just what President Grant did after the 14th of September. When by his proclamation the insurgents had been dispersed by the show of military force which was made there and quiet was restored, although the insurgents did not give up the arms which feloniously they had taken from the State authorities, he kept the Army there as a corps of observation, “to afford protection to well-disposed citizens, and to repress by their presence the spirit of riot and opposition to the laws,” and so they were there and so continuing to the 4th day of January, 1875. So Sheridan found them when he went there and spoke of the condition of things and the banditti which were traversing that State. O, yes; that is a terrible phrase, this word “banditti!” How is it possible that a man of Sheridan's character could have uttered it? I find in a letter of Edmund Randolph, written by the direction of Washington, to Mifflin, governor of Pennsylvania, these words applied to the persons who were resisting the laws of Pennsylvania:

An armed banditti—

He says—

in disguise, had recently gone to the house of an officer of the revenue in the night, attacked it, broken open the doors, and, by menaces of instant death, enforced by pistols presented at him, had compelled a surrender of his commission and books of office.

This word is, contemporary with Washington's administration, applied to lawless men who go about with arms at night to interfere with officers of the Government in the discharge of their duty, to put peaceable and well-disposed citizens in peril of their lives. More than that in the case of Louisiana; less than that even in Pennsylvania. If Edmund Randolph, Secretary of State of Washington, writing under Washington's orders, could properly use the word “banditti” as applied to men engaged in any such triflingly dangerous proceedings compared with those in Louisiana, with how much more terrible force comes the truthfulness in the condemnation of Sheridan when he applies it to these men who have deluged the State of Louisiana with republican blood, who have driven at one election twenty thou-

sand men from the polls in terror for their lives, who have driven them to the woods to subsist upon roots and acorns or any means which they could get by fugitive processes hiding in terror of their lives, who within a few days of one election killed hundreds of men, who finally on the 14th of September after many atrocities which they had committed leading up to the event overturned the State government, and who were driven from the power which they had usurped by the United States forces, by the terror of the intervention, under the guarantee clause, of the President of the United States. I ask if the word banditti is not properly used under such circumstances, and if Sheridan has not an illustrious precedent for the use which he makes of it?

This September insurrection to which I refer is not all the picture by any means. The city for months had been a scene of a reign of terror to prevent the voting and registration of republicans. Large bodies of armed men traversed the republican districts, murdering worthy and inoffensive men, as at Coushatta where they assassinated Twitchell, a planter in Red River Parish; Eggleston, sheriff; Dewees, supervisor; and Holland and Howells, lawyers, two of them southern born. We all know how that was done, these men being promised a safe escort after it was demanded that they should leave the State and resign the offices to which they had been legally and fairly elected. They being under safe escort, as promised, were murdered on their way to the State boundary. Time would fail to recount all the assassinations for political purposes attending the last election in Louisiana, and democratic Senators' ears are offended by the cry of murder, murder! Do you not think we are tired of the fact of murder, murder? If it is painful for your ears to hear it, is it not painful for us to know that it is committed?

On the general state of society the testimony of Ruford Blunt, recently a State senator, residing in Natchitoches, taken by the House committee recently at New Orleans, is impressive. Describing affairs in the last registration and election in that parish, he says:

I seldom slept at home; other colored men remained in the woods after the registering office closed; about five hundred colored men did not register; some of those who registered could not vote because the registering officer spelled their names wrongly; there was a reign of terror up to election day; I resigned my position as senator to save my life; there is a petition in my parish asking Congress to do something to protect colored people; the colored men believe that the whites intend to reduce them to slavery again.

On election day many of my people were prevented from voting as they chose, and some of them voted the White League ticket; they voted that way to save themselves; without the presence of troops on election day, I think not more than five hundred colored men could have voted; the white people agreed to employ men who voted the democratic ticket first, and next, men who did not vote at all; the public schools in Natchitoches are free, and at present colored children attend them more regularly than white children; the colored people in the parish would not be safe under democratic rule; I know ten colored men who voted the democratic ticket; the hatred of the people is directed against both negroes and republicans; I don't believe that a good democrat from the North during the last campaign could have canvassed the parish in safety if he had favored fair measures and deprecated intimidation; the planters and merchants generally manage to swindle the negroes out of their earnings; the feeling of distrust on the part of the colored people of the whites was not suggested to them by the republicans.

William H. Maxey testified before that committee a very important thing, so far as McEnery was concerned, it seems to me. I have a short extract from his testimony, which I have separated from the rest:

It was impossible to have a fair registration and election. Last year, when Mr. McEnery made a speech in Homer and one in Winn, about half way through his speech he said there were too many Maxeys and Blackburns; if some of them were hung it would be a good thing.

Here was on the part of this man, pretending to have been elected governor of the State, an inciting to these very atrocities to which I have referred. Suppose Governor Allen, of Ohio, or some other governor, should in the face of an election, during a heated canvass, make a suggestion in reference to his opponents or those who were organizing the opposition party, endeavoring to prevail in the election, that it would be better if they could be hung or made away with or got out of the way, there were too many of them; how would the people of Ohio and the whole North recoil with horror at such a suggestion! We have been so accustomed to this White-League ruffianism in the South that we look on these things almost with indifference when they occur there.

Here is the testimony of the editor of the Caucasian, a violent, outspoken White-League editor, in which he makes few concealments:

NEW ORLEANS, February 5.

In the cross-examination of Mr. Hunter, the editor of the Caucasian, before the congressional committee yesterday, Mr. FRYE read several extracts from that paper and asked witness if such extreme ideas were his opinions, and he replied in the affirmative. Witness said, “My associate editor participated in the Grant Parish massacre; the republican newspaper was mobbed and material destroyed; the persons who did it were employees of the democratic newspaper; my father, K. Hunter, is a last-ditch democrat.” The letter now produced stating that there was intimidation of men in Rapides Parish at the election is in the handwriting of K. A. Hunter, who being present, and stating that the letter was private and not intended for publication, Mr. FRYE withdrew it.

To Mr. HOAR. We were prepared with force if it was necessary to seat our candidates—

I suppose he refers to the Legislature—

if the police had not interfered we should have left the members to settle it themselves; if the police had interfered and the United States troops had not been present there would have been somebody hurt; on the 4th of January I was prepared myself to come down with ten or twelve armed men to protect our members in their rights as we considered them; I had been through the war, and for myself

could hold my own; fifty-nine colored men were killed at Colfax and two white men died; the Caucasian praised the men who took part in the Colfax massacre; I approved of it, as most of our people did; my paper counseled resistance to United States troops in a certain emergency; had not the Colfax affair ended as it did, not less than a thousand niggers would have been killed later.

He says:

I approved of the Colfax massacre, as did most of our people.

Should any republican Senator on this floor say that these scenes of violence, the Colfax massacre, the Coushatta affair, the killing of fifty or one hundred men at Vicksburg the other day, were approved by most of the southern people or most of the people of Louisiana, we should be accused with open throats of slandering the southern people; but here their own spokesman says most of our people approved of this thing—approved of these bloody deeds.

These were the means thus referred to, the suppression of registration, the suppression of voting, and the murdering of the political rights of a party in the State, and that the majority party, as is obvious; for if it was not a majority, there would be no necessity for the use of such means; these means being in use, Senators boast of the election of men to the Legislature by means like these. They say, "O, well, notwithstanding all you say, these five men who were not returned by the returning board were elected; and if they had counted in others who were elected, we would have had an unquestionable majority even without the five." If you will kill off all the republicans, white and black, of course you will have a majority; but I say it is not by means like these that legislative bodies are to be elected, but such means as these poison the very fountain of the law-making power; it becomes the will of a mob, an armed mob, a ruthless, cruel mob, a mob as cruel as that which dominated in the Reign of Terror in France, and without the regularity which that had. The principle of *Magna Charta*, away back in the time of King John, in 1215, protests against proceedings like these. In article 39 of the Great Charter signed at Runnymede, on the 18th of June, 1215, by "John, by the grace of God King of England, Lord of Ireland, Duke of Normandy, Aquitaine, and Count of Anjou," in the presence of the "Army of God and Holy Church," it was promised:

39. No freeman shall be taken or imprisoned, or disseized, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land.

"Shall not be destroyed from the land!" What are you doing but destroying men from the land in Louisiana, destroying men of one political sentiment for their political sentiments? Is there anything in civilization, anything in the laws sanctioned by the public judgment of mankind since the world emerged from barbarism, that does not protest against these deeds in Louisiana?

The PRESIDING OFFICER, (Mr. Howe in the chair.) The Senator will suspend until the Chair receives a message from the House of Representatives.

Mr. SARGENT. Certainly.

DEATH OF HON. SAMUEL HOOPER.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, communicated to the Senate intelligence of the death of Hon. SAMUEL HOOPER, late a member of the House from the State of Massachusetts, and transmitted the resolutions of the House thereon.

Mr. BOUTWELL. Mr. President, I ask that the resolutions of the House of Representatives be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES.
February, 15, 1875.

On motion of Mr. E. ROCKWOOD HOAR,
Resolved, That a committee of seven members be appointed by the Speaker of the House to take order for superintending the funeral of SAMUEL HOOPER, late a member of this body, which will take place to-morrow (Tuesday) at two o'clock p. m., and that the House will attend the same.

Resolved, That the Clerk communicate these proceedings to the Senate and invite the Senate to attend the funeral ceremony in the Hall of the House of Representatives to-morrow at two o'clock.

Resolved, That as an additional mark of respect to the memory of the deceased the House do now adjourn.

Mr. BOUTWELL. Mr. President, it is with a deep sense of personal as well as of public loss that I rise to propose the resolution which usage requires.

Mr. HOOPER died at his residence in this city yesterday morning at fifteen minutes past nine o'clock. He was the senior member of the Massachusetts delegation in Congress, the second in the term of his service, and he was endeared to us all by ties of sincere respect and ardent friendship. I submit for the present consideration of the Senate the resolutions which I send to the Chair.

The PRESIDENT *pro tempore*. The Senator from Massachusetts offers resolutions which will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has received with sincere regret the announcement of the death of Hon. SAMUEL HOOPER, late a member of the House of Representatives from the State of Massachusetts.

Resolved, That the Senate will attend the funeral ceremony in the Hall of the House of Representatives to-morrow at two o'clock in the afternoon.

Resolved, That as a further mark of respect for the memory of the deceased the Senate do now adjourn.

The resolutions were unanimously adopted; and (at five o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 15, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at ten minutes after twelve o'clock.

BENJAMIN C. WEBSTER.

Mr. FRYE introduced a bill (H. R. No. 4693) for the relief of Benjamin C. Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUNDING OF TAXES.

Mr. WILLARD, of Vermont, introduced a bill (H. R. No. 4694) authorizing the refunding in certain cases of internal-revenue taxes illegally assessed and collected; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES E. BOGGS.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 4695) for the restoration of Assistant Paymaster Charles E. Boggs from the retired to the active list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM W. H. POWELL.

Mr. HAZELTON, of New Jersey, introduced a bill (H. R. No. 4696) for the relief of William W. H. Powell; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

FREDERICH HOCH.

Mr. TAYLOR introduced a bill (H. R. No. 4697) granting a pension to Frederick Hoch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. CLENDENIN.

Mr. VANCE introduced a bill (H. R. No. 4698) for the relief of H. Clendenin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES BUILDING AT NEW BERNE, NORTH CAROLINA.

Mr. VANCE also presented joint resolutions of the Legislature of the State of North Carolina, in favor of a United States custom and United States court house at New Berne, North Carolina; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

J. R. MAUREAU, J. D. PRICE, ET AL.

Mr. CAIN introduced a bill (H. R. No. 4699) for the relief of J. R. Maureau, J. D. Price, H. Norris, and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. CAIN also introduced a bill (H. R. No. 4700) to amend the act to charter the Freedman's Savings and Trust Company, and to continue the same; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DISTRIBUTION OF CONDEMNED CANNON.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 4701) for the distribution of condemned cannon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FEES AND COSTS OF MARSHALS.

Mr. SLOAN introduced a bill (H. R. No. 4702) to equalize the fees and costs of marshals of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANDREA BROUSSARD.

Mr. DARRALL introduced a bill (H. R. No. 4703) for the relief of Andrea Broussard, of La Fayette Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDMOND GUILBEAU.

Mr. DARRALL also introduced a bill (H. R. No. 4704) for the relief of Edmond Guilbeau, of La Fayette Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LORETTE A. WETSTONE.

Mr. SHERWOOD introduced a bill (H. R. No. 4705) granting a pension to Lorette A. Wetstone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TEXAS AND PACIFIC RAILROAD.

Mr. ATKINS presented a joint resolution of the Legislature of the State of Tennessee, in reference to the Texas and Pacific Railroad; which was referred to the Committee on Railways and Canals, and ordered to be printed.

AMENDATORY ACT.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 4706) to amend the act of July 4, 1864, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF OF CERTAIN PROPERTY-OWNERS IN WASHINGTON.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 4707) for the relief of property-owners in squares numbered 728, 729, and 731, in the city of Washington; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

STEAMBOAT NEW ERA, NUMBER FIVE.

Mr. CLEMENTS introduced a bill (H. R. No. 4708) to authorize the payment of prize-money to the captors of the steamboat New Era, No. 5, and cargo; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TAX UPON TOBACCO.

Mr. BUCKNER presented a joint resolution of the Legislature of the State of Missouri, protesting against the further increase of the tax on tobacco; which was referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE W. HOUSE.

Mr. HYDE introduced a bill (H. R. No. 4709) granting a pension to George W. House; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS B. CHRISTIE.

Mr. WALDRON introduced a bill (H. R. No. 4710) granting a pension to Lewis B. Christie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLERS ON PUBLIC LANDS IN FLORIDA.

Mr. WALLS introduced a bill (H. R. No. 4711) for the relief of persons who have settled upon the public lands in the State of Florida; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CAROLINE CLARKE.

Mr. WALLS also introduced a bill (H. R. No. 4712) for the relief of Mrs. Caroline Clarke of Fernandina, Florida, for property destroyed by United States gun-boats in 1862; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

Mr. HERNDON introduced a bill (H. R. No. 4713) for the better government of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. RANDALL. I ask that the bill be read in full.

The Clerk began the reading of the bill, but before concluding—

ORDER OF BUSINESS.

The SPEAKER. The morning hour has expired.

Mr. HAZELTON, of Wisconsin. I move to suspend the rules to take from the Speaker's table and pass the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam-machinery.

Mr. BUTLER, of Massachusetts. I ask the gentleman to yield for the reference of bills. Many of us have been deprived of the opportunity to present bills for reference this morning.

Mr. HAZELTON, of Wisconsin. I yield for that purpose.

IMPROVEMENTS OF MOUTH OF MISSISSIPPI.

Mr. STANARD, by unanimous consent, reported from the Committee on Commerce a bill (H. R. No. 4714) for the improvement of the mouth of the Mississippi River; which was read a first and second time, ordered to be printed, and recommitted.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4715) to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under the Geneva award;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRESERVATION OF FISH.

Mr. LUTTRELL, by unanimous consent, presented concurrent resolutions of the Legislature of the State of Nevada, relative to the preservation of fish in the Truckee River, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WESTERN UNION TELEGRAPH COMPANY.

Mr. DAWES, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be directed to inquire if the Western Union Telegraph Company have refused to transmit dispatches for the American Press Association or any other parties among the several States on account of criticisms by such association on said telegraph company, with power to send for persons and papers, and to report by bill or otherwise.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WISCONSIN CENTRAL RAILROAD.

Mr. McDILL, of Wisconsin, by unanimous consent, introduced a bill (H. R. No. 4716) authorizing the Wisconsin Central Railroad Company to straighten the line of their road; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHARLES M. BLAKE.

Mr. PAGE, by unanimous consent, introduced a joint resolution (H. R. No. 156) for the relief of Charles M. Blake, late chaplain of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PONTON BRIDGE ACROSS MISSOURI RIVER.

Mr. CROUNSE, by unanimous consent, introduced a bill (H. R. No. 4717) authorizing the Nebraska City Bridge Company to construct a ponton bridge across the Missouri River at Nebraska City, in Otoe County, Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DONATION OF CONDEMNED ORDNANCE.

Mr. GARFIELD, by unanimous consent, introduced a bill (H. R. No. 4718) authorizing the Secretary of War to deliver condemned ordnance to Post No. 28 of the Grand Army of the Republic, of Geneva, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HASTINGS AND DAKOTA RAILROAD.

Mr. STRAIT, by unanimous consent, introduced a bill (H. R. No. 4719) relating to the lands granted to aid in the construction of the Hastings and Dakota Railroad in the State of Minnesota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DONATION OF CONDEMNED ORDNANCE.

Mr. BIERY introduced a bill (H. R. No. 4720) authorizing the Secretary of War to deliver condemned ordnance to Farragut Post No. 214, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BINDING OF CENSUS RETURNS.

Mr. DONNAN, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Printing be instructed to inquire into and report upon the propriety of having the manuscript returns of the first and ninth censuses suitably bound for their better preservation and for more ready reference thereto.

JOSEPH RUOHS.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 4721) for the relief of Joseph Ruohs; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MAJOR HUGO HILLEBRANDT.

Mr. MACDOUGALL introduced a bill (H. R. No. 4722) granting arrears of pension of Major Hugo Hillebrandt, late of Thirty-ninth New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESERVATION OF GAME.

Mr. MACDOUGALL also introduced a bill (H. R. No. 4723) for the preservation of game in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CLAIMS OF DISTRICT WORKINGMEN.

Mr. O'BRIEN, by unanimous consent, presented a petition of workmen of the District of Columbia, showing the indebtedness of each contractor of the late board of public works of the District of Columbia to the workingmen of said District; and also the claims of workmen against the late board of public works, showing the amounts due to each workman by said board; which were referred to the Committee on the District of Columbia, and ordered to be printed.

PENITENTIARY BUILDINGS, ARIZONA AND DAKOTA.

Mr. McCORMICK introduced a bill (H. R. No. 4724) to authorize the erection of penitentiary buildings in the Territories of Arizona and Dakota; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS F. RYAN AND CHARLES J. KNIGHT.

Mr. KASSON, from the Committee on the Judiciary, reported a bill (H. R. No. 4725) for the relief of Thomas F. Ryan and Charles J. Knight; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

FIRST NATIONAL BANK SAINT ALBANS.

Mr. LAWRENCE, from the Committee on War Claims, reported a bill (H. R. No. 4726) providing for the adjudication of the claim of the First National Bank of Saint Albans; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LAWRENCE also, from the same committee, submitted adverse reports in the following cases; which were laid upon the table and the reports ordered to be printed:

A bill (H. R. No. 4229) relative to the steamers Philo Parsons and Island Queen; and

A bill (H. R. No. 4177) for the relief of John H. Russell, of Adrian, Michigan.

WESTERN UNION TELEGRAPH COMPANY.

Mr. MERRIAM. I move to reconsider the vote on the resolution in regard to the Western Union Telegraph Company. I did not know what it was when it passed.

Mr. BUTLER, of Massachusetts. The motion to reconsider was laid upon the table.

The SPEAKER. The Chair thinks the gentleman from Massachusetts who offered the resolution made the usual motion to reconsider, and that was laid upon the table.

Mr. MERRIAM. It passed through so rapidly that I did not know at the time what it was.

The SPEAKER. Was the gentleman in his seat?

Mr. MERRIAM. I was in my seat.

The SPEAKER. The Chair did not hear the gentleman from New York object.

Mr. MERRIAM. I did not object. I did not know what it was.

Mr. BUTLER, of Massachusetts. That is not an uncommon thing.

The SPEAKER. It is now too late.

ENROLLED BILLS.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1317) to enable Ann Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion;

An act (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;

An act (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky;

An act (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans.

An act (H. R. No. 4335) authorizing John Hazeltine to make application to the Commissioner of Patents for the extension of his patent for a new and useful water-wheel; and

An act (H. R. No. 4444) to amend an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1875.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 1799) granting a pension to Angelica Hammond;

An act (H. R. No. 3658) for the relief of William J. Coite;

An act (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States;

An act (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States; and

Joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome.

PREFERENCE OF AMERICAN LABOR AND MATERIAL.

Mr. SHERWOOD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That when the Army appropriation bill shall be under consideration it shall be in order to consider the following amendment:

In all contracts for material for any public improvement the Secretary of War shall give preference to American material, and all labor thereon shall be performed within the jurisdiction of the United States.

HOOR OF DAILY MEETING.

Mr. GARFIELD submitted the following resolution; which was read, considered, and agreed to:

Resolved, That hereafter, until otherwise ordered, the House shall meet at eleven o'clock a. m.

THOMAS W. FITCH, UNITED STATES NAVY.

Mr. E. R. HOAR. I ask unanimous consent to take from the

Speaker's table and put on its passage joint resolution (S. R. No. 15) authorizing Thomas W. Fitch, engineer United States Navy, to accept of a wedding present sent to his wife, Mrs. Minnie Sherman Fitch.

The resolution, which was read, authorizes Thomas W. Fitch, engineer in the United States Navy, to accept a wedding present of jewelry sent to his wife, Mrs. Minnie Sherman Fitch, by the Khedive of Egypt as a token of respect.

Mr. MAYNARD. Would it not be proper to amend the Senate joint resolution so as to allow this honorary present to be received by the parties in this country without payment of duty?

Mr. E. R. HOAR. I do not think it desirable to amend the resolution as the Senate passed it. Very likely as it is drawn it accomplishes the object which the gentleman from Tennessee proposes.

Mr. MAYNARD. The gentleman is probably right in his construction of the text as it is; and if so, no amendment is necessary.

There was no objection; and the joint resolution was taken from the Speaker's table, read a first and second time, ordered to a third reading, and accordingly read a third time, and passed.

Mr. E. R. HOAR moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT JUDGE OF VERMONT.

Mr. POTTER. I am directed by the Committee on the Judiciary to move to take from the Speaker's table Senate bill No. 1012, for the relief of the district judge of Vermont, in order that it may be put upon its passage at this time.

The preamble states that the present incumbent of the office of district judge for the district of Vermont is incapacitated by sickness and paralysis from performing the duties of his office, which incapacity is believed to be permanent; and the bill then provides that, the resignation of the district judge for the district of Vermont being tendered and accepted by the President of the United States, the salary now received by said judge shall be continued to him during his natural life, payable in the same manner and form as if he actually performed the duties of his office.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. POTTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS INDEMNITY BONDS.

The SPEAKER. At the expiration of the morning hour the gentleman from Wisconsin, [Mr. HAZELTON,] of the Committee on War Claims, obtained the floor to move to take from the Speaker's table and pass under a suspension of the rules the Senate bill No. 141, for the relief of certain contractors for the construction of vessels of war and steam-machinery. But prior to that there is a motion of the gentleman from New York, [Mr. TREMAIN,] which comes over from Monday last, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 4001) to provide for the redemption of overdue bonds of the United States known as Texas, indemnity bonds and to pass the same under a suspension of the rules. That motion, except by unanimous consent, must take precedence of the motion of the gentleman from Wisconsin to suspend the rules.

The Clerk will read the bill which the gentleman from New York desires to be passed under a suspension of the rules.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to the governor of the State of Texas, for the use of that State, the par value of one hundred and fifty-one bonds of the United States, and the coupons due thereon, numbered 4544 to 4694, consecutively and both inclusive, of the series of bonds issued under the act of September 9, 1850, known as Texas indemnity bonds, and to enter the same on the books of the Treasury as redeemed, upon the execution to the United States by the State of Texas of a bond to indemnify the United States for any loss they may sustain in consequence of such payment in the penal sum of \$250,000; such bond to be duly authorized by the Legislature of the State of Texas, and to be approved by the Attorney-General of the United States.

Mr. DAWES. I desire to make an inquiry. It seems to be generally understood that all legislation affecting bonds of the United States should come from the Committee on Ways and Means. Is there any reason why this bill should be an exception to that rule?

Mr. BUTLER, of Massachusetts. With the permission of the House I will give a brief explanation. During the war a portion of the indemnity bonds which were in the possession of the State of Texas, belonging to that State, were taken and carried away to Europe. A suit was brought against the holders of these bonds of the United States, and the Supreme Court of the United States decided that they belonged to the State of Texas, and were not properly taken from the treasury of the State of Texas.

Mr. HAZELTON, of Wisconsin. I rise to make a parliamentary inquiry. I understood the floor to be assigned to me for the purpose of making a motion to suspend the rules. Have I a right to object to debate on the pending bill?

The SPEAKER. The gentleman has that right.

Mr. HAZELTON, of Wisconsin. Then I object to debate.

Mr. DAWES. On a motion of so much importance as this some explanation should be left on record.

Mr. BUTLER, of Massachusetts. The report of the Committee on the Judiciary is on the record. All this that I am stating is matter of record.

Some of these bonds, the bonds included in this bill, were carried to England, and the man who has them will not put himself within the jurisdiction of the courts to have the question settled. Therefore this bill is offered simply to allow the United States to pay the interest on these bonds to the State of Texas until this man appears with them, upon the State of Texas giving a bond authorized by the Legislature to indemnify the United States for any loss they may sustain in consequence of such payment.

Mr. DAWES. What hinders the State of Texas from proceeding against the parties in Europe?

Mr. BUTLER, of Massachusetts. Where they are is not exactly known. The State of Texas is to give a bond to indemnify the United States against anybody who claims hereafter, such bond to be authorized by the Legislature of Texas and to be approved by the Attorney-General of the United States.

Mr. DAWES. How could you enforce it against a State? You cannot sue a State in our courts.

Mr. BUTLER, of Massachusetts. Pardon me; the United States can sue a State.

Mr. CESSNA. More especially if they give us a bond.

Mr. BUTLER, of Massachusetts. At any rate you can sue the sureties. I do not think there can be any objection to this bill. It passed our committee unanimously.

Mr. POTTER. It did not pass the committee unanimously, for I did not vote for it.

Mr. BUTLER, of Massachusetts. You are for it now.

Mr. POTTER. No, sir; I am against it now.

Mr. HAZELTON, of Wisconsin. I object to further debate.

The question was on seconding the motion to suspend the rules.

Tellers were ordered; and Mr. TREMAIN and Mr. POTTER were appointed.

The House divided; and the tellers reported ayes 102, noes not counted.

So the motion was seconded.

The question recurred on suspending the rules and passing the bill; and being put, there were—ayes 97, noes 41; no quorum voting.

Tellers were ordered; and Mr. YOUNG, of Georgia, and Mr. CONGER were appointed.

The House again divided; and the tellers reported ayes 107.

Before the negative vote was completed,

Mr. CONGER called for the yeas and nays.

On the question of ordering the yeas and nays, there were—ayes 19, noes 88.

The SPEAKER. The affirmative not being one-fifth of the whole vote, the yeas and nays are refused. But, as no quorum voted on the motion to suspend the rules, the tellers will resume their places. The question is, Will the House suspend the rules and pass the bill?

Mr. CONGER. It was on the yeas and nays I wanted tellers, and I rose to ask for them.

The SPEAKER. The Chair did not hear the gentleman make that demand audibly.

Mr. CONGER. I said I rose to ask them.

The SPEAKER. The Chair will submit the question of ordering tellers on the yeas and nays.

The question being put, there were—ayes 27; not one-fifth of a quorum.

So tellers on the yeas and nays were not ordered.

The SPEAKER. There must be two-thirds of a quorum in the affirmative to pass the bill. As no quorum has voted, the tellers will resume their places.

The House again divided; and the tellers reported—ayes 112, noes 43.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

RELIEF OF CONTRACTORS.

Mr. HAZELTON, of Wisconsin. I now move that the rules be suspended, and that the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam-machinery be taken from the Speaker's table and passed.

The bill was read, as follows:

Be it enacted, &c., That the claims for building vessels of war and constructing steam-machinery, referred to and embraced in the act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam machinery," approved March 2, 1867, be, and the same are hereby, referred to the Court of Claims, which is hereby vested with authority and jurisdiction to hear and determine the respective claims of the several parties: *Provided, however*, That the investigation of said claims shall be upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractors for the building of said vessels of war and in the construction of steam-machinery, in the completion of the same by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on

the part of the contractors: *And provided further*, That the compensation fixed by the contracts between the contractors and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further*, That all moneys paid to said contractors by the Government, over and above the original contract price for the building of said vessels and the construction of said machinery, shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated; and if the amounts so to be deducted in any case shall exceed the amount allowed by said court, judgment shall be entered for the excess against such claimant in favor of the United States; and said court is directed to certify such judgment and record to the circuit court of the circuit where such claimant resides; and said circuit court is hereby vested with authority to issue execution and to enforce its collection the same as if said judgment had originally been rendered therein: *And provided further*, That if any of such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding reduction shall be made from the contract price, and the amount thereof be deducted from any allowance to be made by said court to said claimants: *And provided further*, That all claims under the provisions of this act shall be presented within one year from the passage thereof and not afterward; and the claimants in their petitions shall stipulate and agree to accept and abide by all the provisions of this act.

Mr. RANDALL. Is there any report accompanying that bill?

Mr. LAWRENCE. It will take from three to five million dollars from the Treasury. The Government holds a receipt in full for these claims. The Court of Claims has decided against them.

Mr. HAZELTON, of Wisconsin. I object to that. The bill passed the Senate without objection.

The SPEAKER. The question is upon the motion of the gentleman from Wisconsin, that the rules be suspended and the bill passed.

Mr. RANDALL. I rise to a parliamentary inquiry. I ask if it is not the right of a member of the House to demand the reading of a report of its own committee upon this bill?

The SPEAKER. It would be under the rules; but this is a motion to suspend the rules, including the rule which gives that privilege. The motion of the gentleman from Wisconsin is to suspend the rules, and pass the bill.

Mr. SPEER. I would ask the gentleman from Wisconsin how many millions this bill would take out of the Treasury?

Mr. HAZELTON, of Wisconsin. I think it will save hundreds of thousands of dollars if passed.

Mr. WILLARD, of Vermont. I ask the gentleman to modify his motion so as simply to bring the bill before the House for consideration.

Mr. HAZELTON, of Wisconsin. I cannot do that; at two o'clock the Committee on the District of Columbia is entitled to the floor.

On seconding the motion to suspend the rules tellers were ordered; and Mr. HAZELTON, of Wisconsin, and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 92, noes not counted.

Mr. RANDALL. We may as well save time. I ask for the yeas and nays.

The SPEAKER. The gentleman cannot have the yeas and nays on seconding the motion.

Mr. RANDALL. No; but I withdraw the call for a further count, and will ask for the yeas and nays on the motion to suspend the rules.

So the motion was seconded.

Mr. RANDALL. I now call for the yeas and nays on the motion to suspend the rules and pass the bill.

The yeas and nays were ordered.

The question was taken; and there were—ayes 133, nays 99, not voting 56; as follows:

YEAS—Messrs. Albert, Albright, Averill, Banning, Barnum, Barrere, Bass, Beale, Berry, Biery, Bland, Bowen, Bradley, Bundy, Burleigh, Benjamin F. Butler, Roderick B. Butler, Cain, Caulfield, Amos Clark, Jr., John B. Clark, Jr., Clinton L. Cobb, Stephen A. Cobb, Cook, Corwin, Cox, Crooke, Crouse, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Eames, Farwell, Finck, Fort, Foster, Freeman, Frye, Garfield, Gooch, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, George F. Hoar, Hodges, Houghton, Howe, Hubbell, Hynes, Kelley, Kellogg Knapp, Lamson, Lampert, Lofland, Lynch, Maynard, McCrary, Alexander S. McGill, James W. McDill, Mitchell, Moore, Morey, Myers, Negley, Nesmith, Niblack, Niles, Nunn, O'Neill, Packer, Page, Isaac C. Parker, Pelham, Perry, Phelps, Pierce, James H. Platt, Jr., Poland, Pratt, Rainey, Rapier, Ray, Richmond, Rusk, Sawyer, Milton Saylor, Schell, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Stanard, Standiford, Starkweather, Charles A. Stevens, St. John, Stone, Stowell, Strawbridge, Taylor, Christopher Y. Thomas, Thompson, Waddell, Wallace, Walls, Wells, White, Whitehouse, Whiteley, John M. S. Williams, Jeremiah M. Wilson, and Wolfe—133.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barber, Beck, Bell, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Caldwell, Cannon, Cason, Cessna, Freeman Clarke, Clayton, Clements, Clymer, Conger, Crittenden, Crossland, Curtis, Danford, Duell, Durham, Field, Giddings, Glover, Gunckel, Gunter, Hamilton, Hancock, Henry R. Harris, Hatcher, John B. Hawley, Hays, Holman, Hoskins, Hunter, Hunton, Hyde, Kasson, Lawrence, Lawson, Leach, Loughbridge, Lowndes, Magee, Martin, MacDonald, McNulta, Merriam, Milliken, Monroe, Morrison, Neal, O'Brien, Orr, Packard, Pendleton, Phillips, Pike, Thomas C. Platt, Potter, Randall, Read, Robbins, James W. Robinson, Henry B. Saylor, Sener, Shanks, Sherwood, A. Herr Smith, John Q. Smith, Southard, Spear, Storm, Strait, Charles R. Thomas, Thornburgh, Todd, Tyner, Waldron, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehead, Whitthorne, Charles W. Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Barry, Blount, Burrows, Carpenter, Chittenden, Coburn, Comingo, Cotton, Creamer, Davis, Dawes, DeWitt, Eden, Eldredge, Robert S. Hale, John T. Harris, Herndon, E. Rockwood Hoar, Hurlbut, Kendall, Killinger, Lamar, Lansing, Lewis, Lowe, Luttrell, Marshall, McKee, McLean, Mills, Orth, Hosea W. Parker, Parsons, Purman, Ransier, Ellis H. Roberts, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Scofield, Sessions, Snyder, Sprague, Alexander H. Stephens, Swann, Sypher, Townsend, Tremain, Vance, Wilber, George Willard, Willie, Ephraim K. Wilson, Wood, and Woodworth—56.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following proceedings took place:

Mr. COOK said: I desire to state that my colleague, Mr. BLOUNT, is detained at his home by sickness.

Mr. COTTON. I ask unanimous consent that the reading of the names be dispensed with in order to save time for the Committee on the District of Columbia, which was entitled to the floor at two o'clock, and it is now nearly half past two o'clock.

Mr. PARKER, of New Hampshire. I object.

The list of the names was then read, and the result of the vote announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that he was directed to inform the House of Representatives that in the absence of the Vice-President the Senate had chosen Hon. HENRY B. ANTHONY, a Senator from the State of Rhode Island, President *pro tempore*.

The message further announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3825) to amend the national-bank act, and fixing the compensation of national-bank examiners.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) This being the third Monday of the month, by a standing rule of the House reports from the Committee on the District of Columbia are exclusively in order, and the gentleman from Pennsylvania [Mr. HARMER] is recognized as entitled to the floor.

Mr. STANARD. I ask the gentleman from Pennsylvania, [Mr. HARMER,] the chairman of the Committee on the District of Columbia, to yield to me to offer a resolution to fix a day for the consideration of a certain bill.

Mr. HARMER. Will it lead to debate?

Mr. STANARD. It will not.

Mr. RANDALL. Before I give consent, I ask that the resolution be read.

Mr. STANARD. I submit the following resolution:

Resolved, That the rules be suspended so that substitute for House bill No. 4620, for the improvement of the mouth of the Mississippi River, shall be made a special order for consideration in the House on Thursday, the 18th day of February, 1875, at the hour of one o'clock p. m., and that the previous question shall be called on the same at four o'clock on the same day.

Mr. GARFIELD. I object to that.

Mr. CONGER. I ask that the substitute may be printed.

There was no objection.

Mr. HARMER. I now yield to my colleague on the committee, the gentleman from Vermont, [Mr. HENDEE.]

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

Mr. HENDEE. I am instructed by the Committee on the District of Columbia to report back House bill No. 2102, to incorporate the Capitol, North O Street and South Washington Railway Company, which with the Senate amendments thereto was referred to the committee, and to recommend that the amendments of the Senate be concurred in.

Mr. ELDREDGE. I desire to state that the amendments made by the Senate to this bill are principally in relation to changes of location of the railway, as for instance from Twelfth street to Eleventh street.

Mr. POTTER. I ask that the amendments be all read.

The amendments were read.

The SPEAKER *pro tempore*. If no separate vote is asked upon these amendments, the question will be upon concurring in the Senate amendments.

The amendments of the Senate were concurred in.

Mr. HENDEE moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STREET CLEANING IN THE DISTRICT.

Mr. HENDEE, from the Committee on the District of Columbia, reported a bill (H. R. No. 4727) explanatory of the act passed June 20, 1874; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that it was the true intent and meaning of the act passed June 20, 1874, for the government of the District of Columbia, that the sweeping, cleaning, and removing all refuse and filthy accumulations in the streets, alleys, and avenues of the cities of Washington and Georgetown, and the repairs and cleaning of the sewers, are necessary municipal objects, which belong to the current expenses of the same, to be paid for in money as other ordinary municipal expenses; and directs the proper District authorities to pay the parties that have heretofore performed this class of work, from the treasury of said District, out of any money not otherwise appropriated, the amount and value of said work done since the passage of the act, with legal interest from the time the same fell due under the contract, but not till after their accounts have been approved and audited as the law directs.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX BILL FOR THE DISTRICT OF COLUMBIA.

Mr. COTTON, from the Committee on the District of Columbia, reported as a substitute for House bill No. 4688 a bill (H. R. No. 4723) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, &c., That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, there shall be levied upon all real and personal property in said District, excepting only that hereinafter stated, a tax of \$1.50 on each \$100.

SEC. 2. That the amount collected under the provisions of this act shall be distributed for the purposes and in the proportions provided by the act of the Legislative Assembly of the District of Columbia, approved June 26, 1873, entitled "An act imposing taxes for the fiscal year ending June 30, 1874," so far as said apportionment is not inconsistent with this act: *Provided*, That deficiencies in any of said funds enumerated in said act may be supplied from any surplus in either of said funds; but, unless a surplus exists, the revenues belonging to one fund shall not be applied to the purposes of any other fund.

SEC. 3. That one-half of the tax levied by this act upon real and personal property shall become due and payable on the 1st day of October, 1875, and the other one-half of such tax shall become due and payable on the 1st day of April, 1876; and in every case where the tax levied by this act shall be paid in installments as herein authorized, each of said payments shall be deemed to have been made on the several funds and for the different purposes indicated in the second section of this act; and an equal *pro rata* proportion of the payments so made shall be carried to the credit of the respective funds.

SEC. 4. That if one-half of the tax herein levied upon the real and personal property taxed by this act shall not be paid on or before the 1st day of October, 1875, said installment shall thereupon be in arrears and delinquent; and there shall be added, to be collected with such taxes, a penalty of 2 per cent. upon the amount thereof on the first day of each succeeding month until payment of said installment and penalty. And if said installment shall not be paid on or before the 1st day of April, 1876, together with the one-half of said original tax due on or before said 1st day of April, a like penalty shall be added on said last one-half of such tax; and the whole together shall constitute the delinquent tax on such part or parcel of land, to be dealt with and collected in the manner prescribed by law.

SEC. 5. That it shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes, on real property upon which the same are assessed, in arrears on the 1st day of May, 1876; and he shall, within ten days thereafter, publish the same, with a notice of sale, in the regular issue of a daily newspaper published in said District, to be designated by the commissioners of the District or their successors in office, once a week for three successive weeks, giving notice that if said taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by the said collector at public auction, at the south front of the courthouse, in the city of Washington, to the highest bidder or bidders. Upon the day specified in such advertisement, the collector shall proceed to sell any and all property upon which said taxes remain unpaid, and continue to sell the same every day until all the real property as aforesaid shall have been brought to auction. Immediately after the close of the sale, upon payment of the purchase-money, he shall issue to the purchaser a certificate of sale; and if the property shall not be redeemed by the owner thereof within one year from the day of sale, by payment of the amount for which it was sold at such sale, and 15 per cent. per annum thereon, a deed thereof shall be given by the commissioners of the District, or their successors in office, to the purchaser at the tax sale, or the assignee of such certificate, which deed shall be admitted and held to be a good and perfect title in fee-simple to any property bought at any sale herein authorized: *Provided, however*, That no such deed shall be given until after the expiration of thirty days from the time the party occupying said real estate, should it be actually occupied, and the owner thereof, if a resident of said District, shall have had at least thirty days' notice in writing from the purchaser or the assignee of the certificate of the fact of such sale and of the day of the expiration of the time for redemption; which notice shall be in such form as the commissioners of said District or their successors shall prescribe: *And provided further*, That no property advertised as aforesaid shall be sold upon any bids not sufficient to meet the amounts of tax, penalty, and costs; but in case the highest bid upon any property is not sufficient to meet the taxes, penalty, and costs thereon, said property shall thereupon be bid off by the said commissioners, or their successors in office, in the name of the District of Columbia; and if within one year thereafter such property is not redeemed by the owner or owners thereof, by the payment of the taxes, penalties, and costs due at the time of the offer of the sale, and 10 per cent. per annum thereon, a deed for said property shall be made to said District, as in cases of individual purchasers: *Provided also*, That previous to the making of such deed, notice shall be given to the occupant and owner, as provided in the case of a sale to an individual: *And provided also*, That minors or other persons under legal disability be allowed one year after such minors coming to, or being of, full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his, her, or their heirs or assigns, or from the District of Columbia, on payment of the amount of purchase-money so paid therefor, with 10 per cent. per annum interest thereon as aforesaid, and all taxes and assessments that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, 10 per cent. per annum interest on the amount of such taxes and assessments, and also the value of improvements which may have been made or erected on such property by the purchaser or by the District of Columbia, while the same was in his, her, or their or its possession.

SEC. 6. That the collector of taxes, immediately after he shall have made sale of any property as aforesaid, shall file with the comptroller a written report, in which he shall give a statement of the property advertised and the property sold, to whom it was assessed, the taxes due, to whom sold, the amount paid, the date of sale, the cost thereof, and the surplus, if any, and the lands so as aforesaid sold to the District. Any surplus remaining after collection of taxes, penalties, and costs on any real estate, shall be deposited by the collector of taxes to the credit of the surplus fund, to be paid to the owner or owners, or their legal representatives, in the same manner as other payments made by the District of Columbia.

SEC. 7. That when the installment of one-half of the taxes on personal property so as aforesaid due and payable on or before the 1st day of October, 1875, shall not be paid on or before said date, or when the remaining installment shall not be paid on or before the 1st day of April, 1876, then, and in either such event, the collector

of taxes may distrain sufficient goods and chattels found within said District, and belonging to the person, persons, association, firm, or corporation, charged with such tax, to pay the taxes remaining due under the provisions of this law from such persons, firm, association, or corporation, together with the penalty thereon and the costs that may accrue; and thereupon said collector shall immediately proceed to advertise the same, by public notices posted conspicuously in front of the court-house and in the office of said collector, and by advertisement three times for one week in some daily newspaper published in said District, stating the time when and place where such property shall be sold, all such publications to be at least six days before the day of sale; and if the taxes and penalty thereon for which such property shall have been distrained, and the costs and expense which shall have accrued thereon, shall not be paid before the day fixed for such sale, which shall be not less than ten days after the taking of such property, the collector shall proceed to sell, at public auction, to the highest bidder, such property, or so much thereof as may be sufficient to pay said taxes, penalty, and accrued costs and expense of such distraint and sale. The place for making all such sales shall be in front of the court-house. The collector of taxes shall be allowed, for making such distress and sale, the same fees as are now by law allowed to the marshal of said District for making levy and sale of property under execution. Said collector shall report in detail every such distress and sale, in writing, to the commissioners of the District or their successors in office; and his accounts, in respect to every such distress or sale, shall forthwith be submitted by him to the accounting officers of the District and audited by them. Any surplus resulting from such sale shall be paid into the treasury of the District, and, upon being claimed by the owner or owners of the goods and chattels, shall be paid to him.

SEC. 8. The property exempt from taxation under this act shall be the following and no other, namely: First, houses for the reformation of offenders, almshouses, buildings devoted to art or belonging to institutions of purely public charity; houses to improve the condition of seamen or soldiers; free public library buildings and cemeteries; secondly, the lands or grounds appurtenant to any said house or building, so far as reasonably needed and actually used for the convenient enjoyment of any said house or building for its legitimate purpose and no other; but if any portion of any said building, house, grounds, or cemetery so in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds; thirdly, bonds, coupons, currency, certificates, notes, and checks issued by the United States, or its officers, or securities or bonds of the District of Columbia; fourthly, metal, bullion, and coin in the possession or control of the United States; fifthly, imported merchandise in original packages in the hands of the importer, and property *in transitu*; sixthly, goods, chattels, and other personal property owned by persons domiciled in said District, but whose legal residence is out of said District and which property is taxed elsewhere; seventhly, money loaned in said District on the security of deeds of trust, bond, and mortgage; eighthly, the stock (so far as the individual owner is concerned) of any corporation which is taxed on its capital; ninthly, all property exempt by law from execution, including all libraries or books in use and not held for sale, not over the value of \$500, and all household, store, shop, or office furniture, or tools, not held for sale, not over the value of \$500.

SEC. 9. The assessor may interrogate all persons and the proper officers of corporations in relation to the amount, character, and value of personal property owned and held by them after having duly sworn said persons and officers, and may make such assessment in relation thereto as he may deem just and equitable from such sources as may be attainable. And any person or persons making willfully false statements in relation to the amount, character, or value of any personal property so held by them in relation to the assessment thereof, shall be deemed guilty of perjury and liable to punishment therefor according to law.

SEC. 10. That from the assessed value of the personal property only of any person there shall be deducted the amount of any valid and *bona fide* debt or debts which any such person shall individually and absolutely owe, upon the same being established by the affidavit of such person claiming deduction, specifying the particulars and amount of such debt or debts; and the affidavit may be sworn to before any assessor; but if said person shall not answer under oath all reasonable questions of the assessor touching said debts, the same shall not be deducted from the value of said personal property.

SEC. 11. That the stock of all corporations in said District (not herein exempted) shall be appraised in bulk by the assessors, and the corporation issuing the same shall be liable for the tax thereon according to such value; but from the appraised value of the stock shall be first deducted the value of any real estate of said corporation in said District, which shall be separately taxed against said corporation.

SEC. 12. That the commissioners of the District, or their successors in office, shall appoint five competent persons to be assessors, and to hold office for the term of one year, the salary of each of said assessors to be \$500 per year. Said assessors shall, before the 1st day of May, 1875, under the direction of the superintendent of assessments and taxes of said District, assess the value of all the real and personal property in said District liable to taxation hereunder, and shall state the same separately, in books to be kept in a systematic manner; and such value for taxation shall be the true value in the lawful money of the United States of the property so assessed. The assessed value shall have reference to the date of the 1st day of April, 1875. Said assessors shall, between the 1st day of May, 1875, and the 30th day of May, 1875, hold daily sessions for the purpose of equalizing the assessments theretofore made by them, and for the purpose of hearing and determining any and all appeals from the valuation theretofore made by them. Each assessor shall, at the meetings of the assessors as aforesaid, make full and detailed reports of his acts as such assessor. And during said period they shall have power to revise assessments theretofore made by them, or any of them, by either justly increasing or justly diminishing any particular assessment. Upon the assessments so as aforesaid made and finally revised, the tax hereinafter provided for shall be levied, and the collector of taxes shall be in readiness to receive payment of the same on and after the 1st day of July, 1875. Said assessors, before entering upon their duties shall respectively take or subscribe an oath or affirmation, before any officer authorized to administer oaths or affirmations in said District, to faithfully discharge the duties of their said office; which oaths, when taken, shall be certified by the person before whom the same shall have been taken, and shall be filed with the commissioners of the District.

SEC. 13. That the treasurer of the District, upon receiving any moneys, shall forthwith deposit the same in the Treasury of the United States; and said moneys thus deposited shall be drawn from the Treasury of the United States only in such sums and at such times as the same shall be actually required, and only for expenditures authorized by law, and only upon warrants of the accounting officers of the District, issued under the direction of the commissioners of the District or their successors in office.

SEC. 14. That the commissioners of the District or their successors in office are hereby authorized to reduce, adjust, and equalize the pay or salaries of all officers or employees payable from the funds of the District government in whole or in part: *Provided, however,* That the aggregate sum of pay and salaries shall not be increased beyond the present aggregate amount of pay and salaries.

SEC. 15. That the commissioners of the District, or their successors in office, shall have power to make contracts for necessary special improvements: *Provided,* That every such contract shall, in respect of the indebtedness thereby incurred or contemplated, come within the limits of the sum provided for such purposes by congressional enactment before the making of such contract, added to the contribution toward the cost of work under such contract assessable upon property (not including property belonging to the United States) adjoining and to be specially benefited

by the improvement contracted for, and such assessments shall be assessable and collectible only on completion of the work and in the same manner and in the same proportion as such assessments are under existing laws. But before the making of any such contract, the plan of improvement proposed shall be submitted for approval to a board of officers, to consist of the Chief Engineer of the Army, the engineer in chief of public buildings and grounds, and the engineer in charge of the public works of the District of Columbia.

SEC. 16. That the third section of the act of the Legislative Assembly of the District of Columbia entitled "An act prescribing the mode of assessment for special improvements and providing for the collection thereof," approved August 10, 1871, shall be, and is hereby, amended so that all sales under said law shall be advertised twice a week for three successive weeks, instead of as heretofore required.

SEC. 17. That the property of the District of Columbia shall be exempt from distraint, attachment, levy, and sale on execution or decree of any court; and said District shall not be made garnishee in any suit at law, or be compelled in equity to pay to one person what said District has or shall have contracted to pay to another.

Mr. RANDALL. I raise the point of order that this bill must receive its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The point of order is well taken; and the Chair desires to remind the gentleman having the bill in charge that if the House should go into Committee of the Whole at this time, this bill would be the first thing upon the Calendar of District business.

Mr. RANDALL. I have no objection to going into Committee of the Whole; but I desire that we shall have full opportunity to discuss and amend the bill.

Mr. COTTON. I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. TYNER in the chair,) and proceeded to the consideration of the bill (H. R. No. 4728) for the support of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes.

Mr. COTTON. I ask that all general debate on this bill be terminated in one hour. I shall not myself occupy more than fifteen minutes.

Mr. FORT. I object to the limitation of debate.

Mr. RANDALL. I wish to suggest to the gentleman from Iowa [Mr. COTTON] that he give us some general review of the provisions of the bill.

Mr. COTTON. I propose to do that.

Mr. Chairman, this bill proposes to levy a uniform tax of 1½ per cent. upon property in the cities of Washington and Georgetown as well as in the county outside of those cities. The bill makes personal property subject to taxation aside from certain small exemptions. It also taxes church property. The House would undoubtedly like to understand how the taxation proposed in this bill will leave the District in respect to paying the current expenses and the interest on the District debt.

The last assessment of real property in the District amounted to \$98,000,000. But there was general complaint that the assessment was too high, and the commissioners conceded that that was perhaps a high valuation. The next assessment in their opinion will show a valuation of about \$90,000,000. The last valuation of personal property in the District, made some two or three years ago, was \$11,000,000. The church property, appraised last year under the act of June, 1874, amounted to \$1,500,000. This gives a basis of \$102,500,000. A tax of 1½ per cent. upon that basis will yield \$1,537,500. The commissioners estimate a deduction of 10 per cent. for failures to collect the tax, which would give a net tax of \$1,383,750.

Mr. RANDALL. Before the gentleman leaves that subject, I would like to inquire whether the \$90,000,000 of real property includes public property?

Mr. COTTON. No, sir; that is not included. The commissioners estimate the receipts from licenses to amount to \$175,000 and water rents \$65,000; making as the total net revenue \$1,623,750 for the support of the government of the District for the fiscal year ending June 30, 1876.

As against that, the commissioners give us the following estimates:

Interest on \$8,883,940.43 of gold bonds issued by the corporations of Washington and Georgetown and other gold bonds.....	\$617,554 00
For special improvements, keeping up repairs of streets, &c.....	400,000 00
Gas for streets and public buildings.....	144,000 00
Metropolitan police.....	136,423 00
School teachers.....	265,000 00
Expenses of public schools.....	118,000 00
General fund of the District, including estimate of engineer.....	1,074,823 00
Interest on \$10,000,000 of 3.65 bonds, not all yet issued but expected to be issued.....	365,000 00
	3,120,800 00

Mr. FORT. Will the gentleman inform us how many of the 3.65 bonds have been issued?

Mr. COTTON. Let me finish my statement. The aggregate I have just given leaves a deficit of \$1,497,050 (if the tax is placed at 1½ per cent.) to be provided for by an appropriation by Congress. Taking the basis as furnished by the commissioners, that is the deficit which Congress must expect to meet by an appropriation, if this rate of taxation be adopted.

Mr. LOUGHRIDGE. What would be the deficit if the tax were fixed at 2 per cent. instead of 1½ per cent.?

Mr. COTTON. I have a statement of that. Upon a taxation of 2 per cent. the commissioners estimate a deduction of 15 per cent. for failures to collect; and on that basis there would be a deficit of \$1,183,300.

There was some difference of opinion in the committee as to whether the rate of tax should be 2 per cent. on property in the cities of Georgetown and Washington and $1\frac{1}{2}$ per cent. on property in the county; or whether the tax should be $1\frac{1}{2}$ per cent. upon all the property of the District.

Mr. SMITH, of Ohio. The committee have, as I understand, fixed $1\frac{1}{2}$ per cent. as the rate upon all property.

Mr. COTTON. Yes, sir. Were 2 per cent. taxation imposed upon property in the cities of Georgetown and Washington and $1\frac{1}{2}$ per cent. upon country property, the deficit would then be \$1,183,300.

So the House will understand what is to be made by Congress in the way of appropriations, this basis being established according to the figures furnished by the commissioners.

In regard to personal property, the committee decided to include taxation of that class of property, giving pretty liberal exemption to persons having small amounts.

In regard to church property, the committee have adopted the rule of the act of last June, and therefore have struck that out from property exempted from taxation. It is, of course, under this bill subject to taxation like all other property.

There is a clause in the bill exempting from taxation money loaned on bond and mortgage in the District. Somebody near by asks why that should be exempted? I may say on that point the committee had differences of opinion. It was alleged that to tax money loaned on bond and mortgage was really to tax the borrower, because the lender would add that much more to the debt to be paid by the borrower. The committee, by a majority vote, decided to exempt from taxation money loaned on bond and mortgage.

Mr. MERRIAM. Why does the bill exempt savings-banks from taxation, as savings-banks in the District of Columbia are doing a regular banking business?

Mr. COTTON. That was struck out by the committee after the bill was printed, and is not to be included in the bill now before the House.

In addition to the parts of the bill referring to taxation, there are some sections at the end having for their object the adjustment of salaries of officers in the District. We have had applications to increase the pay of certain officers in this District, and to restore the 20 per cent. taken off by the act of June last. We have declined to pass any bill of that character. However, it has been thought there are some officers whose pay should be increased while that of others should be reduced, and a provision is made for the equalization of salaries, but with the limitation that in any adjustment of salaries the aggregate expense on account of salaries shall not exceed the sum now paid.

There is a clause that contracts for special improvements shall not exceed the appropriations made in advance of the lettings for such contracts. These contracts, it is also provided, shall first have the approval of certain officials of the General Government.

There is a section in regard to advertising delinquents for taxes. The present law requires the advertising daily for three weeks in newspapers, resulting in great expense. This reduces the number of weekly advertisements to two, which will be a great saving to the tax-payers of this District.

We are told by the attorney for the District that there is now no law exempting property of this District from levy and sale under execution. We think there should, and especially so long as Congress retains under its control the power to provide for paying the debts of the District by taxing the property therein, and we have inserted a provision in this bill exempting from such levy and sale the property used by the District—in actual use for corporate purposes. There is other property not in actual use which should also be exempted. There is ground bought for a market square of large value and other property, and these creditors who claim they should not take the 3.65 bonds may wish to enforce payment in cash under proceedings taken during the vacation of Congress to recover judgment, and before Congress assembles next winter may sell this property owned by the District. In that way payment in cash may be compelled for at least a portion of the debts contrary to the wish of Congress.

We have therefore put in the bill a clause exempting all property owned by the District from levy and sale under execution. That is correct so long as Congress takes entire charge and control of the manner of paying these debts.

I have now stated the general features of the bill. The other details are of like character to the laws of the several States.

There is a penalty of 2 per cent. a month imposed upon parties in default in the payment of their taxes. The commissioners have told us that they have experienced great disappointment in the District because the taxes have been withheld and not paid promptly. The provision of the bill is a penalty of 2 per cent. a month, or 24 per cent. per annum, against all such delinquents.

As parties here receive their money monthly, it has been thought they could better provide for paying at two periods of the year than to set apart money to pay all at one time. We have therefore made a provision in that regard.

The committee are desirous of making this bill conform to the wishes of the House, and as we are now in Committee of the Whole, members have full opportunity to do so. As the committee for the District of Columbia have a large amount of business, I hope too much time will not be taken up with this one bill. The House can

perfect it to suit itself. We present it as the report of the committee. As I have already stated, there were some differences of opinion as to what should be the subject of taxation.

Mr. RANDALL. I should like to ask the gentleman a question.

Mr. COTTON. I yield for that purpose.

Mr. RANDALL. The first section provides for taxing all the real and personal property in the District except as enumerated in the eighth and tenth sections, which include certain exemptions not exceeding \$500. In other words, the bill provides for taxing all personal property above \$500 in value. I want to know of the gentleman who has charge of the bill whether that would not be taken to include this very Capitol—the very seats upon which we sit as well as the Library of Congress? I see no reason why these are not included, because the language seems to apply to all personal property. I should like to amend so as to exclude such property from the operations of this bill.

Mr. MERRIAM. All Government property.

Mr. RANDALL. Not all Government property, but all property actually owned by the United States should be excluded.

Mr. COTTON. We have no objection to that amendment. The exemptions here are copied largely from the Morrill bill.

Mr. FORT. Will the gentleman from Iowa inform the committee how many of the bonds provided for in the law of last session have been issued?

Mr. COTTON. I am asked how many of the 3.65 bonds have been issued. I made that inquiry this morning at the office of the District commissioners. They said it could be precisely ascertained at the office of the sinking fund commissioner, but they estimated that the amount issued and to be issued shortly would be \$10,000,000. Many persons who hold audited certificates on which they can obtain these bonds have been holding them back, in the expectation of getting some better method of payment. And I was informed that since Congress passed the act curing certain defects in the law under which these bonds were issued, parties are coming in to take them. What may be the exact amount I do not know.

Mr. FORT. It is a fact, is it not, that the interest on the whole of these bonds has been appropriated?

Mr. COTTON. It is, and for this reason: That the interest on all these accounts, whether audited or unaudited, converted or not converted, is made to stop by the law of last June, at the time the interest on these bonds commences. So it is only fair that the parties, whether they take the bonds to-day or a month hence, shall have interest from a fixed date, the same as other creditors have had interest who converted earlier. It makes the rule uniform and just.

I yield now to the gentleman representing the District, [Mr. CHIPMAN,] who desires to address the committee.

Mr. RANDALL. I would suggest to the gentleman from Iowa that the first section be read, and I will then offer my amendment.

Mr. LOUGHRIDGE. I understand that the general debate on the bill is still proceeding.

Mr. RANDALL. Then I withdraw my amendment for the present. Mr. WILLARD, of Vermont. Before the gentleman from Iowa yields to the gentleman from the District I desire him to answer the question which I addressed to him while he was making his remarks. In the estimate of expenses for the fiscal year ending June 30, 1876, there is this item: "General fund of the District, including estimates of engineer, \$1,074,823." Nearly one-half the estimate of expenses is there included, and yet no items are given. I desire the gentleman from Iowa to inform the committee what items enter into that estimate.

Mr. COTTON. In answer to the gentleman I will send to the desk to be read a detailed statement of what constitutes that estimate.

The Clerk read as follows:

DISTRICT OF COLUMBIA, COMPTROLLER'S OFFICE,
Washington, February 13, 1875.

Detailed statement of items comprised under heading of general fund in estimates for fiscal year ending June 30, 1876:

Washington Asylum	\$32,417 50
Georgetown almshouse	2,439 40
Reform School	14,000 00
Board of health	40,320 00
Fire department	84,683 00
Salaries District of Columbia employes other than police, fire department, and public schools	362,000 00
General advertising	25,340 00
Sweeping streets	80,000 00
Support paupers at Insane Asylum	5,826 00
Repairs to wood pavement, per estimate engineer District of Columbia	63,298 93
Repairs to concrete pavement, per estimate engineer District of Columbia	45,918 60
Repairs to county roads and bridges	6,667 00
Repairs of pumps	9,975 00
Cleaning alleys	29,900 00
Cleaning sewers and traps	7,200 00
Removal of ashes	10,200 00
Expense of parking commission	12,000 00
Gas-lamps and repairs	1,930 00
Rent of public buildings	19,820 00
Repairs to public buildings	36,400 00
Miscellaneous, including fuel, stationery, and contingencies; books, furniture, fixtures, repairs, &c.	84,487 57
Total	1,074,823 00

Respectfully,

BEN. R. HOWELL,
Book-keeper Comptroller's Office.

To Hon. COMMISSIONERS DISTRICT OF COLUMBIA.

Mr. COTTON. I now yield to the gentleman from the District.

Mr. CHIPMAN. Mr. Chairman, I had prepared with some care a brief which I proposed to follow with the view of setting before the House, perhaps for the last time I shall have the opportunity to do so, the exact condition of affairs in the District of Columbia; more particularly with the view of pointing out what I regard as the legal and moral obligations of the District touching the matter of debt and the legal and moral obligations of the United States in respect to the same matter. But we have a great many bills to report to-day. Some of them are important, although not so much so as the one before the committee, and I shall forego this desire of mine unless in the course of the discussion on this bill it may become necessary for me to state particular facts. I will ask the House however, to grant me the privilege to allow my brief to appear in the RECORD, where it may be examined to-morrow by members who desire to look into it.

The CHAIRMAN. The gentleman can submit that question to the House. The Committee of the Whole has no power to grant his request.

Mr. CHIPMAN. I see no disposition on the part of the committee to refuse a just bill for taxing those people, and I think it would be idle in me, and almost criminal, to consume time so valuable to the District, this being their last day during this Congress.

Mr. COTTON. I now yield five minutes to the gentleman from Vermont, [Mr. WILLARD.]

Mr. WILLARD, of Vermont. The only point to which I desire to call the attention of the committee is this very question which I supposed the gentleman from the District was prepared to discuss, and that is, the question of the proportion of the expenses of this District that should be borne by the United States and the proportion that should be borne by the District.

I regret, therefore, that the gentleman has not submitted to the committee his views upon that question, in his speech for which he had made elaborate preparation. It will be noticed, as has already been stated by the gentleman who reported this bill, that it proposes to raise a tax amounting in all to less than \$2,000,000. One footing is \$1,800,000 on the basis of an assessment of \$90,000,000, and the other is \$1,964,000 on a basis of \$98,000,000. The only other receipts that are estimated are receipts from licenses, estimated at \$175,000; and water rents, estimated at \$65,000; making about \$2,000,000. Put a tax of 6½ per cent. thereon and you raise only \$1,500,000 or a little more, and this bill only provides for a tax of 1½ per cent.

Now, Mr. Chairman, the expenses of the District, as estimated here, are \$2,755,800 for the next fiscal year, and that does not include the interest on the \$10,000,000 of 3.65 bonds, as they are called, which the gentleman tells us will be issued, so that interest will have to be paid during the next fiscal year, making the expenses of the District \$3,120,800; and we propose to raise here a little more than \$1,500,000, perhaps at the outside \$1,600,000, leaving \$1,500,000, in that event, to be paid by the Government. In other words, it is proposed to assess on the property of the District a sum large enough to pay on the expenses and indebtedness of the District only one-half, leaving to the General Government to pay the other half.

Now, although Congress has endeavored at several times during the short time I have been a member of it to get at some basis of settlement and adjustment of this matter of the burdens of the District, yet we have never had any adjustment of it upon any basis of law, but this proposition certainly anticipates a much larger expenditure on the part of the General Government than, I think, has ever been anticipated before by any Congress. It proposes that the United States Government shall be at one-half of the charge of the current expenses of the District.

Mr. Chairman, it should be borne in mind right in this connection that not only is the Government to do this, but in addition it is to pay all the charges for policing its own public buildings and grounds, to pay for all improvements on its public grounds; and when the sundry civil appropriation bill is brought in here we will find hundreds of thousands of dollars, I have no doubt, provided for in that bill for various matters about this District quite outside of these current expenses, so that if we are called upon to pay \$1,600,000 for the current expenses of the District, we shall within the next fiscal year pay much more than \$2,000,000 toward the various public institutions and toward the current expenses of the District of Columbia.

Now, sir, it does not seem to me that this is what can fairly be asked or required of the United States. While I do not suppose any gentleman on this floor would object to the Government paying anything like what may be deemed a fair proportion of the expenses of the District, whatever that proportion may be, of the expenses occasioned by reason of the capital being here, yet that it should be called upon to pay one-half or more than one-half of the expenses of the District seems to me to be extraordinary.

[Here the hammer fell.]

Mr. WILLARD, of Vermont. Will the gentleman allow me five minutes longer?

Mr. COTTON. I have no objection to allowing the gentleman five minutes longer to enable him to finish his remarks, but under the five-minute rule gentlemen can offer their amendments and discuss them to their satisfaction. I ask that after the gentleman from Vermont shall have concluded his additional five minutes and the Delegate from the District of Columbia has been allowed five minutes to reply, general debate on the bill be closed, and then gentlemen under

the five-minute rule can offer their amendments and make explanations of them.

Mr. FORT. I object to that arrangement.

The CHAIRMAN. The gentleman from Iowa [Mr. COTTON] is entitled to the remainder of his hour, and yields five minutes to the gentleman from Vermont, [Mr. WILLARD.]

Mr. WILLARD, of Vermont. I was about to observe that the rate of taxation provided in this bill, \$1.50 on \$100 of valuation, is not a high rate. There are many localities in which the people pay a much higher rate of taxation than that. I have paid in my own town in Vermont for several years past a tax as high as three dollar on \$100 of valuation, and in many other localities they pay as much.

Mr. GARFIELD. Is that upon the real valuation?

Mr. WILLARD, of Vermont. The law of Vermont provides that the tax shall be for the full valuation. I presume that in some cases the valuation does not reach the full amount, but the law of Vermont requires that the tax shall be on the actual valuation of the property. Now, I know that there are other localities where they pay \$3.50 on \$100 of valuation. Of course every one who has a tax to pay is glad to have the valuation as low as possible, yet inasmuch as the improvements and expenses here are mainly for the benefit of the people of the District, I see no reason why the property of the District should not pay a fair proportion of the burden. As I do not care to occupy the time of the committee further, I merely give notice that when the bill is open to amendment I shall move to make the taxation at the rate of \$2.50 on the \$100 instead of \$1.50.

Mr. MERRIAM. I would ask the gentleman if he will not exclude from that high rate of taxation property outside of the city limits?

Mr. WILLARD, of Vermont. I have no objection to that.

Mr. RANDALL. That ought to be done.

Mr. COTTON. I now yield for five minutes to the Delegate from the District.

Mr. CHIPMAN. Mr. Chairman, where there is so much to be said bearing on this question, it will be very difficult to compress it within five minutes; but the committee will be glad to know, I think, that I will endeavor to do it. I think it a great misfortune that the joint committee provided for by the act of June 20, 1874, did not perform that part of the duty assigned them which required them to fix the just proportion of taxation between the United States and the citizens of the District. At least three reports have been made to Congress by various committees, in which it has been shown by elaborate statements and facts that the just proportion to be paid by the Government would be at least one-half. I assume that the gentleman from Vermont [Mr. WILLARD] is willing to admit that a proportion of about one-half would be a fair proportion.

Mr. WILSON, of Indiana. What committee has made that report?

Mr. CHIPMAN. I refer now to a report made by Senator Southard in 1832 and one made by Senator Brown in 1858, both to the Senate; to a report made by the Committee on the District of Columbia of the House in the Forty-second Congress, and a report made by the Committee on the Judiciary of the House in the Forty-third Congress.

Mr. WILSON, of Indiana. I beg to inform the gentleman that the Committee on the Judiciary never made any such report.

Mr. CHIPMAN. I am not here to dispute with the gentleman what that committee did. There is a report on the files of this House made by the Judiciary Committee and submitted by Judge POLAND. And the committee, of which the gentleman had the honor of being chairman on the part of the House, made a report upon the subject. While in the latter report it is not stated that the proportion should be one-half, it was intimated that there should be a just proportion of the expenses paid by the United States. In all the other reports the statement was made that a fair proportion would be one-half. Now, assuming that to be the judgment of prior Congresses, and arguing on that basis, I will attempt to answer the gentleman from Vermont, [Mr. WILLARD.]

Mr. SMITH, of Ohio. Including the items which are now given in the appropriation bills as a deficit, would it not amount to more than one-half?

Mr. CHIPMAN. No. I think it is a mistake to have these various items of appropriation for this purpose. This bill is important in order to rid the sundry civil appropriation bill of all these various items. If the District of Columbia receives benefits from any association, asylum, or other institution to which you appropriate money, we should pay our proportion toward its support, and usually we do it. I think in all cases we pay a proportion of the support of these institutions.

The gentleman from Vermont [Mr. WILLARD] proposes to move an amendment to increase the rate of taxation to \$2.50 upon the hundred. Now, while you may vote any such proposition as that, it will not be possible for you to enforce it. Let me tell you that there are now delinquent taxes in this District, including the last levy of 3 per cent., a sum amounting to over \$2,500,000, assuming the figures to be true as stated by the commissioners of the District to this House. In addition to that there are over \$3,000,000 due from the people in the nature of special assessments against their property for improvements in front of their property. That makes practically due and delinquent to-day taxes to the amount of over \$5,000,000. And of the 3 per cent. tax which you levied upon the cities of Washington and Georgetown there is delinquent over \$1,500,000, notwithstanding the penalty you attached, and notwithstanding the induce-

ment you held out in favor of prepayment, to wit, the reduction of 1 per cent. a month.

It is not because our people are unwilling to pay the taxes. I think that as a rule there is no community that pays its taxes more cheerfully than does the community of the District of Columbia. But they are absolutely unable to pay the taxes. We have no revenues here among our people as you have in most of your cities. We have no manufacturing interests. You have declared by the very policy of your Government that we shall have no commercial or manufacturing interests here. Our harbor is neglected. The navy-yard here, which is your own child, is absolutely being throttled because you will not appropriate a little money to clean out the sand in the channel toward the Potomac River.

The policy of the Government is that this shall not be anything but a political residence. Our people are supported mainly in trafficking among themselves in the way of small trade, upon the basis of money paid out in this capital in the way of salaries and other disbursements of Government. And I might name on the fingers of my two hands the business houses in this city that may be said to be making money to-day. We therefore cannot pay anything more than a fair tax based upon the theory upon which this District of Columbia is compelled to exist.

Mr. SMITH, of Ohio. Can the gentleman tell us how much Government money is disbursed in this city in a year?

Mr. CHIPMAN. I cannot tell exactly. I have heard it estimated, and I believe that about \$20,000,000 are disbursed in this District annually. It is upon those disbursements, passing from hand to hand, one man purchasing his clothing, another his marketing, and so on, that our people live; except those who come in here temporarily to spend the winter.

[Here the hammer fell.]

Mr. RANDALL and others. Go on.

Mr. COTTON. I will yield three minutes longer to the gentleman.

Mr. CHIPMAN. I am obliged to the gentleman for his courtesy.

The proposition made by the committee is to levy a tax of 1½ per cent. uniformly over the District. The practical question is, what will that yield? We propose to tax personal property in this District, which will add to the assessable property \$11,000,000, upon the basis of the tax upon personal property in 1871. I suppose the amount is now much larger; I suppose we may estimate there will be \$15,000,000 of personal property liable to taxation under this bill. Assuming that we will have \$15,000,000 of personal property to be taxed, and that the real estate will be reduced under this bill, as I think it ought to be, to \$90,000,000, we then have a basis of assessment for revenue of \$105,000,000, upon which a tax of \$1.50 per each hundred dollars is to be levied. In addition to that, we have revenue from licenses, from fines, and other sources amounting I should think to about \$250,000. So that I think I can state with confidence that the bill as now reported will yield in round numbers a revenue of \$1,750,000—certainly over \$1,500,000, making all allowance for every conceivable dropping off in every conceivable direction.

Now, what is the entire estimate, including interest on all the bonded debt, the 3.65 and every other class of indebtedness, and all possible expenditures? The estimate is \$3,120,800. It will be seen, therefore, that a tax of \$1.50 on \$100 will, together with our other revenues, produce a revenue of more than one-half the amount necessary to sustain this District and maintain the improvements here during the next fiscal year.

Mr. SMITH, of Ohio. That does not include, I presume, the appropriations for the District in the miscellaneous appropriation bill.

Mr. CHIPMAN. In answer to the gentleman from Ohio, I will say that there are some items in the appropriations of Congress that should be considered in relation to this matter. For example, you appropriate for the Metropolitan police and for the fire department under separate laws.

Mr. SMITH, of Ohio. How about the lunatic asylum?

Mr. CHIPMAN. The insane institution is no more to be supported by taxation from the District of Columbia than the Treasury Department. We ought never to be called upon to pay any proportion of the appropriations necessary for that institution, as the chairman of the Committee on Ways and Means [Mr. DAWES] or the chairman of the Committee on Appropriations [Mr. GARFIELD] will readily explain to the gentleman. That asylum is an institution for the support of which, like the Soldier's Home, we ought never to be called upon to contribute.

I think I have demonstrated that the people of this District cannot pay a greater tax than that now proposed, if you are to rely on anything like prompt payment. You may get possession of the property of the people of the District under the marshal's hammer, but you cannot force people to pay what they have not got.

Mr. SMITH, of Ohio. The gentleman has said that the people of the District should not contribute to the support of the insane asylum. I ask him whether that institution does not accommodate the insane of the District?

Mr. CHIPMAN. O, yes. But that institution maintains insane from your State and others as well as from this District.

Mr. SMITH, of Ohio. We take care of our own insane in Ohio.

Mr. CHIPMAN. This is a Government institution, and mainly for the support, I believe, of the insane of the Army and Navy.

Mr. DAWES. It is for the support of the insane of the Army and Navy and also of the indigent insane of the District. Those who are able to do so pay for their support.

[Here the hammer fell.]

Mr. COTTON. The main question, I suppose, in connection with this bill is as to the rate of taxation. That question will properly come up when the section fixing the rate of taxation is read for amendment. Gentlemen can then make their five-minute speeches upon amendments. I hope that now general debate on the bill will be closed by unanimous consent, and that we may proceed to have the bill read by sections. I make that request.

Mr. FORT. At some stage in the consideration of this bill I should like to occupy about three minutes.

Mr. RANDALL. The gentleman can take the floor now in his own right.

The CHAIRMAN. The gentleman from Illinois [Mr. FORT] will be entitled to the floor at any time when it may be yielded to him by the gentleman from Iowa, [Mr. COTTON,] or at the expiration of that gentleman's hour.

Mr. COTTON. I will yield five minutes to the gentleman from Illinois, provided it be now understood that general debate shall be closed when he has concluded his remarks.

The CHAIRMAN. The Chair heard no objection to the proposition except that of the gentleman from Illinois.

Mr. COTTON. Then with that understanding I yield five minutes to the gentleman.

Mr. FORT. Mr. Chairman, I desire to say that I have not the slightest unfriendly feeling toward the District of Columbia or Washington City or a single one of its inhabitants; but it has always seemed to me proper that the people residing in this District and enjoying all the comforts and privileges of the city should pay some tax upon their personal property.

I do not believe and never have believed that all the taxation to support this city and District should be paid by the people resident here. The Government, having established its capital here and having immense property here, ought properly to pay a large portion—at least a considerable portion of the expenses of the District. But it has occurred to some that the affairs of this District have been so managed, without any view to economy, that vast sums of the people's money have been expended here in making improvements which properly ought not to have been made. Paved streets have been extended into corn-fields; and for these improvements the people residing here do not pay the taxes, nor do the people who own the land through which the improvements have been made; but the tax is paid by the people of my district and the districts of other gentlemen on this floor. As I understand the present indebtedness of this city, the people of my district will have to pay \$65,000 to relieve that indebtedness. They have a right to know why all this expenditure has been made, and I have an idea that one great reason why this extravagant outlay has been made is because people here who manage the affairs of this city have themselves paid but very little tax.

In my judgment the per cent. of taxation proposed in this bill ought to be increased. The gentleman from this District [Mr. CHIPMAN] has resided so long in this paradise where comparatively no taxes are paid that he thinks the people cannot pay 2½ per cent. The town in which I reside pays more than that percentage for school tax alone; and I think that on the average the people of the United States generally do the same. Yet the gentleman representing this District is not willing the people here shall pay a tax of 2½ per cent. for all the advantages which they enjoy. There is something strange about this.

Mr. CHIPMAN. I do not know how it is in the gentleman's State, but in most of the States the assessment is greatly below the actual value. Here, however, it is thought by the best informed to be almost up to the real value of the property.

Mr. FORT. I am speaking of school taxes alone. When it comes to speak of all manner of taxation, the average in the States of the West amounts to 5 or 6 per cent. of the assessed value. But I must hasten on as my time is brief.

The gentleman from Iowa has told us that they cannot here collect the enormous taxes imposed; that they are in default already to the extent of millions. This seems to me to be somewhat strange. Cannot the law be enforced here as elsewhere in the United States? Is it that the people do not wish to pay a dollar toward the support of their local government? I do not wish to saddle upon them too much taxation. I wish the Government to pay some of the amount necessary for carrying on the Government here, but I do not think the Government should pay it all.

This bill also proposes to impose a tax upon church property. I am not here as the champion of any church, or of the churches generally, but I do not believe in the policy of taxing church property. Churches here as elsewhere have been erected in obedience to Christian duty. When you allow church property to be taxed, as a matter of course, if there should be any delinquency in the payment of such taxation, that property set apart for religious purposes would be subject to levy and sale under execution for debt. I do not believe any gentleman here desires to see any such thing in this District. I do not suppose anybody here would look to see churches, built by those who have gone before us, sold for taxes. It may be that in some States church property is taxed; I do not know how that is; but it occurs to me

the people of the United States would be willing to pay the proportion of taxes due from this church property. I care not whether the church property belongs to Catholics or Baptists, Methodists or Presbyterians, or to whatever religious denomination it may belong, it seems to me such property should be exempt from taxation. These are public institutions and exercise a good influence upon society. In my judgment it is bad policy to tax them at all.

Now this bill provides, as I understand it, for taxing all Government property except its money or bullion, or the notes belonging to the United States.

Mr. CHIPMAN. O, no.

Mr. FORT. If I am mistaken, I am happy to know it.

Mr. CHIPMAN. An amendment has been put into the bill covering that point.

Mr. FORT. The committee have come in here with a substitute, of which we have not a printed copy upon our tables.

Mr. CHIPMAN. O, yes; you have a printed copy.

Mr. RANDALL. No, there is no printed copy as the bill is presented.

Mr. CHIPMAN. It is the same bill with the exception that we have struck out some exemptions. The bill before the House is severer in its provisions than the printed one. It was an oversight these things were included in the printed bill.

Mr. FORT. I am glad to know the property of the Government has been exempted from taxation.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. I now ask that the bill be read for amendment.

The Clerk read as follows:

That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, there shall be levied upon all real and personal property in said District, excepting only that hereinafter stated, a tax of \$1.50 on each \$100.

Mr. RANDALL. I move to amend by adding the following.

The Clerk read as follows:

That the assessment and tax levied shall not be held to apply to any property real or personal owned by the United States.

Mr. COTTON. We have no objection to that amendment.

The amendment was agreed to.

Mr. RANDALL. I move to add as follows.

The Clerk read as follows:

And all property owned and used for church or charitable purposes shall be exempt from any such taxes.

Mr. FORT. That should come in in the eighth section.

Mr. RANDALL. I will reserve it then till we reach that section.

Mr. GARFIELD. I offer the following amendment, to come in after the amendment just adopted on motion of the gentleman from Pennsylvania, [Mr. RANDALL.]

The Clerk read as follows:

That the Secretary of the Treasury shall detail a board of three officers of the Treasury, who shall make a careful estimate of the value of real estate owned by the United States in the District of Columbia, said estimate to be made as nearly as practicable on the same scale of valuation as on private property in the District, with a view to enable Congress to determine what share of the expenses of the said District the United States should pay.

Mr. GARFIELD. Mr. Chairman, I desire simply to say the thing most to be done to enable Congress to act intelligently in regard to its relation to the District of Columbia is that we should have some gauge by which to measure our obligations. We have never had that; and any man who has studied the subject of making appropriations out of the general Treasury for the District of Columbia has found that difficulty at every turn of the tide—at every step. There are and always have been differences of judgment about how much the United States ought to pay; what per cent. What I propose is that there shall be appointed by the Secretary of the Treasury from his own officers a board, who shall make a careful estimate of the value of property of the United States and report to Congress, so we may know where we are levying taxes in this District and making appropriations out of our own Treasury, by actual comparison of values, what proportion we should pay of the expenses of the District of Columbia.

Mr. DAWES. I ask the gentleman from Ohio to modify his amendment so that it shall not appear that the real estate belonging to the United States to be appraised includes the streets and avenues.

Mr. GARFIELD. I will say "exclusive of streets and avenues."

Mr. DAWES. I make the suggestion because this District has been in the habit of appraising the streets and avenues as if they were building lots.

The CHAIRMAN. The amendment will be modified in the way suggested.

Mr. G. F. HOAR. I desire to say to the gentleman from Ohio [Mr. GARFIELD] that the idea of a board of valuation obtaining in any such way a value of this kind is a mere delusion. There is property of the United States existing in public buildings like the Capitol, the Treasury, and the White House that are not to be rented; that have no value for any commercial or business purpose. Their value largely consists in the ornaments of architecture. Now it would not be just to the United States to take the \$13,000,000 which this Capitol cost as a basis for taxation in the District. Then suppose you take the real estate which the United States owns and occupies by these public buildings, is that to be valued as at the time when the

United States took possession of it? We took a square and put the United States Treasury, the Post-Office, or the Patent-Office upon it. That act confers whatever of value there is upon all the real estate in the neighborhood. Take away the property of the United States from that real estate, and the value of the entire city disappears.

It is just, undoubtedly, that Congress should pay a considerable share of the expenses of this District. And it is undoubtedly a question of great difficulty to determine what that just share is. But an attempt to get at it by having a board of officers to value the Capitol, Treasury, White House, Patent Office, &c., it seems to me would lead to endless difficulty and result in no practical good.

Mr. GARFIELD. Will the gentleman suggest by what possible way we can arrive at it?

Mr. G. F. HOAR. I am merely stating that in this way we cannot arrive at it.

Mr. GARFIELD. That is not enough unless you show a better way.

Mr. CHIPMAN. Will the gentleman from Ohio allow me to make a suggestion?

Mr. G. F. HOAR. I desire to say just one word in answer to the gentleman from Ohio. It seems to me that when we are desirous of arriving at a particular spot, and the gentleman from Ohio is asking us to go there under his lead by a particular road, if I point out that that road does not lead there, it is no answer for him to say, you must go that road unless you show me a better one.

Mr. GARFIELD. The gentleman has shown that it is a difficult thing to come at; that is all.

Mr. G. F. HOAR. What I say is that it does not help us the least in the world, to determine what is the just share of the United States in the expenses of the District, to have a board of three arbitrators to value the Capitol, the White House, the Treasury building, &c. There is no value in them, either in the buildings or the land they stand on, for any commercial or business purpose whatever. To make such a valuation then, for such a purpose, is a delusion.

Mr. GARFIELD. It is the only standard we have for adjusting the Federal payments and the District payments.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. CHIPMAN. I move to strike out the last word, for the purpose of making a practical suggestion to the gentleman from Ohio [Mr. GARFIELD] and the committee. This Congress provided a joint committee to report, on this very subject. They failed to do it, but they stated in their report, which is before the House, the reason why they did not do it. And it is this: That upon their view of what ought to be done here, it is the duty of Congress to levy upon the property of this District belonging to private citizens what that property ought fairly and justly to pay for the benefits of local government, and that the Government should appropriate all that is necessary for the management of affairs in this District, because the United States are directly responsible for the legislation for the District. That is the theory of the Morrill bill, so called, which I am informed has been tabled in the Senate, which I fear is likely to be the fate of all efforts to give us a local government at this session. I think that is the just principle upon which this question ought to be settled.

Mr. GARFIELD. I desire to say to my friend from Massachusetts [Mr. G. F. HOAR] that the only gauge we have ever had thus far, by which we have attempted to adjust the fair proportion of the Federal payments and the District payments, has been the supposed relative value of the property of the people of this District on the one hand, and of the property of the United States in the District on the other hand.

Mr. SCOFIELD. Will the gentleman allow me to interrupt him by a suggestion? In the bill we passed last winter, providing for the payment of the interest on the 3.65 bonds, we did not provide that it should be paid by the Government in proportion to the property it owned in the District.

Mr. RANDALL. We provided that the amount should come back to the Government.

Mr. GARFIELD. I do not remember what the exact language was, but I know that in all our legislation in this matter, running through several years, we have attempted to base the relative payments of the District and the United States Treasury upon the supposed relation of the value of the property held by private citizens and by the Government in this District.

Mr. G. F. HOAR. Will the gentleman allow me to ask him a question right there?

Mr. GARFIELD. Certainly.

Mr. G. F. HOAR. Suppose we should pull down the Post-Office building this year and put up a new one costing \$5,000,000, would the gentleman from Ohio hold that the United States should pay taxes on \$5,000,000 more of property in the District?

Mr. GARFIELD. Well, now, I simply say to the gentleman that I do not propose in this amendment to bind the United States to pay anything. I simply want something that shall help to inform the judgment of Congress on the question. It has been assumed hitherto for years, and all our legislation on the subject has gone on that assumption, that about four-tenths of the property of the District belonged to the United States and six-tenths was the property of private citizens. Now, if that be a fair proportion, that would be a fair guide for us to go by; but I take it that we can come in some reasonable, correct way by approximation at the proportion. How do boards of assessors estimate the value of property? Why, by the price for which it

would sell for the purposes for which it was intended. Now, suppose you had no Capitol building, how much it would cost us to produce a Capitol building by purchase or construction would be a guide to us. That would be a fair ground in estimating the value of the property.

Mr. WILLARD, of Vermont. How would you estimate the value of the public parks?

Mr. GARFIELD. Just precisely as such property is estimated wherever it exists.

Mr. WILLARD, of Vermont. As building lots?

Mr. GARFIELD. I do not care in what way. I have already stated that it is a crude way; but it is the only way I know of by which we can get at some ratio of the proportion of the property owned by the Government and the citizens.

[Here the hammer fell.]

Mr. CHIPMAN. I withdraw my formal amendment.

Mr. BRADLEY. I offer the following amendment to the amendment of the gentleman from Ohio:

Add as follows:

And such small public parks as ought in their judgment to be maintained at the joint expense of the private and public property within the District.

I offer that to come in after the exception the gentleman has made in his amendment. He has already excepted public streets and avenues.

Mr. LAWRENCE. I rise to oppose the amendment. I am opposed to both of these amendments. In the first place, the amendment last submitted contains an admission or recognition that the Government is liable and ought to pay for the privilege of furnishing and keeping up and guarding parks free of cost to the people of this city. Other cities furnish their own parks, and pay for them without aid from Congress. I know no reason why this city should not do the same, but it does not. Now it is a most marvelous thing that the Government of the United States should be taxed because it chooses to furnish free parks to the people here for their comfort and enjoyment and to ornament the city. No city in the Union has been so lightly taxed as this. No one has received so many favors from the Government. It is popular here to vote money out of the Treasury for the benefit of the people here. Plausible reasons are urged in favor of it. It is an unpleasant duty to resist the appeals that are made to us and to encounter the displeasure of those who make them. The owners of houses and lots here of course would find it much easier to let the Government pay largely the expenses of the District than to pay them by taxation.

Mr. BRADLEY. I think the gentleman is in error regarding the effect of my amendment.

Mr. LAWRENCE. I cannot yield for interruption now, as I am limited to five minutes. I am equally opposed to the amendment of my colleague, [Mr. GARFIELD.] I say, Mr. Chairman, that it is no fair test in apportioning the tax between the people of this District and the Government to make an appraisal on the value of the Government property. A part of the expense which is to be apportioned between the Government and the people of the District consists in the cost of constructing wood pavements on the streets and avenues of the city. Suppose the Government owns buildings and a wood pavement is to be made for half a mile along them, and the citizens of this District own buildings and half a mile of wood pavement is to be made along them; the expense of the one half-mile and of the other will or may be exactly equal. Upon the ground owned by the Government there may be buildings which may be in value worth many, many millions of dollars, while the private dwellings along the street in front of them will be comparatively of but small value. But in such a case as that, if we assume that the Government should pay for wood pavements in front of its buildings, it should not pay more for a given amount of pavement than citizens for the same amount, simply because it has put on its ground buildings which are very valuable and expensive. The cost or value of the buildings does not affect or add to the cost of the pavement or furnish any reason why the Government should pay more than citizens for the same work. This plan of assessing by the value of the property is plausible, but it is deceptive and unjust. Citizens are not assessed according to the value of the houses they have erected. They are assessed for the cost of the work done in front of their grounds, whether they have buildings or not. They are assessed with a view to the benefits they derive. Why should the Government be treated differently? Congress is the guardian of its interests, and should take care of them; for if we do not, our constituents will be taxed for the benefit of the people here. I have no feeling certainly against the citizens of this District. I am willing to do them justice; but I want justice done to the citizens of the whole country as well.

This is the only city in the United States where the Government is called upon to pay any tax at all for its public buildings. We pay no tax on our public buildings in New York, Philadelphia, or any other city of the Union. There is no city so highly favored as this. The Government furnishes courts to the people of the District and pays the salaries of their judges. It furnishes them with a jail and pays the expense of keeping it and the prisoners therein confined. It pays for the whole expense of the administration of justice. Only a few days since money was appropriated from the Treasury to erect a school building in this District. The Government pays for the support of the benevolent institutions, the insane asylum, and generally everything relating to benevolent institutions in the District.

Mr. BUTLER, of Massachusetts. Do they not do that everywhere else?

Mr. LAWRENCE. In my State the people are taxed to support their own jails, courts, asylums, and all that; and I do not want them taxed besides for the support of all these here while the people here escape taxation anywhere.

Now, Mr. Chairman, there ought to be some apportionment, I know, between the United States and the citizens of this District for the improvements which have been made; but the value of the property owned by the Government and that owned by the citizens is no just mode of making that apportionment. Personal property in this city escapes all taxation. Is this just? Our constituents do not know all that is done here. This plan of piling burdens on them may escape notice for a time, but there ought to be and I hope will be an end to it.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. BRADLEY. I move to strike out the last word of the original text, in order to have an opportunity to say a few words.

Mr. LAWRENCE. Is this amendment germane? Is it in order at all?

The CHAIRMAN. The Chair will decide that question at the proper time.

Mr. CHIPMAN. Has the amendment of the gentleman from Pennsylvania [Mr. RANDALL] exempting church property from taxation been adopted?

Mr. RANDALL. I have withdrawn that amendment for the present.

Mr. BRADLEY. If I understand the matter aright, the gentleman from Ohio [Mr. GARFIELD] accepted a modification suggested by some other gentleman, and therefore it became a part of his amendment. I have moved an amendment in addition to the amendment so modified.

I agree with what has been said regarding the necessity of having some estimate of the value of the public property in this city, and that it should be put in some form to be laid upon the desks of members, so that they may know the relative value of the public property as compared with that of private property. From day to day we are called upon here to vote upon propositions making appropriations for the benefit of the District and of the institutions within the District; and as yet there has been no information placed before members upon which they can predicate a calculation as to how much money this Congress ought to appropriate in order to arrive at something like the true proportion of the expenses of this District that ought to be borne by the Government of the United States.

I entirely agree with the gentleman from Ohio [Mr. GARFIELD] that the amendment which he has sent up should be incorporated into this bill, in order to obtain this estimate, and that in making the estimate the public streets and avenues should be excluded. And I also believe that there are certain small parks in this city that inure to the benefit of the whole city, such as any village or city throughout the country would maintain, which ought also to be excluded. I do not mean by this that we ought to exclude the large public parks that have been laid out and improved.

Mr. WILSON, of Indiana. Allow me to make a suggestion which I think will be in furtherance of the gentleman's argument. It is that these little three-cornered parks scattered over this city are really made out of the streets and avenues of the city; and therefore the suggestion of the gentleman to exclude them is very proper.

Mr. BRADLEY. Some of them may be in that situation; but I apprehend that there are some others not so situated. Therefore I have offered the amendment that such small parks as, in the judgment of these commissioners, ought to be included in the streets shall also be excluded from the estimate.

[Here the hammer fell.]

Mr. SAYLER, of Indiana. The question of the proper amount to be paid by the General Government of the expense of maintaining the government of this District I admit is a very difficult one. It occurs to me, however, that there is a solution of this question, and that, too, in a different direction from that proposed by the gentleman from Ohio [Mr. GARFIELD] and the gentleman from Michigan, [Mr. BRADLEY.] The question is somewhat complicated by reference to the immense value of the improvements upon the public property.

In the very nature of things those improvements must be of great value; they are made by the General Government for the benefit of the whole country. They must be permanent, and fire-proof, and valuable, and only valuable for a specific purpose. Let me suggest, as has been already suggested, that those improvements have no market value.

But let me suggest to the gentleman from Ohio [Mr. GARFIELD] that it will be very easy for us to arrive at the average rate of taxation in cities of this size throughout the country. Then we can levy that rate of taxation, whatever it may be, whether 1½ per cent., or 1 per cent., or 3 or 2 per cent., or any other rate, upon the property in this District; whatever is the fair average throughout the country of cities of this size could be levied upon the real and personal estate of residents of this city. And then the Government of the United States should pay whatever deficit there might be in the expenses of the government of this District, for we are responsible for the government of the District and for the maintenance of the improvements needed in the District. If we are responsible for the government of

the District and for the expenditure of money, it would be proper for us to put Government officers in charge of the supervision of the expenditure of this money.

By adopting this plan, levying here the average rate of taxation of cities of this size throughout the country, we will do no injustice to the citizens of this District; we will do no injustice to private property in this District; for we will put it and them upon the same basis as in other cities of like size. We will put the citizens here upon the ground of equality with citizens of other cities of this size. And then whatever deficit there may be will be a proper charge against the Government of the United States. By this means we will get rid of this troublesome and perplexing question of comparison of value. By this means we will not only do justice to the people here, but also preserve the question of assessing property in our own hands, to be controlled by ourselves, and we can then strike a fair, reasonable, and just proportion of the expenses to be borne by the citizens of the District and by the Government of the United States.

Mr. BRADLEY. I withdraw my formal amendment.

The question was taken upon the amendment of Mr. BRADLEY to the amendment of Mr. GARFIELD; and it was not agreed to.

The question was then taken upon the amendment of Mr. GARFIELD; and it was not agreed to.

Mr. SMALL. I desire to offer an amendment.

Mr. COTTON. I desire to submit a proposition to the Committee of the Whole.

The CHAIRMAN. The Chair will hear the gentleman from Iowa, [Mr. COTTON.]

Mr. COTTON. The hour of half past four has now arrived, at which time it was understood an announcement was to be made to the House of the death of one of its members. I desire to procure the passage of this bill at an early day. I propose, therefore, to the Committee of the Whole to rise and report this bill to the House, with the amendments which have been agreed to. In the House I will permit gentlemen to offer amendments, and then I will ask to have the previous question seconded, after giving to every man a fair opportunity to propose his amendments.

Mr. SENER. No such agreement can be made in Committee of the Whole.

Mr. RANDALL. The House will have to do that.

The CHAIRMAN. As long as gentlemen desire to offer amendments the Chair cannot entertain a motion that the committee rise and report the bill.

Mr. SMALL. I move to amend by adding to the first section of the bill the following:

Personal property for purposes of taxation shall include goods, chattels, and effects wherever they are; money at interest and other debts due to the persons to be taxed more than they owe interest for; public stocks and securities; stocks in moneyed and other dividend-paying corporations.

Mr. FORT. That ought to come in after section 8.

Mr. SMALL. I offer this amendment because it nowhere appears in the bill what the term personal property covers. Hence I think there may arise some difficulty in the construction of the law. Therefore I propose to insert this definition of the term personal property. I hope the gentleman from Iowa [Mr. COTTON] will assent to it.

Mr. PELHAM. Wherein does the definition of personal property as given by the gentleman from New Hampshire [Mr. SMALL] differ from that of Mr. Justice Blackstone?

Mr. COTTON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TYNER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4728) for the support of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

Mr. COTTON. I move to suspend the rules for the purpose of fixing Wednesday evening next for the consideration of this bill.

Mr. RANDALL. Wednesday evening is already assigned.

Mr. COTTON. Then I will say Friday evening for the consideration of this bill and other District business.

Mr. RANDALL. I object to the consideration of other District business.

Mr. ELDREDGE. There are some other important bills from the Committee on the District of Columbia; and we might possibly get through with some of them on that evening.

The SPEAKER. The gentleman from Iowa [Mr. COTTON] can submit his motion in whatever form he desires.

Mr. COTTON. I move then to suspend the rules so as to order that the House meet on Friday evening next at half past seven o'clock for the consideration of this bill in the House as in Committee of the Whole, and when this is concluded of any other District business. We have some very important bills which have been recommended by the commissioners of the District.

The SPEAKER. This order would not suspend the rules upon any bill containing an appropriation.

The motion of Mr. COTTON to suspend the rules, being seconded, was then agreed to; two-thirds voting in favor thereof.

SESSION FOR PENSION BILLS.

The SPEAKER. To-morrow evening was by order of the House assigned for the consideration of reports from the Committee on Invalid Pensions; but in consequence of a melancholy event known to

members the House will adjourn at two o'clock to-morrow. The gentleman from Wisconsin, Mr. RUSK, chairman of the committee on Invalid Pensions, asks, therefore, that Thursday evening be assigned for the consideration of reports from that committee as in Committee of the Whole, no other business to be transacted.

There being no objection, it was ordered accordingly.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

Mr. STANARD. I move that the rules be suspended for the adoption of the following resolution:

Resolved That the rules be suspended so that the substitute for House bill No. 4620, for the improvement of the mouth of the Mississippi River, shall be made a special order for consideration in the House, to the exclusion of all other business, on Thursday, the 18th of February, 1875, at the hour of two o'clock p. m.; and that the previous question be called on the same at four o'clock on the same day.

Mr. DAWES. I trust that the House will not agree to this proposition. With so many appropriation bills pending and the revenue bill not yet disposed of, I hope the House will not undertake to assign in this way all its working time. I submit that the gentleman ought not to ask the House to tie its hands in this manner.

Mr. GARFIELD. All the evenings of this week are assigned by the action of the House.

Mr. DAWES. Yes; that is true.

Mr. STANARD. I have been unanimously instructed by the Committee on Commerce to ask a suspension of the rules so that this bill may have two hours only for its consideration.

The question being taken on seconding the motion to suspend the rules, there were ayes 82, noes not counted.

Mr. G. F. HOAR called for tellers.

Tellers were ordered; and Mr. G. F. HOAR and Mr. STANARD were appointed.

The House divided; and the tellers reported ayes 114, noes not counted.

So the motion to suspend the rules was seconded.

Mr. DAWES. I call for the yeas and nays on agreeing to the motion. I will not object to the consideration of this bill if the gentleman will wait until those other bills I have mentioned are disposed of.

Mr. STANARD. You have had nearly two months to report those bills.

Mr. DAWES. Not any longer than you have had to report your bills.

Mr. STANARD. This is simply a business proposition—one of the first business propositions that has been brought before this House.

The question being taken on ordering the yeas and nays, there were ayes 23, noes not counted.

The SPEAKER. In the opinion of the Chair there are not sufficient to order the yeas and nays.

Mr. DAWES. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The question being taken on suspending the rules to adopt the resolution of Mr. STANARD, it was agreed to; two-thirds voting in favor thereof.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. MACDOUGALL. I ask unanimous consent that the amendments of the Senate to the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army be taken from the Speaker's table, disagreed to, and a conference with the Senate asked upon the disagreeing votes of the two Houses.

There being no objection, it was ordered accordingly.

DEATH OF HON. SAMUEL HOOPER.

Mr. E. R. HOAR. Mr. Speaker, the mournful duty devolves upon me to make the formal announcement of the death of my colleague, SAMUEL HOOPER, the Representative of the fourth district of Massachusetts. He died of pneumonia, in his house in this city, at a few minutes after nine o'clock yesterday morning. He was in his seat in the House on Friday, the 5th instant, and on the evening of that day, feeling quite unwell, left the table at which he was dining with a company of friends at an early hour and retired to the bed from which he was never more to rise. His disease gained rapid ascendancy over his failing strength, and with little suffering he passed into a state of unconsciousness, in which, attended by the loving care of near kindred, his life at last closed peacefully and without a struggle.

In expression of the feelings of respect and esteem which we all feel for our departed friend I move the resolutions which I will send to the Chair.

The Clerk read as follows:

Resolved, That a committee of seven members be appointed by the Speaker of the House to take order for superintending the funeral of SAMUEL HOOPER, late a member of this body, which will take place to-morrow, Tuesday, at two o'clock p. m., and the House will attend the same.

Resolved, That the Clerk communicate these proceedings to the Senate and invite the Senate to attend the funeral ceremony in the Hall of the House of Representatives to-morrow at two o'clock.

Resolved, As an additional mark of respect to the memory of the deceased, the House do now adjourn.

The resolutions were unanimously adopted.

The SPEAKER. The Chair names the following as the members of the committee called for by the resolutions just adopted: Mr. POLAND of Vermont, Mr. WHEELER of New York, Mr. NIBLACK of Indiana, Mr. MAYNARD of Tennessee, Mr. KELLEY of Pennsylvania, Mr. LAMAR of Mississippi, and Mr. HOUGHTON of California.

Accordingly (at ten minutes to five o'clock p. m.) the House adjourned till eleven o'clock to-morrow.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARMSTRONG: Memorial of the Legislature of Dakota, praying for the division of Dakota and the organization of a new Territory from the northern portion thereof, to the Committee on the Territories.

Also, memorial of the Legislature of Dakota Territory, for an additional appropriation for the military wagon-road from the Big Sioux River to Fort Randall, to the Committee on Appropriations.

By Mr. BRADLEY: Petitions of citizens of Au Sable, East Saginaw, and Bay City, Michigan, for an appropriation to construct a harbor of refuge at Au Sable, in the State of Michigan, to the Committee on Commerce.

By Mr. BUTLER, of Massachusetts: The petition of citizens of Gloucester, Massachusetts, for the donation of six bronze field-guns for monumental purposes, to the Committee on Military Affairs.

Also, the petition of Caleb Tompkins, of Cartersville, Georgia, for relief, to the Committee on War Claims.

By Mr. CAIN: The petition of depositors in the Freedman's Savings-Bank at Norfolk, Virginia, for relief, to the Committee on Banking and Currency.

By Mr. COBB, of Kansas: Resolutions of the Legislature of Kansas, memorializing Congress to grant the Atchison, Topeka and Santa Fé Railroad right of way through the Indian Territory so as to connect with Fort Smith, Arkansas, to the Committee on Indian Affairs.

By Mr. COBURN: The petition of citizens of New Jersey, for equalization of bounties, to the Committee on Military Affairs.

By Mr. CRITTENDEN: Resolutions of the Legislature of Missouri, protesting against the further increase of the tax upon tobacco, to the Committee on Ways and Means.

By Mr. DARRALL: Papers relating to the claim of Edmond A. Guilbeau, of La Fayette Parish, Louisiana, to the Committee on War Claims.

Also, papers relating to the claim of André Broussard, of La Fayette Parish, Louisiana, to the same committee.

By Mr. FORT: The petition of M. H. Peters and 27 others, of Watseka, Illinois, for an appropriation to complete the Washington monument, to the Select Committee on the Washington National Monument.

By Mr. FRYE: The petition of citizens of Kingfield, Franklin County, Maine, for a pension to Benjamin C. Webster, late private Company F, Eighth Maine Volunteers, to the Committee on Invalid Pensions.

By Mr. HANCOCK: The memorial of Eugene Armendiaz and others, praying for the right to construct a bridge across the Rio Grande River at Brownsville, Texas, to the Committee on Commerce.

By Mr. HAZELTON, of New Jersey: The petition of citizens of Bridgeton, New Jersey, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee, to the Committee on Ways and Means.

By Mr. HUBBELL: The petition of citizens of Munising, Michigan, of similar import, to the same committee.

By Mr. HUNTER: The petition of citizens of Monroe County, Indiana, for legislation to prevent the sale and manufacture of intoxicating liquors within the United States, to the Committee on the Judiciary.

By Mr. HUNTON: The petition of William Orndoff, of Winchester, Virginia, for a pension, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of several hundred citizens of Philadelphia, artisans, manufacturers, and workers in iron and coal, representing that the stoppage of great works of improvement and general depression of business have greatly lessened the demand for labor, and praying Congress under proper guarantees to extend the national credit to the completion of a great southern line to the Pacific, to the Committee on the Pacific Railroad.

By Mr. LAWRENCE: The petition of Belva A. Lockwood and others, of the District of Columbia, for extension of suffrage in the District without regard to sex, to the Committee on the Judiciary.

By Mr. MACDOUGALL: The petition of Hugo Hillebrandt, late major Thirty-ninth New York Volunteers, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. MARSHALL: The petition of citizens of Hardin County, Illinois, for an appropriation for the improvement of the navigation of the Ohio River, to the Committee on Commerce.

Also, a paper for the establishment of a post-route from Equality to Elizabethtown, in the State of Illinois, to the Committee on the Post-Office and Post-Roads.

By Mr. MERRIAM: The petition of citizens of Little Falls, New York, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. NIBLACK: The remonstrance of wholesale liquor dealers and rectifiers of Evansville, Indiana, against any increase in the tax on whisky on hand, to the same committee.

By Mr. PARSONS: The remonstrance of tobacco manufacturers and dealers in Cleveland, Ohio, against a further increase of the tax on tobacco, to the same committee.

By Mr. PERRY: The remonstrance of tobacco manufacturers and

dealers in Albany, New York, of similar import, to the same committee.

By Mr. PARKER, of Missouri: The petition of Mrs. M. L. Connelly, of Saint Joseph, Missouri, administratrix of Thomas Connelly, deceased, for relief, to the Committee on War Claims.

By Mr. PHILLIPS: Resolutions of the Legislature of Kansas, memorializing Congress to grant the Atchison, Topeka and Santa Fé Railroad right of way through the Indian Territory to Fort Smith, in Arkansas, to the Committee on Indian Affairs.

By Mr. ROBBINS: The petition of citizens of Yadkin and Forsyth Counties, North Carolina, for a post-route from East Bend to Bethania, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON, of Ohio: The petition of citizens of Mount Gilead, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SMITH, of North Carolina: Resolutions of the Legislature of North Carolina, concerning the Freedman's Savings and Trust Company, to the Committee on Banking and Currency.

Also, resolutions of the Legislature of North Carolina, concerning pensions to survivors of the Mexican war, to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of North Carolina, concerning tax levied and collected on spirits of turpentine, to the Committee on Ways and Means.

Also, resolutions of the Legislature of North Carolina, concerning the New River Canal, to the Committee on Railways and Canals.

Also, resolutions of the Legislature of North Carolina, for an appropriation to improve the Neuse River, to the Committee on Commerce.

Also, resolutions of the Legislature of North Carolina, for an appropriation to improve Edenton Harbor, to the same committee.

By Mr. STARKWEATHER: The petition of citizens of Ledyard, Connecticut, for a donation of condemned cannon for a soldiers' monument, to the Committee on Military Affairs.

By Mr. STONE: Resolutions of the General Assembly of the State of Missouri, protesting against the further increase of the tax on tobacco, to the Committee on Ways and Means.

Also, the petition of the Union Merchants' Exchange of the city of Saint Louis, Missouri, for the location of a branch mint at Saint Louis, to the Committee on Coinage, Weights, and Measures.

By Mr. SWANN: Remonstrance of wholesale liquor dealers and rectifiers of Baltimore, Maryland, against any increase in the tax on whisky on hand, to the Committee on Ways and Means.

By Mr. TAYLOR: The petition of Frederick Hoch, for a pension, to the Committee on Invalid Pensions.

By Mr. THOMAS, of Virginia: The remonstrance of tobacco manufacturers and dealers in Danville, Virginia, against an increase of the tax upon tobacco, to the Committee on Ways and Means.

By Mr. THOMPSON: Petitions of citizens of Freeport, Armstrong County, and of Etna, Allegheny County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

By Mr. WARD, of New Jersey: The petition of Charles E. Boggs, to be restored to his proper place upon the active list of the Navy, to the Committee on Naval Affairs.

By Mr. WELLS: Resolutions of the Legislature of Missouri, protesting against a further increase of the tax on tobacco, to the Committee on Ways and Means.

Also, the petition of the Union Merchants' Exchange of Saint Louis, for a branch mint at Saint Louis, to the Committee on Coinage, Weights, and Measures.

By Mr. WHITEHEAD: Remonstrance of the Tobacco Association of Liberty, Virginia, against a further increase of the tax on tobacco, to the Committee on Ways and Means.

Also, two petitions of citizens of Botetourt County, Virginia, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

IN SENATE.

TUESDAY, February 16, 1875.

Prayer by Rev. EDWARD PAYSON INGERSOLL, D. D., of Brooklyn, New York.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, in obedience to law, a copy of the report of Major F. W. Farquhar, Corps of Engineers, upon the examination of sites for reservoirs at the head-waters of the Mississippi River; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 3341) to equalize the bounties to soldiers who served in the late war for the Union was read twice by its title, and referred to the Committee on Military Affairs.

CREDENTIALS.

Mr. HITCHCOCK presented the credentials of Hon. Algernon S. Paddock, chosen by the Legislature of Nebraska a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4001) to provide for the redemption of overdue bonds of the United States known as Texas indemnity bonds; and

A bill (H. R. No. 4727) explanatory of the act passed June 20, 1874.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company.

PETITIONS AND MEMORIALS.

Mr. McCREERY presented a petition of physicians of Kentucky, in behalf of the Medical Corps of the Army, praying for such legislation as will the better promote the efficiency of that corps; which was referred to the Committee on Military Affairs.

Mr. DENNIS presented a memorial of 291 business men of Washington, District of Columbia, and a memorial of 197 citizens of the District of Columbia, respectfully protesting against the passage of that part of the Morrill bill which refers to a municipal court, and chapter 13, sections 79 to 92, which provides for the abolition of justices of the peace in the District; which were ordered to lie on the table.

He also presented a memorial of W. H. Schieffelin & Co. and 8 other manufacturers, importers, and retail dealers in drugs, perfumery, &c., in the city of New York, praying for the repeal of certain stamp tax on drugs and perfumery contained in Schedule C; which was referred to the Committee on Finance.

Mr. HAMILTON, of Maryland, presented a memorial of Moses Whitson and others, citizens of Washington County, Maryland, remonstrating against the restoration of the duty on tea and coffee and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which was referred to the Committee on Finance.

Mr. BOGY presented a memorial of druggists, manufacturers, and importers of drugs of the city of New York, praying for the repeal of certain stamp tax on drugs and perfumery contained in Schedule C; which was referred to the Committee on Finance.

Mr. STEVENSON presented a memorial of D. Hillman, John Morrison, and divers other citizens of Trigg County, Kentucky, remonstrating against the restoration of the duty on tea and coffee, the revival of internal taxes, and asking the repeal of the act of 1872 reducing the duties on certain imports 10 per cent.; which was referred to the Committee on Finance.

Mr. SHERMAN presented a memorial of a number of dealers in tobacco, of Cincinnati, Ohio, remonstrating against any advance in the existing rate of tax on tobacco; which was referred to the Committee on Finance.

Mr. PRATT. I present a petition of sundry manufacturers of and wholesale and retail dealers in drugs, perfumery, proprietary medicines, and fancy goods, asking Congress to repeal that part of the internal-revenue laws known as Schedule C, by which a tax payable in stamps is imposed upon these articles. They say in conclusion that the law by which this tax is imposed is unjust and vexatious in execution, unclear in its provisions, and arbitrary in its interpretation, an obstacle to trade and a stumbling-block to the dealer, and a cause of wide spread and constantly increasing discontent and unpopularity. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. INGALLS. I present a memorial signed by J. L. Aburnethy, of the city of Leavenworth, and various other citizens of that town, asking for the passage of the bill (H. R. No. 3656) incorporating the Eastern and Western Transportation Company. This memorial recites that "the importance of this enterprise is at once apparent to all who realize the prostrate condition of the agricultural interests of the West and South, and the cause is mainly to be ascribed to the reckless and extravagant manner of transporting the staple crops of the country to market, and the absence of creditable local governments in several of our most productive States." I cannot allow, Mr. President, an expression so unjust as that to pass unchallenged, even by my silence in the matter. I know of no State, productive or otherwise, that is distinguished by the "absence of a creditable local government." I move that the memorial be referred to the Select Committee on Transportation Routes to the Sea-board.

The motion was agreed to.

Mr. WRIGHT presented three petitions of citizens of Iowa, praying for the establishment of a mail-route from the town of Boone, in Boone County, to Webster, in Hamilton County, in that State; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented two petitions of citizens of Story County, Iowa, praying for the establishment of a mail-route from Nevada, in that county, to the center of Lincoln Township, in that county, the establishment of a post-office at or near the center of Lincoln Township,

and the appointment of a postmaster at that place; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented two petitions of citizens of Columbia, Lancaster County, Pennsylvania, and a petition of citizens of Montgomery County, Pennsylvania, and a petition of citizens of Schuylkill County, Pennsylvania, and a petition of citizens of Philadelphia, praying that in consequence of the prevailing prostration of all branches of business and the increasing distress throughout the country a bill be passed in aid of the speedy completion of the Texas Pacific Railroad now pending before Congress; which were referred to the Committee on Railroads.

Mr. HITCHCOCK presented a memorial of the Legislature of the State of Nebraska, in favor of the passage of the bill disposing of the Fort Kearney military reservation in that State; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes, reported it with amendments.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2279) for the relief of Richard Hawley & Sons, reported adversely thereon.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the petition of Belva A. Lockwood, praying that any woman otherwise qualified shall be permitted to practice law in any United States court, asked to be discharged from its further consideration; which was agreed to.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876, reported it with amendments.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the petition of Henry Greenbaum, president of the German Savings Bank of Chicago, Illinois, praying that a certain amount of taxes alleged to have been improperly collected on deposits may be refunded, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 2073) restricting the refunding of custom duties and prescribing certain regulations of the Treasury Department, reported it with an amendment.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the petition of Hilben & Co., praying to be refunded taxes twice paid, asked to be discharged from its further consideration; which was agreed to.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred a concurrent resolution of the Legislature of the State of Michigan, asking Congress to pass a bill granting one hundred and sixty acres of Government land to soldiers and sailors of the late war without regard to occupation, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3923) authorizing the Secretary of War to deliver certain condemned ordnance to the Joseph Warren Monument Association of Boston, Massachusetts, for monumental purposes, reported it with an amendment.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2911) to adjust costs, fees, and allowances in Federal courts, reported adversely thereon; and it was postponed indefinitely.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the petition of Pottawatomie Indians, praying for payment of the award of commissioners under the treaty of August 7, 1863, asked to be discharged from its further consideration; which was agreed to.

Mr. DORSEY, from the Committee on Post-Offices and Post-Roads, to whom was recommended the bill (S. No. 1201) to establish certain telegraphic lines in the several States and Territories as post-roads, and to regulate the transmission of commercial and other intelligence by telegraph from one State to another, reported it without amendment.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

He also, from the same committee, to whom was referred the petition of Nathaniel J. Beachley, praying for pay as United States surgeon and for repayment of moneys expended in Government service in

1864, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of G. H. Bernhardt, praying compensation for subsistence and lodging furnished to recruits for "Scott's Nine Hundred" cavalry and reimbursement for money expended in recruiting men for the United States Army, asked to be discharged from its further consideration; which was agreed to.

Mr. HOWE, from the Committee on Printing, to whom was referred a motion to print the memorial of W. C. Kibbe upon the importance of constructing a double-track freight-railway, under Government auspices and control, from tide-water on the Atlantic to the Missouri River, as proposed by House bill No. 1194, as amended, reported in favor of the motion; and it was agreed to.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 1185) for the relief of F. V. Hayden, reported it with an amendment.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3208) for the relief of John Henderson, reported it without amendment.

Mr. FRELINGHUYSEN, from the Committee on Foreign Relations, to whom was referred the petition of George W. Lake, praying compensation in the sum of \$35,000 for damages alleged to have been inflicted by Willie P. Mangum, late consul to Japan, and Charles E. De Long, late minister to Japan, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

DISTRICT CRIMINAL JURISDICTION.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, which was instructed by a resolution of the Senate to inquire and report into the extent and meaning of the act of the 22d of June, 1874, entitled "An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes," &c., to return that resolution with a report, which, as it is not very long, I ask may be read, as it is on an interesting subject.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection. The Chair hears none.

The Secretary read as follows:

The Committee on the Judiciary respectfully report that on the 15th of December, 1874, the Senate adopted the following resolution:

"Resolved, That the Committee on the Judiciary be instructed to inquire into the extent and meaning of the act of June 22, 1874, entitled 'An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes,' and particularly whether under or by its provisions persons charged with or indicted for libel or other crime in the said District of Columbia can be brought from a State or other place within Federal jurisdiction to said District to answer therefor; and also whether said act has any application to prosecution or indictment for the crime of libel in any case, and report thereon."

In obedience to this resolution the committee have carefully examined the subject.

The act of June 22, 1874, entitled "An act conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes," is in the following words:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the criminal court of the District of Columbia shall have jurisdiction of all crimes and misdemeanors committed in said District not lawfully triable in any other court, and which are required by law to be prosecuted by indictment or information.

"Sec. 2. That the provisions of the thirty-third section of the judiciary act of 1789 shall apply to courts created by act of Congress in the District of Columbia."

It having been considered that the provision in the act of June 17, 1870, establishing a police court in the District of Columbia, which conferred exclusive jurisdiction upon it of "all offenses against the United States not deemed capital or otherwise infamous," and which did not provide for trials by jury, were in violation of that clause in the Constitution which declares that "the trial of all crimes, except in cases of impeachment, shall be by jury," the first section of the act above quoted was passed in order to prevent a failure of justice in respect of a large class of crimes committed in the District, by giving the criminal court, with its jury, jurisdiction of such of them as under the Constitution could not, for the reason already stated, lawfully be tried in the police court.

By the second and only other part of the act in question it is declared "that the provisions of the thirty-third section of the judiciary act of 1789 shall apply to courts created by act of Congress in the District of Columbia."

The thirty-third section of the act of 1789, referred to, is in the following words:

"And be it further enacted, That for any crime or offense against the United States the offender may, by any justice or judge of the United States, or by any justice of the peace, or other magistrate of any of the United States where he may be found, agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offense. And copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case; which recognizances the magistrate before whom the examination shall be may require on pain of imprisonment; and if such commitment of the offender or the witnesses shall be in a district other than that in which the offense is to be tried, it shall be the duty of the judge of that district where the delinquent is imprisoned seasonably to issue, and of the marshal of the same district to execute, a warrant for the removal of the offender and the witnesses, or either of them, as the case may be, to the district in which the trial is to be had. And upon all arrests in criminal cases, bail shall be admitted, except when the punishment may be death, in which case it shall not be admitted but by the Supreme or a circuit court, or by a justice of the Supreme Court, or a judge of a district court, who shall exercise their discretion therein regarding the nature and circumstances of the offense, and of the evidence and the usages of law. And if a person committed by a justice of the Supreme or a judge of a district court for an offense not punishable with death shall afterward procure bail, and there be no judge of the United States in the district to take the same, it may be taken by any judge of the Supreme or superior court of law of such State."

As the act of June 22, 1874, mentioned in the resolution of the Senate, only extended to the courts of the District of Columbia the provisions of the section just quoted, it follows that the inquiry is reduced to the simple question, what are the

provisions of that section, which has been the law of the land for more than eighty years?

They are simple and clear.

First. The crime or offense upon which the section acts must be one against the United States.

Second. The offender can only be arrested upon the warrant of a court or judge of the State or district where he may be found. No court or judge can issue a warrant to arrest the offender in any other State or district.

Third. If the offender be thus arrested for an offense against the United States, and be brought before the court or judge of the district where he was arrested, he may be held for trial before such court of the United States as, by the act of September 24, 1789, had cognizance of the offense.

Fourth. The only courts having cognizance of any offense or case by that act are:

1. The Supreme Court of the United States.
2. The circuit courts of the United States established in the various States.
3. The district courts of the United States established in the various States.

No State court and no territorial court has by that act any jurisdiction whatever for the trial of any cause, civil or criminal.

Fifth. If it appears, when the offender is thus arrested and brought before the court or judge of the district of his arrest, that the offense was committed in some other district, it is made the duty of the judge to cause him to be removed to the district in which the offense was committed; the Constitution requiring all criminal trials to be in the district in which the offense was committed. It is scarcely necessary to say that the districts mentioned are the judicial districts of the United States created by acts of Congress in the several States.

Sixth. The section gives no power to a court or judge to send for or bring a person charged with crime into his district or jurisdiction under any circumstances. The authority given in this respect is only to remove the person charged from the district in the cases named.

The sum of the matter, therefore, is, that the second section of the act of June 22, 1874, confers upon the courts of the District of Columbia the power to arrest offenders found in the District who are charged with crime committed within the District and hold them for trial, (which was the law before,) and to arrest offenders found in the District who have committed crimes against the United States in some judicial district of the United States, and to send them to such district for trial. And that is all. No person can be brought into the District of Columbia under it, either for libel or any other crime. The committee are of opinion that both the sections of the act are necessary and proper, and in perfect accordance with the principles of justice and the course of civilized jurisprudence. Without provisions of this character the District of Columbia would be an asylum for offenders committing crimes against the laws of the United States and escaping hither.

It only remains to report, as directed by the resolution of the Senate, "whether said act has any application to prosecution or indictment for the crime of libel in any case."

We are of opinion that, as before stated, no person charged with the crime of libel can be brought into the District of Columbia under it, for no person can be brought here under it for any crime whatever.

And it is equally plain that no person charged with the crime of libel in any other district or place in the United States can be arrested here and sent to such district or place under it, for—

First. Libel is not a crime against the laws of the United States in any of the States, so that no case could arise in which a court or judge in the District of Columbia could be called upon to arrest a person here and send him to any State for trial for libel.

It should be here observed that the jurisdiction of the courts of the United States in criminal cases is confined to offenses created by the statutes of the United States.

No offense at common law is indictable or triable in the courts of the United States. This was early determined by the Supreme Court of the United States, and is the settled law of the land. (Public Statutes; United States vs. Hudson, 7 Cranch, 32; Bishop's Criminal Law, section 199.)

Second. If in any Territory libel is a crime by its laws, and if such laws could be held for such purposes to be the laws of the United States, the act under consideration provides no aid in sending a person from this District to such Territory, for the thirty-third section of the act of 1789 has no application whatever to the Territories.

The result is that the act of June 22, 1874, is not, in our opinion, obnoxious to any criticism; and in respect of the crime of libel it confers no power either to bring a person charged with it into the District of Columbia or send him out of it.

The report was ordered to be printed.

CHANGE OF NAME OF NATIONAL BANKS.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4126) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name, to report it back without amendment. In consequence of a portion of the town having been called by a different name, the correspondence of the bank goes to the wrong town. As the bill is very brief and there can be no objection to it, I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It provides for changing the name of the bank to "the Citizens' National Bank of Tilton, New Hampshire," whenever the board of directors shall accept the new name by resolution of the board, confirmed by a vote of two-thirds of the stockholders, and cause a copy of such action, duly authenticated, to be filed with the Comptroller of the Currency.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. FENTON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York, to report it back with an amendment and ask that it may be passed. This bill simply proposes to change the name of a bank in the town where I reside, and as it is very brief I ask the consent of the Senate that it may be put on its passage at once.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the change of the name of the bank to the "City National Bank of Jamestown, New York," whenever the board of directors shall accept the new name by resolution of the board and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency.

The Committee on Finance proposed to amend the bill by inserting after the word "board," in line 7, the words "confirmed by a vote of two-thirds of the stockholders;" so as to read:

Shall accept the new name by resolution of the board confirmed by a vote of two-thirds of the stockholders.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TO-DAY'S SESSION.

Mr. MORTON. I desire to make an inquiry whether under the order adopted last night in regard to the funeral services, it is expected that the Senate is to proceed in a body to the House of Representatives?

The PRESIDENT *pro tempore*. It will.

Mr. MORTON. And at the conclusion of the services there return to this Chamber? The resolution reads:

Resolved, That the Senate will attend the funeral ceremony in the Hall of the House of Representatives to-morrow at two o'clock in the afternoon.

My inquiry is as to what will be the order at the termination of the funeral services in the House; whether the Senate will then return to this Chamber.

The PRESIDENT *pro tempore*. Such has been the custom of the Senate on similar occasions.

BILLS INTRODUCED.

Mr. EDMUNDS. The Committee on the Judiciary yesterday reported a House bill with one or two amendments, to provide for the selection of grand and petit jurors in the District of Columbia, being House bill No. 4669. I stated yesterday that it was essential to the purposes of justice to individuals, one or more, as well as to the United States, that the bill should pass immediately. I then asked unanimous consent, but my friend from California [Mr. SARGENT] desired it to lie over. I now ask unanimous consent that the bill shall be taken up and considered.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent to consider the bill indicated by him. Is there objection?

Mr. FLANAGAN. I object, although I dislike to do so very much.

The PRESIDENT *pro tempore*. Objection is made.

Mr. FLANAGAN. If I have the floor, I ask to take up the motion to reconsider the bill that passed the Senate some two or three weeks ago to change the bounds of the eastern and western judicial districts of the State of Texas, and fixing times for holding courts in the same.

The PRESIDENT *pro tempore*. That requires unanimous consent until the morning business is disposed of. The introduction of bills is now in order.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1310) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1311) providing for the compensation to be paid for the transportation of the mails on railroad routes; which was read twice by its title, referred to the Committee on Transportation Routes to the Sea-board, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1312) for the payment of certain Indian war bonds of the State of California; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1313) to license, tax, and regulate the sale of intoxicating liquors in the District of Columbia, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. JONES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1314) for the relief of Messrs. Gelatt & Moore; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. TIPTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1315) authorizing the Brownville, Fort Kearney and Pacific Railroad Company to construct a ponton railway-bridge across the Missouri River at Brownville, in Nemaha County, Nebraska; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1316) for the benefit of the loyal Creek Indians, and for other purposes; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1317) for the preservation of game in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1318) to regulate the transmission of ores, metals, and other articles of merchandise by mail; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

AMENDMENT TO APPROPRIATION BILL.

Mr. ALLISON, from the Committee on Indian Affairs, submitted amendments intended to be proposed to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

COURTS IN TEXAS.

Mr. FLANAGAN. I now ask to call up the motion to reconsider the vote by which the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same, was passed.

Mr. HAMILTON, of Texas. I object to taking up the bill this morning. I am not ready to reconsider it.

Mr. FLANAGAN. It is a motion to reconsider entered by my colleague some weeks ago.

The PRESIDENT *pro tempore*. It cannot be taken up until the morning business is concluded.

Mr. FLANAGAN. I thought it was concluded. I gave way for that purpose.

The PRESIDENT *pro tempore*. Resolutions are in order.

Mr. SPRAGUE. I ask for the consideration of a bill reported from the Committee on Public Lands—

Mr. FLANAGAN. I object to passing the bill. That is not in order.

The PRESIDENT *pro tempore*. If there be no further morning business, the remainder of the morning hour belongs to the Committee on Education and Labor.

Mr. FLANAGAN. Well, sir, having no bills to report from that committee, [laughter,] I ask to present this.

Mr. EDMUNDS. Then the next committee must be called.

Mr. FLANAGAN. In lieu of bills from the Committee on Education and Labor, I ask to take up the motion to reconsider the bill to which I have referred, and I think we shall be very well educated on it before we get through. I hope not, however. I will hold back everything else and ask that this motion be taken up.

Mr. HAMILTON, of Texas. I object to the consideration of it.

Mr. FLANAGAN. I move to proceed to the consideration of the motion.

The PRESIDENT *pro tempore*. Under the order of the Senate, it becomes the duty of the Chair to call the next committee if the Committee on Education and Labor have no business to present.

Mr. FLANAGAN. Well, I ask this as a favor, Mr. President, and I do hope the Senate will extend it to me, for really I have not been very troublesome to them, as I know they will bear me out in saying; and this is a matter of great importance to me, and I ask for its consideration.

Mr. MORRILL, of Maine. I hope the Senator will have permission. Mr. CAMERON. I hope we shall all give way to the Senator from Texas. He occupies very little time.

Mr. FLANAGAN. I have not been troublesome.

Mr. CAMERON. Let us agree to what he asks by common consent.

Mr. FLANAGAN. I ask that the motion to reconsider be taken up.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent to proceed to the consideration of the motion indicated by him. Is there objection?

Mr. HAMILTON, of Texas. I expect petitions enough from Texas here to bury that bill so that it will never be heard of again; and I shall object to its consideration until I get those petitions.

Mr. FLANAGAN. Does one objection carry it over?

The PRESIDENT *pro tempore*. One objection carries it over.

Mr. FLANAGAN. Then I ask a vote of the Senate. I want the question if I can get to it in any way.

The PRESIDENT *pro tempore*. The motion cannot be entertained except by unanimous consent.

Mr. FLANAGAN. This motion to reconsider was made some weeks since. Of course my colleague never will call it up, and perhaps this is about the last opportunity I shall be indulged in even to make the effort. The motion has already been made, and now I ask to have it taken up.

The PRESIDENT *pro tempore*. The Chair cannot entertain the motion except by unanimous consent; and the Chair understands the colleague of the Senator to object.

JURIES IN DISTRICT OF COLUMBIA.

Mr. EDMUNDS. Now that my friend from Texas has finished his business I hope he will not object to my taking up and passing the jury bill.

Mr. FLANAGAN. I think I shall be in a good condition now to object to anything under heaven.

Mr. EDMUNDS. I did not object to my friend's taking up his bill. I again ask unanimous consent to put this important bill which relates to the administration of justice on its passage; it will not take a moment.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Vermont? The Chair hears none.

The bill (H. R. No. 4669) to provide for the selection of grand and petit juries in the District of Columbia was considered as in Committee of the Whole.

The Committee on the Judiciary reported the bill with amendments.

The first amendment reported by the committee was in section 2, to strike out in lines 9 and 10 the words "shall be able to read and write in the English language."

The amendment was agreed to.

The next amendment was to strike out in section 3 the following clause:

The court shall examine each person summoned as a grand juror under oath touching his qualifications; and no indictment shall be quashed, nor shall any verdict be set aside or new trial granted or judgment be arrested in any case, civil or criminal, because of the want of qualification of any juror, unless such juror, after having been interrogated, shall have falsely answered in relation to his qualifications.

The amendment was agreed to.

The next amendment was to insert in section 4, after the word "compensation," in line 10, the words "not exceeding five dollars a day for the time necessarily employed;" so as to make the clause read—

Said commissioners shall be allowed by the court reasonable compensation, not exceeding five dollars a day for the time necessarily employed, for their services, to be paid by the marshal out of moneys in his hand for the payment of the expenses of said court.

The amendment was agreed to.

Mr. SARGENT. I offer the following as an additional section:

SEC. —. That no person shall be deemed guilty of a misdemeanor under section 102, chapter 7, title 2, of the Revised Statutes, who shall, during the session of Congress at which he was summoned as a witness, by the authority of either House of Congress, make proper answer to all questions pertinent to the question under inquiry, although for a time he may have failed to testify as required by law.

Mr. President, the adoption of this amendment may make it necessary to change the title of the bill by adding the words "and for other purposes;" but for the purposes of the bill as explained in the other House it is entirely germane. I suppose the Committee on the Judiciary would say that the object of most of the provisions of this bill is to enable the grand jury to pass upon the question whether a prominent defaulting witness before the other House shall be indicted before the statute of limitations shall touch the offense he has heretofore committed. I sympathize entirely with the object of the bill and do not wish to delay it for a single moment; but one or two cases have transpired recently which require that at the earliest opportunity something shall be done to make the law plain with regard to the question whether witnesses who, having once been summoned before either House and failed to answer, afterward come in and "make a clean breast of it" and answer all questions that can be possibly propounded and make acknowledgment of their failure to answer theretofore, shall still be liable to the penalties of misdemeanor. I refer to the case of Mr. Wetmore, a newspaper correspondent, who failed to answer one day and the next day made a speech to the House; I refer also to the case of Mr. Irwin, who refused for a considerable time and was imprisoned, but subsequently came in and has since, as I understand, made full and complete answers, or if he has not done so, is ready to do so at the service of the committee. In the proceedings in the *habeas corpus* case of Mr. Irwin it was stated in court by the prosecuting attorney that the misdemeanor was already complete in his case. If the misdemeanor was complete then, he was liable to punishment and is still liable; and without such an explanatory statute as that which I have proposed, even if he afterward came in and made all the amends possible and was discharged by the House of Representatives, his answers being perfectly satisfactory.

I think that point ought to be cleared up and these persons ought not to be subject to the pains of misdemeanor for this public reason: that if you take away the inducement of these persons to come in and make answer after they have once refused you never will get an answer from them.

I will not elaborate upon this matter, but I make the statement. I think the object of this bill as avowed in the House—and the chairman himself will admit that is the object—is to meet cases of this kind; and hence this hasty assembling of the grand jury ought to be accompanied with this explanation.

Mr. EDMUNDS. I can say to the Senator from California in the single minute or two that I have left that this bill has no application to the cases to which he has referred at all. If the persons to whom he has referred as having refused to testify and then having testified afterward are liable to prosecution, they are liable to prosecution at any time within two years from the date they refused to testify; so that this bill has no application to them at all. It has application to a different case, which the Senator may not have in his mind. It has application to that case only from the fact that it provides the machinery for assembling the grand jury to do justice to that man, as I should wish it to do justice to me if I were exactly in his position, by giving him an opportunity to vindicate himself instead of its being said "The statute of limitations has run on so that now there is no chance for me to vindicate myself at all." It does not touch my friend's case in the least degree. I implore him therefore not to

press an amendment which will hazard the passage of the bill. I cannot dilate upon the question as the hour is about out.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SWAMP LANDS IN MISSOURI.

Mr. SPRAGUE. I ask now the consideration of the Senate to a small bill that has been read once. The object of it is to give prior entry of swamp lands in Missouri to settlers. It will be remembered by the Senate that Congress by a law donated swamp lands to the State and the State gave them to the counties and the counties to individuals in tracts of eighty acres each; the individuals have resided on them; and the object of this bill is simply to enable those who have resided on them and paid \$100 to have prior entry. That is all.

There being no objection, the bill (H. R. No. 4676) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri was considered as in Committee of the Whole. It provides that in all cases in the State of Missouri where lands have heretofore been selected and claimed as swamp and overflowed lands by the State and the various counties therein, by virtue of any act of Congress, and the lands have been withheld from market in consequence thereof by the General Government, and the State and counties have sold such lands to actual settlers, and settlers have improved the same to the value of \$100, the settlers, their heirs, assigns, and legal representatives, who have continued to reside thereon, shall have priority of right to pre-empt or homestead all such lands as may be rejected by the United States as not being in fact swamp and overflowed lands.

Mr. INGALLS. Is there any report accompanying the bill?

Mr. SPRAGUE. The bill itself states all the facts of the case. These are lands which are not swamp lands that are under existing law retired from the market, that have been settled on by settlers in Missouri; and the only object of this bill, as I stated, is that those who have settled and paid their hundred dollars for tracts of eighty acres shall have a prior right of entry over other parties who may come in on ascertaining that they are not swamp lands, and are not within the law granting swamp lands.

Mr. BOGAY. There can be no objection to the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CATTARAUGUS AND ALLEGANY RESERVATIONS.

The PRESIDING OFFICER. The unfinished business is the resolution of the Senator from Indiana, [Mr. MORTON,] on which the Senator from California [Mr. SARGENT] is entitled to the floor.

Mr. SARGENT. I think I can conclude my remarks in the hour that is left.

Mr. FENTON. I ask the Senator from California to yield one moment that a vote may be taken upon a conference report which is on the Clerk's table. The report was read and went over yesterday under objection.

Mr. SARGENT. If I yield, I suppose I must give up any hope of concluding my remarks within the hour.

The PRESIDING OFFICER. Does the Senator decline to yield?

Mr. SARGENT. If it will only take a moment I will yield.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

The report was concurred in, being as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments, and that the fourth section of the bill be stricken out and the following be inserted: "All leases of land situate within the limits of said villages when established as hereinbefore provided, except those provided for in the second section of this act, in which Indians of said Seneca Nation, or persons claiming under them, are lessors, shall be valid and binding upon the parties thereto, and upon said Seneca Nation, for a period of five years from and after the passage of this act, except such as by their terms may expire at an earlier date; and at the end of said period, or at the expiration of such leases as terminate within that time, said nation, through its councilors, shall be entitled to the possession of the said lands, and shall have the power to lease the same: *Provided, however*, That at the expiration of said period, or the termination of said leases, as hereinbefore provided, said leases shall be renewable for periods not exceeding twelve years, and the persons who may be at such time the owner or owners of improvements erected upon such lands shall be entitled to such renewed leases, and to continue in possession of such lands, on such conditions as may be agreed upon by him or them and such councilors; and in case they cannot agree upon the conditions of such leases or the amount of annual rents to be paid, then the said councilors shall appoint one person and the other party or parties shall choose one person as referee to fix and determine the terms of such lease and the amount of annual rent to be paid; and if the two so appointed and chosen cannot agree, they shall choose a third person to act with them, the award of whom or the major part of whom shall be final and binding upon the parties; and the person or persons

owning said improvements shall be entitled to a lease of said land and to occupy and improve the same according to the terms of said award, he or they paying rent and otherwise complying with the said lease or said award; and whenever any lease shall expire after its renewal as aforesaid, it may, at the option of the lessee, his heirs and assigns, be renewed in the manner hereinbefore provided."

And the House agree to the same.

The committee of conference further recommend for the consideration of the two Houses that the first section of the bill be stricken out, and the first two lines of the second section be stricken out, and that the following be inserted:

"That all leases of land within the Cattaraugus and Allegany reservations in the State of New York heretofore made by or with the authority of the Seneca Nation of New York Indians."

JOHN J. INGALLS,

W. B. ALLISON,

LEWIS V. BOGŶ,

Managers on the part of the Senate.

B. W. HARRIS,

W. L. SESSIONS,

A. COMINGO,

Managers on the part of the House.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3825) to amend the national-bank act, and fixing the compensation of national-bank examiners.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of an act entitled "An act to regulate the fees and costs to be allowed to clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1863.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 633) for the relief of Randall Brown, of Nashville, Tennessee;

A bill (H. R. No. 1283) for the relief of Thomas Day, of Indiana;

A bill (H. R. No. 2689) for the relief of Émile Lapage, surviving partner of the firm of Lapage Brothers;

A bill (H. R. No. 2688) for the relief of Albert F. Yerby, administrator of Addison O. Yerby, deceased, or whom it may concern;

A bill (H. R. No. 2690) for the relief of Mark Davis; and

A bill (H. R. No. 2691) for the relief of Mrs. Flora A. Darling, of New Hampshire.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution reported from the Committee on Privileges and Elections by Mr. MORTON on the 8th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning on the 4th of March, 1873.

Mr. SARGENT. Mr. President, at the conclusion of my remarks yesterday I was endeavoring to show the vindictiveness of the White Leagues and their cruel operations in Louisiana. I desire to show that that vindictiveness is against republicans, white as well as colored, and native as well as northern; and to this point I cite the testimony of E. L. Pierson, who before the House committee testified to intimidation, murders, &c., in his parish, during which he recounted the attempt upon his life, first stating that he lived in Natchitoches since boyhood and that formerly his politics were democratic, but prior to the last election he was a republican; that for his change of sentiment he was ostracized even by a resolution adopted at a public meeting; that he came there; was appointed by Kellogg judge of the parish and returned, and was met within sixteen miles of his own home and told not to go home; he did go, and a number of his friends there told him not to attempt to discharge the functions of his office, that his life was in danger because of his being a republican. On going to his office next day he learned that his life would be attempted, and received a note from his wife asking him to come home; then his wife came, and he went; that his sister told him two armed men were lurking about the place, as she guessed, to take his life; that forty armed men were in town, and that she heard these two swear that they came there to kill him, and that he should not sit as judge; soon after that the committee of seventy held a meeting and sent a committee to his house to demand of him that he sign a written agreement not to take part in the coming campaign, which he declined doing, whereupon one of the committee pulled out his watch and told him that he had half an hour in which to sign a paper; that he refused, telling them if they meant to assassinate him to do it at his office or on the street, and to spare his family from witnessing the murder. That during the campaign he was insulted time and again; when he went to make a speech men congregated with bowie-knives in sight, but on the approach of a company of cavalry they secreted their arms. There was not, continued witness, a fair registration in the parish; republicans were prevented from taking an active part in the campaign; a mass meeting was held, and from that a committee was sent to call for the resignations of the parish officers, and threats were made to hang one of them. He then recounted the attempts made to take his life in the night; the votes were being counted when he was retracked to the court-house; reached his home and was kept there a week, fearing to leave lest his life be taken; finally escaped, but learned that two Texas desperadoes had resolved to take his life.

He testifies further to the same effect, but this I detail to show that a white resident from boyhood in that country, simply for being a republican, is harassed and threatened with murder to deter him from ordinary political action. But I ask why is there this general denunciation of northern men in the South? Have not our people a right to move from State to State? Have they not a right to carry their political principles? The Senator from Georgia [Mr. GORDON] denies that there is contempt and ostracism of northern republicans in Georgia, and as a proof he cites a telegram from a man who says he is treated better than he deserves. A true northern gentleman would not be likely to use such an expression. It sounds like those who—

Crook the pregnant hinges of the knee,
Where thrift may follow fawning.

But by a mode or trick of expression the Senator betrayed the accustomed contempt of northern men entertained in his region by men of his political principles by speaking in his remarks of "a northern man but a gentleman." To his telegrams I cite a speech of his colleague [Mr. NORWOOD] last summer in the theater at Savannah, which is said to have "excited the admiration and sympathy of the audience." The Senator before that appreciative audience delivered himself of sentiments like these:

When driven by the frigidity of social ostracism from the North, he flies with marvelous instinct to the torrid and unctuous embrace of his African mates and peers among the swamps of our southern shore. As the crane fills his craw, so this creature fills his bag for the flight; and as the crane, when the days grow hot, flaps his wings, and, screaming through the air, returns to the North; so this ill-omened biped, when times become warm in the South—

But, sir, his colleague says times do not become warm in the South for these northern men, these republicans, these carpet-baggers—

when times become warm in the South, gathers up his legs and flying with screams and shrieks away, perches on the wooden head of the figure of justice, commonly known as the Attorney-General, and drowns the air with croakings about southern outrage.

His shibboleth is "the republican party."

O no! there is no ostracism of republicans!

From that party he sprang as naturally as maggots from putrefaction. His relation to that party is that of pimp to a bawd, for his meretricious service is rewarded in proportion to the number of innocent negro victims he inveigles to gratify its lust for power. Like Wamba and Gerth, he never travels without wearing his master's collar; and he is equally content whether turned loose to chase like a sleuth-hound the monarch of southern soil, or called by a snap of the fingers to eat the garbage of his party. His collar is his passport to roam at large—

That is the collar of republicanism—

and it matters not with what persistence he may break into a southern gentleman's close, his master will not permit him to be muzzled, for he is "the ox that treadeth out the corn" as well as "the ass that knoweth his master's crib."

Mr. NORWOOD rose.

Mr. SARGENT. I will yield for a question, not for a speech.

Mr. NORWOOD. A request, not a question.

Mr. SARGENT. Well, sir, what is it?

Mr. NORWOOD. It is this: that the honorable Senator will not garble, but give the whole.

Mr. SARGENT. I have read two long extracts from this speech, and what I have selected is a fair expression of the spirit of the whole; and probably the man was in the audience who telegraphed to the colleague of the Senator that he was treated in the South better than he deserved, because what he deserved I presume he got from the teachings of the Senator from Georgia whom I address, from whom he learned that opprobrium, that witty, I confess, but stinging insult is poured upon the heads of northern men without discrimination. The Senator by reading it now all the way through will find no line drawn; he can find not one word drawing a distinction between the gentleman who telegraphed to his colleague and any gentleman who might have sat by his side in that audience or any other northern man residing at the South.

Mr. NORWOOD. What do you refer to?

Mr. SARGENT. The gentleman's colleague cited a telegram of a northern man, who he said was a republican, to prove that there was no social ostracism of republicans in Georgia, and this telegram said he was treated better than he deserved—a remark that I say a northern gentleman would not be likely to use. There is this bitterness, which is appreciated in such audiences as that assembled in Savannah, created by the speech of my friend from Georgia. There is this continual contempt poured out on northern men. They are compared to beasts of prey and birds of prey; they are men of foul lusts; they are men who come to eat up the South. I ask again, has not a northern man a right to go to any part of the South that he sees fit, there to locate, to carry on business, ay to run for office if he sees fit, to carry his political principles there, to enjoy them without being condemned and insulted on account of the exercise of that preference? That it is not the northern man merely, but the republican that is objected to, is evident from the case of Gilbert A. Walker, who went from Chicago down to Virginia after the war, and who was there elected governor of the State and has been subsequently sent by the democratic party to Congress; and the New York Herald says of him that he is the right kind of a carpet-bagger. The difference is that he is a democratic carpet-bagger. It is the republican that is objected to. The Constitution of the United States, article 4, section 2, says that—

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Is there not this right of intercommunication through travel and residence and the right of political opinion? In the old slavery days a northern man who went there and was not a democrat, and a pro-slavery one at that, was called an abolitionist, and he was ignored, ostracized by polite society, persecuted and stoned by the rabble. That has passed away with slavery, and the man who goes there now is a carpet-bagger who is subjected to these insults, these abuses, these injuries.

The Senator from Georgia [Mr. GORDON] talks of the "vials of hate poured out in this debate." It is untrue.

Mr. NORWOOD. I want to make one remark, with the Senator's permission.

Mr. SARGENT. Well.

Mr. NORWOOD. The remarks there apply to certain classes of men who are described in a previous part of the remarks I made. They do not apply and were not intended to apply to gentlemen like Mr. Morrill who is not a democratic carpet-bagger, but is a republican. That was the reason that I asked that the former portion of these remarks should be read, as they explain what follows.

Mr. SARGENT. I have no objection to this whole thing going into my speech; but I do not see fit to take up my time by reading it. I will accommodate the Senator, who seems to be somewhat pleased with his effort at the Savannah theater, and for which I compliment him, by reading the further part of it to which he refers as explanatory, and it may then be seen that in every line of the part he refers to, not merely in that which I have quoted, though I quoted a fair specimen, but that in every line of it there breathes a spirit of hatred and contempt of northern men and northern republicans. You may disguise it as you choose; you may say republicans have no business to run for office, or they come down there and try to organize the blacks in behalf of republican principles and therefore you despise them. I say they have a right to do those very things, and I going from California have as much right to go to Georgia and live there a year and run for office or to associate together men of my political opinions, or make speeches on the stump, or publish newspapers and not have them thrown into the river, and not be abused in my own person or my property destroyed or I insulted in private or before public audiences in the manner in which northern men without distinction, unless they are democrats, are insulted by that speech made by the Senator in Savannah. The Senator insists that the introductory remarks made by him at Savannah will explain his meaning more fully than the extracts I have read. I will read the part of his speech entire that precedes the first extract I quoted from it. It is as follows:

The reconstruction acts have wrought immeasurable evils, but perhaps the greatest of all is the production of the carpet-bagger. I have great admiration for the genius who first used that word, carpet-bagger. What can be more expressive? His like the world has never seen, from the days of Cain, or of the forty thieves in the fabled time of Ali Baba. Like the wind he blows, and we hear the sound thereof, but no man knoweth whence he cometh or whither he goeth.

Natural historians will be in doubt how to class him. Ornithologists will claim him, because in many respects he is a bird of prey. He lives only on corruption and takes his flight as soon as the carcass is picked. In other particulars he resembles the migratory crane.

What such speeches mean, and how they operate, is in evidence from many sources. The Zion's Herald is the organ of the Methodist Church of New England, a non-partisan, moderate paper, and its relation of the experience of the "carpet-bag" ministers of its church is worthy of citation. It recently said:

While southern politicians, ministers, and laymen can express their sentiments, however obnoxious they are to the convictions of northern men, with the utmost freedom, in the pulpit, in the railroad car, in the hotel, on the corners of the street, with great demonstrations of earnestness and violent denunciations of others holding different views, the most guarded utterances made by northern men at the South, that can be distorted into opposition to prevailing sentiments, are met with impudent sneers or social ostracisms; and every form of personal and business opposition is put into requisition to drive away anyone daring thus to utter, in a perfectly gentlemanly way, an honest conviction. The eminent southern ministers that visited the northern camp-meeting last summer were shown every possible attention, and allotted every honorable opportunity to address our largest audiences. They were frank in the expression of their own sentiments, courteous indeed, but still not guarding severely their speech in social intercourse. No one thought of criticising the freedom of those eloquent guests. Has one of them, however, in southern prints attempted to secure a like return of courtesy for our eminent northern ministers who may providentially visit the South, or suggested that the pastors of the Methodist Episcopal Church South should pay the respect to their northern brethren due to their office, their character, and the fraternal attentions they have vouchsafed to visitors from the South? Our most cultivated men, high in office, renowned for talent, accomplished scholars, men marked for their gentle address, enter cities and large towns where several southern ministers have churches, but not a man of them, although the fact is publicly known of their presence, offers a nod of recognition or proffers the slightest Christian courtesy. What is the significance of this? And this is not true simply of individual ministers who have been outspoken in their views upon southern sentiments, but of our most conservative, fraternal, and peace-seeking men. There are no conspicuous instances recorded where this unfriendly policy has been even temporarily interrupted. There have been no Round Lake camp-meetings in the Southern States.

The most singular fact is the apparent unconsciousness of the existence of this hateful, unmanly, and unchristian temper on the part of southern men, and the evident feeling of abuse which they manifest when northern persons infer and state that there is any lack of true courtesy or manly generosity among the better portion of the southern communities. There is no doubt that exaggerated and false statements have been made; and there is also no doubt that one-half of the personal and pecuniary injury to northern business men, the social and most offensive ostracism and positive violence and brutal abuse in portions of the South and Southwestern States has never been told.

The Senator's colleague [Mr. GORDON] talked about "vials of hate poured out" by us in this debate. It is entirely untrue, and calcu-

lated to mislead the people of his State. The speech was intended for circulation in Georgia rather than the ear of the Senate, as was evident by the large number of extracts which the Senator said he would not ask to be read but have put in his speech. If it was intended to influence the Senate, they should all have been read in the hearing of the Senate; but pages were put in without any other effect except to figure in the RECORD and go to his own people.

There have been no evidences of hate here. I myself yesterday, although speaking of grave matters and speaking with earnestness, spoke kindly in every instance, and I desire to do so. But he holds up to the Senate of the United States the republicans here in an unfavorable and untrue light when he talks about our pouring out the vials of hate on the Senator or any of his colleagues. We have pictured the injustice in the South and the barbarism there, and asked for justice, peace, and order. But I ask Senators to see how the hate of that audience at Savannah was stirred up indiscriminately against northern republicans going to the South. The Senator from Georgia [Mr. GORDON] assumes that because some one speaks of the kindness of the republican party during the past years and now in amnesty measures, a reproach is cast on the rebels. The debate has been free from such reproaches; but it is well not to open that subject.

The Senator justifies those who embarked in the rebellion on the ground that they thought they were right. I presume they so thought, but that does not prove that they were right or lessen the magnanimity of the Government in forgiving them. The high priests who procured the crucifixion of Christ and the people who asked the release of Barabbas probably thought they were right. Those who tolled the bell of Saint Bartholomew and those who answered its call; the authors of the Sicilian vespers; those who drenched Savoy with blood; Torquemada watching the victims of the Inquisition on the rack, probably all thought they were right. Scroggs and Jeffreys may have thought they were right at the bloody assizes. The authors of the massacre of Glencoe may have thought they were right. The assassin of William the Silent may as much have thought he was right as did Wilkes Booth when he assassinated President Lincoln. But the enlightened judgment of mankind condemns them; and it will not do for those who rebelled against the best Government on earth to extend slavery, who drew the death line at Andersonville, who starved Union soldiers at Belle Isle and Salisbury and assassinated a President of the United States, the noblest and most loving heart of the ages, to recall these deeds in other than a sorrowful spirit.

But I am digressing. I was speaking of the condition of Louisiana and of the events that in panoramic succession led up to the seizure of the House of Representatives by a faction on the 4th of January. A little over a year ago an unprovoked massacre of negroes took place in Grant Parish, where eighty to one hundred negroes were killed in cold blood by a man with McEnery's commission in his pocket. Go back still further. In 1866 a peaceable convention assembled at New Orleans for the purpose of proposing amendments to the constitution of the State, were prevented from doing business by force, and some two hundred men were killed and wounded in an hour. Within sixty days of the presidential election of 1868 some two thousand men were killed for their political opinions. Such scenes as these—and I give but samples—led up to the Penn insurrection; so that the seizure of the legislative hall was but an incident to be plead with a *continuando*. Under these circumstances, with these surroundings, the President did right to employ the military to discharge his high constitutional obligation, and the action of the military was legal and commendable.

Democratic Senators say that the root of all the troubles in Louisiana is the presence of the military and the proper impatience of the people against the Kellogg government. Let us see. It may arise from the mercurial and intolerant character of the white men there. Such scenes long antedate the war or the presence of carpet-baggers. Intimidation and bloodshed at the polls in Louisiana are no new things. Charles Gayarré is entitled to eminence as a historian of Louisiana. On page 679 of his work he publishes the following facts under date of 1856:

In January the official relations of Governor Hebert with the State terminated. In his valedictory message he referred with deep mortification to the scenes of intimidation, violence, and bloodshed which had marked the late general elections in New Orleans—

There were no republicans there then, no carpet-baggers, none of these birds and beasts which the Senator from Georgia talked so spitefully about to the people of Savannah—

He said that the repetition of such outrages would tarnish our character and sink us to the level of the anarchical governments of Spanish America; that before the occurrence of those "great public crimes," the hideous deformity of which he could not describe, and which were committed with impunity in midday light, and in the presence of hundreds of persons, no one could have admitted even the possibility that a bloodthirsty mob could have contemplated to overawe any portion of the people of this State in the exercise of their most valuable rights, "but that what would then have been denied even as a possibility is now a historical fact."

Gayarré is talking about matters that occurred in 1856, not about scenes that occurred in 1872-'74—but how very close the parallel—and he quotes from a governor of the State and an executive message. Governor Wickliffe, succeeding Governor Hebert, after lamenting the mismanagement and recklessness of administration, in his message to the Legislature in 1857 he commented on this mob violence.

He said:

It is well known that at the two last general elections many of the streets and approaches to the polls were completely in the hands of organized ruffians—

How much that sounds like "banditti"—

who committed acts of violence on multitudes of our naturalized fellow-citizens who dared venture to exercise the right of suffrage. Thus nearly one-third of the registered voters of New Orleans have been deterred from exercising their highest and most sacred prerogative.

Are we not to be believed when we say that by similar scenes recently occurring one-third of the people of New Orleans and Louisiana are deprived of their rights and twenty thousand men kept away from the polls?

The expression of such elections is an open and palpable fraud on the people, and I recommend you to adopt such measures as shall effectually prevent the true will of the majority from being totally silenced.

And it is for the results of just such frauds, more recently enacted, that the democratic party are contending. They must have the fruits; what matters it if men were kept away from the polls by bloody crimes like those stigmatized by Governor Wickliffe, the work of "organized ruffians," they claim to be allowed to pack a Legislature by such means? Wickliffe is not more explicit than Major Merrill in his recent testimony before the congressional committee:

I have been stationed in Louisiana since October, part of the time in New Orleans; have been in Shreveport; the Red River country is in a deplorable condition, and without the presence of troops there is no telling what would happen; colored men are terrified and are constantly in fear of violence; white republicans are ostracized that I know of; there was no free expression of political views, and the control was in the hands of a few war leaders of the conservative or White League party; they would like to overthrow the State government; there is antagonism to equal rights; an impartial election could not have been held in that country; several massacres have had the effect to intimidate the colored men; weeks and weeks after the Coushatta massacre colored men did not dare to remain at their homes at night, and I think that no free or fair election could have been held in Louisiana; white republicans are severely ostracized; I have no personal knowledge of the Coushatta murders; when I visited Shreveport there was but little semblance of law; there was a volunteer police, but I had no authority to act; it would not be safe for a stranger to travel through the Red River country and declare himself a republican; an office was vacant in that section, and two gentlemen who conversed with me about it stated they would not dare accept a commission; I think that the people generally consider that if a man is a republican he can have no integrity; it would make no difference how honest republican officials might be, they would not be respected in office or out; I am engaged in making a report of all the massacres and political murders in Louisiana since 1866; in numerous instances colored men were deterred from voting because of the fear engendered by massacres; I do not know of a single instance where a colored man voluntarily voted the democratic ticket; I do not believe a republican speaker would have been tolerated; in some instances he might have got half through, but under most circumstances he would have been drawn into a quarrel had he tried to avoid it.

It appears that in 1856 and previous years corruption existed at the polls at New Orleans as now, and the historian draws a melancholy picture of its effects. On page 634 he says:

This was the main cause which, by producing intense disgust, went much further than the fear of assassination to prevent honest citizens from resorting to the ballot-box. They knew all our elections to have been so hopelessly fraudulent that it was disgraceful to participate in them. They had retired from the political arena in sullen despair.

It is well to understand this. The lawless class-hate that assailed naturalized citizens at that time, assassinated them, kept them away from the polls, is now transferred to republicans, white and black. Force and fraud had such play that at the election where Kellogg and McEnery were candidates republicans practically could not vote, and any result declared in favor of McEnery would have been a gigantic fraud, a denial to the people of Louisiana of their rights. At the election in 1868 when Grant was a candidate the returns showed that in many parishes General Grant did not get even one vote, in other parishes he got two, in other parishes five, in others ten votes; but the important fact is that numerous murders, numbering as reported by a congressional committee over two thousand killed and wounded, had produced terror which between May and November made a change of seventy-three thousand votes.

I ask if history is not reproducing itself in Louisiana? The same assassination and terrorism existed at the last election, driving men to conceal in the woods, to keep away from the polls. Everybody knows that a fair election would have elected a Legislature overwhelmingly republican.

In the face of such facts and of the scenes at Vicksburg and elsewhere the Senator from Georgia [Mr. GORDON] asks "was there ever such provocation as that of the South since the war?" How the blood-thirsty black chickens persecute the White League fox! Provocation! by general pardon, by restoration to rights, by admitting to Congress fraternally even those who fought to destroy the Union. Provocation! because we condemn murder, because we ask for mercy to the helpless, because we insist on the liberty to live, labor, and enjoy the rights of a citizen of every man within your borders!

But he says we interfere between capital and labor. It was a maxim of slavery that capital should own labor. If the South have accepted the results of the war as the Senator insists they have, they have accepted emancipation. That and its results we insist on and will do so.

Let us see what arrangements between capital and labor we have interfered with, and how kindly southern capital provides for labor. I have here the laws which were passed by the States of the South when they first reassumed political power with reference to the colored people, declaring that even an insolent gesture of a black man toward a white should be punished by imprisonment, and the person could be sold from his prison to labor. I will not take up time to read these. They are to a certain extent familiar to the country. Congress intervened on account of the barbarism which was being

exercised toward the blacks by capital, reducing them to a condition of slavery little better than that from which we had redeemed them. But in Arkansas recently, under their reconstructed constitution and Legislature, they are passing just such laws again. Capital, which it is said we interfere with, dominating in Arkansas, ay, and in North Carolina, too, is passing these very vagrant laws whereby men can be sold for not fulfilling a contract for labor, whereby they can be arrested on various pretenses when they are not engaged in regular employment, whereby traps are continually set for their feet, the penalty being all the time to transfer the possession of their persons to white men who will buy them for that purpose. Furthermore, they are passing laws that the stealing of two dollars shall be grand larceny, punishable as a felony, and are making all the county jails branch State prisons, because felony disfranchises the person who is guilty of it unless he is pardoned; and by these means they can succeed step by step until they have totally disfranchised the colored men in the South. The "second sober thought" of the South, now that they are getting the power into their own hands again, is in accordance with that which they had at first when they emerged from the rebellion.

Mr. RANSOM rose.

Mr. SARGENT. The Senator shall hear enough about North Carolina if he will allow me to proceed. I have not done with it.

The democratic Legislature recently assembled and now in session in North Carolina passed a new charter for the city of Wilmington, in which they divided the city into three wards, and gerrymandered it as follows: One ward, containing two hundred and fifty voters, elects two aldermen; one ward, containing three hundred voters, elects three aldermen; and the rest of the city, containing thirty-one hundred voters, elects three aldermen. By great ingenuity in running lines in the blocks the two wards containing two hundred and fifty and three hundred voters, respectively, elect six aldermen, while the thirty-one hundred voters only elect three. The democratic member from that district published a letter in the Republican recently defending this action on the ground that it gave a better representation to property. That is the very point. That is modern democracy. That is to say, the jackass now, using Franklin's illustration, is to be recognized as the voter and not the man; that is to say, the poor and the humble are not to have equal rights in representation on this floor and in the other House, in legislative bodies, or municipal councils, and other places. Representation is to be taken away from the poor, and by a system of aristocratic laws put into the hands of property men. O, democracy, where is thy blush! Where is the democrat who can stand up and not blush with very shame at the idea that these things are done in its name? Trample down the poor and humble, and deprive the freeman of his rights under American institutions!

A bill is pending in the North Carolina Legislature, reported favorably from a committee, which will undoubtedly pass, which makes it a misdemeanor for any agricultural laborer to violate his contract with his employer. This even applies to minors, and its effect and intention is to establish a system of peonage.

The question is now pending before the Legislature of calling a constitutional convention, its object being to overthrow the present State constitution. This provision was submitted to the people by the democratic Legislature three years ago, and defeated by a large popular vote; but now, having a two-thirds majority in the Legislature, they think they can call a convention without submitting it to the people; and if they do not do so, it will only be because they are deterred by the admonitions of their friends here in Congress. A caucus was lately held by the democratic members of the Legislature at Raleigh in reference to this convention matter, and a very large majority were in favor of calling a convention. Communications were received from democratic members of Congress imploring them not to do so at this time, that they could wait and accomplish all they wish by and by. Therefore their not acting at this time is merely a question of policy.

Mr. RANSOM. Mr. President—

Mr. SARGENT. I will yield for a moment only.

Mr. RANSOM. Only one word. I desire to say in reference to the Senator's statement that he is entirely mistaken.

Mr. SARGENT. I hear the Senator's statement; but I have it on the very best authority. I have been extremely careful in my statement.

Mr. RANSOM. The Senator cannot have it on as good authority as the Senator who now speaks, because I know about it.

Mr. SARGENT. I have a very high respect for the Senator. Does he tell me that there has been no effort to call a convention for the purpose of changing the constitution of the State?

Mr. RANSOM. It has been mooted in North Carolina and is now mooted—

Mr. SARGENT. Does the Senator say it has not been opposed by democratic members here?

Mr. RANSOM. I say that there has been and is now a movement in North Carolina to call a convention of the people to alter the present constitution of the State, but there has been no imploring dispatch sent by the North Carolina democratic delegation to a caucus of the democratic party not to do that act. The delegation have informed their friends in North Carolina of the state of opinion here, but they have been particular to do nothing else. But let me say to the Senator that if that convention is called and a new constitution

is adopted, the new constitution will conform in all respects to the Constitution of the United States, and sacredly and tenderly respect the thirteenth, fourteenth, and fifteenth amendments.

Mr. SARGENT. I trust the Senator is not mistaken in that. If, however, under the same influences and the same class of people, it should happen to turn out as the constitution of Arkansas, and be changed in the same way as it was in Arkansas, by fraud and violence, subverting the rights of the people instead of protecting them, I should not be at all surprised.

Mr. RANSOM. I protest against any such apprehensions being expressed by the Senator from California in reference to North Carolina.

Mr. SARGENT. Patrick Henry once said that he had no light for his feet except the lamp of experience. I have no opportunity to judge of southern affairs except by that which I see transpiring before my eyes every day. I see these things going on. I see constitutions overthrown, State governments subverted, sometimes by violence and force and fraud, as in Louisiana, sometimes by trick, by violation of the State constitution, and by force also, as in Arkansas. These things are occurring in these very reconstructed States; and although I have a very high respect for the Senator, I need something stronger than his guarantee to believe that these things now occurring are not likely to be repeated, and in his own State.

Horace Greeley was the nominee for President of the democratic party at the last presidential election, and I should like to show the Senator from North Carolina how well he understood the people of his section. I suppose I am quoting from democratic authority; at any rate he was indorsed by the Senator's party. He said in 1871, not long before his nomination:

It (the democratic party) would come into power with the chagrin, the wrath, the mortification of ten bitter years to impel and guide its steps. It would devote itself to taking off or reducing tax after tax until the Treasury was deprived of the means of paying interest on the national debt, and would hail the tidings of national bankruptcy with unalloyed gladness and unconcealed exultation. Whatever chastisement may be deserved by our national sins, we must hope that this disgrace and humiliation will be spared us. The democratic party of to-day is simply the rebellion seeking to achieve its essential purposes within and through the Union. A victory which does not enable it to put its feet on the necks of the black race seems to the bulk of its adherents not worth having. Its heart is just where it was when it regarded slavery and Constitution as two names for one thing. It hates the generals who led the Union armies to victory, and rarely misses a chance to disparage them—

Ay, they are not fit to "breathe the air of Heaven" or "the free air of a republic," as has been said on this floor—

It clings to that exaggerated notion of State rights which makes them the shield of all manner of wrongs and abuses. It takes counsel of its hates even more than of its aspirations, and will be satisfied with no triumphs that do not result in the expulsion of all active, earnest republicans from the South.

That which your candidate for President believed in 1871, I have seen evidence day after day down to the time I now speak to believe.

The Senator from Georgia [Mr. GORDON] dwelt on the necessity to the South of a correct public opinion at the North, and appealed to public opinion to exonerate him and his section from censure for the things to which I have referred. Public opinion is a two-edged sword, and he has more to fear from it than those who denounce this system of slavery and the atrocities that lead up to it. There are other appeals coming from the South to public opinion. I have here one in the New Orleans Bulletin published on the 6th of February where they appeal as follows:

Patriots of the North, let the voice of Grant's victims in Louisiana warn you in time. Arm yourselves without delay; band yourselves together in military array; organize by States, and have your worthy and trusty leaders chosen. Let those who love liberty know each other, and get used to concerted action. Put aside funds, munitions, and stores enough for a prolonged campaign. Be ready when duty demands it to take the field in such numbers as to crush out tyranny before it becomes supreme. You can depend upon most of the old soldiers of the armies who fought for the Government and Union if you organize and prepare in due season. Your country, your threatened liberties, and the palpable encroachments, plain intentions of your enemies, call for active preparation. In the name of liberty we conjure you to heed this warning and be ready.

The public opinion of the North is appealed to for another rebellion, to engage with the South in overthrowing the constituted authorities of the Government; but, as I say, this public opinion is a two-edged sword, and the men who fought down the former rebellion can be relied upon, they and their sons, to put down another!

But these things are the natural outgrowth of democratic policy avowed in grave public documents. The Senator from Delaware, [Mr. BAYARD,] in a congressional report, amplified and enlarged upon the necessity of excluding colored men from political power. The report is made by Frank P. Blair, T. F. BAYARD, S. S. COX, JAMES B. BECK, P. Van Trump, A. M. WADELL, J. C. ROBINSON, and J. M. Hanks. I will not read at length on account of my desire to close. After going on to state that the phrase used long prior to the war that no government could exist half slavery and half free should be paraphrased, and it was a proposition equally true that no government could exist half black and half white, and saying that the minds of thinking men are coming to this conclusion, they say:

Such a state of things—

This half black and half white political equality, this voting power and right of the negro—

Such a state of things may last as long as the party shall last which had the power and audacity to inaugurate it, and no longer. But whenever that party shall go down—

Ay, sir, when the republican party shall fail—

whenever that party shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent. Men in the frenzy of political passions may shut their eyes to this fact now, but it will come at any time when the negro shall cease to be a party necessity in the politics of this country.

That is what the republican party accuse the democracy of. They say that is the very tendency of your measures; that you keep that end steadily in view to destroy the thirteenth, fourteenth, and fifteenth amendments of the Constitution; that you design to re-enslave the African; that you design that all the fruits of the war shall pass away; and I charge it here on the floor of the Senate that that is the design of the democratic party; that it is evinced by their reports on the condition of the South that they intend to overthrow all the fruits of the war; that the results of the long struggle which cost hundreds of thousands of lives and hundreds of millions of dollars shall go for naught; that the blacks shall again be enslaved; that this black blot shall be again upon the American escutcheon and an American citizen can no longer hold up a fair front to heaven and before the nations and say, "Within our broad boundaries there treads not the foot of a slave." That is democratic policy; and there are the signatures of those Senators and members of the House in a grave public document stating these views openly and fully.

Will not the country arouse to these tendencies? Is it possible that the country can sleep when these dangers impend? What difference does it make about the petty speeches of little stump orators in localities, when before the Congress of the United States in a document of that gravity so plainly is put forth the avowed design of the party to overthrow the rights which have been secured by the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States?

These operations at the South are all in pursuance of the plan outlined by this congressional committee. They design to take State by State. Where they cannot grab a whole State at once as in the case of Louisiana and Arkansas, they intend to take a section of it as at Vicksburg in Mississippi, and to hold it by force and violence. They intend to subvert the State constitutions, to eliminate from them every vestige of right, of freedom of thought and action of colored men, or of anything except pure, unadulterated, old proslavery democracy. That is their deliberate purpose; and all these operations, all these plans tend to that very thing. I doubt not that that is well understood and is abetted by northern democratic leaders. If it were not so, why should we see such documents as this which I have read, where the result is pointed at but with a lack of hopefulness not customary to that party they do not think it can be accomplished until the republican party is entirely banished from power. They have started even before the republican party is entirely banished from power to work these nefarious ends, and they hope to complete them when they get supreme control.

I believe that these things are well understood and encouraged by the leaders of the northern democracy, and any further ulterior purposes that there may be on the part of the southern agitators in regard to the destruction of the Union of these States, because I find by the history of the rebellion and the circumstances which accompanied its opening that leading democratic politicians and statesmen were in close communion with the rebellious leaders at that time and encouraged them to retire from the Union. I might quote the letter of Franklin Pierce, a former democratic President of the United States, written on the 6th of January, 1860, nine months before the first State seceded. I might quote also from the language of Keitt in the South Carolina convention where he said they had a right from the assurances which were given by the northern democrats to expect assistance, and that they had been disappointed, and that the northern democrats had gone back upon their pledges through a cowardly fear for their own safety if they had dared themselves to stand up in the face of the Government and the people of the North. I have here an unpublished essay written by a gentleman of Louisiana in which, to do him justice, he belabors all parties right lustily. After making a remark which would have fitted very well into something that I said yesterday and which I will first quote, he goes on to speak of this matter. Speaking of the democratic party, he says:

Measured by its own arrogant boasts, it was the sole fitting expounder and only faithful defender of the Constitution in its primitive purity. There were some, however, who, even in palmy days, contended that by actual measurement it was but a juggling charlatan, "sticking for the letter of the Constitution with the affectation of a prude, and abandoning its principles with the effrontery of a prostitute." Whether the boast or the sneer contain the most truth, it is not now pertinent to inquire.

In 1860 the maxims of state-craft it had cherished through the long years of its jealous rule were repudiated by the popular voice, the reins of government it had grasped in lineal and almost unbroken succession, from Jefferson to Buchanan, were decisively wrested from it and placed in the hands of a party representing new ideas. Whatever its virtues, (and it must have been endowed with many, else how would it have retained its hold upon the popular heart so long,) patience under ostracism from the control of public affairs does not appear to have had a place in the catalogue. The southern leaders, maddened by defeat, proclaimed the right of secession, and flew to arms to vindicate it. It was generally believed at the time that large promises of material aid had been given by the northern portion of the democratic brotherhood. If ever given, those promises were redeemed very much after the fashion of Monsieur Parolles, when he so valiantly undertook to recover the captured drum. After having gulled their impulsive southern allies into "the imminent deadly breach" they coolly stacked arms! The more respectable, keeping up a show of consistency by a fusillade of negative and diluted sympathy; recruiting the confederate armies with shadowy battalions of emotional substitutes in lieu of the active physical aid promised.

That is even better than Keitt's speech or Pierce's letter. These things are understood at the North by northern democratic leaders, and I think so from many circumstances. Marr headed the mob who demanded the abdication of the State government of Louisiana on the 14th of September. From that bloody field he went to the Manhattan Club, on December 29, at New York, and there made a speech. Why he should have gone there and then returned to take part in the subsequent proceedings, why he found there the sympathizing friends which his operations required, may perhaps be explained by some one, but I can only draw inferences. In this speech he said:

I am astonished that the thunders of public indignation were not heard, and that the President was not told "Thus far shalt thou go and no farther."

Observe this was in reference to the Penn insurrection to overthrow the State government, not what took place afterward in the Legislature.

Yet the telegrams from Washington announce that it is the determination of the President to deal with Louisiana with a rough hand; for friends have said be patient; wait a little longer. Well, we have been patient; we have waited, and we have been injured beyond comprehension, except from actual experience. We mean to preserve the public peace as far as it is possible for us to do so. I mean no menace, no threat, when I say it is the fixed determination of the people of Louisiana to sweep these men from power.

And by what means they are going to do it we know by his participation in the massacre of the 14th of September. Not sweep them from power, according to the American sense of the term, by a peaceable election, by allowing the will of the people to be expressed through the ballot-box. O no, sir; but by mobs, by muskets, and bullets.

And they will do it, unless they are prevented by the direct interposition of the Federal soldiers. [Applause.]

Yes, sir, they meant by violence to subvert the State government. This was on December 29, only a very few days before the event happened in the Legislature on the 4th of January, showing their purpose to overthrow the State government by violence unless the Federal troops interfered to prevent. And then shall it be said that there was no necessity for the use of the Federal troops; that the constitutional guarantee could not properly be called into exercise when this vaunt was made by this man Marr who headed the just previous insurrection and bore his complaints and made his promises to the bosom of his friends of the Manhattan Club?

I say these are but parts of a concerted plan to conquer State after State. Look at Arkansas. In defiance of the provision of the State constitution the government of that State has been overthrown by an illegal convention, officers elected for four years ousted, and the rights of the people prostrated. The Legislature was emptied of republican members by the illegal action of the governor, and his own emissaries put in as preliminary to this work. Thousands of men were disfranchised to elect a new Legislature, and that Legislature is passing bills as atrocious as those to which I have referred. Terrorism there suppresses the least murmur of discontent. Baxter found a contest to his right to act as governor before the Legislature. He emptied of his own motion the Legislature of republican members, thirty-three in the house and several senators, by pretended appointments to office; and when these appointments were made he declared the seats vacant and ordered a new election. Not remitting the question to the respective houses to ascertain if there were vacancies, as was required by the laws of the State, he himself decided that there were vacancies, in violation of law, and ordered an election. He thereby divested the Legislature of the constitutional right to pass upon the qualifications of its own members. He turned out the registrars appointed in 1872 for two years by and with the advice and consent of the senate, and put in his own creatures. These registrars conducted the election for vacancies, and he called an extra session, held elsewhere than in the State-house, surrounded the building with troops, and admitted no one except on a military order. There was no quorum present, and yet this illegal assembly admitted the governor's creatures in order to make up a quorum, and then they proceeded to pass a law calling a convention of the people, although there was no provision in the State constitution of Arkansas by which such convention could be held. The constitution provided the means of its own amendment by the passage of those amendments through the two houses of the Legislature and submitting them to the people. All these more than forms, the very essence of the right of the people, the right to have their organic law amended only in a constitutional manner, were stricken down by this illegal body by the connivance of the governor of that State.

Mr. President, the time has arrived, I suppose—

FUNERAL OF HON. SAMUEL HOOPER.

The PRESIDENT *pro tempore*. In accordance with the order heretofore made the Senate will now proceed to the Hall of the House of Representatives to attend the funeral of Mr. HOOPER. At the close of the ceremonies Senators will return to their Chamber.

The Senate thereupon proceeded to the Hall of the House of Representatives to attend the funeral ceremonies of Hon. SAMUEL HOOPER, late a member of that body from the State of Massachusetts.

When the services in the House of Representatives were concluded, the Senate returned to its Chamber at two o'clock and forty minutes p. m.

Mr. MORTON. I move that the Senate take a recess until half past seven o'clock this evening.

Mr. CONKLING. I suggest to the Senator from Indiana to change his motion, and make it that when the Senate adjourns now it be to meet at half past seven this evening.

Mr. MORTON. I have no objection to that form.

The PRESIDENT *pro tempore*. The motion is modified accordingly.

Mr. BAYARD. I move that the Senate do now adjourn until tomorrow morning.

The PRESIDENT *pro tempore*. That motion takes precedence.

Mr. BAYARD. I wish to say in explanation of the motion that for the purpose of continuing the memorial services of to-day it is proper that an adjournment should take place from this time until to-morrow morning, according to what I believe to have been the uniform custom of the Senate.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate do now adjourn.

The question being put, it was declared that the ayes appeared to prevail.

Mr. MORTON. I ask for a division.

Mr. BAYARD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HAMLIN. I think the condition of the Senate is an unpleasant one. I beg the Senator from Indiana to withdraw his motion.

Mr. MORTON. I withdraw the motion on that appeal.

Mr. HAMLIN. The motion to adjourn then is in order.

The PRESIDENT *pro tempore*. The motion to take a recess is withdrawn. Are the yeas and nays insisted upon on the motion to adjourn?

Mr. BAYARD and others. No.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was agreed to; and at (two o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 16, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Several members asked for unanimous consent.

Mr. RANDALL. I demand the regular order of business, as that will give everybody a fair chance.

PRIVATE BILLS PASSED.

The SPEAKER. The regular order is the unfinished business coming over from Friday last—bills reported from the Committee of the Whole House on the Private Calendar, and now upon their engrossment and third reading.

The following bills reported from the Committee of the Whole House on the Private Calendar, with the recommendation that they do pass without amendment, were severally ordered to be engrossed for a third reading; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 2688) for the relief of Albert F. Yerby, administrator of Addison O. Yerby, deceased;

A bill (H. R. No. 2689) for the relief of Emille Lepage, surviving partner of the firm of Lepage Brothers; and

A bill (H. R. No. 2691) for the relief of Mrs. Flora A. Darling.

The bill (H. R. No. 633) for the relief of Randall Brown, of Nashville, Tennessee, was reported from the Committee of the Whole House on the Private Calendar, with an amendment.

The amendment was concurred in, and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The votes by which the bills were passed were severally reconsidered, and the motions to reconsider laid on the table.

PAYMENT OF CLAIMS.

The SPEAKER. The following bill comes over as unfinished business. It is a bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, reported from the Committee on War Claims.

Mr. COBURN. I ask by unanimous consent that Monday night be given to reports from the Committee on Military Affairs.

Mr. MYERS. I do not object if we have one night for the Committee on Naval Affairs.

Mr. LAWRENCE. Let this bill be disposed of first.

Mr. GARFIELD. I must object to any special agreements.

Mr. LAWRENCE. I move to dispense with the reading of the pending bill. It gives a long list of persons in whose favor claims have been allowed.

Mr. RANDALL. I object.

Mr. DAWES. I move to suspend the rules to go into Committee of the Whole on the tariff bill.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I rise to report from the Committee on Appropriations a bill which I have the right to report at any time. I am instructed by the Committee on Appropriations to report a bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; and move that the same be printed and referred to the Committee of the Whole on the state of the Union, and made the special order for to-morrow after the reading of the Journal.

Mr. RANDALL. I reserve all points of order on the bill.

The bill was received, read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made the special order for to-morrow after the reading of the Journal.

TENNESSEE AND HOLSTON RIVERS.

Mr. DONNAN. I am instructed by the Committee on Printing to move that certain maps accompanying report of survey of the Tennessee and Holston Rivers be referred to the Committee on Commerce, and printed with the report which they accompany.

The motion was agreed to.

GEOLOGICAL AND GEOGRAPHICAL SURVEY OF TERRITORIES.

Mr. DONNAN submitted an adverse report on the printing of a map accompanying a letter of the Secretary of the Interior relative to the geographical and geological survey of the Territories; and the same was laid on the table.

INTERNATIONAL STATISTICAL CONGRESS.

Mr. DONNAN also, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed of the report of the delegates from the United States to the international statistical congress, at St. Petersburg, six hundred extra copies bound; three hundred for the Department of State and three hundred for the delegates.

FEES OF MARSHALS, ETC.

Mr. SENER. I rise to present the report of a committee of conference. The report was read, as follows:

The conferees appointed by the Senate and House of Representatives on the disagreeing votes of the two Houses on the House bill No. 3923, entitled "An act to amend the twenty-third paragraph of section 3 of the act entitled 'An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes,' approved February 26, 1853," report:

That having met, after full and free conference they have agreed to recommend, and do recommend, that the House of Representatives recede from its disagreement to the thirteenth amendment of the Senate to said bill, and agree to the same modified as follows: After the word "four," in line 10 of said amendment, insert the words "and prior to the 1st day of January, 1875." And in lines 13, 14, 15, and 16 strike out all after the word "passed," in line 13, and insert the following words: "and from and after the 1st day of January, 1875, no such officer or person shall become entitled to any allowance for mileage or travel not actually and necessarily performed under the provisions of existing law;" and that the Senate agree to the same.

And that the House of Representatives recede from its disagreement to the fourteenth amendment of the Senate to said bill, and agree to the same.

JAMES B. SENER,
G. G. HOSKINS,
R. M. SPEER,

Managers on the part of the House.

GEORGE F. EDMUNDS,
A. G. THURMAN,

Managers on the part of the Senate.

The report was agreed to.

Mr. SENER moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Connecticut. I ask the House to concur in a trifling amendment by the Senate to the bill H. R. No. 3915.

Mr. RANDALL. I insist on the regular order.

Mr. DAWES. I move that the rules be suspended and that the House resolve itself into Committee of the Whole for consideration of the tax and tariff bill; and pending that motion I move that all general debate be limited to three hours.

Mr. KELLOGG. I rise to make a parliamentary inquiry. There is a special order for to-day at one o'clock. If the House goes into committee now and continues in session until two o'clock, the hour fixed for the funeral of the late Mr. HOOPER, will that special order be lost?

The SPEAKER. It would be. But the Chair will remark that he would construe the special order as entitling the gentleman from Connecticut [Mr. KELLOGG] to the floor at twelve o'clock to-day. It was intended to be the order one hour after the reading of the Journal and the hour of meeting has been changed.

Mr. KELLOGG. I suggest to my friend from Massachusetts that if there is to be further general debate on the tax and tariff bill, to-morrow be taken for that purpose. This will give more time for the three hours proposed to be allowed for general debate.

Mr. GARFIELD. I wish to go on to-morrow with the Army appropriation bill.

Mr. DAWES. There is a great deal of general business pressing upon the House, and I would not urge this unless I felt that I was performing a public duty. Nothing is so unpleasant to me as to interfere with other gentlemen bringing before the House measures of which they have charge.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, communicated to the House of Representatives the resolutions of the Senate on the announcement of the death of Hon. SAMUEL HOOPER, late a member of the House of Representatives from the State of Massachusetts.

THE LATE HON. SAMUEL HOOPER.

The SPEAKER. The Clerk will read the resolutions of the Senate. The Clerk read as follows:

IN THE SENATE, February 15, 1875.

Resolved, That the Senate has received with sincere regret the announcement of the death of Hon. SAMUEL HOOPER, late a member of the House of Representatives from the State of Massachusetts.

Resolved, That the Senate will attend the funeral ceremony in the Hall of the House of Representatives to-morrow at two o'clock in the afternoon.

Resolved, That as a further mark of respect for the memory of the deceased the Senate do now adjourn.

The SPEAKER. While this is before the House the Chair begs to state that the committee on arrangements have instructed me to ask members occupying the front three tiers of seats on the right and the front tier on the left to vacate them before the hour of two o'clock for the accommodation of the Senate and members of the Cabinet and others who may attend the funeral.

COMPENSATION OF BANK EXAMINERS.

Mr. MAYNARD. I rise to submit the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3825) to amend the national-bank act, and fixing the compensation of national-bank examiners, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the first amendment of the Senate, and agree to the same, with the following amendments, namely:

In lines 7 and 8 strike out the words "thirty-one of the national-bank act" and insert in lieu thereof "5192 of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories."

Strike out all after "than," in line 12, to and including "dollars," in line 14, and insert in lieu thereof "three hundred thousand dollars, twenty-five dollars."

Strike out "redemption cities," in line 27, and insert in lieu thereof "the cities named in section 5192 of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories."

And the Senate agree to the same.

That the House recede from its disagreement to the second amendment of the Senate, and agree to the same.

HORACE MAYNARD,

C. L. MERRIAM,

M. J. DURHAM,

Managers on the part of the House.

JOHN SCOTT,

JUSTIN S. MORRILL,

T. F. BAYARD,

Managers on the part of the Senate.

Mr. MAYNARD. This is merely a settlement of some details which it was thought could be better adjusted in the committee of conference than by amendments in the House; and unless some gentleman desires to be better informed as to the recommendations of the committee, I will move the previous question.

Mr. GARFIELD. Will the gentleman state simply what the substance of this change of the law is?

Mr. MAYNARD. The bill, as we passed it, fixed the rate which the national-bank examiners should be paid, a rate graduated upon the capital of the bank. The evil complained of which we sought to relieve was that mileage had been charged; and where two or three banks were in the same community there was double mileage, so that it made the services incommensurate with the amount received, while in other instances the pay might not have been enough, although as to that we heard no special complaint. This bill was an attempt to regulate this matter. It went to the Senate, which modified it by substituting references to the Revised Statutes, instead of the references to the national-bank act.

Mr. GARFIELD. That is sufficient. I make no objection to the report.

The report was agreed to.

Mr. MAYNARD moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. AVERILL. Some time ago, on the call of the committees by the Speaker, the Committee on Indian Affairs was given the right to report on some other day. I ask now if it is in order for them to report?

The SPEAKER. It will be in order if the House does not go into Committee of the Whole on the Calendar.

Mr. AVERILL. Does that take precedence without a vote of the House?

The SPEAKER. It is only by a vote of the House that the House can go into Committee of the Whole.

Mr. DAWES. I wish to say that I do not want to be pressing the revenue bill on the House unseasonably, and if the House does not want to pass that bill I wish they would save themselves trouble and save me the pain of putting myself in the position of pressing it at every chance I can get. I do not do it from any personal motive, but I am acting under the instructions of the Committee on Ways and Means, and under a sense of pressing duty; but of course the House can take the responsibility off our shoulders if it declines to go on with the consideration of that bill.

Mr. KELLOGG. I want to say this to the House, that I hope that to-day it will not go into Committee of the Whole on the state of the Union. There is the southern claims bill, involving a large amount, which can be passed between now and twelve o'clock; and then there is a special order at twelve o'clock, the bill for the reorganization of the Treasury Department, which, if the House will let me, I can finish in less than two hours and before the hour fixed for the funeral ceremonies. I think it better, therefore, that, instead of resolving ourselves into a debating society upon the tariff question, we should consider that bill. My friend from Massachusetts knows that the bill was prepared in part in consequence of his appeal to the House for retrenchment in the management of the Departments of the Government. If that bill can be allowed to be taken up I will agree to put it through within the time remaining without talking about it, for I have no desire to make a speech upon it.

Mr. LAWRENCE. I hope the gentleman from Massachusetts [Mr. DAWES] will allow the bill to be passed for the claims allowed by the commissioners of claims.

Mr. DAWES. I have only one word to say, and then I leave the responsibility to the House. I shall feel that I have discharged my duty by bringing this matter before the House, and the House and the country will see, if my motion be defeated, how much easier it is to get money out of the Treasury than it is to get money into it. If we do not address ourselves persistently to the effort to pass some such bill as the one which I ask the House now to consider, the Treasury will fail to meet the demands upon it, and we shall force an extra session.

Mr. ALBRIGHT. How much debate does the gentleman from Massachusetts ask upon this bill?

Mr. DAWES. I have moved that general debate be limited to three hours.

Mr. ALBRIGHT. Then I move to amend that motion so as to limit it to one and a half hours.

Many MEMBERS. Vote! Vote!

Mr. WARD, of Illinois. I want to say a word in reference to this tariff bill. I do not want that members who are interested in this question shall be deprived of an opportunity to be heard at all.

Mr. FIELD. Three hours is short enough time.

The question was taken on the amendment of Mr. ALBRIGHT; and it was not agreed to.

The question recurred on the motion of Mr. DAWES that general debate on the tariff bill be closed in three hours.

Mr. SAYLER, of Ohio. I rise to a parliamentary inquiry. In case the general debate be limited to three hours, will it be a debate between the members of the Committee on Ways and Means, or will other representatives of interests that are to be affected by this bill be heard?

The SPEAKER. The Chair knows nothing about the debate in Committee of the Whole.

Mr. SAYLER, of Ohio. There are some of us who want an opportunity to present the interests of our constituents to the House.

Mr. DAWES. I will state what I know about the disposition to debate. The gentleman from Illinois [Mr. BURCHARD] has the floor. I understand that he does not intend to occupy a full hour. I understand that the gentleman from Indiana, [Mr. NIBLACK,] a member of the Committee on Ways and Means, wants an hour, which he proposes to distribute among his friends on the other side of the House. To the gentleman from Kentucky [Mr. BECK] I have promised half of the last hour, and the gentleman from Iowa [Mr. KASSON] desires a few minutes. That is all I know about the disposition to debate the bill.

Mr. WARD, of Illinois. Well, that would leave no time for gentlemen who are interested in the bill who are not on the committee to discuss it at all.

The question was taken on the motion of Mr. DAWES to close debate; and it was not agreed to.

The question recurred on the motion of Mr. DAWES to go into Committee of the Whole on the state of the Union on the tariff bill; and on a division there were—ayes 56, noes 69.

Mr. DAWES. I feel it my duty to call for tellers on this question.

The SPEAKER. No quorum having voted, the Chair will order tellers; and appoints the gentleman from Massachusetts [Mr. DAWES] and the gentleman from Ohio, [Mr. LAWRENCE.]

The House divided; and the tellers reported—ayes 60, noes 96.

So the motion of Mr. DAWES was not agreed to.

SOUTHERN CLAIMS.

Mr. LAWRENCE. I now call up the bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, reported from the Committee on War Claims.

Mr. BRADLEY. Does that bill make an appropriation?

The SPEAKER. It does.

Mr. BRADLEY. Then I raise the point of order that it must receive its first consideration in Committee of the Whole.

Mr. LAWRENCE. The Committee on War Claims was authorized to report this bill at any time.

The SPEAKER. Yes; but not for consideration in the House. The Committee on Appropriations is authorized to report bills at any time, but only for reference. This bill must go to the Committee of the Whole on the state of the Union.

Mr. LAWRENCE. I then move that the House resolve itself into Committee of the Whole on this bill.

The SPEAKER. That motion is not now in order.

Mr. LAWRENCE. Then I ask that the bill be printed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Minnesota [Mr. AVERILL] is entitled to a certain period allotted to him to submit reports from the Committee on Indian Affairs. The Chair thinks that to-day that right could not be enforced, because the rules were suspended so as to bring before the House for consideration to-day the bill for the reorganization of the Treasury Department. The order in relation to the Committee on Indian Affairs does not hold good against a specific order made under a suspension of the rules.

EMPLOYÉS OF THE HOUSE.

Mr. GARFIELD. I ask unanimous consent to report from the Committee on Appropriations a bill to give compensation to crippled doorkeepers and other employés of the House who have not been paid since the beginning of the session.

Mr. RANDALL. Let the bill be read.

The bill was read, making appropriations to enable the Clerk of the House of Representatives to pay fourteen disabled soldiers in the service of the House from December 7, 1874, to April 1, 1875, \$6,000; five pages from December 7, 1874, to April 1, 1875, \$1,450; six folders from July 1, 1874, to December 1, 1874, \$3,400; and six colored laborers from December 7, 1874, to April 1, 1875, \$1,400; the several amounts to be disbursed under the direction of the Committee on Accounts of the House of Representatives.

No objection being made, the bill (H. R. No. 4730) was received, and read a first and second time.

Mr. GARFIELD. I sought to introduce this bill a few mornings since, and objection was made to it that three or four persons who had served during the whole term and had not been paid were not included in the bill.

Mr. RANDALL. I ask the gentleman to add four pages who are in a like condition.

Mr. GARFIELD. There are five pages included in the bill. The bill was referred to the Committee on Accounts, and the chairman of that committee [Mr. BUFFINTON] went over it carefully and put in all that should be included. The following letter from the clerk of the House of Representatives will explain the necessity for the bill:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 12, 1875.

DEAR SIR: In reply to your inquiry of yesterday, I have the honor to state that the following amounts will be required to pay the employés of the House named: For fourteen crippled soldiers from December 7, 1874, to March 5, 1875. . . \$1,267 20
For four pages from December 7, 1874, to March 4, 1875. 880 00
For one page from January 1 to March 4, 1875. 157 50
For six colored laborers from December 7, 1874, to March 4, 1875. 1,049 46
Very respectfully,

CLINTON LLOYD,
Chief Clerk House of Representatives.

R. J. STEVENS, Esq.,
Clerk Committee on Appropriations.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS.

Mr. LAWRENCE. I ask unanimous consent to have printed and referred to the Committee on War Claims a bill making appropriations for the payment of claims reported to Congress, under section 2 of the act of Congress approved June 16, 1874, by the Secretary of the Treasury, and for other purposes.

Mr. RANDALL. Not to come back on a motion to reconsider.

The SPEAKER. Under the rules that could not be done.

No objection being made, the bill (H. R. No. 4731) was received, read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENGRAVING AND PRINTING OF NATIONAL-BANK NOTES, ETC.

Mr. PHELPS. I ask consent to report from the Committee on Banking and Currency a bill to provide for the engraving and printing of the national-bank notes and United States notes, and other securities of the United States, to be printed and recommitted.

Mr. RANDALL. I will not object, upon the understanding that the bill is not to be brought back by a motion to reconsider, and that the minority shall have a right to submit their views.

No objection being made, the bill (H. R. No. 4732) was received, read a first and second time, with the accompanying report ordered to be printed, and recommitted to the Committee on Banking and Currency.

JAPANESE INDEMNITY FUND.

Mr. MYERS, by unanimous consent, introduced a bill (H. R. No. 4733) to return to the government of Japan one-half of the indemnity fund paid by that government to the United States under the convention of October 22, 1864, and to dispose of the balance of that fund; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

POST-ROUTE BILL.

Mr. PACKER. I am instructed by the Committee on the Post-Office and Post-Roads to report a bill to establish certain post-routes. There is no legislation whatever in the bill, and I ask that it may be considered and passed now.

No objection being made, the bill (H. R. No. 4734) was received, read three times, and passed.

Mr. PACKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HYGEIA HOTEL, FORTRESS MONROE, VIRGINIA.

Mr. HAWLEY, of Connecticut. I ask unanimous consent that the bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe be taken from the Speaker's table, and that a verbal amendment of the Senate be concurred in. The bill as passed by the House, in referring to the joint resolution which limits and guards the rights of the Government, uses the number 226 instead of 46. The Senate has corrected that verbal error.

There being no objection, the bill was taken from the Speaker's table, and the amendment concurred in.

Mr. HAWLEY, of Connecticut, moved to reconsider the vote by which the amendment was concurred in, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERRITORY OF OKLAHOMA.

Mr. BUTLER, of Tennessee, by unanimous consent reported back adversely from the Committee on Indian Affairs the bill (H. R. No. 164) to carry out certain Indian treaties and to organize the Territory of Oklahoma; and moved that the bill be laid on the table and the adverse report printed.

The motion was agreed to.

SALARIES OF NEW YORK DISTRICT JUDGES.

On motion of Mr. BUTLER, of Massachusetts, by unanimous consent, the bill (S. No. 1294) to fix the salaries of the district judges of the northern and southern districts of New York was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

DEBTS DUE FROM SOUTHERN RAILROADS.

On motion of Mr. BUTLER, of Massachusetts, by unanimous consent, the Senate amendments to the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," were taken from the Speaker's table and referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

CONVENTION BETWEEN THE UNITED STATES AND CHINA.

Mr. WILLARD, of Vermont, from the Committee on Foreign Affairs, reported back adversely the bill (H. R. No. 1609) supplementary to an act entitled "An act to carry into effect the convention between the United States and China, concluded on the 8th day of November, 1858, at Shanghai," approved March 3, 1859, and to give the Court of Claims jurisdiction in certain cases; and moved that the bill be laid on the table and the report ordered to be printed.

The motion was agreed to.

Mr. WILLARD, of Vermont, moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD.

Mr. HARRIS, of Virginia, by unanimous consent, presented a memorial of the president of the Washington, Cincinnati and Saint Louis Railroad Company, asking aid from Congress for that road; which was referred to the Committee on Railways and Canals, and ordered to be printed.

TAX ON WHISKY.

Mr. BANNING, by unanimous consent, presented resolutions of the Chamber of Commerce of Cincinnati, Ohio, against any increased or additional tax upon whisky; which were referred to the Committee

on Ways and Means, and ordered to be printed in the RECORD. They are as follows:

CINCINNATI, February 13, 1875.

To Hon. MILTON SAYLER and Hon. H. B. BANNING:

The following unanimous action was taken to-day by the chamber of commerce on the whisky-tax bill.

C. M. HALLOWAY,
President, Chamber of Commerce.

Whereas a proposition has been made in the Congress of the United States to materially increase the internal taxes on the production of distilled spirits; and whereas this city's interests are seriously involved in this movement, this chamber of commerce would respectfully present to the members of the present Congress the following facts as justifying the earnest protest which we hereby make against proposed changes:

The movement of whisky at Cincinnati for the year ending September 1, 1874, according to the statistics of this chamber, reached 674,315 barrels; the value of which movement in and out of this city was \$37,776,375. The production of spirits for the year in the three cities of Cincinnati, Covington, and Newport was 8,510,589 gallons, the article in its various forms contributing to the revenue of the Government in round numbers \$6,000,000. This amount, \$37,776,375, represents financial and industrial interests too serious to be lightly disturbed, whether as to local considerations or as to the collection of the revenue itself. The amount of tax paid into the Treasury of the United States by the first district of Ohio is over \$5,000,000 annually; but when the whisky from other districts seeking a market here, as is shown by the foregoing statement, is taken into consideration, it will be seen that spirits having paid a tax of at least \$11,000,000 pass through the hands of dealers here; and the stand taken here against fraudulent goods absolutely guarantees this amount of tax to the Government. The addition of thirty cents per gallon tax would, as will be seen from this, amount to a requirement that this city should bear the burden of supplying the money for nearly five millions additional taxes; and as all the better grades require age to be properly marketed, and goods are sold on time, it would demand at least \$2,500,000 more capital; and as this money is sent directly away from the city, it would draw heavily on banking capital needed for other branches of business. It may be added that these statements would equally apply to the States of Ohio, Kentucky, Indiana, and Illinois.

This chamber is persuaded that an increase of tax would encourage fraud in the collection of the revenue, by which increased burdens would be laid on those engaged in honest production, and by which it would become even problematical whether the aggregate revenue would be thereby increased, and that the legislation would be one peculiarly injurious to the interests of the West. This chamber would therefore enter its solemn protest against any change in the present law.

REIMBURSEMENT TO MARYLAND.

Mr. GUNCKEL, by unanimous consent, presented from the Committee on Military Affairs a report to accompany the bill (H. R. No. 4138) to reimburse the State of Maryland for arms and munitions of war taken from said State by the United States in 1861; which was ordered to be printed and recommitted.

CONTINENTAL RAILWAY COMPANY.

Mr. HURLBUT, by unanimous consent, presented a memorial of the Continental Railway Company, upon the subject of standard and narrow-gauge railways for general transportation purposes and as trunk lines; which was referred to the Committee on Railways and Canals, and ordered to be printed.

FLORIDA AGRICULTURAL COLLEGE.

Mr. WALLS, by unanimous consent, introduced a bill (H. R. No. 4735) to amend the acts of Congress in relation to agricultural colleges, so as to extend the time within which the State of Florida may comply with the requirements of said act of Congress; which was read a first and second time.

Mr. WALLS. I ask unanimous consent that this bill be put on its passage now. It relates to the State of Florida only.

The bill was read. It provides that the conditions of the act of Congress approved July 2, 1862, and December 13, 1872, in relation to colleges for the benefit of agriculture and the mechanic arts be amended so as to extend the time for the location of said college and the other requirements of those acts to the State of Florida for two years from the approval of this act.

Mr. MONROE and Mr. KASSON. This bill should be referred to a committee.

The SPEAKER. In the opinion of the Chair the bill, if referred, would properly go to the Committee on Education and Labor.

Mr. MONROE. I move that reference, though I do not care whether it goes to that committee, or to the Committee on Agriculture.

Mr. YOUNG, of Georgia. I hope the bill will be passed now. It is all right.

Mr. KASSON. It should go to the Committee on Public Lands.

Mr. STORM. The Committee on Education and Labor have already had the subject under consideration.

The motion of Mr. MONROE to refer the bill to the Committee on Education and Labor was agreed to; and the bill was also ordered to be printed.

JOHN KIRK.

Mr. DANFORD, by unanimous consent, introduced a bill (H. R. No. 4736) authorizing and directing the Secretary of War to give to John Kirk, late second lieutenant of Company E, of the Ninety-second Regiment of Ohio Volunteer Infantry, an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM SPRIGGS.

Mr. DANFORD also, by unanimous consent, introduced a bill (H. R. No. 4737) authorizing and directing the Secretary of War to give to William Spriggs, late second lieutenant of Company H, One hundred and sixteenth Ohio Volunteer Infantry, an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AARON A. TURNER.

Mr. FIELD, by unanimous consent, introduced a bill (H. R. No. 4738) for the relief of Aaron A. Turner, of Trenton, Michigan, for duties illegally collected on ship plank imported by him; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ANDREW LOUDERBACK.

Mr. BUNDY, by unanimous consent, introduced by a bill (H. R. No. 4739) granting a pension to Andrew Louderback, late of Company D, Thirty-sixth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES J. WARING, SAVANNAH, GEORGIA.

Mr. WALDRON, from the Committee on Ways and Means, reported back a bill (H. R. No. 4246) for the relief of James J. Waring, Savannah, Georgia, with the recommendation that it do pass; which was referred to the Committee of the Whole House on the Private Calendar.

CHANGE OF REFERENCE.

Mr. COBURN, by unanimous consent, from the Committee on Military Affairs, reported back the following cases, and moved that they be referred to the Committee on War Claims; which motion was agreed to:

The petition of Ellen J. Brosman, of Washington, District of Columbia, for compensation for stock of goods taken by the Second Army Corps; and

The petition of William S. McKnight and James W. Richardson.

BILLS RELATING TO BANKING AND CURRENCY, ETC.

The SPEAKER laid before the House a letter from the Clerk of the House, transmitting an index of bills introduced into the House from the First Congress to the Forty-second Congress, inclusive, relating to banks, currency, public debt, tariff, and direct taxes; which was referred to the Committee on Printing.

LEWIS HINELY.

The SPEAKER also laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I have the honor to return herewith House bill 2332, entitled "An act granting a pension to Lewis Hinely;" from which I withhold my approval for the reasons given in the accompanying letter of the Secretary of the Interior.

U. S. GRANT.

EXECUTIVE MANSION, February 12, 1875.

The message and accompanying documents were referred to the Committee on Invalid Pensions, and ordered to be printed.

OREGON MILITARY WAGON-ROAD.

Mr. HANCOCK, by unanimous consent, from the Committee on Appropriations, reported back letters of the Secretary of War and Secretary of the Treasury, in relation to a military wagon-road in Oregon; and the same were referred to the Committee on Military Affairs, and ordered to be printed.

ADJUTANT-GENERAL'S DEPARTMENT.

The SPEAKER. Yesterday, on the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army, upon which there were disagreeing votes between the two Houses, the House ordered a conference committee. The Chair announces as managers of said conference on the part of the House Mr. MACDOUGALL of New York, Mr. DONNAN of Iowa, and Mr. NESMITH of Oregon.

REORGANIZATION OF THE TREASURY DEPARTMENT.

The SPEAKER. The House under a suspension of the rules ordered that the bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department of the United States, and for other purposes, should come up at this time.

Mr. KELLOGG. I send to the Clerk's desk an amendment in the form of a substitute which has been unanimously agreed to by the committee and approved by the Secretary of the Treasury.

The Clerk read the substitute, as follows:

That on and after July 1, 1875, the organization of the Treasury Department, and the several offices thereof, and the annual salaries paid to the persons therein, shall be as follows, namely:

In the office of the Secretary of the Treasury:

The Secretary, \$8,000; two assistant secretaries, at \$4,500 each; chief clerk, \$3,000; one chief of division of warrants, estimates, and appropriations, \$3,000; seven chiefs of division, at \$2,800 each; eight assistant chiefs of division, at \$2,400 each; two disbursing clerks, at \$2,800 each; twenty-five clerks of class four; stenographer to the Secretary, \$2,400; twenty-six clerks of class three; twenty-one clerks of class two; eighteen clerks of class one; thirty-one clerks, at \$900 each; eleven messengers; and eleven laborers; one clerk of class four and one clerk of class one, to assist the chief clerk in superintending the building; one captain of the watch, \$1,400; one engineer, \$1,600; one machinist and gas-fitter, \$1,200; one store-keeper, \$1,400; sixty watchmen, at \$720 each, and, additional to two of said watchmen, acting as lieutenants of watchmen, \$220 each; twenty-five laborers, at \$720 each; one assistant engineer, \$1,000; nine firemen, at \$720 each; and ninety char-women, at \$180 each.

In the Construction Branch of the Treasury:

Supervising Architect, \$4,000; chief clerk, \$2,500; one photographer, \$2,500; one principal clerk, at \$2,400; two clerks, at \$2,000 each; one assistant photographer, at \$1,600; two clerks of class four; four clerks of class three; two clerks of class one; two clerks, at \$900 each; and one messenger.

In the office of the First Comptroller:

The First Comptroller of the Treasury, \$5,000; deputy comptroller, \$2,800; four chiefs of division at \$2,400 each; six clerks of class four; twelve clerks of class three; ten clerks of class two; five clerks of class one; six clerks, at \$900 each; one messenger; and three laborers.

In the office of the Second Comptroller:

The Second Comptroller, \$5,000; deputy comptroller, \$2,800; four chiefs of division, \$2,400 each; eight clerks of class four; seventeen clerks of class three; eighteen clerks of class two; twelve clerks of class one; ten clerks, at \$900 each; one messenger; and three laborers.

In the office of the Commissioner of Customs:

The Commissioner of Customs, \$4,500; deputy commissioner, \$2,500; three chiefs of class four; seven clerks of class three; ten clerks of class two; nine clerks of class one; one messenger; and one laborer.

In the office of the First Auditor:

The First Auditor of the Treasury, \$4,000; deputy auditor, \$2,500; four chiefs of division, at \$2,100 each; two clerks of class four; seven clerks of class three; eight clerks of class two; thirteen clerks of class one; one messenger; and two laborers.

In the office of the Second Auditor:

The Second Auditor of the Treasury, \$4,000; deputy auditor, \$2,500; five chiefs of division, at \$2,100 each; six clerks of class four; thirty-five clerks of class three; seventy clerks of class two; forty-five clerks of class one; one messenger; and twelve laborers.

In the office of the Third Auditor:

The Third Auditor of the Treasury, \$4,000; deputy auditor, \$2,500; five chiefs of division, at \$2,100 each; six clerks of class four; twenty-five clerks of class three; seventy-five clerks of class two; forty clerks of class one; ten clerks, at \$900 each; two messengers; seven laborers; and one char-woman, at \$450.

In the office of the Fourth Auditor:

The Fourth Auditor of the Treasury, \$4,000; deputy auditor, \$2,500; three chiefs of division, at \$2,100 each; two clerks of class four; eighteen clerks of class three; eleven clerks of class two; ten clerks of class one; six clerks, at \$900 each; one messenger; and three laborers.

In the office of the Fifth Auditor:

The Fifth Auditor of the Treasury, \$4,000; deputy auditor, \$2,500; two chiefs of division, at \$2,100 each; two clerks of class four; seven clerks of class three; six clerks of class two; eight clerks of class one; five clerks, at \$900 each; one messenger; and two laborers.

In the office of the Auditor of the Treasury for the Post-Office Department:

The Auditor of the Treasury for the Post-Office Department, \$4,000; deputy auditor, \$2,500; eight chiefs of division, at \$2,100 each; eight clerks of class four, and additional to one clerk of class four as disbursing clerk, \$200; fifty-four clerks of class three; sixty-nine clerks of class two; thirty-seven clerks of class one; one messenger; and nineteen laborers; twenty assorters of money orders, at \$1,000 each; also, fifteen female assorters of money orders, at \$900 each.

In the office of the Register:

The Register of the Treasury, \$4,000; one deputy register and one assistant register, at \$2,500 each; seven clerks of class four; ten clerks of class three; fourteen clerks of class two; eight clerks of class one; eight copyists, at \$900 each; one messenger; and four laborers.

In the office of the Treasurer:

The Treasurer of the United States, \$6,500; assistant treasurer, \$3,800; cashier, \$3,800; assistant cashier, \$3,500; five chiefs of division, at \$2,700 each; two principal book-keepers, one at \$2,600 and one at \$2,500; two tellers, one at \$2,700 and one at \$2,600; one chief clerk, at \$2,700; two assistant tellers, at \$2,350 each; thirteen clerks of class four; thirteen clerks of class three; nine clerks of class two; eight clerks of class one; sixty clerks, at \$900 each; seven messengers; five laborers, at \$720 each; and seven laborers, at \$240 each.

In the office of the Light-House Board:

The chief clerk of the Light-House Board, \$2,500; two clerks of class four; two clerks of class three; one clerk of class two; one clerk of class one; one clerk at \$900; one messenger; and one laborer.

In the office of the Comptroller of the Currency:

The Comptroller of the Currency, \$5,000; deputy comptroller, \$3,000; four chiefs of division, at \$2,400 each; nine clerks of class four; fourteen clerks of class three; twelve clerks of class two; eleven clerks of class one; thirty-three clerks, at \$900 each; four messengers; four laborers; and two night watchmen.

In the office of the Commissioner of Internal Revenue:

The Commissioner of Internal Revenue, \$6,000; deputy commissioner, \$3,500; seven heads of division, at \$2,500 each; one stenographer, at \$2,000; thirty clerks of class four; forty-two clerks of class three; fifty clerks of class two; eighteen clerks of class one; seventy clerks, at \$900 each; five messengers; and fifteen laborers.

In the office of the Secretary of the Treasury:

SEC. 2. That there shall be in the office of the Secretary of the Treasury a division of loans and a division of currency, with the following employes: Two chiefs of division, at \$2,800 each; two assistant chiefs of division, at \$2,400 each; fourteen clerks of class four; eight clerks of class three; six clerks of class two; four clerks of class one; forty clerks, at \$900 each; eight messengers; twenty-one laborers, at \$720 each; and twenty-two laborers, at not exceeding \$2.25 a day each; and additional pay to three fourth-class clerks in the division of loans, namely, receiving-clerk of bonds and two book-keepers, \$300 each.

In the office of the Treasurer:

Seventeen clerks of class four; six clerks of class three; five clerks of class two; nine clerks of class one; one hundred and forty-five counters and copyists, at \$900 each; nine messengers; and twenty-six laborers.

In the office of the Register of the Treasury:

Five chiefs of division, at \$2,500 each; one disbursing clerk, at \$2,000; twelve clerks of class four; twelve clerks of class three; four clerks of class two; five clerks of class one; one hundred counters and copyists, at \$900 each; eight messengers; and six laborers.

In the office of the First Auditor of the Treasury:

Four clerks of class four; three clerks of class three; three clerks of class two; and two clerks of class one.

SEC. 3. That the duties heretofore prescribed by law and performed by the chief clerks in the several Bureaus named shall hereafter devolve upon, and be performed by, the several deputy comptrollers, deputy auditors, deputy register, and deputy commissioner herein named.

Mr. KELLOGG. Mr. Speaker, I do not wish to take over five minutes in explaining this bill, and not more than half that time if it can be done within so short a period. And if the House will give me its attention for from two to five minutes, I will try to explain what changes are made in the bill from the present organization of the Department.

There are really very few changes in salaries, except in those of the Auditors, which were fixed at \$3,000 in 1799 and in 1817—the last of them, except the Sixth Auditor's, more than fifty years ago, and in the heads of divisions in the Comptrollers' and Auditors' offices. The salaries of those officers were then fixed at \$3,000, while others then fixed at \$1,500 and \$2,000 have been raised to \$4,500 and above that.

The Auditors I should say received \$4,000 salary for several years. As long as we had the "slush fund" \$1,000 was assigned to each of

[illegible]

Table showing the compensation or salaries at various periods per annum of officers and clerks of the Executive Departments—Continued.

Officers and Clerks.	March, 1862.	June 3, 1864.	July, 1866.	1869.	1872.	Compensation in 1819.	Present compensation, 1878.	When present compensation was fixed.	Increase in 55 years.	Proposed increase by H. R. 2978.
Secretary of State										
Secretary of the Treasury										
Secretary of War										
Secretary of the Navy										
Attorney-General										
Postmaster-General										
Assistant Secretary Treasury	July 16, \$4,000		Mar. 3, 1865, \$3,500			\$3,500 to \$6,000	\$8,000	21 years ago	\$2,000 to 4,500	
Comptroller				\$5,000	May 15, '72, \$5,000	\$1,500	4,500	5 years ago	3,000	
Second Comptroller						\$3,500	5,000	5 years ago	1,500	
Commissioner of Customs						\$3,000	5,000	2 years ago	2,000	
First Auditor						Created in 1849, at \$3,000	4,500			
Second, Third, Fourth, Fifth Auditors (each)						\$3,000	3,000	75 years ago	None	\$1,000
Sixth Auditor						\$3,000	3,000	57 years ago	None	1,000
Register					May 8, 1872, 4,000	Created in 1836, at \$3,000	3,000	38 years ago	None	1,000
Treasurer	5,000		July 23, 6,500			\$3,000	4,000	2 years ago	1,000	
Solicitor						Created in 1830, at \$3,500	6,500	8 years ago	3,500	
Commissioner of Pensions						Created in 1843, at \$2,500	4,500			
Commissioner of Indian Affairs						Created in 1832, at \$3,000	3,000	26 years ago	500	
Commissioner of the General Land Office						Created in 1836, at \$3,000	3,000	42 years ago	None	
Assistant Postmaster-General			July 1, 1865, 3,500			Created in 1836, at \$2,500	3,500	38 years ago	None	
Comptroller of Currency		\$5,000				Created in 1864, at \$5,000	5,000	9 years ago	1,000	
Commissioner of Internal Revenue	July 1, 4,000	July 13, 6,000				Created in 1862, at \$4,000	6,000	10 years ago	2,000	
Chief clerks of Departments						\$2,000	2,200	21 years ago	200	800
Chief clerk of Comptroller						\$1,700	2,000	21 years ago	300	800 to 1,000
Chief clerk of Auditor						\$1,400	1,500		400	
						\$1,150	1,600		450	
						\$1,000	1,400	21 years ago	400	
						\$800	1,200		400	
All other clerks (each not exceeding)										

By act of March 2, 1799, the heads of Departments were authorized to vary the compensation theretofore established for clerks, and a specific sum was appropriated for each Department as the aggregate of the clerk hire therefor; the average of each clerk not to exceed \$500. This system continued for many years; Congress, however, increased this compensation by voting, yearly, an addition thereto of 15 per cent.

By the act of April 20, 1818, the salaries of clerks were established as follows:

	Per annum.
Chief clerks of Departments	\$2,000
Chief clerks of Bureaus	1,700
	1,400
	1,150
Under clerks	1,000
	800

By act of March 3, 1853, the clerks of the Departments were classified, and their salaries fixed as follows:

	Per annum.
Chief clerks of Departments	\$2,200
Chief clerks of Bureaus	2,000
Fourth-class clerks	1,800
Third-class clerks	1,600
Second-class clerks	1,400
First-class clerks	1,200

This is their present compensation.

The salary of Treasurer, originally \$2,000, was raised to \$3,000 in 1804; to \$5,000 in 1862; and to \$6,500 in 1866.

The only salaries that have remained stationary are those of the First, Second, Third, Fourth, Fifth, and Sixth Auditors.

It will be noted that whenever new Bureaus have been created, since 1861, the salaries of their respective heads have been fixed at rates much above, and in one instance more than double, those of the heads of accounting Bureaus.

Chiefs of divisions have been authorized by law in the Internal Revenue Bureau at a compensation of \$2,500 per annum, in the Treasurer's Office at \$2,700 per annum and in the Register's Office at \$2,500 per annum. It is now proposed to recognize chiefs of divisions in the several Bureaus of the Department at a compensation of from \$2,100 to \$2,400 each.

We have endeavored to make the different Auditor's Bureaus conform to other Bureaus in the recognition of divisions, and also the offices of the Comptrollers. There they have had chiefs of divisions for years, with only eighteen-hundred-dollar clerks, men of experience, who have been there ten, fifteen and twenty years. We fixed the salaries of the chiefs of divisions in the offices of the Comptrollers at \$2,400, the same as the assistant chiefs of divisions in the Secretary's office; and in the offices of the Auditors at \$2,100, which is certainly not too large for competent men. As the law now stands, you have chiefs of divisions in the Treasurer's office, at \$2,700; in the internal-revenue branch, \$2,500; five of them in the Register's office, at \$2,500 a year each. And in that same Register's office they are under a chief clerk or deputy register, whose salary is only \$2,000. We have raised that to \$2,500, making his salary equal to the salaries of those five men who are under him. We have endeavored to remove the inequalities now existing between the different branches of the Departments so far as we could do it. We have given the subject a great amount of attention and labor, and I have here a letter of the Secretary of the Treasury thoroughly approving and indorsing the bill, and requesting that it may be passed. I will send up the letter to the Clerk's desk and have it read.

Mr. MERRIAM. I desire to ask the gentleman what is the actual reduction of salaries in the Treasury Department by his bill?

Mr. KELLOGG. The salaries we have changed are those of the Auditors and their chief clerks, whom we have made deputies, the chiefs of divisions, and a few others, and we have raised instead of reducing them; and we have reduced the force in the office of the Second Comptroller and other places, where we were satisfied that we could do it without injury to the public service, more than enough to counter-balance this increase—

Mr. MERRIAM. The gentleman has not answered my question. What I wish to know is the aggregate reduction of salaries by the action of this bill.

Mr. KELLOGG. I have already stated the aggregate reduction as nearly \$20,000. The exact figures of reduction below the appropriation bill we have already passed this session are \$16,980, and more than \$500,000 below what it was before last year—

Mr. MERRIAM. Let me ask the gentleman another question. This bill, as I understand it, proposes to make these changes take effect on the 1st of July. Does not that conflict with the provisions of the appropriation bill which has passed the two Houses?

Mr. KELLOGG. I will say in reply to the gentleman that if this bill is passed soon enough, the necessary correction may be made in the appropriation bill.

Mr. TYNER. The appropriation bill is now before the conference committee, and there are amendments before the committee in connection with which changes such as the gentleman suggests can be made.

Mr. KELLOGG. That is true. But if too late for that bill, we can add a clause to any appropriation bill before we get through, providing that a sufficient sum of the amount appropriated shall be used in paying the amounts specified in this bill.

Mr. TYNER. But the gentleman was mistaken in saying that the saving would be \$20,000. I find from the figures that it is only \$16,980.

Mr. KELLOGG. I gave the exact figures, \$16,980; but I said it was nearly \$20,000. I did not of course mean to deceive the House. I send up to the Clerk's desk and ask to have read a letter from the Secretary of the Treasury in relation to this matter.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington D. C., January 13, 1875.

SIR: I have carefully examined the amendment in the nature of a substitute proposed to be submitted by Mr. KELLOGG, from the Committee on Reform in the Civil Service, to the bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department of the United States, and for other purposes, and fully approve of the same.

In view of the fact that many of the offices and clerkships of the Department are authorized from year to year by the annual appropriation bills, I deem it highly important that they should be provided for in the form of permanent statute, no reorganization of the Department having been made by law since 1853; and it is very desirable that the reorganization proposed in this bill should now be perfected.

I am, very respectfully,

B. H. BRISTOW,
Secretary.

HON. STEPHEN W. KELLOGG,
Chairman Committee on Reform in the Civil Service,
House of Representatives.

Mr. ALBRIGHT. What provision is there in this bill in regard to the steamboat inspectors' division? Does it provide that there shall be a chief deputy, as there is in other divisions of the Treasury Department?

Mr. KELLOGG. That is provided for already by law or by an appropriation bill, as I understand it, and this bill does not affect it at all, for it makes no reference to it.

Mr. ALBRIGHT. I understand that there is no such provision, and I understood that the Secretary of the Treasury had written to the gentleman from Connecticut, advising that such a provision should be incorporated in this bill.

Mr. KELLOGG. If the gentleman wishes to make an amendment of that kind I shall not object to his offering it.

Mr. ALBRIGHT. That Department of the Government has charge of five thousand vessels, and inspects them, and has a revenue of \$300,000; and no provision is made in this bill for any chief clerk or deputy. I understand that it is the desire of the Secretary of the Treasury that some such provision should be made.

Mr. KELLOGG. I was assured by Mr. Conant, the Assistant Secretary of the Treasury, that it was a proper thing to do, and I have no objection that such a provision be placed in this bill. The bill we have prepared relates to those officers who are provided for in the regular legislative and executive appropriation bill.

Mr. WILLARD, of Vermont. I desire, with the permission of the gentleman, to call attention to two or three aspects of this bill. Quite a number of salaries are raised by this bill, and I call attention to it that the House may come to a better understanding of the bill when they know precisely what salaries are raised. I understand that in the office of the First Comptroller there is a deputy comptroller provided for, when now there is only a chief clerk, and at an increased salary, a salary of \$2,800, whereas the present clerk receives only \$2,000. That is a larger salary than is now paid.

Mr. KELLOGG. We made that provision in order to remedy what would be an injustice, there being a deputy or assistant in the Treasurer's office, and one in the Internal Revenue office, and one in the office of the Comptroller of the Currency; and we give \$2,800 to the deputy comptrollers, and \$2,500 to the deputy auditors. We make it correspond with the legislation of late years in other Bureaus.

Mr. WILLARD, of Vermont. I only desire that the House may understand the bill and the details to which it applies. I understand that it applies, in the office of the Comptroller, to the deputy comptroller, whose salary is fixed at \$2,800, and to the chiefs of division, whose salaries are fixed at \$2,400, and who are now only fourth-class clerks, receiving a salary of \$1,800. The deputy comptroller is now represented by the chief clerk, who has a salary of \$2,000.

Now, if the gentleman will allow me further: In the office of the Commissioner of Customs, the salary of the chief clerk, who is made a deputy, is increased to \$2,500. The same is the case in the offices of the Second, Third, and Fourth Auditors, and also in the office of the Auditor of the Treasury for the Post-Office Department. In the office of the Register there is provided a deputy register and an assistant register, at \$2,500 a year each, where there is now merely a chief clerk and assistant register, at a salary of \$2,000 each.

Mr. KELLOGG. I desire to say that in the Register's office you have five divisions whose heads are paid \$2,500 a year; and then there is an assistant register at only \$2,000 salary, and a chief clerk at \$2,000, who in the absence of the register and assistant register has control of the business of the office and the power of recommending removals over its employés. We have tried to equalize the salaries in these Bureaus as Congress has already done in the offices of the internal revenue collector and Register of the Treasury. Your assistant register and chief clerk now have \$500 each less than their subordinates, which is all wrong.

Mr. WILLARD, of Vermont. I hope the gentleman does not understand me as saying that the salaries proposed are too large. What I want is that the House shall understand the provisions of this bill. In the office of the Light-House Board the salary of the chief clerk is raised from \$2,000 to \$2,500. In the office of the Comptroller of the Currency of the Treasury, a deputy comptroller is provided for, at a salary of \$3,000, an office which does not now exist.

Mr. KELLOGG. I want to say that all the national-bank notes of the country pass through this Currency Bureau. You have a deputy comptroller there now—the gentleman is mistaken as to that point—and you compel him to give \$50,000 bonds and pay him only \$2,500 salary. There is no chief clerk there, but there is a deputy comptroller; and \$3,000 a year is not too much for a person competent to fill so responsible a position.

Mr. WILLARD, of Vermont. In that branch also there are four heads of divisions provided for at \$2,400 each, who are now eighteen-hundred-dollar clerks.

Mr. KELLOGG. Yes; the same as in the Comptroller's Office; they have millions passing through their hands every year.

Mr. WILLARD, of Vermont. Can the gentleman state from any computation he has made—

Mr. KELLOGG. I want to say one word. I was satisfied there were places there where there were very poor clerks, who did not do full work. The Secretary of the Treasury, I think, was satisfied that he could get along with less force; but he wanted to keep the best men he had there, men of experience and ability, and who could not long be retained at the salary they are now receiving. We thought they

ought to receive \$2,400 each, and we have reported in favor of giving that sum. But the whole bill, with all these increases, involves the expenditure of about \$17,000 less than we have already appropriated for this Department by the appropriation bill, which is now in committee of conference. That is to say, we have reduced the force, and we have so arranged it as to provide for having more work done.

Mr. WILLARD, of Vermont. How many clerks and employés have you cut off?

Mr. KELLOGG. We took out three from the Second Comptroller's office, three below what we appropriated for this session, and several more below what we appropriated for last year. Then we took out eleven from the Third Auditor's office, four from the Fifth Auditor's office, one from the Sixth Auditor's office, and thirteen from the Internal Revenue Bureau.

Mr. WILLARD, of Vermont. That makes thirty-two in all.

Mr. KELLOGG. That makes thirty-two.

Mr. WILLARD, of Vermont. I understand, then, that the increase of salaries as provided for in this bill is more than compensated by the reduction in the number of clerks and employés, leaving a balance to the credit of the Government of nearly \$17,000.

Mr. KELLOGG. Yes.

Mr. WILLARD, of Vermont. Now, if we could be entirely sure that this reduction of clerks would be maintained hereafter, that they would not be put back again, as we at this session have had an effort made to put back some that we had dispensed with in other Departments by law, then this might be a very proper bill to pass. That doubt, however, is one worthy of consideration. However much we may try to reduce the force in any Department, it seems absolutely impossible to keep it down. We tried last year by reorganizing the War Department to reduce the force there. The bill that was brought in here for that purpose was accompanied by a statement, which on the face of it was true, that it would reduce the expenditures of the War Department \$200,000. But I believe the Senate this year have put on the legislative appropriation bill the very force which we by that bill took out of the War Department.

Mr. KELLOGG. Only a part of it, in connection with the Surgeon-General's Office and Adjutant-General's Office, where it is found by experience that there was too great a reduction.

Mr. WILLARD, of Vermont. But the most mischievous part of it; a provision that enlisted men might be employed as clerks, which means that you may enlist men as clerks.

Mr. KELLOGG. That was the old law; not so now. So far as this bill is concerned I pledge myself to the House that if it goes to a committee of conference and I happen to be on it I will not agree to any appropriation beyond what we have already appropriated this session in the legislative bill, and I think we can hold it there; we can keep it within the limits of the appropriation bills heretofore passed by the House.

Mr. FORT. Is this bill now open to amendment?

Mr. KELLOGG. If the gentleman has any particular amendment to offer, I will hear it.

Mr. FORT. I wish to propose an amendment to reinstate a clerk that was left out by inadvertence in the Internal Revenue Department.

Mr. KELLOGG. I have inquired into that matter, and I find that none has been left out. The law provides that the Commissioner of Internal Revenue shall designate one of the chiefs of division as chief clerk. The number of divisions in that Bureau is put at seven, expressly to cover the one person referred to, if I am correctly informed.

Mr. FORT. I understand that there are seven heads of divisions already.

Mr. KELLOGG. Yes, and the chief clerk is one of them. I will agree to support an amendment of that kind, if it is found necessary, and is put on in the Senate.

Mr. FORT. I am afraid that will be too late.

Mr. KELLOGG. If the bill passes at all, it will not be too late.

Mr. FORT. This clerk has been left out, as I am informed by him.

Mr. KELLOGG. I have made inquiry at the Department, and I have examined the law. If I am correctly informed, he is provided for as one of the seven heads of division. For that reason I hope my friend will not press the amendment. If I find hereafter that I am wrong, I will endeavor to do justice in this respect.

Mr. HALE, of Maine. How many in all of these chiefs of divisions with increased salaries, at the rate just brought out by the gentleman from Vermont, [Mr. WILLARD,] does this bill provide for?

Mr. KELLOGG. I will say to the gentleman that we have left the chiefs of divisions in the Secretary's office, in the Treasurer's office, in the office of the Commissioner of Internal Revenue, and in the Register's office precisely as the Committee on Appropriations left them in the appropriation bill; we have made no change in them. We found that the Comptrollers and Auditors had heads of divisions, and had had them for years. While they had a slush fund they were paid like the others; but since then they have all been cut down to \$1,800 clerks. We found it to be the fact that in many of these offices—in the Comptroller's office, in the office of the Comptroller of the Currency and in other offices—there were men with years of experience who would find it impossible to continue in their places unless their salaries were increased. We have tried to equalize the matter by giving \$2,400 heads of divisions to the office of the Comptroller

and the Comptroller of the Currency; and \$2,100 heads of divisions to the Auditor's office. I can give the gentleman the exact number if he wishes.

Mr. HALE, of Maine. That may be all extremely interesting and valuable for reflection; but I do not know (for I have not yet had time to examine the matter) how many chiefs of divisions in all with increased salaries of \$2,500 or \$2,800 are created by this bill.

Mr. KELLOGG. Not over eight at \$2,400 in the two Comptrollers' offices, and none at \$2,500 or \$2,800.

Mr. HALE, of Maine. Not over six or eight heads of divisions in all the Bureaus?

Mr. KELLOGG. Not over eight in the two Comptrollers' offices; and no heads of divisions created by this bill are to receive \$2,500 or \$2,800. That was the gentleman's question.

Mr. HALE, of Maine. How many heads of divisions in all are created by this bill, whatever may be their salaries?

Mr. KELLOGG. There are eight in the two Comptrollers' offices who are to receive \$2,400; there are also several in the Auditors' office who are to receive \$2,100 each. The gentleman can count as well as I can.

Mr. HALE, of Maine. I have not studied this bill as the gentleman from Connecticut has done.

Mr. KELLOGG. The gentleman has had plenty of time to study it.

Mr. HALE, of Maine. I would like to ask the gentleman how many salaries in all are raised by this bill? He ought to know more about it than I or anybody else in the House. He has been working at this matter for two years; and he always improves his time, as the House knows.

Mr. KELLOGG. There are somewhere about thirty-five or forty in all that are increased. Some in the Auditor's office are increased to \$2,100. I have not the honor to be an old member, like my friend from Maine, or I might have had additional tables for his benefit.

Mr. HALE, of Maine. The gentleman is just as old a member as I am.

Mr. KELLOGG. I do not happen at any rate to be on the Appropriation Committee; and some men grow old a great deal faster than others on this floor. Of these thirty-five or forty increased salaries some twenty or more are in the Auditor's office, their salaries being fixed at \$2,100—an increase of just \$300 over the present salary, which was fixed long before the war—in 1853, when everything was on a gold basis. We now propose to increase those salaries of \$1,800 to \$2,100. Does my friend from Maine think the latter figure too high?

Mr. HALE, of Maine. I am afraid the gentleman will be a great deal older than he is before I get an answer to my question. Can the gentleman tell me the whole number of salaries raised anywhere in this bill—the exact number?

Mr. KELLOGG. I have already told the gentleman as nearly as I could without stopping to count them.

Mr. HALE, of Maine. How many?

Mr. KELLOGG. I told the gentleman between thirty-five and forty. Now, Mr. Speaker, I do not wish to delay the House, as there is other business pressing—

Mr. CESSNA. I would like to ask the gentleman from Connecticut one question before he closes.

Mr. HALE, of Maine. There are two or three further questions that I wish to ask. This is an important bill, and the gentleman is pushing it through very rapidly. The House ought certainly to understand it.

Mr. KELLOGG. Certainly; and I think the House does understand it.

Mr. HALE, of Maine. Does not this bill of the gentleman, which provides increased salaries, provide also in many cases for new officers—new designations by which officers shall be known?

Mr. KELLOGG. It does.

Mr. HALE, of Maine. That being the case, when the bill passes will there not be these new offices to be filled by somebody?

Mr. KELLOGG. Not at all.

Mr. HALE, of Maine. I wish the gentleman would explain why, if the bill creates new offices, there will not be new offices to be filled if the bill should pass.

Mr. KELLOGG. If the gentleman, before asking his question, had looked at the last three or four lines of the bill, he would have found this provision:

That the duties heretofore prescribed by law and performed by the chief clerks in the several Bureaus named shall hereafter devolve upon, and be performed by, the several deputy comptrollers, deputy auditors, deputy register, and deputy commissioner herein named.

Mr. HALE, of Maine. That does not cover any particular person. Of course the duties performed by chief clerks and clerks, at salaries of \$1,600 and \$1,800, are to be performed by the persons who if this bill should ever pass will be known as heads of divisions. But the bill legislates nothing with reference to persons, and as I understand there is nothing to prevent every one of these thirty-five clerks now getting \$1,600 and \$1,800 a year from being displaced, so as to put in new men as heads of divisions. I ask the gentleman whether there is anything in this bill to prevent that?

Mr. KELLOGG. Certainly; and I will tell the gentleman why. It will be observed that wherever we have provided for heads of divisions, the number of eighteen-hundred-dollar clerks has been reduced. Wherever we have provided for a deputy we have made no provision for a

chief clerk. At present by law these chief clerks are in some instances recognized; but wherever, during the last fifteen or twenty years Congress has created a Bureau—for instance, the Bureau of the Currency or the Bureau of Internal Revenue—we have invariably provided for a deputy instead of a chief clerk. For instance, the assistant register acts as Register in the absence of the Register, and we provide for a deputy instead of a chief clerk in the Bureaus. In this reorganization we have simply applied to the other Bureaus of the Treasury Department the same principle that has been adopted by Congress in its legislation of the last twenty years. We have omitted the office of chief clerk and put in a deputy instead.

Mr. HALE, of Maine. Perhaps I can aid the gentleman in his comprehension of my question. In certain cases this bill abolishes the office of chief clerk and establishes heads of division, and I would like to know what becomes of the chief clerk when his office is abolished. Is he not out of office? What becomes of the new position of head of division if it is not to be filled?

Mr. KELLOGG. The chief of division has nothing to do with the chief clerk. It is the deputy who takes the place of the chief clerk; that is, instead of being called chief clerk, as now, he is hereafter to be called deputy; in other words, the chief clerk is to be called deputy, and there is no new position to be filled.

Mr. HALE, of Maine. But you do here in this bill make a chief of division.

Mr. KELLOGG. If you will examine the Comptrollers' and Auditors' Offices you will see that I have taken from the number of the higher class of clerks, that is, clerks receiving \$1,800 a year, so as to make the number in the aggregate conform to the appropriation bill we have passed. So, then, in making these chiefs of division by the transfer of these eighteen-hundred-dollar clerks the gentleman must notice that there is only the same number of men you have already appropriated for.

Mr. HALE, of Maine. I do not make any question in reference to the transfer of the eighteen-hundred-dollar clerks, but the gentleman does not yet see the point I am seeking to bring to his attention. It is a fact, I believe, that this legislation, according to the gentleman's own statement, will open up some thirty or forty places with increased salaries, into every one of which a new man may be put and the old clerks, good men, who have discharged the duties at lower rates and who still retain their places, may be left out entirely. I do not know that it will be done, but I have been trying to get the gentleman to tell us whether this bill does give us the power to do it.

Mr. KELLOGG. The Secretary will have the same power under this bill that he has now to remove a clerk who gets a salary of \$1,800 a year or any other salary. He has the same right to turn out any one of these eighteen-hundred-dollar clerks and to put in a new man, and under this bill he has no more power and no less. It leaves him entirely with the same power which he now possesses.

Mr. HALE, of Maine. The Secretary might hesitate, I can very well understand, to remove a clerk who now receives \$1,800; but when you abolish one office and establish another and higher office, what I wish to know from the gentleman is whether new men will not be put into these higher offices established by this bill?

Mr. KELLOGG. There the gentleman is mistaken if he thinks the present Secretary would be likely to do such a thing. We have not by this bill abolished the office, but in every instance, as I have already stated, in every Bureau where we have made divisions, we have only provided for the promotion where it is deserved of the present officers. My friend will remember we reduced the number from sixty or seventy to thirty-two; that we fixed thirty-odd heads of divisions, but we have taken out of this bill so many eighteen-hundred-dollar clerks.

Mr. HALE, of Maine. Does the gentleman believe from his examination into these Departments that it is a good practice to divide and subdivide these small Bureaus, and to make so many heads of division? I can say for one, although I have not given so much time as the gentleman has to the investigation of this whole subject, that from my experience and observation in every small Bureau of every Department of the Government which starts simply as a Bureau it not only seeks to aggrandize in the number of offices, but in a little while seeks to subdivide; and over three, four, or five men will be found some one man who wishes to be called chief of division. I find in this bill in some Bureaus where the number of clerks is not more than thirty or forty, there will be three, four, or five subdivisions, with heads of divisions, at \$2,000 or \$2,500. My experience differs from that of the gentleman in this regard. I do not believe there is any necessity for dividing twenty-five, thirty, or forty clerks and putting three or four men over the subdivisions as heads of divisions, when a good clerk, with \$1,800 or \$2,000 a year, if you chose, is man enough to take care and see that the men under him properly discharge their duties.

Mr. KELLOGG. I believe I have yielded to the gentleman from Maine long enough. If he will turn to his Congressional Directory, pages 94 and 95, instead of saying that he does not believe in creating new divisions, he will find that I have reduced them in most cases from one-third to one-half in the number now existing in practice. At the close of Johnson's administration there were twenty-three divisions, which we reduced to twelve.

Mr. HALE, of Maine. That was long ago.

Mr. KELLOGG. They were reduced to twelve last year. The bill

reduces them to eight. If the gentleman from Maine will turn to page 95 of the Congressional Directory he will see that the Second Comptroller who now has eight is reduced to four, while the Commissioner of Customs who now has five is reduced to four.

Mr. HALE, of Maine. The gentleman from Connecticut says that the Commissioner of Customs who now has five is reduced to four. While the other Bureaus have chiefs of divisions, I do not find the office of Commissioner of Customs, one of the oldest in the Government, one of the most important—I find the gentleman has not given that very important office a single chief of division. I am glad the gentleman has referred to that, for I might have forgotten it, so brief has been the scrutiny I have been able to give to this bill.

Mr. KELLOGG. I find I spoke of the wrong Bureau. I was referring to the Comptroller of the Currency. The Commissioner of Customs did not require chiefs of division, and none were given him. There are none given to him by this bill. It was the Comptroller of the Currency whom I had in my mind when I said Commissioner of Customs. We have not given divisions here except where they were actually called for, or existing in fact by usage. If the gentleman will take the Congressional Directory, where these divisions are classified, he will find I have reduced the number of divisions from one-third to one-half in all these Bureaus. On the other hand, there are some of the most important men in the Department whose salaries were fixed fifty-odd years ago and which ought to be increased, the justice of which has been recognized by every Committee on Appropriations. I have endeavored to do justice by all the Bureaus and branches.

Mr. CESSNA. I desire to ask the gentleman a question.

Mr. HALE, of Maine. Let the gentleman answer me one question, and I think I will stop then. Why is it that the gentleman has found it necessary in some of these Bureaus with just about the same force as in the office of the Commissioner of Customs to give three and four sub-divisions with heads of division, while in the office of the Commissioner of Customs with twenty-nine clerks he does not give a single sub-division or a single chief of division?

Mr. KELLOGG. None was called for there, and my friend knows that there is not such a variety of matters before the Commissioner of Customs as there is in some of the other Bureaus. His work is all confined to the customs. But take for example the Third Auditor's Office, which has to deal with pensions, war claims, quartermasters' accounts, and a great variety of other accounts. These divisions are necessary. We have simply tried to do justice to the best men in the various Bureaus.

Mr. HALE, of Maine. When the gentleman says that he did not do this in this particular Bureau because it was not called for, does he mean that he did not do it because the head of the Bureau did not insist before the committee that it should be done.

Mr. KELLOGG. Not at all.

Mr. HALE, of Maine. Or does he mean to intimate that these heads of divisions have been created where there was most importunity?

Mr. KELLOGG. Not at all. We took the divisions where we found them existing and said to the heads of the Bureaus, "Can you consolidate the divisions?" We inquired if it could be done, and in the Second Comptroller's Office we consolidated them into four; perhaps too small a number; and so in the office of the Third Auditor and elsewhere we consolidated the divisions, making them one-half or two-thirds the number they were before.

Mr. CESSNA. Now I want to ask the gentleman some very brief questions. The first question I desire to submit to him is what he has done or proposed to do with reference to the Bureau of Statistics?

Mr. KELLOGG. The Bureau of Statistics has been left out of this bill in reference to the Committee on Appropriations of this House for them to determine whether they would keep the old Bureau or create a new one to be called the Bureau of Statistics and Commerce.

Mr. ELDRIDGE. The gentleman from Connecticut seems to be undergoing a civil-service examination.

Mr. KELLOGG. That is so; and I propose to pass it the best I can, but would like to get through with it soon.

Mr. CESSNA. As I understand, the Committee on Appropriations, which hitherto has made a provision for that Bureau, has at this time omitted it entirely. It is omitted in this bill, and is left to depend on some future action by the Committee on Appropriations.

Mr. KELLOGG. The law will stand as it is now if there be no action taken. If the new provision pending in the committee of conference is adopted the intention is to ask the Senate to put it on the bill there. I should not of course venture or presume to interfere with the Committee on Appropriations.

Mr. CESSNA. I have another question to ask the gentleman. Does he not think that this bill does great injustice to the Register of the Treasury?

Mr. KELLOGG. Not at all; it leaves his salary untouched; unless you think it ought to be raised.

Mr. CESSNA. Does the gentleman not know that all the incumbents of that office prior to the present incumbent have received \$1,000 in addition to their salaries for signing bonds, and that in the conscientious discharge of his duties the present incumbent of the office declined to receive that additional \$1,000, while he was all the time performing the duties for which other men have received \$5,000 and \$6,000? This bill only gives the Register of the Treasury \$4,000, while his predecessors have been allowed \$5,000.

Mr. KELLOGG. Does the gentleman offer an amendment? I think the Register never had \$5,000.

Mr. CESSNA. I will offer an amendment very readily if the gentleman will help me to carry it.

Mr. KELLOGG. I will yield for the gentleman's amendment, if he desires to offer it, before I call the previous question.

Mr. COBURN. I desire to offer an amendment.

Mr. YOUNG, of Georgia. I also desire to offer an amendment.

Mr. CESSNA. I offer the following amendment:

In line 117 strike out "\$4,000" and insert "\$5,000;" so that it will read, "The Register of the Treasury, \$5,000."

Mr. KELLOGG. I will admit that amendment that the House may act on it.

Mr. CESSNA. Now, I desire to say right there—

Mr. KELLOGG. How many amendments are in order?

The SPEAKER. The Chair will have each amendment voted on as in Committee of the Whole. The question is on the amendment of the gentleman from Pennsylvania, [Mr. CESSNA.]

Mr. SPEER. That amendment should not prevail unless the law under which previous Registers of the Treasury received an extra \$1,000 for signing bonds is repealed; because if a less conscientious incumbent occupied that office hereafter, he might construe the law differently and get the \$1,000 in addition to this increased salary.

Mr. CESSNA. I will accept an amendment that this may be repealed at any time.

Mr. SPEER. It should be provided in the amendment that this addition should not be made to the increased salary.

Mr. CESSNA. That is all the Register will receive, and all he has received, while the Treasurer of the United States gets \$6,000, and the Commissioner of Internal Revenue \$6,000, the Comptroller of the Currency \$5,000, and the First and Second Comptrollers each \$5,000.

The question was taken on the amendment offered by Mr. CESSNA, and it was not agreed to.

Mr. COBURN. I offer the following amendment: To insert after the word "dollars" in line 150, in the clause relating to the Internal Revenue Bureau, "deputy commissioner, \$3,000."

I will state the object of that amendment. Under the present law there are two deputy commissioners, but this bill proposes to abolish one of them. The deputy commissioner whose office it is proposed to abolish has charge principally of the banking department of the Internal Revenue Bureau. I send to the Clerk's desk the report of the Commissioner of Internal Revenue and ask to have read the passage which I have marked, showing that this officer has saved to the Government millions of dollars. It is an important branch of the service, and I desire the Clerk to read the statement.

The Clerk read as follows:

Of the tax against banks and bankers, which remained unchanged by law, there was collected during the fiscal year ending June 30, 1873—

Capital	\$736,950 65
Circulation	24,778 62
Deposits	1,835,993 20
	\$2,597,721 96

Fiscal year ending June 30, 1874:

Capital	916,878 15
Circulation	16,738 26
Deposits	2,067,118 77
	3,000,735 18

Showing an increase of 403,013 22

It is believed that this increase may, in a great degree, be fairly attributed to the new system of assessment, as the period in which the increase occurs includes the fall of 1873, memorable for the great financial disasters which occurred at that time. This opinion is further sustained from the circumstance that during this year more than seventy banks have been for the first time assessed, although doing business and liable to be assessed during previous years.

Mr. COBURN. The House will perceive that the Commissioner himself attributes a large increase in the receipts from this branch of taxation to the efforts of this deputy who has it in charge. I hold in my hand a letter from the Commissioner of Internal Revenue which I will ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 15, 1875.

DEAR SIR: In reply to your letter of the 13th instant inquiring whether the interests of the internal-revenue service will admit of the reduction of the force of this Bureau proposed by the bill for the reorganization of the Treasury Department introduced in the House of Representatives by Mr. KELLOGG on the 18th of January last. I beg to say that the number of officers and employees belonging to this Bureau cannot, in my judgment, be further diminished with advantage either to the service or the Treasury; the work now devolving upon them being so great as to occupy their full time besides requiring many of them to be present in their respective divisions at night for the transaction of urgent business; and in view of the fact that this work, so far from being decreased, is likely to be increased by projects of law looking to an increase of the revenues of the Government, now under consideration in Congress, I venture to express the hope that neither the diminution of my force proposed by the bill in question, nor any diminution, will be made.

As to the proposed abolition of the office of second deputy commissioner of internal revenue, I need only say that I regard the marked increase of the amount of tax collected from banks and bankers other than national as largely attributable to the special experience in that line of business of the gentleman now holding that office, and should greatly regret the loss of his services.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. JOHN COBURN,
House of Representatives.

Mr. COBURN. The House will perceive from the reading of that letter that the Commissioner of Internal Revenue regards the system that has been adopted by this officer as of the very best character, and regards the services of this officer as of the highest importance. I have only to indorse what has been said by the Commissioner. There is no more able, efficient, or better officer to be found within the entire range of those employed in the Treasury Department. It strikes me that it would be a public disaster if he should be removed or that his position should be abolished. A large amount of labor and attention is constantly required to supervise the operations of the bank commissioners, and that letter which I sent to the Clerk's desk and had read states that this officer is employed sometimes long after sundown and far into the night in the discharge of his duties.

Mr. KELLOGG. Mr. Speaker, I have no fault to find with the service performed by the gentleman to whom the gentleman from Indiana refers, and I shall allow that amendment to be pending. But I wish to say that we formerly had three deputies in this office at the rate of \$3,000 a year each for two of them and one at \$3,500. At the suggestion and upon the report of our committee one of these offices was abolished last session and \$3,000 saved; and I am entirely satisfied from inquiries I have made that we now need only one deputy commissioner, and can save another \$3,000. I therefore reported a bill providing for only one deputy commissioner, at a salary of \$3,500 a year. I left out two deputies because I thought that one deputy commissioner was enough, and I think the Secretary of the Treasury, though I do not quote him on that point, would say that one is enough. Nevertheless I will allow the amendment to be considered as pending, and I must now call the previous question.

Mr. YOUNG, of Georgia. I desire to offer an amendment.

Mr. KELLOGG. I withdraw the call for the previous question for that purpose.

Mr. YOUNG, of Georgia. I offer the following amendment:

Provided, That on and after January 1, 1876, the patronage of this Department shall be so arranged as to be equally distributed between the several States of the United States, according to population.

Mr. KELLOGG. That would be a difficult proposition to carry out, but I will admit it.

Mr. HUBBELL. I would ask the gentleman from Connecticut if this bill does not create new offices which are to be filled by the Secretary of the Treasury?

Mr. KELLOGG. They are all so filled now.

Mr. HUBBELL. Is it not a proposition for the Secretary of the Treasury to remove men of long standing and good service in the Department and supply their places with new men?

Mr. KELLOGG. If my friend from Michigan thinks the present Secretary of the Treasury would do that, he does not know him; but the object of this bill is for the very purpose of providing that men of long standing in the service and valuable in their place shall be properly compensated for their services.

Mr. HUBBELL. Is not a bill allowing the Secretary such power as that a good bill to come from a Committee on Reform in the Civil Service?

Mr. KELLOGG. It is just the right kind of reform.

Mr. YOUNG, of Georgia. I desire to explain my amendment. I find on referring to the Blue Book that the appointments and other patronage of this Department are almost entirely absorbed by Massachusetts and three or four of the other States. I believe this is not only very unjust, but very ungenerous, and calculated to produce great injury to the public service. The benefits of the Federal Government should be conferred equally upon all the States of the Union, as the responsibilities are shared by all. I for one shall never be satisfied until I see my State fully, according to her population, represented in the Army, the Navy, and in every Department and branch of the Government. I shall hope to see the provisions of this amendment prevail in all of the Departments, and in the short time in which I have to remain in this House I shall lose no opportunity to have such a provision placed upon every appropriation bill that comes before the House. The manner in which the public patronage is now distributed is in my opinion calculated to produce great dissatisfaction and discontent throughout the country. There are certain States of this Union whose names are rarely to be seen on the rolls of the Army and the Navy, and in fact all of the branches of the public service. My State is one of them. Sir, these offices and places belong to the people of all the States, and I trust the day is near at hand when Congress will take hold and regulate this matter. I hope the amendment which I have offered will receive the sanction of the House.

Mr. TYNER. Will the gentleman yield to me for a moment?

Mr. KELLOGG. Let there be a vote on the amendments which are now pending.

Mr. FORT. I would suggest to the gentleman from Georgia [Mr. YOUNG] that he should make some provision in his amendment in regard to the District of Columbia. It now has a large representation in the Departments, as it should have. I believe the State of Massachusetts has more persons appointed in the Treasury Department than any other three States of the Union. I have no objection to that.

Mr. YOUNG, of Georgia. I will include the District of Columbia in my amendment.

The SPEAKER. The first question is upon the amendment of the gentleman from Indiana [Mr. COBURN] to provide for a deputy com-

missioner of internal revenue at a salary of \$3,000, in addition to the one provided for by the bill at \$3,500.

The question was taken upon agreeing to the amendment of Mr. COBURN; and upon a division there were—ayes 33, noes 54; no quorum voting.

Tellers were ordered; and Mr. COBURN and Mr. KELLOGG were appointed.

The House divided; and the tellers reported that there were ayes 32, noes not counted.

So the amendment was not adopted.

The question recurred on the amendment of Mr. YOUNG, of Georgia, to add to the bill the following:

Provided, That on and after January 1, 1876, the patronage of this Department shall be so arranged as to be equally distributed between the several States of the United States and the District of Columbia, according to population.

Mr. WILLARD, of Vermont. What does the gentleman from Georgia mean by "patronage?"

Mr. FORT. I suggest to the gentleman to use the word "appointments" instead of "patronage."

Mr. YOUNG, of Georgia. I will do that.

Mr. WILSON, of Indiana. And also to include the Territories.

Mr. YOUNG, of Georgia. I will do that too. This amendment, if adopted, will give the Secretary of the Treasury one year to provide for carrying it into effect.

The amendment was agreed to.

Mr. FIELD. I move to amend the paragraph in relation to the Comptroller of the Currency by reducing the salary of the Comptroller of the Currency from \$5,000 to \$4,000, the same as the Auditors receive.

Mr. KELLOGG. His salary was fixed at \$5,000 when the office was created, and it is too responsible a position to be cut down in salary. His bond is \$100,000.

Mr. FIELD. The Comptroller of the Currency has not one-half the responsibility that one of the Auditors has, and I do not think he should have more pay.

The amendment of Mr. FIELD was not agreed to; upon a division there were ayes 28, noes not counted.

Mr. KELLOGG. I now call the previous question upon the bill and the substitute as amended.

Mr. TYNER. Would a motion be in order to strike out the enacting clause of the bill?

Mr. KELLOGG. We are not in Committee of the Whole.

The SPEAKER. The House is considering the bill as in Committee of the Whole.

Mr. TYNER. If the motion is in order, I will make it.

Mr. KELLOGG. Let us have a square vote on this bill.

Mr. TYNER. That is precisely what I want to do. I move to strike out the enacting clause of this bill. Is that motion debatable?

The SPEAKER. It is not debatable.

The motion of Mr. TYNER was not agreed to; upon a division there were ayes 15, noes not counted.

The question recurred upon seconding the call for the previous question; and being taken, the previous question was seconded and the main question was ordered.

The substitute, as amended, was adopted; and the bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. TYNER. Upon that question I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 32, noes 92.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 30, not voting 79; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Ashe, Atkins, Averill, Barber, Barnum, Bass, Begole, Bell, Biery, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Caulfield, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Clinton L. Cobb, Coningo, Conger, Corwin, Cox, Crossland, Danford, Darrall, Davis, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Farwell, Field, Finck, Fort, Foster, Freeman, Frye, Giddings, Glover, Gunter, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Herndon, Hodges, Hoskins, Hunter, Hutton, Hurlbut, Hyde, Hynes, Kellogg, Lampont, Lansing, Lawson, Leach, Lofland, Longbridge, Lowndes, Luttrell, Lynch, Magee, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McLean, McNulta, Merriam, Milliken, Mills, Monroe, Moore, Myers, Neal, Negley, Nesmith, Nunn, O'Neill, Orr, Packard, Packer, Parsons, Pelham, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Pratt, Randall, Rapier, Read, Richmond, Robbins, Ross, Sawyer, Milton Sayler, Schell, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheets, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Stanard, Starkweather, St. John, Stone, Storm, Strawbridge, Sypher, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Tremain, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William Williams, James Wilson, Jeremiah M. Wilson, Wood, Woodworth, John D. Young, and Pierce M. B. Young—178.

NAYS—Messrs. Barrere, Berry, Bradley, Burchard, Stephen A. Cobb, Coburn, Cook, Crounse, Crutchfield, Curtis, Eldredge, Eugene Hale, Hathorn, Gerry W. Hazelton, Hubbell, Lawrence, Morrison, O'Brien, Hosea W. Parker, James C. Robinson, James W. Robinson, Henry B. Sawyer, Sener, Small, William A. Smith, Sprague, Strait, Tyner, Walls, and William B. Williams—30.

NOT VOTING—Messrs. Arthur, Banning, Barry, Beck, Blount, Bundy, Benjamin F. Butler, Carpenter, Chittenden, Cotton, Creamer, Crittenden, Crooke, Dawes, DeWitt, Eden, Garfield, Gooch, Gunckel, Hagans, Robert S. Hale, Benjamin W.

Harris, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Houghton, Howe, Kasson, Kelley, Kendall, Killinger, Knapp, Lamar, Lanison, Lewis, Lowe, Marshall, Maynard, Mitchell, Morey, Niblack, Niles, Orth, Page, Isaac C. Parker, Pendleton, Perry, Phelps, Phillips, Pierce, Poland, Rainey, Ransier, Ray, Ellis H. Roberts, William R. Roberts, Rusk, Scofield, Sloss, George L. Smith, Speer, Standford, Alexander H. Stephens, Charles A. Stevens, Stowell, Swann, Taylor, Charles R. Thomas, Townsend, Marcus L. Ward, Wells, Wheeler, White, Wilber, John M. S. Williams, Willie, Ephraim K. Wilson, and Wolfe—79.

So the bill was passed.

During the roll-call,

Mr. DURHAM said: My colleague, Mr. ARTHUR, is necessarily absent from the House upon the committee of arrangements for the funeral of Mr. HOOPER.

The result of the vote was announced as above stated.

Mr. KELLOGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases.

The message also announced that the Senate had passed a bill of the following title, with amendments, in which the concurrence of the House was requested:

An act (H. R. No. 4324) to authorize the change of the name of the Second National Bank of Jamestown, New York.

The message also announced that the Senate had passed without amendments bills of the following titles:

An act (H. R. No. 4676) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri; and

An act (H. R. No. 4626) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER, by unanimous consent, reported from the Committee on Commerce a bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

HEIRS OF JAMES SINCLAIR, DECEASED.

On motion of Mr. NESMITH, by unanimous consent, the bill (S. No. 940) granting 641.64 acres of land to the widow and heirs of James Sinclair, deceased, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Private Land Claims.

SENECA NATION OF NEW YORK INDIANS.

Mr. SESSIONS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, having met, after a full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments, and that the fourth section of the bill be stricken out and the following be inserted: "All leases of land situate within the limits of said villages when established as hereinbefore provided, except those provided for in the second section of this act, in which Indians of said Seneca Nation, or persons claiming under them, are lessors, shall be valid and binding upon the parties thereto, and upon said Seneca Nation, for a period of five years from and after the passage of this act, except such as by their terms may expire at an earlier date; and at the end of said period, or at the expiration of such leases as terminate within that time, said nation, through its councilors, shall be entitled to the possession of the said lands, and shall have the power to lease the same: *Provided, however*, That at the expiration of said period, or the termination of said leases, as hereinbefore provided, said leases shall be renewable for periods not exceeding twelve years, and the persons who may be at such time the owner or owners of improvements erected upon such lands, shall be entitled to such renewed leases, and to continue in possession of such lands, on such conditions as may be agreed upon by him or them and such councilors; and in case they cannot agree upon the conditions of such leases or the amount of annual rents to be paid, then the said councilors shall appoint one person and the other party or parties shall choose one person as referee to fix and determine the terms of such lease and the amount of annual rent to be paid; and if the two so appointed and chosen cannot agree, they shall choose a third person to act with them, the award of whom or the major part of whom shall be final and binding upon the parties; and the person or persons owning said improvements shall be entitled to a lease of said land and to occupy and improve the same according to the terms of said award, he or they paying rent and otherwise complying with the said lease or said award; and whenever any lease shall expire after its renewal as aforesaid, it may, at the option of the lessee, his heirs and assigns, be renewed in the manner hereinbefore provided."

And the House agree to the same.

The committee of conference further recommend for the consideration of the two Houses that the first section of the bill be stricken out, and that the following be inserted: "That all leases of land within the Cattaraugus and Allegany reservations in the State of New York heretofore made by or with the authority of the Seneca Nation of New York Indians."

B. W. HARRIS,
W. L. SESSIONS,
A. COMINGO,

Managers on the part of the House.

JOHN J. INGALLS,
W. B. ALLISON,
LEWIS V. BOGY,

Managers on the part of the Senate.

Mr. SENNER. I desire to ask the gentleman from New York [Mr. SESSIONS] whether this is the same report that was recommended in the Senate yesterday because it undertook to interfere with legislation that was not in dispute between the two Houses?

Mr. SESSIONS. That has been corrected by the committee of conference, who have unanimously agreed upon this report.

The report was agreed to.

ESAU PICKRELL AND OTHERS.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. No. 4741) for the relief of Esau Pickrell and the legal representatives of William H. Eades, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. COTTON, by unanimous consent, introduced a bill (H. R. No. 4742) donating condemned cannon to the county of Muscatine, Iowa, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TOBACCO TAX.

Mr. SMITH, of Virginia, by unanimous consent, presented a remonstrance of manufacturers and dealers in tobacco, of Richmond, Virginia, against any increase of tax on tobacco; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD. It is as follows:

To the honorable Senate and House of Representatives in Congress assembled:

We, the undersigned, manufacturers and dealers in tobacco of Richmond, Virginia, would very respectfully but earnestly petition your honorable bodies to make no advance on the existing rate of tax upon tobacco, for the following among many other reasons which could be given:

First. Tobacco, on the average value of the entire amount which enters into consumption, is now more heavily taxed than any other article, either of domestic or foreign production.

Second. The great preponderance of this tax falls upon the laboring portion of the community, the consumers of cheap tobacco, who not only pay the tax but about 50 per cent. additional caused by the expense of packing in accordance with the requirements of law, and the interest upon the tax which is paid in advance.

Third. It must be apparent, from the repeated action of the House of Representatives to abolish all tax upon leaf-tobacco for consumption, that under the general reduction of wages which now exists, a large class of consumers severely feel the burden of this great tax upon an article of home production and which is indispensable to them.

Fourth. The revenue now obtained from tobacco far exceeds in amount that which was contemplated by Government during the highest days of taxation, when the currency and all business was greatly inflated; and when it is remembered that every reduction of this tax resulted in increased revenue, is it not fair to believe that in view of all these evils and difficulties, an advance of the tax now would fail to enrich the Treasury.

Samuel M. Bailey, O. P. Gregory & Co., W. B. Grapel & Co., T. W. Pemberton, P. H. & A. Gary, Robert W. Oliver, James Liley & Jones, Turpin and Brother, John H. Greaner, Walter Kellacher & Co., E. T. Pilkinton & Co., George S. Prince, W. J. Yarbrough & Sons, L. H. Frayser & Co., Thos. C. Williams & Co., James Thomas, Jr., R. A. Patterson & Co., John K. Childrey, A. M. Lyon & Co.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. HARRISON. I rise to present a privileged report. The Committee on Elections, who were authorized to report at any time upon this subject, have directed me to report back without amendment the joint resolution (H. R. No. 116) proposing an amendment of the Constitution in respect of the election of President and Vice-President.

Mr. RANDALL. Is that a privileged report?

The SPEAKER. They were authorized to report at any time.

Mr. HARRISON. I will simply allude to the importance of the question now brought before the House of Representatives, and to the necessity there seems to be for some action on the part of Congress.

Mr. RANDALL. Let the joint resolution be read before discussion begins.

Mr. HARRISON. I yield for that purpose.

The Clerk read as follows:

Joint resolution proposing an amendment of the Constitution in respect of the election of President and Vice-President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, to wit:

ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by the direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one Presidential vote; but no voter in any State shall vote for candidates for President and Vice-President who are both citizens in the same State with himself.

SEC. 2. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

SEC. 3. The person having the highest number of presidential votes in the United States shall be President.

SEC. 4. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have each the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number in any district, no presidential vote shall be counted from that district.

SEC. 5. The foregoing provisions shall apply to the election of Vice-President.

SEC. 6. The Congress shall have power to provide for holding and conducting

the elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall, under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare, within ninety days after such election, by public proclamation, who is elected President and who is elected Vice-President.

Sec. 7. The States shall be divided into districts by the Legislatures thereof, but the Congress may at any time by law make or alter the same.

Sec. 8. No person who has been a justice of the Supreme Court shall be eligible to the office of President or Vice-President.

Mr. LAMAR. I rise to inquire of the Chair how this report comes in?

The SPEAKER. The gentleman from Tennessee [Mr. HARRISON] makes the report from the Committee on Elections.

Mr. LAMAR. Does it come from the committee without any dissent?

The SPEAKER. The Chair cannot know anything in reference to that.

Mr. LAMAR. I ask to get the information from the right quarter; and I also wish to make the statement that there is a minority of the Committee on Elections who dissent from the views presented in this report and the measure it proposes, and have reserved the privilege of submitting to the House their views in opposition thereto. I have been in bad health for the last few days and have not been able to prepare any report on the part of the minority. If the question is not called up for consideration within the next few days, I may do so yet if my health will permit. I am now just out of a sick bed and have only come here to attend a funeral ceremony.

Mr. HARRISON. I will state to the gentleman from Mississippi that there is a minority report signed by the gentleman from New York, [Mr. SMITH,] chairman of the committee. The majority of the committee have directed me to make the report, which recommends the adoption of the joint resolution the Clerk has just read. The minority of the committee recommend changes in the joint resolution, which I understand are to be offered in the nature of a substitute.

Mr. LAMAR. There are other members dissenting not only from the views of the majority but from the proposition of the gentleman from New York, [Mr. SMITH.]

Mr. POTTER. It is a minority opposed to any change of the Constitution.

Mr. LAMAR. Yes, sir, opposed to any change, but most especially to those changes proposed, as fraught with the gravest mischiefs. Does the chairman of the committee call this matter up for action at this time?

The SPEAKER. It is reported regularly from the committee.

Mr. RANDALL. It is reported regularly but it has not been printed.

Mr. HARRISON. The joint resolution was presented two weeks ago, and was ordered to be printed and recommitted.

Mr. SPEER. I desire to say, as one member of the Committee on Elections, that I was not present when this matter was considered, and therefore do not wish to be bound by the report of the committee or by the joint resolution itself read at the Clerk's desk.

The SPEAKER. As the hour has nearly approached for the funeral ceremonies, business had better be dropped at this point and the seats intended for Senators vacated.

Mr. SMITH, of New York. I rise to a parliamentary inquiry. Will this be the first business in order when we next go to business?

The SPEAKER. It comes up to-morrow as unfinished business after the reading of the Journal.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 1012) for the relief of the district judge of Vermont; and Joint resolution (S. No. 15) authorizing Thomas W. Fitch, engineer, of the United States Navy, to accept of a wedding present sent to his wife, Mrs. Minnie Sherman Fitch.

EASTERN BRANCH OF CHEROKEE INDIANS.

Mr. AVERILL, by unanimous consent, from the Committee on Indian Affairs, reported back a letter from the Attorney-General, transmitting, in compliance with the act of July 15, 1870, a report in relation to the duty of the district attorneys and Attorney-General of the United States to institute and prosecute suits against the present and former agents of the eastern branch of the Cherokee Indians; which was ordered to be printed and recommitted.

LEAVE OF ABSENCE.

Mr. BUFFINTON, on account of ill health, was granted indefinite leave of absence.

HON. WILLIAM J. PURMAN, OF FLORIDA.

The SPEAKER laid before the House the following letter from the Clerk:

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES OF UNITED STATES,
Washington, D. C., February 16, 1875.

SIR: The secretary of state of Florida informs me by telegraph, in reply to an inquiry made of him by me, that Hon. WILLIAM J. PURMAN resigned his seat in the Forty-third Congress on the 25th of January, 1875.

Very respectfully, your obedient servant,

EDWARD MCPHERSON,
Clerk House of Representatives, United States.

HON. JAMES G. BLAINE,
Speaker House of Representatives.

The SPEAKER. Upon this statement the Chair directs the name

of Mr. PURMAN be stricken from the roll. It is the only notification the House has had of his resignation officially.

UNITED STATES COURTS IN LOUISIANA.

Mr. MOREY. I ask unanimous consent that the Senate bill (S. No. 38) for the better regulation of the United States courts in Louisiana as reported from the Committee on the Judiciary shall be considered in the House as in Committee of the Whole.

Mr. SENER. I object.

FUNERAL SERVICES OF MR. HOOPER.

At two o'clock the members of the Senate, preceded by the Sergeant-at-Arms and headed by the President *pro tempore* and Secretary, the Chief Justice and associate justices of the Supreme Court, the President of the United States and the members of the Cabinet, entered the Hall, and were conducted to the seats assigned them.

At ten minutes past two the casket containing the remains of the deceased Representative was brought into the Hall, preceded by the Chaplain of the House and the committee of arrangements and followed by the relatives of the deceased and the Senators and Representatives from Massachusetts.

The Chaplain of the House, Rev. J. G. BUTLER, D. D., read appropriate selections from the Scriptures.

Rev. Dr. ADDISON, rector of Trinity church, Washington, District of Columbia, offered the following prayer:

O almighty Lord, who art a most strong tower to all those who put their trust in Thee to whom all things in heaven, in earth, and under the earth do bow and obey, be now and evermore our defense, and make us know and feel that there is none other name under heaven given to men in whom and through whom we may receive help and salvation but only the name of our Lord and Saviour Jesus Christ.

Most just art Thou, O God, in all Thy dealings with us, and our punishment is less than our sins deserve. We adore Thy majesty; we revere Thy justice; we magnify Thy mercies.

Sanctify to the bereaved family this afflictive dispensation of Thy providence. May the lively sense of the bereavement which they have sustained lead them to cleave more closely to Thee their God. In all their troubles may their whole trust and confidence be placed in Thy mercies. Awakened by this visitation of Thy providence to a deep sense of the uncertainty and vanity of human life, may they resolve to seek supremely those things which are above, to resign themselves and all their concerns to Thy disposal, and in the fullness of resignation to say with the holy Job, the Lord gave, and the Lord hath taken away. In the instance of mortality before us Thou dost solemnly teach us that death is the end of all men. Grant us who are living grace to lay it to heart; so to lay it to heart as to live above the world, to seek Thy favor, to study Thy will, to observe Thy law, and in all our actions to aim at Thy glory, at the salvation of our own souls and the souls of our fellow-men. And when we go the way of all the earth, may Thy presence go with us, to sustain and comfort us, and to lead us to a rest eternal in the heavens.

Spare us, good Lord! Spare us, O merciful Father, till we have truly repented of our sins and made our peace with Thee. For Thy Son Jesus Christ's sake forgive us our sins. For His sake turn away Thine anger from us. Enter not into judgment with us, but after the multitude of Thy mercies look upon us and visit us with Thy salvation. Quicken us, Almighty God, from the death of sin unto a new and holy life, that, being partakers of the death of Thy Son, we may also be partakers of His resurrection of perfect and endless bliss, both in body and soul, in Thy heavenly kingdom. And may the good examples of all those who have departed this life in the true faith of Thy holy name and the hope of their eternal blessedness excite us to press with the more earnestness toward the mark for the prize of the high calling of God in Christ Jesus our Lord.

O God, whose days are without end and whose mercies cannot be numbered, make us, we beseech Thee, deeply sensible of the shortness and uncertainty of human life, and let Thy Holy Spirit lead us through this vale of misery in holiness and righteousness all the days of our lives, that when we shall have served Thee in our generation we may be gathered unto our fathers, having the testimony of a good conscience, in the union of the Catholic Church, in the confidence of a certain faith, in the comfort of a reasonable, religious, and holy hope, in favor with Thee our God, and in perfect charity with the world. All which we ask through Jesus Christ our Lord.

Listen to us mercifully, O Lord, in these our supplications and prayers, and dispose the way of Thy servants to the attainment of everlasting salvation, that among all the chances and changes of this mortal life they may ever be defended by thy most gracious and ready help, through Jesus Christ our Lord.

The Lord bless us and keep us, the Lord make His face to shine upon us and be gracious unto us, the Lord lift up His countenance upon us and give us peace, both now and evermore. Amen.

The Chaplain of the House announced that the services would be concluded at Oak Hill Cemetery.

The remains were then removed, followed by the Massachusetts delegation, the committee of arrangements, and the relatives and friends of the deceased, to be conveyed to Oak Hill Cemetery; and the President of the United States and members of the Cabinet, the Chief Justice and associate justices of the Supreme Court, and the members of the Senate retired from the Hall.

And then, on motion of Mr. SCOFIELD, (at two o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAINE: Petitions of the Methodist Episcopal church of North Yarmouth, Maine, and of citizens of Fairfield, Maine, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. CALDWELL: The remonstrance of Willard Warner and others, of Alabama, against the imposition of duties on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. COX: Several remonstrances of tobacco manufacturers and dealers in the city of New York, against an advance in the existing rate of tax upon tobacco, to the same committee.

By Mr. GARFIELD: The petition of V. D. Stockbridge, for an appropriation of \$3,000 for the transfer to the Patent Office of the copyright and remaining copies of his digest of patents relating to breech-loading fire-arms from 1836 to 1873, inclusive, to the Committee on Patents.

By Mr. HAGANS: The petition of Riley H. Smith, of Tyler County, West Virginia, for a pension, to the Committee on Invalid Pensions.

By Mr. HAZELTON, of New Jersey: The petition of the New Jersey State Temperance Alliance, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. LAMPORT: The petition of the Easton Monthly Meeting of Friends and of Good Templars, and other citizens of Easton, New York, of similar import, to the same committee.

By Mr. LOWE: Resolutions of the Legislature of Kansas, in reference to Louisiana affairs, to the select committee on that portion of the President's message relating to the condition of the South.

Also, resolutions of the Legislature of Kansas, memorializing Congress to grant to the Atchison, Topeka and Santa Fé Railroad right of way through the Indian Territory to Fort Smith, Arkansas, to the Committee on the Public Lands.

By Mr. MORRISON: The petition of the heirs and legal representatives of John Rice Jones, deceased, concerning unsatisfied private land claims in the State of Illinois, to the Committee on Private Land Claims.

By Mr. SAWYER: The petition of C. R. Gallet, mayor, and 197 citizens of Portage City, Wisconsin, asking, in the interest of cheap transportation, that appropriations be made to complete the improvement of the Fox and Wisconsin Rivers within four years, to the Committee on Commerce.

Also, the petition of citizens of Appleton, Wisconsin, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee, to the Committee on Ways and Means.

By Mr. SCUDDER, of New York: The petition of citizens of New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on Reform in the Civil Service.

By Mr. SMITH, of Virginia: Paper relating to the claim of Dr. J. N. Powell, of Henrico County, Virginia, for relief, to the Committee on War Claims.

By Mr. STANARD: Resolutions of the Legislature of Missouri, protesting against further tax on tobacco, to the Committee on Ways and Means.

By Mr. STORM: The memorial of manufacturers and importers of and dealers in drugs, perfumery, &c., praying Congress to repeal Schedule C of the internal-revenue laws, to the same committee.

By Mr. WALLS: Papers relating to the claim of Mrs. Caroline Clark, of Fernandina, Florida, to the Committee on War Claims.

By Mr. WHEELER: The petition of the trustees of the Saint Regis Indians of New York, for the donation of a flag, cannon, &c., to the Committee on Indian Affairs.

By Mr. WHITELEY: The petition of A. Burgess, for an addition to the Army appropriation bill of an item for the trial by the Ordnance Department of the Burgess magazine arms, to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, February 17, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 633) for the relief of Randall Brown, of Nashville, Tennessee;

A bill (H. R. No. 1283) for the relief of Thomas Day, of Indiana;

A bill (H. R. No. 2689) for the relief of Emille Lapage, surviving partner of the firm of Lapage Brothers;

A bill (H. R. No. 2688) for the relief of Albert F. Yerby, administrator of Addison O. Yerby, deceased, or whom it may concern;

A bill (H. R. No. 2690) for the relief of Mark Davis; and

A bill (H. R. No. 2691) for the relief of Mrs. Flora A. Darling, of New Hampshire.

The bill (H. R. No. 4727) explanatory of the act passed June 20,

1874, was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. No. 4001) to provide for the redemption of overdue bonds of the United States known as Texas indemnity bonds, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance.

Mr. HAMILTON, of Texas. I suggest that that bill go to the Committee on Claims. It is a claim of the State of Texas against the Government of the United States.

The PRESIDENT *pro tempore*. That reference will be ordered.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting copy of communication from Captain J. B. Campbell, commanding Sitka, Alaska, in regard to the illicit traffic in liquor in Alaska, for consideration in connection with the letters of the 3d ultimo and 4th instant, relative to the arrest of John A. Carr and the sale of liquor in Alaska; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. RAMSEY presented a petition of a great number of citizens of Northern Dakota, praying that in the contemplated division of that Territory the city of Fargo, on the Red River, may be made the capital of Pembina; which was referred to the Committee on Territories.

He also presented a petition of physicians of Minnesota, asking for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

Mr. COOPER presented a petition of physicians of Tennessee, in behalf of the Medical Corps of the Army, praying for such legislation as will the better promote the efficiency of that corps; which was referred to the Committee on Military Affairs.

Mr. FRELINGHUYSEN presented a memorial of citizens of Bridgeton, New Jersey, remonstrating against the restoration of the duties on tea and coffee or any revival of internal taxes and praying for the repeal of the 10 per cent. reduction of duties upon foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN. I present also the petition of manufacturers and importers and of wholesale and retail dealers in drugs, perfumery, &c., asking the repeal of that part of the internal-revenue law known as Schedule C, by which a tax collected by stamps is imposed on articles in which they deal, giving for a reason that all other taxation on manufactures is repealed; that the tax is vexatious and involves unnecessary expenditure and loss; that the law is deficient in precision, and is the occasion of entrapping dealers. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CRAGIN presented a letter from the Secretary of the Navy, addressed to the chairman of the Committee on Naval Affairs, in relation to the Ridgeway Battery; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TIPTON presented a petition of members of the Nebraska State Medical Society, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

Mr. SCOTT presented three petitions, of citizens of Pennsylvania, praying that in consequence of the prevailing prostration of all branches of business and the increasing distress throughout the country a bill be passed in aid of the speedy completion of the Northern Pacific Railroad now pending before Congress; which were referred to the Committee on Railroads.

He also presented a petition of citizens of Blair County, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which was referred to the Committee on Railroads.

Mr. CAMERON presented a petition signed by the workmen of the Lochiel Iron-Works, near Harrisburgh, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which was referred to the Committee on Railroads.

He also presented a petition of citizens of Philadelphia, praying the passage of the bill in aid of the speedy completion of the Texas Pacific Railroad now pending before Congress; which was referred to the Committee on Railroads.

He also presented a memorial of citizens of Blandon, Berks County, Pennsylvania, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. WEST presented a petition of the medical faculty of the State of Louisiana, asking for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

He also presented the memorial of Mrs. Catherine M. Pritchard, of New Orleans, Louisiana, praying to be paid certain rentals, costs of repairs, &c., upon her property in New Orleans occupied by the United

States during the rebellion, or that her claim for the same be referred to the commission of claims or to the United States Court of Claims for adjudication; which was referred to the Committee on Claims.

Mr. FERRY, of Connecticut, presented a memorial of the physicians and surgeons of the Connecticut Medical Society, in behalf of the Medical Corps of the Army, praying for such legislation as will the better promote the efficiency of that corps; which was referred to the Committee on Military Affairs.

Mr. FLANAGAN presented a petition of citizens of Texas, praying for the establishment of a post-route from the town of Longview, Gregg County, to Clarksville, Red River County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING presented the petition of John F. Henry and others, manufacturers and importers of drugs and perfumery, praying the repeal of Schedule C of the internal-revenue law, imposing a stamp tax on articles prepared by them; which was referred to the Committee on Finance.

Mr. CLAYTON presented nine petitions of members of the medical profession of the State of Arkansas, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. ANTHONY, (Mr. MORRILL, of Vermont, in the chair.) The Committee on Printing, to whom was referred a motion to print the report of the Sergeant-at-Arms of the Senate, giving an account of the property belonging to the United States in his possession, have instructed me to report back the same and recommend that the report be printed. This I do for the same reason that we recommended the printing of the other lists of the same kind, because our democratic friends are afraid that mischief will happen if it is not done, not because I think it is of any use, but they seem to think it is.

The motion to print was agreed to.

Mr. ANTHONY. The same committee, to whom was referred a resolution to print one thousand copies of the President's message on Louisiana affairs for the use of the Senate, have instructed me to report back the same and recommend the adoption of the resolution. I ask for its present consideration.

The resolution was considered and agreed to, as follows:

Resolved, That one thousand extra copies of the message of the President in response to the resolution of the Senate relating to the employment of the Army in Louisiana be printed for the use of the Senate.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1303) to authorize the board of audit of the District of Columbia to receive, audit, and adjust certain claims for damages by reason of the change of grade of Pennsylvania avenue, reported it without amendment.

Mr. WASHBURN, from the Committee on Claims, to whom was referred the bill (S. No. 534) to pay Samuel Adams for services rendered in exploring the Colorado River and its tributaries, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WEST, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, reported it with amendments.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 338) for the relief of William J. Healy, late assistant paymaster in the United States Navy, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1207) to restore Lieutenant George M. McClure to the active list of the Navy, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

The petition of L. J. Draper, late assistant surgeon United States Navy, praying to be restored to his former rank and position in the Navy, from which he was dismissed by the Secretary of the Navy in 1865;

The memorial of Charlotte S. Dupont and others, heirs of General A. Henderson, United States Marine Corps, praying to be allowed the difference between the pay of a colonel and the pay of a brigadier-general, on account of services rendered by General Henderson from January 1, 1846, to January 6, 1851;

The petition of John D. Smith, acting assistant surgeon of the United States Navy, praying to be placed on the retired list of the Navy;

The petition of H. L. Gamble, widow of the late Lieutenant-Colonel John Gamble, United States Marine Corps, praying compensation for the capture by her husband, during the war of 1812, of the vessel Seringapatam;

The petition of R. L. Laws, commander in the United States Navy, praying to be restored to the position in the Navy that he occupied prior to July, 1866, next below Captain W. W. Low; and

The petition of Captain Alexander C. Rhind, now on the active list of the Navy, praying to be restored to his proper position on the Navy Register next below Captain Aaron K. Hughes.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to

whom was referred the bill (S. No. 937) repealing a portion of the act entitled "An act making appropriations to supply deficiencies," approved March 3, 1873, and disapproving and annulling a portion of the act of the Legislative Assembly of the District of Columbia of the date of August 23, 1871, reported it without amendment, and submitted a report thereon accompanied by a joint resolution (S. R. No. 18) authorizing the relinquishment to the United States of certain lands in the city of Washington ceded to the Washington Market Company by the act of May 20, 1870, incorporating said company.

The joint resolution was read and passed to a second reading, and the report was ordered to be printed.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1198) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy upon the retired list, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Frederick Francis Baur, praying to be commissioned a lieutenant in the United States Navy and placed on the retired list in consequence of wounds received in the line of duty, submitted a report, accompanied by a bill (S. No. 1319) to provide for the appointment of Frederick F. Baur on the retired list of the Navy.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Turner Merritt, praying compensation for one hundred and thirteen bales of cotton taken by order of General Banks for the use of the United States Army for the construction of fortifications at Port Hudson, Mississippi, submitted a report accompanied by a bill (S. No. 1320) to refer to the Court of Claims the claim of Turner Merritt.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. RANSOM, from the Committee on Military Affairs, to whom was referred the bill (S. No. 910) for the relief of William G. Ford, administrator of John G. Robinson, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. SPRAGUE, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876, reported it without amendment.

Mr. JONES, from the Committee on the District of Columbia, to whom was referred the memorial of the members of the fire department of the District of Columbia, protesting against a decrease of their salaries and asking an increase thereof, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was recommended the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen, reported it without amendment.

BUSINESS OF COMMITTEE ON FOREIGN RELATIONS.

Mr. CAMERON. I give notice that I will ask the Senate on Friday or Saturday to give half an hour to the Committee on Foreign Relations.

COAST SURVEY REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a motion to print the annual report of the Superintendent of the Coast Survey, have instructed me to report a resolution. Last year we printed no copies of the report of the Superintendent of the Coast Survey for the use of Congress, but printed three thousand copies for the use of the Coast Survey officer, and this resolution is the same. The committee felt instructed by the vote of the Senate last year not to report any for distribution by members. If any Senator objects to that, there is an opportunity to controvert it now.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed of the report of the Superintendent of the Coast Survey for the year 1874 three thousand copies for the use of the Superintendent of the Coast Survey.

Mr. BAYARD. May I ask whether the Committee on Printing have considered how these public documents shall be transmitted through the mails? There was some provision made in regard to postage at a low rate upon the CONGRESSIONAL RECORD, containing the debates of Congress; but I must ask the Senator from Rhode Island, who has charge of this business, whether he considers it wise to continue the publication of these voluminous documents without providing methods for their transmission through the mails or for their distribution. There are now in the rooms of this Capitol, I suppose to speak moderately, a cord, more or less, of documents awaiting the order of any Senator who sees fit to prepay their postage to his constituents. There is no appropriation made for the payment of that postage, and as the benefit is the benefit of the constituent solely and in no degree of the Senator or Representative in Congress who is charged with their distribution, they remain undistributed.

I do not desire to embarrass the resolution, but I do desire to call attention to the fact that we are accumulating a vast bulk of these documents simply to lie and perhaps to rot in the vaults of the Capitol. Unless, therefore, there shall be some appropriation made for the transmission of these documents so that they may fulfill the theory

upon which they are printed, that it is for public enlightenment in regard to governmental affairs, I submit that it is scarcely worth while to waste the paper and the labor and the printer's ink and the binding in having them printed and published.

As this committee is a very capable one, I wish when it reports resolutions for the publication of these voluminous documents, it would report some means by which they can be circulated through the country, not at the individual cost of members of Congress.

Mr. ANTHONY. This resolution does not contemplate any distribution by members of Congress. The whole edition is given to the Superintendent of the Coast Survey for distribution. Of course, these maps are of no sort of use unless they are distributed to the mercantile and navigating interests of the country. I believe any public document can be sent now on a postage of ten cents; but, of course, if these documents are distributed except at the request of individuals who send the postage, I suppose the Government will have to pay the postage; and if the postage does not cost the Government anything except printing the stamps, it is not a matter of any great consequence. We have hardly reported anything this year for distribution by members of Congress.

The PRESIDING OFFICER, (Mr. MORRILL, of Vermont, in the chair.) The question is on the resolution reported by the Committee on Printing.

Mr. CONKLING. I wish to express my concurrence in all I heard of the remarks of the Senator from Delaware. The Senator from Rhode Island makes a tolerably good answer to the Senator from Delaware in this case because he says that somebody beside a Senator is to distribute these documents. From that it follows, as the Senator implies, that this other agent whoever he may be, is to be furnished from the public purse with the postage which will carry the documents. Were he a Senator, he would not be, of course, because in these times of high attainment in morals and in courage the Senate has not come up to the point of paying the postage imposed upon its members from the public purse. The Secretary of the Treasury might just as well be charged with the postage involved in conducting his Department. I know of no reason why his private pocket should not respond as does the private pocket of every Senator to the demand of postage. But he again is not a Senator and not a member of Congress; and therefore the sense of justice of the two Houses teaches them that it would be a gross imposition to visit upon him all the postage paid to the Post-Office Department for transmitting the business of the Department through the mail.

I rose, Mr. President, rather to call attention to this feature of the existing law than to say anything about this resolution; and as I am upon this subject, I venture to make one personal remark. Having kept myself or had kept an account of my own postage for one week, it amounted to nine dollars, including no documents, but relating to the correspondence which is sent to me, no part of it being my private correspondence, all being in respect of public and official matters. And yet, although we vote appropriations to enable other agents of the Government to distribute books, many of which are never read, and seeds many of which never come up, we omit as part of the reform which the abolition of the franking privilege commenced to furnish to members of this body or of the other House recompense in respect of the postage they are compelled to pay from their own pockets touching the affairs and concerns of the nation, and which have no more private relation to them than they have to the head of a Department or the clerk in a Department to which they are transmitted, or to the clerk of a committee of the Senate which considers them.

Now, Mr. President, I wish hereafter as often as I find the opportunity to vote against the publication of any more documents until, as the Senator from Delaware says, provision is made to carry those documents to those for whom in theory they are intended, and I wish on every appropriate occasion to ask the attention of the Post-Office Committee of the Senate and of the whole Senate to the question whether it is right, whether it is admissible, that the members of the Senate and the members of the House should be selected from the whole body of public officers as those who alone are compelled to pay the public postage from their private pockets. To Senators, if there be such, who can afford it readily, it is a matter of very little moment. Perhaps in the personal injustice it involves, it is trivial at all events, because the inconvenience of individuals must be admitted to be trivial when compared with the public interests. But as matter of right, as matter of self-respect, as matter of legislation and of public conduct, I submit it is worthy the attention of the Senate.

Mr. MORRILL, of Maine. I wish to inquire of the Senator from Rhode Island if this resolution proposes the publication of the usual number?

Mr. ANTHONY. The number that we printed last year. It is less than we have usually printed heretofore, and there are none for members of Congress as I stated. I quite agree with what the Senator from New York has said, but it does not apply to this document. There is provision made for distributing this document. Of course, it would be a very unwise expenditure of public money to go to the expense of surveying the coast and making the maps and charts, and then not place them in the hands of the people who navigate vessels. This is for the security of property and life.

Mr. MORRILL, of Maine. What is that provision for distribution to which the Senator refers?

Mr. ANTHONY. Distributed by the Coast Survey itself, which is provided with postage-stamps to do it, the same as we ought to be; I quite agree to that.

Mr. MORRILL, of Maine. Then, if it comes to that, it is simply another method of publishing documents or another method of distribution. I thought we had come to the conclusion, when the abolition of the franking privilege took place, that we would not publish any more documents for gratuitous distribution. Here are three thousand copies of this document to be printed for the use of the Superintendent of the Coast Survey. There is nothing said about distribution in any way. He has no means of distributing them unless we make an appropriation to him by which he can distribute them. That therefore is a gratuitous distribution, and I suggest of the most doubtful character, because it gives them to one officer of the Government to distribute as he pleases. It comes within the objection, it seems to me, of the general rule. If my friend will allow the resolution to lie over until to-morrow morning, I will look into it.

Mr. ANTHONY. I cannot object to that, but really this document ought to be printed, and the resolution has to go to the other House. You might just as well say that the people should pay for light-houses as pay for charts of the coast. It is intended for precisely the same purpose, for the security of navigation.

Mr. MORRILL, of Maine. The misfortune about that is that we did say we would not print any more documents for gratuitous distribution; and the people who want this, of course can afford to pay for it. That is the principle on which we have gone. This is a departure from that principle.

Mr. ANTHONY. The people who want light-houses might afford to pay for them, but we want these documents distributed whether the people wish them or not, because the information they contain is for the safety of life and property on the ocean. It stands on a different basis from almost any other document. The old custom always was to print a certain number for distribution by the Senate, a certain number for distribution by the House, and a certain number for the Coast Survey. We have struck off those for members of Congress.

Mr. MORRILL, of Maine. But this document is in no sense for general distribution; it is for distribution to a special interest in the country.

Mr. ANTHONY. Yes.

Mr. MORRILL, of Maine. That ought not to be a gratuitous distribution unless our whole theory is wrong, as I am half inclined to think it is; but we agreed when the franking privilege was repealed that we would not go into the publication of documents for gratuitous distribution, and yet every session that is insidiously coming back upon us, and everybody is having the franking privilege restored to him except only members of Congress, who, as the Senator from New York said, are not to be intrusted with anything like the distribution of documents.

Mr. ANTHONY. I assented to the Senator's remark that this document is for a particular interest. I should not have agreed to that assertion, for it is wrong. It is not for a particular interest, unless you mean that the safety of navigation is a particular interest. It is the interest of everybody who ever has life or property at sea. However, I will let the resolution lie over and call it up another time.

Mr. FRELINGHUYSEN. I should like to ask the Senator from Maine when Congress said that they would not print any documents for gratuitous distribution? I understood that Congress said that they would not intrust members of Congress with the distribution of documents unless they paid the postage. That is all we have ever said. We have never gone so far as to isolate this Government entirely from the people as to make all the information that the Government gathers valueless after it is obtained at an expense of millions.

The remarks of the Senator from Maine, and the Senator from New York also, criticising the abolition of the franking privilege I think do not come very well from them, because they voted for its abolition, and I do not see that they take any measures to restore that communication which ought to exist between Congress and the people. I know as well as every other Senator does that it is a great burden to the members of the Senate to have the franking privilege, but it is the right of the people to have the information.

Mr. MORRILL, of Maine. It is true, as the Senator says, that I voted to abolish the franking privilege, but I voted for it as some lady is said to have got married, under protest. [Laughter.] I stated at the time that such a hullabaloo had been got up by the press of the country against this privilege and against what was supposed to be its corrupt use, that Congress could not afford to stand under such an imputation, although I believed that that action was just as wrong as anything in principle could be. Still I was disposed, for the reason I stated, to vote for its abolition, and I have said ever since and on all occasions, and I continue to say now, that until that sentiment is corrected in the country Congress cannot afford to be peddling documents, publishing them, and distributing them either by themselves directly or covertly through the heads of the Departments.

Now we appropriate some \$2,000,000 for postage for the Departments to make these distributions; but I will say to my honorable friend that the policy which I understand to have been established in regard to these documents is that we would not publish them for

gratuitous distribution, but that they should be published to the end that the people might have all the information that Congress had or the Government had upon public concerns, that it should be made accessible to persons who wanted it at the cost price. That is what I understand to have been the policy attempted to be established by Congress since the abolition of the franking privilege, and which it seems to me is exactly the proper thing to observe; but if this resolution goes over until to-morrow, I will endeavor to look into it.

Mr. ANTHONY. I wish to remind Senators on both sides of one fact, that at the last session the Committee on Printing reported a bill authorizing the sale of documents and tried very hard to get it through the Senate, but did not succeed; and I think the Senator from Maine did not favor it.

Mr. MORRILL, of Maine. I am not sure, but I think I did. I have always been with the Senator upon that question.

Mr. ANTHONY. Perhaps I am mistaken. If the Senator is with me, I shall feel still stronger that I am right.

The PRESIDING OFFICER. The Chair understands the Senator from Rhode Island to withdraw his motion for present consideration.

Mr. ANTHONY. I must, I suppose, if the resolution is objected to. The PRESIDING OFFICER. The resolution will lie over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4730) providing for the payment of certain employes of the House of Representatives; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1012) for the relief of the district judge of Vermont; and

A joint resolution (S. R. No. 15) authorizing Thomas W. Fitch, engineer of the United States Navy, to accept a wedding present sent to his wife, Mrs. Minnie Sherman Fitch.

BILLS INTRODUCED.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1321) regulating the salaries of judges of the Court of Claims; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1322) establishing rules and regulations for the government of the Army of the United States; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1323) to establish a mail-route in Texas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1324) for the relief of Walter J. Lee, late a second lieutenant in the Twenty-eighth Michigan Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

NAVY REGISTER.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred additional copies of the Navy Register for 1875 be printed for the use of the Senate.

ARMY REGISTER.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred copies of the Army Register for 1875 be printed for the use of the Senate.

UNION PACIFIC RAILROAD.

Mr. HITCHCOCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to furnish to the Senate a copy of the last annual report of the Government directors of the Union Pacific Railroad.

MANAGERS OF VOLUNTEER SOLDIERS' HOME.

Mr. SPENCER. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers, to report the same back without amendment and recommend its passage. I ask for its present consideration.

Mr. DAVIS. I should like to know the necessity for that.

Mr. SPENCER. I will explain. These are the present managers of the present institution. Their time expires in April, and it is necessary that they should be continued in office. The resolution has come from the House of Representatives, been referred to the Committee on Military Affairs, and reported favorably.

There being no objection, the joint resolution was considered as in Committee of the Whole. It reappoints as managers of the National Home for Disabled Volunteer Soldiers, under the provisions of the act entitled "An act to amend an act entitled 'An act to incorporate a national military and naval asylum for the relief of the totally dis-

abled officers and men of the volunteer forces of the United States,' approved March 21, 1866," John H. Martindale of New York, Hugh L. Bond of Maryland, and Erastus B. Wolcott, of Wisconsin, whose terms expired on the 21st of April, 1874.

The joint resolution was reported to the Senate without amendment.

Mr. SHERMAN. Is it correct that their terms expired in April, 1874?

Mr. SPENCER. I think that date is incorrect; I think it should be 1875; but I will inquire of the chairman of the committee.

Mr. SHERMAN. The correction ought to be made before the joint resolution passes to a third reading.

Mr. WRIGHT. I suggest that the bill be passed over informally for the present.

The PRESIDENT *pro tempore*. The joint resolution will be laid over.

Mr. SPENCER. The date in the joint resolution appointing managers of the National Home for Disabled Volunteer Soldiers, I find on inquiry of the chairman of the committee, is correct, and I ask that the joint resolution be disposed of.

Mr. DAVIS. I prefer that it should go over. I should like to be informed as to the necessity of it.

The PRESIDENT *pro tempore*. The joint resolution will lie over.

Mr. SPENCER subsequently said: I ask that the joint resolution in relation to the National Home for Disabled Volunteer Soldiers be disposed of. The Senator from West Virginia withdraws his objection.

Mr. DAVIS. I have examined the joint resolution, and I withdraw the objection, believing it might be injurious to disabled soldiers to insist upon it.

The joint resolution was ordered to a third reading, read the third time, and passed.

BUSINESS OF RETRENCHMENT COMMITTEE.

Mr. WRIGHT. I believe this morning, by the order of the Senate, is assigned to the Committee on Civil Service and Retrenchment; and as chairman of the committee I am entitled to the floor for the remaining part of the morning hour, and such other time as the Senate may give. I want to make a statement and then make a request.

A bill passed the House yesterday that will go to the committee this morning, and is a bill which it is important should be considered at this session if it can be. I ask now the consent of the Senate that we shall have Saturday morning instead of this morning and not lose our place, but take our place on Saturday morning in lieu of this morning, in view of the fact that this bill to which I have alluded will be referred to us. It is important that we should consider it, and the committee perhaps will not have an opportunity again to be heard unless at that time. Of course there are other committees to be heard between now and that time, but I ask unanimous consent that we have on Saturday morning the same time, instead of this morning.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that Saturday instead of to-day be assigned to the Committee on Civil Service and Retrenchment. Is there objection? The Chair hears none.

Mr. WINDOM. That is for the morning hour only.

The PRESIDENT *pro tempore*. For the morning hour alone.

PEABODY SCHOOL IN SAINT AUGUSTINE, FLORIDA.

Mr. HOWE. What is the next committee?

The PRESIDENT *pro tempore*. The Committee on Printing.

Mr. HOWE. Mr. President, the other day I entered a motion to reconsider the vote by which a bill passed making a grant of land for a school in Saint Augustine, Florida. The Senator from Florida [Mr. GILBERT] is very anxious that that motion should be disposed of. The motion answers my purpose entirely if my purpose is to defeat the bill, but I do not wish that the bill should be defeated in that way. I should like to have a vote of the Senate. I call attention to it now, being perfectly ready to take the vote of the Senate on the question if it is the pleasure of the Senate to proceed to the consideration of the motion now.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks consent to take up the motion to reconsider the vote by which the bill (S. No. 782) to provide a site for a public free school in Saint Augustine, Florida, was passed. The Chair hears no objection, and the motion is before the Senate. The question is, will the Senate reconsider the vote by which the bill was passed?

Mr. HOWE. My object in reconsidering the vote by which the bill was passed is to once more ask the sense of the Senate upon the amendment which was moved by the Senator from Vermont, [Mr. EDMUNDS.] The bill proposes to grant some land, I suppose not very large in amount, perhaps not very valuable, to some individuals in the State of Florida for educational purposes, and the Senator from Vermont moved to amend the bill, making the grant conditional upon the fact that no person should be excluded from the school to be founded upon the grant, on account of color or of race. In this Senate in the early part of the year of our Lord 1875 that amendment was rejected. It was not at all strange that it should have been, because although I am now asking the Senate to reconsider that vote, I do not think there is one Senator in ten on this floor who knows what the proposition is. There probably was not more than one in fifty who knew what it was at that time.

As I do not think it worth while to spend much time in debating a question for the consideration of one-tenth of the Senate, I will content myself with what I have already said and ask the yeas and nays on the motion to reconsider.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the pending bill.

Mr. SAULSBURY. I should like to have the bill read.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. On the motion to reconsider the Senator from Wisconsin has asked for the yeas and nays.

The yeas and nays were ordered.

Mr. BOUTWELL. I would be glad to know something of the value of this land. I have a belief, from a slight personal acquaintance with Saint Augustine, that there is no land there belonging to the United States that ought to be given away even for a school. There are one or two parcels of land within the limits of Saint Augustine, one of which I know to be essential to prospective use by and of value to the Government. I do not know where this lot of land lies, but I have no belief that the Government ought to give it away. In general the true rule for the Government in every city or considerable town of the country is to hold whatever land it possesses. When we come to purchase for public use we pay the very highest price; and when we happen to have a piece of land that is not in immediate use we are called upon to give it away. Saint Augustine is likely to be a place of considerable importance hereafter, although it is a place of small consideration now; and even though the amendment proposed were introduced—for which I shall certainly vote if I have an opportunity—I think the bill ought to be defeated; and it is a very poor way of administering public charity, a very poor way of supporting educational institutions, for the Government of this country to be considering whether it will make a small donation here or there. There are great principles of education which the Government of the country should keep in view. There may be great systems which the Government of this country can do something to introduce or maintain; but by donating a lot of land here, a lot of land there, the fruits of which generally get into the possession of classes in society or sects in religion, the object which the Government should have in view is prevented. Therefore I say that unless something can be shown which takes this proposed appropriation out of the general rule, it should not be made; and especially it should not be made if we are to set up in one of the towns of principal resort in the South a model for influence among the people of the South in the exclusion of colored children; and as the bill stands now it does exclude them. I am against the bill for two reasons: First, because it excludes them; and, second, for the stronger and more fundamental reason that it is an appropriation that ought not to be made.

The PRESIDENT *pro tempore*. The question is on reconsidering the vote by which the bill was passed.

The question being taken by yeas and nays, resulted—yeas 31, nays 25; as follows:

YEAS—Messrs. Alcorn, Anthony, Boutwell, Chandler, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Oglesby, Pratt, Ramsey, Robertson, Scott, Stewart, Wadleigh, West, Windom, and Wright—31.

NAYS—Messrs. Bayard, Bogy, Boreman, Clayton, Cooper, Davis, Dennis, Eaton, Gilbert, Goldthwaite, Hager, Hamilton of Maryland, Johnston, Kelly, Lewis, McCree, Morrill of Vermont, Ransom, Sargent, Saulsbury, Schurz, Sherman, Sprague, Stockton, and Tipton—25.

ABSENT—Messrs. Allison, Brownlow, Cameron, Carpenter, Conover, Ferry of Connecticut, Gordon, Logan, Merrimon, Morton, Norwood, Patterson, Pease, Spencer, Stevenson, Thurman, and Washburn—17.

So the motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the passage of the bill; but the hour of one o'clock having arrived, it becomes the duty of the Chair to call up the unfinished business of yesterday, being the resolution for the admission of P. B. S. Pinchback, on which the Senator from California [Mr. SARGENT] is entitled to the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Alleghany reservations, and to confirm existing leases.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia.

The message also announced that the House non-concurred in the amendments of the Senate to the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army, and asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLINTON D. MACDOUGALL of New York, Mr. WILLIAM G. DONNAN of Iowa, and Mr. JAMES W. NESMITH of Oregon, managers of the same on its part.

The message further announced that the House had passed a bill (H. R. No. 4978) to provide for the reorganization of the Treasury Department of the United States, and for other purposes, in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. BABCOCK, his Secretary, announced that the President had yesterday approved and signed the act (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, reported from the Committee on Privileges and Elections by Mr. MORTON on the 8th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning on the 4th of March, 1873.

Mr. MORTON. Before the Senator from California resumes his remarks, I beg leave to request the Senate to stay here without adjournment until this question is disposed of. The time of the session is now so short that I feel the necessity of making this request, and making it an urgent one, that the Senate will remain without adjournment until this resolution has been disposed of.

Mr. SAULSBURY. I hope the Senate will not do anything of the kind.

Mr. FERRY, of Connecticut. Mr. President, I certainly hope that the appeal which has been made by the Senator from Indiana may not be regarded by the Senate. This resolution was called up on Monday; the Senator from Indiana made a few remarks; the Senator from California occupied all the rest of Monday, the hour which we had yesterday after the morning hour, and he still has the floor for to-day; and now to insist that those who feel in conscience bound to oppose this resolution shall stay here to-night all night to make speeches to empty benches upon a subject graver than almost any that has arisen before this body, in my remembrance at any rate, seems to me monstrous.

I desire very briefly, for my physical strength will not permit me to speak at length upon this or any topic, to submit some views upon this subject. I do not feel that I can do so in the small hours after midnight; and although so important do I deem the vote upon this question that I will remain here to vote, yet to insist upon closing the discussion and closing this question without an adjournment will certainly deprive me, and I think others, of that which we are entitled to, a fair hearing in the Senate upon a question of the very gravest public importance.

Mr. SARGENT. Mr. President—

Mr. MORRILL, of Maine. Will the Senator allow me a word?

Mr. SARGENT. The Senator will see—

Mr. LEWIS. I ask the Senator to yield to me for a motion on a bill which is very important to the District, and will occupy no time.

Mr. SARGENT. After a remark I will yield to the Senator from Virginia. On Monday last after the close of the morning hour and after an hour and a half or two hours had been devoted to a thrilling discussion of a point of order, which was finally decided wrong, I obtained the floor to speak on the Louisiana matter. I was enabled to proceed for some time when I was interrupted by a message from the House announcing a very sad event, and the Senate at that time adjourned. On yesterday, after all the morning business had been gone through with, I was enabled to occupy a short time until again interrupted by a similar circumstance. I think that I am entitled to call the attention of the Senate to this to relieve myself of any reproach of having occupied the time of the Senate for two days and now proceeding to a third.

Furthermore, during the whole time which was at my disposal I had perhaps too good-naturedly yielded to Senators all around me who wanted to pass some little bill or get in some report or something of that kind, which were continually interrupting my progress. I will yield now with that good-natured purpose to my friend from Virginia, provided his bill will not cause discussion, remarking, however, that I presume I shall be able to conclude my remarks in half an hour after I begin.

Mr. LEWIS. I move to take up a bill reported from the Committee on the District of Columbia, being the bill (S. No. 1212) explanatory of the act passed June 20, 1874, in regard to paying for sweeping the streets of this city. When that bill is up then I wish to have the House bill which has already passed the House substituted for it.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent to lay aside the pending business informally and to take up the bill indicated by him.

Mr. EDMUNDS. Let it be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. LEWIS. A bill passed the House yesterday which is identical to this. I move to take up the House bill instead of this Senate bill.

Mr. EDMUNDS. Then let us hear the House bill read for information.

The PRESIDENT *pro tempore*. The Chair is informed that the House bill has been sent to the printer.

Mr. LEWIS. Then I ask that this bill be read.

Mr. EDMUNDS. I wish the Senator from Virginia would explain this bill a little and state how much it involves.

Mr. SARGENT. This seems to lead to discussion. I insist on the regular order.

The PRESIDENT *pro tempore*. The Senator from California claims the floor.

Mr. SARGENT. When the Senate took its recess yesterday I was discussing the condition of affairs in Arkansas, and showing that an illegal Legislature, illegally supplanting a legal Legislature, and supplanting it in order to prevent a legal inquiry into the right of the governor of that State to hold his place, had called a convention for the purpose of overthrowing the constitution of the State. I say of overthrowing the constitution rather than of amending it, because there was no power in the constitution of the State existing authorizing a new constitution to be made in the manner proposed. The constitution of the State of Arkansas expressly provided the method by which it might be amended, and if there is no security or guarantee for organic law in the organic law itself, then we are governed by mere mob power; then there is no security for the stability of our institutions, and a whim of the populace or a breath of public opinion may at any time sweep away the most valuable barriers erected for public safety. Article 13 of the constitution which was supplanted provides that amendments to the constitution shall be proposed by the respective houses of the Legislature and subsequently those amendments submitted to the people, but there is no provision in the constitution for the calling of a constitutional convention for the purpose of an entire change of the instrument. Before that can be constitutionally done, by all the precedents which have ever been passed upon by courts, the constitution must be amended in this manner to confer this power upon the Legislature and upon such constitutional convention. The question is by no means new. It has been passed upon directly by many courts where the question has been raised. The supreme court of Illinois in the case of *Field vs. The People*, 2 Scammon, 79, passed upon a kindred question. I will refer only to the syllabus of the case, because I find on reference to the opinion that it is a fair rendering of the judgment of the court in the matter, and they exhaustively considered the subject. They say:

It is a general rule, that when a constitution gives a general power or enjoins a duty, it also gives, by implication, every particular power necessary for the exercise of the one or the performance of the other. But this rule is modified by this very rule, that where the means for the exercise of a granted power are also given, no other or different means or powers can be implied either on account of convenience or of being more effectual.

The constitution of Arkansas provided means by which it might be amended, and it was unconstitutional, a violation of the organic law, to take any other or different means upon any pretense that it would be more convenient or more effectual. The supreme court of Delaware, in 4 Harrington, advert to the question of the right of the people by a constitutional convention thus irregularly called to change the constitution of a State. In Delaware formerly there was no such power of amendment of the State constitution, and the court uses an apt illustration, familiar to them, in their reasoning in this case. In this case of *Rice vs. Foster*, 4 Harrington, 488, the supreme court say:

The legislative, executive, and judicial powers compose the sovereign power of a State. The people of the State of Delaware have vested the legislative power in a General Assembly, consisting of a senate and house of representatives; the supreme executive powers of the State in a governor; and the judicial power in the several courts mentioned in the sixth article. The sovereign power, therefore, of this State resides with the legislative, executive, and judicial departments. Having thus transferred the sovereign power, the people cannot resume or exercise any portion of it. To do so would be an infraction of the constitution and a dissolution of the government. Nor can they interfere with the exercise of any part of the sovereign power except by petition, remonstrance, or address. They have the power to change or alter the constitution; but this can be done only in the mode prescribed by the instrument itself.

The Senator from Ohio, [Mr. THURMAN,] when the President's message came in objecting to these illegal proceedings by which the government of Arkansas was subverted, was astounded by such declaration on the part of the President; and yet by the authorities, well considered, of various States of the Union where this question has been determined, it has been uniformly held that this would be an illegal subversion of the constitution of a State. I ask what is astounding in the President of the United States calling attention to this fact and asking that Congress take measures to remedy the mischief?

The supreme court of Delaware say:

The attempt to do so in any other mode is revolutionary. And although the people have the power, in conformity with its provisions, to alter the constitution, under no circumstances can they, so long as the Constitution of the United States remains the paramount law of the land, establish a democracy, or any other than a republican form of government. It is equally clear that neither legislative, executive, nor judicial departments separately, nor all combined, can devolve on the people the exercise of any part of the sovereign power with which each is invested. The assumption of a power to do so would be usurpation. The department arrogating it would elevate itself above the constitution; overturn the foundation on which its own authority rests; demolish the whole frame and texture of our republican form of government, and prostrate everything to the worst species of tyranny and despotism, the ever-varying will of an irresponsible multitude. The powers of government are trusts of the highest importance, on the faithful and proper exercise of which depend the welfare and happiness of society. These trusts must be exercised in strict conformity with the spirit and intention of the constitution by those with whom they are deposited.

Mr. BAYARD. As the Senator has referred to the decisions of the courts of my State, with which I am entirely familiar, I would beg leave to say to him that the members of the court that made the decision he has just cited held their offices under a constitution which was adopted in direct derogation of the requirements of the constitution that preceded it. The constitution of 1792 provided that certain articles should never be changed, and when the constitution of 1829 under which the court that gave this decision was appointed was adopted, it was in violation of the terms of the constitution that had

preceded it. The case which he has cited has nothing to do with the question he is now discussing. It was a question there of the power of the Legislature to delegate their power to the people, so that they should give a law vitality by popular vote and let it depend on the popular vote for its force as a law. The court decided that that could not be. There was no question before them in the case of *Rice vs. Foster* as to the power of the State to change its constitution in a mode not pointed out by the constitution itself, and it was not before them, not considered, not decided. What has been read was an *obiter dictum* in the very strongest sense of the term, but the court that uttered it held their places under a constitution that had been adopted in violation of the provisions of the preceding constitution.

Mr. SARGENT. I do not desire to discuss the good or bad faith of the courts of Delaware; I do not wish to say whether by this decision they passed condemnation upon themselves or not; but I do say that they most distinctly lay down in aid of the main proposition in the case that there is no power to amend a constitution except through the method which the constitution itself points out. I know that there is another method not recognized by courts, that there is what may be called violent revolution and there is peaceful revolution. But I am talking about law, not revolutions, which are outside of and subversive of law. These were peaceful revolutions in the case of New York and Illinois, where, the constitution being changed otherwise than as provided by the instrument, the question was never raised in the courts or brought to the attention of Congress. There was general acquiescence and satisfaction of the people in the results; and such cases are merely instances, they are not precedents showing what the law is.

The supreme court of Massachusetts, on a question submitted by the house of representatives of that State, also sustained strongly the principle of the reasoning of this supreme court of Delaware. The questions submitted in that case were, whether the Legislature could submit to the people the proposition whether there should be a State convention for the reformation of the constitution, when there was no provision in the existing constitution authorizing such a body. And the supreme court of Massachusetts, advising, says in 6 Cushing, 575:

Under and pursuant to the existing constitution, there is no authority given by any reasonable construction or necessary implication by which any specific and particular amendment or amendments of the constitution can be made in any other manner than that prescribed in the ninth article of the amendments adopted in 1820. Considering that previous to 1820 no mode was provided by the constitution for its own amendment, that no other power for that purpose than in the mode alluded to is anywhere given in the constitution by implication or otherwise, and that the mode thereby provided appears manifestly to have been carefully considered, and the power of altering the constitution thereby conferred to have been cautiously restrained and guarded, we think a strong implication arises against the existence of any other power, under the constitution, for the same purposes.

I think that this is the current of decisions all the way through, and in no case can you find that a court stultified itself by saying that that is law which is in violation of law; that that is constitutional which is subversive of the constitution. The only thing that can be insisted on is that a constitution shall stand where there is a peaceable revolution in which the people acquiesce, the question not being raised; but such assumption fails where a forcible revolution like that which occurred in Arkansas happens, and the protests of the people bring it to the attention of Congress.

Mr. BAYARD. May I ask the Senator whether his position is that if a State constitution shall forbid the alteration of certain of its articles in any mode whatever, they are not to be changed at any time by any action of the people?

Mr. SARGENT. That would be anti-republican and might justify a peaceful revolution if the people should be satisfied so to change their organic law. Or it might justify a forcible revolution if the oppression was great. But in either case it would be the will of the people. But the will of the people was overruled in the case of Arkansas, as all the facts show, and there were no oppressive provisions in the constitution of that State.

Mr. BAYARD. The Senator thinks that an immutable condition in a constitution would be anti-republican?

Mr. SARGENT. I believe that the old constitution in Rhode Island discussed in *Luther vs. Borden*, with its disfranchising, unchangeable clauses, was anti-republican. I think an immutable constitution is anti-republican, because their institutions should not be beyond the legitimate control of the people. I have no question about that; but that was not the constitution of the State of Arkansas. In that constitution there was a specific and plain method by which the constitution could be amended, and ample means afforded to the people, and means which a few years before they had exercised to amend the instrument.

Mr. BAYARD. The Senator thinks an immutable provision in a State constitution is anti-republican. Does he consider that the United States, under its guarantee to each State of a republican form of government, may interfere at any time to change that constitution in those features?

Mr. SARGENT. The Senator might ask a great many questions. I am not here to discuss abstract propositions. When that proposition comes before the Senate I will discuss it. The Constitution of the United States simply guarantees a republican form of government, and if there is a republican form of government established by the people, established honestly and fairly, expressing the will of the people, it is within the guarantee of the Constitution. But the Sen-

ator will observe he is diverting me from the case of Arkansas whose every step was gained by force and aided by fraud. For instance, the very Legislature which passed through in one day the bill for the calling of a constitutional convention was surrounded by Baxter's troops, and no member of the Legislature or other person was allowed to pass through the lines without a regular pass from Baxter, and consequently there was no quorum present, for that and for other reasons, on account of the disturbed condition of affairs there. He gave passes to men who had been elected by an illegal election, where the people could not be registered, where the registry law itself had been tampered with; and this illegal body gave the first foundation for this whole proceeding. Do you call that acting on the will of the people? Is that the manner in which a republican form of government can be established or amended? To assert it is simply to assert an absurdity. The authorities are ample upon the question of the absence of right to alter a constitution without reference to a fair discretion of the people in accordance with the terms of the instrument which gives the power to amend. For instance, in 35 Pennsylvania Reports, 265, *The Commonwealth ex rel. Baxter*, the court say:

It is a natural principle of humanity that the will of a man is regulated by his habits, and that of a people by their settled customs and institutions; and without this neither can have any character by which their actions can be judged. Law means the settled customs and institutions of a people, and if these do not exist there is no law, and courts, if there be any, must be mere arbitrary powers. Law will have lost one of its essential elements when the mere will of the people shall prevail over the settled principles of their social life. Even a people, therefore, must conform to their own institutions if they are to have any government.

Here was an existing constitution of the State of Arkansas which had been in operation for years, which provided adequate means and a mode for its amendment, and as the supreme court of Pennsylvania says, if the people of Arkansas have any security for law it must be in accordance with law and the constitution should have been followed in order that the subsequent convention which assembled could be legal, or that any amendment of the constitution could be recognized by the United States or the people of that State as the constitution of the State.

But more than this, the constitution of the State provided that the ballot should be secret. The object of the secrecy of the ballot, especially in communities like this, or in any community, is obvious enough. It is that a man may not be deterred by intimidation or by social influence from casting his vote as he pleases, and this right was secured by the constitution of the State of Arkansas, which has been overthrown. By an ordinance of the new constitutional convention, providing the method by which this constitution should be submitted to the people, it was declared in section 14—

That the names of the electors shall be numbered, and the corresponding numbers shall be placed upon the ballots by the judges when deposited.

Thus creating a system of espionage over the voters of the State; thus giving the strong and influential classes, the property classes, the control of the poor classes, with ample means to know how they voted, to execute vengeance upon them if they did not vote as they desired. They struck down the secrecy of the ballot, and in defiance of the constitution itself.

I will not cite authorities to the point that an ordinance accompanying a new constitution cannot have the force of law to repeal provisions of the old constitution before it is replaced by the new. To insist upon that, I say, would be to insist upon an obvious legal absurdity—that a constitutional convention meeting to propose a new constitution can by an ordinance set aside the provisions of the old constitution before that constitution is replaced by the new or adopted by the people; and yet that is just the thing they did here in Arkansas and in the most vital point, by striking down the purity of the ballot-box by destroying its secrecy. In 13 New York Reports, page 27, in the case of the *People vs. Pease*, there is a discussion of the question as to the right of a citizen to the secret ballot under a law merely providing for the secrecy of the ballot, and the judge says:

I have already alluded to the policy of the law providing for a secret ballot. The right to vote in this manner has usually been considered an important and valuable safeguard of the independence of the humble citizen against the influence which wealth and station might be supposed to exercise. This object would be accomplished but very imperfectly, if the privacy supposed to be secured was limited to the moment of depositing the ballot. The spirit of the system requires that the elector should be secured then, and at all times thereafter, against reproach or animadversion or any other prejudice on account of having voted according to his own unbiased judgment; and that security is made to consist in shutting up within the privacy of his own mind all knowledge of the manner in which he has bestowed his suffrage.

That was the intention of the constitution of Arkansas, that the voter should be allowed thus to lock up in his own mind the knowledge of the manner in which he cast his vote; but all this was stricken down by the illegal proceedings which I have mentioned. This subject was discussed in 35 Black, Indiana Reports, 90-96, and the pertinency of the decision is so great, and it illustrates so fully the illegality of these Arkansas proceedings, as well as the wrongs that the actors inflicted on the voters of that State, that I take time to read the facts stated in the opinion, as well as the conclusions of the able judge who made it:

The complaint alleges in substance that on the 11th day of October, 1870, at a general election held pursuant to law for the election of divers officers, the defendant was the duly appointed inspector of elections for a legal precinct of Fairfield Township, in Tippecanoe County, known as precinct No. 2, and officiated as such; that on said day the plaintiff was a resident of said township and a duly qualified voter, &c.; that he gave his ballot, which was in all respects a legal ballot, to said defendant as such inspector, and demanded that it should be put into the ballot-box

without any distinguishing mark or number being placed upon it; but that defendant, as such inspector, against the protest of plaintiff, unlawfully numbered the same, &c., whereby plaintiff became damaged in his constitutional privileges and franchises, &c.

The defendant has demurred to the complaint for want of sufficient facts to constitute a cause of action against him. The question raised by this demurrer involves the constitutionality of section 2 of an act of the Legislature approved May 13, 1869, which section reads in these words, namely:

"It shall be the duty of the inspector of any election held in this State, on receiving the ballot of any voter, to have the same numbered with figures on the outside or back thereof to correspond with the number placed opposite the name of such voter on the poll-lists kept by the clerks of said election."

It will be seen that the acts of the defendant of which plaintiff complains are not only authorized, but enjoined, by the section quoted, and if the same is valid there is an end of plaintiff's case. It is claimed, however, that this law is void because in conflict with section 13 of article 2 of the constitution of Indiana. Section 13 reads thus:

"All elections by the people shall be by ballot, and all elections by the General Assembly, or either branch thereof, shall be *viva voce*."

I am not unmindful of the rule that all doubts are to be solved in favor of the constitutionality of legislative enactments. This rule is well established and is founded in the highest wisdom. But my convictions are clear that our constitution was intended to, and does, secure the absolute secrecy of a ballot, and that the act in question, which directs the numbering of tickets to correspond with the numbers opposite the names of the electors on the poll-lists, is in palpable conflict not only with the spirit but with the substance of the constitutional provision.

This act was intended to and does clearly identify every man's ticket, and renders it easy to ascertain exactly how any particular person voted. That secrecy which is esteemed by all authority to be essential to the free exercise of suffrage is so much violated by this law as if it had declared that the election should be *viva voce*.

I might go on from point to point, showing other monstrous illegalities. These conspirators stopped at no fraud or oppression. They subverted all the institutions of the State, made popular government a farce, corrupted the elections by illegally selected tools to do their will, and drove half the people of the State in despair from the polls.

The Senator from Ohio [Mr. THURMAN] is astounded that the President should call attention to these things. How enormous it is that he should be forever, and that republicans should be forever, complaining of things at the South! Why not let the old confederates trample down the rights of the people of the State, trample down their organic law, substitute for it another instrument without observing any of the forms that the constitution required, surround the Legislature or a mock Legislature with force, keep real legislators out, and then pass through under such forms a bill for a constitutional convention! Why should the President interfere in things of this kind? Why should he call the attention of Congress to them? We are astounded, say democratic Senators, at the presumption which can do it.

The republican party in Arkansas met in convention while these things were in progress before the vote came upon the new constitution and resolved, and published their address wherein they said all these things are illegal, these things are the fruit of force and fraud; we will not recognize these things as legal by our votes or our presence at the polls; and they staid away from the polls and thereby protested in the strongest manner. They are certainly nearly one-half of the people of the State, unquestionably a majority of the people of the State, judging by former elections. Thereby this great body of the people of the State protested in the strongest manner against the adoption of this constitution. It is claimed that it was adopted by a majority of the voters, notwithstanding nearly one-half of the voters of the State staid away from the election; while by the peculiar manipulations which the officers of the election who were creatures of Governor Baxter were able to carry on the vote of the State apparently was larger than at any former election or any subsequent election in that State, in itself evidence of the grossest frauds which were resorted to in order to give a color to these proceedings.

In the case which I cited before of the *Commonwealth vs. Baxter*, the supreme court of Pennsylvania, on page 264 of the thirty-fifth volume Pennsylvania Reports, say:

Majorities go for nothing at an irregular election; we cannot regard them even as majorities, for it is the right of orderly citizens to stay away from such elections.

They cannot be regarded as majorities; and instead of piling up 105,000 votes, by the thousands more than ever were before or since cast in that State, in order to make the color of a majority, if they had piled up a million votes in the State it would not have been a majority, no matter what vote might have been cast. Such majorities go for nothing, because the election was illegal and irregular; because it was not held by the officers who were appointed by law; because the registry laws of the State were repealed; because the method of casting the ballots was tampered with in violation of the constitution, by which private marks were put upon them to be recognized thereafter, and voters questioned as to the method of their voting; because the object of the election was illegal, there being no power in the convention that assembled to prescribe that object—that is to say, the adoption or ratification of this pretended constitution—and the republicans were perfectly right in staying away.

I know and have admitted that in some cases in the States a change of the constitution brought about through the means of a constitutional convention not contemplated by their existing constitution has been assented to by the people, and they have been treated as peaceable revolutions. No question with regard to them has been raised in the courts; the courts themselves have been organized under the new constitutions; and Legislatures have met, and the people have been satisfied, and all has passed on quietly. There has never before been any instance, however, where one-half or more of

the people of a State were complaining of the frauds and violences by which these things were brought about. In this very case in Arkansas, as part of the nefarious means which they used to stifle the voice of the people and prevent their asserting their rights, the conspirators abolished some of the courts, forbid others to take cognizance of questions arising out of the action of the convention, and enacted that no session of the supreme court should be held until after the election upon the constitution—until the whole thing had been put in motion and the time was passed when the people could have any legal assistance in arresting the despotic measures to which they were to be subjected. This suspension of the courts is in itself a badge of fraud. Why suspend the courts? Why take such action that the people cannot appear before the lawful tribunals and have the question tested? O, yes, Senators are astounded that the President of the United States calls attention to these enormities! Why, I ask again, should he not? He would be derelict to plain duty did he not. This was a revolution wrought in blood, amid tumult, amid armed forces surrounding the Legislature, dominating the wills of the people there. In the report which was made by Mr. WARD, and his report is well sustained by the testimony in the case, it is well substantiated by this volume of papers which I hold in my hand. [Exhibiting a package.] Here is a statement of murders by the hundred in different counties in the State of Arkansas, showing in detail the murders and murderous assaults that have occurred there for political purposes, of republicans, white and black, northern born and southern. The showing is terrible. Arkansas has a population of 122,160 blacks and 316,152 whites. The abstract of these papers shows that from the time of the reconstructed State government until the Garland usurpation was accomplished there were 789 murders and 380 assaults with intent to kill; 1,052 were committed by democrats and 117 by republicans; those who committed the murders were 1,078 white and only 82 black; the victims were 865 republicans and 304 democrats, nearly three to one, and many of the latter were killed in repelling their assaults. I will let the table be incorporated in my remarks.

Counties.	Murders.	Assaults with intent.	By whom committed.				On whom committed.				Total by counties.
			Republicans.	Democrats.	White.	Black.	Republicans.	Democrats.	White.	Black.	
Arkansas	10	6	0	16	16	0	14	2	4	12	16
Ashley	8	4	0	12	12	0	11	1	4	8	12
Benton	17	3	1	19	20	0	17	3	6	14	20
Boone	12	3	2	13	8	2	13	2	6	9	15
Carroll	7	2	1	8	9	0	8	1	9	0	9
Clayton	3	3	0	6	6	0	3	3	4	2	6
Crawford	9	1	2	8	7	3	8	2	9	1	10
Calhoun	10	6	4	12	13	3	14	2	12	4	16
Columbia	18	4	3	17	18	2	18	2	18	2	20
Chicot	14	10	6	18	19	5	20	4	20	4	24
Clark	29	3	12	23	25	7	25	7	25	7	32
Crittenden	2	2	1	3	4	0	3	1	1	3	4
Cross	3	1	0	4	4	0	1	3	4	0	4
Conway	21	2	5	18	23	0	16	7	14	9	23
Drew	13	6	1	18	18	1	18	1	2	17	19
Desha	3	1	0	4	4	0	4	0	0	4	4
Fulton	4	2	1	5	4	1	5	1	5	1	6
Faulkner	8	3	3	8	8	3	11	0	9	2	11
Franklin	23	4	1	26	26	1	25	2	20	7	27
Greene	20	2	1	21	21	1	14	8	13	9	22
Garland	14	8	0	22	22	0	16	6	13	9	22
Hempstead	68	11	2	77	77	2	60	19	21	58	79
Independence	18	9	6	21	22	5	17	10	20	7	27
Jackson	3	1	0	4	4	0	4	0	4	0	4
Johnson	32	8	7	33	36	4	35	5	35	5	40
Jefferson	10	7	2	15	16	1	11	6	13	4	17
Lawrence	4	1	0	5	5	0	4	1	5	0	5
Lafayette	23	13	7	29	29	7	25	11	12	24	36
Lanoke	5	2	2	5	5	2	4	3	3	4	7
Little River	17	7	2	22	23	1	20	4	5	19	24
Lincoln	6	2	0	8	8	0	6	2	2	6	8
Marion	4	2	1	5	6	0	3	3	6	0	6
Mississippi	6	4	2	8	9	1	7	3	4	6	10
Montgomery	2	1	0	3	3	0	2	1	3	0	3
Monroe	5	2	0	7	7	0	6	1	1	6	7
Nevada	6	4	0	10	10	0	7	4	4	6	10
Onachita	11	18	3	26	26	3	18	11	11	18	29
Polk	3	6	1	8	8	0	4	5	9	0	9
Phillips	44	3	8	39	39	8	28	19	26	47	47
Prairie	9	4	2	11	11	2	10	3	7	6	13
Pulaski	30	13	3	43	41	2	30	13	18	25	43
Pope	45	15	4	57	60	1	53	8	33	28	61
Pike	3	2	0	5	5	0	5	0	5	0	5
Perry	6	8	2	12	14	0	8	6	7	7	14
Sharp	5	1	4	2	6	0	2	4	6	0	6
Saint Francis	4	2	0	6	6	0	2	4	5	1	6
Saline	8	2	0	10	10	0	1	9	9	1	10
Sebastian	37	63	7	93	97	3	84	16	29	71	100
Sevier	24	20	0	54	49	5	35	19	19	35	54
Union	16	11	1	26	26	1	24	3	4	23	27
Van Buren	8	4	2	10	12	0	10	2	2	10	12
Washington	17	8	2	23	24	1	22	3	9	16	25
Woodruff	10	3	0	19	19	0	6	13	10	9	19
White	30	43	1	72	72	1	53	20	35	38	73
Yell	6	3	3	6	6	3	3	6	3	6	9
Total	789	380	117	1,052	1,078	82	873	294	578	589	1,167

The report of Mr. WARD sustains these documents and is sustained by them and by all the testimony taken by his committee; and he sums it up in strong and nervous language:

I think it sufficiently appears that, down to the close of the convention, the whole proceedings were void, because of the violations of all law; the frauds, violence, and intimidations practiced by Baxter and his coconspirators, and that the election to revise the constitution was held in violation of the existing constitution; that the convention, if properly called, exceeded its powers, and the election to ratify its work was void; and it cannot be successfully contended that the people of Arkansas have in any legal way under any forms of law expressed their wish to overthrow the constitution of 1868, or to set up the present usurpation.

If banditti, or a mob of armed men, may take possession of a State, depose its officers, arrest its judges, close its courts, intimidate its people through violence and murder, provide its own way of holding and its own officers to hold elections, and its own officers to declare the result, and the fruits of such defiance of all law are binding upon the people of such State and upon Congress, then the present pretended government of Arkansas is legitimate, and must be recognized as such, but not otherwise.

And I have not stated it too strong, for those who will read the extracts I have given from the mass of evidence taken by the committee must be satisfied there was a reign of terror throughout Arkansas during the period in which the so-called Garland government was being formed and set in motion, entirely inconsistent with a full and fair expression of the will of the people on that subject.

The capital city was overrun with the drunken and lawless Governor's Guard, which assaulted private citizens, abused and beat negroes, searched and rummaged private houses and private offices, and threatened everybody who opposed Baxter with arrest, imprisonment, or exile from the State.

At and about Pine Bluff, King White, a drunken, reckless man, proclaimed martial law, and arrested and imprisoned the leading men without shadow of cause; and then they were offered freedom on condition that they would support the movement for a new constitution.

North of the capital, in Conway and Faulkner Counties, Jeff K. Jones, upon whose head Baxter himself had set a price as upon an outlaw for the murders he had committed, had a gang of desperate men committing murder, arson, and violent acts of all kinds upon Union and Brooks men; and Baxter knew of these things, and made no attempt to restrain them or to arrest the murderer, Jones.

In Hot Springs and Perry Counties like unlawful violent acts occurred. Men in office were impeached without cause or notice and ejected by military power; property of private citizens was taken illegally and without compensation to the owners.

The judges of the supreme court were arrested by armed force, subjected to insults and abuse, concealed, and finally spirited away to be assassinated if an attempt should be made for their rescue or their attempt to escape.

False charges were made against obnoxious men, and the arrests made thereon were intended for and used to cover cold-blooded and cruel murder, as in the case of the colored man Ned Abes.

Mounted bands of desperate men roamed the country to awe and intimidate the colored people, even at their barbecues and jubilees.

Men high in command of the so-called militia and at the head and in presence of a strong force of their own men threatened quiet and peaceable citizens with death by hanging, as in the case of General Churchill at the barbecue on the 3d of July last.

Baxter himself was daily muttering his curses, and, surrounded by his troops, selected because they were desperate and would fire on the supreme court constantly, uttered his profane threats to arrest and hang or drive from the State the last Brooks man.

And this was the quiet which gave a "fair election;" this the condition of the people when their government was overthrown and a new one set up.

There is little to be added to such a showing as this. Under these circumstances, with confusion, intimidation, illegality, fraud, the State government of Arkansas was subverted, and in the direction which I mentioned yesterday. It was seized as part of a general plan to seize every one of the reconstructed States, in order to bring back a system of peonage there.

The same is true of Alabama, except that it has not yet proceeded to its full result. I have here a letter of a correspondent of the New York Times, a paper very hard to convince of the true condition of things in the South. The paper sent its own correspondent to Alabama to make a report that it could trust. That correspondent, writing under date of January 2, says:

Thousands of men voted the democratic ticket against their conviction from fear of violence or loss of employment, and many thousands more failed to vote at all from the same cause. The northern people can have no conception of the state of society here, and the testimony taken before the committee cannot but make a deep impression. The evidence fully shows that a republican form of government cannot be maintained in the State of Alabama without the aid of the United States troops.

The evidence shows that the churches and school-houses of the colored people were burned and destroyed by white democrats only because the colored people who worshiped and sent their children to school therein were republicans; that armed white democrats, in companies of hundreds, visited some of the more intelligent of these colored people, beat them, and drove them from their homes.

On the Georgia border white democrats came to this State and voted not only once, but in some instances three times, and led negroes to the polls and made them vote the democratic ticket. At Girard, in Russell County, the police from Columbus, Georgia, surrounded the polls and kept possession of them all day. It has also been found that the polls at Spring Hill, Barbour County, were destroyed by democrats and about six hundred votes lost to the republicans, and the son of Judge Kiels, who was the United States supervisor, was killed; also one hundred and fifty colored republicans killed and wounded at Eufaula, in the same county, on the day of election, by armed democrats, and upward of five hundred republican voters driven away from the polls.

Not a particle of evidence has been furnished by the Alabama democrats, or anybody else, that the United States troops in the slightest degree interfered with the election. On the other hand, the subordinate military officers were so bound up by General Order No. 75 that they did not feel authorized to do anything, or extend any help whatever to the election officers, except when called upon to assist United States marshals in the execution of writs issued by the United States courts. The proscription, social ostracism, withdrawal of business, and loss of employment among republicans, on account of politics, amounts to a reign of terror, and thousands of voters were lost to the republican party at the late election from these causes.

Alabama is in the same condition as some other States that have been brought more prominently into public notice. Here it is stated by one who heard the evidence that churches and school-houses of colored people are burned by white democrats, that colored men are beaten and driven from their homes, and that the northern peo-

ple can have no conception of the state of society produced by these frantic efforts to destroy republicanism in that State.

I say to the Senate and I say to the country that we are grappling with a barbarism at the South that will make the negro a savage and the South a desert. The Missouri Democrat, in a long editorial article recently summing up the condition of affairs politically and otherwise in the South, said:

Having daily communication with the people of the South, and feeling their spirit in this very State, we tell the people of the North that equality of civil and political rights and even freedom of labor will go by the board, unless some measures are taken to keep up other government than any that southern democrats will maintain. We believe, friends of the North, that this is the solemn truth, which long before the presidential election will force itself upon your reluctant recognition. Vicksburg is only the vanguard of an army of riots.

I believe that it is the duty of the Senate to take warning by these things which are transpiring in the South. The evidence has been accumulating for years; our tables are piled with it. It comes to us upon every breeze which is wafted from the South. There can be no reason to doubt that unless this Congress shall take effectual means to check the outrages and wrongs in the South the very forms of republican government will be lost and the last rights of the people be trampled under foot; that one-half of the people of the South will have no political rights whatever, and that the blacks will be again reduced to slavery. For myself I desire most earnestly to assist in legislation that will check these evils and make this cowardly ruffianism unsafe; and I am determined, as far as I can, to stand by the helpless and oppressed there, and to sustain the Chief Magistrate of the United States in his efforts to restrain revolutionary disorder and enforce the laws in the South.

Mr. FERRY, of Connecticut, and Mr. STEVENSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. STEVENSON. Does the Senator from Connecticut desire to go on now?

Mr. FERRY, of Connecticut. I presume I shall not occupy the time of the Senate more than fifteen or twenty minutes. I should prefer to go on now.

Mr. STEVENSON. I shall with great pleasure yield to the Senator if I can have the floor afterward. With that understanding I yield with pleasure to the Senator from Connecticut.

Mr. FERRY, of Connecticut. Mr. President, I do not expect or intend to make any speech of an elaborate character to the Senate. Neither have I prepared any speech, nor have I the physical strength necessary to such an undertaking. But upon the resolution now pending before the Senate I have exceeding strong convictions and have felt that one entertaining such convictions ought not to be content with casting merely a silent vote, but that, however briefly and however feebly I may express myself, it is my duty to the Senate and my duty to the country to give some of the reasons why I cannot support the resolution reported from the Committee on Privileges and Elections.

Let me say in the outset, Mr. President, that I listened with almost painful interest on Monday when the Senator from Indiana opened his remarks, in the hope of hearing something which would elucidate the real inquiry before this body, and I must say that in that hope I was utterly disappointed. The Senator from Indiana seemed to me—it may be my fault—not even to touch the question which is really before us. What is the controversy? On the 4th of March, 1873, a vacancy occurred in this body which should have been filled by the election of a Senator from the State of Louisiana. There was no want of claimants. Two gentlemen presented certificates of election, Mr. McMillen and Mr. Pinchback, both in due form, both signed by a person designating himself as governor of Louisiana, both countersigned by another person designating himself as secretary of state of the State of Louisiana, and both authenticated by the great seal of that State. Thus both complied in all particulars with the act of Congress providing for the certificates of election in cases of the election of Senators. But the person designated as governor and the person designated as secretary of state on one of these certificates were different from the persons so designated on the other. Both certificates of election were referred to the Committee on Privileges and Elections; both are now before the Senate; and every word that the Senator from Indiana uttered the other day, and every precedent that he cited, and all the debates of past years that he caused to be read, apply with exactly the same force to the certificate of election of Mr. McMillen as to the certificate of election of Mr. Pinchback. How is it, then, that this committee presents itself before the Senate with a declaration that Mr. Pinchback is *prima facie* entitled to the seat, without a pretense of having gone outside of the certificates of election, and even denying the right to go behind them? Why not choose McMillen's certificate instead of Pinchback's? The truth is, sir, the case is peculiar and anomalous. Admitting all the precedents of the Senator from Indiana, we are nevertheless in this case absolutely compelled to go behind the certificate of election. We cannot help ourselves, for the question is, of the authorities signing the certificates, who was the governor and who was the secretary of state of Louisiana in January, 1873, when these certificates bear date? The certificates do not tell us. And we cannot decide between those certificates until we have ascertained which of the persons executing them possessed the authority to execute them under the Constitution and the laws of the United States.

So, sir, in reference to the resolution pending before us, we are from the very papers upon our table in reference to this election compelled to make inquiry whether, upon the certificate which the committee have reported back, William Pitt Kellogg was on the 15th of January, 1873, governor of the State of Louisiana; and in order to ascertain whether he was or not, we are at once plunged into the mire and degradation of the proceedings in that unhappy State in the autumn of 1872 and the commencement of 1873. We cannot evade it; we cannot get away from it. And inquiring into those proceedings, we have no further to go than the great volume of four or five hundred pages of testimony taken by our own committee, now lying upon our tables, and unfolding unto us the whole sickening history from its beginning to its end. Upon that testimony we have the elaborate report of that committee chosen from among the ablest and most trusted members of this body, and the evidence sustains every word of that report in all the strength of its language; and the passage of time and the developments of time during the last two years have only tended still more to verify the correctness of the conclusion of that report. I therefore am not called upon to go into the history of those transactions further than to find the facts regarding them as they lie upon our table in the evidence and in the report of that committee. What, then, are the facts? I shall not go over these at any length. It has been well called "a thrice-told tale."

Was William Pitt Kellogg elected governor of Louisiana by the people in the autumn of 1872? No, sir. The evidence in that volume demonstrates that of the votes cast he did not receive a majority, and the committee expressly find the fact. The Senator from Wisconsin, [Mr. CARPENTER,] the Senator from Illinois, [Mr. LOGAN,] the Senator from Mississippi, [Mr. ALCORN,] and the Senator from Rhode Island [Mr. ANTHONY] append their names to the finding of fact that in that election Mr. Kellogg was defeated. Were any returns canvassed by which he was returned as elected? None whatever. The pretended canvass by his returning board is delineated in the report of that committee in stronger language than I should care to use here. Was there any lawful returning board or board of canvassers that made such return? None. So that there is not, upon the actual facts existing, even the color of title of an election of the person whose name is signed to the certificate of election now reported by the committee as governor of Louisiana. How, then, came he to assume to place his name to this certificate? Again the record unfolds the facts.

There was an election in that State. The majority of the votes were against him. They may have been procured by intimidation, or force, or fraud. We now on this inquiry as to the capacity of Mr. Kellogg to sign and send hither such a certificate as he has done only are to ascertain the fact whether he did receive a majority of the votes or not; and the report of your committee and the evidence demonstrates that he did not. No returns of any elections were before the board which sent up a majority of the votes as having been counted by them to the Legislature of Louisiana, but the board itself was without a legal existence. But a body of men without authority, without legal existence as a returning board, by fraud, by falsehood, by forgery, by perjury, made out a return which was sent to another body designated as a Legislature, and that return founded solely upon the infamies which I have described is said by your committee and proved by the evidence to be the only color of title upon which Mr. Kellogg assumes this authority.

But this was not enough to give to him any substantive existence, as the executive of Louisiana, and he himself next appears upon the scene presenting himself before a Federal court with falsehood in his hand and perjury upon his lips to give that court jurisdiction, for in his bill he alleges for the sole purpose of giving that court jurisdiction that many thousands of voters had been deprived of the suffrage by reason of their race and color, in which there was not a shadow of truth, and he knew it at the time, and no effort has been made to substantiate it from that day to this—a bald pretext to give a corrupt judge jurisdiction of a cause over which he had no control, as the beginning of the conspiracy to install Mr. Kellogg in power. A Federal marshal, the leading manager in one of the political organizations of that State, obtains of the President by misrepresentation authority to use Federal troops to enforce the mandate of that court; and then, abusing the judicial process, if the mandate upon which these troops were employed could be called a judicial process and if it could be abused, the halls where the Legislature of Louisiana were accustomed to meet were seized by force and guarded by troops for weeks long.

The returns sent hither by the perjured returning board were indorsed by the pretended assembly. Kellogg was nominally installed in the office, and then under the protection of the Federal forces the usurpation was complete. From beginning to end, as demonstrated in the papers upon your table, fraud, falsehood, forgery, perjury, military violence, and forcible usurpation constituted the title of this man who signed this certificate of elections, and there is no man who can successfully show that he ever had any other title. He may have been defeated by intimidation and fraud. That may be true. If so, he had his appropriate remedy, which he did not choose to resort to. But that he ever had any other color of authority for the power which he assumes to exercise than that which the report of your committee ascribes to him, cannot be shown.

Now, if these things are true, the placing of his name to this paper, styled a certificate of election, adds not one whit of virtue to what that paper was when it was a white blank sheet. I know it has been said that this person was then and is now the *de facto* governor of Louisiana. If what I have stated and what the report of your committee demonstrates be true, he is in no legal sense, and he never has been, the *de facto* governor of Louisiana, for essential to a *de facto* government is a color at least of title; and this is a sheer usurpation carried out by force and initiated by forgery and perjury. That is all there is of it. There is not even the color of a title on which to build up a *de facto* government. If in reference to the citizens of Louisiana there may be something called executive authority which may be termed *de facto*, there is none capacitated to send to the Senate of the United States certificates of election of a Senator in this body. There is no power either by the Constitution or the laws of the United States that can execute a certificate which we can recognize but the lawful executive of the State from which the claimant comes. When a Senator comes here with his certificate of election, the signature of the governor is not to affect simply the citizens of Louisiana. It is to create a part of the law-making power of the United States. It is to create a part of the Government of the United States, and we cannot here recognize anything to constitute a part of the Government of the United States to rule New York, and Indiana, and Connecticut, as well as Louisiana, except the lawful executive authority of the State from which the certificate proceeds. In no sense is there any validity attaching to the certificate of election which the committee have reported back and upon which they claim a *prima facie* case from Mr. Pinchback, because we are compelled to ask what is the authority of the persons signing this paper, and asking, we are compelled to find that they have no authority. Consider if a precedent like this were to be established, if a defeated party upon the official returns in any election may be permitted by forgery and perjury to make up a pretended return and then by violence to install in office the persons designated in that pretended return, and henceforth those persons are to be regarded by the Government of the United States as the lawful authority to sign certificates of election to those who are to participate in the government of the whole Republic, what a precedent you are setting for future time!

The Senator from California [Mr. SARGENT] has for two days been unfolding what seems to him—I believe to a distempered imagination, but what seems to him—a grand conspiracy throughout the States recently in rebellion by fraud, by intimidation, by violence to subvert their State governments and set up new ones in their stead. If they do so, what better precedent for a democratic President of the United States to follow than that which you are now proposing? To set up a defeated candidate, defeated in a popular election, to resort to fraud and perjury and violence to install its officers in power, and then to determine here that the very sanctuary of the law for the whole nation is bound to recognize such fraudulent and usurping authority; what are we to say four years from now, if the dreams of the Senator from California prove true? I have listened painfully during this session to members of the majority in this body quoting from the long catalogue of damning precedents of the old pro-slavery democratic party ascendancy twenty and thirty years ago, not to justify, indeed, but to palliate and excuse similar atrocities to be committed now. I thought never to hear that in the legislative halls of this Government. Now, to add to that, it is proposed that you shall set the precedent of establishing this offspring of fraud and violence and usurpation here in the council chambers of the nation, not only to make this atrocious iniquity successful in setting up a usurping government in Louisiana, but to install it as a part of the government of the whole country. The stream cannot rise higher than the fountain, and the Senator that you would receive here on certificates of the authority foisted into power two years ago in Louisiana would be pointed at as an illustration of how in republican governments fraud and violence may achieve success.

Can it be possible, Senators, republican Senators, you whom I have heard here now during all this session deprecating this democratic conspiracy to seize the State governments of the South, and then to obtain their recognition by Federal authority, that you now and here are to set to them the precedent? If the facts of history are true, if the testimony of witnesses spread over five hundred printed pages is such that truth can be deduced from it, if the report of the ablest and the acutest of your members, after careful examination and elaboration of that testimony, are to be relied upon, of the facts of this case, when you get behind the face of this certificate, there can be no doubt.

And, Mr. President, I wish, as I close, to say a word or two to members of the majority of this body who may entertain such opinions as I entertain with regard to the claim of Mr. Pinchback to a seat in this body. I ask you not to sit here content with giving a silent vote. I cannot regard a favorable result of a vote of the Senate upon this resolution which shall seat Mr. Pinchback in this body otherwise than as a precedent pregnant with the most fearful consequences to the country. It is to substitute the system of Spanish-American governments for our own. We cling to law. We never permit violence to take its place if in our power, and the party that is defeated in an election by wrong under our system must resort to the due processes of law to obtain his rights; and if now, for the first time in our history, to quote the language of the Senator from Wisconsin, not now

in his seat, [Mr. CARPENTER,] uttered in this Chamber a year ago, we are to adopt the principle of "fighting the devil with fire;" if when one party resorts to fraud in an election or intimidation the other may resort to perjury and usurpation, and the Government of the United States and the Senate thereof shall be bound to recognize it, who can foresee the end? I ask those who entertain such convictions as I entertain to speak to the Senate and to speak to the country before they permit such a precedent as this to be set; and I do believe that if the members of this body shall vote upon this question according to their own deepest convictions, no such disastrous precedent will be set, but we shall still remain a republic in which law and order alone shall be recognized at least in the highest legislative body in the land.

[Mr. STEVENSON addressed the Senate. His remarks will appear in the Appendix.]

Mr. HOWE obtained the floor.

Mr. MORTON. If the Senator from Wisconsin will yield for a moment, at the suggestion of a number of Senators on the floor, I move that the Senate take a recess until seven o'clock.

Mr. SCHURZ. Make it half past seven.

Mr. MORTON. I prefer to say seven o'clock.

Mr. HAMILTON, of Maryland. Pending that motion I move that the Senate adjourn.

The question being put, it was declared that the yeas appeared to prevail.

Mr. HAMILTON, of Maryland. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. STEWART, (when his name was called.) I have paired with the Senator from Ohio, [Mr. THURMAN.] If he were present he would vote "yea," and I should vote "nay."

Mr. HAGER. I am paired with the Senator from Illinois, [Mr. OGLESBY.] If he were present he would vote "nay," and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 22, nays 33; as follows:

YEAS—Messrs. Anthony, Bayard, Boggy, Cooper, Davis, Dennis, Eaton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Johnston, Kelly, Lewis, Merrimon, Norwood, Ransom, Robertson, Salisbury, Schurz, Stevenson, and Stockton—22.

NAYS—Messrs. Alcorn, Allison, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Spencer, Wadleigh, West, Windom, and Wright—33.

ABSENT—Messrs. Brownlow, Carpenter, Conover, Fenton, Gilbert, Hager, Hamilton of Texas, Hamlin, Hitchcock, McCreery, Morrill of Maine, Oglesby, Sherman, Sprague, Stewart, Thurman, Tipton, and Washburn—18.

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion for a recess.

Mr. MORTON. I modify my motion so as to make the recess until half past seven o'clock.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4734) to establish certain post-roads; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company;

A bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases;

A bill (H. R. No. 3623) regulating fees and costs, and for other purposes;

A bill (H. R. No. 3825) to amend section 5240 of the Revised Statutes of the United States in relation to the compensation of national-bank examiners;

A bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia;

A bill (H. R. No. 4126) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name; and

A bill (H. R. No. 4676) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. Before putting the question on the motion of the Senator from Indiana, the Chair will ask the indulgence of the Senate to submit the House bills on his table for the purpose of reference. ["Agreed."]

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4734) to establish certain post-roads—to the Committee on Post-Offices and Post Roads.

The bill (H. R. No. 4730) providing for the payment of certain employees of the House of Representatives—to the Committee on Appropriations.

The bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department of the United States, and for other purposes—to the Committee on Civil Service and Retrenchment.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army disagreed to by the House of Representatives.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, The President *pro tempore* appoint the conferees on the part of the Senate.

The President *pro tempore* appointed Messrs. LOGAN, SPENCER, and RANSOM.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. INGALLS submitted an amendment intended to be proposed to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

RECESS.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Indiana [Mr. MORTON] to take a recess until half past seven o'clock.

Mr. HAMILTON, of Maryland. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. If it is the desire of the Senate to go on with the debate for a reasonable time, I make no objection; but it is evident that we cannot have a full attendance after the recess to sit this matter out to-night.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The motion is not debatable.

The Chief Clerk proceeded with and concluded the call of the roll.

Mr. MORTON. Before this vote is announced, I beg to express the hope that Senators will be here promptly at half past seven o'clock.

The result was announced—yeas 34, nays 12; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Cooper, Cragin, Dennis, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Harvey, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Vermont, Morton, Pease, Ramsey, Sargent, Scott, Stockton, Wadleigh, West, Windom, and Wright—34.

NAYS—Messrs. Bayard, Boggs, Davis, Edmunds, Gordon, Hamilton of Maryland, McCreery, Merrimon, Norwood, Saulsbury, Spencer, and Stevenson—12.

ABSENT—Messrs. Brownlow, Carpenter, Conover, Eaton, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamilton of Texas, Hamlin, Hitchcock, Johnston, Kelly, Lewis, Morrill of Maine, Oglesby, Patterson, Pratt, Ransom, Robertson, Schurz, Sherman, Sprague, Stewart, Thurman, Tipton, and Washburn—27.

So the motion was agreed to; and (at five o'clock and twenty-six minutes p. m.) the Senate took a recess until half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock.

SENATOR FROM LOUISIANA.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senate resumes the consideration of the unfinished business, which is the resolution to admit P. B. S. Pinchback as a Senator from the State of Louisiana, upon which resolution the Senator from Wisconsin [Mr. HOWE] has the floor.

Mr. HOWE. Mr. President, the pending resolution brings to the consideration of the Senate the election which took place in the State of Louisiana in 1872. The Senator from New York [Mr. CONKLING] the other day referred to that election as the dismal swamp in our politics. I think I have traversed that swamp; at least I know that whereas I was once on one side of the swamp I am now on the other side; wherefore I think I can tell the Senate something about that portion of our political geography. I concede that it is a tangle maze, but it is not without a plan; and I propose this evening for the first time to state my view of that plan.

It has been said that the story of that election is "a thrice-told tale." That may be true; and yet I want to tell the story once more. I shall of course have to say some things that have been said by others, and better said; but nevertheless the story I shall tell of that election is a story I have not yet heard told.

Mr. President, in the summer of 1872 Henry C. Warmoth was governor of Louisiana. He had been elected by the republican party in 1868. By the democratic party he was probably hated more thoroughly, if not more justly, than any man in the State. Suddenly, and some months before the election of that year, the voice of prophecy rang through the Union predicting that, however other States might go in November, the State of Louisiana would go for the democratic ticket, and that the Legislature of that State the winter following would send Mr. Warmoth to the Senate of the United States.

Close upon the heel of that prediction came intelligence that Governor Warmoth was doing his utmost to secure the success of that party which had so bitterly opposed him. The assertion was everywhere made that under the anomalous laws of Louisiana the result

of an election there depended less upon the disposition of the voters than upon the resolution of the governor, that his control of the machinery of election was so absolute that victory was sure to alight upon whatever standard he carried.

If, as is stated, Warmoth did bargain to deliver the State to the enemy, he certainly did his best to keep the bargain. His first movement was to select one B. P. Blanchard for State registrar. Upon that officer by law devolved the duty of making a registration of the voters of the State. To aid him in that work he appointed a supervisor of elections for each parish in the State outside of New Orleans. Mr. Blanchard proved an able lieutenant, but not altogether a trusty one. He has since published under his own oath a detailed statement of the frauds he caused to be perpetrated in the course of registration. To repeat the catalogue here would be tedious. It is enough to say that if there is any single fraud possible in registration not enumerated in his schedule it is one invented since 1872.

His story is so monstrous that it would challenge credulity itself if it were uncorroborated. But it is so corroborated as to defy unbelief. The matchless rascality of the man is manifest, whether he did the things he swore he did, or swore he did the things he did not do. Such a man was not likely to be employed to serve the State, but very apt to be employed to betray it. And one who would betray his State would not hesitate to betray his coconspirators when inspired thereto either by thirst for gain or thirst for revenge. His story is corroborated by the circumstance that to many of the parishes in the State he sent practiced cheats from the city of New Orleans to act as supervisors of elections. That could not have been necessary for any honest purpose. Capable supervisors might have been readily found in every parish. Unscrupulous ones seem not to have been everywhere available. The great planters in the parishes were nearly all democrats but were not all rogues. New Orleans had a surplus and New Orleans was drawn upon to make up the deficiency. His story is corroborated also by numerous witnesses who testify to specific frauds in various parishes. By artifices too numerous to mention great numbers were excluded from registering who ought to have been registered; great numbers were registered who ought not to have been. By a singular coincidence it happened that the voters who were not registered were republicans, and the registered who were not voters democrats.

To show that he meant business and to prevent the unregistered from voting, Mr. Blanchard issued private instructions to his supervisors in the following terms:

You will please direct commissioners of election to receive no votes upon the affidavits supplied by the radical party under the enforcement act unless the person applying or offering to vote is known by them to have been wrongfully deprived of registration.

Mr. Blanchard's story is corroborated by the fact that he was asked to consent that one of the three commissioners of election at the different voting precincts should be a republican, and he refused it.

Such a minority representation could of course do no wrong. It could not even prevent wrong-doing. It could at most only aid the detection of wrong-doing.

His story was also corroborated by another circumstance. Under the enforcement act, so called, of 1872, the circuit court of the United States appointed supervisors of election in many of the parishes and voting precincts. Those officers could not control the voting or the counting of the votes. They could only scrutinize those acts. Accordingly Mr. Blanchard sent a secret circular to his supervisors, instructing them to count the votes for electors and members of Congress first, and then to count the votes for State officers, "bearing in mind," he added, "the fact that the United States supervisors of elections and deputy marshals have no right whatever to scrutinize, inspect, or be present at the counting of the State and parish vote." Clearly such inspection could have been objectionable only to a dishonest count. An honest count would have courted scrutiny.

His story is further corroborated by the strange results of registration in many localities. Of those results two specimens must suffice.

The parish of East Baton Rouge had a white population in 1870 of 6,471. The white voters registered in 1872 were 1,482. Its colored population was 11,342, and its colored vote registered was only 1,559, exceeding the white vote by less than one hundred.

The parish of Orleans had a total population in 1870 of 191,418. Its male population more than twenty-one years of age was 47,737. The male citizens more than twenty-one years of age were 35,586, showing that 9,151 males more than twenty-one years of age were unnaturalized aliens. Yet in 1872 the State registrar not only registered 20,581 colored voters, but registered 34,501 white voters. Thus the voters registered in 1872 numbered 17,496 more than the voters found by the census two years previous.

Unless Mr. Blanchard was more liberal in registering colored voters in the parish of Orleans than his subordinates were in any other parish, that whole excess must be charged to over-registration of white votes. A witness testified that as many as one hundred and twenty-one were registered from a single residence in the city.

Mr. President, in the light of such facts it is quite safe to conclude that if Mr. Blanchard ever consulted truth in any of his utterances, it was not when he swore he would discharge his official duties according to law, but rather when he swore he had discharged them in violation of all law. Such was the character of the State registrar and such the character of his work. The next step was to gather the

votes. The polling-places in the several parishes were selected by Blanchard's parish supervisors according to their uncontrolled discretion. It need only be observed that the discretion some of those supervisors displayed in the discharge of that duty proved that they were well fitted for the scandalous trust reposed in them. Each poll was presided over by three commissioners of election selected by Mr. Blanchard's parish supervisors.

The law charged the commissioners with very simple duties. They were to maintain order at the several voting precincts, receive the ballot offered by each qualified voter, deposit it in the box, and make three different records of that vote.

Of course the commissioners could not be cheated by republicans. They could cheat republicans in three ways: First, by receiving democratic votes from illegal voters; second, by refusing republican votes from legal voters; third, by allowing turbulence and tumult to deter republicans from offering their votes. That they did cheat by each of those methods has been testified not merely by scores but by thousands of witnesses. As an example of the first method of cheating I will cite Madison Parish. There the white vote registered was 360. The whole white population was but 936, and yet the democratic vote was returned at 828, almost three times the number of registered white voters, and almost equal to the whole white population.

As an example of the second method of cheating Caddo Parish is cited. There, while a white population of 5,913 was made to register 1,549 white voters and return 1,817 democratic votes, a colored population of 15,799 yielded but 3,339 colored voters and but 1,576 republican votes. C. W. Keating swore that he saw 363 turned away from one box in Caddo Parish who had tried all day to vote. In Bossier Parish alone over 1,300 republican voters swore their votes were rejected. In the case of Kellogg *vs.* Warmoth *et al.*, in the United States district court, the judge states as a fact, found that over 4,000 colored republicans from different parishes swore to their offer to vote and the denial of it.

Of intimidation examples were proved in a great many parishes in Jackson, in Saint Landry, in Livingston, in East Baton Rouge, in Bossier and others.

At six o'clock p. m. the polls closed, and the next step was to secure a count of the ballots. For that purpose the law required that "immediately upon the closing of the polls" the commissioners should seal the boxes and proceed with them to the parish supervisor. One would suppose that democratic officers, hungering for honesty as democrats claim to be, might carry sealed ballot-boxes from one town to another in the same parish without letting any ballots spill out or any leak in. But Mr. Blanchard's commissioners could not do even that. How many boxes were stuffed is not known; for no investigation has yet been made. Mr. Forman, of the Warmoth board of returns, testified that the boxes from one precinct in New Orleans and one in Jefferson Parish were stuffed; and other witnesses swore to the same treatment in East Baton Rouge, in Point Coupee, in Madison, in Grant, Webster, Saint Helena, and other parishes.

The next act upon the programme was to count the ballots, ascertain the number for each candidate, make triplicate statements of the result in tabular form, forward two statements to the governor by different conveyances, and file one with the archives of the parish. Even that duty was only partially performed. Six whole parishes were either not returned at all or returned in such a manner as to be excluded from count by the democratic board. One of those parishes was Iberville, which had a registered vote of 743 white, and 3,303 colored. Thirty-five printed pages of the report of the Committee on Privileges and Elections are occupied with affidavits and other papers to justify the exclusion of that parish from count.

One Thorp was the supervisor for that parish. He had been sent up from New Orleans. The republicans seem to have assumed he was sent, not for honest but for fraudulent purposes. They suspected that he meant to cheat in the count. They therefore tried to witness the count. They were kept outside of the court-house. They molested no one; they made but one demand, to wit, that the votes should be counted. Thorp and the commissioners of election kept them there until the night of the 5th, long enough to have counted the vote ten times. And then the commissioners from each precinct drew up a formal certificate that they were afraid to count—not afraid to refuse, but afraid to grant the only thing demanded of them—and so left. Madison Parish was registered at 360 white and 2,365 colored. It was counted by the democratic board at 828 democratic, and 1,227 republican votes. That return was made, not in Madison Parish, but, according to the testimony, in the city of New Orleans, and was a manifest forgery. Mr. John Ray stated before the Senate Committee on Privileges and Elections that the returns from other parishes were evident forgeries, and instanced Grant, Point Coupee, and East Baton Rouge as examples. He said the committee could be satisfied of the fact by an inspection of the papers. Whether they were so satisfied or not does not appear.

And here the fourth act in the farce of the election of 1872 ended. The performance of registering, balloting, counting, and returning was concluded. All these acts had been played under democratic management. It is not only manifest the republicans had not cheated, but it is evident they had no possible chance to cheat. The democratic party had on the contrary the fullest opportunity to cheat in every stage of the performance, and they availed themselves of it. The republicans had been denied registration and registered republi-

cans had been excluded from voting. Republican votes cast had been abstracted from the boxes; democratic votes not cast had been thrust into the boxes. The count had been falsified and returns had been forged. All these villainies had been performed by Warmoth's subordinates. One thing remained to be done. To garner the fruits of all these frauds, it was necessary to read and add up the votes returned from the several parishes and proclaim the persons elected to the several offices. One would suppose it could matter but little who did that work. Republicans read like democrats—everything except the constitution. Both parties use the same system of arithmetic. Given the same returns to read and add up, it is hardly supposable that a republican and democrat would differ much in the result. But Warmoth well knew that nothing short of an unscrupulous canvass of the returns could utilize the mammoth frauds which had preceded the returns. To secure such a canvass he himself came to the front.

Then was seen in Louisiana such an exhibition of legerdemain as never had a parallel elsewhere. The limitations of the constitution were ignored; the commands of the statutes were defied; the sanctity of the courts outraged, the authority of commissions contemned.

The law of Louisiana confided the canvass of returns from the several parishes to a tribunal called the board of returns. That board in November, 1872, consisted of the governor, lieutenant-governor, the secretary of state *ex officio*, and of one John Lynch and one T. C. Anderson, by name. Of that number, the governor was the only one who had contracted to sell the State to the democratic party. In order to deliver the State according to contract he knew he must create a new board, and before he could create a new board it was necessary to get rid of the existing board. To that work he addressed himself. The law required the canvass to commence ten days after the election. Accordingly, on the 13th of November the board assembled. The governor, the lieutenant-governor, the secretary of state, and John Lynch only were present. Anderson and the lieutenant-governor had been candidates before the people at the preceding election. Warmoth had no difficulty in persuading his colleagues that those two members were disqualified for acting as returning officers. The law of the State so declared. Lynch and Herron, who was secretary of state, readily acquiesced in the proposition to drop Mr. Anderson and the lieutenant-governor from the board. But no magistrate was present, so the members were not sworn in, and without adopting any resolution the board adjourned to the next day. Thus in this new Genesis, "the evening and the morning were the first day."

On the 14th the board reassembled. The same persons were present, and a magistrate was also in attendance, who proceeded to administer the oath of office to Warmoth, to Herron, the secretary of state, and to Lynch. The lieutenant-governor declined to be sworn until the question of his disability was resolved. When a quorum had been sworn they resolved unanimously that Pinchback and Anderson were disqualified. Thus two vacancies were made. But the law required those vacancies to be filled by the remaining members of the board. Of those members Warmoth felt the majority to be unreliable for his purpose. Immediately after Herron had voted with Lynch and Warmoth to create two vacancies one Mr. Jack Wharton appeared upon the stage, who pulled out a commission from Warmoth appointing him to be secretary of state in the place of Herron, removed. The blow was sudden; it staggered the republican members, but it was not admitted to be a knock-down. Herron and Lynch denied the governor's power to remove the secretary of state; Warmoth and Wharton asserted that power. Herron and Lynch chose Longstreet and Hawkins to fill the two vacancies. Warmoth and Wharton chose F. H. Hatch and Durant Da Ponte to fill the same vacancies. Thus two sets of men appeared, each claiming to be the board of returns. Which was the legal board depended, of course, upon the question whether the governor could rightfully remove the secretary of state. If he could, then Wharton was secretary of state and Warmoth and Wharton had legally chosen Hatch and Da Ponte to fill the vacancies. If the governor could not make such a removal, then of course Herron was still secretary of state and Herron and Lynch had legally chosen Longstreet and Hawkins to fill these vacancies.

Right here it may as well be said as anywhere that the supreme court of Louisiana has since determined that the governor could not make any such removal. Believing such removal to be illegal, the Herron party commenced legal proceedings in the proper court of the State, designated as the eighth district court, to restrain the Wharton party from assuming to act as the returning board. That suit was commenced on the 14th day of November, and on the 19th the court pronounced judgment against the defendants, thus affirming the authority of the Herron board. But Warmoth was not the sort of governor to surrender to the judgment of a court. The court having adjudged the Herron board to be legal upon the 19th, on the next day Warmoth proceeded to change the law. To effect that, he drew from a pigeon-hole an old bill which had passed both houses of the Legislature during the previous winter; and then, after the Legislature which passed it had ceased to exist, he approved the bill and proclaimed it a law. By that maneuver he claimed to have repealed the previous act of 1870 under which the Herron board was created. But the constitution of Louisiana provides that—

All officers shall continue to discharge the duty of their offices until their successors are inducted into office.

The bill which the governor approved on the 20th provides that

the board of returns should be elected by the Senate; and the senate was not in session and could not be convened until the returns were canvassed. The way before the governor seemed rugged. Grave difficulties still confronted him. What he must have was a new board to canvass the returns. The constitution of his State said to him the existing board of returns shall continue to discharge their duties until their successors are inducted into office. The new statute which he had just proclaimed said that the successors of the existing board could not be inducted into office until they had been elected by the senate. The genius of the governor was equal to the occasion. He straightway appointed himself to be a sort of deputy senate, and then proceeded to elect a board of returns. So appeared a new pretender to the functions of the board of returns for Louisiana.

In order that this new board might not be bothered by the district court in which Judge Dibble presided, the governor next proceeded to commission one W. A. Elmore to be judge of that court. He had precisely as much authority to issue such commission as he had to commission a chief justice of the Supreme Court of the United States. But he issued the commission. He sent Judge Elmore to the court-room "early," according to his own testimony. Accordingly when Judge Dibble arrived to open his court at the usual hour in the morning he found Judge Elmore already upon the bench. That there might be no more mistakes in serving process he also commissioned a sheriff. As suits to try the title to offices are prosecuted in the name of the attorney-general of the State, and as he did not want the title of any of his own friends questioned, he commissioned a new attorney-general. He commissioned many other officers. All this was done without any canvass of the vote by any board whatever, and was done in defiance of all the law there was in Louisiana. But in spite of all these acrobatic feats, the Herron board obstinately persisted in their right to count the votes.

Such, then, was the situation on the 21st of November. On that day Governor Warmoth issued his proclamation convening the General Assembly. The constitution of that State gives to the governor authority to convene the Legislature on "extraordinary occasions." Governor Warmoth seemed to think that *was* an extraordinary occasion. It is doubtful if so manifest a truth as that was ever shaken out from between his teeth before. Indeed, that was an extraordinary occasion. Nothing like it ever before occurred in the history of our States. It is to be hoped that nothing like it will ever occur again.

The occasion was this: An election had been held, every step in which had been imbedded in fraud. Of that election the governor held partial returns; of those returns he wanted enough counted to return a Legislature which would declare McEnery governor and send himself to the Senate of the United States. For that purpose he had improvised a board of returns. But the laws of Louisiana said his board should not canvass those returns. Those laws designated another board for that purpose. But Warmoth said the latter board should not have the returns to canvass. He had gone on commissioning officers as long as he dared without count of the returns. But there are limits beyond which the boldest criminals dare not go. Even Warmoth hesitated to appoint members to the Legislature of the State, although he claimed the right to appoint the men who should select the Legislature.

The occasion *was* an extraordinary one, but hardly so extraordinary as the way chosen by the governor to meet that occasion. The sole difficulty of the occasion was to get a Legislature counted in suited to his purposes. The way he took to meet the occasion was to summon a Legislature to convene *without any counting*. He might with the same propriety have called the assembly together without any election. Manifestly it was a call for volunteers. Defying the tribunal designated by law to ascertain and publish the results of the election, he summoned his retainers from the parishes to muster with his police of the metropolis and install the Legislature of his choice, regardless of the popular choice. The Legislature was summoned to meet on the 9th of December.

The interval was spent by the rival parties in various litigation, either to prevent things from being done or to test the validity of things done. After forcing Dibble from the bench no further change was made by Warmoth in the constitution of the courts, except that one of the judges of the supreme court was induced to resign his seat to become Warmoth's attorney and allow Warmoth to fill the vacancy. What the inducement was for that resignation does not appear. The suit between the so-called Herron board and the Wharton board was removed to the supreme court of the State. By that court it was held that the former and not the latter was the legal board of returns. Thus it was settled, if the courts of Louisiana can be allowed to interpret her own laws, that in spite of Wharton's appointment Herron continued to be secretary of state. That, in spite of Warmoth's conspiracy with Wharton, Herron and his associates were alone authorized to canvass the returns, and in spite of Warmoth's tampering with statutes, they alone continued to have that authority. That decision was not pronounced, however, until January. Wherefore between the 20th of November, when Warmoth attempted to abrogate the Herron board by repealing the statute which created it, until the 9th of December, when the Legislature assembled, two boards continued to make believe canvass the returns. One had partial returns before them but no authority to consider them. One had full authority to consider them but no returns to consider.

Notwithstanding these embarrassments both boards published before the 9th of December full lists of members elected to the senate and to the house. It is evident that in a contest very little weight could be given to either of those lists. To the list made by the Herron board it is well objected that the board had not adequate evidence before it on which to make a determination. It was denied the official returns. The same objection is urged against the determination of the other board. It had only partial returns. From some of the parishes it had received no returns, from some it had forged returns, from others it had returns notoriously and infamously false. Besides it had no authority to determine anything as to the result of the election upon any evidence whatever. One tribunal abused a jurisdiction it had, the other usurped a jurisdiction which it had not and abused it also. No law-abiding citizen can pay the slightest respect to the finding of the Warmoth board. But one person, at least, was bound to respect the findings of the other. That one person was the secretary of state.

The law of Louisiana is explicit. Prescribing the duties of the board in canvassing and compiling returns, it says:

One copy of such returns they shall file in the office of the *secretary of state*, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as it may deem proper, declaring the names of all persons and officers voted for, the number of votes for each person, and the name of the persons who have been duly and lawfully elected.

The returns thus made and promulgated shall be *prima facie* evidence in all courts of justice and before all civil officers until set aside after a contest according to law, of the right of any person named therein to hold and exercise the office to which he shall by such returns be declared to be elected.

Nothing can be more explicit. Accordingly the Herron board filed its list of persons elected with George E. Bovee, who had in the mean time assumed the office of secretary of state under a judgment of the supreme court. The other board filed its list also with Mr. Jack Wharton, who still pretended to be secretary of state. The statute further declares—

That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and to the secretary of the senate of the last General Assembly a list of the names of such persons as according to the returns have been elected to each branch of the General Assembly. And it shall be the duty of the said clerk and secretary to place the names of the representatives and senators so furnished upon the roll of the house and senate respectively. And those representatives and senators whose names are so placed by the clerk and secretary in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives and the senate.

Both Bovee and Wharton transmitted their several lists to the clerk of the house of representatives and to the secretary of the senate.

Which one of those rival secretaries the clerk of the house and the secretary of the senate would have recognized is not perhaps certainly known. It is known which ought to have been recognized. Louisiana said, speaking through her highest court, that Bovee was secretary. Nobody said Wharton was but Governor Warmoth.

But just here a new actor appeared upon the scene. Just at this point Judge Durell, of the United States district court, came to the front. Up to this point Warmoth had seemed omnipotent. Insensible to law, to right, to decency, he had trampled on the commands of the constitution, he had swapped judges, and dispensed commissions at will. Throughout the whole scene of anarchy and wild turmoil the democratic party had stood placid and serene. According to its mythology despotism all that time had slumbered, while the genius of liberty had laughed and clapped her hands. But suddenly the genius of liberty was seen to shudder and take her flight from Louisiana. Despotism in the form of Durell awoke and stalked into the arena. From that moment the memory of all previous crimes was obliterated; the stifled voters, the rifled ballot-boxes, the suppressed returns, the false and forged returns, were all forgotten; and the country from the Atchafalaya to the Belize, and from Key West to Sitka, has resounded with anathemas upon Judge Durell. Let it still so resound. It is not my purpose to defend Judge Durell. But it is my purpose to show that he did not "organize" the government of Louisiana; that he did not trench upon the authority of the State; that he did not divert by a hair's breadth the current of her laws. How came Durell on that scene, and what did he there? Let it be remembered that more than half the voters of Louisiana hold their right to vote not by the assent of the balance of her people, but under the sanction of the Constitution of the United States. Congress stands specially instructed to legislate for the enforcement of that right. Congress has legislated for its enforcement.

By the act of May, 1870, two great commanding guarantees are declared to that right of suffrage. The third section provides substantially that when by the laws of a State an act is required to be done as a condition for voting, an offer to do the act, if wrongfully denied, is equivalent to doing it. In other words, that an offer to register, by one qualified to register, shall, if wrongfully refused, be deemed equivalent to registry. The twenty-third section provides that if one be deprived of his election to any office, except that of elector for President, Vice-President, member of Congress, or of the State Legislature, by reason of the denial of suffrage to any citizen on account of race or color, his right to such office shall not be impaired thereby. And such person may bring an appropriate suit in the circuit or district court of the United States "to determine the rights of the parties to such office." No lawyer, who concedes the validity of that act, will deny that under its sanction the courts of the United

States had full jurisdiction to hear and determine the result of the election of 1872 for every officer voted for, with the exceptions named, if it was alleged that the result was controlled by the rejection of votes on account of color. And no lawyer will deny that on such hearing it was the duty of the court, to count in addition to all the votes actually cast for parties at that election, every vote actually offered and wrongfully rejected thereat.

Under the sanction of that act William P. Kellogg and C. C. Antoine severally commenced suits in the circuit court of the United States, District Judge Durell presiding. Kellogg's bill was filed on the 16th of November; Antoine's on the 7th of December. To one not familiar with Louisiana practice both bills seem crudely drawn. Very likely both would have been amended upon demurrer; very likely some of the averments would have been struck out upon motion. But no such motion was submitted, no demurrer was interposed. The court had jurisdiction of the subject-matter. Both bills contained the jurisdictional averments, that, among other frauds perpetrated or contemplated, was this: That ten thousand lawful voters had been denied registration and suffrage on account of color.

I was told that the honorable Senator from Connecticut, whom I do not see in his seat this evening, [Mr. FERRY,] said this afternoon that the only averment which gave the district court jurisdiction was an admitted perjury; that there was no pretense that any such voters were rejected. Why, Mr. President, the Senator from Connecticut has been as much misled on this point as I myself was several years ago. The testimony is past all denial that there were thousands of such votes rejected. But I did not expect to hear in the Senate that the jurisdiction of a court depended upon the truth of the averments made in the bill. I supposed, so far as the question of jurisdiction was concerned, if the bill contained the proper averments the court would assume them to be true rather than disclaim jurisdiction upon the assumption they were false.

Sir, the court had jurisdiction.

Whatever the court did in such a suit might be avoided for error, but it was not void. At least that is true so long as the court confined its action to the relief prayed in the bill. In one particular the court went beyond the prayer of the bill. To the Kellogg bill, McEnery, the democratic candidate for governor, was made defendant, with Warmoth and the Warmoth board of returns. A long catalogue of frauds was recited as having been perpetrated pending and subsequent to the election. And the bill averred that all those frauds were to be consummated by the canvass to be made by Warmoth's pretended board of returns. The court was asked to restrain that board from making a canvass and to restrain McEnery from entering upon the office under color of their canvass.

Antoine's bill was more sweeping in its averments and more abundant in supplication. In each case the restraining order was granted in the very terms asked for. Of this no complaint seems to have been made. The orders were not even appealed from; they were simply disregarded. But on the night of the 6th of December the judge issued an order in the Kellogg case not asked for by the bill. The material part of this order was as follows:

It is hereby ordered that the marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as Mechanics' Institute and occupied as the State-house for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and in the mean while to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning officers in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices in said building of persons entitled to the same.

That order has been widely and fiercely denounced. I join in denouncing it. It was a political and not a judicial order. By it the judicial ermine was dragged in the mire of politics, and of Louisiana politics at that; but the order harmed no man; it deprived no single being of a single right.

It is said that order was void. I concede it for two reasons: First, because I think it was void; and, second, because, so far as its effect upon the character of the Legislature is concerned, it is wholly immaterial whether it was void or voidable. If voidable merely, it was a justification for those who enforced it; if void, it was no justification for any one. In neither case did it or could it extinguish any legal right. The whole scope of the order was to direct the marshal to take possession of the State-house and prevent *unlawful* assembling therein. The marshal was expressly directed to allow ingress to and egress from the offices to all persons entitled to the same. All it said or was intended to say is, allow all men to enter who have a right to do so; but let no man enter upon the authority of the Warmoth board. All the law in Louisiana proclaimed precisely the same thing; all the law in Louisiana declared that the Warmoth board had no authority to license any one to enter the capitol of the State. That has been declared by the supreme court of Louisiana in numerous cases. I speak in the language of law and of common sense when I say a void order of the court can foreclose no right. If that order was void, and in pursuance of it Marshal Packard kept any lawful member out of the State-house, he and all who abetted him, including the judge, are liable to the parties aggrieved in damages to be recovered in any court having jurisdiction. Yet I have not heard that any such suit has been commenced. Sir, none will be commenced by any one who is responsible for costs. Those loud lamenting innocents dare not sue the judge or the marshal for keeping them out of the State-

house, because those men simply prevented their doing what the law of the State forbid them to do. They know if they had entered that building and attempted to control the organization of either house, every committing magistrate in the city was bound on complaint to issue warrants for their arrest.

On such arrest they could plead but one defense; and that was the canvass and return of the Warmoth board. Such defense was impotent; they knew it. The supreme court of the State has so especially instructed them and us.

But it is said Durell's order was actually enforced, and enforced by Federal bayonets. All that is true. Two soldiers crossed bayonets over the door of the capitol, and Warmoth's volunteers did not enter. But the man who does a thing is no worse than he who orders it done. If Durell's order impaired no right, executing it impaired no right. If under that order men were kept out of the State-house who had a right to enter, the right survived the order of the judge and the duress of the soldiers. If those restrained, on the contrary, had no right to enter, then wrong only was baffled at the door of the capitol, and right triumphed there.

The Court of Claims in this District has no equity jurisdiction whatever. It cannot rightfully issue an injunction in any case. But if it should issue an order, upon the assembling of the next House of Representatives, directing the marshal to permit every man to enter who had a certificate of election and to keep out all claimants who had no certificates, it is difficult to see who would be aggrieved by that order. The General of the Army might set a brigade of artillery to enforce it. Still the House would be organized by the very men to whom the law assigns that duty; and the lawyer who should declare such House to be organized by the Court of Claims would be hooted out of professional circles. And even if the Court of Claims should do what Durell did not do; if it should order that all who held certificates of election should be kept out and only defeated candidates be admitted to the House, does any lawyer suppose the Army could vitalize such an order as that; that a House of Representatives could be organized in pursuance of it? The first attempt to enforce it would be the signal for the arrest of every judge who issued the order and every man who attempted to execute it, whether in the uniform or out of it.

This is a Government of laws, not of force. The laws are administered by a variety of agents. Each one of these agents is protected so long as he keeps within his prescribed sphere and does only what the law permits him to do. Not one of them has the slightest protection outside of that sphere. And of all those agents not one is so jealously watched or more rigorously restrained within its prescribed orbit than the military power. Everybody else may trespass and be regarded with some indulgence, but the soldier who steps an inch beyond the line prescribed to him has no forgiveness in this world and is begrudged forgiveness in the next. This truth has been strikingly illustrated during the past few weeks.

For years mobs, organized by a political interest and for a political purpose, have ravaged large districts of the country, have shed blood by the barrel and butchered men by the thousand. Except a little intermittent whining on the part of some petulant republican in Congress or an occasional lament from some republican newspaper, such crimes have created no concern anywhere. Patriot statesmen seemed to think the tree of liberty grew all the more luxuriantly for being watered by the blood of the helpless. The few who complained have been jeered by the taunt that they were trying to make political capital. A great soldier who called professional murderers "bandits" has been denounced in this Chamber as unfit to live. But, when the other day, five rioters had forced themselves in defiance of law into seats belonging to members of the Legislature of Louisiana and two soldiers at the request of the governor escorted them out without shedding a drop of blood, without making or even smoothing a wrinkle in their garments in doing so, a part of this Senate sprang to their feet as if they felt the Capitol begin to rock on its foundation. The Senator from Missouri thought he heard freedom shriek; the Senator from Delaware [Mr. BAYARD] imagined he heard the last groan of the expiring Constitution; the disturbed and overwrought fancy of the Senator from Ohio [Mr. THURMAN] caught the despairing wail of Louisiana herself, dying because her laws were enforced. The city of Boston a few years since saw her most renowned citizen brutally beaten in the Senate Chamber and her leading journal was moved to say only that the event was "unfortunate." But when Boston saw De Trobriand, at the request of the governor unloose the clutch of five malefactors who held Louisiana by the throat, she fainted from excess of sensibility and was only restored to consciousness when Wendell Phillips threw cold water in her face. Later still, the city of New York looked on unruffled while a political procession filed through her streets flaunting in God's sunlight a banner inscribed with "Kansas and Sumner—let them bleed." Yet when New York saw a few soldiers restore peace and law to the capital of Louisiana she made a respectable attempt at hysterics. Her great jurist, who has learnedly discussed the history of the Constitution, was seared into utter forgetfulness of its text. Her great attorney, who keeps on hand the largest and most varied assortment of legal opinions to be found anywhere, seized the occasion to put on the market some of his goods more faded and shop-worn than even the retail dealers in calico ever care to offer; and he whom, but a few days since, the Legislature of New York introduced to the coun-

try as her "most eminent poet," he who sang so sweetly of "Thanatopsis" and "A Forest Hymn," gave alarming symptoms that it was time for him once more to retire to the "Solitudes" and "reassure his feeble virtue."

Soldiers who were denounced as "Lincoln's hirelings," even when bleeding in the toils of civil war, must expect very bitter rebuke if they presume to disperse a mob.

Mr. President, under Durell's order no violence was done to any one. It surely sacrificed no life. It practically saved many lives. There is too much reason to believe that but for the presence of these soldiers Warmoth's volunteers, backed by his police, would have flooded the State-house. Then a collision between those having right to seats under the certificates of the legal board, and those claiming right under the certificates of the condemned board, is too probable. In that event the sacrifice of human life was sure to be the result.

Still Durell left the domain of the judge and entered that of the politician. For that act he has been driven from the bench, and his name is made a theme of reproach throughout two hemispheres. History will some time take note of the difference between the treatment accorded to Judge Durell and that accorded to the late Chief Justice Taney. In Kellogg against Warmoth and others a district judge, having jurisdiction of the case, issued an order said to be void. He did it for political and party reasons. All that may be admitted. But it impaired no individual right. It tended to preserve right. It did not insult Louisiana; it saved Louisiana from insult. It did not defy her authority; it preserved her authority.

But the case of Dred Scott against Sandford was not heard by a district court. It was tried in the court of last resort. That court avowed its utter want of jurisdiction. The issue was entirely feigned and purely political. The question decided was much disputed between political parties, but not at all disputed by the parties to the record. Dred Scott was made to claim his freedom. But he did not want his freedom. His former owner had tried in vain to drive him into freedom and into Illinois. Sandford was made to resist that claim. But he did not own Dred Scott. He, if a slave at all, belonged to the wife of a Massachusetts member of Congress. She for a long time was ignorant of the litigation; and when by accident she learned of it, she at once took steps to manumit the man. The facts in the case were agreed to by counsel and not proved by witnesses, and could not be proved by witnesses. Sitting upon the trial of that mock cause, the Chief Justice dared to say that no State could make of a man a citizen, privileged to sue in the courts of the United States, though the man was born upon her soil and born free, if he had any African blood in his veins; and he said all that in the teeth of many earlier decisions holding that a soulless corporation, a mere artificial person, created by the laws of the same State to make shoes or mop-handles, was such a citizen and privileged to sue in the Federal courts. And then, having declared that neither Dred Scott nor any of his race had any right to come into the Federal courts for judgment of any kind, the Chief Justice kept him there, made him the representative of his race, while he went on to pronounce a judgment as much more perverse and atrocious than Durell's order, as that order was more atrocious than Popham's judgment in the case of Monopolies. With nobody to speak for the great interests he undertook to doom, but such counsel as chose to appear for poor Dred Scott, he not only pronounced a judgment which consigned him to bondage, but one which annulled all the laws which Congress had enacted in the course of sixty years prohibiting slavery in the different Territories of the Union, and which refastened the chains upon all who by migration to such Territories had been emancipated.

It is doubtful if a judgment so sweeping or so malignant in its effects was ever before given, not excepting the judgment which Charles I. extorted in favor of ship-money, or that challenged by James II. in favor of the dispensing power. Taney survived that terrible decree. One great political party applauded it; another party regarded it only as a foul blot upon the escutcheon of a great jurist. In spite of it the Chief Justice went down to his grave still honored; and his country, while it reversed his shameful decree, has but lately ordered his statue to be placed with that of other chiefs in the hall of that court wherein he consigned a man, and thought he consigned an empire, to slavery.

Mr. Warmoth was defeated but not conquered. He rallied for one more effort. Louisiana, re-enforced by two soldiers, had maintained the supremacy of her laws. Louisiana law declared that those senators and representatives whose names are placed on the rolls by the clerk and secretary, respectively, in accordance with the certificate of the board of returns, "and none other," shall be competent to organize the house of representatives and senate. Precisely those senators and members, "and none others," had been permitted to organize the senate and house of representatives. But having failed to force his volunteers into the capitol, Warmoth made one last effort to jerk the capitol from under the Legislature. The Mechanics' Institute, so called, in the city of New Orleans, had been occupied as the capitol of the State. There her Legislature has assembled year after year. There the governor and other executive and administrative officers of the State had their offices. There the new Legislature convened pursuant to Governor Warmoth's proclamation on the 9th of December, 1872. But on the 11th of the same December the irrepressible governor issued his proclamation, naming the city hall as the capitol.

There he betook himself, and there he assembled all his volunteers who had been excluded from the Legislature by the board of returns, and some who had not been so excluded. And as he had before in defiance of law attempted to make a board of returns and secretary of state, judges, sheriffs, and attorney-general, he now attempted to make a Legislature. On the 10th of January, nearly a month after the governor opened his side legislature, six senators deliberately withdrew from the senate sitting in Mechanics' Institute and repaired to the city hall. Nothing could more forcibly demonstrate the utter and wanton disregard of law which characterized the whole Warmoth party than that act of the seceding senators.

Louisiana has been paraded before the country and exhibited at every democratic fair as the much-suffering, long-forbearing victim of oppression because certain men were kept out of her Legislature, every one of whom her laws prohibited from entering the door. Yet when six senators, whose rights to seats were unquestioned, voluntarily withdrew therefrom, according to democratic diagnosis Louisiana was not hurt but healed thereby. Mere common sense would be apt to conclude that a State would suffer as much, when one she had commissioned as senator, withdrew from her service, as when one she had refused to commission, was excluded from that service. According to democratic dialectics Louisiana rejoices when her laws are defied and agonizes only when they are obeyed.

Yet those senators not only left the senate after they had acted with it for a month, but they assembled with a body which for a month they had denied to be a senate. A senator, even a Louisiana senator, though a democrat, should be able to discover the senate-house in less than a month. But Senator Todd and his seceding colleagues seem to have believed the senate of Louisiana was an itinerant body and traveled with them; that where they went the senate went, and where they rested the senate rested. Those gentlemen left the senate and published to the world their reasons for going. Only one of those reasons demands my notice, and that only because it suggests the real difficulty in the Louisiana case. They make no question as to who composed the board of returns, but they pithily say "the question who constitutes the legal returning board is subordinate to the question what are the returns. The returning officers may count in or count out members, but the returns will show for themselves."

The very gist of the Louisiana case could not be more succinctly stated. A board of returns may count in men who are not elected and may count out men who are elected. Nowhere is that great fact better understood than in Louisiana. What they refuse to understand there is that the law of Louisiana declares the count of the board of returns to be *prima facie* correct, and that those, and only those "counted in" are allowed to take part in the organization of the Legislature. That a house and senate organized by those "counted in," to the exclusion of those "counted out," is the only authority to correct the count of the board of returns. The board of returns may certify that one is elected to the house when the returns in their possession show another to have been elected. But the law of Louisiana is explicit, and says even in that case the certificate is *prima facie* evidence of right to a seat, and the remedy for that foul wrong is for the house, when organized, to lay before the world the true returns, seat the true member, and consign the faithless board to infamy. If, as is possible, at least in Louisiana, the board returns a majority as infamous as themselves, that majority may confirm and not correct the outrage. The only redress for such a villainy is to appeal to the people at the next election. But if, as is possible, the people are as corrupt as the members of the board and the members of the house, then the State is hopelessly imbedded in corruption, and her people at least are unfitted for self-government.

"The returns will show for themselves," it is said. Only upon one condition will they show for themselves. They must be seen before they will show for themselves. The returns of the Louisiana election have not been seen, only in part; and no one yet surely knows how large or how small a portion of the returns have been seen. But even when seen the returns will only speak for themselves. They are not sure to speak for the parishes. Unhappily a parish supervisor can lie as well as a board of returns. Very strong proof is required to rebut the evidence that some of those supervisors did lie in 1872. And the returns when truthful are not conclusive of the vote of the precincts. The returns when true only show the state of the boxes when opened by the supervisor. The boxes may have been falsified by the commissioners before the supervisor saw them. Many of the boxes in 1872 were so falsified. Nor is the box when not stuffed conclusive of the election; ballots from illegal voters may be, and in Louisiana were, received into the boxes; ballots from legal voters may be, and in Louisiana were, excluded from the boxes.

Undoubtedly it is the duty of the house when a seat is contested to disregard the certificate of the board if it be contradicted by the returns. So it is the duty of the house also to disregard the returns, if it be shown by competent proof that they do not present the true state of the boxes when the voting closed. Even the boxes may be impeached by proof that illegal votes were deposited in them or legal votes excluded from them. The house of representatives, when organized and called upon to adjudicate between rival claimants to seats, has but one question to solve—what was the actual wish of the constituency? In the solution of that question the certificate of the returning officer, the return of the supervisor, ballots received by

the commissioners of election, are only so many different witnesses, and all those witnesses may be contradicted by the testimony of the electors, showing that some who voted were disqualified to vote, and others who were qualified were denied the right to do so. Whoever would impeach the judgment of the House must show not merely that it is not supported by one or the other of those witnesses, but that it does not conform to the will of the constituent body.

No man legally accredited was excluded from the capitol by the military guard employed by Marshal Packard in 1872. Every man so excluded on the 9th of December, 1872, and every man removed from the house on the 4th of January, 1874, was attempting a criminal usurpation. He was in open and flagrant revolt against the supreme authority of the State. He would have been no guiltier if he had attempted to force himself into a judicial office as Elmore did, or into an executive or municipal office as others did. It will not do to say they were in fact elected, for two reasons: First, because no one knows the fact to be so; and, second, because if the fact were known to be so, yet lacking the certificate of the returning officers, they could not be permitted to seats but by the vote of the house or senate after its organization.

In 1855 the vote for governor in Wisconsin was very close. The State canvassers were democrats. They gave their certificate to the democratic candidate. That certificate was *prima facie* evidence of his right to the office. But it was well known that in order to arrive at that result the State canvassers had added to the returns made by the different counties a few hundred votes said to have been given at isolated and unauthorized precincts not known to the county officers. They purported to come from localities where no poll could be legally held, where no vote was given, where no voter lived. They were certified by persons who could not be found. It was a patent, audacious fraud. But no man in Wisconsin thought of resisting by force the candidate who received the certificate. He was inaugurated with imposing ceremonies, both civil and military. But just as soon as the ceremony was concluded the true claimant filed an information in the supreme court. That information averred the true result and the unlawful intrusion. In about sixty days the court, after a full disclosure of the frauds, gave judgment for the relator. The intruder walked out and the lawful governor walked into the executive chamber.

But in Louisiana, upon the mere naked, unsupported assumption that men ought to have had certificates who did not have them, it is clamorously insisted they ought to have acted precisely as if they had them.

Those men attempted to seize by violence upon the high prerogatives of a Legislature. They were defeated.

And right here in the Senate Chamber, as if we were as deaf to the voice of law as Louisiana seems to be, while not one word of criticism has been bestowed upon those who attempted that daring crime, the utmost capabilities of our language have been exhausted to supply epithets sufficiently opprobrious to hurl at those who prevented it. It really seems as if in Louisiana, crime brought glory to a democrat, while to prevent crime makes a republican infamous.

Durell, wearing the mantle of a Federal judge, stepped in between the contending factions of Louisiana. He said, "Thus far, and no farther." He did not once put aside his mask to assure the crowd it was only Durell that roared and not the nation. The mob, conscious of guilt, mistook him for the nation, and straightway threats were changed to laments, bluster to entreaty, the hovering satellites of murder skulked to their holes, anarchy smoothed its wrinkled front, law and order reigned in New Orleans, peace staid her flight from the doomed city, and democracy, clothed in sackcloth, abandoned itself to despair.

Judge Durell has been crucified. That ought to be accepted as a sufficient atonement for his offense.

The board of returns has been loudly condemned for issuing certificates of election to parties without having the official returns. But they demanded those returns and were denied them. Why stone the board for discharging their duty upon the best evidence they had, and yet applaud the governor who refused them better evidence?

The board has been loudly condemned for counting votes which were never polled. They did that in two instances. Eleven hundred and fifty-nine votes were so counted from the parish of Bossier, and twelve hundred and six from Natchitoches. They were counted upon the affidavits of so many colored citizens, who swore they were qualified to vote and offered to vote, but were denied the right. It is not certain the board was authorized to count such votes. It is certain the Legislature would have been bound to count them if true.

There is every probability the affidavits were true. In the parish of Bossier 1,795 colored voters were registered, and the commissioners of elections admit that only 555 republicans of both colors were allowed to vote. So in Natchitoches, 1,875 colored voters registered and the commissioners admit the polling of only 555 republican votes of both colors. Why stone the board for counting votes which ought to have been received and yet applaud the commissioners of elections for refusing to receive them?

From the parish of Plaquemines similar affidavits were obtained which were not true.

One Theodore Jaques testified that he forged 1,313 such affidavits, and that he never saw the men whose names he signed to them. It is a monstrous story. Like Blanchard's story of his registry, its mon-

strosity alone gives it credibility. The man is evidently capable of just such conduct. Whether he did what he swore he did, or swore he did what he did not do, there would seem to be no limit to his capability for villainy. His avowed theory is "that all tricks are fair in politics." It is difficult to conceive what use they make of penitentiaries in Louisiana if such men keep outside of them. He told the Committee on Privileges and Elections he had concluded to quit politics and go to farming. Let us hope it is so. It is possible the generous soil of Louisiana will not shrink from such contact. That is probably the only form of matter that could endure it.

How many of those affidavits were counted does not appear. It is not certain any were counted. It is evident all were not. The supervisor of elections returned 1,034 republican votes from that parish. The board of returns returned only 2,163. If that board counted any of those affidavits, it is difficult to understand why they did not count the whole. If they counted none, it is not apparent how the return of the board was made to vary so much from the return of the super-republican candidate for member of Congress. The republican candidate was returned elected by a majority of less than 100 votes. The jurisdiction of the House of Representatives over that single piece of rascality is complete. The House can adequately expose and if not adequately, can partially punish it.

A very few words will suffice to show how far the President is committed to the Government organized in pursuance of the finding of the board of returns. It will be remembered the President was not a member of that board. He had no communication with it. He exerted no control over it. He supplied none of the evidence upon which it acted. He withheld none of the evidence which it ought to have had. The board was purely a State tribunal. It spoke in the name of Louisiana, not in the name of the United States. Its decrees were Louisiana decrees, not United States decrees. Prior to the publication of their finding William P. Kellogg had commenced suit in the United States court to vindicate his title to the office of governor. The suit was expressly authorized by act of Congress. Process in the name of the United States, tested by the Chief Justice of the Supreme Court, issued in that suit on the 16th of November. The Attorney-General had been informed that Warmoth had disregarded the orders of the court. "That the enforcement laws had been defied by over one-half of Warmoth's election officers." That the United States circuit court had "restrained Warmoth and his canvassing board from canvassing votes pending a trial of rule for injunction." All this was known to the President. It was also known that Warmoth was running a private board of returns in defiance of Louisiana. That by the usurped authority of that board he had resolved to set up a government in accordance with the prophecies of the previous summer, and organize a Legislature which would elect McEnery for governor and himself for United States Senator.

Such was the situation when on the 3d of December the Attorney-General telegraphed to the marshal—

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all the necessary troops for the purpose.

That was all—that was the sole utterance prior to the organization of the so-called Kellogg government. That was all the President had to do with the organization of that government. That telegram was sent before Durell had issued his order to Marshal Packard, directing him to take possession of the capitol. The Senator from Kentucky [Mr. STEVENSON] this afternoon very candidly acknowledged that the President was bound to assume that the orders and decrees of the Federal courts would be correct and not incorrect. When he issued that order he had no intimation that any decree that was not valid had issued from the court or would issue from the court.

"You will enforce the decrees and mandates of the United States courts, no matter by whom resisted," said the Attorney-General.

That brief dispatch was eminently republican. I have no disposition to deny that. The republican party has for a long time rather made a point upon enforcing the decrees and mandates of the United States courts. It has expended a great deal of treasure, of blood, and of life to preserve in this great country that state of obedience to law which would enable the process of the United States courts to run everywhere throughout its limits.

Another Cabinet minister sent a similar dispatch into that very neighborhood a few years before. That minister did not content visor. It is said those affidavits were obtained to aid the election of himself with directing his subordinates to enforce the decrees of the court. Such decrees are express commands of the nation, attested by the highest judicial magistrate in the nation. Whoever resists such decrees is in open revolt against the authority of the nation. The Attorney-General merely told his subordinates not to surrender to such a revolt, but to enforce the national command in spite of the revolt. Secretary Dix was a little more explicit and more startling in his directions. He pointed his subordinates not to an express command of the nation, not to a sealed writ from a court, but he pointed them to a more insensible emblem of the national authority, a mere silken fabric, suspended from a wooden shaft, inscribed with only the simplest devices and with no commands, entitled to no sort of respect only from the fact that the nation had adopted it for its ensign and had ordered it to float from that shaft; and yet Dix told his subordinate if any man attempted to haul down that flag to "shoot him on the spot."

If Secretary Dix can be forgiven for ordering the man to be shot who insults the flag, surely the President ought to be forgiven for directing the decrees of the United States courts to be enforced.

The precise purpose of republican Presidents is to enforce the decrees of the courts. They are sworn to take care that the laws are faithfully executed. The laws cannot be executed unless the decrees of the courts are enforced. For that very purpose he has command of an Army and Navy. While President Grant continues to command the Army the decrees of the United States courts will be very apt to be enforced.

Democrats may reason differently of the duties of a President; they may suppose it to be the duty of a President to enforce the decrees of a caucus instead of the courts. The last democratic President we had, obedient to caucuses, but regardless of law, kept the Army very still while a terrible rebellion organized for its bloody encounter. What countless millions a single regiment would have been worth in December, 1860, if thrown into Fort Sumter in command of General Sheridan, and under a President who had "confidence" in him!

Sir, what use the next democratic President will make of the Army cannot perhaps be foretold with certainty. But it is already painfully evident that unless the democratic party shall be born again before such a President assumes command of the Army, the Ku-Klux of the Carolinas and the White Leagues of Louisiana will have nothing to fear from it, nor will the hunted peasantry of the South have anything to hope from it.

I repeat, sir, the only part the President enacted in the organization of the government of Louisiana in 1872 was to say that the decrees of the United States courts must be enforced. Before he was called upon to say or do anything further the Legislature of the State had assembled in pursuance of the proclamation of Governor Warmoth. In the senate appeared twenty-nine members; thirteen of them were senators holding over; eight were new senators whose elections were certified by both boards of returns; two were senators whose elections were certified by the legal board from districts in which the pretended board returned no election; the remaining six were returned by the legal board from districts from which the other board returned other members.

In the house appeared and were sworn in sixty-nine members; thirty-three of them were returned by both boards; the rest were returned by the legal board only. The names of every one of those members in either house had been inscribed on the roll by the clerk or the secretary, the only officers who could rightfully put any name on the roll. Every name had been transmitted to the clerk or secretary of the senate by the secretary of state, and had been certified to him by the board of returns. Every one of them was therefore authorized by the very letter of the law to take part in the organization of their respective houses. Others having the same right to participate did not do so; not however because they could not, but because they would not. No representative ever appeared in any legislative body with more formal or legal credentials. There was but one power in Louisiana which could impeach the right of one of those members, and that was the house in which he took his seat. Whoever else denies to one of those members the character of representative, puts the law of Louisiana under his feet.

Against the authority of that Legislature so organized, in strict conformity to the laws of the State, Warmoth openly revolted.

On the very day it assembled, the house of representatives impeached him, and on the same day the two houses by joint resolution requested the President to furnish that protection guaranteed to every State when threatened by domestic violence. The President hesitated. On the 11th of December the Attorney-General replied to the request of the Legislature as follows:

Whenever it becomes necessary in the judgment of the President the State will be protected against domestic violence.

The President was plied with entreaties from various parties to indicate which organization he would recognize. He was assured his decision would restore quiet.

On the 12th the Attorney-General telegraphed to the acting governor in these words:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

A simple declaration of the Attorney-General in advance of the actual necessity for the employment of force, a simple proclamation making known what was the opinion already arrived at.

Still Warmoth refused to submit, and on the 13th General Emory, commanding the United States forces at New Orleans, telegraphed to the Adjutant-General of the Army as follows:

There is imminent danger of immediate conflict between two armed bodies of men of some considerable numbers—one body of State militia representing Governor Warmoth, holding an arsenal; the other an armed body of police, representing Governor Pinchback. I have been appealed to to interfere. Shall I do so; and if I interfere, to which party shall the arsenal be delivered? The parties are face to face with arms in their hands. I beg an immediate answer. I sent an officer to try what can be done by persuasion to suspend the conflict until an answer can be received. There will be no resistance to the Federal forces.

That was from General Emory, and in reply to that dispatch, and on that very day, the Adjutant-General replied to General Emory:

You may use all necessary force to preserve the peace, and will recognize the authority of Governor Pinchback.

There was the final decision. The President might have decided differently; but he was compelled to decide. Appealed to for protection by those who claimed to represent a State, he could not escape the responsibility of giving judgment upon the validity of that claim. Whether he was active or passive, whether he spoke or kept silent, he concluded the right of the parties to the conflict. If he granted the protection asked for, he recognized the authority of the parties asking for it. If he denied that protection, he denied the right to ask for it. If he denied the right of one party, he of necessity affirmed the right of the other. To ignore the character of the body in Mechanics' Institute was to assert the representative character of that in city hall.

Such was the necessity which hedged the President in. The light in which he acted was very murky. Clouds and thick darkness denser than the fog which covers Newfoundland rested upon the case before him. Ingenious, unscrupulous men, hating light and courting darkness, had done their utmost to obscure the truth. Great pivotal questions arising upon the laws of the State which have since been decided by the supreme court were then in litigation. If under such circumstances he had erred, charity would have found some milder epithet than that of despot, knave, or blockhead by which to characterize him. But he did not err. He struck the truth of the case in the very white. He had no means of investigating the actual result of the voting at the different election precincts. He could rightfully inquire and determine only what the constituted tribunals of Louisiana said of that result.

The law was very plain that the Legislature of the State should determine the result of the election for governor and lieutenant-governor. But he found two different assemblies claiming to be the Legislature. The law was very plain that the secretary of state must furnish the list of senators and members elected. But he found two men claiming to be secretary of state. The law was very plain that only the board of returns could canvass the vote and inform the secretary of the result. But he found two tribunals claiming to be a board of returns. He decided that Lynch and his associates were the true board of returns; that Bovee was the true secretary of state; and he obediently followed their determinations. In both those conclusions he is supported by the highest judicial authority of the State.

All the authority there was in Louisiana declared the Legislature which made Kellogg governor and sent Pinchback to the Senate to be her Legislature. That declaration concludes this Senate or it does not. The determinations of State tribunals as to the result of a local election are or are not final. It has been ably maintained in this Chamber that under the power to guarantee republican forms of government to the several States Congress is charged with the duty of supervising all their elections, and to see that all the results attained are in accord with the will of their people. Others have urged that the power confided to this Senate to judge of the election of its members of necessity clothes it with the authority to inquire and determine the election of every member in that Legislature which sends a Senator here.

Mr. President, I do not now deny either of these propositions, nor do I affirm either of them; but upon this proposition I take my stand. If there be in the Senate or in Congress the power to review and reverse the determinations of a State as to the election of her officers, there is but one legitimate way in which to prosecute that review. We cannot correct the decision of a superior tribunal by the judgment of an inferior one. Still less can we correct the decision of a real tribunal by the declarations of a mock tribunal. We cannot impeach the canvass of a board of returns by the canvass of those who merely pretend to be a board of returns. Nor can we impeach the finding of the board of returns by the returns themselves unless we have true and full returns. Such returns the supervisors never made of the Louisiana election for 1872. The certificates of returning officers, of supervisors, and of commissioners may be contradicted by the testimony of the electors themselves. If the Senate has any duty in the premises it is not to inquire what this agent or that agent said about the election, but what the people themselves said at the election. If McEnery was elected governor in 1872 it is easy to show it, unless democrats have destroyed the records it was their duty to preserve.

The books of registration will show the name of every elector who was registered in 1872; the poll-lists will show the names of those who voted; they themselves can tell in case of dispute how they voted. Comparing the poll-lists with the registry you will have the names of those who did not vote. If any of those who did not vote tried to do so and were wrongfully denied the right, their votes must be counted as if they were cast. The act of May, 1870, expressly commands that. If Congress is the tribunal of last resort upon the election of a governor, or a sheriff, or a parish judge, Congress will undoubtedly see that the requirements of its own statutes are observed. No prudent democrat who is familiar with the circumstances surrounding the election of 1872 will court such an inquiry.

No such inquiry has yet been made. The Committee on Privileges and Elections were charged to inquire whether Ray or McMillen were elected to the Senate by the Louisiana Legislature of 1873. They appeared in January of that year; the term for which they claimed expired on the 4th of March following. Both of those claimants required a speedy determination, not a thorough investigation. Both protested against going back of the *prima facie* title. They

managed the contest; they marshaled the testimony, and when neither of them had more evidence to offer the inquiry closed.

It has been repeatedly asserted that the investigation of that committee proved McEnery's election. I undertake to say, sir, it stops very far short of showing any such thing. To my understanding it shows too clearly for doubt that Kellogg was elected. I do not forget the various and contradictory conclusions to which different members of that committee arrived. One member thought Kellogg was elected and the body sitting in Mechanics' Institute was the true Legislature. One thought McEnery was elected and the assembly at city hall was the Legislature. One thought the result of the election was so mixed that a special Legislature should be convened by act of Congress, consisting of persons to be named in the act, and that Legislature should determine who was elected. The rest of the committee concluded that the result was so mixed it never could be ascertained, and so advised that Congress should order a new election.

If I am ever found hereafter intolerant of any, even the wildest vagaries in human opinion, it will be a sufficient reproof to remind me that I voted in 1873 to order a new election in Louisiana. The report of the committee was made on the 20th of February. The session ended on the 4th of March.

The testimony occupied nearly a thousand pages. It was impossible to examine it. The committee was divided into four parties. I shut my eyes and went with the strongest party; perhaps not so much because it was the strongest party as because it was led by my colleague, [Mr. CARPENTER,] in whose fidelity as a republican and in whose accuracy as a lawyer I had then as I have still very great confidence. Besides, the eccentricities of Judge Durell and the villainies of Theodore Jaques had been brandished before my eyes until I had come to believe, the more my track diverged from theirs, the more likely I was to be right. Even in following the majority my greatest fear was that we might be unjust to McEnery.

The majority of the committee urged that democrats perpetrated fraud enough to vitiate their title under that election. But they did not point out the frauds. The chairman of the committee pronounced the election an "organized fraud," but he did not explain what that meant. Senator Hill thought the election in some parishes unfair and in others fraudulent, but upon the whole as fair as Louisiana is accustomed to see.

Senator Trumbull admitted that "fraud was practiced in some of the parishes and that irregularities existed in others," yet he concluded the election was not unfair in "more than two-thirds of the State," and he thought it ought to satisfy a reasonable Senate if it was fair in a third of the State.

All was vague, shadowy, and uncertain touching the wrongs committed at and prior to the election. But after the election the narrative assumed the utmost amplitude of detail. The mistakes of the board of returns, the antics of Durell, the forgeries of Jaques, the action of the President, were served up to us hot and smoking, were hashed and rehashed, and the whole castor of rhetoric was emptied into the mess for seasoning. So I lost my way; and I soon came to fear the majority of the committee had lost their way. My colleague knows that more than once I told him he had failed to convince me that McEnery was not elected, and he knows that when a year ago I commenced the examination of the testimony for myself, I expected to find the evidence of that election and was resolved in such case to declare it. But two candidates ran for governor. No one pretends there was a tie vote. It is morally certain one or the other had a majority of the votes cast on the 4th of November. Whoever had that majority was elected, unless colored votes were offered for the other candidate and illegally rejected, enough to overcome that majority. If such was the case, then the other candidate was elected.

If McEnery had 5,000 majority of the ballots cast for governor, but 5,001 votes were offered for Kellogg but rejected on account of color, then it is evident if the 5,001 votes had been received Kellogg would have been elected. It is also just as evident that in such case he was elected notwithstanding the rejection of those votes. The statute is peremptory. Kellogg's title to the office cannot be impaired by such rejection. And that is the language of your own law. If you want to go behind the decision of the Legislature of Louisiana, behind the certificate of the secretary of state, behind the certificate of the board of returns, behind the judgment of the supreme court of that State; if you want to go to the election precincts, go there and ascertain not only how many votes were given, but in obedience to your own statutes inquire also how many of those votes were legal and how many legal votes were rejected from those boxes. Until you have done that you must not undertake to control the decisions of Louisiana. If all voted who tried and were entitled to vote, you have only to count the actual votes to determine who was elected. If some were excluded from voting who were entitled to vote, you have only to add their number to the number of votes given to determine the result. In either case you have a result.

Either Kellogg or McEnery must have been elected in 1872. And it was not McEnery. I infer that from circumstances. First, I do not believe the real democracy of Louisiana wanted to triumph at that election. Victory could yield them no fruits. Victory meant only to make Greeley President, Warmoth Senator, and McEnery governor. The democracy of Louisiana had no use for either. Greeley they had hated from their earliest knowledge of him. Warmoth they had hated not so long, but with more singleness of heart. McEnery they

had no use for. He is not of their kind. He talks well enough for their purposes, but when they wanted a governor for use last September they put McEnery to bed and brought Penn to the front. Penn they cherish. He is a young man of spirit and of mark. Take him out of Louisiana politics and he would be an ornament to his kind. Penn was all that victory could bestow upon the democratic party in 1872. But they could ill afford to swallow Greeley, Warmoth, and McEnery for the little flavor there was in Penn. It was taking altogether too heavy a dose of aloes for the small measure of rum.

I infer McEnery was not elected, because if he had been the fact would have been made certain. As I have shown, the whole machinery of the election was managed by democrats. If they had the votes to elect their candidate, they would have taken good care to preserve the evidence of them. Instead of manufacturing a board of returns with no will but his to count the votes, Warmoth would have submitted them to the count of the legal board and would have invited all New Orleans to see them counted.

Mr. President, I infer McEnery did not receive a majority of the votes cast; because if he had his friends would hardly have ventured upon all the villainy they practiced; they would have cherished and not debauched the boxes and returns which showed that election.

But, sir, even if he did receive a majority of the votes actually put into those boxes, I still insist he was not elected. The will of the people of Louisiana was not expressed through the ballot-boxes in 1872. It was excluded from them. I submit one single feature of that election to the Senate, and I challenge any candid Senator to deny that if Warmoth's supervisors truly reported the state of the ballot-boxes, it was only because the people were excluded from them.

In 1872 Louisiana was divided into fifty-six parishes. In twenty-seven of these parishes there is practically no dispute about the result. Those parishes are Ascension, Bienville, Caldwell, Cameron, Carroll, Claiborne, Calcasieu, Concordia, Feliciana East, Feliciana West, Franklin, Jefferson, La Fayette, Livingston, Ouachita, Plaquemines, Red River, Richland, Sabine, Saint Charles, Saint John Baptist, Saint Landry, Tensas, Vermillion, Vernon, Washington, and Winn.

There is evidence of bad conduct at some of the polls, even in these parishes; and the vote from one large republican precinct in Jefferson was rejected by Warmoth's returning officers because his commissioners had stuffed the box. But upon the whole the two parties differ but little in their count of the votes for governor in those twenty-seven parishes, and in every instance they returned the same members to the house of representatives.

Accepting, then, the work of the Warmoth party in those parishes as correct, we have this result.

The Warmoth board state the vote for governor as follows:

For Kellogg.....	22,960
For McEnery.....	18,078
Majority	4,882
Of the registered vote in the same parishes there were—	
Black.....	34,391
White	22,816
	11,575

So a black majority of 11,575 is admitted to have given a republican majority of 4,882, exclusive of that majority thrown away in Jefferson.

This is not the result of a fair election, but the result of an election which bore some resemblance to a fair one.

No candid man will deny that if suffrage had been as free to black as to white in those parishes, as large a percentage of blacks as of whites would have voted. Still it is conceded that where there was a colored majority of 11,575 registered votes, there was a republican majority of 4,882 votes cast besides the Jefferson precinct.

Now, sir, look at the report from twenty-eight other parishes, the balance of the State except New Orleans.

In those parishes the white voters registered numbered 31,762; the colored 42,432.

The colored majority on the registry-books was 10,670. A cloud of witnesses have testified that every species of fraud and every kind of force were employed in these parishes to stifle the voice of the republican party. The board of returns deny the election of one single member from all the representative districts in those parishes whose election is asserted by Warmoth supervisors. Every member is disputed from twenty-eight parishes. Not one is disputed from twenty-seven parishes.

Now, I wish the country would heed what I am about to say:

Out of those 31,762 white voters registered, the Warmoth party claimed to have polled 25,391 democratic votes. Out of those 42,432 colored voters they concede a republican vote of but 19,272! In a district which registered a colored majority of more than 10,000 voters, there is claimed a democratic majority of more than 6,000 votes! Democrats controlled the registration. The whites were largely over-registered. The blacks were largely under-registered. Democrats controlled the election, and with a thrift unprecedented in politics they gathered five-sixths as many democratic votes as they had white voters upon their swollen poll-lists, at the same time they made that pinched and parsimonious registration of colored voters seem like a profligate waste of space on the registry-books by return-

ing less than half as many republican votes as they had colored voters.

In these fifty-five parishes the colored voters registered were 35,000 more than the republican votes therein. Can that be explained upon the hypothesis of an overregistry of colored votes? When legal voters of the unfashionable color followed the supervisor by the day to secure registration, did 35,000 such men get on to the books who did not belong there? Can it be explained upon the hypothesis that men who registered did not care to vote? But did men who were not anxious to vote travel miles and search for days to get their names on the poll-books? Does any man doubt, dare any man say he doubts, that twenty or even thirty thousand of those new-born and perhaps over-ardent citizens wished to vote, tried to vote, and did vote, unless they were denied the right? Were they denied the right? These democrats denied them, and no man's right to office can be impaired by such denial. Such is the law. Did they vote? These democrats stole their ballots from the boxes, and no man's right to office can be impaired by such a larceny. Such is the law.

That is the style of election championed by the democratic party in Louisiana and by their allies in this Chamber. Warmoth presided over that election. The voice of thirty-five thousand colored citizens was stifled in fifty-five parishes. Seven thousand more were hushed in New Orleans. Warmoth was the great magician whose pliant fingers manipulated the machine. The democratic party supplied the rapt and admiring auditory which filled every circle in the theater from the pit to the upper gallery. Such was the election by whose atrocious results Warmoth attempted to chain Louisiana. To force such infamous conclusions upon the people of the State Warmoth played the double rôle of an anarchist and monarch from November 13 to December 9; to consummate that smoking villainy he attempted, partly by force and partly by fraud, to supplant a legal board of returns by a sham one; to tamper with written laws, and, in the absence of a Legislature, to change them; to drag a judge from the bench; to eject a secretary of state from his office; to commission a crowd of his henchmen to fill the public offices; to pack the supreme court of his state; to defy its authority; to divide and destroy the Legislature; and even to disregard the mandates of the Federal courts. For enterprises infinitely less criminal Cataline was sent howling out of Rome. In these enterprises Warmoth was foiled. A blundering judge, more solicitous for the peace of the State than for the dignity of his office, the first magistrate of the kind probably which Louisiana ever saw, caused two soldiers to be stationed at the door of the capitol, and the conspiracy was dissolved into vapor. The cackling of geese at an unseemly hour, it is said, once saved Rome from her conspiring enemies. The terrified but not ungrateful city slew the conspirators and deified the geese. When a similar cackling saved New Orleans, the liberty-loving but ungrateful city wrung the neck of the goose and is doing her best to deify the disappointed conspirators.

Mr. President, I do not forget how largely my conclusions as to the result of the Louisiana election in 1872 are based upon the assumption that white citizens were generally democrats and colored ones were republicans. And this brings me to the pithy and altogether pertinent question asked by the Senator from Missouri the other day.

In tones which were restrained from derision only by that courtesy which never forsakes him, he said:

But I ask you, sir, what kind of logic, what statesmanship is it we witness so frequently on this floor, which takes the statistics of population of a State in hand and then proceeds to reason thus: So many colored people, so many white; therefore so many colored votes, so many white votes, and therefore so many republican votes and so many democratic votes; and if an election does not show this exact proportion, it must be necessarily the result of fraud and intimidation.

I will tell the Senator what I think of that logic and of that statesmanship. The logic is unique. I admit it seems inconsequential, almost grotesque. But it is irrefragable. It cannot be confuted.

And that statesmanship! At the first glance it seems extremely whimsical, not to say absurd; but when we come to consider, it is frightfully practical. A man who goes about swathed in disinfectants when no contagion is near we cannot help but regard as a hypochondriac. But he who goes along the thronged thoroughfares without disinfectants when the atmosphere is surcharged with plagues is regarded as little less than a lunatic. The statesman who argues that the republican vote should be nearly proportioned to the colored voters in Louisiana is simply one who does not close his eyes upon the most obvious, the pivotal fact in the politics of that State. The colored people of that State are republicans. The white people are as a rule democrats. If there were no reasons why it should be so, the evidence is conclusive that it is so.

A large majority of the voters are colored. And yet of the whole number, Mr. McMillen, the witness who claimed to be Senator under the election of the Warmoth legislature, testified he did not know one who voted the democratic ticket. Mr. Packard, the chairman of the republican State committee, testified he knew of but one, and he was one who tried to vote the republican ticket and could not do so for want of registration.

Democrats helped him to registration, and before the ink got dry on his certificate he voted the democratic ticket.

When two witnesses so well informed cannot recall in the aggregate but one colored man who voted the democratic ticket out of

more than half the voting population, it is idle to pretend that many did vote it.

But there are obvious reasons why no colored man can vote the democratic ticket. The whole effort of the democratic party has been, and still is, to organize parties upon the "color line." It boasts itself the "white man's party." It champions a "white man's government." The domination of white over black is the very essence of the democratic party. Upon any policy but that no democratic party can be mustered. Do you think it can? If it can be, try it. Democratic supremacy means the subjection of the colored race and it means nothing else.

Upon every conceivable theory of political economy; upon every possible scheme of finance, whether affecting currency, taxation, or expenditures; upon every individual proposition for internal improvement or commercial progress; upon every plan suggested for the amelioration of all citizens of both races; democrats are divided, and hopelessly divided. On the contrary, so often as a policy is proposed or an idea suggested, which promises advantage to the white race from which the blacks are excluded, the democratic party with one mind embrace and with one voice applaud it.

Sir, it is not strange the colored citizen will not vote the democratic ticket. To do so, is to vote for his own exclusion from the civil state. The special wonder of after times will be that any white man could be found at this time to vote that ticket either.

History still points with loathing to those savage epochs when the Greek swelled with hatred of the helot; the Jew with hatred of the Gentile; the Roman with hatred of the barbarian; the Saxon with hatred of the Celt. But the instinct of self-preservation lay at the base of all those hatreds and partly excused them. The helot was a living menace to the Greek; so was the Jew to the Gentile, and the barbarian to the Roman, and the Celt to the Saxon; returned the hate they experienced, and to the extent of their opportunities repaid all the remorseless oppression they suffered.

But with what unutterable loathing will the future historian look back to these degenerate days, eighteen hundred years after Christ died, as much for the black man as for the white; look back to see four millions standing in the midst of forty millions, all alike citizens, distinguished from each other only in the accident of complexion; the few just snatched from the realm of chattels, very poor, very ignorant, very helpless, but with capabilities equal to the best. That is exemplified in a few individuals who, here and there, despite the most malignant fortune, have contrived to acquire the learning which enables them even in the parliament of the nation to maintain their cause successfully against the most practiced debaters there. The multitude very rich, very powerful; arrogant from centuries of culture and control. The few, threatening nobody, asking no special privileges, no nursing, no extraordinary aids; supplicating only to be let alone, to have all disabilities removed, to be allowed to stand up if they can get up, to go forward if they can get onward, to be allowed the free use of such faculties as generations of serfdom have left to them; to be admitted to the pale of an equal citizenship. And out of that multitude, so rich in capabilities, so abundant in resources, a great party organization having but one common boast, that they are themselves white; having but one common tie, that they hate the black; cherishing but one common aspiration, that they can still dominate him—that they can stand on his skirts now, and can get on his neck again presently—and animated with this single groveling hope they swagger of their Caucasian lineage; they preach the gospel of hate through Caucasian organs; they form, they arm Caucasian leagues, and throughout large districts have domesticated, not savage beasts, but the most savage crimes to drive the weakest and most helpless of our kind from all assertion of their citizenship.

There is no doubt colored citizens would vote with democrats only that democrats will not let them vote at all. And democrats cannot let them vote because they would then cease to be democrats. To be a democrat no longer means to be in favor of the people's supremacy. We have now a new dictionary given to us; to be a democrat now is simply to deny that colored citizens are people and to affirm that calling a professional murderer a bandit is a capital offense. It seems to me the Senator from Missouri will be wise to concede on the whole that the colored people of Louisiana are republicans. If they are not, why not let them vote? If they will vote the democratic ticket they will vote just as sensibly as that Senator does. If they will vote the republican ticket, they will in my judgment vote much more sensibly than he does.

Mr. President, the practical question born to us out of this election is, shall Mr. Pinchback be admitted to the Senate?

Now we know that Louisiana has but one Senator here. We know she is entitled to two. We know her Legislature must choose her Senators. We know her Legislature is the body which makes her laws, and we know the body which sent Pinchback here is the body which for two years made laws for Louisiana. How, then, shall we avoid seating Mr. Pinchback? Why, we can say, if we are as reckless about what we say as a Louisiana board of election commissioners, that we do not know whether the men who composed that Legislature really belonged there.

But if we say that we shall not tell the truth. We do know those men were enrolled as members by the clerk of the house, and the secretary, who were the only men in Louisiana authorized to make up such roll; that the names of those members were transmitted to those officers

by George E. Bovee, the secretary of state, and certified to him by John Lynch and his associates, acting as a board of returns. Still, if we choose, we can say that Bovee was not secretary of state and that Lynch and his associates were not the board of returns. In saying that we shall simply trample upon the authority of repeated decisions of the supreme court of that State. But we can say that the Legislature, the secretary of state, and the board of returns are contradicted by the certificates of the parish supervisors. There are three difficulties in the way of saying that.

First. We have not seen all those certificates, nor has any one else.

Second. They are already impeached.

Third. They are incompetent to contradict the board of returns. If we wish to contradict the board of returns, it can only be done by showing what the electors say and not what the parish supervisors say.

Well, sir, we can say, if we dare, that the electors of Louisiana did not choose the members of that Legislature. But we have two reports from the electors. That which comes to us through the Lynch board says these members were elected. It will embarrass us to rely upon that report. It will embarrass us still more to rely upon the report of the Warmoth board. That report does indeed declare that some of those members were not elected, but it declares that out of 99,000 colored voters registered, to say nothing of white republicans, only 59,000 republican votes are accounted for by that board.

More than 40,000 republican votes are not returned. A cloud of witnesses we know have testified that many of these votes were excluded from the boxes; many were abstracted from the boxes. We have made no attempt to ascertain how many were excluded, how many were stolen. Other witnesses we know have testified that many republican votes received and not stolen have been practically annulled by democratic ballots, not put into the boxes by democratic voters but stuffed into them by democratic commissioners. We have made no attempt to ascertain how many. Our way is full of difficulties. But let us not despair. When a thing must be done, there must be a way for doing it.

Driven to extremities, we can at last say: "True, a few thousand democratic voters were manufactured in Louisiana in 1872, but they were manufactured by Warmoth and his subordinates; that is no concern of ours. True, some thirty or forty thousand republicans were strangled at the same time, but they were strangled by Warmoth and his subordinates; that is no concern of ours. True, every tribunal in Louisiana has denounced the outrage; but we cannot listen to Louisiana. We cannot redress the wrong, and we will not let Louisiana redress it." Yes, Mr. President, we can say all that if we try very hard; and saying that we can send Pinchback home to Louisiana, limit the representation of the State in this Chamber to one Senator, and then we can hold up our heads with Warmoth and Blanchard and Thorp, the supervisor of Iberville, and their allies here and everywhere. Then we will be complimented by the reform press as friends of freedom and purity in elections; and then if we cannot get mustered into the ranks of the southern white-leaguers it will not be because our consciences are feared, but because our courage is distrusted.

Mr. HAMILTON, of Maryland. I offer an amendment to the resolution. After the word "be" I move to insert the word "not," so as to read:

That P. B. S. Pinchback be not admitted as a Senator from the State of Louisiana for the term of six years beginning on the 4th of March, 1873.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland.

Mr. DAVIS, (at ten o'clock and twenty-five minutes p. m.) I move that the Senate adjourn.

The PRESIDENT *pro tempore* put the question, and declared that the yeas appeared to prevail.

Mr. DAVIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALCORN. The Senator from Alabama [Mr. GOLDTHWAITE] is paired with the Senator from Illinois, [Mr. LOGAN.] If the Senator from Illinois were here he would vote "nay," and the Senator from Alabama would vote "yea."

The question being taken by yeas and nays, resulted—yeas 23, nays 34; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Cooper, Davis, Dennis, Eaton, Fenton, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Stockton, Thurman, and Tipton—23.

NAYS—Messrs. Anthony, Boreman, Boutwell, Chandler, Clayton, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Harvey, Howe, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Sprague, Stewart, Wadleigh, West, Windom, and Wright—34.

ABSENT—Messrs. Allison, Brownlow, Cameron, Carpenter, Conover, Ferry of Connecticut, Goldthwaite, Hitchcock, Ingalls, Lewis, Logan, Patterson, Robertson, Schurz, Spencer, and Washburn—16.

So the Senate refused to adjourn.

Mr. ALCORN. Mr. President, as a member of the Committee on Privileges and Elections I regard it but proper and due to myself that I should say something upon the subject now under discussion. I was a member of the majority of that committee that reported two years since on the facts of this case. A member of the committee still, and not concurring with the majority that reported the resolution under consideration, and not having signed the minority report,

I must, if I would have my position understood, now speak. To not speak I would be held to the report of the majority, which is not signed by the members concurring.

Mr. President, if I stood here as the attorney of Mr. Pinchback I should demur to the pleadings in this case. I should demur to the declaration for the reason that the case is not presented so as fairly to represent the interest of the petitioner. If the pleading was upon a bill in chancery, I would demur because of multifariousness. We are trying here two issues—the question of the validity of the Kellogg government and the question of Pinchback's credentials. Pinchback is required not only to carry his own sins, if he has any, but he has also to take upon his shoulders the Kellogg government. There may be those here who will not vote to recognize by this body the Kellogg government, holding that that government has no authority in law; that it does not exist by the authority of the people of the State of Louisiana expressed under the forms of the constitution of that State; but who, nevertheless, if the Senate were to pass upon that question affirmatively, would then hold the case adjudicated, and would feel authorized to look only to the credentials of Pinchback emanating from a governor having recognition as such in this body. There may be those who may hold objections to Mr. Pinchback's election upon personal grounds, upon grounds that are entirely legitimate for the Senate to consider, each Senator for himself, and yet who hold that the Kellogg government should be recognized by the Senate of the United States. If there be such Senators here, they will be voting upon a false issue and passing judgment upon an improper issue as the case now stands.

I am one of those who hold to the report of the majority of the Committee on Privileges and Elections made in February, 1873, and yet, if the Senate should decide to overrule the report of that committee, which it has not yet done; if the Senate should decide that that committee was in error, and that it was the judgment of the Senate that the Kellogg government should be recognized, I should take the case as adjudicated for me, should recognize the judgment of the court, and would then, as now informed, vote cheerfully to admit Mr. Pinchback to a seat upon his *prima facie* case.

If the Senate recognize the government of Kellogg as the government of Louisiana, there can then be no objection to having Mr. Pinchback sworn into office upon the certificate which is on the Secretary's table; but as we have not passed upon the Kellogg government, as that question has not been up to this time decided adversely to the report of the committee, and the report of the committee is *prima facie* the voice of the Senate, I hold myself to that report, believing it to be based upon the facts and the law of the case until it is reversed. I shall be very unfortunate indeed if my vote should go to exclude Mr. Pinchback from his seat, and subsequently the Senate should declare that the Kellogg government was a legitimate government and entitled to recognition in this body.

Upon this statement, I say, I would demur to the pleadings if I was here the champion of Mr. Pinchback, and insist that the issue should be properly joined and that a vote should be had and the merits of this controversy passed upon by the Senate in the order in which they come, namely: first, upon the question of the legality of the Kellogg government, and next upon the question of the credentials presented by the petitioner.

If the doctrine that we hear to-night promulgated is true, if the new lights that we have on the question of the Kellogg government and the Louisiana controversy are true, we have been guilty of a most gross injustice not only to Mr. Pinchback, who has been kept out of his seat for two long years, but we have been guilty of an act of most gross injustice to Mr. Ray, who was elected two years ago and more to the Senate from the State of Louisiana, under the same letter of authority, who came here and appealed to this body for admission as a Senator from that State, and continued so to appeal until his term of service had expired. Mr. Ray returned home with the certificate of his election by the Kellogg legislature in his pocket. The term of his office had expired; and now to admit Mr. Pinchback upon the same letter of authority and in the face of the objections that were urged against Ray's admission is to confess that we have wronged Mr. Ray, and we are not able to plead any new lights on this question, any newly discovered testimony. The same objections exist to the admission of Pinchback as were urged against Ray, no more and no less. How shall we stand justified in pursuing a course so vacillating as this upon a subject of such grave importance?

Why, Mr. President, was this case referred to the Committee on Privileges and Elections? For very good reasons. On the 15th day of January, 1873, John McEnery certified under what purports to be the great seal of the State of Louisiana, he signing as governor of the State, "That on the 14th of January, 1873, William L. McMillen was by the Legislature of said State duly elected a Senator of the United States" for the term beginning in March, 1873, and expiring in March, 1879. It will be remembered that he brought with him the certificate of that person who purported to be the governor of the State of Louisiana, John McEnery. At the same time that he came with this certificate bearing the great seal of the State of Louisiana, certified in due form of law, there came also Mr. Pinchback with a certificate of election from Governor Kellogg, that certificate bearing also the great seal of the State of Louisiana, and certified to in due form of law.

Here were two persons elected to the same office, each bearing a

certificate of election, the certificate in each case being in proper form and duly attested by the governor of the State, or a person who claimed to be the governor of the State, each bearing the great seal of the State. When these two certificates were presented here, the question was submitted to the Senate as to which of the two claimants was entitled to his seat. The Senate of the United States, being under the Constitution the sole judge of the elections and returns of its members, referred the credentials of these two claimants to the Committee on Privileges and Elections, and it was the duty of the committee to examine into the elections and returns of the claimants. To do this it was necessary that the committee should go back to the election by the people in 1872, and examine the returns and pass upon the question of the validity of the two governments. In doing that the committee were engaged for a month or six weeks of time. They took down testimony which covers more than a thousand pages of printed matter. Patiently that committee investigated the subject. With deliberation they considered their report, analyzed the evidence, and the majority of that committee declared that there was in truth no evidence sufficient for them to certify that either of these parties was entitled to be recognized, either the McEnery or the Kellogg government, and that neither Pinchback nor McMillen was entitled to be recognized.

Mr. MORTON. Will the Senator allow me to make a correction?

Mr. ALCORN. I am going to make the correction that I presume the Senator is now about to call my attention to; that is, that the case of Pinchback was not involved in that investigation.

Mr. MORTON. The Senator will allow me to say that the credentials neither of Pinchback nor McMillen were ever referred to that committee. They were not parties to the examination in any shape or form. The only proposition referred to the committee was whether there was a legal government in Louisiana, and the committee were instructed to inquire into that before any credentials came here at all.

Mr. ALCORN. Well, Mr. President, if my memory serves me aright, both Pinchback's and McMillen's credentials were referred to that committee, and the credentials in both cases were before us while we were investigating the Louisiana question. But that is not material to the point I make. What I state is upon my recollection. I am very sure, however, of the truth of what I say, and if the honorable Senator will examine the record he will find that all the credentials to which I have referred were before the committee. The honorable Senator from Vermont, [Mr. EDMUNDS,] who is ever ready with the "law of the case," refers me to the Journal of the Senate of 1872-73, page 191. There I find the following entry:

Mr. WEST presented the credentials of W. L. McMillen, elected a Senator by the Legislature of Louisiana to fill the vacancy occasioned by the resignation of William Pitt Kellogg; which were referred to the Committee on Privileges and Elections."

This was on January 22, 1873, and the next paragraph shows that—

Mr. WEST presented the credentials of John Ray, elected Senator by the Legislature of Louisiana to fill the vacancy occasioned by the resignation of William Pitt Kellogg; which were referred to the Committee on Privileges and Elections.

It will be seen that both references were made on the same day. The report of the committee was made on the 20th of February, 1873, one month after the presentation of the credentials. The report commences in these words:

The Committee on Privileges and Elections, to whom was referred Senate resolution of January 16, 1873, as follows—

"Resolved, That the Committee on Privileges and Elections be instructed to inquire and report to the Senate whether there is any existing State government in Louisiana, and how and by whom it is constituted"—and to which committee were also referred the credentials of John Ray and W. L. McMillen, both claiming the seat supposed to have been made vacant by the resignation of William Pitt Kellogg, a Senator of the United States from the State of Louisiana, respectfully submit the following report.

The record, then, does not corroborate the statement of my honorable friend from Indiana.

Mr. MORTON. Do you say that Pinchback's credentials were referred?

Mr. ALCORN. No, sir.

Mr. MORTON. He was no party to that examination.

Mr. ALCORN. I was going to say that so far as Mr. Pinchback was concerned he was not a party to that examination, but while he was not a party, certainly a case involving his credentials was tried. McMillen was a party to it, not by virtue of his election for the term beginning on the 4th of March, 1873, but he was a party to it on his credentials certifying that he had been elected to fill a vacancy occasioned by the resignation of Kellogg. Ray was a party to it representing the Kellogg government for the short term.

Mr. MORTON. Precisely; for the short term.

Mr. ALCORN. For the short term ending March 4, 1873; but in the examination of this question every fact that appertained to the credentials of Pinchback, every fact that appertained to the credentials of McMillen who was elected by the McEnery legislature for the long term, was passed upon by that committee, thoroughly investigated, and I have not heard it intimated that there were any new facts in this case. I have not heard it argued by any friend of Mr. Pinchback or any friend of McMillen that any newly-discovered testimony has been found; that there was a single particle of evidence to be brought forward in behalf of either of these contestants for the long term that was not passed upon by the committee of the Senate

in investigating the question of the right of the contestants for the short term.

I say, sir, that the committee were most patient in their investigation, and if any committee that I have ever served upon were entitled to the commendation of the Senate for patience, for industry, and I would go further and say for impartiality, I think that committee are entitled to that plaudit.

The honorable Senator from Wisconsin who has just taken his seat, [Mr. HOWE,] and who delivered to the Senate an elaborate, able, well studied argument on this question, has based all that he said upon false premises, upon a supposition of facts that have no existence in law. As to the recognition of the Kellogg government by the President of the United States, I hold that has nothing to do with the investigation of this case by the Senate. The action of the President in no way binds this body. At the time these two governors were arrayed against each other in Louisiana, an appeal was made to the President of the United States in the interests of peace. The President was called upon to decide which of these two contestants was governor. He was called upon to decide without any of the proofs before him. He chose to direct that the Government of the United States should give its support to the decrees of the United States district court. He thought that was the safest course for him to pursue. He took what was before him, just what he saw. He had no time to investigate. He was required to choose then and there without investigation, and he chose to place his judgment precisely where the law required he should hold it, to wit, that he should support the decision of the courts of the country, and he was not the person to decide whether those decisions were in accordance with the Constitution and the laws, or not. That was for another and a different tribunal. The enforcement acts require that the President shall give the assistance of the Government of the United States to the support of the decrees of the courts of the United States, and when these two contestants were arrayed against each other, and the people of the State of Louisiana were threatened with the carnage that would result from a conflict between these two claimants, the President had to choose. Would it be possible that he, without the facts before him, would have ignored the decree of the court and have selected that as the most probable governor who had no decision in his behalf? Would not any sensible man who chose to perform his duty have decided in that case that he would follow the adjudication of the courts and that it was safest for him to place himself just there? This is just what the President saw; it was all he saw; and all he could do was to take what he saw. Subsequently the President characterized the election for governor in the State of Louisiana as "an organized fraud." He appealed to Congress, the body which had the right to examine the returns, investigate and pass upon these questions, to come in and take the responsibility from his shoulders and assume it for themselves; but Congress did not see proper to do this. I repeat, the President was called upon to decide between these two contending governments; he was required to pass judgment without delay. The case would admit of no delay. Delay would have been fatal to the lives of the people in Louisiana. The President decided promptly. Within five minutes he decided a question that Congress have been two years debating and have not yet decided. The Executive had to decide between contending factions with no time for investigation and before investigation. Congress propose to decide, if ever, after full investigation.

The majority of the Committee on Privileges and Elections proposed to assume the responsibility. They pointed the way that the Congress should go. But Congress saw proper to disregard their suggestion, as they had a right to do, and so the responsibility was left upon the President. I have not been able to see the wrong that the President did in the case. I have not been able to see how he could have done otherwise than he did. Here was the trouble: There were two governors elected, each claiming with seeming equal authority, each holding the great seal of the State, each with a secretary of state, and each sending here Senators with credentials alike authentic. The President decided in favor of the Kellogg government. It was impossible for him to have known of the enormity of Durell's decision. He only knew that a United States district judge had decided favorably to the Kellogg government, and he thought it safest, groping as he was his way in the dark, to follow the suggestions of the court, and here the sin committed by the President lies. I have not been able to see it. It has occurred to me that the President would have assumed a grave responsibility if he had disregarded the suggestions of a court where a legal question was involved as the essence of the right of contending factions to the government of the State. The court may be corrupt; its decisions may be in contempt of the law, but, other things being equal, in a contest depending upon the law it is perhaps safest to follow the suggestions of the courts. A court may decide corruptly, it may be grossly in error, but its decision is the law of the case decided until the decision is reversed. The trouble about this case was that the judge had no jurisdiction. He assumed an authority that did not belong to his court, but the President was not the judge of this. In this case there is a supervising authority, a supervising power. There is a court of appeal, and that court is the Congress of the United States, to which court the President appealed, declaring at the time his willingness to abide by and to perform the will of Congress. He went so far as to call the committee before him and urged upon the members his anxiety to have Congress take action and assume that responsibility

which properly rested with the legislative department of the Government.

So much upon that point. Now to the position assumed by the Senator from Wisconsin, [Mr. HOWE,] who has made an argument running from half past eight o'clock (spending the first hour of his address upon other points,) until half past ten to show that the adjudications of and the returns made by the Lynch board were legally had and properly made; and however false they may have been the secretary of state was bound by those returns and that we as Senators cannot go behind them. The Committee on Privileges and Elections elaborated the law creating that Lynch board, and I will take occasion now to call the attention of the honorable Senator to the points that were made by the committee upon this board, and I appeal to him as a lawyer to state here, upon his reputation as such, whether he believes that Lynch board had any legal existence at the time the adjudication of that board became a matter of history. What were the facts? In the first place, the law itself appointing that board was violative of the constitution of Louisiana, in direct conflict with the constitution of the State. Let us see how that is. The constitution of the State, article 4, provides as follows:

Returns of all elections for members of the General Assembly shall be made to the secretary of state.

There is a mandate in the constitution of the State of Louisiana imperative; but the Legislature of the State in the face of this peremptory declaration of the constitution undertook to declare by legislative enactment that the returns should be made to another and different tribunal. And yet the Senator from Wisconsin argues here, without ever noticing or referring to the constitution of Louisiana, that the Lynch board was the legal board and had a right to pass upon these returns. But the committee presented other objections to this returning board.

The constitution of Louisiana provides:

ART. 43. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the lieutenant-governor chosen for the same term, be elected as follows: The qualified electors for representatives shall vote for governor and lieutenant-governor at the time and place for voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning-officer to the secretary of state—

Not to a returning board, but—

to the secretary of state, who shall deliver them to the speaker of the house of representatives on the second day of the session of the General Assembly then to be holden.

The act of the Legislature appointing the Lynch board provided that the returns should be delivered to them. Here is the constitution and there is the act of the Legislature of the State of Louisiana in direct contradiction and conflict with that instrument. Senators here appeal to the law of the Legislature of Louisiana, but overlook the constitution of that State:

The members of the General Assembly shall meet in the house of representatives to examine and count the votes.

The Legislature was to count the votes.

The person having the greatest number of votes for governor shall be declared duly elected; but in case of a tie vote between two or more candidates, one of them shall immediately be chosen governor by joint vote of the members of the General Assembly. The person having the greatest number of votes polled for lieutenant-governor shall be lieutenant-governor; but in case of a tie vote between two or more candidates, one of them shall be immediately chosen lieutenant-governor by joint vote of the members of the General Assembly.

There is the provision of the constitution of Louisiana. How could you get a Lynch board or any other returning board in the face of that provision of the State constitution? Shall I insult the intelligence of Senators by arguing that a law passed in conflict with this provision of the constitution is without force, that it is a nullity, that it is entitled to the respect of no one?

Article 60 provides as follows:

ART. 60. He shall nominate, and, by and with the advice and consent of the senate, appoint all officers whose offices are established by the constitution, and whose appointments are not herein otherwise provided for: *Provided, however,* That the General Assembly shall have a right to prescribe the mode of appointment to all other offices established by law.

In March, 1870, the Legislature passed an act which provides that a returning board shall be organized. The fifty-fourth section of that act is as follows:

SEC. 54. *Be it further enacted, &c.,* That the governor, the lieutenant-governor, the secretary of state, and John Lynch and T. C. Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections.

The constitution provided that the returns should be made one way; this act provides that they shall be made another way.

In case of any vacancy by death, resignation, or otherwise by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. The returning officers shall, after each election, before entering upon their duties, take and subscribe to the following oath before a judge of the supreme or any district court.

Within ten days after the closing of the election said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the supervisors of registration, and make returns of the election to the secretary of state. They shall continue in session until such returns have been completed. The governor shall at such meeting open, in the presence of the said returning officers, the statements of the supervisors of registration, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate. One copy of such returns they shall file in the office of the secretary of state.

This is the first time that the secretary of state under this act of the Legislature of Louisiana is to have a sight of the returns. The constitution providing that the returns shall be made to him, the act of the Legislature provides that they should be made to this returning board, and that this returning board should certify one copy to the secretary of state and another to a different tribunal. This returning board, I repeat, was appointed in direct conflict with the constitution of the State. The constitution provided that the governor should have the nomination of all officers not otherwise provided for in that instrument. The constitution provided, however:

That the General Assembly shall have the right to prescribe the mode of appointment to all other offices established by law.

How "prescribe the mode of appointment?" By passing an act of the Legislature of the State appointing officers themselves, appointing them by an act of the Legislature in perpetuity, and then giving them power to perpetuate forever that organization? I again ask shall I insult the intelligence of Senators by arguing that the act of the Legislature of Louisiana under which this returning board was appointed was passed in contempt of the constitution of the State?

Who will claim that the Lynch board was entitled to the returns which they pretended to pass upon, in the face of the fact that the constitution of the State of Louisiana pointed out the manner in which returns should be made, and that manner was one altogether different from that followed by the Legislature of the State? It is preposterous. But there is another difficulty, even admitting that the Legislature had the right to appoint this returning board, admitting that they had the right to override the constitution of the State and prescribe a different mode for canvassing the returns than that provided by the constitution. The fact is the law itself under which this returning board was appointed was absolutely repealed before the board made a canvass of the returns; and yet the Senator from Wisconsin will argue here for two hours of time the legality of this Lynch board, when in the first place, I repeat, it was violative of the constitution, and when, in the next place, if it had any authority of law, the law had already been repealed before the canvass was made by that board. Do Senators stultify themselves in arguing the legality of this Lynch board, or is it on account of an obtuseness in my own mind that I cannot see that there is a single point that can be made upon which to hinge even a supposition or a probability that this board had any existence or authority in law?

But, sir, the committee found another fatal fact. Even now, admitting that the Lynch board was a board having authority to pass upon returns, and admitting that no repeal had taken place, the committee found upon their oaths that the Lynch board had not a single return; not one single return was ever in their possession. I do not suppose that up to this good hour they have had in their possession a single return of any voter who cast his ballot in that election.

Then the committee found, first, that the Lynch board was in violation of the constitution of Louisiana; second, that the law appointing them had been repealed; and third, that they never had any returns before them, and had nothing to pass upon. When we found all this, we thought there was an end to the question of the legality of the Kellogg government. The committee had before them the returns of the Warmoth board. That board, equally illegal, equally without authority of law, had this in their favor: They had the returns, or what purported to be the returns, certified to by the returning officers; and the committee, having these returns before them, proceeded to examine them, and while there were many of them which were of doubtful authenticity, nevertheless, disregarding all of doubtful authenticity, and taking those which upon their face showed that they were properly authenticated, and which the testimony went to show were in truth and in fact legal and legitimate returns, they found that McEnery was elected governor of the State by a majority reaching to nearly 10,000, and that after having lopped off some 4,000 votes of doubtful authenticity, it left him still elected governor by about 6,000.

But the committee were of opinion, as I have said, that the Warmoth returning board was equally illegal with the Lynch board, and they were of opinion that the frauds were so evident, so unmistakable, so clearly established and proven, that they would report upon their oaths that there was in truth no election in that contest in Louisiana which was entitled to the respect of any set of gentlemen in all the world.

The Senator from Wisconsin attacks the testimony of Jaques who deposed before the committee to the fact that he had forged about thirteen hundred of the affidavits upon which the Kellogg government based its right to the offices in that State. Now, I could very readily see how any gentleman might suspect the testimony of a witness like this. That he was not entitled to credit upon his own statement appeared at the first presentation to be true; but a man may go into a court of justice and testify to a fact, and it may be shown that he is not entitled to be believed on oath; his testimony may be successfully assailed, successfully impeached, and yet if he is corroborated in his testimony the court will instruct the jury that they can take that testimony for what it is worth. This man Jaques, after having testified to the fact that he had made these false certificates which were sworn to, being interrogated further, pulled out of his pocket the certificate of the officer in due form of law corresponding exactly with the attestation to these affidavits;

he produced a handful of these with the officer's name attached and the seal of the court, saying to the committee that he had more of the same kind left.

Here was a corroboration which showed that the fellow was intrusted by the judge who signed the certificates and that he yet held the evidences of that perjury on the part of the judge in his possession, that he was an accredited agent at the time, and he offered the indisputable testimony of his agency in this way.

Mr. President, it was not my purpose when I arose to elaborate an argument on this question. I rose simply to put myself right before the Senate, to give the reasons briefly why I should follow up and stand by the report made by the committee, believing as I do that it cannot be assailed, that it has not been touched, and that every argument which has been made in support of the Kellogg government has been made in evasion of the facts and upon a misapprehension of the law.

The PRESIDING OFFICER. (Mr. SCOTT, in the chair.) The question is on the amendment offered by the Senator from Maryland, [Mr. HAMILTON.]

Mr. HAGER, (at eleven o'clock and thirty-seven minutes p. m.) I move that the Senate do now adjourn. I will state that I should like to speak upon this question, and I am very reluctant to do it at this late hour after such a prolonged session, and I ask therefore that the Senate adjourn.

The PRESIDING OFFICER. The Senator from California moves that the Senate do now adjourn.

Mr. HAGER. If the Senate do not adjourn, I will proceed now, but I would prefer an adjournment.

The PRESIDING OFFICER. The Senator from California moves that the Senate adjourn.

The question being put, there were on a division—ayes 13, noes 24.

Mr. DAVIS. Is there a quorum voting?

The PRESIDING OFFICER. There is a quorum voting, and the Senate refuses to adjourn.

Mr. HAGER addressed the Senate. Having spoken till seven minutes past one o'clock a. m., (Thursday, February 18)—

Mr. HAMILTON, of Maryland. If the Senator from California will yield the floor I will move an adjournment.

Mr. HAGER. I yield for that purpose.

Mr. SPENCER. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. FERRY, of Michigan, (when his name was called.) I am paired with the Senator from Missouri, [Mr. SCHURZ.] Were he present he would vote "yea," and I should vote "nay."

Mr. SARGENT, (when his name was called.) I am paired upon this question with the Senator from Kentucky [Mr. MCCREERY] unless my vote shall be necessary to make a quorum of the Senate, in which case I am at liberty to vote. I will reserve it until I ascertain whether it is necessary under the circumstances.

The result was announced—yeas 11, nays 29; as follows:

YEAS—Messrs. Bayard, Cooper, Fenton, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, Merrimon, Ransom, and Saulsbury—11.
NAYS—Messrs. Anthony, Boreman, Boutwell, Clayton, Conkling, Cragin, Dorsey, Flanagan, Frelinghuysen, Hamlin, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Pease, Pratt, Ramsey, Scott, Sherman, Spencer, Sprague, Stewart, Wadleigh, West, Windom, and Wright—29.

ABSENT—Messrs. Alcorn, Allison, Boggs, Brownlow, Cameron, Carpenter, Chandler, Conover, Davis, Dennis, Eaton, Edmunds, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Hamilton of Texas, Harvey, Hitchcock, Lewis, Logan, McCreery, Norwood, Oglesby, Patterson, Robertson, Sargent, Schurz, Stevenson, Stockton, Thurman, Tipton, and Washburn—33.

So the Senate refused to adjourn.

Mr. HAGER resumed and continued his speech until one o'clock and fifty-five minutes a. m.

Mr. RANSOM. The Senator from California yields to me to move that the Senate adjourn. I submit that motion.

The PRESIDING OFFICER (Mr. COOPER in the chair) put the question on the motion.

Mr. WEST. I ask for the yeas and nays.

Mr. EDMUNDS. You are too soon; there was but one vote for it.

Mr. SPENCER. O, you cannot adjourn.

Mr. HAGER. Very well; I will go on with my remarks.

Mr. HAMILTON, of Maryland. We had better adjourn.

The PRESIDING OFFICER. Senators who sustain the call for the yeas and nays will rise.

The yeas and nays were ordered.

Mr. FERRY, of Michigan. I am paired with the Senator from Missouri, [Mr. SCHURZ.] If he were here, he would vote "yea," and I would vote "nay."

The call of the roll was concluded.

Mr. SARGENT, (at the conclusion of the roll-call.) I am paired with the Senator from Kentucky, [Mr. MCCREERY,] unless my vote shall be necessary to make a quorum. As the roll-call stands my vote is necessary to make a quorum, and I vote "nay."

Mr. FERRY, of Michigan. I am paired with the Senator from Missouri [Mr. SCHURZ] on the main question and on adjournment; but to make up a quorum I vote "nay."

The result was announced—yeas 4, nays 33; as follows:

YEAS—Messrs. Cooper, Hager, Merrimon, and Ransom—4.

NAYS—Messrs. Anthony, Boreman, Boutwell, Chandler, Clayton, Conkling,

Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Spencer, Sprague, Stewart, Wadleigh, West, Windom, and Wright—33.

ABSENT—Messrs. Alcorn, Allison, Bayard, Boggs, Brownlow, Cameron, Carpenter, Conover, Davis, Dennis, Eaton, Fenton, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Johnston, Kelly, Lewis, Logan, McCreery, Norwood, Oglesby, Patterson, Robertson, Saulsbury, Schurz, Stevenson, Stockton, Thurman, Tipton, and Washburn—36.

So the Senate refused to adjourn.

Mr. HAGER. Mr. President—

Mr. WEST. Mr. President, I rise to a question of order, that the Senator from California having yielded the floor twice is now amenable to the fourth rule of the Senate; that he is not entitled to be heard any further on this subject. And I want to say that although I shall not be inclined to insist upon it on the present occasion, I wish those who are practicing these tactics of moving adjournment on the other side to understand that any attempt of this kind repeated to call for an adjournment twice while a Senator has the floor will be insisted upon by the Senators on this side of the Chamber as a violation of the fourth rule; so that during a speech delivered by any one Senator he or his friends will be privileged to call for an adjournment once and no oftener.

Mr. DAVIS. I should like to know what the rule is that the Senator has been raising a point about.

The PRESIDING OFFICER. Does the Senator from Louisiana press his point of order?

Mr. WEST. I say I do not press the point of order, but I give notice that on the occasion of a repetition of this kind of tactics it will be pressed.

Mr. HAMILTON, of Maryland. What kind of tactics does the honorable Senator from Louisiana allude to?

Mr. HAMLIN. Withdrawing from the Senate and leaving us without a quorum.

Mr. HAMILTON, of Maryland. The republicans on this floor have twelve or fifteen over a quorum. We have sat here the whole evening listening to speeches and discharging our public duties, and it is their duty to be here as well as ours. They are not here to vote; and why should we be required to vote, Mr. President?

Mr. RANSOM. And, Mr. President, when I made the motion to adjourn there was no quorum in the Senate; there was not half a quorum in the Senate; there was not a third, or a fourth, or a fifth of a quorum present.

[Mr. HAGER resumed the floor and concluded his speech. His speech in full will be found in the Appendix.]

Mr. ANTHONY. Mr. President, if the vote can be taken I will not be tempted even by this crowded and attentive audience and these thronged galleries and this cheerful and appropriate hour to go on; but if it is not the pleasure of the Senate to take the vote, I shall make a few remarks explanatory of the vote I am about to give.

Mr. DAVIS. A vote to adjourn.

Mr. ANTHONY. No; I cannot give way to a motion to adjourn.

Mr. DAVIS. I asked if it was a vote to adjourn the Senator had reference to.

Mr. ANTHONY. No; a vote on the resolution. I will give way to that with great pleasure.

Mr. DAVIS. There is no danger of that yet.

Mr. ANTHONY. Inasmuch as I assented to the report of the Committee on Privileges and Elections, made two years ago, and which came to the conclusion that there was no legal State government in Louisiana, and recommending that an election be held under the authority of the United States, I deem it proper to state the ground on which I recognize the authority of William P. Kellogg as governor of Louisiana, and as a consequence therefrom the credentials of P. B. S. Pinchback as Senator from that State, entitled to his seat *prima facie*, and subject to future inquiry into his qualifications, election, and returns.

I shall not dwell upon the reluctance with which I assented to the interference of the Federal authority in the execution of the constitutional guarantee of a republican form of government to all the States. It is an authority not lightly to be invoked, nor carelessly to be exercised. Nothing but grave emergency can justify it; and then it should be employed with the utmost caution, with the least practicable interference in the affairs of the State, but with promptness and vigor, and with the irresistible might of the Federal Government. Once invoked and displayed, it should not cease till the purpose for which it was aroused has been fully accomplished, and the solemn guarantee of the Constitution has been fulfilled, and the power of the Federal Government as well as the republican rights of the State government have been vindicated.

It is natural that a Senator from one of the smaller States should feel especially sensitive upon this point. Yet the power which, if exercised capriciously or arbitrarily, would be fatal to the independence of the States is in its just and proper administration, their safeguard and protection, and is especially precious to the States which are weaker in population and consequently in military strength. It has been invoked by the State which I have the honor in part to represent. The response was not all that we thought we had a right to expect; and by our unaided strength, and surrounded by unfriendly public sentiment, we put down an insurrection which claimed to embody more than half the people within the military age, which pre-

tended to stand upon authentic organic law, and which, in the name of the law, had resorted to an armed defiance of the Government. Yet the moral support of the Federal Government, the assurance which our plain construction of the Constitution gave us that the Federal Government must interpose, in the last necessity, gave us a confidence which was of great assistance. This power, this duty, this prescribed obligation of the Federal Government is one of the most important rights of the States. The abuse of almost every power is injurious in proportion as its proper exercise is beneficial.

It seems to me that Louisiana presented a case for the proper interposition of the constitutional guarantee. The election had recently been held; it was marked by fraud, corruption, and violence on both sides; and while I had a clear opinion that those who voted for Kellogg and those who desired to vote for him but were illegally prevented were the majority, it was impossible to say that the will of that majority had been expressed in the authentic mode provided by law. But equally without authentication and equally tainted with fraud and corruption were the votes for McEnery, and in addition to all this it is clear to my mind that he was in the minority, and that the attempt to seat him was a gigantic fraud. On this point the Committee on Privileges and Elections say:

The testimony shows that leading and sagacious politicians of the State, who were acting with Warmoth, entertained the opinion before the election that Warmoth's control of the election machinery was equivalent to twenty thousand votes; and we are satisfied, by the testimony, that this opinion was well founded. We believe that had registration been accessible to all, and polling-places been properly established, the result of the election would have been entirely different. And although we cannot approve of such a canvass as that made by the Lynch board, who seem to have acted upon the principle of "fighting the devil with fire," and circumventing fraud by fraud, and cannot say that Kellogg's government was elected, nevertheless we believe that Kellogg's government was defeated, and the popular voice reversed, by the fraudulent manipulation of the election.

If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and Legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that Legislature, should be seated in the Senate in place of Kellogg. But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of that State.

Anarchy was threatened. There seemed to be not only no republican form of government, but no government in Louisiana. In this emergency it seemed to me that a prompt interposition of the Federal Government was the least objectionable measure, when no satisfactory measure of any kind presented itself.

Yet when the report was made I declared my hesitancy in words that I may be permitted to repeat, as they are recorded in the Congressional Globe:

Mr. ANTHONY. I assented to the report of the majority of the committee, and I agree fully with the narration of facts stated and with the conclusions at which the committee arrive, that there is no government in Louisiana, and that neither of the gentlemen whose credentials have been presented was elected to the Senate; but I am so exceedingly reluctant to resort to the extreme measure of interposing the authority of Congress, under the guarantee of a republican form of government, that I shall reserve my judgment, if any better remedy can be proposed, to support it.

Two years have passed since then. The lapse of time, however it might disturb the expediency of a measure somewhat questionable at first, could not destroy the right or impair the obligation of Federal interposition if they existed. Nor am I prepared to say that the reasons which impelled my judgment to that course have lost their strength; nor that I would not now assent to that mode of relief and of extrication from this entangling question. But this appears to be impracticable. Two years before the Senate, it has not commended itself to the favor of the body; and I should have no expectation of its passage, should it be seriously pressed. I may say that, although there are Senators who still favor the measure, it has been practically abandoned.

In all this time Governor Kellogg has exercised the office of governor. The laws enacted by the Kellogg legislature have been executed by the proper officers and enforced by the courts; the President of the United States has continued to recognize him, and the House of Representatives has admitted to seats members who were elected under the same authority. While all this cannot conclude the judgment of the Senate, which is the sole judge of the election, qualifications, and returns of its own members, it naturally enters into the reasons for making up that judgment; and all this has gained force by the lapse of time.

But I rest my judgment mainly on that of the highest legal tribunal of the State. The supreme court of Louisiana has decided that Kellogg is the legal and constitutional governor. That question properly belonged to the court, and was fully argued and an elaborate opinion was delivered. The case was not directly before the court, but the same principles were involved, and the decision leaves no doubt of the opinion of the court upon the validity of Governor Kellogg's election, of his right to the office.

This decision derives no strength to my mind, although I infer that it should with some others, because the judges of the supreme court of Louisiana are all of southern birth, and all but one of them were born in the State of Louisiana. These are not carpet-baggers, as was Henry Clay in Kentucky, as was Andrew Jackson in Tennessee, and Thomas H. Benton in Missouri, and Stephen A. Douglas in Illinois, and Tristram Burges in Rhode Island, and Daniel Webster in Massachusetts, and as are a majority of the members of this body; for I believe that more than half the Senators have committed the grave offense of leaving the State of their birth and of rising to their pre-

sent positions in other States. Three of the four judges of the supreme court of Louisiana are guiltless of this crime, and as the other was born in Virginia it may be pardoned in him; although it cannot be denied that he was a Union man, and it must be confessed that he was one of the seven members of the convention who refused to sign the ordinance of secession. He was elected to the convention as a Union man, and remained a Union man.

These circumstances, as I have said, are not needed to make me give faith and credit to the judgment of the court. But they silence the objections of those who have invented the term "carpet-bagger," and have made it the synonym of everything that is discreditable and vile. It is not a carpet-bag judgment.

Accepting the judgment of the supreme court, agreeing that Governor Kellogg's title to the office has been confirmed on the highest authority, it follows in my view that his official signature attested by the seal of the State is entitled to credit, and that unless its authenticity be questioned or it be invalidated, we must accord to it the same respect that we do to the signatures of the other governors and to the seals of the other States. On what different authority did any of us take our seats in this Chamber? This signature and this seal certify to us that P. B. S. Pinchback was duly elected by the Legislature of Louisiana a Senator in Congress for six years from the 4th of March, 1873. I think that he is entitled to his seat *prima facie*, subject to future investigation as to his qualifications, election, and return; that on such investigation he may, by the vote of the body, be ultimately continued in his seat or removed from it, as others have been continued or removed. I shall give my vote accordingly; and in voting to recognize the authority of Governor Kellogg to certify to us the election of Mr. Pinchback, I do not in any way commit myself upon the question that may be raised of the validity of his election.

Mr. President, no one can lament more than I do the situation of that portion of the country which, after waging an unsuccessful war upon the Government, is now involved in domestic strife, the consequence of that war; and I would much rather discuss the remedy for this unfortunate condition than the cause of it. The remedy, I frankly state, I do not see. When, under representative institutions, large constituencies are hostile to the Government of which they form a part and in whose councils they are entitled to share, when they have the right to participate in making, in interpreting, and in executing the laws which they do not mean to obey, and which they will not permit to be enforced within the region under their control, a problem is presented beyond my wisdom to solve, and a remedy is demanded which my statesmanship does not reach.

For the cause we need not go beyond the refusal of some of the States lately in rebellion to accept the situation and to consent to reorganization and reconstruction on the principles that prevailed in the war. Civil strife, unexampled in the magnitude of the destructive forces employed, was closed with a magnanimity that has no parallel in history, and which is most creditable to the American character. Not an ax was stained, not a gibbet was erected by the civil tribunals. No conditions were exacted of the conquered States that were not equally submitted to by the victors. The same rights were conceded to both. The same obligations were exacted of both. No penalty was imposed on those who had revolted against the Government but the concession of equality, but that they should extend to the whole people of their States the right which had been enjoyed by a class.

For the Government to have permitted the restoration of slavery, real or nominal, which had been the original cause of the revolt, and the destruction of which had been found necessary to the prosecution of the war, would have been madness; to have abandoned the emancipated race which had been faithful to the Government and to have left it without the means of self-protection would have been a national crime hardly inferior to that of slavery itself. There was no protection for this class, nay, there was no security for the results of the war, except in the enfranchisement of the colored race. It was not of itself a desirable thing to interpose the Federal authority over the suffrage of States; it was not a desirable thing to elevate to the suffrage a class which, long held in degradation, had not enjoyed the opportunities of qualifying itself for this great privilege. I am not of those who hold that suffrage is a natural right; it is a right derived from society, and society is the judge of those on whom to confer it and of the conditions which should accompany it.

In the case presented in the reconstruction of the States that had rebelled against the Government and that had been compelled by arms to submission to the laws, the enfranchisement of the negroes was a necessity. Inferior in the intelligence, wanting in the education, quite destitute of the training which should accompany the exercise of the suffrage, they were superior in their attachment to the Government and firm in their loyalty to the Constitution. It would have been better if the suffrage could have been limited to those who, whether white or black, united intelligence with loyalty; and if the other classes could have been kept back till they were fitted to exercise the political rights of freemen. But unhappily this would have confined the elective franchise to numbers too few to conduct a government republican in form. They would have amounted to no more than a respectable aristocracy. We had launched the ship of state, and we were compelled to intrust it to men well skilled in navigation, but who proposed to run the vessel on the rocks; or

to men little qualified to manage it, but who would do as well as they were able, and would learn as fast as they could. Neither was the crew which we would select; but between intelligent treason and ignorant loyalty who could hesitate?

It is not probable that in all the measures of reconstruction the wisest and the best were adopted. Such power of selection is not given to human judgment. Obligated to act when we required time for deliberation, compelled to decide at once, sometimes with imperfect information and with divided opinions among those whose united action was necessary to the success and even to the inauguration of measures, it is easy, in the light of subsequent experience, to criticise what was then done. It was not so easy to do it better at the time.

It was the judgment of some, conspicuous among them Charles Sumner and Thaddeus Stevens, that the Southern States should be governed as Territories until such time as they should manifest the conditions that qualified them for restoration to the privileges which they had spurned, and of which they had attempted to divest themselves by force of arms. But this plan, whether wise or not, was made impracticable by public opinion, which revolted at the dependent condition of States, and demanded their speedy rehabilitation, generously overlooking the cause which had brought them into their false position, and mistakingly confident that such magnanimity would be followed by a frank acceptance of the mild condition on which alone a reconstruction in conformity with the principles of the Union was possible. I think that history will justify the measures that were adopted in these difficult circumstances, and will applaud the men who adopted them; and if these measures have not accomplished all that was expected of them, the blame will be assigned, not to those who planned them, but to those who professed to accept them and refused to execute them.

Mr. President, I do not desire to contribute one harsh word to this debate. I would soften the acrimony of sectional strife. I have only love and affection for every section of this country, for every State of this Union. I would do anything in my power to reconcile to the flag which they abandoned, and to which they have been forcibly returned, the States that now stand restlessly and unwillingly beneath its folds. But I cannot shut my eyes to the events that go on before them. I cannot refuse my conviction of the logical results of those events.

I was a member of this body, and necessarily a close observer of public affairs, when the people of the South, after long preparation in the teachings of sophistical and unpatriotic men, threw off their allegiance to the Government and made war upon its authority, because a President not acceptable to them had been elected, although elected in strict conformity with the Constitution, and in the manner prescribed by law. He who does not see the same signs now is blind; he who does not hear the same sounds is deaf. The same wild, unpatriotic, boastful utterances in the press are applauded by the same reasonable populace to which they appeal. The same contempt for the northern section of the country is joined to the same reliance upon the northern democracy; and I will say in justice to the democratic party that I believe that reliance to be as mistaken now as it was then. And in a place where it is not proper for me to refer with more particularity to the proceedings, the same violent language is met with the same disapprobation by prudent men, and is encouraged by the same reckless and rebellious spirit by all classes, from the mob in the streets to the Legislatures of States, which hasten to pass resolutions of thanks for words that have called forth the censure of the body in which they were spoken.

This spirit and these more violent utterances do not, indeed, meet the approval of the majority of the southern people. They did not before. But the men who indulged in them controlled the majority and assumed the power. Not a State in the Union would have passed an ordinance of secession if the question could have been put to the people, fairly and without intimidation, not even South Carolina.

It has been said by a man who lived in a country much given to revolution and who had borne a conspicuous part in the overthrow of established authority, that not numbers, nor power, nor resources were the great element of success in civil commotions, but "audacity, audacity, always audacity." It was audacity that carried the Southern States into rebellion. It is audacity that is threatening them now. Had they showed half the courage, in the beginning, in resisting a wicked and irresponsible and self-constituted leadership at home, as they did afterward in contending against the lawful authority of the Government, what amount of blood and of treasure might have been saved! What disaster and humiliation might have been avoided! In Virginia a convention that had been elected with instructions to reject the ordinance of secession was frightened into it by men from South Carolina and Texas, sent there to excite a false opinion which should overawe the convention and force the delegates to the repudiation of their principles and their pledges. The history of rebellion, successful or unsuccessful, affords no stronger evidence of the power of audacity, no more humiliating exhibition of the weakness and cowardice of men intrusted with great responsibilities.

The same audacity now exalts its head, and since "history repeats itself," I cannot overcome the conviction that audacity will rule again; that the same bold, reckless, irresponsible minority will again get the control of prudent, conservative, and patriotic majorities. The wisdom, the prudence, the virtue, the patriotism, the wealth of

the South in 1860, controlled even less than the numbers. It was the audacity of the worst and most dangerous elements of society that ruled. The man who was afterward vice-president of the rebel confederacy opposed the rebellion with arguments whose intrinsic force was backed by the influence of his powerful name. He said to the southern people you have known the Union only by its blessings, and then he yielded to the rebellion.

I have listened with respect to the assertions from Senators on the other side of the Chamber, who acted with the South and some of whom fought in the rebellion; and I have listened with full faith in the sincerity of their utterances when they declare their disposition for peace, and when they pledge their influence for the tranquillity of the South. They can pledge themselves, and I do not raise a doubt that they will keep their pledges. But they cannot pledge their constituents. If wise counsels and patriotic warning had prevailed in 1860, we should not have been called upon to reconstruct the Southern States.

The southern Senators were not in favor of the rebellion then. I can count on the fingers of this hand the genuine secessionists who sat in these chairs then, the men who really believed in the doctrine and who desired to see it carried into practice. Perhaps, if by any possibility these words should meet his eye, he would not thank me for saying it, but Jefferson Davis was not of the number. Impelled by a force which he lacked the magnanimity to oppose, and which he knew he could not successfully resist, he found himself in the front, and seemed to lead where he was driven, without being able to change the direction, much less to control the power which steadily urged him on. Tears were in his eyes when he left this Chamber and turned his back on the flag which he had followed in honor and in glory, and which his prophetic soul must have told him would wave in triumph over the treason and rebellion upon which he was rushing.

I make these remarks not willingly, but regretfully, and because I believe that they are true. The Senator from Georgia, in a speech to which I listened attentively, and in which, although I differed from him, I recognized much to admire in the moderation and patriotism of portions of it, closed by reverently repeating a passage from that great work which stands above all literature and all learning, which contains the whole body of divinity and the whole duty of man, the Sermon on the Mount, "All things whatsoever ye would that men should do to you, do ye even so to them." This great command is upon us all. No one can claim its benefits on the ground that he has fulfilled its obligations, and least of all can it be invoked in favor of those who have trampled on human rights, whose hands are red with the blood of the innocent and the defenseless.

Mr. DAVIS, (at two o'clock and fifty minutes a. m.) I move that the Senate adjourn, and ask for the yeas and nays.

The yeas and nays were ordered; and the Clerk proceeded to call the roll.

Mr. FERRY, of Michigan, (when his name was called.) Being paired, I will not vote except to make a quorum. I will wait and see how that is.

The roll-call having been concluded,

Mr. FERRY, of Michigan. To make a quorum I vote "yea," as the Senator from Missouri would vote were he here.

Mr. SARGENT. I have leave of the Senator from Kentucky, [Mr. McCREERY,] with whom I am paired, to vote where it is needed to make a quorum, and I vote "nay."

Several Senators entered the Hall and voted.

Mr. FERRY, of Michigan. There being now more than a quorum, I ask leave to withdraw my vote.

The PRESIDING OFFICER. The vote will be withdrawn if there be no objection.

Mr. SARGENT. My vote not being necessary to make a quorum, I withdraw it.

The PRESIDING OFFICER. The vote will be withdrawn if there be no objection.

The result was announced—yeas 9, nays 33; as follows:

YEAS—Messrs. Alcorn, Cooper, Davis, Dennis, Gordon, Johnston, Merrimon, Stockton, and Thurman—9.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Conkling, Cragin, Dorsey, Edmunds, Flanagan, Frelinghuysen, Hamlin, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Scott, Sherman, Spencer, Sprague, Stewart, Wadleigh, West, Windom, and Wright—33.

ABSENT—Messrs. Bayard, Boggs, Brownlow, Cameron, Carpenter, Conover, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Kelly, Lewis, Logan, McCreery, Norwood, Patterson, Ransom, Robertson, Sargent, Saulsbury, Schurz, Stevenson, Tipton, and Washburn—31.

So the Senate refused to adjourn.

Mr. MERRIMON. Mr. President, in the remarks which I am about to submit I propose, in the first place, to address myself briefly to the merits of the resolution reported by the committee, and which involves the immediate subject under discussion, and then to submit some observations in reference to the military interference with the organization of the Legislature in Louisiana on the 4th of last month, and to reply also to the assaults made and aspersions cast upon the southern people generally before I take my seat.

The resolution and the report accompanying it, reported by the Committee on Privileges and Elections, is in these words. I ask the Clerk to read what I have marked.

The Chief Clerk read as follows:

The Committee on Privileges and Elections, to which were referred the credentials of P. B. S. Pinchback for a seat in the Senate from the State of Louisiana, have had the same under consideration, and submit the following report:

That the certificate of William Pitt Kellogg, then and now the governor of the State of Louisiana, which certificate is verified by the great seal of the State, shows that on the 17th day of January, 1873, Hon. P. B. S. Pinchback was elected to a seat in the Senate of the United States for the term of six years, beginning on the 4th March, 1873, by the Legislature of Louisiana, in manner and form as prescribed by the act of Congress regulating the elections of Senators of the United States. Upon this certificate the committee are of opinion that Mr. Pinchback has a *prima facie* title to admission as a member of the Senate, and that whatever objections may exist, if any, as to the manner of his election or as to the legal character of the body by which he was elected, should be inquired into afterward.

The committee therefore recommend the adoption of the following resolution: Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning on the 4th of March, 1873.

Mr. MERRIMON. So that it appears that the proposition now is, without reference to the real controversy involved in the alleged election of Mr. Pinchback, to admit him as the sitting member upon what is commonly called a *prima facie* case. It may be well to inquire what is a *prima facie* case at the very outset. According to my understanding, a false conception has been embraced by Senators who have been willing, without much inquiry and reference to the credentials of Pinchback, to admit him as a member of this body.

What, then, is a *prima facie* case? It is where one claiming a legal right states facts which, if taken to be true, constitute that right in law. I believe, upon scrutiny, it will appear that that definition of what constitutes a *prima facie* right is correct. If it is correct, then let us see if the person claiming to be admitted as a member of this body does in fact present a *prima facie* claim. In order to do so these facts must concur:

First. He must have been elected by the Legislature of the State of Louisiana.

Secondly. That fact must be certified in due form by the governor of the State under the great seal of that State, and that certificate must be countersigned by the secretary of state.

A certificate purporting to be signed by a person claiming to be governor of the State and sealed with a seal purporting to be the great seal of the State of Louisiana and countersigned by a person purporting to be the secretary of that State has been presented to the Senate, and that certificate is to the effect that the Legislature of that State at a particular time did elect this person so claiming to be a Senator of the United States from the 4th of March, 1873, for six years next thereafter.

Now, sir, if the Senate shall take that to be true, then there is a *prima facie* case made; but it is only a *prima facie* case in the event that the Senate—and the whole Senate—shall take it to be true, for the very moment that a suggestion is made by a Senator that the facts embodied in the certificate are not true, that moment the *prima facie* case ceases to exist. It is not necessary that the whole Senate shall concur in saying this certificate is put in question. If any Senator shall suggest, by motion or otherwise, that the facts embodied in what purports to be the certificate are not true, or that any material fact contained in it is not true, that instant the *prima facie* case ceases to exist as a matter of law.

To make this idea a little plainer, suppose that I rise in my place as a Senator and suggest that what purports to be the seal of the State of Louisiana is not the seal? That moment the *prima facie* case ceases to exist. Suppose I suggest that the person purporting to be governor of the State was not the governor, or that the person purporting to be the secretary of state was not the secretary, or that the body which purported to have elected this party to be Senator was not the Legislature; that moment the *prima facie* case ceases.

Then, sir, was there any such suggestion here by anybody? It were folly to deny it. From the very moment that what purports to be the credentials of the person now claiming to be admitted as a Senator were presented, every fact contained in that certificate was questioned. It was denied that there was any such Legislature; it was denied that there was any such governor, that there was any such secretary of state; it was denied that what purported to be the seal was the seal; and at the same time, another person presented other credentials in which it was certified by another person, purporting to be the governor of the State, that another person was elected to be Senator for the same term and by the Legislature of the State of Louisiana. Those credentials were countersigned by a person purporting to be the secretary of state, and they purported to be under the great seal of the State. I hold those credentials in my hand now. If there is a *prima facie* case in the case of Pinchback, why, I ask, are not the credentials which I hold now, coming to the Senate in form, averring the facts necessary to show that Mr. McMillen was elected at the same time, a *prima facie* case in his behalf? But the answer to that is this: If the Senate will take these material facts as true, the *prima facie* case exists; but then the Senator from Indiana or some other Senator suggests that the seal is false, that the person purporting to be governor is not governor, that the person purporting to be secretary of state is not the secretary of state, and that in fact the body purporting to be the Legislature which elected McMillen was not the Legislature. Upon that suggestion I admit the *prima facie* case is gone; and so it appears that the *prima facie* case suggested in this report is no *prima facie* case, and that the report is false when it makes a suggestion that has no force or effect in law.

Now, sir, I maintain two propositions:

First. That it is within the legitimate power of the Senate to admit a person claiming to be admitted as a Senator upon what are commonly called his credentials; that is, the certificate of the governor, countersigned by the secretary of state under the great seal of the State, that a particular person was elected by the Legislature of a State at a certain time. I admit that the Senate has power upon the presentation of such credentials to admit a party to a seat without further question and to allow him to sit; but I insist that it is within the legitimate power of the Senate, and that it may be the duty of the Senate in many cases in the exercise of this power, not to allow a party so claiming to come into the Senate as a member of this body for any purpose until the validity of his election shall be questioned and thoroughly investigated and determined.

Secondly. I insist that in this case now before the Senate and under discussion, in the exercise of that power, the Senate ought not for grave reasons, to which I shall call attention presently, to admit this party to a seat one hour until the whole merit of his case shall be investigated and his right shall be fully and fairly determined.

I propose to make these two propositions good.

Under the Constitution every State in the Union is entitled to be represented in this body by two Senators, by virtue of the clause of the Constitution which I will now read. I read paragraph 1 of section 3 of article 1 of the Constitution, which is in these words:

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

What is the plain meaning of the right of a State created by this clause of the Constitution? It is that the Legislature shall duly elect two Senators; that that election shall be made to appear to the Senate according to law; and the State is not entitled to representation until that fact shall be made to appear to the satisfaction of the Senate. When the person applying to represent the State comes to the Senate armed with the evidence of his election—when he presents himself to the Senate armed with this evidence, then manifestly, if there were no other provision in the Constitution, the Senate would have the right to hear and determine the case of the applicant as to his right to be admitted and to have reasonable and due time to make that inquiry before admitting him to his seat. Indeed, it would be the duty of the Senate to make such inquiry. But those who framed the Constitution were not content that the law should imply this right on the part of the Senate as a body to admit new members. It made express provision in these words. I read a part of paragraph 1 of section 5 of article 1:

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

So that by the paragraph which I have just read the power is expressly conferred upon the Senate to ascertain whether the person applying as a Senator-elect has been properly elected; and by reasonable construction, if not by the plain words, the Senate is to have reasonable time to make that inquiry. Nay, I go further, and say that as matter of law and right and duty the Senate is bound to make that inquiry, if there shall be any suggestion that the party is not lawfully elected, before he is admitted as a member of the Senate for any purpose. When the Senate shall recklessly admit one here when his right is questioned by a single Senator without that investigation, and allow him to vote upon the most important interests that the people or the nation could have to be passed upon, I say that the Senate is false to itself, false to its duty, and false to the American people. I repeat, and I do it earnestly, that whenever it is suggested by a Senator that one applying for admission to a seat in this body has not been lawfully elected according to the Constitution and laws of the United States and of the State which he purports to represent, the Senate is false to itself, it is false to right, it is false to the American people, if it shall allow him to sit and pass upon the rights of those people until they have tried his right and determined that he is so entitled.

Mr. President, let us examine for a moment and see what would be the consequences of such a practice. Take a distant State. Suppose that three or four or five men should get together and they resolve to perpetrate a fraud upon the Senate and upon the American people; one party claims that he is the governor, another claims that he is the secretary of state, and they forge a seal purporting to be the great seal of that State, and two of these men make the certificate required by law, to the effect that on a certain day the Legislature of that State did in fact elect A B, who is charged with these credentials, to be a Senator from that State; and suppose that that person, with that naked, absolute forgery, should come to the Senate and present these credentials: would not that person present as thoroughly a *prima facie* case as the credentials presented by Pinchback in this case? If the Senate, without inquiring into the character and validity of such credentials, were to admit that forger, that fraudulent person, to a seat in this body, would not any one conclude, would not the American people conclude that the Senate was a very silly and a very false body? Would it not be said at once that there was not proper inquiry; that the Senate was remiss in its duty—false in its duty? How much more censurable would it be if a Senator would rise up in his place and say, "This is a forgery; that party purporting to be the governor is not the governor; that seal purporting to be the seal is not the seal; that party purporting

to be the secretary attesting is not the secretary; the credentials are false and a forgery out and out;" and yet that would be a *prima facie* case just as this *prima facie* is made out! It seems to me such a practice would shock the common sense of all sensible men.

This case which I put shows the strength of the suggestion I have made in the outset touching what constitutes a *prima facie* case. It is *prima facie* no longer than it remains unquestioned, and there ought to be no *prima facie* case in the Senate. No credentials ought ever to be acted upon in the Senate until they are referred and a committee are satisfied by proper and satisfactory evidence that all the necessary facts are true. Then they can report to the Senate and it can act intelligently and with confidence.

I will suppose another case stronger than that. Suppose that I go over into the State of Maryland backed by a thousand armed men; I proclaim myself the governor; I undertake to administer the constitution and laws of that State; I do it by pure, naked usurpation; I organize a Legislature, I appoint a secretary of state, I devise a seal for the State, and by force of the armed men who are around me I administer the State government—under such circumstances, suppose I should send two Senators to this body, the credentials all proper and in form, making what is here called by the committee a *prima facie* case; would anybody pretend in that case that the Senate would or ought to admit the men whom I should thus send here, without a reference of the credentials and a solemn inquiry whether the facts contained in the certificates were true? Moreover, would not every sensible man be astounded if he learned that the persons whom I thus sent came and presented their credentials and a Senator rose in his place and suggested that the whole was the offspring of a naked usurpation in the State of Maryland; that it was done by one who had no authority whatsoever except authority asserted by naked force? And what would be said of the Senate if it were to do such a thing as that? Would it not be regarded as reckless practice, unreasonable and absurd? Yet this would be done if the Senate only looked to the form of the credentials. This is the practice contended for in this case.

Such a practice, such a doctrine, is too absurd to talk about. What astonishes me profoundly is, that it has been insisted upon at all by any one. I am more astonished that it should be insisted upon by one who is so good a lawyer as the Senator from Indiana. I venture to say that he will laugh at himself when he looks back ten years hence on this record, and he will say, "How is it possible that I ever could have consented to make such a report as that?" That will be the effect of it.

Mr. EATON, (at three o'clock and thirty minutes a. m.) Will the Senator yield for a motion to adjourn?

Mr. MERRIMON. Not yet.

Mr. EATON. The Senate is getting very thin.

Mr. MERRIMON. Now let us take the case in hand to illustrate my meaning and elaborate it a little more. Suppose that Kellogg is and was a usurper as it is alleged, and I believe it and shall be able to show it before I take my seat to any disinterested person; suppose the person purporting to be the secretary of state is a usurper; suppose what purports to be the seal is false; suppose that the supposed Legislature was no Legislature, and suppose that we take this so-called *prima facie* case to be the case before the Senate and we admit this person claiming to come in by virtue of the credentials; what is presented by this action of the Senate to the world and especially to the American people? A party coming here by the appointment of a naked, absolute usurper sits in the Senate, and votes upon the civil-rights bill; he votes upon the bill which it is said will be introduced to invest the President with power to suspend the *habeas corpus* in times of profound peace; he votes away millions and millions of dollars which the people are bound to pay, and yet it turns out at last, when we come to examine into the validity of the election, that he had no election at all. What would be said of the Senate in such a case? What a spectacle would be presented! It would be a mockery and a laughing-stock for every intelligent American citizen. That will be or may be the effect of the proposition before the Senate.

There can be no doubt, Mr. President, it seems to me, about the reason of the thing. I might go on and enlarge the argument upon the principle that I have thus submitted. But it is said the uniform practice of the Senate from the earliest period of the Government has been that way. That I deny flatly. I say it is not true, and I believe I am ready to show it.

I refer in the first place to a very early case, one that happened in 1794, a case from Delaware. I read now from the Annals of Congress, 1793-'95, page 74:

Kensy Johns appeared and produced his credentials of an appointment by the governor of the State of Delaware as a Senator for the United States, which were read.

Whereupon, it was moved that they be referred to the consideration of the Committee of Elections before the said Kensy Johns could be permitted to qualify, who are directed to report thereon; and it passed in the affirmative—yeas 13, nays 12.

So that it will be noted that Kensy Johns came to the Senate just as the person now claiming did, with credentials all in form and according to law and presented what is now called a *prima facie* case. In that case, almost in the beginning of the Government, before Kensy Johns was allowed to take his seat, the first thing that was done,

and it seems even without suggestion that there was anything unlawful about his election, it was referred to a committee to inquire whether or not he was in fact and law appointed to be a Senator. Now let us see what happened after that? That was on March 24. On March 26 the Senate took this further action:

Mr. Bradley, from the Committee of Elections, to whom was referred the credential of Kensy Johns, appointed by the executive of the State of Delaware a Senator of the United States in place of George Read, resigned.

Ordered, That the report lie for consideration.

On the 28th the Senate took further action—I will thank gentlemen to stop talking, and I will be obliged to them if they will quit talking or go to the cloak-room and go to sleep.

Mr. NORWOOD, (at three o'clock and thirty-five minutes a. m., Thursday.) I ask the Senator from North Carolina if he will give way for a motion to adjourn?

Mr. MERRIMON. Not at present; I will by and by. I will ask the Clerk to read what I send to the desk.

The Secretary read as follows:

FRIDAY, March 28.

The Senate resumed the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensy Johns, appointed by the executive of the State of Delaware to be a Senator of the United States; which report is as follows:

The Committee of Elections, to whom were referred the credentials of an appointment by the governor of the State of Delaware of Kensy Johns as a Senator of the United States, having had the same under consideration, report:

That George Read, a Senator for the State of Delaware, resigned his seat upon the 18th day of December, 1793, and during the recess of the Legislature of said State.

That the Legislature of the said State met in January and adjourned in February, 1794.

That upon the 19th day of March, and subsequent to the adjournment of the said Legislature, Kensy Johns was appointed by the governor of said State to fill the vacancy occasioned by the resignation aforesaid.

Whereupon the committee submit the following resolution:

Resolved, That Kensy Johns, appointed by the governor of the State of Delaware as a Senator of the United States for said State, is not entitled to a seat in the Senate of the United States; a session of the Legislature of the said State having intervened between the resignation of the said George Read and the appointment of the said Kensy Johns.

On the question to agree to this report, it passed in the affirmative—yeas 20, nays 7; as follows.

Resolved, That an attested copy of the resolution of the Senate on the appointment of Kensy Johns to be a Senator of the United States be transmitted by the President of the Senate to the executive of the State of Delaware.

Mr. MERRIMON. In that case Kensy Johns came to the Senate with a certificate in form and when his credentials were presented it was moved to swear him in. That motion and his credentials were referred to a committee. That committee reported, having investigated the merits of his case, adversely; the Senate sustained that report, and he never took a seat in the Senate at all. There is a case directly in point, on all fours with the one now before the Senate.

It is said in this case by the Senator from Indiana that the credentials of Pinchback have been referred to the Committee on Privileges and Elections. Pray, I ask, what were they referred for? Was it to see that there was a certificate by one purporting to be the governor, countersigned by one purporting to be the secretary of state, and that it was sealed with what purported to be the great seal of the State and contained a certificate of facts necessary to constitute the right of the applicant? Sir, that is child's play; it is ridiculous nonsense; it is absurd; for if that was the inquiry it was as manifest to the Senate before it was reported as afterward. The Senate referred these credentials to the end that the committee should inquire whether the credentials were genuine, and if they went into that inquiry I ask why they did not go into the merits of this claimant's election? It was alleged that there was a usurpation in Louisiana. This committee has been negligent if they did not go into that inquiry. It is trifling with the Senate when they report back this resolution. However they intended it, it is not respectful to the intelligence of the Senate to make such a report as that. They have not discharged the duty with which they were charged. They were charged with the duty of inquiring whether these credentials were genuine, genuine not in one respect, but genuine in all respects; and if it was suggested, as it was suggested in committee as well as in the Senate, that the whole was a forgery and the offspring of usurpation, they came short of their duty in that they reported here that he ought to be admitted upon a so-called *prima facie* case. That is trifling with the Senate and it is trifling with the country. It deserves condemnation, and I do condemn it. The subject is too serious to pass over lightly.

That was an early case. I come down to a more modern case. I refer to a case from Connecticut, the case of Lanman. In that case Mr. Lanman also came to the Senate with his credentials all in form according to law, and so far as they showed upon their face he was duly appointed a Senator according to law from the State of Connecticut. When he came and presented his credentials to the Senate it was then moved that he be sworn in and allowed to sit as a member, but let us see what action the Senate took. On the 4th of March, 1825, the Senate took this action in that behalf:

The President laid before the Senate a letter from Hon. James Lanman, enclosing the credentials of his appointment by the governor of Connecticut, as a Senator of the United States, "to take effect immediately after the 3d day of March, 1825, and to continue until the next meeting of the Legislature," and expressing his readiness to receive the usual qualifications.

The letter and credentials were read.

Now see what followed and how courteously the Senate acted on that occasion:

On motion, by Mr. Holmes, of Maine,
That Mr. Lanman be admitted to take the oath required by the Constitution,
A debate ensued; and,
On motion,
Ordered, That the further consideration thereof be postponed until to-morrow.

On March 5 the Senate took this further action, and I will ask the Clerk to read that portion of the Journal which I have marked. That case was in 1832.

The Secretary read as follows:

The Senate resumed the consideration of the motion of yesterday,
That Mr. Lanman be admitted to take the oath required by the Constitution;
and,

On motion, by Mr. Eaton,
Ordered, That the said motion, together with the credentials of Mr. Lanman, be referred to a select committee to consist of three members, to consider and report thereon.

Mr. Eaton, Mr. Edwards, and Mr. Tazewell were appointed the committee.

Mr. Van Buren submitted the following motion for consideration:

Resolved, That Hon. James Lanman have leave to be heard at the bar of the Senate on the question as to his right to a seat therein, under an appointment made by the executive of Connecticut.

MONDAY, March 7, 1825.

Mr. Eaton, from the select committee to whom was referred, on the 5th instant, the motion "that Mr. Lanman be admitted to take the oath required by the Constitution," together with the credentials of Mr. Lanman, submitted the following report:

That Mr. Lanman's term of service in the Senate expired on the 3d March. On the 4th he presented to the Senate a certificate, regularly and properly authenticated, from Oliver Wolcott, governor of the State of Connecticut, setting forth that the President of the United States had desired the Senate to convene on the 4th of March, and had caused official notice of that fact to be communicated to him.

The certificate of appointment is dated the 8th of February, 1825, subsequent to the time of notification to him by the President. The certificate further recites that at the time of its execution the Legislature of the State was not in session, and would not be until the month of May.

The committee have looked into the Journals of the Senate to discover if they could find any authority or decision by them on this question, and the following have been found recorded:

On the 27th day of April, 1797, William Cocke was appointed a Senator from that State by the governor of Tennessee, his term of service having expired on the 3d of the preceding March, and on the 15th of May took his seat and was qualified.

On the 3d of March, 1801, the seat of Uriah Tracy became vacant, the time for which he had been elected having expired. On the 20th of February preceding the governor of Connecticut reappointed him a Senator, and in pursuance thereof he was qualified and took his seat.

Joseph Anderson, a Senator from Tennessee, was appointed by the governor a member of the Senate on the 6th of February, 1809, and on the 4th of March after took his seat, the period for which he had been elected having on the preceding day expired.

John Williams, of Tennessee, on the 20th of January, 1817, was appointed a Senator in Congress, to take his seat on the 4th of March, when the term for which he had been elected would expire. Mr. Williams appeared, was qualified, and took his seat.

In none of those cases does it appear that there was any objection made or question raised except in 1801 in the case of Mr. Tracy, when the vote was 13 for and 10 against the right of the member to take his seat. Those are the only analogous cases the committee has been able to find.

By reference to the statute laws of Connecticut the committee find that in that State there is a law upon this subject which is in the following words: "Whenever any vacancy shall happen in the representation of this State in the Senate of the United States by the expiration of the term of service of a Senator, or by resignation, or otherwise, the General Assembly, if then in session, shall, by a concurrent vote of the senate and house of representatives, proceed to fill said vacancy by a new election; and in case such vacancy shall happen in the recess of the General Assembly, the governor shall appoint some person to fill the same until the next meeting of the General Assembly."

The report was read.

The Senate proceeded to consider the motion of the 5th instant, that the Hon. James Lanman have leave to be heard at the bar of the Senate on the question as to his right to a seat therein, and agreed thereto.

Mr. Edwards submitted the following motion, which was read:

Resolved, That the Hon. James Lanman, appointed a Senator by the governor of the State of Connecticut, be now admitted to the oath required by the Constitution.

And on the question to agree thereto it was determined in the negative—yeas 18, nays 23.

Mr. MERRIMON. There is another case directly in point. Just as in this case, when Lanman presented his credentials, in proper form, it was suggested that he was not lawfully appointed, and the Senate did in that case, as I have shown it ought to do and is bound by law to do in every case, refer the credentials for a purpose—referred them to a committee charged to inquire whether the party was entitled to qualify and whether he should come into the Senate and sit at all. On looking into it they found he was not qualified and he never did take his seat. How does that case differ from this? Here the claimant comes and presents his credentials. It is true the credentials are referred. That reference was not a mere matter of form. They were referred in good faith. Why? Because in the first place all credentials ought to be referred, and referred in good faith, for the purpose of inquiry; in this case for solemn and scrutinizing inquiry. Why? Because it is seriously suggested—not capriciously, but seriously suggested—that the person who signs this certificate is not the governor of Louisiana, that the body which purported to elect him was not the Legislature of Louisiana, that the person who purported to countersign the certificate was not the secretary of state of Louisiana, and that what purported to be the great seal of that State was not the great seal. This objection was made in good faith, and when it was referred to the committee the members of the committee were charged upon their whole obligation to the American people to make solemn inquiry and report whether this party was in fact elected according to law in all respects, and not to come

back with this false report of a *prima facie* case. This Senate, if it will do its duty to itself and the country, will rerefer this resolution—that is the proper motion to make—to rerefer it to this committee and charge the committee to do its duty before it can be discharged by the Senate.

Then, sir, there are two cases, one in the early life of the Government and another as late as 1825.

Now I refer to four other cases of more modern date. I refer first to the cases of *Fishback* and *Baxter*; and they occurred in 1864. I read now from *Contested-Election Cases* in Congress, from 1834 to 1865, at page 641:

IN THE SENATE, June 27, 1864.

Mr. Trumbull, from the Committee on the Judiciary, submitted the following report:

That the credentials presented are in due form—

The Senate will remember how much stress the Senator from Indiana laid upon "due form"—

purporting to be under the seal of the State of Arkansas, and to be signed by Isaac Murphy, governor thereof; and if the right to seats were to be determined by an inspection of the credentials—

These are important words, well considered by the committee—

Messrs. Fishback and Baxter would be entitled to be sworn as members of this body. It is, however, admitted by the persons claiming seats and known to the country—

These are important words again, written by one who well knew their weight and purport—

that, in the spring of 1861, the State of Arkansas, through its constituted authorities, undertook to secede from the Union, set up a government in hostility to the United States, and maintain the same by force of arms.

There is another case on all fours with the one before the Senate. These two persons, claiming to be Senators duly accredited from the State of Arkansas, presented their credentials. If the doctrine now contended for by the Senator from Indiana is true, what more was to be done with these credentials than refer them to the committee, and if they found them in form report them back and recommend that these two Senators be admitted to their seats and allow their cases to be inquired into in the future? It would have been ridiculous and absurd in that case as it is in this case. It was suggested upon the floor of the Senate when they presented their credentials that the State of Arkansas had been in rebellion; it was seriously questioned in good faith whether or not that State was entitled to representation; and therefore the reference was made and the committee were charged with the inquiry, and they could not report and be discharged from the duty assigned them until they did report on the merits of the election. In that case Fishback and Baxter were not allowed to take seats here. Their right was passed upon by the committee and the Senate, and having been passed upon adversely, they never took their seats; they never came into the Senate at all.

Then I refer to two more cases. In 1865 Messrs. Cutler and Smith came to the Senate with credentials in "due form," seeking to represent the State of Louisiana. When their credentials were presented and they were offered to be sworn, it was suggested again solemnly that that State also had been in rebellion, and before they could be admitted to seats it was not only well but it was lawful and there was an obligation resting upon the Senate to inquire before they were admitted whether they were lawfully elected, and so the reference was made in that case not to see whether their credentials were formal—no such purpose—but for the purpose of inquiring into the validity of that election; and the committee say in that case:

Messrs. Cutler and Smith, the claimants for seats, were duly elected Senators by the Legislature which convened on the 3d day of October, 1864, and but for the fact that, in pursuance of an act of Congress passed on the 13th day of July, 1861, the inhabitants of the State of Louisiana were declared to be in a state of insurrection against the United States and all commercial intercourse between them and the citizens of other States declared to be unlawful, which condition of things had not ceased at the time of the reorganization of the State government and the election of Messrs. Cutler and Smith, your committee would recommend their immediate admission to seats.

The persons in possession of the local authorities of Louisiana having rebelled against the authority of the United States, and her inhabitants having been declared to be in a state of insurrection in pursuance of a law passed by the two Houses of Congress, your committee deem it improper for this body to admit to seats Senators from Louisiana, till by some joint action of both Houses there shall be some recognition of an existing State government acting in harmony with the Government of the United States and recognizing its authority.

All these cases are in support of the argument which I have submitted in this behalf. Now, I know there are cases the reverse of them. I am advertent to the case of Shields. He presented his credentials in due form as Senator-elect from the State of Illinois. He came here with a high reputation as a military man, and he was exceedingly popular. It was at a time of high party excitement. He had covered himself with glory in the Mexican war. His credentials were presented, and not at the time but afterward they were questioned. His credentials were offered and with railroad speed he was sworn in. The question was raised that he was not eligible to be elected to the Senate, because he had not resided in this country a sufficient length of time. He was admitted, however, to sit as a member of the Senate. The case was referred to the committee. The committee examined into his case, as it was proposed to do in this case, and Shields was turned out of the Senate because he was not eligible to a seat in it at the time he was elected. He never was lawfully a member of the Senate, and yet he sat here for months and

months, passing upon the highest and most important rights of the American people. Does not that very case show that such a practice is a bad practice, that though it was done it was done wrongfully; and does it not show furthermore the propriety of pursuing the course I have insisted upon in all cases?

I am also aware of the case of Robbins from Rhode Island. Robbins presented what is called here now a *prima facie* case when he presented his credentials. I believe without a reference he was sworn in, and took his seat. After he was allowed to sit, his credentials were referred to a committee, and they inquired into his case. There was a long investigation. Finally the committee decided that he was duly elected, and reported in his favor. That case again shows the impropriety of such a course; for suppose the committee had determined that he was not elected—and there was much doubt about his right—then in that case he would have been sitting here for months, and voting upon the rights of the American people, and voting upon their obligations without number when he had no right to a vote. Suppose we admit Mr. Pinchback now to sit upon this resolution; he is to come into the Senate and vote upon important measures involving the salvation of this country; he votes upon measures that may precipitate civil war, and a civil war that may result in the disruption of the Government and its final destruction. After he has been sitting here six months the committee charged with the further investigation of his case may report that he was not duly elected, that he is not entitled to sit here, and he is turned out of the Senate; and yet in the mean time he might by his single vote have destroyed the Government. Sir, such a practice is too absurd, it is too unjust to be law.

Then, sir, I insist that I have maintained the first proposition that the Senate has power, nay, that it is its duty not to admit a person claiming a seat in the Senate simply upon its appearing to the Senate that his credentials are in form; that it has the power to examine into his right in the first instance and determine his right before he shall be admitted.

Now let us see if I can maintain the second proposition. I insist in this case that the Senate, by the highest and most solemn considerations, ought not to admit the person claiming to be admitted now as a Senator from the State of Louisiana. Why do I so insist? In 1872 an election was held in the State of Louisiana for a Legislature, for a governor, and for other State officers. The election was held according to law in that State. The commissioners who held the election, the supervisors who compiled the vote in the several parishes, and the only lawful returning boards that examined into the returns as compiled by the supervisors ascertained that John McEnery was elected governor and that the majority of persons who were candidates for the Legislature upon the McEnery ticket were elected. They ascertained that they were so elected by a majority of about 10,000 votes.

Mr. NORWOOD, (at four o'clock a. m.) I see the Senator from Indiana is coming in, and I suppose he is willing to agree to an adjournment. I ask the Senator from North Carolina to yield for an adjournment.

Mr. MERRIMON. I yield for that purpose and that purpose only.

Mr. NORWOOD. I move that the Senate do now adjourn.

The PRESIDING OFFICER, (Mr. DAVIS in the chair.) The Senator from Georgia moves that the Senate do now adjourn.

Mr. DENNIS. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. SARGENT, (after having voted in the negative.) I desire to withdraw my vote.

The PRESIDING OFFICER. The vote will be withdrawn.

Mr. FERRY, of Michigan, (after having voted in the affirmative.) I withdraw my vote, being paired with the Senator from Missouri, [Mr. SCHURZ,] except where my vote is necessary to make a quorum. The result was announced—yeas 6, nays 32; as follows:

YEAS—Messrs. Davis, Dennis, Johnston, Merrimon, Norwood, and Thurman—6.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Conkling, Cragin, Dorsey, Edmunds, Flanagan, Frelinghuysen, Hamlin, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Scott, Spencer, Sprague, Stewart, Wadleigh, West, Windom, and Wright—32.

ABSENT—Messrs. Alcorn, Bayard, Boggy, Brownlow, Cameron, Carpenter, Conover, Cooper, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Kelly, Lewis, Logan, McCreery, Patterson, Ransom, Robertson, Sargent, Saulsbury, Schurz, Sherman, Stevenson, Stockton, Tipton, and Washburn—35.

So the motion was not agreed to.

Mr. MERRIMON. It not only thus appears by the returns and the returns passed upon by the lawful authorities of the State of Louisiana—I wish I had time to give some of the details to verify the statement I am now making—but on account of a usurpation to which I shall have occasion to advert by and by, the matter of the result of that election came to be mooted in the Senate, and the Senate solemnly referred it to the Committee on Privileges and Elections, in December, 1872, to inquire whether there was any government in the State of Louisiana. That committee at that time, as it is now also, was a very able committee. It consisted of the present chairman, the Senator from Indiana, [Mr. MORTON,] the Senator from Wisconsin, [Mr. CARPENTER,] the Senator from Illinois, [Mr. LOGAN,] the Senator from Mississippi, [Mr. ALCORN,] the Senator from Rhode Island, [Mr. ANTHONY,] the Senator from Georgia, [Mr. HILL,] and the Sen-

ator from Illinois, [Mr. Trumbull.] A more able, competent, truthful, and reliable committee, I undertake to say, could not be selected in the Senate at this time or at any period in the history of the Government. They took the matter with which they were thus charged into solemn consideration. They examined it for weeks. They took evidence which fills a volume containing one thousand and ninety-eight pages. They considered that evidence; they carefully found the facts, then found their force and effect, which they embodied in a report to the Senate. In that report a majority of the committee, indeed all the committee but one, say they had the returns of that election before them, that they examined those returns, and their examination sustained the report made by the lawful returning boards in the State of Louisiana. They say furthermore that the McEnery ticket and those composing the "McEnery legislature" were elected by a majority of about 10,000 votes. They report furthermore that the election was held according to law. All of them so report except one member. If that is true, then John McEnery was the Governor of Louisiana, elected on the 4th of November, 1872, according to the constitution and laws of that State, and the McEnery legislature was the true and lawful Legislature, so ascertained to be according to the constitution and laws of that State. If that is so, then no other body in the State had any right to elect any one to represent that State in this Senate, and no other person purporting to be governor of that State had any right to certify the election of any one by that Legislature to the Senate of the United States, or to grant any credentials or evidence of election.

But, sir, it so happened that another person claimed to be the governor of that State, one Kellogg. He was the opponent of McEnery at the election in 1872, and he insisted that he was governor, and that the men who ran upon the ticket with him for the Legislature constituted the Legislature of that State; and although no authority whatsoever—I repeat those words, and I understand the measure of what I am saying—no authority whatsoever ascertained that Kellogg was elected to be governor or that the Legislature commonly called the Kellogg legislature was elected. I repeat it, sir, no authority ascertained that Kellogg was elected or that the "Kellogg legislature," so called, was ever elected; and the authorities of the State of Louisiana, all the proper authorities that examined into the question there, and this able committee here which I have named, charged by the Senate to inquire and ascertain here that Kellogg and the Kellogg legislature were not elected, and the most that any of them said was that he ought to have been elected, and that fraud was practiced in the election else he would have been elected. They said the negro vote of that State ought to have been cast for the Kellogg ticket and that that result was defeated by fraud.

I insist that that is not true, and that this report and the evidence taken by that committee show it. But suppose I admit for argument's sake that it was true; the election was not questioned by any lawful authority in the State of Louisiana. No lawful contest was ever inaugurated there. The election was not contested in any known to the law. It was never ascertained by any competent authority in the State of Louisiana that there was any fraud in connection with that election. No action was taken according to law in that respect. No action was taken here in Congress, if Congress had had jurisdiction of the matter, to ascertain that the election was consummated through fraud. So that it never was ascertained that Kellogg and the Kellogg legislature were elected by any authority.

Mr. MORTON. The Lynch board.

Mr. MERRIMON. That was no authority. The committee did not pretend that it had any legal existence; on the contrary, they said it was not lawful and had no authority. Then, sir, I can reply to the long speech of the honorable Senator from Wisconsin [Mr. HOWE] in a half dozen words. He says there were enormous frauds in the election. He belabors himself for two hours and a half to abuse the people of Louisiana, and especially the white people and the democratic party and the fusion party there, and he says the election was carried by fraud. I reply to his speech by saying I deny what you allege. But suppose I admit it; you fail to show, you cannot show, that Kellogg was elected by any lawful ascertainment. There was no inquiry according to law instituted to ascertain that he was deprived of the election through fraud, and therefore he was no more elected than if he had not been a candidate at all. If the Senator from Indiana and myself were candidates in the State of Indiana for the office of governor and I beat him through fraudulent means (which I am sure I never would do) and it were ascertained by the lawful authorities that I was elected governor, though in fact he ought to have received a majority of the votes or although in fact he may have received a majority of the votes—if it is ascertained by lawful authority that I received a majority, unless he should take steps to reverse it, on that ascertainment I would be governor to all intents and purposes, as every lawyer knows. So it was in Louisiana. McEnery having been ascertained to be elected according to the constitution and laws of Louisiana, he was to all intents and purposes the governor of Louisiana, and he remained so until the term of his office expired or he resigned, and Kellogg had no right whatever, nor could he have unless he took steps according to law to contest the election.

Then, the inquiry arises, how did Kellogg happen to become the governor? He went on the idea which is gone on here to-night and which some Senators have been proceeding upon from the beginning

of this controversy, that he ought to have been elected because he ought to have received all the negro votes. He called upon the President of the United States to sustain him with the Army of the United States and the President did sustain him. He sustained him in opposition to the lawful governor of the State, and the President also sustained the Kellogg legislature, and sustains Kellogg to this day without any lawful sanction on the face of the earth, but in direct subversion of the Constitution and laws of the United States; and that is the single sanction for the credentials which are presented here and which this committee say constitute a *prima facie* case.

Six of the committee said in terms that Kellogg was not elected. The other member of the committee, the Senator from Indiana, did not say he was elected; he never said it, but he said he was in office; he was the *de facto* governor; he was exercising authority; the President had recognized him; and inasmuch as there was disorder there, the best thing Congress can do was to recognize him and sustain him, disregarding, however, the circumstances under which he came into power as the so-called governor.

So, then, we have virtually the judgment, the solemn finding and judgment of that able committee, that Kellogg is not and never was the lawful governor of the State of Louisiana.

Now the Senator from Indiana and others have said that he is the *de facto* governor. I deny it. He is not the *de facto* governor; he is a mere naked usurper, and every act he does and every act passed by the Kellogg legislature is absolutely null and void, as much so as if I had done what they have done.

Now what is a *de facto* officer? I am astonished to hear lawyers here of age, large experience, and learning talk so loosely about matters that they ought to be familiar with and with which they would be familiar if they would revert to principles. A *de facto* officer is one who comes in irregularly under a color of authority, and his acts as such are good for third parties and good for the public but never for himself and never as between himself and another. But that is not the case here. If what this committee says is true, if what the Senator from Indiana himself reported is the truth, he came into power not by color of authority at all. I challenge any Senator to point to the color of authority under which he came into power, and I shall be glad to hear it suggested no more until he does cite the authority. It is very easy to engage in empty declamation and to state things as facts which are not facts. When we debate principle let us debate principle, and here in this high place it seems to me we ought to debate principle and talk about nothing but principle. I am utterly disgusted with a clap-trap way of debating questions. Kellogg did not pass into that place by any color of authority at all, nor did the Kellogg legislature have any shadow of authority. There was no color of law which placed them in power, because others had been ascertained according to the constitution and laws of Louisiana to have been elected to fill the various offices I have mentioned. No lawful authority by any color of authority conducted Kellogg and his associates into office.

What is a usurper? Is a usurper a *de facto* officer? Any one who understands principle will not contend that he is. To put again in illustration of the case I put awhile ago, suppose that I were to muster in the city of Washington to-morrow a thousand men and arm them and I should go into the State of Maryland and proclaim myself governor, and I should appoint the necessary officers to administer the State government, and I should send a number of men to the capitol of the State and assemble them there as a Legislature, and by means of this armed force I should administer that government for a month or two months; would anybody who knows anything about principle pretend that in that case I would be the *de facto* governor of Maryland? It would, it seems to me, be absurd to say so. Why? Because I did not go in by even the shadow of color of authority; I should be a usurper, a naked usurper, and the lawful authority would have a right to resist me and resist me to the extent of taking life if need be, although I might be backed by the President and the whole Army of the United States.

I say, sir, as a matter of law that McEnery had the right, he had the constitutional and lawful right to use force to subvert that usurpation.

I maintain that Kellogg and his army there are guilty of murder. We have heard a great deal of declamation about murders in the South. I am talking in no declamatory manner, but in earnest now about murder. I repeat, sir, that Kellogg and the men who have backed him there have been guilty of murder in the case of every man whose life has been taken in that affair in the streets of New Orleans that we have heard so much declamation about. Every man who was there asserting the right of McEnery and who was killed by Kellogg and his forces was murdered in the technical sense, and Kellogg and his forces were guilty of murder; and because they were guilty of murder no man who killed one of them has been tried for crime, for when a court came to pass upon it, the court would have been bound to hold that there was no murder but that they had a right to assert the lawful authority.

Now, I want to show further what attitude some Senators stand in here. Several Senators have declared that they are going to support this proposition. I am astonished at their inadvertence. I am sure they would not do it if they would give this matter the consideration that it deserves. Will the Senate believe, will the country believe, that a majority of the Senators who have expressed their purpose to

support this resolution to admit Pinchback as a Senator here have declared by their solemn vote that there was no government in Louisiana? If there be no government in Louisiana, if Kellogg was a mere usurper, if the Kellogg legislature was no Legislature, then it had no right to send Pinchback here. Now, let us see what these Senators have said and done. The Senator from Wisconsin [Mr. CARPENTER] felt anxious upon this subject. He said along with three others that there was no government in Louisiana, because he said that McEnery and the McEnery legislature were elected through fraud. They said so; but it seems to me in the judgment of any disinterested person their declaration had nothing to support it. They said it was so, and they assign this reason, that the negro vote, if it had been cast fairly, would have gone for the republican ticket and that would have elected Kellogg. *Non sequitur*. Why do I say so? In the election that took place there the democrats, the conservatives, and the liberal republicans fused and they had what they called a "fusion ticket," and that "fusion ticket" had the benefit of the influence of Governor Warmoth, and the committee itself says that the witnesses examined swore that his influence was equal to twenty thousand votes. Governor Warmoth had a perfect right to give his influence to any ticket that he pleased, and because he gave his influence to the fusion ticket he was not therefore fraudulent. If the negroes of that State confided in him, or any considerable number of them, or if he had influences which he could employ that were not unlawful in their character to bring them to the support of that ticket, he had a perfect right to do it. He had a right according to practice to use his official patronage for the purpose of carrying that ticket. There had been terrible misrule in that State before that time. Taking his influence and the misrule that had prevailed in that State before, and it was perfectly natural to anticipate the result that happened in that case. The people of all classes needed and wanted a change. This view is confirmed by the election that came off there last November. These republican Senators and republican politicians throughout the country have said that the last election was fraudulent because the democratic ticket carried the election, and yet that State was under the domination of this usurpation of Kellogg. The officers of this usurpation were all over the State; the Army of the United States was there all over the State; and the officers of the United States were there supervising the election. And yet the State at the late election went again overwhelmingly for the conservative party. The American people will not stand by and consent to admit that because the democratic ticket carried the election under such adverse circumstances, in the face of such influences and appliances as were used there by the Kellogg usurpation, therefore it is necessarily void. I do not believe the American people are so unwise as that; nor do I think that anybody believes any such thing.

But, sir, to get back—for this is a little digression—I want to show how certain Senators here voted, in view of what they declare now they are going to do under their obligation as Senators. Senator CARPENTER having in view the fact, as he suggested, that there was no lawful election in Louisiana in 1872 and that there was no State government there, introduced a bill into the Senate providing for a new election in the State of Louisiana under the auspices of the Federal Government. In that bill he uses this language in the first section of it:

That the election held in the State of Louisiana on the 4th day of November, 1872, for governor, lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, and superintendent of education, and for senators and representatives for the General Assembly of said State, is hereby declared to be null and void; and it is further ordered and declared that the persons who were entitled to hold the said State offices on the said 4th day of November shall continue in office and be recognized as the legal officers of said State by the Government of the United States until their successors are chosen and qualified in accordance with the provisions of this act.

By that section of that bill it was declared that there was no State government in the State of Louisiana. That bill came on to be voted upon finally on the 28th of February, 1873. Upon the final vote the vote resulted as follows:

Those who voted in the affirmative—

That is, in favor of passing that bill and declaring in the most solemn manner by their votes that the section which has just been read was true, were these Senators—

Messrs. Anthony—

We had the pleasure of hearing that Senator make a speech awhile ago, in which he takes back this vote, goes back upon his record, and—I say it in no offensive sense, stultifies himself—

Messrs. Anthony, Carpenter, Corbett, Cragin, Ferry of Michigan, Frelinghuyzen, Gilbert, Hamlin, Howe—

We had the misfortune to hear that gentleman go back upon his record this evening—

Logan, Machen, Osborne, Ramsey, Sawyer, Sherman—

That Senator also went back upon his record the other day—

Sprague, Stewart, and Wilson.

Now, notwithstanding the report of that committee that Kellogg was a usurper, that the Kellogg legislature was a usurpation; notwithstanding the committee so ascertained and reported; notwithstanding this bill that I have just read a section of declares that there was no State government there; notwithstanding the solemn vote thus sanctioning these declarations, these Senators have stood up in the

face of the country and declared to the American people that they are going to vote to admit a man sent here to be a Senator who purports to have been elected by that Kellogg legislature—that Kellogg usurpation. I ask the American people what they think of Senators who will thus stultify themselves?

But, sir, they did not do it once only. The Senator from Wisconsin [Mr. CARPENTER] was so impressed with his duty in that respect, was so impressed with the obligation of this Government to do something for the relief of Louisiana, that at the last session of the present Congress he introduced another bill which underwent discussion here for many days. In the preamble to that bill he uses these words:

Whereas there is no governor, lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, or superintendent of education in the State of Louisiana, holding said offices, respectively, under an election by the legal voters of the State of Louisiana, in pursuance of the constitution and laws of said State; and whereas there is not in said State any Legislature elected by the legal voters of said State, according to the constitution and laws thereof.

That bill came on to be considered at sundry times up to April 28, 1874. It was ably discussed at great length. Many of the Senators who now declare that they are going to vote for the admission of Mr. Pinchback as Senator then declared their purpose to support this bill, and did support it. It never came to a final vote, but there was a vote which indicated the feeling of Senators in the Senate on this subject. On one occasion the Senator from Iowa [Mr. WRIGHT] moved to postpone the bill the preamble of which I have just read; and upon the vote to displace the bill and take up another for consideration those who voted in the negative were—

Messrs. Anthony—

That Senator has suddenly and strangely changed his judgment—

Bayard, Boggy, Boutwell, Buckingham, Chandler, Conkling, Cragin, Davis, Edmunds, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Howe, Jones, Kelly, McCreery, Morrill of Vermont, Sargent, Scott, Sherman, Stevenson, Stewart, Stockton, and Thurman.

Now, Mr. President, I ask the American people in all seriousness what they think of Senators acting upon the fact which was ascertained that McEnery and the McEnery legislature were duly elected; acting upon the fact that it was so ascertained by the authorities of that State; acting upon the report made by the Senate committee, to which I have adverted at much length; acting upon the solemn vote they gave declared that there was no government in the State of Louisiana, and therefore that this Kellogg government was no government? I put it to them to say what judgment they will pass upon these Senators who now stand up and say that they are willing to admit into this body upon a so-called *prima facie* case a person who purports to have been elected by that Kellogg usurpation. I cannot imagine any judgment that they will pass upon these Senators except one of condemnation.

But, Mr. President, I contend that these Senators now are not only going in the face of their past record; they are not only going in the face of their solemn judgment thus expressed; but they are doing, if possible, worse than that. They are acting in utter defiance of public sentiment in the United States. Why do I say so? This is not mere empty declamation on my part; I am asserting a solemn fact, one striking in its character, one that cannot be escaped or evaded. The present Congress is overwhelmingly republican in the other end of this Capitol. The republican majority in the present Congress, elected two and a half years ago, is, I believe, more than two-thirds and about the same relative proportion in this. Why, sir, at the election before the last the republican party swept the country.

Now, what were the issues before the country at the last election? The most prominent issue before the country, if one can be called more prominent than another, was this very Louisiana usurpation, the action of the President there in the unlawful use of the Army, the action of the Administration generally toward Louisiana and the Southern States, and the civil-rights bill, so called. These were of the leading measures that entered into the last election and upon which it turned. Whereas the republican party had before the immense majority to which I have called attention, yet at the last election the democratic party swept the country, and in the next Congress they will have an overwhelming majority, a majority of from seventy to eighty in the House of Representatives. What does that mean? That is the judgment of the American people passed upon this transaction, the severe judgment of the people expressed at the ballot-box, starting with the great State of Massachusetts. There, where a democrat was scarcely ever elected before in the history of that State, a democratic governor was elected. Go to Connecticut and it was the same way. In the great State of New York the democrats swept the State by an overwhelming majority. It was so in Pennsylvania. It was so in Ohio. It was so in Indiana. It was so in Illinois. It was so in New Jersey. It was so in Delaware. It was so almost everywhere.

But the condemnation of this policy of the Administration did not stop in the election of members of the House. Although they have a republican Legislature in the State of Michigan, the administration candidate for Senator was repudiated and a man elected who, although I believe republican in name, is fully committed against these measures of outrage and usurpation. Although the republicans had a majority in the Legislature, they could not bring or drive that majority to the administration candidate, but he was beaten and repu-

diated. All the influence of the Administration was brought to bear, all the influence of the candidate was brought to bear; and yet the people of Michigan rose up in that republican Legislature and condemned these practices. Go to Wisconsin; there another administration candidate, the distinguished Senator from that State not now in his seat, [Mr. CARPENTER,] was before the Legislature. He, too, was beaten before a republican Legislature. In the State of Florida, where the republicans it might be supposed would have elected a Senator, there a democratic Senator has been elected. The senatorial election is pending now in the State of Minnesota. The candidate there with the best prospect of success is a democrat, though the Legislature is republican.

I ask what the American people mean in all this if they did not thus pass judgment of condemnation on this Administration, this usurpation, this persecution of the people of the South, what did they mean by this verdict? I put it to the people to say whether the Senate is not now defying the American people in attempting to pass this resolution recognizing the Kellogg usurpation and other measures of like character? Sir, if I wanted to see their condemnation sealed forever; if I wanted above all other things to see this party swept from the face of the earth, I would say, go on, pass your acts suspending the *habeas corpus*, pass your civil-rights bill, and all other acts of usurpation that you can imagine or propose, and then I would await calmly and quietly the hour when this party would be swept from the face of the earth, to afflict this country no more forever.

I say, then, Mr. President, I have made true my propositions; I have shown first that the Senate has decided and that it is its duty not to admit a Senator upon claiming to be a Senator-elect upon a so-called *prima facie* case. In the next place, I think I have assigned the most cogent reasons why the person applying now to be admitted as a Senator from Louisiana ought not be admitted until his case is thoroughly examined, and if it is determined at all he is to come in on the solemn judgment of the Senate based upon the whole merits of his case—

Mr. GORDON, (at four o'clock and fifty-eight minutes a. m.) With the consent of the Senator from North Carolina, I move that the Senate do now adjourn.

Mr. INGALLS. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the call of the roll having been concluded,

Mr. GORDON. Is there a quorum voting?

The PRESIDING OFFICER, (Mr. WEST in the chair.) There is not.

Mr. GORDON. I move that the Senate adjourn.

The PRESIDING OFFICER. That is the motion now.

Mr. DAVIS. I call for the announcement of the vote.

The PRESIDING OFFICER. The Clerk will read the list.

The list of yeas and nays was read, and the result announced—yeas 2, nays 33; as follows:

YEAS—Messrs. Ferry of Michigan, and Thurman—2.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Conkling, Cragin, Dorsey, Edmunds, Frelinghuysen, Hamlin, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Spencer, Sprague, Stewart, Wade, West, Windom, and Wright—33.

ABSENT—Messrs. Alcorn, Bayard, Boggy, Brownlow, Cameron, Carpenter, Conover, Cooper, Davis, Dennis, Eaton, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Johnston, Kelly, Lewis, Logan, McCreery, Merrimon, Norwood, Patterson, Ransom, Robertson, Saulsbury, Schurz, Stevenson, Stockton, Tipton, and Washburn—38.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. DAVIS. I believe it is in order to move to adjourn now, is it not? I make that motion.

Mr. SPENCER. I rise to a point of order. There is certainly a quorum here. Some Senators have not voted who are present.

Mr. DAVIS. I moved an adjournment, and that is not subject to debate.

The PRESIDING OFFICER. The Chair rules that that motion is out of order because this is a motion to adjourn and is not yet decided.

Mr. DAVIS. I understood the Chair to announce that there was not a quorum. Then when there is not a quorum the only business in order, I believe, is to adjourn.

The PRESIDING OFFICER. The vote now being taken is on a motion to adjourn.

Mr. DAVIS. I understood the Chair to announce the vote.

The PRESIDING OFFICER. The Chair announced that there was no quorum voting.

Mr. SPENCER. I rise to a point of order that there is a quorum here.

Mr. CHANDLER. I ask that the rule be read in regard to Senators voting.

Mr. SPRAGUE. I believe I am entitled to the floor. I desire to vote.

The PRESIDING OFFICER. The name of the Senator from Rhode Island will be called.

Mr. EDMUNDS. It is too late to vote after the result is announced.

Mr. CHANDLER. I ask that the rule be read in regard to Senators present voting.

Mr. DAVIS. I understand—

The PRESIDING OFFICER. The Senator from Michigan has called for the reading of the rule, which will be read.

Mr. DAVIS. I had moved an adjournment previous to that, Mr. President, and I ask whether it is in order to read a rule after a motion to adjourn has been made?

The PRESIDING OFFICER. The Chair will submit the motion, but the Senator must be aware that it will be followed by a call for the yeas and nays.

Mr. DAVIS. Of course; but can you read a rule after a motion to adjourn has been made?

Mr. CHANDLER. I ask for the reading of the rule.

Mr. DAVIS. I understood the vote to be announced, and by that announcement it appeared that there was not a quorum. Now I understand that the only business in order is to adjourn. When there is not a quorum present, that is the only business that can be transacted. Am I right?

The PRESIDING OFFICER. The Senator is mistaken, because there is other business, as a call of the Senate.

Mr. SPENCER. A call of the Senate is in order.

The PRESIDING OFFICER. The Chair announced that no quorum had voted and consequently no action could be taken.

Mr. SHERMAN. I move that the absentees be called.

Mr. DAVIS. Now I ask if anything is in order except to adjourn when a quorum is not present and a motion to adjourn has been made?

The PRESIDING OFFICER. The Chair has already decided on the proposition of the Senator, the pending question being a motion to adjourn, the repetition of the motion is not in order. There has been no decision on the question of adjournment yet by the Senate.

Mr. DAVIS. I understood that the vote was announced. That is certain. Something has occurred since the last motion, and, as I understand the rule, the only business that can be transacted when there is less than a quorum here is to adjourn.

Mr. THURMAN. Has the vote on the motion to adjourn been announced by the Chair?

The PRESIDING OFFICER. The Chair announced the result of the vote and at the same time stated that there was no quorum, and consequently no action.

Mr. SHERMAN. Then the only motion in order is to move a call of the Senate.

Mr. SPENCER. I move a call of the Senate.

Mr. THURMAN. Then there are only two motions that are in order; one is for a call of the Senate, the other is to adjourn. The question is which has precedence. There can be only one of these two motions at a time, for a call of the Senate or to adjourn.

Mr. SHERMAN. A motion to adjourn is not in order after another motion to adjourn unless other business has intervened.

Mr. THURMAN. That is very true where there is a quorum present; but where there is no quorum present, only two motions can be made, one for a call of the Senate and the other is a motion to adjourn.

Mr. SPENCER. If the Senator will allow me to interrupt him, I asked for a call of the Senate and stated that there were Senators present who had not voted and who would make a quorum.

Mr. THURMAN. That is true; but it was not until after the Senator from West Virginia had moved to adjourn. I understood the motion of the Senator from West Virginia to be made first. If that is so, that motion is certainly in order.

Mr. ANTHONY. I understand that the motion to adjourn was lost; but there was no quorum on the vote. I suppose it is competent for the Chair to ascertain if there be a quorum present now.

Mr. THURMAN. Certainly it is.

Mr. ANTHONY. If the Chair is satisfied by count that there is a quorum present, we can proceed with business.

Mr. CHANDLER. I call for the reading of the rule to which I referred.

The PRESIDING OFFICER. The Clerk will read Rule 16.

The Chief Clerk read as follows:

16. When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question. In taking the yeas and nays, and upon a call of the Senate, the names of the Senators shall be called alphabetically.

Mr. CHANDLER. I now demand that the names of those present who have not voted be called and that they give their reasons for being excused according to the rule.

The PRESIDING OFFICER. The Senator from Michigan demands compliance with the sixteenth rule, just read by the Clerk, on the part of those Senators who are present and have not voted on the call of the yeas and nays. The Secretary will call on the roll the names of such Senators who are recognized as present and who have not voted.

Several SENATORS. O, no.

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that it is not in order to supplement the vote as announced by calling the names of any other Senators at present. The only motion now, the Chair is informed, is a motion for a call of the Senate.

Mr. CHANDLER. I move a call of the Senate then.

Mr. SPENCER. I made that motion some time ago.

Mr. MERRIMON. That motion is certainly after the motion of the Senator from West Virginia to adjourn.

The PRESIDING OFFICER. The Senator from Michigan moves that the Sergeant-at-Arms be directed to notify the absent members to attend.

Mr. THURMAN. That raises the question, which has precedence. A motion to adjourn is made. It is voted down. If there be a quorum voting, it is certainly true, as was said by my colleague, that no other motion to adjourn can be made until business has intervened. But if no quorum be present, no business can intervene, because less than a quorum can transact no business; and therefore a motion to adjourn after a motion to adjourn has been voted down by less than a quorum must necessarily be in order, and the only question is—

Mr. CHANDLER. I call the Senator to order. No debate is in order at this stage of proceedings. I call the Senator to order.

Mr. THURMAN. It will require a good deal more distinct statement of the point of order than that, to enable me to comprehend it.

Mr. CHANDLER. I ask the Chair to decide. I call the Senator to order and ask the Chair to decide.

The PRESIDING OFFICER. The Chair is of opinion that the Senator from Michigan's point is not properly taken.

Mr. THURMAN. When there is less than a quorum present, the only motions that are in order are for a call of the Senate and to adjourn. Those are the only motions I am aware of that are in order—either a motion to adjourn, or a motion for a call of the Senate. I do not know that this is settled by any rule of the Senate; but I suppose a motion to adjourn or the motion first made is to be first put, and the motion first made was that of the Senator from West Virginia.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan that the Sergeant-at-Arms be directed to request the presence of absentees.

Mr. STOCKTON. I raise the point of order that the question is not on the motion of the Senator from Michigan. The Senator from West Virginia [Mr. DAVIS] moved that the Senate adjourn. A motion had been made before, that the Senate adjourn; and the result was that the Chair announced that there was no quorum. The consequence is that the Senate must adjourn or do no business. There being no quorum, no business can be done except that less than a quorum is authorized to do. The next motion made was made by the Senator from West Virginia that the Senate adjourn. They were capable of doing that and of doing nothing else. The Chair did not hear that motion, but heard the motion of the Senator from Michigan or the Senator from Alabama. I insist upon it that the motion of the Senator from West Virginia to adjourn was a motion that the Chair had a right to hear, and no other motion had he a right to hear but that motion which was a motion to adjourn and which has never yet been put.

Now, Mr. President, recollect and Senators recollect that when there was no quorum there was no vote; there was no action on the motion to adjourn because the decision of the Chair was that there was no quorum voting. It is said there is a quorum here. Republican Senators have been out taking their ease through the hours of this night and they come in here now and make a quorum. They have been luxuriating in their cloak-rooms while we have been sitting here working, and they have come in and now make probably a quorum. I admit that probably there is a quorum now, and I am very glad there is. I always want a quorum. When the motion is made by the Senator from West Virginia, the only motion that can be entertained, that the Senate adjourn, we have a right to have that question put. I do not wish to embarrass business for a moment; but I do insist that that motion to adjourn made by the Senator from West Virginia should be put to the Senate and it will be a very singular precedent if any other motion should be put under the circumstances.

The prior motion failed for want of a quorum. Now, Mr. President, what will you do for want of a quorum? What does that mean? It means that the Senate is not here. That is what it means. The want of a quorum shows that the Senate is not here. Will you do business in its absence? Is that business legal? Suppose you tried to pass a bill under such circumstances, would that be a legal bill, when it is announced by your own vote that there is no quorum here? Certainly not, and the only motion that could be made was a motion to adjourn. It is perfectly plain now that there is a quorum of the Senate present, and it is perfectly plain that a motion to adjourn will not prevail; but although the skies fall, let us keep order. Let the motion of the Senator from West Virginia be put, which is the first motion in order, that we adjourn. I presume that motion will not prevail; but no matter what time of the night or of the morning it may be, it certainly is right that we should preserve the rules of the Senate; and certainly no man can doubt that that motion was the only motion which could be made under the circumstances. A motion for a call of the House might have been made possibly even at that time, but that motion was subsequent to it; it followed it. The first motion was, as the Chair must know, as every gentleman on this side of the House knows, was made by the Senator from West Virginia; it was a motion to adjourn, following a motion to adjourn which was declared by the Chair not to be decided upon at all because there was no quorum present. The motion to adjourn, the first motion made, has had no action upon it at all. Let us vote first on the proposition to adjourn. That being voted upon, I have no doubt the gentlemen on the other side will vote it down, and then the next motion

may be to call the absentees if you find you have not a quorum. But do let us preserve order, Mr. President. If gentlemen on the other side will keep us up all night, if they will go off and go to their quiet beds and take their delicate sleep, and send their guards here simply to keep us awake all night, the least they can do is, when motions are made and they come rushing in from their delicious couches, not to object to our having the rules of order preserved in this body. We simply ask that the motion of the Senator from West Virginia that the Senate adjourn be put. They can vote it down as soon as they please, but let us have the rules obeyed.

The PRESIDING OFFICER. The Chair will state his understanding of the case, and he will also set the Senator from New Jersey right with respect to his entertainment of the motion of the Senator from West Virginia. The Chair did hear the motion of the Senator from West Virginia and overruled it upon the ground of the uniform practice of the Senate that a motion to adjourn cannot be repeated until some business has intervened. On that ground the Chair decided the motion of the Senator from West Virginia out of order, and entertained the motion of the Senator from Michigan, which was for a call of the Senate. That has been the uniform practice, and the Chair will so rule until otherwise directed by the Senate.

Mr. STOCKTON. I wish to make my point as gently as I can; but my point is that when a motion to adjourn is made, and the Chair decides that there is no quorum voting, there is no decision on that motion; the Senate does not decide it, there is no quorum voting upon it, and the motion can be repeated instantly, and there is no rule of any parliamentary body that can prevent it. When, sir, you find that there is no quorum in this body, you have no Senate to preside over, you can make no decision. You made no decision in this case; you can make no decision. Your only decision was that there was no Senate here. We had then one of two things to do: to declare the Senate dissolved, to declare the Senate adjourned, or to call for the absentees, or to adopt another motion, and have the same vote put over again. You have no other power in your hands. The first motion made was by the Senator from West Virginia, which was to adjourn, but the absentees were coming in, and you saw the House was full and we had a quorum—

Mr. STEWART. I rise to a point of order. It is that the point of order is not debatable. The Senator from New Jersey is out of order in debating a point of order. There is no appeal from the Chair.

The PRESIDING OFFICER. The Chair will state that there is no motion before the body except the motion for a call of the Senate, and the Chair is informed that that is debatable.

Mr. THURMAN. I confess my surprise at the announcement of the Chair that the motion of the Senator from West Virginia was ruled by the Chair to be out of order. I never heard of such a ruling, and I venture to say that no Senator on this floor ever heard of such a ruling. If it had been ruled, I should have appealed, if nobody else had appealed, from a ruling so extraordinary.

Mr. President, if you now decide that motion of the Senator from West Virginia was out of order, then I ask to appeal from that ruling. No Senator has heard any such ruling—not one. No Senator has heard a ruling that when there is less than a quorum in this Senate it is necessary for business (which cannot be transacted without a quorum) to intervene before there is another motion to adjourn. No Senator ever heard such a ruling in this Chamber.

Mr. President, if you ruled that, I ask you to rule it now, and I ask you to entertain my appeal from that ruling.

Mr. STOCKTON. Mr. President, I was taken off the floor by the Senator from Nevada saying that he rose to a point of order. He made no point of order. He sat right down, and the Senator from Ohio got up, and I am very much indebted to him, for he made my little point of order much better, as he always can, than I did myself. I ask the Senator from Nevada to make his point of order.

Mr. STEWART. I will do it most distinctly. It is that the Senator from New Jersey is out of order, debating a question of order decided by the Chair when there has been no appeal.

Mr. STOCKTON. I ask the Senator from Nevada to reduce his point of order to writing. I wish to have that point on record.

The PRESIDING OFFICER. The Chair will call the Senator to order.

Mr. STOCKTON. Which Senator?

The PRESIDING OFFICER. And will entertain the appeal of the Senator from Ohio, which will be a great relief to the Chair. The Chair finds himself in a somewhat novel position, and he will state the case as he understands it.

A motion was made to adjourn, and pending a decision on that question, in consequence of no quorum being present, the Chair felt incompetent to entertain another motion to adjourn; and from that decision the Senator from Ohio appeals.

Mr. THURMAN. Now, Mr. President, I crave that this question may be fairly put. I have not wasted one minute this night by any remarks or by any dilatory motion. I have been ready to meet the question that is before the Senate at any time. I have been ready to vote upon it at any moment that I have been in the Senate to-night. I am not responsible myself for any delay.

But now what is the question before the Senate? It is a matter that concerns us all. A motion to adjourn was made. The vote was taken by yeas and nays. The Chair announced the result. There

were but two for adjournment; I was one of them, and there was a majority against adjournment, but taking them together there was no quorum present. Thereupon the first business that occurred, the first motion that was made, was the motion of the Senator from West Virginia to adjourn. After that motion had been made the Senator from Michigan asked for the reading of a rule, that rule which requires Senators present to vote. Then the Senator from Alabama asked for a call of the Senate.

Now the question is, and the sole question before the Senate is, whether the motion of the Senator from West Virginia was in order. It would not be in order if a quorum of the Senate was present, because business must intervene between one motion to adjourn and another motion to adjourn when there is a quorum present.

But when there is no quorum present, all the Senate can do is either to adjourn or to require the attendance of absentees, and the question now before the Senate is, which of those motions has precedence? I do not know which has precedence. I appeal to the elder members of the Senate to say which has precedence. That is the sole question. The question is simply, when there is no quorum here and when no business can intervene between one motion to adjourn and another, whether a motion to adjourn or a motion to require the attendance of absentees has precedence. Upon that question I defer to the elder members of the Senate.

Mr. ANTHONY. As I understand it, I think the ruling of the Chair has been perfectly correct. A motion was made to adjourn, and it is competent for less than a quorum to adjourn or to refuse to adjourn. Before any business had intervened, another motion was made to adjourn. I do not think that one motion to adjourn after another, no business intervening, is in order. The Senator from Michigan [Mr. CHANDLER] moved that the Sergeant-at-Arms be directed to request the attendance of absent Senators. While that motion was pending, if the Senator from West Virginia [Mr. DAVIS] had moved to adjourn, he would doubtless have been in order, but the Senator from West Virginia moved to adjourn before the motion of the Senator from Michigan to direct the Sergeant-at-Arms to request the attendance of absent Senators was before the Senate. Therefore the motion of the Senator from Michigan was in order and the motion of the Senator from West Virginia was not, although it would be in order now.

Mr. THURMAN. I beg to correct the Senator from Rhode Island. The Senator from Michigan made no such motion. He simply asked for the reading of a rule.

Mr. EDMUNDS. He made it later than that.

Mr. MORTON. The Senator from Alabama [Mr. SPENCER] made the motion several times.

Mr. GORDON. I only want to say one word, for I confess my ignorance of the rules of the Senate; but it occurs to me that upon the ruling by the Chair and the position taken by the Senator from Rhode Island we might be detained in the Senate forever. Suppose no Senator had proposed the reading of any rule, we could not transact any business legal to the body where a quorum is present. Suppose no Senator had asked for the reading of the rule or had made a call, were we to sit here forever and not be allowed to renew a motion to adjourn? I think that this suggestion clearly shows that the position of the Senator from Rhode Island is not in accordance with the rules of the Senate.

Mr. SHERMAN. I see the Senator from North Carolina [Mr. MERIMON] is weary, and I suppose he does not want to speak just now, and perhaps this point has been raised for the purpose of giving him a little rest. I desire to call the attention of the Senate to a remark made a moment ago by the Chair in response to the Clerk, that a member being present and not voting could not be arraigned for it without a quorum. I think that is technically true; but I call the attention of the Senate in a very friendly way to this, that Senators being present and refusing to vote, if their conduct thus prevents a quorum, it is a very high violation of the rules of the Senate and a very unreasonable one. I have never seen it done where a Senator has been pointed out—

Mr. THURMAN. We do not hear the Senator.

Mr. SHERMAN. I say I wish to call the attention of the Senate, without any feeling about it, that where Senators remain in their seats and refuse to vote when their names are called, it is specifically in violation of one of the rules of the Senate. Although no doubt the Clerk is right in stating that we cannot proceed in the absence of a quorum to pass the judgment of the Senate upon that act, yet it is an act that I never have seen done before and I hope it will not be repeated. The rule is imperative on a Senator when his name is called if he is in the Chamber. He can step out of the Chamber if he chooses and nobody will disturb him except the Sergeant-at-Arms be sent to request him to come in; but if he is present in his seat, he must vote. The violation of that rule is a serious matter, especially if the violation of the rule thus prevents a quorum. I do not make my remarks to the present case, because I do not know that any such Senator was present. I was absent myself at the roll-call. But the sixteenth rule of the Senate requires a Senator to vote when present, unless he is excused. He can, if he chooses to go out of the Chamber, stand among other absentees, but when present in his seat he must respond to his name and the Senate has the power to enforce its rules. The rule itself requires that, and as a matter of course it can be done.

Mr. ANTHONY. Even less than a quorum.

Mr. SHERMAN. Even less than a quorum. Less than a quorum,

I suppose, cannot call upon a Senator to give his reasons for not voting, but undoubtedly that fact would be shown upon the record. Any Senator might be called to account to show that he was not absent at such a time when his name was called, and he might be arraigned for even this violation of the rule.

In regard to the other point made by my colleague in regard to the order of business, I agree with the Senator from Rhode Island that where the Senate appears without a quorum, by common consent usually a motion to adjourn follows a motion to adjourn, but if the point is made the parliamentary rule undoubtedly prevails and the same motion cannot be repeated. Otherwise there would be an end to all business. That applies as well to a body with a quorum as without a quorum. When the Senate is without a quorum, while it cannot pass a bill or resolution, while it can do nothing of a legislative character, it has power given to it by the Constitution of the United States to compel the attendance of absentees. Therefore it has the power to do business, but no other business except to compel the attendance of absentees. The uniform rule is when the Senate appears without a quorum, either to adjourn by common consent or to move, in the language of the rule, to send for absentees. The Constitution itself gives the power. It is doubtless familiar to all Senators, but I will read the rule of the Senate which authorizes the Senate to compel the attendance of absentees:

8. No Senator shall absent himself from the service of the Senate, without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

The only business we can do in the condition we are in now, is to proceed, under this rule, to send for the absentees; but if there are Senators present who were here when their names were called and did not answer, I respectfully appeal to them that we are bound to observe the rules of the Senate. We must do it. We cannot avoid it without violating our duty as Senators. I hope if there has been any such case, that every Senator will respond to his name. The motion to adjourn is now in order, and perhaps it will be the better way to make it.

Mr. CHANDLER. We can have the yeas and nays on this motion.

Mr. ANTHONY. Make a motion to call the yeas and nays.

Mr. SHERMAN. To avoid controversy, new business having intervened, I will move to adjourn.

Mr. EDMUNDS. There is an appeal pending. To find out whether there is a quorum here or not, let us take a vote on that.

Mr. SHERMAN. I do not care how it is. I am opposed to adjourning, and therefore I will not vote for the motion, but it seems to me when a motion is made Senators ought to respond to their names if present, because otherwise it might disturb the harmony of the Senate. One of the most fatal examples might occur if a Senator can stay in his seat and refuse to vote and violate a rule and that should be passed over without objection or complaint. There is then an end of the power of the Senate to compel a vote, because at almost any hour of the day, at any moment of the day, especially if the Senate should be evenly or nearly evenly divided, the minority might prevent a vote. Therefore this rule is imperative and important, and it ought not to be violated.

Mr. ANTHONY. In order to stop this debate and to test the presence of a quorum, I will move that the Senate do now adjourn, and upon that I call for the yeas and nays.

Mr. THURMAN. I hope the Senator will withdraw that motion for a moment.

Mr. ANTHONY. I will, if the Senator will renew it.

Mr. EDMUNDS. This motion is just as debatable as the other.

Mr. THURMAN. I will renew the motion if the Senator will withdraw it.

Mr. ANTHONY. I withdraw the motion.

Mr. THURMAN. Mr. President, my colleague is quite right in saying that the rule requires every Senator to vote; and yet there are certain considerations that might justify a Senator in not voting. No Senator can vote upon any question in which he is personally interested, and it may be that a Senator may fairly be unable to decide at the moment whether he ought to vote or not in view of that rule.

Mr. EDMUNDS. On a question of adjournment?

Mr. THURMAN. Yes, sir; on a question of adjournment, because a question of adjournment may determine the fate of a measure.

Mr. SARGENT. Will the Senator allow me? I would like to ask him if he were interested in any question and therefore should be required to vote, if he would not be violating strictly the rule which says he shall not vote in that case?

Mr. THURMAN. He may decline to vote.

Mr. SARGENT. But if asked to vote he would have to give that as a reason.

Mr. THURMAN. If he is interested in a question he may decline to vote, and he may be uncertain whether he is interested or not. That may be a matter for reflection. Upon every question that comes before the Senate every member of the Senate is interested in one sense. The distinction is between that general interest which

all the people of the Republic have and the special interest which a Senator or a member of the House of Representatives may have in a pending question, and it is a very delicate question indeed. Therefore a Senator or a member of the House may well hesitate whether he shall vote or not, either upon the direct question upon the bill or upon any dilatory motion that may affect its passage.

But, Mr. President, there are other considerations besides the personal interest of a Senator. I beg leave here to recall what happened once in this Senate. When I entered the Senate there were but eight members of the democratic party here and there were sixty-odd supporters of the administration. Night after night those eight members attending in their places made the necessary quorum to transact business; and without the attendance of the whole eight there would have been no quorum. It so happened that on one night when they were here and when twenty-odd republican Senators were absent from their seats the late Senator from California [Mr. Casserly] and myself refused to vote. We were tired of making a quorum while the majority of the republican Senators were in their beds, and we refused to vote. The Senator from New York nearest me [Mr. CONKLING] called attention to the fact—naming us by our names—and the Senate refused to make us vote. Now, with twenty democrats on this floor and three or four independent members of the Senate, and with the whole body of the Senate besides these twenty-three or twenty-four, we are here agitating the question what shall be done for want of a quorum? Whose fault is it that there is no quorum to-night? The peace of the country, the peace of a sovereign State, are concerned in what we shall do to-night; and with fifty republican Senators in this body we are agitating the question what we shall do for want of a quorum? Ah! Mr. President, this is an odd spectacle for the American people to behold. If what has been said in this Chamber within the last two months be true, if Louisiana is a Golgotha, if the southern country is nothing but a scene of murder and assassination, why is it that the republican Senators are out of their seats to-night? Why is it that when the great question what is the regular and legal government in the State of Louisiana—for that is the question involved in the resolution now before the Senate—is before the Senate fifty republican Senators in this Chamber find themselves without a quorum? I want to know how that is; I want the American people to know why that is.

Mr. President, this is a very remarkable question that is now before us. It is a question whether or not we shall proceed to-night in this business. I appeal to the Senate to bear me witness that I have wasted no time. I am ready now, and have been ever since we met, to vote on this question. I have no speech to make upon it. I have already said what I want to say, and although I have heard special pleading here, that, if it had been made before me when I was the chief justice of my State, would have met with a merited rebuke, I am willing to pass it by in silence and take the vote. Now, Mr. President, in accordance with my promise to the Senator from Rhode Island, I move that the Senate adjourn.

Mr. SARGENT. I ask the Senator to withdraw that motion for a moment. I wish to make a remark.

Mr. THURMAN. Very well.

Mr. SARGENT. On the roll-call which we have just had there was but one democratic Senator present, and that was the Senator from Ohio. I ask him why it is, if, as has been asserted upon this floor hour after hour and day after day during the past weary weeks, Louisiana was being stabbed at the heart, if democrats believe the assertions which they have made on this floor that a man is to be illegally foisted in here, why is it that the democrats are not here to resist an act of that kind? I want the country to understand that.

Mr. BAYARD. They are here.

Mr. SARGENT. The roll-call says they are not here. That says there is no quorum here present; that here with great public business being transacted there is no quorum present, and Senators rise in their seats and call the attention of the country to the fact that there is no quorum present and that republicans are not here when this important business is being transacted. Now, appealing to the roll-call and to the country, I call attention to the fact that the democrats do not believe their assertions, they do not believe a great wrong is to be committed by the admission of this man or they would be here answering the roll-call.

Only one democrat voted on the last roll-call; only one democrat is present in this Chamber by the official roll-call; but I ask what the appeal of the Senator from Ohio is worth or what the reply is worth? Simply nothing. The roll-call showed the presence of thirty-six Senators on this floor. All but one of these were republicans. Almost immediately other democratic Senators rose up in their seats who had not voted at all, who claimed that there was no quorum present. The vote of a single one of them would have shown the presence of a quorum. A Senator rose and insisted because there was no quorum present that another motion to adjourn was in order, and he made that motion when he himself by simply voting, as he had refused to do, would by that very fact have developed the presence of a quorum.

Now, Mr. President, in the same spirit I renew the motion to adjourn.

Mr. EATON. I should like to say a word.

Mr. SARGENT. I withdraw the motion.

Mr. EATON. Although, Mr. President, a new member of this body,

and not disposed to take any participation in the discussion of this question, it is as important to me that the rulings of the Chair should be right as it is to any other member of the Senate. With some little experience in other deliberative bodies, I beg to state what, from the slight examination I have made, I think is the rule of the Senate, and what, in my judgment, the rule ought to be, and how I shall govern myself both now and hereafter.

By general parliamentary law everywhere, in England and America, where there is no quorum the body is adjourned until its next hour of meeting. By your rule here, in my judgment if the yeas and nays are called and there is not a quorum, the first motion to be made after that fact appears is not another motion to adjourn. I agree with gentlemen who have spoken upon the other side that that motion would be improper, but the proper motion would be for a call of the Senate. If a majority refuse to order a call of the Senate, then the Senate ought to stand adjourned, notwithstanding there is a rule that the Senate shall be called. It is important to us all, not this morning, but every other morning, that we should agree with regard to the proper administration of the parliamentary law and the rules, and I shall not be found to disagree with gentlemen on the other side I presume upon such administration.

Mr. FERRY, of Michigan. I should like to call the attention of the Senator from Connecticut to the fact that the Presiding Officer ruled the motion of the Senator from West Virginia out of order.

Mr. THURMAN. No; he did not. I deny it.

The PRESIDING OFFICER. The Senator from Ohio is certainly mistaken. The Chair called the Senator from West Virginia to order, and overruled his motion to adjourn.

Mr. FERRY, of Michigan. I think, then, notwithstanding the remark of the Senator from Ohio, that my assertion is vindicated by the Chair, that the Chair ruled the motion of the Senator from West Virginia out of order on the basis of its being a repetition without intervening business. The Senator from Michigan [Mr. CHANDLER] asked that the rule be read, and followed that by moving that the Sergeant-at-Arms be dispatched for absentees.

Mr. THURMAN. No; he did not.

Mr. FERRY, of Michigan. I will ask whether I am correct?

The PRESIDING OFFICER. Such was the Chair's understanding of the motion of the Senator from Michigan. He first called for the rule to be read and then demanded a call of the Senate.

Mr. FERRY, of Michigan. The second time I am vindicated by the Chair, notwithstanding the remark of the Senator from Ohio that that is not the fact. I might recur to another fact, that the Senator from Alabama moved at an early stage of these proceedings that the Sergeant-at-Arms be dispatched for absentees and while he was attempting to secure that the Senator from West Virginia moved that the Senate adjourn. The Chair, as I said before, stated that the motion of the Senator from West Virginia was out of order. The motion of the Senator from Michigan was clearly in order in my judgment. When that was made, business had intervened, and a motion to adjourn was then in order. I refer to this only to remind the Senator from Connecticut of the fact that that motion was made and to fortify what he has said, for it concurs with my view of the question, that then it was in order to move an adjournment, for there can be but two motions made when by any process the fact is revealed that there is not a quorum in the Senate, and those two motions are to adjourn and to send for the absentees. But the fact appeared that the prior motion was to adjourn, and therefore upon the principle of repetition without intervening business, the Chair could not entertain the motion to adjourn, and the only remaining motion was to send for the absentees. When that was done, intervening business having taken place, the motion of the Senator from West Virginia, had he repeated it, would have been in order; but as I understand it there has been no motion to adjourn since the intervening business suggested by the Senator from Michigan.

Mr. STOCKTON. Mr. President, I have been here the whole night long and up to this time voting whenever I heard there was a vote going on, and I think the majority of the democrats have been with me in that. As I said before, when the Senate was absolutely empty and we thought nothing was going on we were not actually present in this body but within reach always ready to vote. I have been certainly so myself. I answer that to the gentleman on the other side who made a remark which rather reflected on us. So far as I have been concerned, I have been here always ready to vote whenever I was called upon.

Mr. SPENCER. If the Senator will allow me, I rise to a point of order. My point of order is that the Chair has decided. There being if I am correct 36 votes cast lacking one of a quorum, the Chair decided there was no quorum. Am I correct in that?

The PRESIDING OFFICER. Yes sir.

Mr. SPENCER. Subsequent proceedings show that there is a quorum present. Several gentlemen have addressed the Chair, been recognized, and have spoken, who were not present at the time of the roll-call.

Mr. BAYARD. But others may have gone out who were in then.

Mr. SPENCER. Clearly there must be a quorum present.

Mr. STOCKTON. I think the Senator from Alabama does not understand the purpose of my remarks or he would not interrupt me.

Mr. SPENCER. I only rose to a point of order to suggest that there

was a quorum present, and that the Chair was wrong in stating there was not.

Mr. STOCKTON. I think if the Senator will listen to me for a minute he will not make the point of order.

Mr. SPENCER. If the Senator from New Jersey had voted instead of talking, there would be a quorum. Is he here or not?

Mr. STOCKTON. I am here.

Mr. SPENCER. Then I insist there is a quorum.

Mr. STOCKTON. I knew a half-witted fellow once who lived in my town who went into an ale shop and began drinking ale out of a barrel. He was taking it up when the keeper of the shop came in and said, "Why Joe, what are you doing drawing my ale?" Said he, "You lie, I ain't here; it ain't me." [Laughter.] If the Senator expected me to say that, he is mistaken. I am here. It is I.

The PRESIDING OFFICER. Senators will address the Chair.

Mr. SPENCER. If the Senator is here I insist that there is a quorum present.

Mr. STOCKTON. The Senator from Alabama certainly did not understand the object for which I rose, or he would not, I think, have interrupted me. I rose simply to state this point. The question now before the Senate, as I understand it, is simply whether we can now take this vote.

The PRESIDING OFFICER. The Senator is mistaken. The Chair will state the business now before the Senate. It is on the appeal of the Senator from Ohio from the decision of the Chair ruling the motion of the Senator from West Virginia out of order; and consequently debate is in order on that appeal. If it were a motion to adjourn no debate would be in order.

Mr. FERRY, of Michigan. I desire to put a question to the Chair. Is this question debatable? The question is upon adjournment, which is an undebatable question, and an appeal upon that question cannot be debatable.

The PRESIDING OFFICER. The point of the Senator from Michigan is correctly taken. The question of adjournment being an undebatable one, the appeal must be decided without debate. The Chair will again put the question to the Senate. The Chair having decided that the motion of the Senator from West Virginia was out of order in consequence of its being a repetition of a motion to adjourn without an intervening motion and the only one that could be made for a call of the Senate, the question now is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. DAVIS. Mr. President—

The PRESIDING OFFICER. The question is not debatable.

Mr. DAVIS. I do not want to debate it. I move that the Senate do now adjourn, (at six o'clock a. m.)

The PRESIDING OFFICER. The motion is now in order. It is moved that the Senate adjourn.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. SARGENT, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. McCREERY], who if present would vote "yea," and I should vote "nay."

The roll-call was concluded.

Mr. FERRY, of Michigan, (after having first voted in the affirmative.) There being a quorum, I withdraw my vote. I am paired with the Senator from Missouri, [Mr. SCHURZ.] If present, he would vote "yea" and I should vote "nay" on the question of adjournment; but to secure a quorum I would vote, as he would, as I have done during the evening.

The result was announced—yeas 12, nays 31; as follows:

YEAS—Messrs. Alcorn, Bayard, Davis, Eaton, Gordon, Hager, Johnston, Merriam, Norwood, Saulsbury, Stockton, and Thurman—12.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Chandler, Clayton, Craig, Dorsey, Edmunds, Flanagan, Frelinghuysen, Hamlin, Howe, Ingalls, Jones, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Scott, Sherman, Spencer, Stewart, Wadleigh, West, Windom, and Wright—31.

ABSENT—Messrs. Bogy, Brownlow, Cameron, Carpenter, Conkling, Conover, Cooper, Dennis, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Kelly, Lewis, Logan, McCreery, Patterson, Ransom, Robertson, Sargent, Schurz, Sprague, Stevenson, Tipton, and Washburn—30.

So the Senate refused to adjourn.

Mr. MERRIMON. Mr. President—

Mr. EDMUNDS. The pending question is the appeal of the Senator from Ohio.

Mr. THURMAN. Then I have the floor.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw the appeal?

Mr. THURMAN. No, sir; I want to say a word.

The PRESIDING OFFICER. The question is not debatable, the Chair will inform the Senator.

Mr. THURMAN. Then I ask unanimous consent. Statements have been made here that I wish to reply to.

Mr. HAMLIN. I object.

Mr. THURMAN. Then I withdraw the appeal and ask the Senator from North Carolina to yield me a moment.

Mr. MERRIMON. I yield, sir.

Mr. THURMAN. Mr. President, the Senator from Michigan [Mr. FERRY] made certain statements and claimed that he was sustained

by the Chair in his narration of those statements, in contradiction to statements that I had made. Now, Mr. President, I wish to state precisely the facts as I understood them to occur, and which I believe every member of this Senate knows did occur. A motion to adjourn was made. The vote was taken by yeas and nays. There was no quorum voting. The Senator from West Virginia [Mr. DAVIS] then moved to adjourn. The Chair did not then rule that that motion was out of order. Before that motion was decided the Senator from Michigan farthest from me [Mr. CHANDLER] asked that the rule be read which requires Senators to vote; and before any ruling had been made by the Chair the Chair said that the rule should be read. There was no—

The PRESIDING OFFICER. Will the Senator allow the Chair to remind him of one thing: that the Senator from West Virginia repeated on three several occasions his motion to adjourn and the Senator from Ohio did not notice that on the first occasion the Chair had ruled the motion out of order. His attention was called to the subsequent motions, which the Chair refused to entertain.

Mr. THURMAN. I must say, sir, that I never heard such a ruling. Then, further, the Senator from Michigan [Mr. FERRY] said that his colleague moved for a call of the Senate and that the Sergeant-at-Arms be sent for the absentees. No such motion was made by the Senator from Michigan, [Mr. CHANDLER.] The Senator from Michigan simply called for the reading of the rule which required Senators to vote; that was all. Then afterward, when the Chair announced that in its opinion the motion of the Senator from West Virginia was out of order, and after debate as to whether it was out of order, there being no quorum present, for the reason that no business had intervened, then I asked the Chair to make that ruling again. Then I appealed from it. I am certain, sir, as I am of my existence that no one here heard any ruling by the Chair when the motion was first made that that motion was out of order.

Mr. EATON. Will my friend from Ohio permit me a word?

Mr. THURMAN. Certainly.

Mr. EATON. My friend from Ohio did not hear it. The Senator from West Virginia made his motion to adjourn and the Chair ruled it out of order.

Mr. THURMAN. When it was first made?

Mr. EATON. Yes, sir. I heard it and the Senator from West Virginia heard it. The Senator from Ohio did not hear it.

Mr. THURMAN. Then I am corrected about that. I certainly heard no such thing. If I had, I should have appealed from it at the moment it was made, for I never should have submitted to a ruling that business must intervene by less than a quorum, before another motion could be made to adjourn. But certainly in respect to what was said by the senior Senator from Michigan, all he asked was that the rule might be read. He moved for no call of the Senate, he moved for no sending of the Sergeant-at-Arms for absentees.

Mr. FERRY, of Michigan. Inasmuch as the Senator from Connecticut has very kindly sustained me in the view that I presented as regards the Senator from West Virginia, my colleague has just entered the Chamber and I now appeal to him to know whether or not when he asked to have the rule read he followed it by asking that the Sergeant-at-Arms be dispatched for the absentees.

Mr. CHANDLER. I did.

Mr. FERRY, of Michigan. That vindicates the Chair, myself, and the Senator from Connecticut.

Mr. DAVIS. Mr. President, I think the Senate will agree that the Senator from Michigan farthest from me [Mr. CHANDLER] did ask for the reading of the rule, and some minutes afterward, after some words had taken place, he then followed it by a motion to send for the absentees, but not at the time. I think all will agree to that.

Mr. SPENCER. I asked for a call of the Senate several times.

Mr. FERRY, of Michigan. I do not wish to prolong the matter but only to place it right. The Senator from Ohio and I desire nothing between us on this matter but what is correct. The Senator from West Virginia is right in what he has just stated, but the Senator from Michigan, my colleague, held the floor. I think I am correct in that.

Mr. CHANDLER. I think so.

Mr. FERRY, of Michigan. I think there is no doubt on this question.

Mr. MERRIMON. Mr. President, I was a very cool observer—

Mr. SPENCER. I am sorry—

The PRESIDING OFFICER. The Senator from North Carolina has the floor. Does he yield to the Senator from Alabama?

Mr. MERRIMON. No, sir.

The PRESIDING OFFICER. The Senator from North Carolina declines to yield.

Mr. MERRIMON. I think I have been a very cool observer of the debate which has transpired touching these questions of order, and I remember very distinctly what the Senator from Michigan [Mr. CHANDLER] said and did. At first, he called for the reading of the rule; afterward, he did not move to send for absentees, but he insisted that those who were present and did not answer, should be called and give their excuses; and he insisted that those present who had not answered should be called, but he did not move to send for absentees.

Mr. President, before I proceed with my remarks, which were suspended by reason of the interruption of the motion to adjourn, I will

remark, that something has been said about the readiness and anxiety of many Senators to take the vote on the resolution now before the Senate; and in rather a complaining tone, it has been suggested that some Senators were protracting the debate unnecessarily. I beg to say that I think that is uncharitable toward myself and other Senators, particularly from the South. But one democratic Senator from the South has been heard in this debate. I said some days ago that I thought all the Senators from the South who desired to speak ought to be heard. They come from that section most seriously affected by the suggested offensive legislation. They are more familiar with the facts, they are more familiar with those circumstances with which the country ought to be acquainted than anybody else, and for the reason that they live among those people. It is but just to the Senate and it is but just to the country and particularly to the people whom they represent that their representatives here should be heard; and so far as I am concerned, if I am entitled to be heard under the rules of the Senate and the Constitution and laws of this country, I insist that I shall be heard.

Mr. President, to-day the American people behold a strange and an alarming spectacle. In a time of profound peace a State of the Union is literally stricken down by the hand of treachery and violence. Anarchy prevails throughout all her borders, and the condition of the people is intolerable and deplorable to the last degree. This state of disorder has lasted for a long while, and yet no step has been taken to redress the wrong or restore the right. Poor Louisiana is prostrate, lingering, bleeding, dying, and none go to her relief!

A scene scarcely less striking and significant is presented in the Senate. Here are the majority, a great and controlling majority, who represent a political party whose boast to the world is that it saved the life of the Union, and which claims the ability to remedy all the political ills that afflict the country. This debate has lasted a month; the leaders and great men of this party have joined largely in it; its ablest defenders have made the best apology in their power for the many grave charges brought against it; they admit the evils which are patent to everybody; and yet, no one of them has brought forward any measure of relief; indeed, no one has even suggested a remedy. A stronger illustration of lack of statesmanship and power to remedy acknowledged evils of the most serious moment, can hardly be found. Well may the patriotic citizen say, "False and faithless party, thou has been weighed in the balance and found wanting; be thou cast down and cast out, and let another take thy place!" The essential good of the Republic demands, nay, requires a salutary change of administration. This is the chief public want at this time. So I think and believe, and I trust the people of the Union will so decide, when they shall again have opportunity to pass judgment on the conduct of those who serve them in public capacities.

Mr. President, it may be stated as a general truth, that the masses of the people never complain of misrule without a reasonable cause for such complaint. They are interested in having stable, wholesome, just government, honestly and faithfully administered; and when they have this, they are quiet, prosperous, and happy. The people are never agitators without a cause. Both reason and experience attest the truth of these declarations.

That the people of the South of every class and condition have complained for years past of misrule; that the grounds of their complaints have been of the most grievous character—too grievous to be borne in patience—cannot be denied by any candid person acquainted with the facts and the history of that section of the Union for the last ten years. That their wrongs for the most part and in most material respects, have gone and still continue to go unredressed is painfully true. They have repeatedly and constantly appealed in vain to the Federal and local authorities for relief. Their appeals have been slighted and rejected, and insult and outrage have been added to injury. Their importunities have been laughed at and their calamities mocked at, until in many sections they are hopeless and desperate, and court any fate other than that to which they are abandoned.

Those whose duty it has been by every obligation of the Constitution and laws, by every consideration of right, justice, patriotism, and sound policy, to grant relief and re-establish the Union in law, and as well in the hearts of that people, have made their calamities and wrongs the foot-ball of political parties, and have used the same to subserve the base ends of party and faction. That people have not only been thus injured, but men in high official station and the leaders of a great political party, in abuse of the freedom of speech, have falsely and cruelly denounced them as semi-barbarous, given to crime, and not fit to enjoy the blessings of free government. These puissant gentlemen, forgetful of their high duties, instead of consulting true statesmanship, have turned loose the violent passions of their natures and poured out their wrath upon their downtrodden and helpless countrymen. Even they cannot long enjoy pleasure in so empty a triumph. Humanity turns from them in disgust!

Under such circumstances, how natural that the people of the South should be indignant and restive, however helpless! How unnatural that they should love and respect the hand and the party that thus smites, insults, and injures them! They no longer hope for redress of their wrongs from those in official place and power. The republican party has failed, miserably failed, to bring peace, prosperity, and a restored Union to the American people; but, on the

contrary, it has sown the seeds of discord, and brought untold woes and sufferings to the people of the South. Though it has borne absolute sway continuously for fourteen years, its statesmanship has proven a failure. It has ignored and subverted the Constitution, and substituted for that sacred instrument, as the basis of its revolutionary action, "the higher law." With this limitless chart, it has gone wherever interest or ambition led it. The only limit to its action, when determined upon, is the measure of its physical power. Its essential power has been and is armed force; it has accomplished all its ends by revolutionary means and war; it knows no policy of peace, and hence, now that the war is over and peace has indeed dawned upon the country, its policy has not changed. It takes no note of this important fact; it still relies everywhere mainly on the Army to execute its will.

The southern people no longer confide in the republican party; they do not hope for relief from it; on the contrary, judging the future by the past, they have fearful anticipations of increased injuries and wrongs at its hands. That people now appeal with confidence to the candid judgment and sympathy of the American people for that reasonable measure of relief, that redress of flagrant, intolerable wrong, which they have heretofore failed to realize. They ask for peace, prosperity, and a restored and perpetual Union under the Constitution of a common country. They cannot, they will not appeal in vain to this grand tribunal. The thirty millions of freemen of the North surely will never consent to see twelve millions of their southern fellow-countrymen doomed to protracted outrage and anarchy, simply to swell the triumphs of a political party. They cannot afford in view of their own interests to see the South ruled by a military despotism and a standing army of many thousands, kept there to enforce the lawless will of a political party, and thus exchange our system of government for one of absolute powers. They cannot allow this. But let them remember that usurpation in the South to-day and for a long while in the past, becomes a precedent and a strong foothold, and may, nay will one day, if not arrested, establish organized tyranny in all America.

At the close of the late war the republican party had complete control and charge of the Government. It was therefore charged by the Constitution and the American people to restore the Union, to establish it upon enduring foundations, to reclaim the southern people, and enable them again to share freely in the benefits and blessings of national and local government under that system framed by the founders of the Republic. These were its high duties, and a noble field of patriotic labors lay spread out before it.

But this party has proven faithless to this imposing trust. Through a period of ten years a train of unparalleled crimes and abuses have marked its career. It has utterly failed in the grand work of restoring the Union upon that basis of peace and good-will contemplated by the Constitution and so essential to it. On the contrary, reconstruction has been based upon force and the sword, and the policy invoked has been one of absolute power. It has not given the southern people peaceful and wholesome government, nor has it pursued such a course as has been calculated to reclaim the affections of the people. So far from this, it would seem that it has exhausted its ability in devising ways and means to injure, insult, and provoke to wrath and violence that people, and in some localities it has brought about a state of anarchy and public despair. It has not only thus failed in the reconstruction of the Union, but its practices of fraud, peculation, and unparalleled extravagance are without a precedent in the history of this or any country. For the truth of these declarations, I appeal to the observations of disinterested men for the last fourteen years and the history of this party.

The groundwork of all this public evil is this: The republican party, especially for the last ten years, has looked to and worked for its continued ascendancy and the aggrandizement of many of its leaders more than the public weal. An analysis of its workings will show the justice of this remark. Especially will this appear from an examination of its policy and practices in the Southern States.

And now the legitimate result is about to transpire. Notwithstanding the stronghold this party had on the popular confidence in connection with the late war, the people of the whole country have at length taken cognizance of its abuses and dangerous tendencies, and have rebuked it in a most significant manner. Many of its ablest leaders have abandoned it, and others indicate a purpose to do so. Its condition is one that alarms its friends profoundly. This proud and arrogant party see that the scepter of power is about to depart from it, and hence it must devise means of relief or all will be lost.

In the past, and especially since the year 1868, one of the chief sources of strength and success of this party has been the false impression assiduously made by it upon the minds of the great body of the northern people, that the white people of the South have ever since the close of the late war been hostile to the Union, desired and intended its overthrow; that they are the enemies of the negro race, and intend its extermination in this country, and never intend that the thirteenth, fourteenth, and fifteenth amendments to the Constitution shall be operative. Its misrule in that section of the Union, as the whole country knows, has been intolerable; it has long been the shameful scandal, not only there, but of the whole nation. This, and its revolutionary policy have stimulated and produced disorders there that have in some instances, and in several localities, re-

sulted in disgraceful and atrocious crimes, partaking more or less of a political character. In some cases it has been the direct cause of such disturbances and crimes—generally, it has been the indirect but the moving cause of them. Colored people have been taught to believe that the white people are their deadly enemies, and by false teachings and trainings they have, in too many and lamentable instances, been led to attack the white people in their persons or property under circumstances of great provocation, and the white people so attacked have taken redress by violent means, and thus perpetrated crimes shocking to humanity. I undertake to say that in 90 per cent. of all cases like those just mentioned the colored people have been the first aggressors, moved by the causes and incitements suggested. That percentage of all the cases referred to in this debate began in that way. I challenge successful contradiction. Let the facts in the cases cited be fairly ascertained, and the truth of what I say will be made manifest. Unhappily, generally the infamous and fiendish authors of these crimes and disorders manage to escape unhurt. This condition of things has for years past been made the basis for the false republican cry of a "conflict of races," continued hostility to the Union, and a "new rebellion" in the South.

Too long a majority of the people of the North have heard and believed this false and scandalous party clamor; too long they have allowed themselves to believe that the republican party is and has been the only Union party in the country, and that especially the people of the South who would not indorse its policy and practices there, were and are unfriendly to the Union and the negro race. So believing, they have sustained that party long after it had accomplished its mission and ought to have been dissolved as a political organization. I have the strongest conviction that but for the crimes and disorders in the Southern States produced by republican misrule in the way indicated, that party would have ceased in 1870 to control the country. It ceased to be a party of principle before that time. Since that time, its life-blood has been official patronage and false clamor spread by it throughout the country as to the character and purposes of the southern people in reference to the Federal Government and the negro race. By its policy and practices this party falsely taught the freed people to believe that the white people in the South were their enemies, and thus were able to organize them solidly against them in everything political. This teaching was unqualifiedly false, and as pernicious as false. The white people there were not in fact hostile to the negroes. On the contrary, naturally the two races were friends. They had a common interest; the negro needed the protection and help and encouragement which the white people there alone could extend, and on the other hand the white people needed the labor of the negroes. Their interests were common, and there was no good reason why the great masses of both races should not entertain like political views. There was indeed no reason, and there would have been no difficulty but for the interested efforts of political demagogues and adventurers to use the negro vote for the purpose of promoting their own fortunes and placing them in office, often for dishonest purposes, and for the further purpose of giving the republican party of the nation the benefit of a million of negro votes. But for the desire to give this party ascendancy in the Southern States and the party of the nation, the negro vote, years ago the troubles in the South had been settled. The peace, prosperity, and hopes of the South, the best interests of the Union have been sacrificed, cruelly sacrificed, to prolong the ascendancy of a political party. This party have persistently taught the northern people to believe that the southern people as a mass have been and are hostile to the Union. This is likewise false. The southern people are not hostile to the Union. They have no motive impelling them to be hostile to it. On the contrary, they have high and controlling considerations leading them to love, support, and maintain it. They never were hostile to the Union as a form of government. The causes which led to the late war were not such as affected the system of government.

I repeat, the policy and practices of this party have not looked mainly to the restoration of the Union and the southern people to its blessings and stable, wholesome, just, local State government; it has looked mainly to its own continued ascendancy in the Government of the Union and the several States. To this end it has ignored and perverted the Constitution whenever it stood in its way, and it has not hesitated to usurp any power or overthrow State governments in the South, to accomplish its purposes. Its revolutionary course of action has justly alarmed the public mind. Its misrule in the South and the misrepresentations of the southern people have at length arrested public attention everywhere throughout the Union. As a consequence, the late elections indicate the complete overthrow of this party, the most revolutionary this country has ever seen. The commonest observer sees it tottering to its fall and extinction. Its legitimate work was done several years ago. Now it has lost its hold on public confidence—it is dying, dying in disgrace! If it saved the life of the Union during the late civil war, since its close it has well-nigh stifled its existence by a misrule and extravagance without a parallel. If it had its day of merited glory, that glory has been dimmed and blackened by the multitude and enormity of its crimes. If it made free five millions of slaves as a result of the war, it has sought practically to enslave eight millions of white people by subjecting them to humiliation without a precedent in history, despoiling them of their property and establishing over them a practical military despotism.

and a political surveillance which contravenes every principle of free government.

But its votaries have resolved to make one more struggle to prop up and stay its sinking fortunes. As in the past, so now they seek to make disorders in the Southern States serve their purpose. They have made the disorders there; they are responsible for them; they are the legitimate fruits of their misrule and party practices. They have overturned State governments and established military despotisms in their stead; they have provoked and goaded the people to desperation and despair. As a result, in some instances shocking and atrocious crimes have been perpetrated. Public complaint is loud and imploring for relief. Again this party seeks to mislead and deceive the northern people into its support; again it endeavors to produce the impression that there is a "war of races" imminent in the South; that the people there are hostile to the Union and intend its overthrow; that there is a "new rebellion," and particularly that the southern white people never intend to allow the thirteenth, fourteenth, and fifteenth amendments to the Constitution to operate. This is its plain purpose, its only hope of again bringing the northern people to its support. It has gone about its work in earnest. Its great men and little men join actively and anxiously in this patriotic work!

Can it again succeed? I hope not; I trust not. I trust that the American people now understand the condition of the southern people too well to be again deceived by such cruel and unpatriotic political practices. The peace and prosperity of the South, the complete restoration of the Union and harmony among the American people, is worth more than this expiring party. Let it die; let it disappear; let its deeds of glory, if it had any, and its deeds of blood and crime pass into history.

But its friends are not willing to see it thus pass away. I regret and deplore, more than I have language to express, a manifestly concerted effort in and out of Congress to revive and reopen malignant controversies of the past, which have resulted so disastrously to the Southern States of the Republic and the unhappy and persecuted people who inhabit them. Daily we hear the people of the South misrepresented and denounced in unmeasured and often insulting terms. Anarchy prevails in Louisiana and elsewhere and shocking crimes of a semi-political character have been perpetrated, all the essential fruits of republican misrule and unlawful efforts to retain political power in the hands of that party there. These evils are held up to the country and the world as indubitable evidence of a lawless, warlike, and rebellious spirit on the part of the white people of the South. The crimes so perpetrated are exaggerated in number, and often in kind and degree, and all painted in the darkest colors, and garbled and *ex parte* accounts are given of them, without even the slightest reference to the facts of their origin or any circumstances of provocation or excuse connected with them. These denunciations and misrepresentations are reiterated by most of the republican press throughout the country. Thus it is, and by such means, again proposed to rouse the northern mind against the South in the support of this party.

Is it not plain that such a course of political conduct is unfair and unjust to the people so assailed and the whole country? Is it not as plain that it is done for some sinister purpose? Is it not manifest that it is done to save the sinking fortunes of a political party? Is it not as manifest that military despotism and anarchy are to be prolonged indefinitely in the Southern States so that this party may continue its arbitrary sway? Is it not plain to be seen by anybody that the purpose is, that this party shall live though the country die?

A disinterested examination of the reconstruction acts, and particularly the manner of their execution, will show the striking truth of all I have said. The reconstruction history of every State in the South shows a studied, fixed effort of the republican party to maintain its own ascendancy there at whatever cost or hazard.

But this occasion will not afford sufficient opportunity to bring even a considerable number of its revolutionary and despotic deeds and practices to bear upon this debate. I shall confine myself mainly and particularly to its concerted and persistent acts of despotism and fraud in the State of Louisiana for the last three years.

The reconstruction acts were passed by a Congress overwhelmingly republican. They contained grossly proscriptive features, as I shall have occasion to show. They were executed in Louisiana, as elsewhere, under the supervision of a military officer, and it may be truly said that the elections held in pursuance of them were held under and by direction of the sword. The effect was to give the republican party the control of every convention to frame a constitution in every State in the South under these acts. This was so in Louisiana; there that party had absolute control of the convention. The constitution provided by it, and the laws enacted under that constitution show, clearly a studied purpose to continue that party in power in that State indefinitely. One leading feature of them was the concentration of power in the hands of the executive of the State and those whom he might choose to appoint to office and place. He had virtual control of the elections of the State, if he chose to exercise the power. And the most abundant means were provided for the successful perpetration of frauds in the elections. All this, as will be seen, was done in the interests of that political party. The first State officers and Legislature under this constitution were republican. Their misrule has scarcely a parallel in the history of civilized government, except in other Southern States. The office-holders quarreled

about the offices, spoils, and the opportunity to rob and plunder the people and the State. And what happened as a consequence at the election there in the year 1872 I will have occasion to refer to in another part of my remarks.

In view of what I am about to say, it is material here to cite certain provisions of the constitution of Louisiana:

ART. 15. The legislative power of the State shall be vested in two distinct branches; the one to be styled the house of representatives, the other the senate, and both the General Assembly of the State of Louisiana.

ART. 16. The members of the house of representatives shall continue in office for two years from the day of the closing of the general elections.

ART. 17. Representatives shall be chosen on the first Monday in November every two years, and the election shall be completed in one day. The General Assembly shall meet annually on the first Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

ART. 33. Not less than a majority of the members of each house of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall have full power to compel the attendance of absent members.

ART. 34. Each house of the General Assembly shall judge of the qualifications, election, and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

Accordingly, on the first Monday in November, 1874, an election was held in that State for members of the house of representatives and one-half of the senators. The house consisted of one hundred and eleven members and the senate of thirty-six senators. At that election, the commissioners to hold the election at the several voting-places received the votes and counted them. Then, after they so counted them, supervisors of the parish in which they were so cast compiled the vote and ascertained the result in the parish. The vote thus taken showed a majority in the house of representatives of twenty-nine democrats. About this there can be no question; these officers so ascertained, and the fact was so proclaimed at the time through the newspapers of that State and the country generally. Besides, a sub-committee of Congress recently examined into the fact, so ascertained and reported. They say:

The returns by the commissioners of election, compiled and forwarded by the supervisors of registration, gave the conservatives a majority of twenty-nine members out of a total of one hundred and eleven members. In only a few instances were there any protests accompanying the returns.

Under the election law, the returns were sent to the *returning board* which assembled at the capitol of the State. This board consisted of five persons, and the law directed that they should be selected "from all political parties," but in fact the board in question was composed entirely of republicans, until one resigned, when a conservative took his place. The statute prescribed the duty of this board. They were required to compile the vote of the State for all officers. Their simple duty was to *compile the vote* of the State, except in one other case and that was this: If a commissioner or supervisor of elections should send to them with the returns a full statement sworn by him, and this statement sustained by that of three respectable citizens, electors of the parish, also sworn, that any riot, tumult, acts of violence, intimidation, disturbance, or corrupt influence had materially affected the result of the elections, then and in that case only, if such board should be satisfied of such statement, they might refuse to count the votes of the place of voting so questioned and exclude it from the returns. They, by the statute, could only in such cases reject returns, but they had no power to decide upon the right of anybody; they had no right to say that one claiming a majority was not elected, nor on the other hand to decide that one appearing to have a minority was elected. They had no power to try the right in a contested case and decide the same for one party or another. This is so, in the first place, because the statute creating the board did not undertake to confer any such power; it is not conferred by terms or implication—indeed, the statute makes reference, in terms, to cases of "contest according to law." In the second place, if the Legislature had undertaken to confer such power, it could not do so, because the constitution provides in these words:

ART. 34. Each house of the General Assembly shall judge of the qualifications, election, and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

Now this plainly means that the Legislature may provide by statute for contested cases before its branches respectively, else the main provision of this article that "each house of the General Assembly shall judge of the qualifications, election, and return of its members" would be nugatory and inoperative.

Charged with such powers and none others, this returning board began its labors and continued them for nearly two months. Notwithstanding the returns as made up by the commissioners who held the elections and counted the votes, and the returns from the parishes as compiled and counted by the supervisors, and these showed in the State a majority in the lower branch of the Legislature of twenty-nine for the democrats, this board decided, without any sanction of law, in many cases when democrats were elected, as the returns showed, that republicans were elected. This they had no authority in any case to do, for the reasons stated. They did this in several cases where there was not any suggestion of riot or disturbance as required by law. For example, in Rapides Parish the returns showed that three conservatives were elected. There was no exception to the election at all, much less such as the law required in case of riot or other disturbing cause, to authorize the rejection of the returns. On the contrary, the United States supervisors swore that the elec-

tion was in all respects full, fair, and free. Nevertheless, in this case, the board returned three republicans as elected!

The law further required this board to file one copy of the returns as made up by them in the office of the secretary of state. When they had completed their work the returns so filed showed that only fifty-two democrats and fifty-four republicans were elected. In the cases of five members of the house of representatives, they made no returns at all, but referred this matter to the Legislature. In these five cases the returns of the commissioners and supervisors of election showed that conservatives were elected in each, and there was no suggestion, as the statute allowed, of fraud or other thing which impaired the election. In short, there was no cause that in any way vitiated the election, nor was any suggested—at all events, any of which the board could take cognizance. There was nothing that could authorize them to reject these five members. These, with the count they had made, gave the democrats in the house fifty-eight members and the republicans fifty-three members. Seeing this inevitably gave the democrats a majority of five, they resorted to the subterfuge of "referring" these five cases to the Legislature. It is reasonable to infer that there was a motive for this action and this will soon be seen.

These facts must satisfy any reasonable person that this board, or a majority of them, were dishonest and corrupt. The conservative who became a member of it, resigned in disgust. But the corrupt character of this board appears in another and a strong light. A subcommittee of the House of Representatives, consisting of three gentlemen of high character for truth and honor—two republicans and one democrat—went recently to Louisiana charged to inquire, among other things, about the doings of this board. They made a searching examination, and they say of it, in summing up their conclusions, as follows:

Without now referring to other instances, we are constrained to declare that the action of the returning board, on the whole, was arbitrary, unjust, and in our opinion illegal; and that this arbitrary, unjust, and illegal action alone prevented the return by the board of a majority of conservative members of the lower house.

Its conduct was so flagrantly illegal and dishonest, that I believe no one has yet ventured to offer a word of apology for it.

Now, are the five conservatives thus elected and so ascertained to be elected, members of the lower branch of the Legislature, notwithstanding the returning board refused to return them? They are, and for three plain reasons: First, the essence of the election is that according to law some person received a majority of the votes cast in the parish and that this fact be ascertained by some lawful authority. This is the material and substantial feature of the election, the balance is matter of form and evidence. Then in these five cases, each person claiming, did receive a majority of the votes cast in the parish where he was a candidate, and this fact was ascertained by the commissioners who held the election and were charged to count the votes, and also by the supervisor who was charged by the law to compile and count the vote in the parish. Thus they received a majority of the votes, and this fact was ascertained by lawful and competent authorities. They were therefore, to all intents and purposes, members-elect of the Legislature.

But it is said the returning board did not return them as so elected, as the statute requires. This I admit. But this is not essential. They have only the duty to recompile the vote in the third degree after the vote was polled. This is not material; it is only an evidence, or additional evidence, that the person did receive a majority of the votes cast. This is not the only evidence, much less is it exclusive evidence. There was no statement under the statute in any one of these cases that authorized the board to reject the returns showing these five, or any one of them, to have been elected. I say so because the fact is so; and besides, if there had been such statement, then they must have rejected the return as the law directs in such cases. But they did not reject the returns; they "referred" them to the Legislature. This they had no power to do; the statute gave them no power to "refer" cases to the Legislature.

Secondly. There was an election and return in each of the five cases referred to, and there was no statement under oath, as required by the law, to raise the jurisdiction of the board which would enable them to reject the returns to them. Will any one pretend that the board could arbitrarily reject returns showing an election? Surely not. That is too absurd; and it is as unreasonable to say that one was not elected because the board refused to do their office!

But, thirdly, this returning board cannot in any case have power to reject returns because of violence or other cause assigned in the statute creating the board, as impairing the election. This is so, because this provision of the statute contravenes the constitution and makes the returning board judges of the election of members of the Legislature. If they only exercise the power which the statute confers, they can decide that there was no election, and reject the returns. This the constitution forbids. It provides—

ART. 34. Each house of the General Assembly shall judge of the qualifications, election, and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

Then it follows that these five members whose election the returning board would not return, but undertook to refer to the Legislature, were duly elected and in all respects members of the lower branch of that body. And so there were fifty-eight democrats and fifty-three republican members of the house of representatives.

These members-elect, any one of them, had the right, nay, it was their duty, to go to the capitol of the State on the 4th day of January last for the purpose of organizing the Legislature and proceeding with the discharge of the duties of that body. To the end they might do this, and without molestation, they were highly privileged. Article 40 of the constitution of that State provides:

ART. 40. The members of the General Assembly, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during their attendance at the session of their respective houses, and going to or returning from the same; and for any speech or debate in either house shall not be questioned in any other place.

According to law, one hundred and seven of the members did assemble in the capitol on the day mentioned; of these, one hundred and two had been returned as elected by the returning board, the other five were those whose cases this board "referred" to the Legislature. Under the provisions of a statute which I will now read, it was the duty of the clerk of the last house of representatives to furnish the members-elect and so assembled with a list of the names of members returned as elected by the returning board. That statute is in these words:

SEC. 44. *Be it further enacted, &c.*, That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as according to the returns shall have been elected to either branch of the General Assembly; and it shall be the duty of the said clerk and secretary to place the names of the representatives and senators elect so furnished upon the roll of the house and of the senate, respectively; and those representatives and senators whose names are so placed by the clerk and secretary, respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate. Nothing in this act shall be construed to conflict with article 34 of the constitution of the State.

That list was furnished. The clerk of the last house appeared at twelve o'clock in the hall of the house of representatives with the list, and called all whose names were on it. One hundred and two of those called answered, and the five members whose names were not on the list were also present—they were known to be present and as members-elect, and were entitled to join in the organization of the house.

It has been said that the clerk of the last house, who called the roll, had the right and it was his duty to preside at the organization of the house. This is not true. He had no power save only such as was conferred by some law. The statute just read is the only one that bears on his duty. It does not undertake by terms or reasonable implication to confer upon him such power. The language of the statute is:

And it shall be the duty of the said clerk and secretary to place the names of the representatives and senators elect, so furnished, upon the roll of the house and of the senate respectively.

No other power is conferred, no other duty is prescribed for him. Even had the statute provided in terms that he should organize the house or preside at the organization, it might well be questioned whether such an act were valid, because by the constitution the house is master of its own organization. This power is absolute, and no former Legislature can abridge it. Besides this, on former similar occasions the clerk did not exercise such functions. So that it is plain there is no legal sanction or precedent for the power and right so claimed.

Then there were present at the time and place prescribed by law one hundred and seven members-elect of the house—largely more than a quorum. Of them fifty-five were democrats, including the five whose names were not on the roll as it came from the secretary of state, and fifty-two republicans. There was no statute prescribing how these members-elect should organize themselves into the house of representatives. By what rule, then, could they organize? There can be but one reasonable answer to this question. They were bound to organize according to the common law applying to deliberative bodies. By this law it was competent for any member-elect—the oldest man present or the one who had been longest in such service—to move that any member present be called to the chair to preside temporarily until the house could organize; the mover had the right to put the question and to decide that it was carried or otherwise. Then the member so elected had the right to preside pending the organization, to entertain motions, to put and decide questions, and authoritatively. This is so according to reason and practice, too, so far as my observation extends.

Now, according to the practice of political parties and legislative bodies in this country, the democrats had the right to organize that house and elect its officers. They had a majority of the members, as has been shown. They proceeded to avail themselves of their right and to organize the house. I now read from a sworn account of this organization, and it corresponds substantially with all the accounts I have seen. That portion of the statement material just now is in these words:

After the completion of the roll-call by William Vigers, clerk of the former house, as provided by section 44, above recited, L. A. Wiltz was nominated as temporary chairman by a member, and was upon a *via voce* vote declared elected temporary speaker, whereupon he took the chair, and announced himself temporary speaker of the house of representatives, and as such took his oath of office before Judge Houston, and also had said oath administered to him by a member. He thereupon administered the oaths to the members of the House. He then declared the functions of the former clerk, Vigers, at an end. A clerk was then, on motion, nominated and elected. A sergeant-at-arms and assistants were also elected.

During this temporary organization, upon motion put and adopted, the five members whose elections the returning board had not promulgated and had referred to the house were admitted as members and sworn in. Thereafter L. A. Wiltz was nominated as permanent speaker. The roll was called, and Wiltz and Hahn being in nomination, Wiltz received 55 votes, Hahn 2, and 1 blank. Fifty-six being a majority and legal quorum of the whole number, one hundred and eleven, to which the house was entitled, he was thereupon declared duly elected permanent speaker, and was sworn in and then administered the oath to the members, (by fours,) including Michael Hahn, Thomas Baker, Murrell, and Drury, republicans. A committee on credentials was then appointed, of which Hahn and Thomas were appointed members and accepted, and withdrew with the committee. Upon the return to the house of said committee, Hahn made known that he would make a minority report.

This organization was boisterous and disorderly. The republicans insisted violently that they had a majority and the right to organize the house. They said that the five members whose names were not on the roll were not entitled to participate in the organization, because the statute provided that those members whose names were on the list reported by the returning board and "none other shall be competent to organize."

Here the corrupt motive of the returning board becomes manifest. The facts—the whole history of their conduct and that of the organization of the house—go to show conclusively that their purpose was, from the beginning, to disappoint the will of the people as expressed at the ballot-box and give the control of the Legislature to the republican party. The returns made by the commissioners who held the elections and counted the votes, and the returns as made by the supervisors in the parishes, showed that the democrats had a majority of twenty-nine. This board cut this majority down without sanction of law, as we have seen, until they returned that fifty-two democrats and fifty-four republicans were elected; and as to the other five members-elect—all democrats—their cases were "referred" to the Legislature. Can any fair person doubt that the purpose of the returning board and the republican party was what I have suggested? It was manifestly to get control of the Legislature—"peaceably if they could, forcibly if they must." I do not hesitate to declare that the democrats had the right, and it was their high duty by every lawful means in their power, to disappoint this shamelessly corrupt purpose. In view of the sufferings and disorders, and the sources of them, of the people of Louisiana, they could not be impelled by higher, purer, and nobler motives to do their utmost to preserve and retain the political power intrusted to them by the people at the polls. They must have the sympathy of every friend of good government and the oppressed everywhere. Here let me say that dishonest practices like this carried on by men destitute of integrity, who care for no party that does not serve their dishonest aims, is the groundwork, the life of the woes of Louisiana. The republican party of the nation has not only connived at, but it has openly sustained these vile robbers of the peace, good order, and substance of society, and now its own handiwork returns to plague it.

It is plain to be seen that the purpose had in view in inserting in the statute the words "and none other shall be competent to organize the house of representatives or senate" was to give a dishonest returning board the power to control the organization of the Legislature. This provision is one of a great variety in the constitution and statutes of Louisiana, intended to give republican officials power to disappoint the will of the people expressed at the ballot-box.

But the provision is void, because it contravenes the letter and spirit of the Constitution. I have shown that the returning board could not try a contested-election case, and could not decide that there was no election. "Each house of the General Assembly shall judge of the qualifications, election, and returns of its members." How can this be, if the returning board decides? But further, the constitution provides that the several parishes shall have representation in the Legislature. Can the Legislature empower anybody to deprive them of such representation? This statute is void because it undertakes to abridge a power conferred on the Legislature. It is monstrous to say that by such partisan legislation the people may be robbed of their rights in the organization of their Legislature!

The organization of the house was completed as I have described. Now we turn to a transaction which shocks every friend of free government, no matter what his party affiliations may be. It has profoundly alarmed the fears of the American people, and well it may if it shall lead them to set the seal of condemnation upon it and its authors and all those who indorse it.

On the day the Legislature of Louisiana met, perfect peace prevailed in that State and particularly in the city of New Orleans where that body met. There was no disturbance and no reasonable ground to apprehend any, much less was there any insurrection. A republican account of the house of representatives says:

NEW ORLEANS, January 4—noon.

The members have assembled in the hall of the house, and are the most orderly body of legislators so far that has assembled in Louisiana for many years.

All the evidence shows that there had been no disturbance, political or otherwise, in that State since September last. Nevertheless this quiet state of the people, this peaceful prospect, was disturbed by the assembling of the metropolitan police of New Orleans—an armed soldiery—and many hundreds of United States troops about the capitol on the morning of the day the Legislature met. This was a high day there—a free day, the people's day; the popular branch of the State government was about to assemble. Then, why this warlike movement? What was the occasion for it? Where was there any lawful authority for it? It was plainly, flagrantly in violation of the

genius of our system of free government. But this military movement had a motive; it was intended for a purpose. It was done by preconcert. As the whole transaction shows, it was done to help if need be the republican party organize that house of representatives. Disguise it as interested persons may, it is plain to him who will see the truth, that the Army was prostituted to the ignoble purpose of helping the republican party into power after the people had defeated it by a large majority at the polls. That is the plain truth. Let us see how this was done. The Army and the armed police were there ready; they were not suddenly called from their barracks to suppress a riot or outbreak. On the contrary, they came into place for action in the quiet morning. Here is an account of its appointment which I take from the National Republican newspaper of this city of the day after what it describes took place. It says:

NEW ORLEANS, January 4.

At this hour (eight o'clock a. m.) the United States troops are taking their positions covering the State-house. A regiment of infantry in two columns, at parade rest, extends from Chartres street on Saint Louis street to the hall. The Metropolitan are being placed in position to prevent the near approach of the public to the State-house. A squad of them at Chartres street and on Saint Louis street refused to allow persons to pass out Saint Louis street, stating that only members of the Legislature or State officers would be allowed to go by. This squad was under the command of a captain. A similar squad will probably be placed at all approaches to the State-house. Eighteen hundred United States troops will be in position to sustain the State government.

It is not pretended that any state of war was there. There was no insurrection nor threatened insurrection; there was no violence there, nor threatened violence. Wherefore, then, this military investiture of the capitol? Why was it done? But above this, more important than this, by what lawful authority was this done? The facts show that the capitol was surrounded by these armed forces; only those persons went in and out of the State-house whom the troops permitted by order. There was no sanction of law for this movement. There was no warrant for it, nor could there be. It was done, as we learn, by the governor of Louisiana. What right had he in any way to direct or, in any the least degree, interfere with the assembling of the Legislature? It was a co-ordinate branch of the government, absolutely independent of him, but he exercised absolute power toward it; the right he had to muster these troops, as I have shown he did, he had to employ them as he would. As much sanction can be shown for the one as the other. He had no warrant or process of any kind against any man or body of men. Can he arrest at will without warrant? Especially, can he do this in a time of peace?

When the house assembled and organized, as I have described, and were proceeding with their business, by order of the governor, and while the troops were so investing the capitol, an officer of the Army, with a squad of soldiers, marched into the house of representatives and selected and seized the five members of the Legislature whom the returning board had refused to return as elected, and forcibly took them from the house. Thus the governor undertook to decide that these members were not members, and to enforce his decision by and through the Army of the United States. I have shown that these five men were duly elected members. But suppose for argument's sake that each of them only had a claim to a seat in the house; did this warrant their seizure by anybody, an officer of the State, much less by United States soldiers? Had the governor any right to seize any one of these men? Had any officer of the law any right to seize them? If the governor or anybody else had gone before a judge to sue out a State's warrant against them, what offense would or could he have suggested? They had done no crime; they were simply where the law commanded them to be; they were there at the command of the people, about the business of the people. No officer of the State had any right to arrest these men but by virtue of a warrant duly issued by a proper magistrate, because none was issued or prayed for.

Article 9 of the constitution of Louisiana provides in these words:

ART. 9. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched or the person or things to be seized.

The governor and all who acted under his orders not only violated this clause of the constitution, but they did more, if possible—they violated the high privileges of the house of representatives, one branch of a co-ordinate branch of the government. For this high offense he may be impeached, and besides he and all his aiders and abettors may be indicted in the courts of Louisiana. There was not the shadow of authority for his action. No one of the apologists for this high crime against the State has undertaken to show any lawful sanction for it, nor can they do so.

So this interference was illegal on the part of the governor of Louisiana, treating him as the lawful governor.

If such interference was unlawful on the part of the governor, it follows that it was unlawful on the part of the United States troops and everybody connected with it.

That the person exercising authority as governor of Louisiana should commit such a high-handed crime against the State and people in view of his past history of murder and crime, is not to be wondered at, when he could command the power to do so. But the most alarming feature of this transaction is that his conduct should not only be tolerated, but sanctioned and sustained, by the Administration—the President and at least part of his Cabinet and an apparent majority

of the republicans in Congress. This gives cause for serious apprehension, and the people of all parties and sections may well feel alarmed at such an arbitrary exercise of power.

It is said the President did not order the interference by the troops with the Legislature. The point in this case perhaps is not that he ordered the troops to do what they did, but that he tolerated it. Where did he find authority to allow the governor of Louisiana to command the United States troops for any purpose? I undertake to say there is no constitutional or legal sanction for any such use of the troops of the United States. It is said the troops might have been used as a part of the *posse comitatus*. This I deny; they cannot, as troops, be so used; they are trained and organized under the sanction of law, for purposes specified by law, and are under the command of officers appointed for the purpose. Could the sheriff or the marshal take control of and command them as part of the force and thus displace the lawful officers? There is no authority for such use of the Army. If they were at home, off duty, in their capacity as citizens, then they might be so used; but in this case they were used as United States troops in the regular service, and this is a beggarly shift and subterfuge. But even if they could have been used as part of the *posse comitatus*, even then the use of them was unlawful. There was no violence there; there was no riot; there was no warrant issued by any officer commanding another officer to arrest the five men taken out of the Legislature; there was not only no warrant, but they had done no offense. Can any one tell me what crime they had done? Shame on such puerile pleas!

Let us look briefly at the powers of the President to use the United States troops in the States in aid of the State authorities. The Constitution provides in these words:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

This clause of the Constitution alone confers on the President no power. But Congress has conferred on him by statute power to execute its provisions. The statute provides as follows:

In case of an insurrection in any State against the government thereof, it shall be lawful for the President, on application of the Legislature of said State or of the executive when the Legislature cannot be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on the like application, to employ for the same purposes such part of the land or naval forces of the United States as he deems necessary.

This statute is the sole authority which the President has to interfere with the Army in behalf of a State. Under its provisions two things must happen to warrant his interference. First, there must be insurrection in the State against the government thereof. Secondly, there being such insurrection, then there must be the application of the Legislature of that State; and if it cannot be convened, then the application of its governor to the President, notifying him of such insurrection and calling upon him to use the military power of the United States to suppress it. Then, and not till then, may he interfere. When such application is made, then it is discretionary with him whether he will do so or not. If he concludes to do so, then he must issue his proclamation commanding the insurgents to disperse and retire peaceably to their respective abodes within a limited time. The President has no authority to aid the authorities of a State in the execution of its laws. Neither the Constitution nor any statute confers on him any such power. He can only interfere in a case where there is insurrection, domestic violence, leveled against the State itself. The term insurrection means a general uprising of a great number of people against the government. Vattel well defines it in these words:

A popular commotion is a concourse of people who assemble in a tumultuous manner, and refuse to listen to the voice of their superiors, whether the design of the assembled multitude be leveled against the superiors themselves or only against some private individuals. Violent commotions of this kind take place when the people think themselves aggrieved; and there is no order of men who so frequently give rise to them as the tax-gatherers. If the rage of the malcontents be particularly leveled at the magistrates or others vested with the public authority, and they proceed to a formal disobedience or acts of open violence, this is called a *sedition*. When the evil spreads—when it infects the majority of the inhabitants of a city or province, and gains such strength that even the sovereign himself is no longer obeyed—it is usual more particularly to distinguish such a disorder by the name of *insurrection*.

Worcester defines it thus:

An *insurrection* is the rising up against the authority of the government; *rebellion* is resistance against the authority of the government, with an intent to overthrow it; *sedition* is a less extensive resistance against lawful authority; *revolt* is the act of renouncing allegiance to a government; *mutiny* is an insurrection of seamen or soldiers against their commanders.

Now this fact is to be noted: At the time the troops seized the members of the Legislature there was no insurrection in Louisiana; it is not pretended by the President or any one else that there was any, nor that there had been since September last. But if there had been, neither the Legislature nor the governor of the State had notified the President of it, as the law directs. No one pretends that he had any such application; and if the interference of the troops in investing the capitol of the State and seizing the five members of the Legislature was done by his order, or by any one having authority to so use the troops, then his act was in plain violation of the Constitution and laws.

Now, by what authority did the troops so interfere? It was done by the immediate order of the person acting as governor. This is his order:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, January 4.

General DE TROBRIAND, Commanding:

An illegal assembly of men having taken possession of the hall of the house of representatives, and the police not being able to dislodge them, I respectfully request that you will immediately clear the hall and State-house of all persons not returned as legal members of the house of representatives by the returning board of the State.

WM. P. KELLOGG,
Governor of the State of Louisiana.

EXECUTIVE DEPARTMENT,
New Orleans, January 4.

General DE TROBRIAND:

The clerk of the house, who has in his possession the roll issued by the secretary of state of legal members of the house of representatives, will point out to you those persons now in the hall of the house of representatives returned by the legal returning board of the State.

WM. P. KELLOGG,
Governor of the State.

But where did Mr. Kellogg get authority to command and issue orders to the United States troops? This does not satisfactorily appear. It is much to be regretted that the President has not seen proper to lay before the Senate all the orders issued by the War Department to the general officers in command at New Orleans. The request made to him was general and embraced them, and they are material here. They are material for his justification, and they are material for the Senate and the country. We must take the best information we have. In his message in reply to the resolution of inquiry, the President says:

Troops had been sent to the State under this requisition of the governor, and as other disturbances seemed imminent they were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State and repress the continued violence which seemed inevitable the moment Federal support should be withdrawn.

In giving his account of the military interferences, he says:

Respecting the alleged interference by the military with the organization of the Legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence. I am well aware that any military interference by the officers or troops of the United States with the organization of the State Legislature or any of its proceedings, or with any civil department of the government, is repugnant to our ideas of government. I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified. But there are circumstances connected with the late legislative imbroglio in Louisiana which seem to exempt the military from any intentional wrong in that matter. Knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose.

It appears from the message, then, that the troops were placed in Louisiana by order of the President to aid Mr. Kellogg in enforcing the laws, and under this authority he ordered the troops to do what they did. This the President had no authority to do; he could not authorize Mr. Kellogg to use the troops for any purpose, and he could not himself use them to enforce the laws of Louisiana; he could only use them to suppress insurrection against that State on proper application. There was no application, and there was no insurrection. One Senator has said:

Speaking of it, I say first, that no responsibility for the affair in New Orleans on the 4th of January touches the President of the United States.

wish he were correct. By the President's own showing, he placed the troops there for a purpose not authorized by law, and he gave Kellogg authority to direct them in the execution of that purpose. This was all unlawful.

I did most sincerely hope that the President would disavow the action of the troops, and say that it was inadvertently done. But he did not disavow it; on the contrary, his message is a labored effort to defend his general conduct in Louisiana and to excuse the troops. And more than this, he did not intimate any purpose to order the troops to cease such unlawful interference. While they had the capitol invested and were interfering with the Legislature, General Sheridan, by an order of the President, assumed command of the troops at New Orleans. He so informed the Secretary of War, by telegram, in these words:

[Telegram.]

HEADQUARTERS DIVISION OF THE MISSOURI,
New Orleans, January 4, 1875. (Received 4—11.45 p. m.)

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized, that unless something is done to give protection to the people, all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seems to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest. I have to-night assumed control over the Department of the Gulf.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Now, in this telegram General Sheridan expresses a purpose to execute the laws of Louisiana. This is plainly unlawful. He had no

right, nor could he have, to execute the laws of that State. His telegram was received and its receipt acknowledged in these words:

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 5, 1875.

Lieutenant-General SHERIDAN,
United States Army, New Orleans, Louisiana:

Your telegram dated the 4th, describing state of things, and reporting you have assumed control over the Department of the Gulf, was received by the Secretary of War, and is approved.

E. D. TOWNSEND,
Adjutant-General.

So his conduct was approved, and the President in terms thus assumes responsibility for what the general did and said. General Sheridan further advised the President of his action and purposes in two telegrams, of which the following are copies:

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Please say to the President that he need give himself no uneasiness about the condition of affairs here. I will preserve the peace, which it is not hard to do with the naval and military forces in and about the city, and if Congress will declare the White Leagues and other similar organizations, white or black, banditti, I will relieve it from the necessity of any special legislation for the preservation of peace and equality of rights in the States of Louisiana, Mississippi, Arkansas, and the Executive from much of the trouble heretofore had in this section of the country.

P. H. SHERIDAN,
Lieutenant-General United States Army.

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburg, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Now, no one acquainted with the law will seriously pretend that General Sheridan had any shadow of authority to do what he proposed to do. Still the President approved this conduct of that officer. The following are copies of the telegrams sent to him by the Secretary of War:

[Telegram.]

WAR DEPARTMENT,
Washington City, January 6, 1875.

General P. H. SHERIDAN,
New Orleans, Louisiana:

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

WM. W. BELKNAP,
Secretary of War.

[Telegram.]

WAR DEPARTMENT,
Washington, January 6, 1875.

General P. H. SHERIDAN,
New Orleans, Louisiana:

I telegraphed you hastily to-day, answering your dispatch. You seem to fear that we had been misled by biased or partial statements of your acts. Be assured that the President and Cabinet confide in your wisdom and rest in the belief that all acts of yours have been and will be judicious. This I intended to say in my brief telegram.

WM. W. BELKNAP,
Secretary of War.

This approval cannot be said to be an inadvertence. The President and his advisers knew what he was about, and what he did, and must be responsible for his deliberate acts and deeds. That the acts complained of were not authorized by law, no lawyer can pretend. No Senator has yet ventured to defend them as having the sanction of the Constitution, so far as I know.

So that it does inevitably appear that the whole transaction was a plain, palpable, and fearful violation of the constitution and laws of the State of Louisiana, and of the Constitution and laws of the United States. And it further appears that while others are guilty of grave offenses against the State of Louisiana, the President is not only technically but substantially responsible for all that was done at the capital of that State on the 4th of last month. If the United States troops had been about their lawful business, then the Legislature of Louisiana had not been molested. I think any one must see this. I see no escape in the eye of truth and the law from these conclusions.

But, Mr. President, this is not all nor the worst of this transaction. When we consider that Kellogg was not the governor of Louisiana; that he is and has always been a usurper; that his whole government is a usurpation, sustained by the military arm of the United States, and the means by which his usurpation was established and has been continued to this day, and the circumstances of fraud, outrage, and crime attending it, we will have some tolerable knowledge of the magnitude, turpitude, and fearful character of the crime perpetrated against the State and people of Louisiana and the dangerous inroads made upon our system of government both State and Federal.

I have not time to advert to more than the leading and more strik-

ing parts of the matter. These develop a huge conspiracy of desperate and irresponsible political adventurers sailing under colors of the republican party, to keep unlawful control of the State of Louisiana in utter defiance of the popular will. It will appear unmistakably that while the people were struggling manfully to free themselves from a swarm of political cormorants and a misrule without a precedent, their oppressors were strangely able to command the confidence, aid, and support of the Administration, and that in all they have done they have been sustained by the free and unlawful use of the Army of the United States. It is to be deeply deplored that the President has in this connection, as it has appeared and will yet more clearly appear, allowed himself to be governed by incompetent advisers, and often—generally—by interested, wicked, and corrupt informers. I am sure that every disinterested person will see in this usurpation the sole cause of the terrible disorder and shocking crimes perpetrated in that State since 1872.

The Senate Committee on Privileges and Elections of the Forty-second Congress, were instructed by resolution of the Senate to inquire and report whether there was any State government in Louisiana. This committee was a very able one, and composed of seven republicans. They made a very thorough examination and an exhaustive report; three of the committee, each, made a minority report. The facts which I am now about to state I take from that report, and in the course of what I have to say I shall state all that are necessary to show fairly the true history of the usurpation I propose to expose.

I have said that in the year 1872, the republican politicians in Louisiana differed and quarreled. The result was the formation of two republican factions—one headed by the then governor, Warmoth, and styled the "liberal republicans;" the other called the republicans. The liberal republicans and democrats or conservatives fused, and put before the people a "fusion ticket" for governor and other State officers and members of the Legislature, to be voted for at the election which took place on the 4th day of November of that year. This ticket was headed by John McEnery for governor. The republicans put forward a like ticket, headed by William Pitt Kellogg. The contest before the people which immediately preceded the election was active and zealous on both sides. The "fusion ticket" had the advantage of having almost the united support of the white vote of the State and the large personal and political influence of Governor Warmoth among the republicans, besides the immense official patronage which he controlled as governor. It was therefore reasonable to infer that the "fusion ticket" would succeed.

The election took place on the day designated by law. The vote was twenty thousand votes larger than ever before polled in the State, and the election was generally conducted in quiet and was unusually free from disturbance or riot. Against more than four-fifths of the vote no complaint of unfairness is even alleged. According to the official returns, the fusion State ticket, headed by McEnery, received an average majority of about ten thousand votes, and a large majority of the persons elected to the Legislature were of the fusion party. About this there seems to have been no controversy. On the 13th of the same month the returning board met to compile the vote of the State. Governor Warmoth was chairman of it, and he and other members of it differed. The board adjourned to the next day, and in the mean time, judicial proceedings were instituted and injunctions were granted restraining Warmoth and his faction of the board from compiling the vote. Thereupon Governor Warmoth took from its file a bill passed by the Legislature at its session next before that time, regulating elections—the present election law—and approved it. This he might do, according to the laws of that State. This act operated to abolish the then existing returning board and put an end to the injunction and the litigation in that behalf, and it became necessary to appoint a new returning board. The Legislature was not in session, and under the constitution the governor might appoint the board in the absence of the senate. The governor did at once appoint what is called in the report the "De Feriet board." The committee say of this board:

In the opinion of your committee there can be no doubt—conceding the validity of the act of November 20—that it transferred the duty of canvassing the returns of the last election to the board to be elected under the provisions of the act. The act provided for such election by the senate, and, taking effect in the vacation of the Legislature, created offices to be filled thereafter by the Senate. This is what is styled in that State an original vacancy, which, happening in the vacation of the Legislature, the governor is authorized to fill by appointment; and it is said that the State courts of that State have repeatedly recognized the right of the governor to make such appointments.

Then this board was lawful.

This board compiled the vote of the State and ascertained that the McEnery ticket was elected, including the members to the Legislature, and it appeared by their returns that the fusionists had a majority in that body. The returns showed that the State ticket had an average majority of about 10,000 votes. It is not denied that their returns were according to the returns from the parishes. Besides this, the returns from the parishes were before the committee, and the committee say their returns were substantially correct.

On the day the "De Feriet board" was appointed, the governor, by his proclamation, as he might lawfully do, called the Legislature to meet in extra session on the 9th day of December, 1872.

There was another returning board, called by the committee, the "Lynch board." This board was in the interest of Kellogg and his

ticket. It was not a board in law; it had no legal existence or authority whatever; no more than five Senators would have to-day to do the same duty. Nevertheless, they pretended to act and to ascertain that Kellogg and the whole republican ticket were elected, including the Legislature. They had no returns, and what they did was based upon vague reports, estimates of what they said ought to have been the result, newspaper reports, forged affidavits, and such things.

In order to give effect to the action of the "Lynch board" and put Kellogg and his ticket in office, Judge Durell, a judge of the district court of the United States, without having any case before him, without any jurisdiction whatever for such purpose, out of court, in his own house, at a late hour of the night, and without application, on the 5th of December made an order commanding the marshal of the United States to seize and hold the State-house of Louisiana, and hold the same subject to his further order, and not to allow any assemblage in the capitol by virtue of any returns of the "De Feriet board." This order was plainly a nullity. The marshal, however, executed this pretended order. He applied to the United States officer in command of troops there, and the officer says that with the troops, he took possession of the State-house on the morning of the 6th of December, about two o'clock in the morning, and held it for six weeks. The excuse for using the troops then was, that they were aiding the marshal to execute an order of a United States court.

It cannot be disguised that the republicans had resolved at any cost and hazard to disappoint the popular will and retain possession of the State government by sheer usurpation. And I am pained to be forced to the conclusion, that the Administration at Washington had cognizance of and aided such a purpose. I will advert to some of the evidence of this fact—Judge Durell made his unlawful order on the night of the 5th of December. On the 3d of that month the Attorney-General of the United States sent to the United States marshal this strange and significant order:

DEPARTMENT OF JUSTICE,
December 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

Now why was this order sent? It does not appear to be in response to inquiries made, and no explanation of it has ever been made, although the propriety of it has been repeatedly questioned in the Senate and elsewhere. The inference is unavoidable that it was given and the troops sent in anticipation of the unlawful and void order of Judge Durell, and for the purpose of inaugurating the Kellogg usurpations. On evidence of this is the fact that after the Attorney-General knew of the void character of the order of the judge, he still allowed the marshal to hold the State-house for six weeks. This cast light on his purpose. Other telegrams to the President and the Attorney-General go to show that the authorities at Washington were fully advised of what was going on at New Orleans in anticipation of the meeting of the Legislature. The President received this telegram:

NEW ORLEANS, December 6, 1872.

President GRANT:

Marshal Packard took possession of State-house this morning at an early hour with military posse, in obedience to a mandate of circuit court, to prevent illegal assemblage of persons under guise of authority of Warmoth's returning board, in violation of injunction of circuit court. Decree of court just rendered declares Warmoth's returning board illegal, and orders the returns of the election to be forthwith placed before the legal board. This board will probably soon declare the result of the election of officers of State and Legislature, which will meet in State-house with protection of court. The decree was sweeping in its provisions, and if enforced will save the republican majority and give Louisiana a republican Legislature and State government, and check Warmoth in his usurpations. Warmoth's democratic supporters are becoming disgusted with him, and charging that his usurpations are ruining their cause.

JAMES F. CASEY.

Casey was the collector of the port at New Orleans and brother-in-law of the President. How did it happen that he was interested about the vote of Louisiana? Who charged him to take part in that controversy, and for what purpose?

On the same day the marshal reported to the Attorney-General as follows:

Hon. GEORGE H. WILLIAMS,
Attorney-General:

Governor Warmoth has been impeached by vote of 58 to 6. Warmoth's Legislature returned by his board has made no pretense of a session.

S. B. PACKARD,
United States Marshal.

The board referred to by him is the "Lynch board." It had no legal existence, and all it did was absolutely void. No one pretends to the contrary. Nevertheless, on the 9th of that month the persons whom this illegal board reported as elected, assembled in the State-house under the protection of the United States troops and organized what they called the Legislature. It was not a Legislature in any sense, for, first, the returns showed that other persons than themselves were elected members; and, secondly, no one having even color of authority, ascertained they were elected. But under the protection of the troops, this body, on the day of its first assembling, in violation of law, if

it had been a Legislature, impeached Governor Warmoth and suspended his official functions, and at once inaugurated P. B. S. Pinchback, then lieutenant-governor, as governor.

On that day Marshal Packard telegraphed the Attorney-General as follows:

NEW ORLEANS, LOUISIANA, December 9, 1872.

Hon. GEORGE H. WILLIAMS,
Attorney-General:

Senate, by vote of 17 to 5, have resolved into high court of impeachment. Senator Harris elected president of the senate, Lieutenant-Governor Pinchback being now governor.

S. B. PACKARD,
United States Marshal.

On the same day he sent this further telegram:

NEW ORLEANS, December 9, 1872.

Hon. GEORGE H. WILLIAMS,
Attorney-General, Washington, D. C.:

Lieutenant-Governor Pinchback qualified and took possession of the governor's office to-night. Senate organized as high court of impeachment, Chief-Justice Ludeling presiding, and adjourned to meet Monday next. It is believed that all the democrats, members of General Assembly, will qualify and take seats to-morrow.

S. B. PACKARD,
United States Marshal.

Now, this whole proceeding was without any sanction of law, and any one acquainted at all with the Constitution and laws knew it. It was plainly and palpably unlawful, and the Attorney-General could not help knowing the fact. And it is plain, moreover, that the United States did it by the unlawful use of the Army. There was no constitutional provision or provision of any statute that authorized such use of the Army.

On the same day that pretended Legislature passed the resolutions contained in the following telegram to the President:

NEW ORLEANS, December 9, 1872.

We have the honor to transmit to your excellency the following concurrent resolution of both houses of the General Assembly, and to request an early reply:

"Whereas the General Assembly is now convened, in compliance with the call of the governor, and certain evil-disposed persons are reported to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence; Therefore,

"Be it resolved by the senate and house of representatives of the State of Louisiana in General Assembly convened, That the President of the United States be requested to afford the protection guaranteed each State by the Constitution of the United States when threatened with domestic violence, and that the presiding officers of the General Assembly transmit this resolution immediately, by telegraph or otherwise, to the President of the United States.

"Adopted in General Assembly convened this 9th day of December, A. D. 1872.

"P. B. S. PINCHBACK,
Lieutenant-Governor, and President of the Senate.
"CHAS. W. LOWELL,
Speaker of the House of Representatives."

This, it seems, was intended to be a legislative call on the President to interfere to protect the State against insurrection. But even if this body had been a Legislature, it was not; it does not even suggest a state of insurrection, much less declare that there was. The same day Governor Pinchback, so called, also urged the President to furnish troops in compliance with the resolutions; and as a manifestation of his gratitude and a good consideration for services rendered immediately he rewarded each of the "Lynch returning board," except Lynch, with a lucrative office, and gave the latter's son an appointment.

The President then received these telegrams:

NEW ORLEANS, December 11, 1872.

President GRANT:

Parties interested in the success of the democratic party, particularly the New Orleans Times, are making desperate efforts to array the people against us. Old citizens are dragged into an opposition they do not feel, and pressure is hourly growing; our members are poor and adversaries are rich, and offers are made that are difficult for them to withstand. There is danger that they will break our quorum. The delay in placing troops at disposal of Governor Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies. If requisition of Legislature is complied with all difficulty will be dissipated, the party saved, and everything go on smoothly. If this is done, the tide will be turned at once in our favor. The real underlying sentiment is with us, if it can but be encouraged. Governor Pinchback acting with great discretion, as is the Legislature, and they will so continue.

JAMES F. CASEY,
Collector.

Hon. GEORGE H. WILLIAMS:

If President in some way indicate recognition, Governor Pinchback and Legislature would settle everything. Our friends here acting discreetly.

W. P. KELLOGG.

President GRANT:

Democratic members of Legislature taking their seats. Most, if not all, will do so in next few days. Important that you immediately recognize Governor Pinchback's legislature in some manner, either by instructing General Emory to comply with any requisition by Governor Pinchback under joint resolution of Legislature of Monday, or otherwise. This would quiet matters much. I earnestly urge this and ask a reply.

JAMES F. CASEY.

NEW ORLEANS, December 12, 1872.

President GRANT:

The condition of affairs is this: The United States circuit court has decided which is the legal board of canvassers. Upon the basis of that decision a Legislature has been organized with strict conformity with the laws of the State, Warmoth impeached, and thus Pinchback, as provided by the constitution, became acting governor. The chief justice of the supreme court organized the senate into

a court of impeachment, and Associate Justice Tallifero administered oath to Governor Pinchback. The Legislature, fully organized, has proceeded in regular routine of business since Monday. Notwithstanding this, Warmoth has organized a pretended Legislature, and it is proceeding with pretended legislation. A conflict between these two organizations may at any time occur. A conflict may occur at any hour, and in my opinion there is no safety for the legal government without the Federal troops are given in compliance with the requisition of the Legislature. The supreme court is known to be in sympathy with the republican State government. If a decided recognition of Governor Pinchback and the legal Legislature were made, in my judgment it would settle the whole matter. General Longstreet has been appointed by Governor Pinchback as adjutant-general of State militia.

JAMES F. CASEY.

Let me here again impress on the Senate the important fact that this body was not a Legislature; the returns showed that it was not; and, besides, those who pretended to ascertain that its members were elected had not even color of authority to do so.

But it had been resolved to set up and maintain this usurping body. Hence the following telegram was sent by the Attorney-General:

DEPARTMENT OF JUSTICE, December 12, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and the body assembled at Mechanics' Institute as the lawful Legislature of the State and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

And accordingly the following order was sent to General Emory from the War Department:

WASHINGTON, December 14, 1872.

General W. H. EMORY, U. S. A.,
Commanding, New Orleans, Louisiana:

You may use all necessary force to preserve the peace, and will recognize the authority of Governor Pinchback.
By order of the President.

E. D. TOWNSEND,
Adjutant-General.

It must be supposed that this important action was taken upon consideration, and that the President and Attorney-General well knew the facts upon which they were basing their action. Would they proceed lightly in a matter of such high moment? If so, they were not fit for their high stations. If they examined the facts, then they must have known that the whole movement was grossly unlawful and a naked usurpation, because it did not have even color of authority.

But if even it could be said they were at first imposed upon by treacherous and bad men, they had ample opportunity to correct their inadvertent errors; for on the 9th of December a quorum of the Legislature which was really elected, as the returns showed, and was so returned by the "De Feriet returning board," met. The President was acquainted with this fact and of the results of the elections. He received these telegrams:

NEW ORLEANS, December 11, 1872.

The President of the United States:

Under an order from the judge of the United States district court, investing James Longstreet, Jacob Hawkins, and others with the powers and duties of returning officers under State election law, and charging them with the duty of completing the legal returns and declaring the result in accordance therewith, those persons have promulgated results based upon no returns whatever and no evidence except *ex parte* statements. They have constructed a pretended General Assembly, composed mainly of candidates defeated at the election, and those candidates, protected by United States military forces, have taken possession of the State-house and have organized a pretended Legislature, which to-day has passed pretended articles of impeachment against the governor; in pursuance of which, the person claiming to be a lieutenant-governor, but whose term had expired, proclaimed himself acting governor, broke into the executive office under the protection of United States soldiers, and took possession of the archives. In the mean time the General Assembly has met at the city-hall, and organized for business with sixty members in the house and twenty-one in the senate, being more than a quorum of both bodies. I ask and believe that no violent action be taken and no force used by the Government, at least until the supreme court shall have passed final judgment on the case. A full statement of the facts will be laid before you and the Congress in a few days.

H. C. WARMOTH,
Governor of Louisiana.

[Telegram.]

NEW ORLEANS, 12, 1872.

His Excellency U. S. GRANT,
President United States:

Claiming to be governor-elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here until there can be laid before you all facts, and both sides, touching legitimacy of either government. The people denying legitimacy of Pinchback government and its legislature simply ask to be heard, through committee of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard.

JNO. MCENERY.

[Telegram.]

NEW ORLEANS, December 12, 1872.

His Excellency U. S. GRANT,
President of the United States:

Sir: As chairman of a committee of citizens appointed under authority of a mass meeting recently held in this city, I am instructed to inform you that said committee is about leaving here for Washington to lay before you and the Congress of the United States the facts of the political difficulties at present existing in this State, and further earnestly to request you to delay executive action in the premises until after the arrival and hearing of said committee, which is composed of business and professional men without regard to past political affiliations.

THOMAS A. ADAMS,
Chairman.

These persons were not only entitled as a matter of official courtesy to be heard, but they had the constitutional right to be heard. The President was about to decide upon their rights as individuals and as representing a State of the Union. This high and sacred right was denied them and a whole people. Hear the cold, willful, and wicked reply to them. It is couched in the very language of despotism and is utterly unworthy of a high officer of state in a free republic. It is a striking manifestation of that spirit of usurpation and disregard of constitutional right and obligation which has for years past been stopping the vitality of free government in this country and which ought to alarm the whole people. Who will dare to say it was right in any view? Here it is; let me read it:

[Telegram.]

DEPARTMENT OF JUSTICE,
December 13, 1872.

Hon. JOHN MCENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

In view of these facts, can any fair mind doubt that the Administration had deliberately resolved from the beginning to establish this usurpation, and without regard to the right, uphold it by force? In the language of Judge Trumbull, of the committee who made the report—

The history of the world does not furnish a more palpable instance of usurpation than that by which Pinchback was made governor, and the persons returned by the Lynch board the Legislature of Louisiana; nor can a parallel be found for the unfeeling and despotic answers sent by order of the President to the respectful appeals of the people of Louisiana.

Without evidence, without hearing, and against the protest of those entitled, the President decided this grave question, and, in favor of one who had not the shadow of a right, established a bald usurpation and overthrew a State government.

When a citizen of this country attains to the exalted station of President, he ought not to consent to be a political partisan. He has no right to be a partisan. By his station and obligation, he is bound to know only the Constitution and laws of his country, and to exert himself to execute, preserve, protect, and defend them. These are his chief duties, and parties and all else ought to be subordinated to them. His ears, his heart, and his judgment should be forever closed against the suggestions, importunities, and wiles of designing and corrupt men. They should never for one moment be intrusted with the high powers of government which the people have confided to his sacred keeping and exercise. Sir, the sad and distressing history of Louisiana for the last two years makes manifest the fact, that the President has lent ear to evil and incompetent counsels and yielded to the false suggestions and unceasing importunities of little, contemptible politicians.

Now, sir, what was the plain duty of the President in the case presented by the troubles growing out of the Louisiana election in 1872? It seems to me very palpable that if the Administration had not encouraged Kellogg and his faction, there would have been no trouble; but suppose there had been in good faith such a controversy as that presented, the difficulty was comparatively easy of solution. By the Constitution and laws, the President is bound, upon proper application, to protect the State against insurrection, and to keep continued official relations with the State governments. In this case, McEnery and his associates insisted that they were respectively the true State officers and Legislature, and had been duly ascertained so to be according to the constitution and laws of Louisiana; and they insisted further that Kellogg and his associates were making insurrection. On the other hand, Kellogg and his associates insisted that they were respectively the true State officers and Legislature, and that McEnery and his associates were making insurrection. Each party applied to the President to afford the aid guaranteed by the Constitution to the States. Thus an issue was presented of the highest and most solemn moment, and one not to be treated lightly. It involved the integrity of the State and the peace, quiet, and prosperity of a whole people, and in great measure it involved the integrity of our system of government.

This is the case in which the Federal Government passes upon the State government. The President's decision in the case is subject to be reversed only by Congress. In such a case, how important that the President shall decide correctly; and to this end how essential that he shall have all the information bearing on the issue he can avail himself of. It was not in that case his duty to decide who was elected—that is not a question for him—but who were *ascertained*, according to the constitution and laws of Louisiana, to be elected governor and the other State officers and members of the Legislature. As soon as he learned that fact his decision was easy to be made. In making such a decision no party considerations or personal predilections ought to have been allowed to influence his judgment in the slightest degree. The integrity of the Government is worth more than parties, or the interests of public or private individuals. I venture to say, with perfect confidence, that this was the proper way and the only legitimate way to solve the question presented. Then, the President ought to have heard both sides of the controversy; he ought to have heard McEnery and his associates and Kellogg and his associates. But he peremptorily refused to hear McEnery and his

friends; he did not hear the merits of the other side; he acted upon the loose, interested suggestions, false statements, and heated political clamor and importunities of Casey, Packard, Kellogg, Pinchback, and such folks, none of them, as the evidence shows, entitled to credit or respect.

Suppose the President had made the proper inquiry, does any one acquainted with the facts believe the President could or would have ever recognized and sustained Kellogg and his usurpation? Never. Why? Because, first, the returns showed that McEnery and his ticket were elected by an average majority of ten thousand votes; secondly, no authority of the State of Louisiana ever ascertained that Kellogg and his ticket were elected. Even if he were beaten by fraudulent or any unlawful means, he was not ascertained to be elected according to law; but, on the other hand, it was ascertained according to law that McEnery and his ticket were elected, and by this determination the President was in law bound to be governed, whatever he may have thought of the merits or fairness of the election.

If the President had taken this lawful course, he would have been compelled to recognize and sustain McEnery and his associates. If he had done so, then the State and people of Louisiana would not have suffered the wrongs and oppression they have experienced; scores of lives would have been saved, and the country from shameful scandal and national disgrace.

Before I pass from this matter, I wish to sustain all I have said by calling attention to what the committee said on this subject. The committee were all republicans. It was composed of Senators MORTON, CARPENTER, LOGAN, ALCORN, ANTHONY, Trumbull, and Hill. Messrs. CARPENTER, LOGAN, ALCORN, and ANTHONY made a majority report, the others, each, made a minority report.

The committee, referring to the action of the United States judge, (Durell,) say:

Viewed in any light in which your committee can consider them, the orders and injunctions made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction; and your committee must express their sorrow and humiliation that a judge of the United States should have proceeded in such flagrant disregard of his duty, and have so far overstepped the limits of Federal jurisdiction.

On the order referred to, the marshal and troops seized the State-house and held it for six weeks, and organized the usurping or Kellogg legislature in it. That is the sole authority on which the Kellogg usurpation rests this day. An order as void as if I had made it.

In referring to the "Lynch board" and its conduct, the committee say:

There is nothing in all the comedy of blunders and frauds under consideration more indefensible than the pretended canvass of this board.

The following are some of the objections to the validity of their proceedings:

1. The board had been abolished by the act of November 20.
2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstrong case restraining it from making any canvass not based upon the official returns of the election.
3. Conceding the board was in existence and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made under the law of 1870 to the governor, and not one of them was before the Lynch board.

It was testified before your committee by Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican Legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns; in other cases they had nothing but newspaper statements; and in other cases, where they had nothing whatever to act upon, they made an estimate, based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits and delivered them to the Lynch board while it was in session. It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

Upon the pretended count of this board, Kellogg is this day exercising authority and his usurpation is sustained by the President.

Speaking of the McEnery ticket the report says:

It is the opinion of your committee that, but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board, and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell, and the support given him by United States troops, resulted in establishing the authority *de facto* of Kellogg and his associates in State offices, and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject, and ignoring the distinction between good faith and fraud.

Without any reference to the merits of the election, a lawful board, the lawful authorities of the State, ascertained according to law that McEnery and his ticket were elected. Behind that the United States have no right to go.

In his minority report, Judge Trumbull says in reference to the election:

According to the official returns, the fusion State ticket, headed by McEnery for governor, received an average majority of about ten thousand votes, and a large majority of the persons elected to the Legislature were of the same party; and but for the illegal interference of the United States authorities, as is stated in the report of the majority, the McEnery government would have been peacefully inaugurated.

How skillfully the plan was laid to overthrow the legitimate State government, set aside an election, and inaugurate the Pinchback and Kellogg administrations

and legislatures, and how well Judge Durell was supported in all these revolutionary and illegal proceedings by other United States officials, will appear by reference to a few facts disclosed in the evidence.

Referring to the views of the majority, he says:

It is, however, said by a majority of the committee that the election of November 4 was so tainted with fraud as to render it wholly void, and they recommend the passage of a law for holding a new election under the authority of Congress.

If it were admitted, as it is not, that Congress has authority to inquire into the fairness and regularity of a State election, it was denied that there was any such fraud in the late Louisiana election as would justify setting it aside. It was confessedly one of the most quiet and peaceful elections ever held in the State, and the evidence shows that it was substantially free and fair.

The vote polled was twenty thousand larger than ever before cast in the State, and against more than two-thirds of it no complaint of unfairness is even alleged.

The majority of the committee say that the returns showed (and they had them before the committee) that McEnery and his ticket were elected by a large majority, and that it was so ascertained by the count of the De Feriet returning board; but they say that they are of the opinion that the Kellogg ticket would have been elected if there had been a fair election. On this point they say this:

Your committee are therefore led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State. Considering all the facts established before your committee, there seems no escape from the alternative that the McEnery government must be recognized by Congress or Congress must provide for a re-election. And this brings us to consider:

1. Whether the election of November last is void for fraud; and
2. If void, has Congress the authority to order a re-election?

First. A careful consideration of the testimony convinces us that, had the election of November last been fairly conducted and returned, Kellogg and his associates, and a Legislature composed of the same political party, would have been elected. The colored population of that State outnumbered the white, and in the last election the colored voters were almost unanimous in their support of the republican ticket. Governor Warmoth, who was elected by the republicans of the State in 1868, had passed into opposition, and held in his hands the entire machinery of the election. He appointed the supervisors of registration, and they appointed the commissioners of election. The testimony shows a systematic purpose on the part of those conducting the election to throw every possible difficulty in the way of the colored voters in the matter of registration. The polling-places are not fixed by law, and at the last election they were purposely established by those conducting the election at places inconvenient of access in those parishes which were known to be largely republican; so that in some instances voters had to travel over twenty miles to reach the polls. The election was generally conducted in quiet, and was, perhaps, unusually free from disturbance or riot. Governor Warmoth, who was the master-spirit in the whole proceeding, seems to have relied upon craft rather than violence to carry the State for McEnery. In the canvass of votes which determined the McEnery government to be elected the votes of several republican parishes were rejected.

They say further:

If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that legislature, should be seated in the Senate in place of Kellogg. But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of that State.

In the paragraphs just read the committee have embodied the strength of all the objections to the election of 1872. Now, with all due respect, I insist that the grounds suggested are untenable. First, neither Congress nor the President has the right to determine the result of elections in the State for State officers. This is matter that the States control for themselves; they have sole and exclusive jurisdiction; when they decide, rightly or wrongly, the United States and the world are bound by the decision. Where is the clause of the Federal Constitution that confers on Congress or the President any such authority? No one has cited it, and I venture the assertion that no one can do so. So far as I can learn, such a suggestion never was made before. Such a power is not only not conferred, but the exercise of it would manifestly lead to interminable conflict and inaugurate general anarchy. The Congress and the President may, on a proper occasion, ascertain who were ascertained according to the constitution and laws of a State to be its officers, but this is all they may do.

This answer would seem to be sufficient in this case, because the authorities of Louisiana did ascertain and decide that the McEnery ticket was elected.

Secondly. But a consideration of the causes assigned as evidence of the fraudulent character of the election are likewise untenable. It does not follow because the negro vote was cast in 1868 for the republican ticket, that it ought to have been cast for it in 1872. Governor Warmoth supported the fusion ticket; it is admitted he had a large influence—personal, political, and in the way of official patronage. If he chose to use these for the benefit of the fusion ticket he had the right to do so, just as he had the right to do the same for the Kellogg party if he had chosen to do so. It is well known that the President, through his political influence and official patronage, exerts in the States a tremendous influence—controls thousands and tens of thousands of votes. I do not think this is right, but no one ever heard it suggested that an election was void because he did it. The constitution and laws give the governor the right to appoint the supervisors of election, and as to the location of the voting precincts they were as convenient to the negroes as the white people, and generally the negroes are more apt to attend than the white people. Besides, there had been terrible misrule in Louisiana, and how far the negro vote was cast in favor of a salutary change, who shall say? It is admitted that the election was unusually quiet and it was the largest vote ever polled there. In confirmation of the result thus ascertained, the late election in that State

gave the conservatives a large majority. Then, such objections are not reasonable—surely no one can seriously pretend that they are sufficient to warrant the overthrow of a State government!

Now, sir, after what I have said and shown, I insist that I am warranted in making these deductions:

First. The power and authority exercised by Kellogg and his associates in the State of Louisiana since the election in 1872, has always been a naked, wicked usurpation; that it has been established and sustained by the present national Administration for political party purposes in defiance of the vote, will, and protest of the people of that State by and through the unlawful use of the Army of the United States.

Second. That at the late election in that State the people again defeated the republican party, and again the Administration by means of the unlawful use of the Army defeated the popular vote and will.

Third. That thus the Administration has by the exercise of absolute power set a precedent, not only dangerous to, but absolutely subversive of, our system of government and public and personal liberty.

Mr. President, I very much regret that the President in his late message saw fit to present a partisan view of the troubles in Louisiana. It is a labored effort to justify Kellogg and his supporters on the one hand, and condemn McEnery and his friends on the other. He calls special attention to what he calls a shameful and undisguised conspiracy to carry the election in 1872 against the republican party, to the affair in New Orleans on the 14th of September last, the Colfax and Coushatta affairs, and a general state of lawlessness and crime in that State. His grave charges are not sustained by any reference to ascertained facts or information, but are founded on vague, partisan, interested, and *ex parte* statements. He arraigns and condemns a whole people upon such information, without any hearing, and without any reference to, or a line or word explanatory of, the causes that gave rise to such disorders. He seeks to leave the impression that the people are essentially lawless, and that they love crime for its very sake. This is not just to that people, the Senate, or the country, and manifests a spirit unworthy the Chief Magistrate of the nation. We need to know both sides of the controversy and the whole facts.

It is beyond cavil that the Kellogg usurpation is the cause of the extraordinary and atrocious deeds to which the President makes reference. No disinterested man acquainted with the facts can doubt for one moment that, if the McEnery administration had been permitted to proceed according to law, these terrible crimes had not been perpetrated. It was the lawfully ascertained government; and, as appears by the report of the committee, and from every source, the masses of the people of all parties were ready and willing to recognize and accept it. The people of that State, the Congress, and the whole country know that Kellogg and his associates are usurpers. This has been ascertained by solemn investigation under order of the Senate.

The affairs of the 14th of September in New Orleans, the Coushatta and Colfax affairs, grew out of the struggle of the rightful government to assert itself against usurpation. This no one can deny. In New Orleans the engagement was open and direct between the contending parties. In the two latter cases, the Kellogg officials and others of that party outraged the people by intolerable misrule and incited the negroes to attack the whites. The result was that conflicts of violence and deeds of blood shocking to humanity and meriting the severest condemnation and punishment were perpetrated. But this is the natural consequence of usurpation. It has been so in all ages and countries, and our own is no exception to the general rule. Indeed, the American spirit will not submit to tyranny; it will assert its freedom or perish in the effort to do so. The American people submit to lawful rule cheerfully and quietly, but to despotism and oppression never! Our whole history attests this truth.

The crimes referred to shock my nature and sicken my soul. I denounce the authors of them. They merit severest punishment; but I denounce both and all sides of them. The poor, ignorant negroes, incited to murder and rapine by vagrant supporters of Kellogg, and the white people, goaded to desperation and violence by his and their misrule, are not the only nor the most guilty parties. The Kellogg usurpation and its supporters are responsible. The deliberate judgment of the American people and the civilized world will hold them so.

The President complains that the perpetrators of these crimes have gone unpunished. Why is this? The usurping government had complete control of the executive, judicial, and legislative branches of the State government, and they were sustained constantly by the Army of the United States. More than one-half of the population were negroes. Kellogg's government could do what they would. It is a shameful subterfuge to say they could not bring offenders to justice. There was another cause, and that was this: The friends of this usurpation, as the facts show, were the first aggressors—always the aggressors—and any judicial investigation would expose them while it might expose others. Like all other usurping governments, it has been interested in avoiding all investigations that expose its crimes and misrule. This is the reason why crime has not been punished. The statistics show that other crimes were punished. Why not these? The answer is that I have given.

It is not surprising that the propositions of General Sheridan contained in his telegrams, which I have read, and which the President

and the War Department approved, have greatly shocked the masses of the American people. They are not only unlawful but monstrous; they embody every essential attribute of absolute despotism, and a doctrine, the outgrowth of the late war, which has been embraced by a class of politicians very dangerous to liberty and free government. I cite it as a striking and significant fact, that the President did not disavow the propriety of General Sheridan's propositions. I had hoped that he would do so.

The President tells us that "no party motives or prejudices" influenced General Sheridan. However this may be, it is very manifest that he thoroughly identified himself with the policy and wishes of the President and the Kellogg usurpation. No one can read his dispatches and not see that he went to New Orleans hostile to the white people, and that he received suggestions mainly if not entirely from Kellogg and his supporters. Apart from the enormity of his propositions, the language used by him was coarse—that of insult and violence, and well calculated to stir up the wrath of a whole people. Whatever may have been his purpose, his language and manifestations were well adapted to stir up a conflict, and thus give the republican party the opportunity to set up anew the cry of a "new rebellion" in the South and a "conflict of races." His language was not only gross and violent, but it was false in fact, if we can rely upon testimony of the most indubitable character. He styled the "white-leaguers" as *banditti*. Now, they are not *banditti*. The subcommittee of Congress made special inquiry as to the nature and purposes of that association.

In speaking of it they say:

In this connection we refer to the White League mentioned in the message of the President. In the last campaign of Louisiana the opposition was composed of various elements—democrats, reformers, dissatisfied republicans, liberal republicans, old whigs; and in order to induce the co-operation of all, some of whom refused to unite with an organization called democratic, they took the name of "the people's party;" called in some localities "the conservative party;" in others, "white man's party;" in others, the "White League;" and had ordinary political clubs under these names throughout the rural districts, which were ordinary political clubs and nothing more; neither secret, nor armed, nor otherwise different from usual political organizations. These, must not, however, be confounded from similarity of name with the White League of the city of New Orleans.

That league is an organization composed of different clubs, numbering in all between two thousand five hundred and two thousand eight hundred; the members of which have provided arms for themselves, and with or without arms engage in military drill. They have no uniforms, and the arms are the property of the individuals, not of the organization. They comprise a large number of reputable citizens and property-holders in the city of New Orleans. Their purpose they declare to be simply protective; a necessity occasioned by the existence of leagues among the blacks, by the hostility with which the Kellogg government arrayed the black against the white race, and by the want of security to peaceable citizens and their families which existed for those reasons, and because, also, of the peculiar formation of the police brigade.

This account is confirmed by the clergy of New Orleans, military officers, and scores of northern citizens doing business in that city. Now, whom shall we believe—General Sheridan, who is in a bad humor, and gets his information from Kellogg, or his supporters, or the disinterested congressional committee, sustained by hundreds of men whose purity of character no one can question? General Sheridan is mistaken in this matter as well as others. His statements are plainly *ex parte*, and he colors darkly every complaint he makes. This is neither fair nor just nor does it comport with the duty of one in his position or with the policy of peace and order. He says, for example:

Since the year 1866 nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded.

Now, where did he get this information? From whom did he get it? His statement is a vague one, based, as his whole report shows, upon the statements of interested persons. And with a view to color his report and make the number sound loudly he couples *murder* and *wounding* together. How many of one and how many of the other, he fails to tell. And over and above this, he never once alludes to the causes that gave rise to the disorders. This all fair men must say was due, in fairness and right.

I do not pretend to deny that there are terrible disorders in Louisiana, and that bloody crimes have been perpetrated there, but I think I have proven that these are justly attributable to the Kellogg usurpation established and sustained by the present Federal Administration in violation of the Constitution and laws, and with the view to the continued control of that State by the republican party in utter defiance of the popular will expressed at the ballot-box. The Administration unlawfully interfered in 1872, and defeated the popular will, overthrew the lawful government of the State, established and has ever since sustained the Kellogg usurpation. Now, in 1874 it again defeats the popular will, and with the Army disperses and overthrows the lawful Legislature. I respectfully challenge any one to show any lawful sanction for what the President has done in Louisiana since 1872. No one has yet pretended to do so; I venture to say with perfect confidence no one can do so.

Whatever may have been the patriotic services rendered to the country by the President in the past—and I do not detract from them—how long, I ask, will the American people submit to such arbitrary exercise of absolute power? If he can thus dismantle Louisiana and set up his political adherents, may he not do the like in New York, or Ohio, or Oregon? If he may thus control the organization of the Legislature of Louisiana and disperse those who do not adhere to him and his fortunes, may he not in like manner disperse the Legis-

latures of the other States I have named? Nay, when Congress shall cease to adhere to his political fortunes, may he not, like Cromwell, march troops into these Chambers and disperse Congress? Who shall say that he will not? The right he has to do what has been done in Louisiana, he has to do all I have suggested—that is the right of might! If this President and the present dominant party may do it with impunity, another President and another dominant party may do likewise and cite this precedent. Is the republican party ready to see another President at the head of another party do so in Massachusetts, in Vermont, and Pennsylvania? Are the American people willing to see this doctrine established and carried into practice? I trust not. I hope not. Then let them now assert their right and stand by the Constitution of the country. Let this deed be condemned everywhere; let every friend of free government, let every friend of liberty in the Union, throughout all its compass, hold this subversion of the State of Louisiana up to the condemnation of the whole people. Let the cause of Louisiana be the cause of the whole people and of every State in the Union. The question is not whether crime has been committed or whether it shall be punished—all are in favor of that; that is not the question; it is, shall a State government be overthrown, demolished, by a President of the Union? That is the question. Let crime be punished, let it be punished everywhere, according to the full measure of the law; let the prosecution of offenders be vigorous and certain. I am in favor of that. I urge that on every one charged in any way with the punishment of crime. I urge it upon all good men to be active and aid in bringing offenders to answer for crime, but I will not now, I never will, consent to make crime a pretext to help a political party control the country; I never will consent to make crime an excuse for subverting a State government for any purpose. How is crime any excuse for what was done to Louisiana in 1872, and from that day to this? How is crime any excuse for what was done to the Legislature of that State on the 4th of last month? Answer these questions who can! No, Senators, this blow at Louisiana is a death-thrust at the vitals of the Republic, if we, if the American people, shall allow it to be consummated. If this work shall stand, then the Constitution is dead, the love of liberty in this country is dead, liberty has fled to other lands, the one-man power is everything—might is right, right is might, and despotism triumphant! Do you say, Senators, let this blow be consummated? Then I appeal with abiding confidence to the people everywhere in the Union. They love their country and their form of government more than party. Let the issue be made at once; I do not fear the verdict. Already the voice of millions of freemen has been heard in condemnation of the arbitrary deeds of this Administration in Louisiana and elsewhere. Let the issue be made, and that voice will increase in volume and power until it speaks from existence forever the most arbitrary Administration and party the people of this country have ever seen or tolerated. Let that issue be made, and then will be made manifest the truth that the republican party has ceased to be a party of principle, that its legitimate work is done for good or evil.

Mr. President, I deprecate the unfriendly tone and temper of this debate on the part of the majority, toward the Southern States and the white people of that section of the Union. It manifests a spirit of dislike, in some instances of revenge and insult, which I had hoped did not exist anywhere, much less in this high place, and I venture still to hope it, finds very little sympathy in the popular heart of the North. Unmerited denunciation, misrepresentation, and falsehood prove nothing but the littleness and meanness of those who employ such instruments of detraction. Coarse and insulting language add not one whit to the dignity or merit of any one; it only serves to engender dislike, contempt, and disgust. It seems to be the desire of some of the majority to provoke the dislike and displeasure of the southern people, rather than secure their respect and confidence. Such gentlemen will very probably succeed in their purpose now and for the future. I am very sure that a wholesome statesmanship, apart from personal good-will, would suggest the propriety, wisdom, and importance of reclaiming the respect of the people of the South of all political parties for the people of all political parties at the North, and especially for the public men of the nation. The spirit of this debate seems to have no such end in view. I beg to say, however, to the Senate and the country, that the southern people are very able to take the distinction between the Government and the dominant party—they may dislike the one while they love and honor the other, and so I apprehend millions of southern white people do. The republican party have not done much for the last ten years to command the love and confidence of the southern people.

Sir, it is false and scandalous to say that any considerable number of the southern people anywhere are murderers, assassins, robbers, and given to crime. No proof of this has been, and I undertake to say none can be, produced. I do not pretend to say that there is no crime in the South or that there are no bad men there. I admit the contrary; but what I do say is, that the aggregate crime there is not greater in proportion than elsewhere in the United States, and anterior to the late war it was much less there than in the Northern States generally. In this estimate, I do not include those crimes growing out of the troubles in Louisiana and others like them. These are attributable to special causes, the principal one of which is misrule of the most intolerable character. And I assert with perfect confidence, and challenge successful contradiction, that in 90 per

cent. of these horrible atrocities the negroes, led on by bad white men and others in the interest of misrule, have been the aggressors. This was so at Colfax, Coushatta, and Vicksburgh and elsewhere.

Mr. SARGENT. The Senator states that the provocation was on the part of the blacks and others. He mentions Coushatta among other instances. Will he please state what the provocation was?

Mr. MERRIMON. I will.

Mr. SARGENT. As that circumstance is in the official documents, some persons who had been properly elected to office were required to resign. They declined, though threats of their lives were made; but when further threatened, they agreed to leave the State if they could have a safe escort. A safe escort was promised, and they were murdered on their way to the State line.

Mr. MERRIMON. The facts about that transaction, as I have learned them from various sources, getting them from the same sources that the Senator does and other sources, including a private letter from a highly respectable individual, are that the men who were thus cruelly murdered—and I make no apology for the murderers—had incited the negroes to riot and murder anterior to the time when they were arrested and carried out of that town. The fact that the negroes were so incited by these parties or part of them, gave rise to their arrest, seizure, and taking them off with a pledge of safeguard, when they were brutally murdered; and I condemn it as thoroughly and completely as anybody, and the parties who did it ought to be punished to the last degree.

Mr. SARGENT. There was no riot at Coushatta. There had been there no previous violence of any kind whatever. These were not negroes, but white settlers, and two of the men who were thus murdered were southern born. The offense of all of them was merely that they were republicans.

Mr. MERRIMON. The facts are, that the original riot which it was intended to have in the town of Coushatta did not take place there, but by misdirection the negroes went to another town. That excited the indignation of the white people, and then these men were arrested in the town of Coushatta, and they were murdered on their way to the place where a pledge was given them they would be allowed to go. But I will proceed with my speech.

I do not justify or excuse the violence of the white people. I condemn this as strongly as anybody; but I condemn those who incited the negroes and made misrule, more than any one else. It cannot be denied by any just person, that in all these cases the provocation was great indeed, such as would have produced like conflicts and bloody results in any State in the Union. In truth, I believe that today if the same provocations were offered in Indiana or Wisconsin or New York to the people, the result would be infinitely worse. The white people of the South have borne much, because they knew little allowance would be made in their behalf. I put it to every reasonable and well-informed person to say, if, considering the character of the late war and what has transpired since—the humiliation, impoverishment, outrage, and misrule to which the people of the South have been subjected—the gross amount of crime there has not been remarkably small. Looking to the history of other times and other countries, there would be no doubt of the correctness of this view.

I know that exaggerated statements have been made by political newspapers and public men—sometimes on one side and sometimes on the other—for political effect; perhaps both sides in politics are not free from this imputation. Such statements are worth but little with reasoning, reflecting men. I place small confidence in what individuals may say on either side of this controversy, moved by political considerations. I look to general results and the opinions of disinterested, just, and conscientious men charged to look after the public good, and who do so regardless of the interests of political parties. Looking to such sources we may form just conclusions. Who could draw such conclusions from most of the speeches made in this debate? The majority, attacking the South, in speaking of the crimes in Louisiana and elsewhere, have uniformly exaggerated them in number, painted them in the blackest colors; they have talked against one side and for the other, and hence have told but one side of any case.

I cite the speeches now in the RECORD in support of what I say. No one of them pretended to explain the facts attending the origin of any conflict, no one has ever referred to any grounds of provocation. A stranger, taking the speeches as stating the whole truth, would infer that the white people just in cold blood, and for the love of murder, killed negroes by the score. Now we all know this is not true. I repeat, that wherever these extraordinary scenes of blood have transpired the negroes, incited by bad men in the interest of misrule, have been the aggressors. And but for bad white men they would be comparatively quiet; the South everywhere would be quiet to-day. And wherever in the South there is wholesome government there is peace, good-will, and slowly returning prosperity. My own State is a striking illustration of this fact; Georgia is another; Tennessee and Texas are others, and lately in Arkansas there is a state of quiet and good order produced by a wholesome change in government.

In my State, the governor is republican and a large majority of the judiciary are so; the Legislature is conservative. In Georgia, Tennessee, Texas, and Arkansas the State authorities are mainly democratic. There is peace, and the people of all classes and colors are protected alike in their lives, liberty, and property as well as any-

where in the Union. In South Carolina, where there has been the grossest misrule, the present republican governor manifests a strong and honest purpose to administer the government faithfully, and as a consequence order and confidence are returning and all classes of people sustain him. It has been said tauntingly that if the democrats rule all is well, but republicans are not tolerated. This is the contemptible cry of the small demagogue. Wherever there is a republican who rules justly, he is both sustained and respected by the people. I do not doubt that the white people prefer democratic rule, but they cheerfully sustain the lawful and wholesome rule of any party or any man.

Before I pass on this subject, I wish to call attention to the census statistics of crime in the years 1850, 1860, and 1870. I wish time would allow me to produce the tables. Any one can refer to them who wishes. But they show these striking general facts in support of what I have said. Anterior to the late war, the ratio of crime in point of smallness of amount, was nearly as 3 to 1 in favor of the Southern States. Especially in North Carolina, there was not a more peaceable, law-abiding people in the world. Since the war the ratio is about the same throughout the Union; but if I subtract the crime done by colored people, the ratio is about what it was before the war. Take North Carolina, for example: Out of four hundred and sixty-two convicts in the State prison in 1870, one hundred and thirty-two were whites and three hundred and thirty were colored. This official data will carry infinitely stronger conviction to the minds of just and reflecting men than all the empty declamation and detraction that can be heaped on the people of the South for an age, founded upon the clap-trap, interested, and false statements of petty partisans. They, like all agricultural peoples, are peaceful and law abiding. Until the republican misrule in the South, with which the country is at length becoming somewhat familiar, that section of the Union was remarkably free from riots and crimes incident to crowded cities and communities. It is so now, except in the cases and for the causes mentioned, and the statistics I cite show it.

Mr. President, republican politicians have sought for years past to produce the impression that the people of the South are and have been ever since the late war hostile to the Union, and desire and intend its overthrow. They seek to make this impression now in and out of the Senate, by the cry, in connection with the troubles in Louisiana, of a "new rebellion" in the South. Their misrule has produced disorder, conflict, and crime; and again they raise the shout of a "new rebellion," in order to rally the people of the North once more to their support. This is likewise a false suggestion—utterly groundless. But it has been made so persistently in the past and is now so vigorously renewed by politicians, that I deem it worth while to submit some considerations which ought to silence forever this groundless clamor.

Notwithstanding the violence of the late war and the multiplied annoyances and complications the people of the South have been subjected to since that war, so far as I know or can learn, no man has ever since then raised his hand or his voice against the Union. If any one knows to the contrary, I ask him to produce the proof of his allegation. Those who make the imputation reach their conclusions by false deductions. They argue that the southern people rebelled, they fought, were conquered, subjugated, and therefore they hate the Union; and then in support of their conclusions they cite disorders in the South, which were in fact produced by their own misrule. That this is false reasoning will appear from what I am about to say.

The general fact I have just stated as to opposition to the Union is striking and significant, and ought to be a source of profound pleasure to every patriot. It rests on solid grounds of patriotism, and gives the strongest assurances of the perpetuity of the Union if the people are true to themselves.

In the early struggles for independence in this country the people of the South were the first to strike for liberty. Undisguised white men seized British tea, British stamp and also the stamp officer at Wilmington, North Carolina, before the tea was cast into the water in Boston Harbor. At Charlotte, in that State, the people declared independence of Great Britain on the 20th day of May, 1775, thus anticipating the national declaration more than twelve months. They employed much of the noble thoughts and language in their declaration afterward incorporated into the national declaration. When the hour of conflict that "tried men's souls" came, they were among the first to rush to arms and declare and make the "cause of Boston the cause of all." In that glorious, never-to-be-forgotten struggle for liberty and independence, Virginia, North Carolina, South Carolina, and Georgia contributed of their blood and treasure without stint and as liberally as any of the Colonies. In the statesmanship and generalship of the Revolution they were the equal of any other section. In the very outset the people at Charlotte manifested their unalterable love and preference for free republican institutions, and all through the southern colonies they did likewise. In order to throw off kingly government they nobly aided in gaining and establishing independence. After that they aided in framing, establishing, and sustaining the present national system of government. Without them this never could have been done. Much of the system is the workmanship of their statesmen. The people approved the Union, they indorsed it, they sustained it, they loved it, because it embodied their notions of free government, and secured national liberty for them and their posterity and for the oppressed of all nations. They

believed in the theory of it; they put it in practice, studied and understood its workings, learned and approved it well. From its earliest existence to this moment their tastes, their industries, their education, their laws, their statesmanship, their valor, and their civilization have uniformly attested their approval of, adherence to, and love for this system of government. In all the past scarcely an individual in the South has expressed, much less made, opposition to this noble system of government. Nor can any man deny that the southern people contributed much, very much, to the greatness, glory, and renown of the Union. Whatever may be said of their hostility to it in the late civil war, it can never be said that they were hostile to and fought against this system of government; and that is the material fact I now wish to make prominent.

I know that here the horrid specter of the civil war rises up, and I am to be told that the southern people fought against the Union. But they did not fight against it because it was the Union; they did not fight against it as a system of government or because it was such. They owned five million of slaves, worth more than two thousand million dollars; they had a strong and overruling apprehension, grounded upon long and fierce controversy, that a political party about to administer the Government intended to destroy that property, although it was recognized by the Constitution and secured by the system of government as much as any other property. So apprehending, they did not propose to make war on the Union, but to withdraw from it, as thousands believed they had a constitutional right to do, both North and South. I did not, however, share in that opinion. The first act of attempted government they did was to form a national government substantially in all respects that of the Union. The State governments were all preserved. No one suggested a new system; if this had been proposed, the revolution could not have lasted a day. The people of all classes were zealous and keenly alive on this subject. The magnitude and violence of the war was almost without precedent in history. At the close of it the people of the South, seeing that negro slavery was lost, at once laid down their arms. Immense armies did so, though they might have continued a terrible warfare for years. Almost in a day the whole people abandoned war and returned to peaceful pursuits and, I may add, their allegiance to the Union.

There is no parallel in all history for such a termination of such a war. I submit to the judgment of a candid world that there could not be a nobler illustration of the high civilization of the southern people. Could there be more convincing evidence that they were not hostile to the Government as a system, but approved it? How else can that grand result be explained? No man can gainsay the manhood and unbending courage of the southern people and their unalterable and unconquerable love of liberty. If they had deemed their liberty about to be lost, with armies well-trained and able and experienced commanders, they could have kept up organized warfare for an indefinite time, and beaten in this, they could have carried on irregular war for a quarter of a century. This they would have done if they had supposed that they were to be denied the full benefits of free government. But they were assured otherwise by the President, by Congress, by the Army of the Union, and by the northern people. They confidently expected otherwise, and hence they were content at once to abandon war and return peacefully to the Constitution and the Union—again enjoy the benefits of them and again support and defend them. After that, they submitted to the repeated overthrow of their State governments and the re-establishment of them under reconstruction orders of the President first, and afterward under the reconstruction acts of Congress, containing provisions alike proscriptive and humiliating. Tens of thousands of the white people, thousands of them distinguished for virtue, learning, and experience, were not allowed to join in the work of reconstruction, while the then late slaves, without any preparation or fitness for such a purpose, were allowed to do so. To make these laws more offensive, they were executed by the Army, and it is a shameful mockery to say that the elections were free—they were held under the sword and the supervision and direction of the Army officers. The vote taken in my own State was counted in a city in an adjoining State, at military headquarters, whether rightfully or otherwise no one ever knew. Time will not allow me to advert to the demoralization in government, public extravagance, corruption in office, increase of public debt, and general misrule consequent upon reconstruction. It is scarcely necessary to do so; it is notorious. It has in great measure driven the people in the South to despair; it is the national disgrace and the scandal of civilization.

In view of all these things can any reasonable person doubt that the southern people are for the Union and bound to it by motives and considerations of the most enduring character?

Sir, free government, as embodied in the constitutions of the several States and that of the Union, is essential to the liberty, prosperity, and happiness of the American people. It is therefore a matter of supreme moment to them that it shall operate freely and perpetually in all its parts throughout the length and breadth of the whole Union. It cannot be one government for the North and another for the South; what is done to Louisiana must under like circumstances be done to New York. It cannot be one government for the northern people and another for the southern people; it must be the government of all and for all. The northern people cannot maintain a standing army and a military despotism in the South and free gov-

ernment at the North. They cannot allow the usurper to crush and kill Louisiana now. If they do, one day he will by the like right crush and kill Massachusetts. Our rich and noble heritage of government has cost too much of precious blood and treasure to be wasted and frittered away in prolonging the supremacy of a political party. The vitality of that heritage is not only threatened—a deadly assault is made upon it. The time for active defense has come. I call aloud to the people to come to the rescue while they may, lest the terrible time shall come when they cannot.

Mr. STEWART. I did not intend to make a speech, and I will not now; but I have listened to all this essay of the Senator from North Carolina, [Mr. MERRIMON,] and there are some parts of it rather cool and refreshing.

Mr. MORTON. Will the Senator yield to a motion for a recess?

Mr. STEWART. I think we had better go on. I say that some parts of this essay are rather cool and refreshing, particularly when he deprecates the tone of the majority toward the southern people and toward the democratic party. He deprecates the harsh language the majority use. He does not say anything about the tone of the minority. After having dealt in epithets, ransacked the dictionary to get harsh terms to apply to the republican party and the President of the United States for the space of four and a half hours, he deprecates that anybody should say harsh things except himself. He has the exclusive privilege to say hard things. Where did he get that exclusive privilege? There have been harsher things said by him than I ever heard in this Chamber before, harsher things of the President of the United States than I ever heard before.

Mr. MERRIMON. I challenge the honorable Senator to point to one word I said disrespectful to the President of the United States.

Mr. STEWART. Take the whole speech; the words "usurpation," "tyranny," "oppression," "cruelty," and everything else were applied to the President. He was charged with almost every crime in the decalogue; he was pictured as a tyrant worse than Nero; he was not treated with any respect whatever by the speech of the Senator from North Carolina.

Who is the President of the United States that he should be thus treated? The President of the United States happens to be a man who has acted a very conspicuous part in the republican party and in the struggles of the last fourteen years, and I do not wonder that there is some feeling against him on the part of certain persons; but I am surprised that that feeling should manifest itself quite so publicly at so early a date and at this particular time. I want to tell my democratic friends that they are getting a little too fast in this matter; it is a little too early yet to speak of the republican party as false, faithless, dead, and all that. The republican party is not going to die immediately. I do not wonder that the enemies of the republican party desire its death. The republican party is identified with too much of that which is good, too much of that which is worth having, its history is too thoroughly identified with the Union of these States, it is too thoroughly identified with government and law and order to meet the approbation of some people. There is no doubt about that. The Senator from North Carolina says let it die, and let it die now. The republican party is not going to die at his bidding. The republican party has lived a long time. The republican party did not die at the bidding of men who disliked it when it won a just victory in 1860 and elected a President. It did not die then because the democratic party would not submit to the verdict of the people. It did not die then notwithstanding this same democratic party declared that they would destroy the republican party; and if it was necessary to do that to destroy the Union and the Government of the fathers, they would do it; and still the republican party did not die. No! but the majority of the people of the United States came forward and said that the party that stood by the Union and the Constitution and the laws should live. But the struggle commenced then; it went on with various successes. Each day we were told that it was the last day for the republican party; it must die. We were told by democratic orators in the darkest days of the rebellion that the republican party must now die. Every time there was a rebel victory we heard in the streets of the North, "This is the end; it is a terrible overthrow. You and your party will now be crushed out." This went on from time to time. We heard, I say, during the whole struggle that the time had come for the republican party to die. When finally through the patriotism of those composing that party—for the great Union-loving people of the whole country belonged to that party—when by their sacrifices and their patriotism the rebels were forced to lay down their arms, then the cry was, "The war is over now; Lee has surrendered. Now it is time for the republican party to die. The republican party has survived its mission; let it die!" And the then accidental President of the United States thought the time had come for the republican party to die. He pronounced its eulogy in terms not quite so harsh and severe as it has been pronounced here to-day, and he went on then to build up the substitute of sham loyalty to the Government; but what did the people say to him? The people said, "We will trust the republican party that has stood by the Constitution, that has stood by the country, that has saved the Union from destruction by war; we will trust it with reconstruction." They rolled up their majorities in its behalf, and reconstruction went on; but not in the spirit of cruelty or oppression, as has been charged. Notwithstanding the republican party was backed up by the votes of the people, by overwhelming victories at the polls

constantly, it demanded no vengeance; it excluded no one. All it asked of the South was that all men might have their rights; that the loyal man, though he be weak, should fare as well as the disloyal, though he was strong. That was all this great republican party asked.

It was said that if the negro was enfranchised the southern men would control his vote. I supposed that was so at the time, and in advocating colored suffrage at an early period I stated on this floor that I expected that result would follow. I thought then that hostility to the negro and hostility to the Government were at an end in the South; but what do we hear to-day? The Senator from North Carolina charges what—and what a charge it is to make! He says that the republicans have taught the negro to hate the white man and to separate from him. Have the republicans taught him that? There was nobody there but a few strangers. If there had been those friendly relations that they affirm, if there had been that disposition to treat the negro kindly of which they boast, they could have controlled him. The fact that they have no influence with the negro shows that they have treated him badly. He is not a turbulent man; he is peaceable, he is docile. He was under the subjection of his master. I say that to charge the republican party with having excited the negro against his master there is an admission that the negro has not been fairly treated, for I know that he loves his old master better than he does the stranger with half-decent treatment. If the idea of enslaving him had been abandoned, if your peon laws had been abandoned, if good faith had been pursued there would be no trouble of this kind. That is the strongest argument; it is the thing that comes up daily to my judgment and the judgment of fair men in the North. The fact that you have no influence with the negro, the fact that he can be controlled by a few men from the North that you call carpet-baggers, shows how you treat him. You ought to have influence with him, and if you treat him as a man and recognize his manhood you can control him, and everybody knows it. That charge against the republican party is an admission that you have maltreated him, because good treatment would secure his co-operation and friendship.

There is in that charge a volume of reproach to you. I say that all this great republican party asked in reconstruction was fair treatment, and all it has attempted to do in the South was to prevent injury to the negro by the whites of the South, or I mean to say the bad whites of the South—for I do not believe the great mass of the people of the South approve of this thing—but the turbulent white-leaguers and Ku-Klux Klan. All our efforts here were to prevent the shedding of blood and cruel treatment of the poor and defenseless. The only effort the republican party as a party has made was to give you good government. But you say the carpet-baggers have given you bad government down there. That is your fault if it be so. You had it in your power to have good government. You would not run for office yourselves; you held aloof; you made the government as bad as you could in order to have it a reproach.

Tell me that the people of the South, with all their intelligence and wealth, cannot control the negro if they would acknowledge his manhood! Tell me that they would not control him if they were kind to him! Tell me they could not have honest government if they desired! No; they were desperate; they would let the thing go by default; they would have a grievance to bring before the North to tear down the party that they hate; and perchance if they tear down this party they may take a step further; but they must first tear down the republican party before they can tear down the Union of the States. It is not dead yet. Although it is said on this floor "Let it die," it will not die as long as oppression lives; it will not die so long as red-handed treason against law and against humanity is allowed to exist and stalk abroad in the South. You misjudge, you may rail at President Grant now. I am aware of the various causes which bring defeat occasionally; but mark you, there are a few cardinal principles that are imbedded in the hearts of those who love this country, of those who stood by it in its darkest days; and they are equality of all, protection to all, fair play for all; and until you are prepared to concede that, you cannot kill the republican party.

While you upset State governments, while you use violence and fraud at the South, while you refuse to submit to the verdict of the people, while you play your old trick that you did when Abraham Lincoln was first elected of refusing to abide by the verdict of the majority, while you show yourselves uneasy under that verdict and essay to get rid of it by any means whatever, the republican party will rise up in judgment against you.

I am aware that the republican party is not tied together by the broad bonds of public plunder and traditional prejudice that are said to have held other parties together. I am aware that if any member of the republican party goes astray the whole party will throw him overboard. I am aware of the condemnation that they are willing to bestow upon any unworthy member of that party. I am aware of their not having political rule and party lines drawn as other parties have, but I am aware also—I have seen it, and I should think the Senator from North Carolina would be mindful of it at this time—that they have a few cardinal principles for which they will make any sacrifice.

Now with regard to Louisiana I am not going into any detailed discussion. I simply say that the whole case shows that the only object the President had was to preserve order, defend the laws, protect the weak, and do his duty as the Chief Executive of the nation.

There is no doubt about it, and it is premature to take what is first said upon a false report by newspapers without full information as to the facts. It is premature to say on that authority that the judgment of the people will be against President Grant. The judgment of posterity will be in favor of his Administration. Toward the South he has been generous. No man in all this broad land has shown a more high sense of generosity and liberality to the people of the South than President Grant. When Lee surrendered he extended a parole. When it was sought to have that parole violated and those soldiers arrested, who like General Grant stood up and took the responsibility to say "Thus far shalt thou go and no farther." In all his conduct toward the South in every instance, in appointing men in the South, in his private conversation constantly with the people of the South, no man expresses the sympathy, the anxiety, and the cordial wish for their prosperity. His only hope and ambition is that they may have good government, and he, forsooth, is arraigned as if he were a common criminal.

It is said that the voice of the people of the United States has condemned the Administration and that the republican party must now die—die after its glorious record; die after it has vindicated free government; die after it has vindicated the Constitution; die after it has saved the Union; die after it has recognized the manhood of all men in this country, the equality of all; die after the sacrifice it has made for the weak; yes, and die while the weak are being persecuted; die while the White League lives; die while the Ku-Klux are supreme; die while anarchy reigns in a goodly portion of this country; die while the work is yet to be done.

What does the death of the republican party mean? It means anarchy in the South, disorder everywhere, destruction of free government, States overturned by fraud, innocent people driven from their abodes and slaughtered; it means all these, until the whole country shall be sick and tired of our form of government and finally consent to disunion. That is what it means. It means, furthermore, the payment of large sums of money for damages done to the South in the war, it means to reverse the verdict of the war, it means everything that is evil to this country. Without the republican party in this generation, there would be no United States. The great body of the republican party are the only people who are identified with the government of our country and the Union in this generation. In the time of the Revolution there were other parties identified with the Republic. There was a great party then identified with it; but that generation is passed away.

The men who saved the Union by the sacrifices they made were, as a rule, members of the republican party, or sympathizers with it from the democrats and of other parties—those who carried on the war coming from all parties—coming together under the grand name of the union party for the preservation of this country; and I say they are the only people who have any memories to vindicate in connection with it. Those who now form your White Leagues, the young men who are in them, have memories upon hard-contested fields of battle against the Union. Many of them I am sorry to say are willing to give vent to their feelings by murder and depredations upon the innocent and weak among them. That is a sad spectacle, but why should they come forward and say "We will now slay the great republican party; we will trample it in the dust; it has been a tyrant to us?" I deny that the republican party has been a tyrant. I deny that the administration of President Grant has been tyrannical. I undertake to say that history furnishes no parallel of the magnanimity of the republican party; that the history of the world furnishes no parallel of a great war without a cause against a government like ours or against any other government, after which executions did not follow. Look at France with her boasted civilization and see her after two years of rebellion in the city of Paris marching men off by hundreds and thousands every week for execution. Some forty thousand if I mistake not were executed after they were captured, besides those who were cut down with arms in their hands. Nothing was said about that in the civilized world. It was regarded as the common usage of nations. Here where a war was made upon a country without provocation, without a single grievance, with nothing to complain of, no law violated, for they all admit it; they all say now the war was unjust; and the republican party in power, sustained by the great majority of the people, with overwhelming majorities at every election, granted freedom to all, restored civil rights to all and made no request of the South except that they would grant to all freedom and civil rights. That was the only request, the only struggle. It was to perpetuate slavery, as admitted by the Senator from North Carolina, that the war was waged by the South. They waged this war, he says, because their property was endangered and they have continued it to preserve that property, and every time they have had an opportunity we have seen them enacting their peon laws. I had a book full of peon laws that were passed under Johnson's reconstruction, that virtually reduced the negro back to slavery. It is their effort to control the blacks as property that causes trouble. They are unwilling to recognize the fact that the negro is a man. That they must recognize. They never will kill the republican party so long as they pass peon laws. They never can kill the republican party until they abide the event of the result of an election. They never can kill the republican party until they stop force at the ballot.

In the providence of God, the Republican party will be used for

the preservation of liberty here so long as it is necessary. It is the only instrumentality that can save liberty in America; the only party that can save the Constitution and the Union. It is the only party that can secure to every man the right to life, liberty, and property without molestation. It is the only party to which anybody looks for protection at the ballot-box and for free and fair elections.

Be friends of the negro and he will be your friend, and then there will be no occasion for the republican party. Let him vote; abandon all idea of hostility to him. He is a trusting, confiding man, and when you stop trying to get his labor for nothing, when you give up the idea of slavery in the South, when you stop that altogether, you will have his confidence. You are affable, you are seductive in manners; you can captivate us; we all like you, like to associate with you. You make us very happy by your complimentary remarks. Southern people are the most polite and most agreeable in the world socially, and they can capture the whole Senate and the country wherever they go. Tell me not they cannot capture the negro if they will only get rid of the idea that he is property, and treat him as a man.

When the idea of slavery is over, then the White Leagues will disband, then intimidation will stop, then fair play will begin, and then, when fair play begins and every man has his rights, we will begin to talk about there being no necessity for the republican party; but you may talk what you please of oppression in New Orleans; you may talk of your Arkansas troubles, and it will amount to nothing. The people understand just how it is. They will understand that in Arkansas it is not President Grant who has committed any outrage, but a State government has been overthrown. They will ascertain in Louisiana that it is not the republican party or the President that committed any outrage there, but that there is still an effort there to enslave the negro and oppress him, and there are organizations to intimidate him and to deprive him of his rights as a man. Concede these rights; let us have fair play; and drop this oppression. You cannot drop the republican party until you have dropped oppression. It hates the name of oppression. It was born to uphold law and order everywhere. It was born a giant, and grows a giant, and will remain strong and powerful so long as it sets its face against oppression.

I have friendly feelings to the South and friendly feelings for southern men. I know very well how they can get rid of the whole of this matter. All you have to do is—and I cannot repeat it too often—to be on friendly terms with the negro, and he will vote with you. Do not drive him away from the polls, but be friendly to him. He is willing to compromise. He does not want to carry on a fight; we do not want to carry it on and fight you, but as long as you do in any part of this country things that you cannot defend, you must expect it. It is intolerable in a republican government to have men driven from the polls by the thousand. There is nothing so bad. Talk about oppression. That is a blow right at the vitals of republican institutions. There is no republic; there is no liberty, unless every legal voter in the country can go to the polls and be protected and stand up as a man. Until that is conceded we must have a struggle, and every man who is a republican, every man who is a democrat, every man who believes in free institutions, is offended and injured and insulted every time the weakest man is driven from the polls. It is fundamental. The ballot is government.

Talk not to me about striking at the ballot and asking this administration not to strike back. If President Grant would not use the extent of his power to protect every man in the exercise of his life and rights, in the exercise of the ballot, he would not be worthy of the place he occupies; he would be forgetful of his great record. But fear not; he has been schooled with the great republican party in the great reform measures of the day. He carried the banner of the Union when the national life was threatened. He has been in the front rank of all reforms. When he became President his first official act was to declare in favor of the fifteenth amendment and to recognize the rights of man. If he had done less than he has done in Louisiana and elsewhere, he would have given the lie to the promise he then made to stand by equal rights and the ballot for every citizen. Think you that he can stand idly by and see the ballot, for which this great struggle has been made, trampled in the dust? Revile him not. If you of the South want to govern, if you want liberty, if you want protection, if you want prosperity, join us and let us have that and divide on some other issues; let us not divide on the issue of the rights of man; let us not divide on issues of slavery any more; drop it if you would have peace. Let us divide on other policies, but let us agree upon the fundamental principle that every man in all this broad land has the right to protect himself with the ballot, and a right to go to any poll where he is a legitimate voter and deposit his ballot without molestation; and if you think you can have democratic rule without conceding this, you are sadly mistaken in your estimate of the northern people and of this nation.

The quicker you consent to this the quicker you come up to the standard in good faith, the quicker you will have peace and prosperity in the South. Your miseries grow out of your struggle to enslave mankind. I have nothing to say against any one man personally or any particular section. Slavery was tolerated under the laws as they formerly stood; but your struggle to extend it has been unfortunate. Your struggle to maintain caste, your struggle to rule the

negro, your struggle to obtain his labor without treating him as a man, will be equally unprofitable. Drop it, and then we can have peace in this country; then we can have union and brotherly love throughout the country; for I do assure you that the only difficulty in all this country now is your vain and foolish efforts to deny the negro what are his legitimate rights. You cannot do it. You may prolong the struggle, but it will be as hard on you as it will be on the negro. It will continue to keep in power the gigantic party of the nation, which, although it may be temporarily defeated, still is a lion. Its face is set in a certain direction; its resolution is taken; you cannot resist it.

The decree has gone forth at the mouth of the cannon that this country shall be free. It has gone forth from the legislative halls of the nation and three-fourths of the States that all men in the jurisdiction of the United States shall have the right to vote, to govern and to be governed by law. Do not attempt to reverse that decree. Come fully up to that, and then you may talk about parties dying. You think you will elect a President. With your present talk and your present style you have no more chance of electing the next President than you have of carrying this Capitol on your backs. It is perfectly ridiculous to talk about electing the next President with your White Leagues in existence. Every loyal man would be insulted by those White Leagues struggling to control the presidential election. Last fall the people thought you were quiet. You said you were good boys, and the country believed it; but they will find you out before the presidential election. You cannot afford to go on in this way. Your speeches arraigning the President in such unmeasured terms, speaking of the republican party as a most oppressive party—that kind of talk at the next session of Congress would be all the document we would want to distribute. The speech of the Senator from North Carolina [Mr. MERRIMON] would be a good enough document for my State. It would secure for us every vote that was ever republican in the State. If that is the way you talk, they will all say, "I will vote the republican ticket a little longer." Strike them on some other issue. You know exactly how to stir up the northern masses and make them mad. You hit them just right every time. Perhaps I make a mistake in telling you this; but the truth is your speeches make everybody in the North mad and wipe out all chance of your electing the next President. It may not be good republican policy for me to give you democrats this warning. I am rather a non-partisan myself. I am going out of politics, and I would like to have these troubles ended. I do not want to fight these battles year after year.

I did not intend to make a speech, but the remarks of the Senator from North Carolina brought me up, and such speeches will have the same effect through the whole country. I warn you to be a little more circumspect, a little more prudent. You are rash; you are dealing with edged tools. You do not understand that when you put in an apology of any kind for White Leagues it makes everybody mad. We do not like to see men apologize for driving men from the polls. In my country, if a man was driven from the polls, I do not care what the excuse was, it would create a revolution. Everybody would be on one side against it. Think of a man deprived of the right to vote! Suppose they tried in Virginia City to deprive one man of the right of giving his ballot. There would be a worse commotion there than ever was in that commonwealth. All our people would be ready to take up arms if they heard anybody make an apology for driving men away from the polls—giving any reason for it, saying they are carpet-baggers, they are thieves, or anything else; they would simply ask, "Is it a fact that men have been driven from the polls?"

Mr. SAULSBURY. Will the Senator allow me to interrupt him? Do I understand him to say that thievery and knavery are so very popular in Nevada that that community will not tolerate the application of that term to anybody?

Mr. STEWART. No. Honesty is so popular there that you cannot make the people believe stories about the thievery and knavery of a poor negro that has been cheated of his rights; and when you talk about his being blood-thirsty they will laugh. You tell the people of Nevada that the people of the South are in danger from the negro, they will laugh. They know that is not true. It will not do at all. They know that it is a mere subterfuge for denying the right to vote. They see through the whole thing, and that is what I want to warn you about. You are not sufficiently circumspect. Your speeches will ruin you. You have said enough to ruin you. You cannot recover your ground. You may talk as nicely as you please here, but the people have no faith in you when you admit that you drive men from the polls. That you admit by your arguments here. You cannot give a reason which will satisfy any honest man that that is a right way of doing things. When you say it is not much to kill two or three thousand men; when you talk about your technical orders that the President had a right to give and talk abstractions about the Constitution, the common people will say "What of the Constitution; what have you to do with the Constitution? Under the Constitution is it legal to drive men away from the polls and murder them?" That is not the way to construe the Constitution. Lawyers may construe it in that way, but we believe that under the Constitution every man has the right to protection. And so believes President Grant. The newspapers are assailing the President.

Mr. SAULSBURY. Am I to understand from that remark that the people of the country are going for a third term?

Mr. STEWART. No, you do not understand me to say anything about that at all. I have not said a word about it; but I will tell you this: While I do not believe the people of the North would elect any man President under ordinary circumstances for a third term, I believe you can by kicking up a little rebellion down there and going on as you seem inclined to do make them do almost anything. There I warn you again. If the people find that Grant is doing his duty and that nobody else will, they will elect him again against everybody, because the people are going to preserve a few things that are cardinal with them. You had better not trifle with them on these questions, the question of the Union and the question of equal rights. You have always got beaten when you have undertaken these issues, and now you start up again the same thing. Every issue you have made for ten years on this line has beaten you. When you have not talked politics for a while, and the country gets quiet and tired of the continual rule of one party and thinks there is no danger, and the republican party is beaten in a single State, you start the old howl and stir up the people again. That is what you are doing now. It is your own fault. I have seen it over and over here for the last ten years. Whenever a little insignificant town election has gone against the republican party, then you raise a howl. You commence then to talk about the right to vote and apologize for White Leagues or Ku-Klux or something of that kind, you stir the thing right up and get beaten. That is the way the thing has been and I suppose it will continue in that way, and the republican party will live until you give up your policy. I wish you would give it up now and let the country prosper. It is time the war was over, time slavery was over with all its relics and apologies for wrong and outrage. We do not have these things in the North. We do not have men driven from the polls. We have no White Leagues. It should be so in the South. The republican party will stay and watch until it is so there. It is a persistent party. It enlisted for the whole war. It is not going to accept of any discharge and is not going to be kicked out of the service until it has finished the war in all its aspects.

Now, the quicker you are willing to stop the war and let us have peace the better; but so long as you continue the war you will be beaten in every battle and we shall see your backs on the same old battle-ground. We know every inch of that battle-ground; we have been over and over it. We know every advantage. We have seen so much on that battle-field that we know the whole plan. You have started in the same old track to wage the war of oppression and hate—the war of slavery. We understand that, and shall meet you as of old until you quit making that issue and fighting on that battle-field.

Mr. RANSOM. Mr. President—

Mr. EDMUNDS. Will the Senator from North Carolina allow me to move an amendment before he proceeds?

Mr. RANSOM. Certainly.

Mr. EDMUNDS. I offer the following amendment to this resolution.

Strike out all after the word "resolved" and insert:

That the Committee on Privileges and Elections be, and it is hereby, instructed to report forthwith a bill declaring that no constitutional State government now exists in the State of Louisiana, and providing for an election of a governor, lieutenant-governor, and members of the General Assembly for the State of Louisiana, and all other State officers which by the constitution of that State are to be elected by vote of the people thereof.

[Mr. RANSOM addressed the Senate. His remarks will appear in the Appendix.]

Mr. BOUTWELL. Mr. President, it may not be out of place for me to allude to the circumstance that I had not a seat in this Chamber when the proceedings connected with the election of 1872 in Louisiana were first considered by the Senate. But this circumstance may not be an explanation and certainly not an excuse for the fact, which may be reason for regret by me, that on the morning of the 5th of January I was not so furnished with facts and so equipped with faculties, moral and intellectual, that I could at once form an opinion satisfactory even to myself of the events and of the character of the events that occurred in the city of New Orleans the preceding day.

Other Senators were more fortunate; and other persons in the country, not having better nor, as far as I know, even different means of information, were also more fortunate; and with singular unanimity they at once pronounced the President of the United States a usurper and the Lieutenant-General of the Army an "instrument of his behests" in the basest usurpation of modern times.

We know that these opinions expressed in the Senate and expressed in the country were simultaneous in time and the same in character; but as we cannot assume that these coincidences were the result of prearrangement based upon a knowledge of the plans of those in New Orleans who designed to organize the house of representatives by fraud and force, it appears that they were the result of an identity of opinion and purpose in the politics and affairs of the country. Therefore these proceedings are just reason for serious thought. The facts were not then known. Even the party complaining had not been heard in full, and the party assailed had not been heard at all. Nor is it an excuse or defense to now say, as is now said, even were the statement true, that the facts are what you believed and assumed them to be when the President and General Sheridan were arraigned and condemned. Your statement, if true, might be evidence, of your superior

capacity for foreseeing, but it is conclusive proof of your indifference to justice and to the principles and rules of proceeding by which alone justice can be secured.

If from this injustice the South shall reap a bitter harvest, it would be a fortunate circumstance in their affairs if they could see the chief source of those disasters, which are not traceable directly to their own faults and errors. At least one-half of the misfortunes of the South are due to the misdirected sympathy and criminal support given by the democratic party of the North. Before the war, during the war, since the war, the democratic party, either by its promises or by its policy, has encouraged the rebellious and unsubdued spirits of the South. This encouragement has led to new acts of violence, to new scenes of disorder. These acts of violence and scenes of disorder have compelled the nation to move again and again for the protection of its loyal citizens in the reconstructed States. The power of the democratic party in the North, whether actually acquired or only prophesied by its leaders, has been the measure of violence and injustice to the loyal people of the South; and this violence and injustice, reacting upon the loyal people of the North, have checked the progress and prevented the actual triumph of the democratic party in the nation. This, in a sentence, is the political history of the country for fifteen years.

And this, if I may address myself specially to the South, this, Senators, will be the political history of the country until you cease to look to the democratic party for relief, and turn to those principles of justice whose essence in politics is human equality, and apply those principles universally in the States that you represent. Be not deceived by any temporary success of your northern allies. They are today for the purpose of relieving you in the manner that you seek to be relieved as powerless as they were in 1861, 1864, 1866, 1868, and 1872. You seek to be relieved from the authority conferred upon the United States by the thirteenth, fourteenth, and fifteenth amendments to the Constitution. This relief you can never obtain. The nation has been clothed with power to protect its citizens, citizens of the United States, in their equal rights as citizens of the several States.

These equal rights you do not secure in your several States to the citizens thereof, and under cover of the seductive theory of local self-government you deny to the nation the power to protect those who are first citizens of the United States, and then and therefore citizens of the States where they reside.

Your relief must come from yourselves. When you accept the negro as your equal politically the contest will be over. Until you do so accept him the contest will continue. Make your choice.

Time will show that these days given to misrepresentation and injustice are fraught with disappointment to you who speak for the remnant of the old order of things in the South, but they are full of hope for those who seek the complete enfranchisement of the negro race.

The people might have believed that General Sheridan or the President had erred in measuring the limits of executive or military authority; but they will never for a moment accept the suggestion that either of them has usurped power, or engaged in any undertaking hostile to the Constitution of the country.

Senators on the other side of the Chamber may excel General Sheridan and the President as interpreters of the Constitution, but none of them have done as much for its defense. It is fortunate that the judgment of partisan contemporaries is not always, nor indeed often, the judgment of history. We have had many great personages in American political history, and none of them were exempt from assaults; but those assaults when unjust, as usually they were unjust, have never darkened the character nor dimmed the record of the nation's benefactors. The language of eulogy is not wisely applied to the living, but what was said of Washington and Jefferson and what they in truth were and are, and what was said of Jackson and Lincoln and what they in truth were and are, should at least moderate our opinions and temper the expression of them concerning men who are to take rank in history with the most illustrious characters that America has produced.

The Senator from Ohio, [Mr. THURMAN,] who was indeed the most fortunate of Senators in his knowledge of the events of the 4th of January at New Orleans, and in his ability to mete to the actors each his just share of responsibility, early the 5th of January introduced a resolution calling upon the President for information. The speech which he made at the moment and the more elaborate speech which he afterwards pronounced in the debate showed that he did not seek information for himself, as his opinions were already formed. The same, I think, could with truth be said of his associates and supporters who took part in the debate of the first week. Nor was there anxiety manifested that the information should be given without delay. The resolution was peremptory, as though the President were our servant or agent. The Senator from New York [Mr. CONKLING] proposed to recognize the constitutional discretion of the President by inserting the words usually employed by the Senate.

The Senator from Ohio admitted, I think, although not in words so explicit as he often commands, that the form was not essential—that the President could reply or refuse, as his judgment might dictate.

And this unquestionably is the truth. The Constitution has given to the President power in his discretion to make communications to Congress upon public affairs from time to time, but no authority is given to either House to call upon him, and much less is there author-

ity in the Constitution, or derived from usage, by which the Senate can make a peremptory demand upon the President for information. Therefore the form of the resolution did not concern the President at all. His power and his duty were the same in one case as in the other. But the form did concern the Senate. It concerned the country; it concerned the proper ordering of the public business; and, above all, it concerned the constitutional relations and rights of co-ordinate branches of the Government.

The resolution as offered, an amendment having been proposed and a controversial discussion having arisen thereon, became in fact a proposition to subordinate the executive to the legislative branch of the Government, and in so far it was an assault upon the Constitution itself. It is safe to say that there was not an hour during the four days of debate when the majority of the Senate would not have passed the resolution if the mover had accepted the amendment.

But by the force of the discussion the amendment ceased to be one of form merely, and its adoption became a necessity as defining the line between the rights of the Senate and the constitutional powers of the President.

Thus for a week, in the absence of the facts, the debate went on. Thus for a week, without having the facts before us, the President and the Lieutenant-General of the Army, whose names are as certainly historical as any in our annals, were not only denounced but condemned by the leaders of the opposition in this Chamber. Thus, and without evidence, were distinguished, patriotic, and successful officers of the Army of the Union held up to the execration of the country. In the other House a bill to abolish the office of Lieutenant-General was introduced for the purpose of striking the name of General Sheridan in disgrace from the rolls of the Army. The country, and especially the veteran soldiers of the Army of the Union, will notice these attempts to strike down a hero whose courage and conduct contributed always and largely to the success of our cause. Passion is of the moment; the spirit and the principles of justice are immortal. These days of injustice and the passions of these days are passing away. The country will accept the statements of General Sheridan and the message of the President, and hold them officially and personally in higher estimation than ever before.

In times of public peril men in authority must meet and check the peril by every constitutional means. There is, there can be, no higher public duty, and the neglect of this duty in times of public danger is the chiefest of political crimes. Remember how humiliating, how ignominious the course of affairs, how terrible the results, when Buchanan sat in the executive chair, and without resistance permitted the dismemberment of the Union and the overthrow of the Constitution which he had sworn to support. These days are only less serious and threatening than were those; and were such a man as Buchanan President, or were the President disposed to leave the South to the control of the white race, the Government would be overthrown before the close of the present term. Whenever the Administration at Washington shall be in sympathy with the unsubdued and rebellious element of the South, that element being in extent and power what it now is, the Government of the country will be easily destroyed.

That the nation is now in great peril I cannot doubt; but if the peril were less serious there might be less hope of our final escape. If the country shall realize this peril, the peril itself will then be averted. But evils and dangers are not averted by closing our eyes to them, and the tendency, the unmistakable tendency of public opinion and of public affairs, is to place the administration of the Government in the hands of those who are fresh from the contest for its destruction. This attempt to blacken the character of the President and to destroy the power and drive from office the Lieutenant-General of the Army are movements in harmony with the plans of those who seek the ruin of the Government. Thus it appears that the events at New Orleans are an important chapter in the history of the rebellion. Thus are the events at New Orleans connected with the rebellion, and thus do they foreshow the danger to which the country is exposed.

In 1866 or 1867 General George H. Thomas testified that there was a secret organization extending over the whole South whose purpose was the dissolution of the Union or the destruction of the Government, while the forms of union were allowed to exist. Although he then commanded the Department of the Tennessee, and although his means of information were superior to those of any other person, the statement seemed so improbable that no heed was given to it even by the committee before which the statement was made.

Of the truth of those statements there is now no doubt. General Thomas was a southern man, but his devotion to his country knew no limits, and he gave himself to her defense without reserve. He possessed the three great qualities of courage, patriotism, and integrity, and it is in vain to inquire in which he most excelled. As his statements were supported by additional evidence from time to time, the leaders of the South and their allies in the North strenuously asserted that the whole was a fabrication; but when the existence of the organization could no longer be denied, its innocent character was asserted as universally and with the same assumed confidence.

An extraordinary and not agreeable side of human character is exposed by the testimony of men of influence in the South who were members of a secret organization, whose purposes, as they declared, were entirely innocent.

At length in 1872 the true character of the organization, its purposes, its crimes, were disclosed to the country. Some of its leaders in murderous undertakings and many of its dupes were arrested and punished; but its leaders in council, they who were most guilty, escaped.

It truth the White League of 1875 is, in the knowledge we possess of its character, in the assertions of innocence made by its members and defenders, in no important particular different from the Ku-Klux organization of 1871; and I anticipate that its career, history, and the exposure of its crimes will render the evidence of its identity complete and conclusive.

Confidence cannot be placed in the statements of those who pass for honorable men; hence they who seek the truth are quite likely to be deceived, and hence the country will wisely wait for a full disclosure of the character of the White League before accepting as final the opinion of a committee that has trusted, manifestly, to a superficial examination of the subject.

Men upon the ground, who are members of the organization, will not expose its character, whether it be innocent or criminal; those who are not members of the organization have no trustworthy knowledge, and usually they dare not give voice to their suspicions.

The testimony taken by the committee on the Ku-Klux organization in 1871 illustrates the point I am now considering, and I refer for our instruction to the examination of J. B. Gordon, of Georgia, made in July of that year, recorded in the first volume of the testimony taken upon the existence and character of the Ku-Klux order in Georgia, pages 321, 322 and 323.

After a lengthy examination this simple question was put to the witness:

Q. Was there a chief of the whole order in the State?

A. Well, sir, such a thing was talked about; I do not know that the organization was ever perfected. Such a thing was talked about for the purpose of keeping down any general movement on the part of the negroes; but I do not think it was found necessary. We had no lodges, councils, nor anything of that sort.

This answer seems explicit, but the record shows that after two hundred and eighty-eight questions had been put and answered, all relating to the nature of the organization, the committee return to the charge in this manner:

Q. What office did you hold in it, if any?

A. I did not hold any office. I was spoken to in regard to holding an office, but I never held any. The organization never was perfected, as I have already stated.

Q. In regard to holding what office were you spoken to?

A. I do not know that it is necessary to answer that question unless you insist upon it.

Q. I insist upon an answer.

A. I was spoken to as the chief of the State. *I said very emphatically that upon that line I could be killed on if it was necessary.* But the organization never was perfected, and I never heard anything more about it after that time.

In presence of this record who can say that in the search for truth upon this subject the talk of the town, the casual or even formal statements of citizens to committees, the testimony of travelers, the letters of correspondents, whether for a private eye or the public ear, are, one or all, of any value whatever? The time will come when members of the White League through fear of exposure and punishment, or moved by an uneasy conscience, will make the secrets of the order public. What we now know is that the order exists in Louisiana, and we know of no other order in Louisiana capable of doing what has been done by organized force in that State and in the neighboring State of Mississippi.

When the friends of peace, order, and justice complain that murders are frequent in Louisiana they are met by the counter assertion that murders occur elsewhere, in Indiana and Massachusetts. This we are compelled to admit; and immediately those who deny the existence of the White League, or assert its innocence, or excuse and defend its proceedings, assume that they have gained their cause—that equality in crime in some sense absolves the criminals.

Murder is the greatest of crimes, and as a legal offense it is always the same; but as an offense against society, against the State, it has many degrees of turpitude.

Murders which are the result of the fiery passions directed against a real or supposed offender are not usually repeated even if the murderers go unpunished. Society is shocked, the example is pernicious, but the cause or the occasion of the crime has disappeared with its commission. In other countries, and perhaps occasionally in this, desperate men have combined for purposes of robbery and plunder, and accepted murder as a means to the end. Such men justly have been called banditti. But the sphere in which banditti operate is a limited one. Their victims are drawn from a small class of society, and from a class, the wealthy, which always and everywhere has the largest influence in the State, and from its resources is better able than other classes to provide for its own defense.

The banditti of Italy would be shocked by a truthful narrative of the crimes of the Ku-Klux in America; but in Italy there was none to excuse or defend the crimes of the banditti. I speak now of the Ku-Klux, because its organization and character are fully known; but I do not doubt that the organization discovered by General Thomas in 1866 and 1867 and the White League of 1874 and 1875 are identical with it.

If the Ku-Klux had not existed in the South, if it had not included many leading men of the South, if it had not made murder an engine in politics, if it had not overawed the well-disposed white people of

the South, if it had not oppressed the poor, if it had not robbed, maltreated, maimed, and committed murder without specific personal hate but in obedience to a law of its organization, it would be cruel injustice to suggest or imagine the existence of such an order at this time.

But the order of the Ku-Klux having been shown to exist in 1872 it remains for us to inquire whether it now exists under another name. Present facts are therefore to be considered.

The cause or the occasion which gave rise to the organization remains. There are still loyal people in the South, most of them negroes and freedmen, acting politically with the republican party of the country. The visitations of the Ku-Klux were confined to them, they were the only sufferers, and therefore the inference is natural that their extermination as a political power was the object of the order. In Tennessee, North Carolina, and Georgia that object has been attained. In South Carolina the undertaking may for the moment be considered hopeless. In Alabama, Mississippi, Arkansas, and Louisiana the negroes are a political power even now; and it is wise to consider whether the successes of the Ku-Klux in North Carolina, Tennessee, and Georgia have strengthened or impaired the purposes of the men by whom those successes were achieved.

Secondly. The number of murders committed in Louisiana shows that they were the act of an organization, inasmuch as it is impossible to conceive of a society moving by the force of its own impulses, however criminal, in which the daily homicides without authority of law, using the mild language and gentle rhetoric of the Senator from Ohio, [Mr. THURMAN,] average one to a million of people. Indeed, such a fact, if in the end sustained by proof, would be more discouraging than the existence and power of the Ku-Klux as made known to us. This organization at most includes only a small minority of the white people. The majority are for the time indifferent or overawed, but they are not positively criminal. If, however, these murders are the result of unregulated passions developed in individuals without concert, and perpetrated without punishment or the fear of punishment, then indeed we are forced to the conclusion that society in Louisiana is wholly criminal. This conclusion I reject, this conclusion the country must reject, and the alternative of the existence of a criminal political organization alone remains.

Thirdly. The events in Louisiana on the 14th of September and the 4th of January concur in support of the position I have taken. What otherwise meant the purchase of arms in great numbers previous to the 14th of September? What otherwise meant the robbery of the public arsenal? What otherwise meant the presence of twenty-five men in the hall of the house of representatives at the hour of meeting each with a badge as assistant sergeant-at-arms hidden beneath his over garments? Thus independently of direct proof is the existence of the order shown and its purposes sufficiently indicated.

Murders of passion affect the peace, the well-ordering of society; but they do not touch the source of its life. Combinations for robbery and plunder with the design to commit murder as an incident or as a means are more dangerous to the public peace, and the criminals are justly considered the enemies of the human race; but even they do not attempt through their criminal acts the destruction of the state itself. It is the essence of a republican government that the citizens shall have entire freedom of thought and action in political affairs. The least restraint upon the humblest citizen as upon the highest is an offense to the body-politic. What, then, shall be said of an order, and how shall it be characterized, that by intimidation, maiming, stealthy murder, and open assassination seeks to obtain power for a class; of an order that seeks through these means to change the character of the government by corrupting it at its source? Thus with them the chiefest of personal and social crimes are also the chiefest of political crimes.

As murder for the destruction of the state is a higher, a grosser crime than murder which is the result of personal passion; and as organizations which propose murder as a means of changing, overthrowing, or corrupting the government at its source are fouler than those which contemplate murder as a possible means of robbery and plunder, so the deeds which have been committed in the South by the Ku-Klux and kindred organizations must ever be denounced as the basest and most dangerous of the crimes recorded in the annals of mankind. Nor is there any excuse in the suggestion or statement that the members of this organization make no war upon the Government of the United States. They make war upon citizens of the United States and they make war upon the States which are integral parts of the United States.

They know the power of the States, and we, too, know the power of the States. These same men organized the rebellion of 1861 through the existence and power of the rebel States; and one of our chief means of suppressing the rebellion was found in the existence and power of the loyal States.

Do we need further instruction upon this point? Is not the concerted attempt of the rebel leaders to place every Southern State in rebel hands a warning to the people of the North? Their policy is plain, their course is clear. First, either by fraud or violence, they secure control of those States in the South which, if left to themselves, would be republican; and then within the National Government they use its power for their own purposes, or failing in that they again attempt its overthrow.

Within the Government they can effectually undermine and ulti-

mately destroy it. A government without credit is contemptible in peace and wholly powerless in war. At the commencement of the rebellion our debt did not exceed a hundred million dollars, but we are now embarrassed by a debt of two thousand million. An administration in the hands of the South could easily augment this debt to twenty-five hundred or three thousand million dollars in four years. Meager sources of revenue, negligence and profligacy in its collection, extravagance of expenditure, the return of the cotton tax, and the payment of cotton claims and war claims would work out the problem within a single presidential term. To every country a vast public debt is a public calamity to be tolerated and endured only as pestilence and famine are tolerated and endured; but to our vast public debt is now a public national danger. The great error of our politics, both as regards the continuance of power in the hands of the republican party and the preservation of the Government itself, was the reduction of our revenues.

But this unlawful conspiracy in the South, now apparently directed against negroes and the much-abused class of northern men known as carpet-baggers, is in truth a conspiracy against the Government of the United States; and it is not too much to say that it has in its hands the means of accomplishing its object unless the North again offers the united resistance it offered during the war. The democratic party, which challenges the judgment of the country for support, is in its organization a tyrant. It never respects individual opinion; it never recognizes individual will. It is indifferent to personal wrongs; it questions, it disputes, it denies the authority of the General Government, but it admits, adorns, dignifies, crowns local rule. This is the ethical, the political basis on which the conspiracy in the South rests, and resting on this basis it has the power to destroy the National Government. Can you offer to the enemies of the negro, to the enemies of the National Government, to the friends of secession a more acceptable basis in politics than this? And this is what the democratic party offers.

The events in Louisiana as they are connected with and relate to the general conspiracy, are important to the country; indeed they are important to so many of the human race as are struggling in other lands for equality of rights; but we are unnecessarily disturbed if the question is only whether Kellogg is rightfully and lawfully governor of that State, or whether five men by an error as to the scope of military authority were unlawfully removed from the hall of its house of representatives. These are grave questions, but they do not touch the vital interests of the country. Hoffman was two years governor of New York through a fraud upon the ballot-box, and yet the event, though a reproach to our institutions, did not disturb the business or check the growth of the country or in any large sense affect the personal or political rights of the people. The military power has sometimes exceeded its authority, but not on this occasion, and the act of the military at New Orleans, however judged, has in it no quality of danger to the Republic. Are these minor events magnified that the serious dangers to which the country is exposed may be kept from sight? If, however, I deal with those events in detail, I so deal with them in deference to a public opinion which is due to a temporary excitement and destined soon to give place to a healthier tone, and to a desire as strong as any of which my nature is capable to contribute something to a thorough union of sentiment and action in the North on which alone the well-being, the safety of the country depends.

The fourth section of the fourth article of the Constitution of the United States was designed to secure to every State a republican form of government, to protect it against invasion, and upon application of the executive when the Legislature cannot be convened, against domestic violence.

The duty and power of the United States to secure to each State a republican form of government and to protect it against invasion do not depend upon the action of the people of the State or its authorities. The duty is imposed upon the Government of the United States; the power is there, the discretion is there; but the duty and the power of the United States to protect a State against domestic violence depend for exercise upon the authorities of the State. It is to be observed that it is the *executive* that is named as the authority that may call upon the United States for aid against domestic violence when the Legislature cannot be convened.

Usually the executive is the governor whose right to the office is not disputed; but the Constitution has so carefully provided for the peace of the States that a call from the executive, whether governor or other officer, whether acting under an authority recognized by everybody or disputed by everybody, is, without inquiry as to the legality of his title, to be heard and obeyed by the President. Were it otherwise the chief means of promoting and continuing domestic violence in a State would be found in the denial of the right of the executive to his office. Were it otherwise the President would be compelled to inquire for himself into the title of the executive, and this independently it might be of legislative, executive, and judicial proceedings within the State; this inquiry to be made, it might be, while the State was given over to domestic violence, its constituted authorities fugitives, and the evidences of their titles in the hands of their enemies. Therefore it follows that whenever a call is made upon the President for the aid of the United States to suppress domestic violence in a given State and the President is satisfied that the person making the call is in the possession of the executive office and in the

exercise of the functions of the executive office in that State, he must obey the call for aid without further inquiry.

William Pitt Kellogg was in possession of the executive office of Louisiana and in the exercise of the functions of that office in September last, and he had been so in office and so exercising the functions thereof from January, 1873, and therefore, without inquiry as to his legal right to such office, the President was bound to obey his call for aid to suppress domestic violence in that State. Thus it appears that the military force of the United States was lawfully in Louisiana the 14th of September last for the suppression of domestic violence; and so being there they were entitled to the legal and constitutional support of the civil authorities and to the moral support of the people of the United States.

The troops being lawfully in Louisiana for a lawful purpose, how long could they lawfully continue there? Clearly until one of three events should occur. Until the executive of the State should signify to the President that the troops might be withdrawn, or until the President upon his own judgment should withdraw the forces, or until the Legislature of the State should have convened and a reasonable time been allowed for legislative action upon the subject. Neither of these events had occurred on the 4th of January last, and therefore the troops were lawfully in Louisiana and in Louisiana for a lawful purpose on the day when the acts complained of were committed.

But this part of my argument does not rest alone upon the formula which I have presented, although this formula is a sufficient legal basis for all that was afterward done.

There does not appear to have been a moment of time when the spirit of domestic violence did not exist in Louisiana, and indeed the danger of outbreak appears to have been constant and imminent. While I omit all specific reference to the reports of Major Merrill and other officers in command in the interior of the State, I refer to the dispatches of Major-General Emory, commanding the Department of the Gulf. The 1st of October, he informs the President that he is unable to recover the arms that had been stolen from the arsenal, and that Admiral Mullany informs him that he will leave two ships at New Orleans for the preservation of peace in the city. His dispatch of the 5th of the same month states that bodies of armed men, from twenty to sixty in each body, meet in the street at night for the purpose of drill, and that armed bodies of men, whose numbers are not known, meet in the league-rooms.

In his dispatch of the 7th of October he says that he thinks the white-leaguers would like to be assailed, and that they have at least six thousand well-instructed men, accustomed to arms; and on the 21st of October he says that he shall bring the troops from Jackson barracks to keep the peace and prevent possible conflict between armed bodies.

In his dispatch of the 16th of December he informs the President that disturbance is impending and may happen at any time.

These facts not only show that a necessity existed for retaining the troops in Louisiana, but they also show the character and power of the conspiracy in that State.

But the troops being lawfully in the State, and their legal right to remain there having been established, I next inquire who had authority to designate the objects and subjects of military action or surveillance? The President was not there, and it is not in the nature of his office that he should have been there; and therefore in a constitutional sense he cannot be made personally or officially responsible for the military operations except so far as he may have given definite orders to the officers in command. The President not only had not given specific orders, but he did not even know that any occasion for action would arise. Therefore, whether the acts of the military on the 4th of January were lawful or unlawful, they were acts for which the President was not responsible either in his personal or his official character. What he had done and all he had done was in strict conformity to law. And now and thus, upon the facts and by the force of reason and of law, all the accusations made against the President fail; and as a consequence all the denunciation heaped upon him is shown to have been the voice of personal and party hate.

Within the limits of a State the executive is the chief magistrate, and upon him more than upon any other magistrate rests the duty of keeping the peace; and this is especially true in times of domestic violence. The officer in command of the United States forces, under the circumstances existing in Louisiana, might, upon his own motion, suppress acts of violence taking place before his eyes; but usually he would wait for the authority and direction of the executive of the State, and this authority must be a sufficient justification for the commander, unless without inquiry the case was clearly such as to leave no reasonable doubt that intervention would be a misapplication of military power. Hence it follows that the authority of Kellogg is a sufficient legal justification to General De Trobriand for the removal of the five men from the hall of the house of representatives.

My argument thus far has proceeded upon the proposition that Kellogg was in possession of the executive office of the State of Louisiana and exercising the functions of that office; and it follows that the United States were bound to protect the people against domestic violence, whether his title to the office was recognized by everybody or disputed by everybody.

Whoever admits that the military forces of the United States were lawfully sent to Louisiana in September last upon the call of Kellogg

must accept as legal conclusions therefrom all that occurred in that State which is the subject of our present inquiry, including the removal of the five men from the hall of the house of representatives, and excluding only the appearance of General De Trobriand in that hall upon the request of Mr. Wiltz. There was no house of representatives, and of course no speaker; but if there had been a legally-organized house and Mr. Wiltz had been its speaker, he would have had no right to call upon the military force of the United States for any service or duty.

The United States under the Constitution can know only the executive of a State; and in a case of domestic violence in a legally-organized house of representatives neither the house nor the speaker could obtain the aid of United States troops except through the agency of some person exercising the functions of a magistrate, and more properly through the agency of the person exercising the functions of chief magistrate. General De Trobriand may be justified by the fact that upon his own motion he suppressed domestic violence of which he then had personal knowledge, but the request of Mr. Wiltz furnishes no justification whatsoever.

The provisions in our State constitutions and in the national Constitution for frequent elections were designed to secure the country against revolutions of force. In every government questions arise touching the title of rulers to the places they occupy; in America these questions are not more frequent than in other countries, but in America we have a constitutional mode of deciding them.

Should the right of the person in possession of the office of governor of Ohio be drawn into controversy and should the supreme court of the State decide that he was entitled to his office, Congress and the country would accept the opinion as final and conclusive, even though the decision rested upon a technicality, and even though the facts of public fame were such as to justify the belief that he did not receive a majority of the votes of the people. This is the demand, the necessity of constitutional government. Every question of which the law can take notice and does take notice must be settled. The court is the tribunal, the court of final jurisdiction is the ultimate tribunal.

If an appeal can be made to arms, if conspiracies can be formed for the purpose of overruling the decisions of the courts or thwarting their judgments, and especially if those conspiracies can find influential defenders, then the Government ceases to be a government of laws and becomes a government of men. But with us so checked and guarded are all the powers of government that even a corrupt or incompetent court can be brought to justice. Corrupt judges can be brought to the bar of the legislative department and there deprived of their places if found guilty of malfeasance or misfeasance in office. Do you say that these proceedings are too slow, the remedy too uncertain, the punishment too remote? My answer is that deliberation is the highest attribute of justice; and therefore delay grows with the gravity of the cause. Thirty years ago the public mind was as much concerned in the affairs of Rhode Island as it is now in the affairs of Louisiana, although the occasion for such concern was then much less than it now is.

Finally in the case of Rhode Island the voice of the court was heard and the clamor ceased.

If you ask me whether William Pitt Kellogg was duly elected governor of Louisiana by a majority of the votes of the people who voted for governor of that State in 1872, I answer that I do not know. Perhaps no one knows.

All the proceedings may have been voidable or even void for fraud and uncertainty. Does it follow therefore that Louisiana has no legal governor because neither you nor I can say whether any person was duly elected by a majority of the votes of the people? A person legally in an office holds that office not only *de facto* but *de jure*, even though an analysis of all the proceedings might show a wide departure from the forms required by law, or even an absence of the substance required by law. Upon a collateral question the right of Kellogg was considered by the supreme court of Louisiana. The majority of the committee of the Senate in referring to the case *The State ex rel. P. H. Morgan vs. J. H. Kinnard*, say:

The utmost that can be claimed for this decision is that the court recognizes the Kellogg government as a government *de facto*.

De facto is a term used to denote a thing actually existing or done; and inasmuch as it was then of public fame that Kellogg was in the office of governor, it needed no court to tell the people so much or so little as that he was *de facto* governor. If they said that and nothing more, then what they said was of no value whatever. It is a maxim that that is certain which can be made certain. The same court, in the case of *State ex rel. Attorney-General vs. Wharton et als.*, (Louisiana Reports, volume 25, page 14), did find that of the two contesting returning boards one was a valid, that is, a legal board, and the other was not; and it is not only proved, but it is of public knowledge, that the board so declared to be legal did make return that William Pitt Kellogg was elected governor of Louisiana at the election held in November, 1872. Therefore the court did find that Kellogg was the lawful governor of Louisiana.

As these facts cannot be denied, we are met by the allegation that the acts of the returning board were fraudulent. If this were so there should be a legal remedy which those who consider themselves aggrieved are bound to pursue; but if there be no legal remedy, or if its pursuit be ineffectual, shall the disappointed resort to conspiracy and revolution, and shall conspiracy and revolution for such cause

find defenders? These questions have a larger public interest than the question of Kellogg's right to the office he holds. A larger public interest because upon this pretext people in Louisiana have formed conspiracies and hatched rebellion, and such conspiracies and rebellion have been excused, palliated, and defended by the democratic party of the country.

It is the old controversy between a government of laws and a government of men. We have chosen a government of laws; the conspirators and their allies demand a government of men, whenever the administration of the law does not promote the purposes they seek. Nothing is better understood than that the administration of the law, even by able and pure magistrates, does not always meet the demands of justice and equity, and we know, too, that the administration of the law is not always in the hands of such magistrates. But we have chosen, and wisely chosen, a government of laws.

The experience of mankind shows that the evils of a government of laws, as far as these evils are the result of administration, steadily and visibly diminish; and the experience of mankind also shows that the evils of a government of men rapidly and fatally increase.

I now ask the indulgence of the Senate while I recall the events of the 4th of January in New Orleans. The statutes of Louisiana provide for a returning board, to whose custody, examination, and decision the votes given for members of the house of representatives should be submitted. Such a board, legal in its organization and character, assembled in New Orleans for the purpose of examining and passing upon the returns of votes for members of the house of representatives cast at the election held in November, 1874. That board acted. By its report one hundred and six persons were elected, and five seats were left vacant for the reason, as stated, that the board could not decide whether the claimants were entitled or not.

The names of the persons so returned as members were furnished to the secretary of state, and a list thereof was by him furnished to the clerk of the preceding house of representatives as required by the statutes, of which the following is a copy:

The statute that regulates this subject is the twenty-fourth section of the act of November 20, 1872, which declares in these words—

That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of said clerk and secretary to place the names of the representatives and senators elect, so furnished, upon the roll of the House and of the Senate respectively; and those representatives and senators whose names are so placed by the clerk and secretary respectively, in accordance with the foregoing provision, and none other, shall be competent to organize the house of representatives or senate.

Nothing in this act shall be construed to conflict with article 34 of the constitution.

Article 34 of the constitution gave the usual authority to each house to judge of the election, qualification, and return of its members.

In presence of these facts and of this statute it is clear, if anything in logic or law be clear, that the one hundred and six persons returned by the returning board, whose names were borne on the roll made by the secretary of state and transmitted to the clerk of the last house of representatives, and none other, were competent to organize the house of representatives.

It is, however, maintained that five other persons who are not returned by the board, and whose names were not on the list, were entitled to act, and upon two grounds:

First. That they were improperly and fraudulently rejected by the returning board.

Secondly. That the law of Louisiana for the organization of the house was invalid, and that the members-elect might organize in disregard of its provisions.

The first defense set up is a confession that the attempt of Wiltz and his friends to organize the house was a revolutionary proceeding, justified on the part of its defenders by the allegation that the returning board had failed to perform its duty. This defense needs no further discussion; at most, it is but another fact in the long catalogue of crimes in Louisiana, tending to show that it is the policy of the enemies of equal rights to use the forms of government whenever they can be made subservient to their purposes, and to trample them in the dust whenever they become an obstacle in the way of the execution of their revolutionary undertakings.

The second ground of defense is equally desperate in its character.

What is a law? The expression of the will of the people through a constitutional channel and taking effect upon a subject within the constitutional domain of the law-making power. Who are the members-elect of a Legislative Assembly? They are only citizens having a right to enter upon the performance of certain duties. They are subject to the laws like other citizens; and the fact that when they are actual members of a legislative body they will possess certain powers, does not absolve them from the authority of the law while they are on the way to membership. The law of Louisiana prescribing the mode of organizing the house of representatives did not in any way affect the powers of a house when organized. The constitutional power of the house to judge of the election, qualifications, and returns of its members, of which so much has been said in this debate, did not commence until the organization was legally accomplished. There could be no conflict, as there could not be a moment of time when both the law and the constitutional provisions were operative. The power of the statute was exhausted the moment the house was competent to take notice of the constitutional provision,

More than thirty years ago the State of Massachusetts legislated upon the subject, and under the lead of a distinguished and recognized authority. I refer to Mr. Cushing, the author of the great work on parliamentary law.

In the year 1843 the Massachusetts house of representatives was so equally divided that several days were passed in the effort to elect a speaker. The circumstances of the trial caused much solicitude to thoughtful men of both parties, and in the year 1844 Mr. Cushing proposed a special committee to consider whether any legislation to provide for the organization of the house of representatives was necessary and practicable. It was my fortune to be upon the committee, of which Mr. Cushing was chairman. A bill was reported and passed which provided that the secretary of state should make a list of persons having certificates of election and furnish the same to the sergeant-at-arms of the last house of representatives. It was made the duty of the sergeant-at-arms to admit those persons and those persons only to the hall of the house whose names were upon the list. Further, it was made the duty of the eldest senior member whose name was borne upon the roll to call the house to order and to preside until a speaker should be chosen. The constitution of Massachusetts made no provision for such legislation, and it rested upon the inherent right of the people, through the legislative body, to direct the manner in which each succeeding house of representatives should be organized. The statute of 1844 remains in force, and I have not heard that any parliamentary, statute, or constitutional lawyer has called its validity in question. It differs in no essential respect from the statute of Louisiana; and as an exercise of power it differs not at all; nor do I hesitate to say that the statute of Louisiana would never have been challenged had it not been necessary to justify the revolutionary proceedings of the 4th of January.

Assuming that the validity of the laws of Louisiana is beyond any honorable controversy, it follows that the five men whose names were not upon the clerk's roll had no right to be in the hall, and that no one but the clerk had a right to preside at the election of speaker. In defiance of law the five men were there; in defiance of law another than the clerk did assume the place of presiding officer; in defiance of law another than the clerk did declare that Mr. Wiltz was chosen speaker; in defiance of law Mr. Wiltz assumed to be speaker; and thus in fine all the proceedings, from first to last, were in defiance of law. It is not pertinent to the question, nor does it furnish the slightest aid to those who defend these revolutionary proceedings, to say that the returning board had not decided that the five men were not elected. The returning board had not decided that they were elected, and only those who were declared elected by the returning board were entitled to admission to the hall.

Nor does it furnish aid to the defenders of these proceedings to say that the five men were afterward declared members by the body over which Wiltz assumed to preside. That body was not a house of representatives; and therefore it was not competent to pass upon any question. It had no legal character, although it had a character known to the laws. It was a mob, the fruit of a conspiracy consisting of fifty-two persons legally elected to the house of representatives, and five persons claiming to have been elected, but wholly without evidence to entitle them to take part in the organization. Being a mob, it had no rights; but being a mob, a great public right, the right to have the mob dispersed, was invoked, and for the time this right was paramount to all others. It had no character as a legislative body, it had no rights as a legislative body, and it could not demand protection as a legislative body. This unlawful assemblage presented itself to the magistrates in two aspects: First, as a disturbance of the public peace, such as might occur at a theater or circus, and therefore to be suppressed by any magistrate authorized to summon the *posse comitatus*, of which the military could lawfully form a part. Secondly, it presented itself as a body of men engaged in domestic violence. It clearly appears that those men were engaged in the attempt to organize the house of representatives by force and in violation of law. This is a mild presentation of the case. It was, in short, an attempt to seize the government of the State. Does such an act meet the demand made by the phrase "domestic violence," as used in the Constitution? Can it be doubted that an attempt to seize the government of a State, whether made by two men or two thousand men, is the most dangerous sort of domestic violence?

The troops being lawfully in the State, and for the protection of the State against domestic violence, it was the duty of the officer in command not only to have removed the five men, but to have removed all others who had conspired with them in their unlawful purposes.

Thus it is seen that the acts of the military forces were lawful, whether these men be regarded as ordinary disturbers of the public peace or as conspirators, as they really were, engaged in an act of domestic violence, against which the United States was bound to protect the State of Louisiana.

This, Mr. President, is a brief and a very imperfect statement of the legal aspect, or what seems to me the legal aspect, of affairs in Louisiana. I have dealt with these affairs to the extent that I have for the purpose of making some observations on the general character of these events, and to suggest what I think should be the policy of the country in reference to them. While I shall vote as I have opportunity to recognize the legal authority of Mr. Kellogg as governor of Louisiana, I know perfectly well that no recognition by this

body, by Congress, by the President, by all combined, will have an important effect upon the condition of affairs in the South. If Mr. Pinchback shall be admitted to a seat here, it will have no considerable influence upon the great question which we are forced to consider.

I should be glad for one to accept as conclusive the condition of things in the South as presented this morning by the senior Senator from North Carolina, [Mr. RANSOM;] but it was my fortune to sit in the peace congress in 1861, fourteen years ago this month, and I there listened to speech after speech made by honest and I believe patriotic men from the border slave States, of which the speech made by the Senator from North Carolina to-day is only a reproduction. They were made by patriotic men, men devoted to the Union, and against civil war; but on the 1st day of March they left the hall of assembly in this city and in less than thirty days they were enveloped in the fires of civil war. I know very well that there are patriotic men on this floor who do not believe in the existence of any conspiracy or any purpose in the South hostile to this Government; but if I chose to analyze, as I might analyze, the speech made by the Senator from North Carolina this morning, we should observe elements of danger which, if not removed from the minds of the people of the South, will end in civil war. He said in reference to the negroes:

We have the kindest feelings toward them, and we treat them with Christian mercy.

That is all very well. He gives expression to the doctrines of humanity, of civilization, of Christianity. But there is a political question which the people of this country also consider important. If the Senator could make this Senate and this country believe that what he said was the sentiment of the people of the South, then there would be reason for hope. If he had gone further and said, "we treat these people justly, we recognize their political equality, they are men;" if he had not asserted the dominance of the white race, as though it were a divine right in the white race to rule races of a different color, then there would be some reason to believe that the troubles which we are considering were at an end; but so long as the spirit of political superiority remains among the white people of the South, so long will these evils and dangers continue to disturb the country.

I was not one of those who in 1865, 1866, 1867, and 1868, when the measures of reconstruction were considered and adopted, believed that peace, continuous, undisturbed peace, would follow. I knew that neither civil war nor the kindness and generosity with which those who had been engaged in civil war were received by the people of the North could change the character of eight millions of people. I knew that the rising generation would carry with them the ideas, the principles, and to a certain extent the purposes which they had inherited from their ancestors. If I could have dictated a policy it would have been as liberal a policy in administration toward the South, but it would have been a more reluctant policy as to the restoration of those States to the Union. As evidence of it, I may say that I was one of twelve men only in the House of Representatives who voted against the admission of Tennessee in July, 1866. I then believed that the time had not come when with safety any of those States could be restored to power in the Union. But they are in the Union, and the question before us is a grave one: What is to be done?

I listened in the early part of this debate to the Senator from Missouri, [Mr. SCHURZ.] It is not often in his speeches that he gives us specific advice on questions of policy. On that occasion he did proffer one bit of advice as a remedy for the existing condition of things. He proposed that one-half of the colored people of the South should join the democratic party and vote the democratic ticket. That was a specific, clear bit of advice; but, for one, I cannot indorse it. Would the Senator have advised his countrymen, citizens of the United States, in 1854 and 1855, when the know-nothing excitement was at its height and the members of the order were taking possession of State after State with the design of wielding power in the legislation of this nation against all citizens of foreign birth—would he have advised German citizens in this country to have joined, one-half of them, the know-nothing party? When we were fighting the battles of the Union from 1861 to 1865, would he have dared as an American citizen, as a soldier in the cause of the Union, to have advised that half of the soldiers of the Republic should join the forces of the rebellion? If in the first case he had given such advice he would have been a traitor to the cause of liberty in two countries—his own and this. If in the second case he had given that advice, he would have been a traitor to the cause of liberty and of constitutional right in this country; and such advice given now to the negro population of the South is treachery not only to the negro race but to the rights of man.

It is the fortune of every progressive party, and especially of every organization that seeks to advance the interests of the human race, to find men from time to time abandoning the party. Every such movement is in itself revolutionary. It attempts to overturn the existing order of things and to provide something better. Therefore there are men who fall by the way; there are men who abandon party organizations in the belief, no doubt, (they always make the assertion, and no doubt in the belief,) that the party is not good enough for them. But I have observed, and with pain, during a third of a century, that every man, whether high or low, who has abandoned the cause of human rights has fallen under the power of the people.

A third of a century ago Mr. Webster was at the height of his fame. His mental powers were undiminished. He stood among Americans the first, the illustrious model on which his own great sentence was formed: "A superior and commanding human intellect, a truly great man; when Heaven vouchsafes, so rare a gift is not a temporary flame burning brightly for awhile and then giving place to darkness. It is rather a spark of fervent heat, as well as radiant light, with power to enkindle the common mass of human mind, so that when it glimmers in its own decay and finally goes out in death, no night follows, but it leaves the world all light, all on fire, from the potent contact of its own spirit."

The man who wrote those great words was himself the most illustrious example that America has furnished that there was a being of earth to whom those words could with justice be applied. In eighteen days it will be a quarter of a century since that man spoke in the Senate Chamber under peculiar circumstances. He had stood for thirty years the defender of two great American ideas. In 1820 on Plymouth Rock he had anathematized slavery as it had never been before on this continent anathematized. Twelve years later he had defended the Constitution and the Union in a speech which has no parallel; but there came a day, the 7th of March, 1850, when the ways parted, when it seemed no longer possible to defend liberty in its broadest sense and to defend the Union and the Constitution. This is his defense. The ways parted, and it seemed no longer possible to stand for liberty and for the Union. He made his choice—a fatal choice—but he had to him then presented the gravest personal and political question that could be presented to a public man. He had, with his associates, struggled for thirty years to maintain the Constitution and the liberty of the people under it. In the rock and tumult of those times he felt that concessions must be made; he yielded and fell. Liberty did not fall; the people of this country recovered from the shock. They closed their ranks as when one dies, and like a drop in the ocean disappears. The people were true to liberty, and they declared that the Constitution and liberty should stand together. Other men in this contest, in my opinion less important men, have had the courage, in the presence of such an example and such a fate, to abandon justice as the foundation on which human liberty and human rights can rest. They, too, have fallen—fallen justly. The law and the fate are the same now. They will be the same hereafter. There are four millions of people on this continent whom we have brought out of slavery. We are bound to them by many cords. For one I hope to be preserved from the thought of ever deserting them. I say nothing personal to myself, nothing of my party. I have fought as well as I was able to do in the minority. I can do that again. If the people of this country in 1876, or at any other time, shall falter in their devotion to human rights, to the rights of American citizens, to the establishment of liberty in America, of liberty as liberty, and not liberty for white people only, I hope to remain firm. If the country is not true in 1876 or in 1880, it still will return to its duty; and I say to the men of the South, in all kindness, in all sincerity, the way to peace is the path of justice—political justice, political equality, the recognition of the black man as your equal politically, and accept the consequences in good faith.

With power for the time in the hands of the friends of the negro, I am for the constant assertion of that power within the limits of the Constitution; and first and now, such legislation by the authority of the Constitution, including the thirteenth, fourteenth, and fifteenth amendments, as will give to every citizen his rights, not as a citizen of a State merely, but as a citizen of the United States.

The fourteenth amendment to the Constitution reads thus:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

"Citizens of the United States, and of the State wherein they reside." First citizens of the United States, and then citizens of the State wherein they reside. Now mark what follows:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

These words were chosen with care. The Senator from New York [Mr. CONKLING] remembers with what care the committee of fifteen, of which he was a member, selected those words. What is the first immunity of a citizen of the United States? The first immunity is that he is a citizen of the State where he resides, and therefore the Government of the United States is clothed with the power of dealing with its own citizens, to enter, by its law and by the power of its law, into every State, and secure to every citizen there his rights as a citizen of that State. If that be not so, then this constitutional amendment is a failure.

Mr. EDMUNDS. A fraud.

Mr. BOUTWELL. I would not have said it was "a fraud." The Senator from Vermont says it was a fraud if it be not as I construe it. The Supreme Court of the United States in the Slaughter-house case has taken a different view, and what do you say of the Supreme Court if it has taken a different view? I respect the courts, the decisions of courts, the mandates of courts; but then the law as laid down by the Supreme Court will not stand the test of time and scrutiny. That decision is contrary to English precedents from the act of settlement in 1663 to this time. I cannot believe that anywhere else there is a tribunal administering English law that would recognize a monopoly for business purposes covering eleven hundred square

miles of territory and maintain it as a police regulation. I cannot but believe that in future times there will be a court which will say that it is the duty of the Government of the United States to protect its own citizens in the several States in all their rights as citizens of the several States.

I say, then, that the power of protection under this amendment is sufficient for such legislation as may be necessary to secure the black people and the white people of the South in all their rights; but we are to bear in mind, sir, that the mere existence of a constitutional provision is of no considerable value to the people unless it is enforced by law, and unless the law is enforced by magistrates who are willing that the law shall be executed.

But I come, sir, to consider, not because I am sure that there is a case to-day which justifies the application of the power that I invoke, but because I apprehend that the time may be near when we shall be compelled to consider the fourth section of the fourth article in reference to the power and the duty of the United States to guarantee to every State a republican form of government. I am of course familiar with the argument or the statement that that means only that the United States shall guarantee to each State a paper constitution which is republican in form, which does not provide for a hereditary monarchy or an order of nobility, and that there is no authority to inquire into the processes by which the government is organized and the powers by which it is kept in motion. If so, then that provision of the Constitution is a nullity; but I believe that it means that we are to inquire into the established method of expression or practice in the States under the form of government which they have.

Mr. EDMUNDS. And you are right.

Mr. BOUTWELL. I am glad now that for the first time in my life I have reached a conclusion upon a legal point that corresponds with that of the Senator from Vermont, [Mr. EDMUNDS,] but I should submit to him if it were otherwise even now.

The established method of expression of the popular will in a State, if that be the reading of the phrase "republican form of government," then the United States has the power to do what is necessary to be done in all these cases where there is any occasion for the application of the power.

The mere fact that somebody gets an office in a State, whether it be Mr. Hoffman in New York or Mr. Kellogg in Louisiana, by fraudulent practices, does not furnish a case for awakening the sleeping power of the Constitution; but when we find that through a period of years and as a general fact in reference to the affairs of that State fraud, corruption, and misconduct taint the proceedings generally or wholly, thus defeating the right of the people to enjoy the benefits of a republican form of government, then, I say, the time has come when the Government of the United States under this guarantee clause will find it its duty to disestablish a State and establish some form of government which shall secure to the people their rights.

Is Louisiana in this condition to-day?

I announce this doctrine now and here, because I have foreseen that if this work of disintegration, fomented by conspiracy and rebellion in the South, goes on, the time will come when the Government of the United States will be compelled to choose between the duty of protecting its citizens under this provision of the Constitution and accepting the fact that there are States in this Union whose citizens cannot be protected by the power of the United States.

I have said, sir, that I was not of those who expected that the difficulties in the South would be healed by the restoration of those States to the Union. Therefore I am not disappointed in the fact that there is disorder, confusion, fraud, domestic violence in the South; and I wish to say to the representative men of the South that their duty and their policy are in the same direction. Do justly by the emancipated men of the South. It is in vain that you tell us that northern men may emigrate to the South and make money. We can make money elsewhere. The world is large. My own State has citizens who have made homes in China, on the coast of Africa, in Madagascar, the Sandwich Islands; every continent and every sea they have visited, and upon every continent and upon every island they have made homes. It is not necessary that you give us security that we shall be well treated if we go South and may make money. We want something better. There is something that, as patriots interested in the welfare of the country, we prize more; and that is justice to our fellow-men who are with you. Promises to treat us well are no compensation for wrong done to our brethren who cannot find homes elsewhere.

But, sir, what is the ultimate and last and complete remedy for these wrongs? It is in educating the people of the South, black and white, upon the idea of human equality. So long as men believe there is a difference of race and that that difference affects political rights, so long this question of caste and condition will arise, so long will there be disorder and confusion in the State. The rising generation in the South is to be educated. And now I come to say what I know will be more disagreeable than anything I have said.

When the children of the white people and the black people are compelled to go into the same schools, sit upon the same forms, accept the same teachers, study the same books, become rivals in education and in the pursuits of life, you will have a community that will believe practically in human equality. Therefore it is that that provision which has been stricken out of the civil-rights bill in the other House

is of more consequence than all the other provisions of that bill and than all the provisions which the ingenuity of all the lawyers in both Houses could frame with reference to the future peace and prosperity of the South.

In that provision of compulsory common-school education, supported by universal taxation, I see the dawn of a day that will surely come when there will be peace in the South upon the accepted ideas of human equality—just human equality. Hotels, circuses, theaters, railway cars, open their doors and gates to all comers who can pay for what they desire. Money will be the passport that will carry black as well as white into all these institutions and to the enjoyment of all these privileges; but the common school, if shut by law or custom against one class of people, necessarily makes distinctions in society. These distinctions grow and increase, and all the ills of which we now complain will be augmented by the increase of population in the South. Sir, the policy I propose is due not to the negro race merely; it is due to the white race; it is due to the country.

Thus, Mr. President, I have treated the subject upon the idea that those questions which apparently now concern us, which affect the judgment of the Senate, which disturb the peace of the country, are only symptoms of a disorder, evidences of an evil. That disorder or evil can be controlled for the time being by the power of the Government. I have sought in the Constitution to find the source from which the power can emanate; but the relief, the permanent relief is in a system of public instruction for the South which shall know no distinction of race or color.

Mr. STEVENSON. Mr. President, I have listened with great attention to the Senator from Massachusetts, [Mr. BOUTWELL,] and I am sincere when I say that the large population of the South, of the West, and of the Southwest desire peace upon the basis of the Constitution as much as he does; but the honorable Senator from Massachusetts is entirely mistaken in attributing all the disorders to the South. Sir, the Senator seems to think that all our present perils which now threaten constitutional government are attributable to the southern people. It is not so, and the suggestion does them great injustice. The Senator looks to one side of this question. He referred to Daniel Webster and to his splendid ability; he might have added his patriotic devotion to constitutional liberty. But does the Senator remember that even Daniel Webster, great as he was, was hissed in Faneuil Hall for standing by the Constitution and for exhorting obedience to its exactions? Let me tell the Senator to-day, let me tell the Senate, let me tell the entire country, that if we desire peace and prosperity, if we desire to see turbulence and violation of law put down, we must rebuke sectional intemperance at the North as well as in the South. There is a sectional fanaticism still nascent in the North more formidable, more mischievous, than any in the South. This spirit exists in the Senator's own State to-day, although he seems unconscious of it. It is a bigoted hatred against the South which nothing can propitiate. The South has already given to the colored race schools and all those rights which the Constitution accords them. They will never accord to them mixed schools so long as their manhood is left to them.

But, Mr. President, if every privilege was yielded which the Senator has asked it would not satisfy the sectional hatred which is still lurking in the breasts of some of the fanatics in Massachusetts, which would deny to the Southern people any rights under the Constitution. The Senator says Mr. Webster went down. Yes, sir; and his great crime was, the enforcement of the Constitution and the equal rights of all sections under it. That fanaticism, now that slavery is extinct, still pours out its hatred against the downtrodden, brave people of the South. It desires no justice to them. As a proof of this statement, sir, I read the utterances at a meeting which took place in the city of Boston but a week ago. A discussion occurred in an assemblage of Methodist preachers. One of these professed servants of Him whom the Scriptures say was all love gave vent to his feelings, which manifest as much of the evil one as any performance of civilized people ever does within or without the bounds of Christian civilization. The speaker to whom I allude in that meeting—composed of the professed ambassadors of the Lord Jesus Christ—was Rev. B. I. Ives. I never heard of this man before, and if he is truly reported by a religious paper from which I read I never desire to see or to know him. In proof of this fanatical spirit of some of the Senator's constituents let him listen to what the Right Reverend Mr. Ives said—an utterance which disgraces civilization, which disgraces humanity, which libels Christianity, but a sentiment which I grieve to say was loudly applauded in the city of Boston. Mr. President, had such a sentiment been uttered in Kentucky, or in any southern State, I venture to say that it would have met with the scorn and detestation which it so richly merits. Such a sentiment would have been reprobated everywhere by republicans and democrats alike in Kentucky. It should be denounced everywhere. I now quote the language of this man:

We are undertaking now to coax the devil out of the miserable whelps down South, when nothing but strychnine and cannon ought to be used; and that we rather agree with Phil. Sheridan's declaration during the war, that if he owned hell and Texas, he would lease out Texas and live in the other place, and that he longed for the appearance of some negro man able to become a leader wielding the sword and the torch.

And he capped the climax by publicly declaring "that he believed the more he hated the rebels of the South, the more he loved God."

I ask the Senator was that the spirit of the North to the South when the Constitution was ordained? Was that the spirit which brought South Carolina and Virginia to the aid of the noble, brave men of New England who dared at the cannon's mouth to demand that the right of representation and taxation should go together, even if England denied it? O no, sir!

Mr. President, it was love; it was mutual dependence and mutual love of liberty that created this Union and ordained the Constitution; and that same love and that same confidence and mutual fraternity must alone maintain it. If the sentiment of insatiate sectional hostility announced by Mr. Ives, or the one-sided partisan views of the Senator himself are shared in by a large portion of the people of New England, then, as Mr. Webster said, "The days of constitutional liberty are numbered." I cannot, I will not believe that such a fate is in store for us. I speak for the people of a State that has always stood by this Constitution. In their name I say to the Senator from Massachusetts that love and confidence created this Union; mutual trust, mutual dependence, mutual forbearance can preserve it. Our model system of free republican government is the admiration of the world. It should be the exemplar to humanity struggling for freedom throughout the world. Let us stand by the Constitution; let no party spirit excuse usurpation or a violation of its guarantees at any time or under any circumstance. Let all obey its behests and uphold its guarantees. Then we shall put liberty on a sure and perpetual foundation, and make our Government an asylum for the oppressed throughout the world. I desire to see liberty supported by law. I will denounce violence and disorder everywhere. I exhort my southern brethren to forbearance and a rigid adherence to law. But when the Senator from Massachusetts is justifying the recent oppressions of Federal power in Louisiana, let him remove the mote of party in order to see the sins and delinquencies of some of his own fanatical constituents. I ask with confidence and I appeal with hope to republicans in the North and in the West to aid in the rebuke of usurpation and misrule in the South. Then shall we put the Constitution of our fathers on the rock of safety, and the inestimable blessings freedom won by their valor and intrenched behind the bulwarks of a written Constitution of limited powers will be perpetuated to us and to our children. Such an undertaking should meet a warm approval in Massachusetts, and be far above the low behests of sectional distrust or party discipline.

The VICE-PRESIDENT, (who had resumed the chair at seven o'clock a. m.) The question is on the amendment proposed by the Senator from Maryland, [Mr. HAMILTON.]

[Mr. NORWOOD addressed the Senate in a speech which appears in the Appendix.] Having spoken an hour and a half—

Mr. MORRILL, of Maine, rose.

The PRESIDING OFFICER, (Mr. GORDON in the chair.) Does the Senator from Georgia give consent to be interrupted?

Mr. NORWOOD. I will hear what the Senator from Maine desires to suggest.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3855) to change the time and places for holding the circuit and district courts of the United States for the district of Minnesota;

A bill (H. R. No. 3996) conferring jurisdiction upon the United States courts in the Territory of Utah in certain cases;

A bill (H. R. No. 4536) prescribing the fees of jurors and witnesses in the courts of the District of Columbia;

A bill (H. R. No. 4559) to prevent and punish the false making and uttering of certain instruments;

A bill (H. R. No. 4662) to change the location of the office of the United States marshal in the northern district of Georgia;

A bill (H. R. No. 4743) to amend section 649 of the Revised Statutes of the United States;

A bill (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods; and

A bill (H. R. No. 4351) for the relief of the judge of the district courts of the United States for the western district of Pennsylvania.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes."

ORDER OF BUSINESS.

Mr. MORRILL, of Maine. I wish to address a word to the Senator from Georgia, [Mr. NORWOOD.] I do not desire to interrupt the Senator without his consent, but I understood the Senator to say as he commenced his speech that he was not particularly solicitous to go on this afternoon.

Mr. NORWOOD. I am not.

Mr. MORRILL, of Maine. If the Senator continues of that mind I have a suggestion to make. I am extremely reluctant to interpose against the proposition now before the Senate; but being in some sense charged with business of the Senate which is of an urgent character, I feel it my duty to say to the Senate, and especially to my honorable friend from Indiana, [Mr. MORTON,] that in my judg-

ment the Senate of the United States ought not at the present moment to occupy any more time on this proposition as against the class of business which I propose to submit to the Senate, namely the appropriation bills. As I have had occasion to say before this week, there are still nine appropriation bills to be acted upon by the Senate. The time left to us is very short—hardly twelve days, indeed not exceeding eleven including to-day—a shorter time than I have ever known so many bills of this character to be disposed of within; and therefore it seems to me that it is the absolute necessity of the Senate to pause in this debate at the present time to consider the appropriation bills, and I have risen with that view to say to my honorable friend and to the Senate that such is my judgment of the situation of the business of the Senate as relates to the appropriation bills, that the Senate cannot afford to spend further time in this debate at the present moment. When these bills shall have passed away from the Senate, there will be opportunity then for the Senate to proceed with the consideration of other questions.

I wish to say further that the usage justifies me in making this appeal to the Senate and commands me to do it. The appropriation bills are always the exigent necessity of the session. They must be attended to, whatever else suffers, and I appeal to my friends on both sides to consider them, according to the usage of the Senate and according to the general understanding.

I feel myself charged with making these observations to the Senate and endeavoring to arrest its attention at this time with the view of proceeding to the consideration of those measures. I appeal therefore to my honorable friend from Indiana to recognize this condition of things and allow this resolution to be laid aside for the purpose of taking up the Indian appropriation bill, which was reported on Monday and which has been awaiting the action of the Senate since that time.

The PRESIDING OFFICER, (Mr. GORDON.) Does the Senator from Maine submit a motion?

Mr. BAYARD. I wish to ask the Senator from Maine how many appropriation bills are now ready to be placed before the Senate, reported from the Committee on Appropriations?

Mr. MORRILL, of Maine. Four.

Mr. BAYARD. Will the Senator state what they are?

Mr. MORRILL, of Maine. They are the Indian appropriation bill, the post-office bill, the Military Academy bill, and the pension bill. I make no motion just at this moment, but I make the suggestion to the Senate.

Mr. MORTON. Mr. President, I regret that the Senator from Maine feels it to be his duty to make such a motion at this time. We have been engaged in this discussion now for some hours and entertained hopes of bringing it to a speedy conclusion; but if the debate is now broken, the labor and the physical inconvenience we have all suffered will be lost. I had supposed that the appropriation bills would not take very much time, that they were so close-rigged, had been so trimmed down that they would speedily pass the Senate, and would not perhaps occupy the time that they have on former occasions.

But, Mr. President, if this debate should be protracted so that the appropriation bills could not be passed, taking the worst view of it, and an extra session should become necessary, the responsibility will not be on those who are ready to vote upon this question now if this debate can stop. This Louisiana question has been discussed here for two years, more or less, and during this session it has occupied nearly one-half the time. More time has been spent in debating it than in debate upon all other questions put together; and I have felt that this prolonged debate was unnecessary, that we are all prepared to vote, to vote this resolution up or vote it down, and that it was important it should be settled in some way.

Let me call the attention of the Senate very briefly to what the President said in his late message on this subject:

I have heretofore urged the case of Louisiana upon the attention of Congress, and I cannot but think that its inaction has produced great evil.

Are we at liberty to doubt that the inaction on the part of the Senate for the last two years, the failure of Congress to give expression and to define the status of the present government in Louisiana has resulted in violence and bloodshed in that State, and that our inaction has been used as an argument by the turbulent elements in Louisiana? They have been encouraged by our inaction to treat that government as a nullity and to resist it by violence and by blood, and the President has appealed to us upon the subject to come forward and take action. Allow me to read one further extract from the close of his late message. The President concludes the message by saying:

I now earnestly ask that such action be taken by Congress as to leave my duties perfectly clear in dealing with the affairs of Louisiana, giving assurance at the same time that whatever may be done by that body in the premises will be executed according to the spirit and letter of the law, without fear or favor.

The peace of a State is in all probability involved in the settlement of this question. If Mr. Pinchback shall be admitted, it will be such a recognition of what is called the Kellogg government upon the part of the Senate of the United States that it will take away from the white-leaguers of Louisiana any pretext, excuse, or hope for setting aside that government. But if we shall fail to admit him, or if we shall fail to take action, we leave that government in the condition in which it has been for the last two years; we expose

that people to the same disasters and to the same troubles under which they have labored. It is a grave question, involving considerations even of life and death. We are not clear of all responsibility in view of our failure to act for the last two years.

And in what position do we leave the President of the United States? If we shall fail to seat Mr. Pinchback, it will be because we repudiate one-half of the Kellogg government. We cannot consistently accept one-half and repudiate the other; and some of our friends here, I fear, have forgotten the origin of what has been called the executive interference in Louisiana. Some seem to think that the President had only recognized Kellogg as the governor of that State, and to forget that the first recognition the Executive gave to the government of Louisiana was to the Legislature a month before Kellogg became governor of that State. I read from the Attorney-General's dispatch of December 12, 1872, addressed to Mr. Pinchback when he was the acting governor *ex officio* by the impeachment of Warmoth:

DEPARTMENT OF JUSTICE, December 12, 1872.

Acting-Governor PINCHBACK,

New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State; and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

Here is the recognition of that Legislature more than a month before Mr. Kellogg came upon the stage at all. The President has appealed to us for two years to decide the question. Our failure to act will be regarded as a repudiation of that government. There may be fearful consequences attending it, and can we say that we are free of all responsibility? I therefore suggest to my friend from Maine—I know he simply wants to do his duty and that he does not interfere from any other motive—that there are principles of more important consideration attending the disposition of this measure now before the Senate than even the passage of the appropriation bills. If they shall fail, an extra session can be called, and the responsibility would hardly be with the republican party for that. We should then have a new House of Representatives organized, and the majority in that House would have an opportunity of displaying the spirit and purpose by which they would be actuated and of adopting a policy for the administration of this Government. I doubt whether our democratic friends are anxious to enter soon upon that experiment. I think, so far as mere political considerations are concerned, they would shrink from it much more than we should. For my part I would deprecate an extra session on my personal account, on account of my health and personal convenience and personal arrangements; but at the same time, if it becomes a public necessity by reason of our attending to these things that are so important and overshadowing in their importance, such as we now have before us, let it come.

Mr. BAYARD. Mr. President, among the earliest and most prominent lessons that were taught me with regard to the Government of this country was the necessity of separating the departments, the executive, the judiciary, and the legislative, which had their functions, neither to be invaded by the other. But it seems that on this question, which I had supposed was one exclusively for the Senate, a question of which under the Constitution they are the sole judges, being the judges of the elections, returns, and qualifications of their own members, we are, according to the doctrine of the Senator from Indiana, to be controlled in our action by the wishes of a different branch of the Government, to whom none of the responsibility and no portion of the power is confided under our form of government.

Therefore, Mr. President, with all respect for a co-ordinate branch of the Government, I apprehend that this Senate have nothing to do with the wishes personally of the Executive or his official wishes in regard to our action in determining who shall or who shall not become members of this body; and with due respect to the Senator from Indiana, I take it that his suggestion that we should be so influenced was improper in the strongest and most constitutional sense of the word.

Now, in regard to the disposal of business before this body, I recognize thoroughly the responsibility of the majority, who, having the power, should not escape the responsibility; and I would also say on the part of the minority and of each individual of it, there is a responsibility that nothing unworthy or simply dilatory or considered in partisan ends should enter into their conduct in the management of public business. I do not think the Senator from Indiana can lay his finger, and I do not understand that he will venture to make the charge that there has been for one hour during this session a disposition on the part of the minority in this Chamber to interfere with the regularity of public business, or for any reason, wise or otherwise, of a political or partisan nature, to attempt to control the operation and passage of bills in this body. Nothing of the kind has been done. I appeal to the record of our debates during the past two months—during the past three weeks especially. Let it be read; let it be seen who has in any degree made such debate as authorized any suggestion that delay was an object for any purpose of a partisan or political nature. No, Mr. President, I do recognize the power and the responsibility of the majority, and I do it with all respect; and so I have sat here patiently and properly at my place for more than twenty-four hours—yes, sir, for nearly twenty-eight hours now—

simply abiding the will and pleasure of the majority respecting their disposition of public business. There has been no attempt at delay. I have my own views of this system of protracted session. I cannot but think the people of this country in their calmer moments will have their views of these protracted sessions. The human frame and the human brain has its limit of power. Men already have sickened under this debate. One of our brethren stood here to-day unable to continue a debate that every man felt was urged by his conscience and by nothing else simply because of physical indisposition, caused by the prolongation of this session. There is no act of human life, however important, in which consideration is not given to the human instrumentality to perform it, except it seems the business of legislation in the Senate of the United States. I will admit that if there had been exhibited here a desire improperly, disrespectfully, regardless of rules or in abuse of rules to prolong debate, there might then come a necessity for this sitting out of measures of the present kind. I agree with the honorable Senator from Indiana that few measures could surpass in importance to the people of this country that which we have had under consideration for the past day and a half in continuous session.

I have nothing to say in regard to the prospect of an extra session which the Senator has referred to, which he has, with his usual consideration for his political opponents, warned us of the effect of. Sir, I neither desire that session nor do I shrink from it. My duties, come they as they may, will find me, I trust, placidly awaiting their execution. It has been, I think, more than three weeks ago that in conversation with a distinguished and leading Senator of the administration party on this floor I drew his attention to some report in the Republican, the Administration organ of this city, that there was a desire upon the part of the minority to delay the public business so that an extra session would be made necessary for the passage of bills essential for the continuance of the Government, and I told him then that there should not be one hour of the remaining weeks of the Senate's session when he could not command every vote of the minority on this floor to bring forward the regular business of the body and pass it and make an extra session unnecessary. It was said privately—it is now said publicly—although there was nothing in what was said to prevent its being known to all gentlemen who are interested in considering the transaction of business in this body.

And so now, Mr. President, I would say, if there were nothing else than a consideration for the proper frame of mind and body in which we are to consider the very important questions involved in the resolution from the committee of which the Senator from Indiana is chairman, we should have reasonable, proper, ordinary delay; and I mean by delay opportunity for that mental and physical refreshment and rest, which we all need. In twenty-eight hours I have had some fifteen minutes sleep, and I presume I am but like others who stand around me and who stand here with the same feeling and intent that I have stood.

I do not wish to find fault; I do not wish to upbraid gentlemen in any way in regard to the condition of the business and the fact that they are now pressed for time; but it seems to me that there is a decorum, that which our forefathers called a proper respect for the opinions of mankind, that would make us approach great questions in a manner worthy of them. How can we do this with frames enfeebled by fatigue and minds irritated by want of necessary rest? I am sure that the best rule for the government of this body is the unwritten rule that prevails between honorable and candid men in their private transactions, that there shall be simply good faith in all their dealings; and so far as I have been able to establish it, and so far as I hope in the future to assist it, I should be as much ashamed of a party trick that would delay action upon a necessary measure or obtain by indirection an advantage that I would not venture to proclaim openly—I should be as much ashamed of it in my capacity as a Senator representing in part a State upon this floor, as I should in my personal relations to gentlemen whom I see around me.

Now, Mr. President, it is for the Senate to say whether the regular order of business of the body—that is to say, the appropriation bills of money necessary to conduct our Government—shall be promptly, regularly, sensibly, moderately, and justly discussed while there is plenty of time for them, and no man doubts it, or whether they shall be pressed aside for this continuous and necessarily heated discussion of a political question which I will admit is far more valuable than money, because it touches the operations at the very foundation of a Government for which we propose to vote money to carry it on.

Mr. President, I shall vote with the Senator from Maine to take up and consider duly and regularly the necessary appropriation bills to defray the expenses of the Government. I shall not delay nor seek to delay or avoid discussion upon any other measure that may be brought before the body; but can we of the minority in opposition serve our brethren in this Chamber and our fellow-citizens all over this country out of it better than by an honest, candid expression of criticism to measures which we think would be hurtful to the public good? If our debate is to be conducted in a spirit worthy of the measures and the objects of this resolution, which are contained within it, then debate is laudable and profitable. We do consider that this debate is of the highest interest and importance, and the minority would have craved of those who control the business a proper opportunity for calmer consideration than has been given to us in the last twenty-eight hours.

But, sir, the Senate must control their business. I have spoken for myself, but I believe that I have expressed, lamely perhaps, but still in the main correctly, the opinions and wishes of the minority on this floor. We wish to see everything moderately, regularly conducted, so that no extraordinary session of Congress may be made necessary. I will not discuss with the Senator from Indiana what might be the political advantage or disadvantage of it, in what embarrassment the new House of Representatives might find itself. I only hope that, whatever may be the duties set before them, they may meet them with honest hearts, trusting to an intelligent and honest public opinion to sustain them when they have tried to do what is best for our common country. That is all we hope. I do not desire to see, and I entirely repudiate, if it were necessary, the suggestion that any thought of partisan advantage or disadvantage has actuated the course of the minority in the debates in this body during the present session of Congress.

Mr. MORTON. Mr. President, it is not my desire to attribute motives to any Senator, other than those which guide his conduct and his words; but of course I cannot help thinking, when this Louisiana question has been before us so long, has been so often discussed in every aspect, that we are now quite as well prepared to vote, and have been for several days, as we should be if the discussion were longer continued.

I beg leave to suggest that something is due to a State. The Constitution declares that each State shall have two Senators. That is the law of the existence of this body. The continued violation of that law, the extended violation of that law, would result if not in civil war in the destruction of the Government itself. Louisiana has the same right that Delaware and New York have to two Senators on this floor. For two years she has had but one. She has been denied one-half of her representation. Another candidate, duly commissioned, has been knocking at the door, and has been kept out upon grounds and upon pretexts that are in my judgment without adequate foundation. The question of admitting a Senator is one of the highest privilege as well as of the highest importance.

For these and other reasons that I have mentioned I hope that this Congress will not adjourn without this question being settled. But the other considerations to which I adverted go beyond the right of a State to representation, because they involve perhaps the peace and the prosperity of that State. I cannot say more than to express the hope that those who are disposed to do Louisiana justice will stand by this resolution until it shall be disposed of, and if there be those who are disposed to protract this debate so that the appropriation bills shall not be passed at this session and an extra session shall become necessary, then upon them the responsibility will rest before the country.

Mr. THURMAN. I wish to make one suggestion. The question now before the Senate is one to be decided by the Senate alone. It is not a question for the consideration of Congress; it is a question for the Senate, and the Senate alone. If, as we have been told, there is to be an extra session of the Senate on the 4th of March, at that extra session this question can be disposed of with ample time to consider it. There is no necessity therefore for occupying our time with it now, if by so doing we imperil the passage of the necessary appropriation bills. If the one or the other has to go over, manifestly the question now before the Senate, one which is to be determined by the Senate alone, is the question that should go over to that extra session of the Senate, which it seems to be admitted on all hands will convene on the 4th of March.

I shall therefore vote for the motion to take up the appropriation bill whenever that motion shall be made, believing that our first duty is to provide the means to carry on the Government, and that a delay of a few days in determining the question which is now before us will not prejudice the matter in the slightest degree.

Mr. MORRILL, of Maine. Mr. President, I am disposed to regard this entirely as a question of the order of business. I hope the Senator from Indiana does not suppose for a moment that I make this motion in any spirit of hostility to the measure with which he is charged. It is simply from the conviction on the part of the Committee on Appropriations that the absolute necessities of the service require the action to which I have referred.

With the purpose of proceeding to the consideration of the Indian appropriation bill, which was reported on Monday, I move to lay the present resolution on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine that the pending resolution be laid on the table.

Mr. MORTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FERRY, of Connecticut. I paired with the Senator from Massachusetts [Mr. BOUTWELL] a short time ago upon any question of adjournment that might arise, he desiring to go out to take a nap, as he said. I presume that this question involves the principle of that pair. I therefore withhold my vote. I should vote "yea," and I suppose he would vote "nay."

The question being taken by yeas and nays, resulted—yeas 39, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Conkling, Cooper, Davis, Dennis, Eaton, Edmunds, Fenton, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Ingalls, Johnston, Kelly, McCreery, Merriam, Morrill of Maine, Morrill of Vermont, Norwood, Ransom, Robertson, Saulsbury, Schurz, Scott, Sprague, Stevenson, Stockton, Thurman, Tipton, Wadleigh, Washburn, Windom, and Wright—39.

NAYS—Messrs. Doremán, Cameron, Chandler, Clayton, Conover, Cragin, Ferry of Michigan, Flanagan, Hamlin, Harvey, Howe, Jones, Logan, Morton, Oglesby, Patterson, Pratt, Ramsey, Sargent, Spencer, Stewart, and West—22.

ABSENT—Messrs. Alcorn, Boutwell, Brownlow, Carpenter, Dorsey, Ferry of Connecticut, Gilbert, Hitchcock, Lewis, Mitchell, Pease, and Sherman—12.

So the resolution was ordered to lie on the table.

HOUSE BILLS REFERRED.

Mr. WINDOM. Mr. President—

The VICE-PRESIDENT. The Chair will ask the Senator from Minnesota to give way while he lays before the Senate several House bills for reference.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. No. 3996) conferring jurisdiction upon the United States courts in the Territory of Utah in certain cases;

A bill (H. R. No. 3855) to change the times and places for holding the circuit and district courts of the United States for the district of Minnesota;

A bill (H. R. No. 4536) prescribing the fees of jurors and witnesses in the courts of the District of Columbia;

A bill (H. R. No. 4559) to prevent and punish the false making and uttering of certain instruments;

A bill (H. R. No. 4662) to change the location of the office of United States marshal in the northern district of Georgia;

A bill (H. R. No. 4351) for the relief of the judge of the district court of the United States for the western district of Pennsylvania;

A bill (H. R. No. 4743) to amend section 649 of the Revised Statutes of the United States; and

A bill (H. R. No. 4744) to punish certain larcenies and the receivers of stolen goods.

PETITIONS AND MEMORIALS.

Mr. CONKLING. I present a memorial signed by A. A. Low & Brother; Drexel, Morgan & Co.; J. & W. Seligman & Co.; E. D. Morgan, and a large number of leading bankers and merchants in the city of New York, remonstrating against the annulling of the contract with the Pacific Mail Steamship Company for the transportation of the mails between San Francisco, Japan, and China. They protest, for reasons which they state, against the injury which they allege would be inflicted upon commerce by suspending the postal and other service to which I have alluded. As a report has been made upon the bill to which this remonstrance refers, I move that it lie on the table.

The motion was agreed to.

Mr. SCHURZ presented a resolution of the Legislature of Missouri, in favor of the establishment of a branch mint at Saint Louis, Missouri; which was referred to the Committee on Finance.

Mr. BOREMAN presented several petitions of members of the medical profession of the State of West Virginia, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

Mr. HOWE presented a petition of citizens of Wisconsin, praying an amendment to the Constitution of the United States prohibiting the importation, manufacture, or sale of alcoholic liquors, to take effect from January 1, 1876; which was referred to the Committee on Finance.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAMLIN, it was

Ordered, That Sarah Parker have leave to withdraw from the files of the Senate her petition and papers, on leaving copies of the same with the Secretary.

BILLS INTRODUCED.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1325) authorizing the Wisconsin Central Railroad to straighten the line of their road; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. STOCKTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1326) to authorize the purchase of certain improvements in ordnance, and pay for the use of the same, heretofore made; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. LOGAN subsequently said: I wish to ask to what committee the bill in reference to ordnance was referred, which was introduced a few moments ago.

The VICE-PRESIDENT. The Committee on Naval Affairs, the Chair is informed.

Mr. LOGAN. I do not know of any ordnance department belonging to the Navy. I think it should go the Committee on Military Affairs.

The VICE-PRESIDENT. Does the Senator make that motion?

Mr. LOGAN. I move the reference of the bill to the Committee on Military Affairs.

The motion was agreed to.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 17) authorizing the President to terminate certain treaties; which was read twice by its title, re-

ferred to the Committee on Foreign Relations, and ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I move that the Senate proceed to the consideration of House bill No. 3821, being the Indian appropriation bill.

Mr. WEST. I move that the Senate do now adjourn.

The VICE-PRESIDENT put the question on the motion to adjourn, and declared that the yeas appeared to prevail.

Mr. SARGENT. I ask for the yeas and nays. Let us take up the appropriation bill.

The yeas and nays were ordered; and being taken, resulted—yeas 6, nays 52; as follows:

YEAS—Messrs. Boggs, Harvey, McCreery, Oglesby, Patterson, and West—6.

NAYS—Messrs. Allison, Anthony, Bayard, Boreman, Cameron, Chandler, Clayton, Conkling, Conover, Cooper, Cragin, Davis, Dennis, Eaton, Edmunds, Fenton, Ferry of Michigan, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Ingalls, Johnston, Jones, Kelly, Lewis, Logan, Merriam, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Pratt, Ramsey, Ransom, Robertson, Sargent, Schurz, Scott, Spencer, Sprague, Stewart, Stockton, Thurman, Tipton, Wadleigh, Washburn, Windom, and Wright—52.

ABSENT—Messrs. Alcorn, Boutwell, Brownlow, Carpenter, Dorsey, Ferry of Connecticut, Frelinghuysen, Gilbert, Hitchcock, Howe, Mitchell, Pease, Saulsbury, Sherman, and Stevenson—15.

So the Senate refused to adjourn.

Mr. INGALLS submitted an amendment intended to be proposed to the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WINDOM. I now renew my motion to take up the Indian appropriation bill, and I want to finish this bill to-night if we can.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. WINDOM. Before the Secretary proceeds to read the bill, I wish to make a very brief statement as to the amount appropriated in comparison with the amount appropriated last year. The appropriations for the fiscal year ending June 30, 1875, were \$5,690,000. As reported in this bill the amount for the coming fiscal year is \$5,127,924, being less than last year by \$562,076. The Senate committee have added to the House bill \$277,317, and I can state in a moment what the items are, so that Senators may understand them.

The bill reported to the Senate is less than the estimates for 1876 by \$1,723,757; and I think if Senators will glance through the bill they will find that there is very little objectionable matter in it. I think it has been kept very clean. The \$277,000 added by the Senate committee is composed mainly of the following items: For the Chipewas of Lake Superior, \$30,000; for the Osages, to pay interest on funds arising from the sale of lands, \$38,700. We have added to the appropriation for the Apache Indians \$100,000; for the Arickarees, Gros Ventres, and Mandans, \$10,000; for the Utes, under treaty stipulation, overlooked by the House, \$45,000; for the Round Valley reservation, \$30,000; to increase the amount for Oregon, \$10,000; and for the peace commissioners, which was omitted in the House bill, \$15,000. This makes \$278,700 more than the aggregate which I mentioned a moment ago; but we have made several small reductions; so that the aggregate is only \$277,000.

I hope that, weary as the Senate is, it will take into consideration the present condition of business before the Senate and enable us, if possible, to complete this bill before we adjourn to-night.

Mr. DAVIS. Mr. President, I move—

Mr. MORRILL, of Maine. Will the Senator from West Virginia yield to me a moment?

Mr. DAVIS. Certainly.

Mr. MORRILL, of Maine. I move that debate on amendments to this bill be limited to five minutes.

The VICE-PRESIDENT. The Senator from Maine moves that debate on the amendments to this bill be limited to five minutes by each Senator.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will read the bill.

Mr. DAVIS. We have now been in session about twenty-eight hours, and I appeal to my colleague on the committee who has charge of this bill to let us adjourn, and we will come here to-morrow and understand everything properly about the bill. None of us are in a condition to consider it properly this evening.

Mr. WINDOM. The Senator from West Virginia who is a member of the Committee on Appropriations knows that there are three other bills prepared by that committee ready to be presented to the Senate. He also knows that there are but eleven days left of this session; and although we are weary, I think we can stay here an hour or two longer to finish this bill. I appeal to the Senate to remain at least and make an effort to do it.

Mr. DAVIS. I know well what my colleague on the committee has stated, that we have four appropriation bills now ready. I also know that there is not a Senator here who is not weary, and none of us perhaps are now in a condition to consider this bill properly. We know this is an important bill, and I therefore ask my colleagues on the committee not to insist upon going on to-night, but let us come here in the morning for the purpose of disposing of it. I must insist on my motion to adjourn.

HOOR OF MEETING.

Mr. MORRILL, of Maine. Will the Senator yield to me one moment to make a motion which I think will be satisfactory?

Mr. DAVIS. Certainly.

Mr. MORRILL, of Maine. I desire to appeal to the Senate and ask unanimous consent to take from the table the resolution which I offered on Monday last to provide for the meeting of the Senate at eleven o'clock hereafter.

Mr. MORRILL, of Vermont, and others. Not to-morrow.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent to take up the resolution providing that the Senate shall meet at eleven o'clock. The Chair hears no objection.

Mr. MORRILL, of Maine. Let it be read.

Mr. MORRILL, of Vermont. I would suggest to the Senator from Maine that it be after to-morrow. If the Senate is to remain and finish this bill to-night, it will certainly hardly desire to meet early to-morrow.

Mr. MORRILL, of Maine. I hardly expect the Senate will do that either. Let the resolution be read.

The Chief Clerk read as follows:

Resolved, That the daily hour of meeting of the Senate shall be eleven o'clock a. m. from and after to-morrow.

Mr. CAMERON. I should like to know by what rule of the Senate that resolution can be considered now?

The VICE-PRESIDENT. By unanimous consent. The Chair asked for objections and there was no objection made. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. THURMAN. Let us understand that resolution. It does not apply to to-morrow. ["No."]

Mr. DAVIS rose.

Mr. FRELINGHUYSEN. I wish to say to the Senator from West Virginia that we have just laid aside a resolution which excited a good deal of interest and on which many persons wished to speak for the very purpose of disposing of the appropriation bills. I think the Senate in good faith is bound to stand by this bill and work two or three hours so that we can get through with it in time.

Mr. DAVIS. The Senator from Maine asked me to yield while I was about to move an adjournment. I now make that motion with his consent, as I understand.

Mr. MORRILL, of Maine. I hope the Senate will not adjourn.

The VICE-PRESIDENT. The question is on the motion to adjourn. The motion was not agreed to.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes.

The Chief Clerk proceeded to read the bill, as follows:

That the following sums be, and they are hereby, appropriated out of any money in the Treasury—

Mr. STOCKTON. I have just heard read the words "hereby appropriated." I should like to submit whether this is a time, after twenty-eight hours' session, to appropriate anything. I move that the Senate do now adjourn. I am not willing to vote to appropriate anything to anybody in the present condition of the Senate.

Mr. WINDOM. I call for the reading of the bill.

The VICE-PRESIDENT. The Senator from New Jersey moves that the Senate do now adjourn.

Mr. LOGAN. We just took a vote and voted down that motion.

The VICE-PRESIDENT. A few words of the bill have been read since. The question is on the motion to adjourn.

The question being put, a division was called for; which resulted—ayes 22, noes 28.

So the Senate refused to adjourn.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill, and the amendments of the Committee on Appropriations will be acted upon in the order in which they are reached in reading the bill.

The first amendment of the Committee on Appropriations was on page 1, line 1, before the enacting clause, to strike out the word "resolved."

The amendment was agreed to.

The next amendment was on page 1, line 10, before the word "agents" to strike out "sixty-nine" and insert "seventy," so as to read:

For pay of seventy agents of Indian affairs, at \$1,500 each, except the one at Iowa, at \$500, namely, &c.

Mr. DAVIS. I wish to say a word on that amendment. That is an increase of agencies. It is an increase of three over last year.

Mr. WINDOM. An increase of one only from last year. We have added two in Dakota and dropped one in the Indian Territory, making an increase of one in the aggregate.

Mr. DAVIS. Mr. President, I see the Senate is not in a condition to listen. I have something to say on this amendment. It has come to our attention in committee, or rather to my attention while I was present in committee. I will, however, reserve what I wish to propose

until to-morrow and let the committee's amendments be acted on first.

Mr. MORRILL, of Maine. The Senator can raise the question when the bill is in the Senate.

Mr. DAVIS. Very well.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 29, in the enumeration of the agencies for the tribes in Dakota, to strike out "Brulé" and insert "White River."

The amendment was agreed to.

The next amendment was, in line 33, before "for," to strike out "four" and insert "five," and in line 34 before "Abiquiu" insert "Pueblo;" so as to read:

Five for the tribes in Mexico, namely, Pueblo, Abiquiu, Navajo, Mescalero, Apache, and Southern Apache agencies.

The amendment was agreed to.

The next amendment was in line 65, to increase the aggregate appropriation for pay of Indian agents from \$102,500 to \$105,000.

The amendment was agreed to.

The next amendment was in line 84, before "interpreters" to strike out "seventy-five" and insert "seventy-eight," so as to read:

For pay of seventy-eight interpreters, as follows:

The amendment was agreed to.

The next amendment was in the provision for interpreters, in line 101, to strike out "thirteen" and insert "twelve" before "for;" in line 102 before "Red Cloud" to insert "two at Fort Berthold, and one each at;" in line 104 to strike out "Fort Berthold;" and in line 105 to strike out "Brulé" and insert "White River;" so as to read:

Thirteen for the tribes in Dakota, namely, two at Fort Berthold, and one each at Red Cloud, Spotted Tail, Yankton, Ponca, Crow Creek, Grand River, Cheyenne River, Sisseton, Devil's Lake, Black Hills, and White River agencies, at \$400 per annum each.

The amendment was agreed to.

The next amendment was in the provisions for interpreters in line 111, to strike out "six" and insert "seven" before "for;" and in line 113, after "Apache" to insert "Pueblo;" so as to read:

Seven for the tribes in New Mexico, namely, two for the Navajo agency, and one each for the Cimarron, Mescalero, Apache, Southern Apache, Pueblo, and Abiquiu agencies, at \$500 each per annum.

The amendment was agreed to.

The next amendment was in the provisions for interpreters, to strike out "three" in line 133 and insert "four" before "for;" and in line 134 before "White Earth" to insert "Boise Fort;" so as to read:

Four for the tribes in Minnesota, namely, Boise Fort, White Earth, Red Lake, and Leach Lake special agencies, at \$400 each.

The amendment was agreed to.

The next amendment was in line 141, to increase the aggregate number of interpreters at \$400 each from forty-seven to forty-nine; in line 142, to increase the aggregate number of interpreters at \$500 each from twenty-eight to twenty-nine; in line 143, to increase the appropriation for temporary interpreters from \$600 to \$1,100; and to increase the aggregate amount appropriated for this item, in lines 144 and 145, from \$33,400 to \$35,200.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill and concluded the reading of the following clause, on page 7, lines 146 to 152:

For pay of three Indian inspectors, at \$3,000 each, \$9,000: *Provided*, That after the commencement of the next fiscal year there shall be but three inspectors; and the provision of law requiring that each agency shall be visited and examined by one or more of the inspectors at least twice in each year is hereby repealed.

Mr. BOGY. I move to strike out this entire clause, from line 146 to line 152.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) That amendment will not be in order until the amendments of the committee have been acted upon.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in line 190, to increase the appropriation for the Arickarees, Gros Ventres, and Mandans, to be expended in goods, provisions, &c., from \$75,000 to \$85,000.

The amendment was agreed to.

The next amendment was after the word "dollars" in line 191, in the appropriation for the Arickarees, Gros Ventres, and Mandans, to insert the following proviso:

Provided, That \$10,000 of said amount be available immediately: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized to use so much of this appropriation, not exceeding \$775, as he shall deem just and proper, to reimburse L. B. Sperry and William Courtenay for the losses sustained by them by the destruction of certain personal property by fire at the Fort Berthold agency, Dakota, on the 12th day of October, 1874.

Mr. INGALLS. I would like to hear some explanation of this proviso.

Mr. WINDOM. The \$10,000 added was to make up for a loss by fire which occurred last year. It was a loss of agency buildings and a loss of goods. The amount appropriated for Mr. Sperry and Mr. Courtenay stands upon a rather different basis from any other private claim. These gentlemen were agents at Fort Berthold, and at the time of the fire they neglected their own property and saved a large amount of Government property. In addition to that, Mr. Sperry, for whom the appropriation is made, has managed Indian

affairs so admirably for Fort Berthold and has saved the Government so large an amount of money that the committee thought he ought to be reimbursed for this loss.

Mr. INGALLS. The first clause of the proviso, from the statement of the Senator from Minnesota, is nothing but a deficiency appropriation, and it appears to me it should not be adopted by the Senate. With regard to the second clause of the proviso, it is in direct violation of a rule of the Senate which declares that no amendment shall be received upon an appropriation bill "whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation." If Mr. Sperry and Mr. Courtenay have suffered any loss in the service of the Government, it is a matter for which a bill might properly be introduced for their relief, be referred to a committee, and acted upon by the Senate; but it is certainly entirely out of place on an appropriation bill. Besides that, it is entirely unfair and unjust to a great many other private claimants who have equally meritorious claims and who would be glad to have them paid. I hope the Senate will not set the precedent of adopting this amendment in violation of an express rule of this Senate.

Mr. SARGENT. The resolution in reference to the meeting of the Senate hereafter at eleven o'clock was passed in the legislative day of yesterday. There is no legislative session of Thursday, but it was the legislative day of Wednesday when that resolution was passed. Consequently on Friday, that is to-morrow, we meet at eleven o'clock, according to the letter of the rule. It is very necessary that this should be understood, so that if we are to meet at eleven o'clock Senators may be here in order to make a quorum. I have no doubt myself as to the construction of the resolution, as it was adopted in the legislative day of yesterday.

The PRESIDING OFFICER. The Chair understood that when the Senate adjourned to-day it would meet on Friday at the usual hour, but thereafter at eleven o'clock.

Mr. SARGENT. The object was to meet on Friday at twelve o'clock. I will make that motion and would make it now, except that I want to make a remark in justification of the motion, which is that all of us have been here for nearly thirty hours. I am entirely worn down and have had but one hour's sleep since yesterday morning. I consider it a great prejudice to health to remain here, and no doubt it is the disposition of Senators to adjourn now and come back to-morrow at twelve o'clock. I think we shall have nothing that resembles factious opposition to the appropriation bills. I submit the motion that when the Senate adjourn to-day it adjourn to meet at twelve o'clock on Friday.

Mr. HAMILTON, of Maryland. And that we adjourn now.

Mr. CONKLING. May I make an inquiry for information? If we pass the order that when the Senate adjourn to-day it be to meet at twelve o'clock to-morrow, on what day does the resolution fixing the hour of meeting at eleven o'clock take effect?

The PRESIDING OFFICER. "From and after to-morrow"—on Saturday.

Mr. CONKLING. "From and after" the Chair would hold meant from the next day?

The PRESIDING OFFICER. It would take effect on Saturday. The Senator from California moves that when the Senate adjourn to-day it be to meet on Friday at twelve o'clock.

The motion was agreed to.

Mr. SARGENT. I now move that the Senate adjourn.

Mr. WINDOM. No; we are going on well.

Mr. SARGENT. No; we are not going on well. The Senate is not in a condition to consider legislation after this exhausting session.

Mr. WEST. The question is not debatable.

The PRESIDING OFFICER. The question is not debatable.

Mr. SARGENT. The clerks are entirely worn out, and the reporters have had no sleep.

The PRESIDING OFFICER. The question is not debatable. The question is on the motion to adjourn.

The question being put, there were on a division—ayes 24, noes 14.

So the motion was agreed to; and (at four o'clock and forty minutes p. m. of Thursday, February 18) the Senate adjourned till Friday, February 19, at twelve o'clock noon.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 17, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order of business.

Mr. DAWES. I move that the House resolve itself into Committee of the Whole upon the tariff bill, and pending that motion I move that all debate upon the bill in Committee of the Whole be limited to three hours and a quarter.

Mr. LAWRENCE. Will not the gentleman allow me to report back some bills from the Committee on War Claims?

Mr. AVERILL and Mr. RANDALL called for the regular order.

The SPEAKER. The regular order of business is the joint resolution reported from the Committee on Elections, which they were authorized to report at any time; but pending that the gentleman from Massachusetts [Mr. DAWES] moves that the House resolve itself into Committee of the Whole on the tariff bill, and submits a motion to limit debate.

Mr. RANDALL. In case the motion of the gentleman from Massachusetts is voted down, will it not be in order to go into Committee of the Whole on the state of the Union on the Army appropriation bill?

The SPEAKER. A motion to go into Committee of the Whole is in order always.

Mr. RANDALL. And a motion to go into Committee of the Whole on an appropriation bill requires only a majority.

The SPEAKER. Certainly.

The question was taken on the motion of Mr. DAWES to limit debate; and on a division there were—ayes 58, noes 42; no quorum voting.

Tellers were ordered; and Mr. DAWES and Mr. WOOD were appointed.

The House divided; and the tellers reported—ayes 62, noes 65.

So the motion was agreed to.

The question recurred on the motion to go into Committee of the Whole on the tariff bill; and being put, there were—ayes 71, noes 64; no quorum voting.

Tellers were ordered; and Mr. DAWES and Mr. WOOD were appointed.

The House again divided; and the tellers reported—ayes 90, noes 56.

So the motion was agreed to.

TAX AND TARIFF BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HALE, of Maine, in the chair,) and resumed the consideration of the special order, being House bill No. 4680, to further protect the sinking fund and provide for the exigencies of the Government.

The CHAIRMAN. By order of the House all general debate upon this bill will be limited to three hours and a quarter. The gentleman from Illinois [Mr. BURCHARD] is entitled to the floor.

Mr. BURCHARD. Mr. Chairman, for several years past the agreeable duty has fallen to members of Congress to reduce taxation. We are presented for the first time since the close of the war of the rebellion with a bill reported from the Committee on Ways and Means proposing to increase instead of lessen the revenues of the Government. The bill does not increase the taxation upon the country above what it has been during the past six years. Prior to 1870 and 1872 there was collected from customs revenue over \$200,000,000, and a larger amount from internal revenue than this bill will give. The proposition is to collect as large an amount as has been heretofore collected from some of the same items or upon different items from those upon which duties are imposed.

The question at once occurs: Is there any necessity for raising more revenue? Are the receipts in the Treasury or the receipts that may be expected to come into the Treasury during the next fiscal year and from year to year sufficient to meet what should be the proper expenditures of the Government? This will depend upon the amount of necessary expenditures as well as the receipts. The Secretary of the Treasury has sent to Congress in the report presented for the fiscal year 1874 an estimate of the necessary expenditures for the next fiscal year, the year 1876. His estimate is that the expenditures will be \$272,778,000. The estimate made by him of receipts are \$293,000,000, without any provision for the sinking fund, giving a deficit after paying \$32,140,914 for the sinking fund of \$11,920,914. In my judgment the duty of this House is not to see what is required for the Government for this fiscal year ending 1875, so much as to look into the future and to examine as to what is required for the necessities of the Government for the next fiscal year. The Secretary shows in the actual receipts for one quarter and in the estimated receipts for the remaining three-quarters of the present fiscal year there will be a deficit of \$22,093,748.43 for the present fiscal year. If we attempted to provide for the sinking fund as the law requires, it would be impossible, Mr. Chairman, in my judgment, to impose taxation that would meet the deficit for the sinking fund for the present year. If we attempted to impose taxation to meet the probable deficit of \$22,000,000, it would require three times the increased revenue that will be provided by this bill for the next four months. But how much is to be provided for the next fiscal year; and to that I wish to call the attention of the House.

The Secretary of the Treasury, in the same report to which I have already called attention, after speaking of the reductions made by the last Congress, recommends to us economy. He says that he would impress upon Congress the importance of the most rigid economy in the public expenditures. The general depression following the late financial panic has compelled the people to lessen their individual expenditures, and the Government should not be slow to follow their example.

The present condition of the revenues requires the utmost economy in public expenditures, and the most careful scrutiny of the estimates

herewith transmitted is invited. So far as they relate to the Treasury Department, the Secretary has required them to be kept within the appropriations of the last session of Congress, when a large reduction was effected. He is gratified to be able to express the opinion that such reduction has not affected injuriously the public interests confided to his care, nor has it tended to obstruct or delay the public business.

Lavish outlays of moneys by the Government lead to corresponding habits of extravagance among the people. The general depression following the late financial panic, the Secretary says, has compelled the people to lessen their individual expenditures, and the Government should not be slow to follow their example. He adds that he is gratified to be able to express the opinion that the reduction that was made has not affected injuriously the public interests confided to his care, nor has it tended to restrict or delay the public business. He recommends to us a rigid examination of the estimates that he has made, and promises that in the expenditures he will abide by the action of Congress, and limit them to the appropriations.

It is yet uncertain what amount will be appropriated by the present Congress for the fiscal year 1876. Upon that subject the Committee on Appropriations can speak more authoritatively than I can. I wish the chairman of that committee was here, that I might ask him whether the ordinary appropriations recommended by that committee to the House would equal or exceed the estimates made by the Secretary of the Treasury. My opinion is that the action of that committee will be such as to reduce rather than increase those estimates by several millions.

From what sources does the Secretary of the Treasury estimate that we shall receive the amount that he has given as the probable receipts, \$293,000,000? From customs, \$170,000,000; from internal revenue, \$106,000,000; miscellaneous, \$17,000,000; making a total of \$293,000,000. Now will the receipts for the fiscal year equal the estimates? In my judgment they will not. I have given that subject some consideration. I have made an examination of the estimates for the last fiscal year, and I find that the Secretary of the Treasury, or those making the estimates, have for the last few years rather overrated than underrated the amount that will come into the Treasury. Taking the estimates made prior to the commencement of the fiscal year and comparing them with the receipts afterward, we find that for 1873 the estimates were \$192,000,000 and the receipts only \$188,000,000. For 1874 the estimates made prior to the fiscal year were \$200,000,000. After we had passed the law that made reductions in the revenue the year afterward, the estimates were \$160,000,000, and the actual receipts were \$163,000,000. For 1875 the estimates were \$180,000,000; they now estimate that there will be received \$162,000,000.

For 1876 the estimates are \$170,000,000. In my judgment the receipts will not exceed those of the present fiscal year.

Grouping the estimates and customs receipts from 1873, they have been:

	1873.	1874.	1875.	1876.
Prior to fiscal year.....		\$200,000,000	\$180,000,000	\$170,000,000
During fiscal year.....	\$192,000,000	160,000,000	162,000,000	
Actual receipts for fiscal year.....	188,089,523	163,103,834		

The statement was made by members of the Committee on Ways and Means who have preceded me that the indications at present are that the amount of the receipts for the fiscal year will not be over \$152,000,000. In some remarks that I made upon this subject a year ago I estimated the amount of receipts for the fiscal year at \$162,000,000; falling short of the amount actually received by \$1,000,000.

I wish to give some reasons why I think you will require about \$20,000,000 to meet the necessary and unavoidable expenses of the next fiscal year, unless the House shall reduce the appropriations for expenditures to a large extent. We are not to judge as to what is to come into the Treasury by looking ten days or a month ahead or by looking at the receipts from day to day. We must look at those great causes that affect trade and commerce. What induces large importations into the country? When the prices of commodities in the country are high and the cost of production great, a good market is afforded for foreign commodities and large importations are the inevitable result.

In 1872 we were on the top wave of high prices. Now the market-places all over the world have been lessened—abroad as well as here; and, of course, that has affected the markets of this country, and to a large extent affected the importations. Always after a commercial crisis there has been a falling off in importations. Look back through the tables for a series of years, and you will find that to be the case. For several years the importations of this country exceeded the exports by from \$40,000,000 to \$100,000,000. The importations grew from about \$450,000,000 in 1870 to \$640,000,000 in 1873, far exceeding the exportations. The importations were above anything that the country ever before witnessed; but they have now fallen off.

The Treasury reports for the last twenty years show the following amounts and fluctuation:

Statement showing the imports and exports from 1855 to 1874.

Year.	Net imports less re-exports.	Exports, gold value.	Excess of exports over imports.	Excess of imports over exports.
1855.....	\$233,020,927	\$246,708,553	\$13,688,326	
1856.....	298,361,364	310,586,330	22,324,966	
1857.....	336,914,524	338,985,065	2,070,541	
1858.....	251,727,008	233,758,279	42,031,271	
1859.....	317,873,053	335,894,385	18,021,332	
1860.....	335,233,232	373,189,274	37,956,042	
1861.....	332,093,960	228,680,486		\$103,403,474
1862.....	261,300,966	210,688,675		50,612,291
1863.....	226,796,336	241,997,474	15,201,138	
1864.....	309,308,194	243,977,589		65,330,605
1865.....	216,441,495	197,092,093		19,349,402
1866.....	430,770,041	420,161,476		10,608,565
1867.....	391,121,801	337,560,517		53,561,284
1868.....	351,214,010	353,135,875	1,921,865	
1869.....	411,896,374	318,082,663		93,813,711
1870.....	431,950,423	420,500,279		11,450,143
1871.....	513,033,809	512,802,267		231,542
1872.....	617,569,017	501,285,371		116,283,646
1873.....	675,467,636	578,938,985		56,528,651
1874.....	572,080,910	629,133,107	57,052,197	

At that time I said that unless the exports largely increased, our importations under the laws of trade could not exceed from \$550,000,000 to \$600,000,000; that I did not expect to see them go to \$600,000,000, and they probably would not reach over \$550,000,000. They actually reached last year \$595,000,000, while our exports largely increased. I have here a table showing the amount of imports during the last fiscal year and the amount of exports. The exports of merchandise increased \$64,000,000; the imports of merchandise diminished \$74,000,000. During the last fiscal year the imports were less than the exports by \$59,000,000; that is, the balance of trade was in our favor by \$57,000,000. During the last fiscal year the exports reached \$629,000,000, and the imports \$572,000,000.

Comparison of exports and imports.

EXPORTS.			
Year.	Merchandise, gold value.	Total exports.	
1873.....	\$505,033,439	\$578,938,985	
1874.....	569,433,421	629,133,107	
Increase.....	64,399,982	50,194,122	

IMPORTS.			
Year.	Merchandise, net imports.	Total net imports.	
1873.....	\$624,689,727	\$635,467,636	
1874.....	550,556,723	572,080,910	
Decrease.....	74,133,004	63,386,726	

Imports and exports of 1874 compared, (gold values.)

Exports.....	\$569,433,421
Net imports.....	550,556,723
Excess.....	18,876,698
Total exports.....	\$629,133,107
Total net imports.....	572,080,910
Excess.....	57,052,197

As our exports have been increasing, I do not expect that the results of the late commercial crisis will sink the imports much if any lower for the next fiscal year than they have been during the last fiscal year. I think instead of realizing \$152,000,000 from receipts of duties on imports, the amount that we are from the present indications realizing this year, that we shall for the next year realize \$160,000,000, but not \$170,000,000. In my judgment there will be about \$20,000,000 of deficit after providing for the sinking fund, and for that we ought to provide.

SOURCES OF REVENUE.

Now, from what sources shall we make provision? The committee have reported a bill proposing revenues from distilled spirits, tobacco, sugar, and a reimposition of about 4 per cent. additional duties on certain leading articles embraced in what is called the 10 per cent. reduction. On the consumption of those articles during the last fiscal year it will give a revenue upon distilled spirits of about \$18,500,000, upon tobacco about \$4,200,000, upon sugar \$8,700,000, and upon the tariff reimposition \$6,000,000; giving a revenue of \$37,400,000. From that it is proposed to take the tax on matches, now giving us about \$2,400,000; so that the net return will be \$35,000,000.

Increased revenue from bill for four months of this present fiscal year and for next fiscal year.

Articles.	Four months.	Year.
	1875.	1876.
Distilled spirits.....	\$3,000,000	\$18,500,000
Tobacco.....	1,300,000	4,200,000
Sugar.....	3,000,000	8,700,000
Ten per cent. repeal.....	2,000,000	6,000,000
	9,300,000	37,400,000
Loss by repeal of tax on matches.....	800,000	2,400,000
	8,500,000	35,000,000

In my judgment that is more than we need. For the present fiscal year it would give us about \$8,500,000. It will not provide for the sinking fund. We cannot meet the obligation of the sinking fund this year any more than we did last year. Whether we have lived up to our duty or not in maintaining the credit of the Government, that is past and gone. In my judgment we should look to maintain our credit in the future, and hereafter see that the revenues are sufficient to meet the expenses of the Government. Hence I believe and shall insist to this House that we can reduce the amount proposed to be collected by this bill.

TEA AND COFFEE.

Now, from what sources shall we collect the \$20,000,000? *Tea and coffee* have been suggested. For one, I should have no objection to a reimposition of the former duty on tea and coffee. I never voted to take it off; I voted against its repeal, and never had, so far as I know a single one of my constituents challenge or question the vote. It is pure revenue. Every dollar collected from it goes into the Treasury, and it is equally diffused over all parts of the country. But it was thought by other gentlemen that perhaps this tax would not be acceptable to the House, and it was dropped.

DISTILLED SPIRITS.

Another source in the bill of revenue is distilled spirits. Nobody objects to that so far as I know. The distillers as a class do not object to it; the corn raisers in Illinois do not object, so far as I have heard. From Illinois is collected, in the first instance, one-fourth of all the tax on this article; yet I hear no objection there. It also is pure revenue, and it is only a question as to how much you can collect. I have taken some pains to examine into the amount collected in other countries. Great Britain imposes a tax of 10 shillings per imperial gallon, equal to about \$2 per wine gallon.

Statement of gallons of spirits produced, rate of taxation, and amount collected in the United Kingdom of Great Britain from 1858 to 1874, inclusive.

Years.	Rate.	No. of gallons.	Amount collected.
1858.....	8s.....	21,902,576	\$44,876,180
1859.....	8s.....	22,603,480	44,769,210
1860.....	8s. to 8s. 1d.....	24,435,443	48,901,970
1861.....	8s. 1d. to 10s.....	19,639,938	46,127,690
1862.....	10s.....	19,335,136	48,091,455
1863.....		18,884,529	46,998,535
1864.....		19,423,444	43,462,575
1865.....		20,323,375	50,883,655
1866.....		20,978,473	52,185,840
1867.....		22,146,382	54,279,245
1868.....		21,019,670	52,557,650
1869.....		21,930,393	52,781,095
1870.....		22,855,229	54,845,940
1871.....		23,843,448	57,319,495
1872.....		25,560,864	61,372,980
1873.....		28,425,563	68,747,715
1874.....			73,997,810

In Great Britain the amount collected has increased within the last twelve years, under the tax of \$2 per gallon, from \$46,000,000 to \$74,000,000, the collection being at first on only about 19,000,000 imperial gallons, and during the last year over 30,000,000 gallons, nearly 35,000,000 gallons. I do not see why, with our present laws, our present system of taxation, we cannot collect \$1 per gallon upon this article. That will give us about \$18,000,000. The production of the last fiscal year was about 69,000,000 gallons; but a portion of that was withdrawn under our export laws, leaving the amount of tax paid on spirits at about 62,000,000 gallons.

Statement of distilled spirits produced in the United States since July 20, 1868.

	Gallons.
1869, (for eleven months and ten days of this year).....	53,367,884
1870.....	71,337,099
1871.....	54,576,446
1872.....	68,275,745
1873.....	68,236,567
1874.....	68,805,374

Before we had the present law, with its system of stamps and Government charge of the distilleries, we had a tax of about \$2 a gallon. Under the former law, with the continual changes and fluctuations, our experience was not favorable to the imposition of that high rate. We had special commissioners of the revenue, Messrs. Colwell, Hayes, and Wells, who made a report, and in that report you will find when the tax was \$2 per gallon they recommended a reduction to \$1 per gallon. They made the statement that the consumption would probably be about 60,000,000 gallons, and that we could collect it on that amount.

The special commission of the revenue in 1865-'66, in regard to the rate of tax on distilled spirits, said:

It was the opinion of the late Commissioner of Internal Revenue, whose judgment on this subject is well worthy of consideration, that the Government under a stringent law might probably collect two-thirds of the amount, \$84,000,000, on 42,000,000 gallons, or from fifty-five to sixty million dollars. On the other hand, with a reduction of the tax to \$1 per gallon, the commission believe that the aggregate production and consumption through an increased demand for industrial purposes would approximate closely to 60,000,000 gallons per annum; and as a tax of \$1 per gallon is conceded by all parties to be not unreasonable, it seems probable that with an effective law an immediate revenue of at least \$50,000,000 might be collected, with a subsequent annual increase.

In regard to the propriety of the tax they said:

That distilled spirits ought to contribute a very large proportion of the amount which the necessities of the country require shall be annually raised by internal taxation is, we believe, the almost unanimous sentiment of the whole country. It may, indeed, be considered as an axiom in political economy, that there is no article which constitutes a fairer subject for excise, and none which can be made to produce so much revenue with so little suffering to the tax-payer. In Great Britain, where the duty has been for the last four years at the very high rate of 10 shillings per imperial gallon, the concurrent testimony is to the effect that of all the methods adopted in that country to raise a revenue this is the one most cheerfully borne and least oppressively felt by the people.

In fact, the commission regard the present standard of consumption of distilled spirits for drinking purposes in the United States, which they now estimate at 39,000,000 proof gallons per annum, as one which no legislation and no augmentation of tax can materially diminish. They believe, furthermore, that there are no people less inclined to regard expense in the gratification of their desires and appetites than the Americans.

The commissioners conclude in regard to the rate of tax as follows:

The result of this inquiry has led to a reversal of their original opinion, and induces them to believe that, in a revenue, industrial, and moral point of view, it would be expedient to reduce the existing excise of \$2 per gallon on distilled spirits, and to substitute therefor a lower rate of \$1 per proof gallon.

The total amount of gallons upon which the tax has been collected since it was first imposed has been furnished me by the Internal Revenue Office:

Statement showing the number of gallons of spirits distilled from materials other than apples, peaches, or grapes, on which the tax was returned to this office, together with the amount of tax returned and the rate of tax per gallon, for the several fiscal years from 1863 to 1874.

Year ending June 30—	Total number of gallons.	Number of gallons at each rate.	Rate of tax.	Amount of revenue returned at each rate.	Total amount of revenue.
1863.....	16,149,954	16,149,954	\$0 20	\$3,229,990 79	\$3,229,990 70
1864.....	85,295,393.05	{ 56,863,595 28,431,798.05	{ 20 60	{ 11,372,719 00 17,059,078 83	{ 28,431,797 83
1865.....	16,936,780.13	{ 4,828,525.8 4,828,525.83 4,853,152 2,426,576.5	{ 20 60 1 50 2 00	{ 965,705 16 2,897,115 50 7,279,728 00 4,853,153 00	{ 15,995,701 66
1866.....	14,599,289.07	14,599,287.07	2 00	29,198,578 15	29,198,578 15
1867.....	14,148,132.15	14,148,132.15	2 00	28,296,264 31	28,296,264 31
1868.....	6,709,546.37	6,709,546.37	2 00	13,419,092 74	13,419,092 74
1869.....	61,183,539.13	{ 95,561.43 61,087,997.7	{ 2 00 50	{ 191,122 86 30,543,998 85	{ *30,735,121 71
1870.....	77,266,368.26	77,266,368.26	50	38,633,184 13	38,633,184 13
1871.....	59,842,616.96	59,842,616.96	50	29,921,308 48	29,921,308 48
1872.....	65,145,880.32	65,145,880.32	50	32,572,940 16	32,572,940 16
1873.....	62,945,154.02	{ 14,725,943.12 48,219,210.9	{ 50 70	{ 7,362,971 56 33,753,447 62	{ 41,116,419 18
1874.....	61,814,874.07	61,814,874.7	70	43,270,412 29	43,270,412 29

* By the provisions of section 59, act of July 20, 1868, a tax of 10 cents per gallon in addition to the tax of 50 cents was imposed on all distilled spirits in warehouse at the time said act went into effect, to be paid when the same were withdrawn from warehouse. Twenty-four million three hundred and eighty-three thousand nine hundred and fifty-one and three-tenths gallons were subject to this tax.

The above statement is made up from reports of collectors to this office on form 22, and shows the amount of tax actually returned during the several fiscal years. (See pages 118, 119, and 120, Commissioner's report for 1874.)

By act of July 1, 1862, the tax imposed on distilled spirits was 20 cents per gallon; by act of March 7, 1864, it was raised to 60 cents; by act of July 1, 1864, to \$1.50; January 1, 1865, it was raised to \$2; by act of July 20, 1868, it was reduced to 50 cents; by act of June 6, 1872, it was raised to 70 cents.

Section 56 of the same act provided that all distilled spirits in warehouse shall, within nine months after the passage of said act, be withdrawn from warehouse, and the taxes paid thereon. Section 1, act of April 10, 1869, extended the time of such withdrawal to June 30, 1869, but imposed an additional tax of 1 cent per gallon per month on such spirits as were not withdrawn prior to April 20, 1869. Five million one hundred and sixty-nine thousand five hundred and twenty-seven gallons were subject to this tax.

Two million four hundred and ninety thousand and ninety dollars and forty cents, the amount collected under these two provisions, added to \$30,735,121.71, give \$33,225,212.11, the sum found opposite number 2 on page 119 Commissioner's report for 1874.

OFFICE OF INTERNAL REVENUE,
Washington, February 15, 1875.

TOBACCO.

Another item is tobacco. Upon that during the last fiscal year we collected about \$21,000,000 on 104,000,000 pounds. A tax of 4 cents per pound would give us about \$4,200,000. This is a less rate than some other countries impose. On smoking-tobacco the rate in Russia is 50 cents per pound; and we have had no difficulty under our present system in collecting the present rate. That rate of taxation will give us \$22,000,000 on whisky and tobacco.

SUGAR.

Another item is sugar. Our importation of sugar for the last fiscal year was 1,645,000,000 pounds, and of molasses 47,000,000 gallons. According to the census returns there was produced in the United States in 1870, 87,000 hogsheads only. The duty collected last year was \$35,000,000, which would give us \$8,700,000 additional, if we increase the duty one-fourth and the consumption continues as large as it has been.

Sugar and molasses statistics.

[Duty collected in 1874, \$34,852,600.75; add 25 per cent. additional duty, making \$8,713,150.]

Year.	Quantity imported.	
	Sugar.	Molasses.
	Pounds.	Gallons.
1872.....	1,412,854,405½	42,057,924
1873.....	1,418,583,521½	44,112,413
1874.....	1,644,709,767½	47,205,641

Census statistics of sugar and molasses produced in the United States.

Year.	Cane.	Sorghum.	Maple.	Molasses.
	Hhds.	Hhds.	Pounds.	Gallons.
1850.....	277,577	.....	34,253,436	12,700,806
1860.....	230,982	.....	40,120,205	23,000,000
1870.....	87,043	24	23,443,645	23,000,000

Census statistics of sugar produced in Louisiana.

Year.	Amount.
	Hhds.
1850.....	226,001
1860.....	221,726
1870.....	80,706

The same remark in some respects can be applied to this tax that is applied to the tax on tea and coffee. It is not entirely revenue; but it is almost all revenue. More than nine-tenths of all the sugar and molasses consumed in this country is imported from foreign countries. About 150,000,000 of pounds is the estimate of the amount produced in this country during the last year. It will not probably equal that amount.

If there is any advantage anywhere, if any portion of the country ought to receive incidental benefits from the increase of tariff duties, I think it should be those portions of the United States where this great staple is to some extent produced. We know that the people of the South and West, the people living along the Mississippi River, have been asking for an appropriation of \$2,000,000 to help restore the levee system which has gone into decay; we know the disordered condition of their industries. If it is allowable—and many of my friends think it is not only allowable but the duty of the Government to aid struggling industries—it is right that the sugar-producing regions of the South should receive this little advantage from the tariff system which in other respects is to them a heavy tax.

Sugar, giving us \$8,700,000, would run up the footings from these items to \$31,000,000 of revenue.

REPEAL OF THE 10 PER CENT. REDUCTION.

The Bureau of Statistics has furnished me statements which I submit and will print with my remarks, showing the amount of imported commodities entering into consumption subject to the 10 per cent. reduction during the last and preceding fiscal years, with the duties collected on the same.

IMPORTS.

Statement of the value of imports subject to the reduction of 10 per cent. of the rate of duty under act of June 6, 1872, imported into the United States during the fiscal years ended June 30, 1873, and 1874, with estimated rate and duty on the same.

Articles.	Fiscal year ended June 30—		Decrease of 1874 from 1873.	Estimated—	
	1873.	1874.		Average rate of duty.	Amount of duty for 1874.
	Value.	Value.		Per cent.	
Cotton and manufactures of.....	\$35,201,324	\$28,183,873	\$7,017,446	36	\$9,846,196 08
Glass and manufactures of.....	7,430,044	6,257,978	1,162,066	46	2,878,669 89
Iron and steel and manufactures of.....	59,309,452	33,713,455	25,595,997	31½	10,619,738 33
Metal, metal composition, and manufactures of, not otherwise provided.....	9,114,221	4,781,041	4,333,180	31	1,462,122 71
Paper and manufactures of, including books.....	4,928,963	4,139,729	789,234	25½	1,055,630 90
Wool and manufactures of.....	71,509,400	55,130,279	16,379,121	54½	30,046,002 05
All other articles.....	4,340,340	3,703,347	636,993	32	1,185,071 04
Total.....	191,823,744	135,909,707	55,914,037	42.02	57,113,433 99

The committee will notice a large reduction in the amount imported and the high rate of duty now remaining on the articles. The proposition is to add to these duties 10 per cent. or on an average over 4 per cent. on their dutiable value, making the average rate of duty over 46 per cent.

INDUSTRIES DISTURBED.

To this, Mr. Chairman, I must express my dissent. I believe this House ought not to return to the high rates of duty which existed in various articles prior to 1872. The present duties in my judgment are sufficiently protective. I might recall the history of the legislation of the last Congress as well as of the Forty-first Congress in regard to tariff duties and their reduction. Go back to 1864 and 1865, when high rates were inaugurated, consider what the previous rates were and that the necessities of the Government were then the excuse for the increase, and ask whether we ought at this time to disturb the present rates of duty by repealing the comparatively slight reduction made in 1872. In the first place the repeal will affect articles imported annually to the value of about \$140,000,000 and articles produced in this country of the value of nearly \$1,000,000,000. Indeed, sir, you disturb all the industries of the country to raise only \$6,000,000. Iron, steel, cotton, woolsens, and all the other articles enter largely into all branches of industry and all pursuits of life. Last winter the Committee on Ways and Means had before them the tool-makers, the manufacturers of agricultural implements, consumers of steel in this country, asking us to reduce the tariff on steel, saying that at present prices it was driving them out of foreign markets where they could compete successfully with foreign manufactures but for the high rates of duty.

Mr. Chairman, I might go through all the industries of this country interested—the manufacturers of paper, the manufacturers of books, the manufacturers of cotton, woolen, and worsted goods—

and show you how many millions of consumers and how many thousand millions of dollars of values will be affected by the repeal. The great body of people consuming these articles would with one voice, I have not a particle of doubt, say to Congress, do not disturb these industries by increasing the present high rates of duties upon these articles of necessary consumption.

I have referred to the legislation of 1864. Now, sir, how did we come to raise our tariff duties from about 30 per cent. *ad valorem* 15 and 20 per cent., making them 40, 45, and 50 per cent.? We did it in 1864 because of the internal-revenue tax on domestic manufactures. We then said that it was not fair to impose these burdensome duties upon American products without putting equivalent duties upon articles imported from foreign countries. Two or three years ago we took off all these internal taxes upon domestic productions; and I recollect very well the question was debated before the House whether it was best to reduce or raise duties. I do not forget the speech made by a member from Iowa at that time, [Mr. ALLISON,] who has since been deservedly transferred to another if not a higher field of legislative duty. He called attention to these high rates of duty and insisted there should be a reduction of the tariff of at least 15 or 20 per cent. One of the present Senators from the State of Illinois, then a member of this House, in an able speech took the same position. The House agreed with these gentlemen, and very properly, I think, so far as the action of the House in committee was concerned, voted to reduce the rates of duty. During the last Congress, Mr. Chairman, I remember how you insisted there should be lower rates of duty on coal and salt and hides and leather, and how we stood by you in that position, and that the House, by a two-thirds vote, voted for free salt and free coal. Finally, as a sort of compromise measure, the republican members of the House agreed to the 10 per cent. reduction; it gave to New England a reduction of over

50 per cent. on salt, a very large reduction on coal, as well as giving her free hides and nearly all the reductions she asked.

I insist, therefore, that this compromise measure shall not now be disturbed. I protest against the proposed higher rates of duty in behalf of the laboring men and producers scattered throughout the North, South, and West. I took some pains to look at the census reports to find how many are engaged in the industries to be affected by this increase of duty—how many are producing the articles of woolen, cotton, iron, and steel:

Manufactures.	Number employed.	Value products.
Cotton manufactures.....	135,000	\$178,000,000
Glass manufactures.....	15,000	20,000,000
Iron and steel manufactures.....	149,000	356,000,000
Metals.....	10,000	27,000,000
Paper.....	21,000	51,000,000
Woolens and carpets.....	105,000	199,000,000
All other articles.....	20,000	32,000,000
Total.....	455,000	\$63,000,000

The census reports for 1870 give of all the producers of all the articles mentioned in this 10 per cent reduction less than half a million, or about 450,000 people, while in agricultural labor nearly one-half of the people of the United States are engaged in one way or another. Compare the number engaged in some of the leading industries with those engaged in manufactures of iron, steel, cotton, and woolen goods, and the wages paid:

	Number employed.	Per cent.	Production.	Wages.	
				Total.	Annual per cap.
All occupations.....	12,505,923				
Total agriculture.....	5,922,471	.47	\$2,447,538,658		
Farmers and planters.....	2,977,711				
Farm laborers.....	2,885,996	.23		\$310,286,285	\$107
Cotton manufactures.....	135,369		178,000,000	39,144,132	290
Iron and steel manufactures.....	148,572		350,000,000	76,759,148	517
Woolen and worsted manufactures.....	93,108		177,000,000	31,246,432	335
Total cotton, iron, steel, and woolen and worsted manufactures.....	377,040	.03	705,000,000	147,149,712	389

Number employed in a few other pursuits.

Blacksmiths.....	141,774
Carpenters and joiners.....	344,596
Boot and shoe makers.....	171,127
Railroad employes.....	154,027
Draymen, hackmen, and teamsters.....	120,756
Clerks in stores.....	222,504
Teachers.....	126,822
Masons.....	89,710
Painters.....	85,123
Carriage and wagon makers.....	42,000

In 1870 there were reported 2,885,000 farm laborers in the United States, and only 377,000 men engaged in the production of cotton, iron, steel, and woolen and worsted manufactures. Now, are the relative wages lower in these industries than the wages paid to farm laborers? Look at the census report. The report of wages paid show that farm laborers received \$107 per annum, while in iron and steel manufactures, laborers received over \$500 per annum. The rates paid to farm and agricultural laborers are not such that this increase should be asked for in the interest of labor. It is not justice to the great body of the consumers in the country. It is especially burdensome to the agricultural States of the South and West that must contribute their share of the taxation without receiving the benefits. Contrast the relative proportions engaged in agriculture, as shown by the census returns in regard to the following States:

States.	All occupations.	Farming.	Per cent.
United States.....	12,505,923	5,922,471	48
Illinois.....	742,015	376,441	50.32
Indiana.....	459,369	268,777	58
Iowa.....	344,276	210,363	61.07
Kansas.....	123,852	73,226	59.12
Michigan.....	404,164	187,211	46.39
Minnesota.....	132,657	75,157	56.65
Missouri.....	505,565	263,918	52.20
Nebraska.....	43,837	23,115	52.73
Ohio.....	840,889	397,024	44
Wisconsin.....	292,808	159,687	54.53
Pennsylvania.....	1,090,544	260,051	24.05
New York.....	1,491,018	374,323	25
Massachusetts.....	579,844	72,810	12.53
Connecticut.....	193,421	43,653	22.56
Rhode Island.....	88,574	11,789	13.29

It is not in the interest of labor. It is in the interest of the manufacturing industries of the country. Where are they situated? Three-fourths of the cotton and woolen manufacturers of the country are within the borders of five of the New England and Middle States. There are proportionally more woolen mills and manufactories in the other States than there are manufactures of cotton or iron and steel, but of the woolen and worsted mills the census of 1870 shows the following in five States:

Manufactures of woolen and worsted goods.

	Capital.	Hands.	Wages.
United States.....	\$108,910,309	92,973	\$31,246,432
Massachusetts.....	23,472,900	25,825	8,976,764
Rhode Island.....	10,467,500	7,894	2,862,492
Connecticut.....	12,991,000	7,667	2,981,070
New York.....	10,199,482	9,063	2,891,926
Pennsylvania.....	17,588,913	16,632	5,736,962
Total.....	74,719,795	67,081	23,449,214

Are not the profits of these manufacturers sufficiently remunerative, although they may not now be receiving the high rates that they did during the war and previous to the war?

MANUFACTURERS' PROFITS.

Under the tariff of 1832, the compromise tariff, when the average rates were 30½ the profits were 8.71 per cent. Under the high tariff of 1842 the profits went to 12½ per cent. Under the low tariff of 1846 they went to 6½. In 1854 they were at 6½. In 1861 we raised the tariff, and then their profits through actual dividends, according to the table before me, went up to 12½ per cent., and that was about the average all through that tariff period.

And now, taking the bankrupt companies and all the companies that declared no dividends, aggregate all these manufactories, and what do you think their profits were during the last year, during the year following the panic? They were, as these tables show, (and they are in the Congressional Library, where gentlemen can have access to them,) 8 per cent.; and these companies want this 4 per cent., or some of their Representatives do, to raise the tariff rates so that they can make 12 per cent. profit, while the profits of agricultural labor are not 3 per cent. on the capital invested; and these tables show that there have been no returns from any industry through the country more certain or more reliable than from these manufacturing industries.

I have taken from a standard authority that was quoted by the gentleman from New York [Mr. ROBERTS] in the last Congress, Martin's Tables of New England Manufacturing Companies, printed in 1871, and annual supplements, showing since 1832 the actual dividends of the manufacturers of New England, and inserted a column showing the corresponding rate of duty on dutiable imports for the same years, as shown by the Commerce and Navigation Reports:

Profits of New England manufacturing companies under high and low tariffs, as shown by Martin's Tables of Manufacturing Dividends, published in 1871, and appendix on annual imports consumed, from the Bureau of Statistics, and average rate of duty.

Year.	Average per cent. duty on dutiable imports.	Average duty in different tariff periods.	Annual per cent. dividends.	Average dividends for same periods.
1832.....	41.66		13.	
1833.....	45.21		11.12	
1834.....	25.63		10.	
1835.....	41.00		12.50	
1836.....	26.39		11.	
1837.....	17.92	30.72 per cent.	5.50	8.71 per cent.
1838.....	27.67		9.	
1839.....	28.69		10.	
1840.....	30.58		3.75	
1841.....	25.11		7.	
1842.....	28.13		3.	
1843.....	27.39		6.	
1844.....	32.88	30.00 per cent.	14.25	High tariff.
1845.....	30.61		15.50	12.44 per cent.
1846.....	29.22		14.	
1847.....	23.64		10.25	
1848.....	25.26		6.50	
1849.....	23.93		7.50	
1850.....	26.79		7.	
1851.....	26.85	25.54 per cent.	4.50	Low tariff.
1852.....	27.99		5.	6.36 per cent.
1853.....	26.14		7.50	
1854.....	25.53		6.50	
1855.....	26.28		4.50	
1856.....	26.02		6.	
1857.....	22.53		5.	

Profits of New England manufacturing companies, &c.—Continued.

Year.	Average per cent. duty on dutiable imports.	Average duty in different tariff periods.	Average per cent. dividends.	Average dividends for same periods.
1858.....	22.30	20.27 per cent.	2.50	Low tariff, 6.71 per cent.
1859.....	19.83		7.	
1860.....	19.85		9.66	
1861.....	19.10		7.66	
1862.....	38.18		10.50	
1863.....	37.26	45.90 per cent.	16.50	High tariff, 12.25 per cent.
1864.....	38.91		14.50	
1865.....	54.30		7.50	
1866.....	49.86		19.25	
1867.....	49.48		12.75	
1868.....	49.78		10.50	
1869.....	46.72		11.	
1870.....	48.58		7.75	
1871.....	43.88		10.75	
1872.....	41.50		12.25	
1873.....	39.07	8.	11.62	
1874.....	38.53		8.	

Mr. BANNING. Will the gentleman allow me to ask him a question?

Mr. BURCHARD. Certainly.

Mr. BANNING. Is it not the opinion of the Secretary of the Treasury that \$1 tax on whisky is too much, and that its collection will meet with much opposition and difficulty?

Mr. BURCHARD. I am not authorized to report for the Secretary of the Treasury. He makes his communications to the House and to the country. His opinions are in his official reports. I do not know what his individual opinion on this matter is. I do not know how much experience he has had in the enforcement of the law. His deliberate opinion would be entitled to weight, but to no more than the opinion of the Commissioner of Internal Revenue. He believes \$1 tax on whisky can be collected, and he has had experience in that Bureau for a number of years and ought to be in a position to speak.

Mr. BANNING. I only ask the question of the gentleman supposing he knew what the opinion of the Secretary was.

Mr. BURCHARD. I do not think that the Secretary has expressed any authoritative opinion on that subject. I am assured by the gentleman from Iowa, [Mr. KASSON,] my colleague on the committee, that he has not. I desire to present a statement, which I will not stop to read, giving the numbers engaged in several of the Western States in agriculture.

Over 50 per cent. of the population are there engaged in agriculture and a still greater proportion in the South. Now, how can the gentlemen who favor this bill and who agree with me that we ought to have more revenues—how can they insist upon putting upon the bill this 10 per cent. increase of duties? Do they suppose that men who represent western constituencies and men who represent southern constituencies will vote for the imposition of that 10 per cent. rate? I hope and trust that the committee will strike that out, and then I can vote cheerfully for the bill, and I think other gentlemen will do so, who feel that they ought not and cannot vote for the imposition of 10 per cent. additional duty.

Why, sir, the duties collected on these 10 per cent. articles last year were an average of 42 per cent.; and you want to carry them about 4 per cent. higher to raise \$6,000,000. The reason why gentlemen here seem to favor it is because they hope it will protect industries by giving higher prices. If it raised the prices to the same extent, it would add 3 per cent. to the price of \$1,000,000,000 worth of commodities consumed in this country and give from twenty to thirty millions of additional profit to the men engaged in those industries.

Mr. Chairman, I did not intend to occupy so much time. I intended only to say a few words in regard to the effect of this bill upon the revenue and upon the people. I shall not trouble the committee longer. I ask those who are representing the interests to be effected, who believe that the Treasury ought to be sustained, to help amend this bill. Let us make it acceptable to the whole country. I believe the increase on tobacco, whisky, and sugar would not be burdensome or unequal, and would raise sufficient revenue. I do not think there would be any serious objection from consumers to an increased tax upon those articles if the revenues demand it. Let us pass a revenue bill affecting only those articles, and strike out the remainder.

I yield now the balance of my time to the gentleman from New York, [Mr. COX.]

TAX AND TARIFF.

Mr. COX. Mr. Chairman, on the 8th of January last I introduced this resolution:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a statement of receipts from the revenue for the second quarter of the fiscal year of 1874-'75; also to state whether the estimates of receipts furnished by him in his report on the 7th of December, 1874, for the remaining three-quarters of the current fiscal year have undergone any modification which may require additional taxation.

To this the Secretary has answered by a revision of his former estimates. Like some other "revisions," it is not in one sense satisfactory. He revises his former estimate from the customs for the year ending June 30, 1876, and places it now at \$150,000,000. This is \$20,000,000 less than his estimate when we met in December. Partly on this estimate the present bill is founded.

ESTIMATES REVISED.

When we recall the fact that the revenue from customs for the year ending June 30, 1872, was \$216,000,000; for 1873, \$188,000,000, and for the year 1874, \$163,000,000, it may well be asked, as competent men are asking, is there to be another panic; and a worse one? Since the estimates are revised on the basis of less imports next year than the last, this query is not irrational.

There has been no attempt, let it be understood, to amend the tariff by reducing the rates. It is presumable, therefore, that the Secretary is alarmed; and this bill is the result.

Gentlemen of the committee have discussed the question of internal-revenue resources. My opinion—whatever it may be worth—is, that there will be, from all sources, and applicable to the general expenses, after the interest and sinking-fund are taken care of, at least \$170,000,000. This, with economy, under honest administration, is amply sufficient for a frugal government.

ILL-TIMED TAXATION.

The most direct answer to the resolution quoted is the present bill to supply the expected deficit. New taxes are to be raised; fresh contributions from labor are asked. The Government is discredited, and the country surprised. Are we in a condition to bear more burdens? Not only has there been immense losses as the direct consequence of the civil war, but since then, by a policy of continued outrage and evil government, here and at the South, we are advised that we are moving toward general impoverishment and bankruptcy.

I may well ask, Mr. Chairman, is this a time to cultivate economy, or to levy taxes? Surely, if the efforts for economy had been equal with those for taxation, we might have escaped these additional exactions. Do you know, sir, under what burdens the people of this country now groan? It is well authenticated that in the past ten years we have paid in taxes \$7,000,000,000; three-fifths of this to the Federal and two-fifths to the State and municipal governments. It is ascertained that this sum is nearly one-half of the total assessed wealth of the country in 1870. The yearly average of this taxation for the past decade is \$700,000,000—5 per cent. of our whole taxable valuation. When you remember the rate of interest which the widow or orphan and savings' bank depositor receive for their investments, this 5 per cent. a year is crushingly enormous. In every twenty years, as Governor Tilden has said, there is assessed for taxation a sum equal to all the assessed wealth of the country; so that within twenty years, under bad administration, we consume the cost of governing it. Is not this the true index to our adversity, and the sure key to our panics? It matters not that some grow rich while people grow poor. A nation is not made rich by the transfer of property—one class to another—the one accumulating, the other paying out; this is not general wealth. When we reflect that this all-devouring taxation eats out the whole substance of the people every twenty years, it hardly becomes gentlemen to talk about slavery or incivility among races, or disabilities among men. Do not such attempts to tax beget pillage and speculation? Besides, the largest amount of this tax goes to feed a temporary cormorant like the Federal administration, and that administration thus swells its pride and power. And what is this Federal Government, as it was first established—not as now administered—that it should absorb more than twice as much as all our State governments and municipalities?

LABOR BURDENED.

These facts indicate that the country is paying more taxes than it can afford. These taxes are inordinate beyond the history of any other nation, for they invade the net earnings of the people. Men must live, and their families must be supported. The French revolution, and indeed all revolutions have their sanguinary fountain in the extravagance and prodigality which impoverish the humble and the poor, to enrich the aristocratic and the wealthy. Wise statesmen should now discuss, day and night, how to diminish expenditures, if they would avoid strikes, agitations, and pauperism; for these are inseparable from the industrial systems of other countries, where similar exactions prevail. If I am prodigal in my own household, I dare not be with other people's interests. Dr. Franklin's rules of economy, pleased my ancestors who were here. They do not suit me; but in public affairs, I venture to follow his "Poor Richard" philosophy. Better be a stingy Appropriation Committee, sir, than a gay and festive "Ways and Means."

The leader of the House [Mr. DAWES] told us that some \$35,000,000 or more would be required for the next fiscal year; and we are advised by him not to embarrass our credit at home or abroad by refusing this necessary taxation. There is a little spice of unparliamentary threat in this kind of remark.

Its announcement, like the menace against Louisiana and Arkansas, comes to us in the unredressed and helpless condition which I have depicted. The channels of trade are still; the wages of labor are cut down, and their purchasing-power diminished; transportation is to some extent, and at this season, closed, and its cost enhanced.

while the industry and production of the country, already half dead, is languishing into complete prostration.

Sir, is it at this time that we are asked, in this sinister fashion, to add nearly a half hundred millions to our taxes?

As a representative of a free, industrious people, and as a member of this peculiar body, where, for traditional and other reasons, "all bills for raising revenue originate," let us challenge this bill in every light, moral, constitutional, and economical.

If this bill is in any wise in the interest of protection, so called, and not of revenue properly considered; if it is in the line of grabbing, monopoly, and selfish precedents; if it raises less revenue than other plans, while it taxes more the labor of the masses; if it re-enacts old swindles, or propounds new ones; in fine, if there be other and better modes of sustaining the Government, which a vigilant committee could ascertain, but fail to adopt or present, then let us assume the responsibility and vote against the measure.

TRY RETRENCHMENT.

The capital question to be asked, when such bills appear, is, have we first endeavored by all means to economize? A household which is living on its capital, and beyond its income, must retrench, or go into smaller quarters, or sell out. Where is there any evidence here of reform in this regard? Why must we tax thirty or forty millions more, as absolutely necessary, when millions on the Navy, buildings, rivers, Indians, Army, &c., can be saved without detriment to the public?

Is there any reason why the cost of our Government should not be lessened, at the very least, to the amount of this proposed tax? What were the pledges made by gentlemen at the last Congress, after our contests upon the appropriation bills? When thus proposing, as we on this side have, step by step, this session to cut them down, we are now tauntingly asked, "Where can we economize?" Sir, did not the Navy cost, in 1871, nineteen and a half millions? In 1872, over twenty-one and a quarter millions? In 1873, twenty-three and a half millions, and in 1874, twenty-one millions? Is there any reason why it should not be reduced to the expenses of 1860? Was that not a time of peace? Then the expenses of the Navy were only eleven and a half millions. Is not the Navy, with our diminished and diminishing commerce, an expensive luxury? Again, why should our public buildings and river and harbor improvements cost \$15,000,000 now, when, in 1860, less than \$1,200,000 was expended? We need not cast our eye upon the Army in its present service. It is a painful observation. We need not go further than this Congress or Capitol, or the Treasury Bureaus, or the customs service, or the Interior Department, where one-half of the official labor may well be spared. Millions might well be lopped off from the Federal expenditures, and the blessings of a burdened people would follow. The radical mistake is that the Government is for its officials and not for the people.

CLAMORS FOR TAXATION.

We should not be deterred from a proper discussion and a just vote upon this question by the cry that we are "embarrassing the Government by withholding supplies." That is a stale and insane cry. It is as old as the Tudors and as silly as sin. During the war I voted against the legal-tender, and against many kinds of taxes, along with eminent republicans like Lovejoy and Conkling. No one thought of charging repudiation or lack of patriotism. Such a bugbear cannot intimidate any but babes in the legislative wood. Measures are not to be judged by the ugly visors which men draw over their faces to scare honest legislation.

SWORD AND PURSE.

Will gentlemen tell us why we are, this year of depression, and when we are hardly out of the ashes of disaster, to raise and expend more than in 1871 and 1872? What other object than general expenses should there be in this new levy? Is it expected that the Army should be enlarged? If so, for what? Is it because the presidential election draws near? Is it because money is needed to corrupt, as well as swords to smite, prostrate States?

If that is the surmise, let us pause. If one molecule of the good old blood remains to stir the impulses of patriotism and liberty, let us revert to the elemental thoughts of our ancestors! Let us resist any unnecessary increase of taxes, at least until the Executive fulmination over reviving and contented Arkansas is withdrawn and the Army and Navy retire from manacled Louisiana! Our duty is plain.

PARLIAMENTARY LIBERTY.

We may learn it from the very function and heroism of the English Parliament. Kings, like the Stuarts, forgot the true source of their power, and a brave Parliament opposed their ill-advised requisitions. The ship-money is an example to all time. The Stuarts were dethroned; and Parliament ruled because it executed the popular will. "In early days," says Mr. Capen, (in his *History of Democracy*, page 60), "the oaks of freedom had begun to drop their acorns; and the Puritans were born to scatter them to a distant soil." (Bancroft, vol. 1, p. 296.) He meant America. Where are the descendants of these superb sires? Where is the remonstrance of some congressional Hampden, or some Puritanic Pym? Where is your elegant Selden to adorn the cause of "no supplies" against insolent absolutism? When our Congress inquires into the taxation of our necessities, to aid the practices of our Army South, is there no New England member to rise against it? Do you remember the scene so historically and logic-

ally pertinent to our time, when Sir Henry Vane saw Colonel Worsley enter the Parliament-house followed by soldiers, by command of Cromwell? He exclaimed, "This is not honest. It is against morality and common honesty." "Sir Henry Vane," replied Cromwell, "O, Sir Henry Vane! The Lord deliver me from Sir Henry Vane! He might have prevented this. But he is a juggler, and has not common honesty himself." But, sir, history honors the one, and execrates the other. The parliamentary hero lives, with an humbler, but a nobler name, than that of the Iron Dictator.

Is it intended to fill your Treasury for purposes of aggression on State rights or municipal freedom? Let me remind gentlemen of their own *provisos* which defeated the Army bill in 1856. It was then pretended that it was better to starve the Army than blight the virgin, free soil of Kansas; and the bill failed in that summer of 1856. Subsequently, another Army bill failed, under the leadership of Henry Winter Davis in 1865; why? because of the outrages upon personal liberty and the laws of the land, under the law of necessity, which was no law. "Let this bill perish!" exclaimed Winter Davis—"a thousand times rather than that any vote should go on the records of this House, declaring that the protection of the liberties of the citizens of Maryland are not of paramount importance to a vote of money, for the violator of their rights." These instances smack of the heroic parliamentary period of English privilege, when the heads of kings were uneasy upon their shoulders, and when one, at least, lost his crown with his head!

DIFFICULTY OF ADJUSTING TARIFFS.

Whatever these splendid triumphs of freedom spring from, patriotism or selfishness, one thing is sure, sir: no one likes to be taxed. No one, especially, likes to be taxed on what he uses; and, generally, he likes to tax what others use. As with persons, so with localities and classes. Hence the difficulty of framing a fair tax system, in a country so diversified in interests and production as our own. It would be a little unjust, therefore, to the Committee of Ways and Means for us to be unduly critical upon their measures. Any member can find fault with the bills which are here offered; but it is not every member who can dare to be just by taxing himself or his own constituency. We, upon this side, were properly reminded of the labor and anxiety shortly to devolve upon us, in the solution of our fiscal problems. I hope to discuss the present measure in the gentlest spirit; but in doing this, I will not bate a jot of that life-long conviction against the partial and excessive use of the taxing power which has done so much to dethrone our republican friends from power in this body.

INDIVIDUAL AND LOCAL BIAS.

This bill concerns mainly three articles, spirits, tobacco, and sugar. These articles are consumed, not by members merely; it would be unparliamentary to attribute the action of members to their appetites. A Massachusetts lover of bourbon may vote for tea and coffee, provided his constituents are as temperate as a constabulary can make them. A devotee of the cup that only "cheers," if he have a distillery in his district, may vote against taxing whisky. A member who uses sugar in his tea and whisky is, perhaps, in the most embarrassing situation on the saccharine question, provided he does not obey the voice of duty, which is too often the clamor of local selfishness.

Few there are, sir, who, rising above personal appetite and constituent locality, or who, having a constituency which uses these various "imbibations," with or without sugar, can vote against or for all these articles, respective only of the true principles of "equal and exact justice."

HOW PROPERTY ESCAPES.

The true principle of taxation in this country should reach property, and not labor. There is scarcely a tax existing to-day that does not break this rule. The income tax, with proper exemption, and if properly executed, would not infract it. The tax on tea and coffee, purely revenue, comes as near taxing all alike as any levied by tariff. But, sir, the great interests which control the funds in bonds and banks, as well as in real and fixed estates, are not reached by this bill.

Our tax bills have not been framed to save labor, but to oppress it. Why, sir, what do the authors of these bills care about levying eight millions on the sugar and tobacco of the poor, if only the bouds of the rich are enhanced on the bourse, and the money-bags of the Treasury are made plerotic? What care they that the tax on whisky raises the price of corn to the poor man, not only directly, but through the increased price of meats and medicines, provided the millionaire is not disturbed in his investments?

Our whole taxing system, from the time it became so great and complex—growing out of the war into gigantic size—has perpetually oppressed labor. It is simply audacious cruelty. The men who fought in the war, on both sides—the men of all colors, if you please—who went into the ranks and took the burden and heat, the rain and snow, and the hardships of the war, are made to pay twice; because through our system of substitutes and pecuniary immunity wealth escaped these risks and hardships. I well remember, Mr. Chairman, when I offered a resolution here to tear up by the roots the substitute system, that it was voted down in the interest of the *dilettanti*, the nice, the rich, and the comfortable portion of our people. They would give their means somewhat, but their precious health, comfort, and life, rarely!

When, therefore, I would be charitable to the tariff-mongers, and recognize their difficulty—the difficulty of those who are overlaid with plunder—I will never yield one honest thought on this thesis for any human persuasion or power; and that thought is, the right to challenge the villainies of the protective system, by which labor is fleeced and the sources of prosperity dried up by immoral, unconstitutional, and uneconomic taxation!

It is nothing new for me to protest against such taxation. Never, however, was there more need of an indignant protest than now, when the barracks rule in parts of our land, and where, by every canon of faith and truth, law and order should obtain. Hence, when I object to further taxation, because I would not trust the administration with the magisterial sword, I would at the same time, as in the aforesaid, object to the harassing and unnecessary exactions of this kind of class legislation.

SUGAR, TEA, COFFEE.

Let me illustrate in detail. Take sugar. It is a parliamentary word, made immortal by a speech of the elder Pitt. This bill proposes an additional tax of 1 cent per pound, or 25 per cent. The quantity of foreign sugars used in the United States is 1,644,000,000 pounds; the home sugar, 300,000,000; making in all, say, 2,000,000,000 pounds. The protection is 4 cents per pound. How much does the Government get, and how much do the people pay of this tax? The answer involves the doctrine of protection. This I shall consider fully before I am through. The Treasury gets \$8,000,000 increase duty, while the people pay \$20,000,000; so that there is an extraordinary tax of \$12,000,000 on this article. To this we can never consent. Sugar is as essential as bread. It is a part of our life. If sugar were a cent a pound, every child, by instinct—maternal or otherwise—would have his tiny fist full. This tax is equal to \$2.50 *per capita* on sugar alone. We use, of foreign sugars, \$81,500,000; of home sugars, \$10,000,000; so that \$91,000,000 worth of sugars are now consumed, at \$2.50 per head.

How is it on tea and coffee; and why are these objects of a purely revenue tariff omitted? Is it moral courage that is wanting here, or is it political economy? Is it badness or ignorance? The coffee we use amounts to \$54,000,000, tea to \$21,000,000; the *per capita* on tea is only 50 cents, on coffee \$1.25; and no exactions for home producers in the guise of protection.

ANSWER TO MR. DAWES.

The gentleman from Massachusetts [Mr. DAWES] yesterday began by stating that when the President's message, in December, intimated that a restoration of duty on tea and coffee would be proposed, the tea-trade turned its attention to importation, and that in consequence of this there is now in the country over a year's supply, the importations only being limited by the foreign production. The facts are that when the proposed restoration of duty was intimated in the President's message, the importers, instead of ordering further supplies, countermanded the orders they then had in foreign countries. They almost universally apprehended that the increase of duty would be applied to goods on shipboard; and, therefore, the goods on their way are less than they were at this time last year in consequence of this countermanding. Such as were shipped prior to the orders being canceled are all that the importers will receive; and they have been very unhappy about them.

The honorable gentleman [Mr. DAWES] further stated that there is now in the country a year's supply; when the truth is, that the stocks now on hand do not equal a half year's supply, and are no larger, or very little larger, than is usual at this period of the year.

As regards coffee, nothing is said in the newspaper report of his speech. The reason why he did not refer to coffee probably was, that the facts which he assumed regarding tea applied in no sense whatever to coffee. The stock of coffee is not only below the usual stock, as any one knows, but is extraordinarily and extremely short. We have not on hand in the country enough for a month's consumption.

The repealed duty upon tea of 15 cents a pound is equal to an average of 40 per cent. *ad valorem*. The repealed duty on coffee of 3 cents a pound is equal to an average of 16 or 17 per cent. *ad valorem*. The proposed duties, as increased by the bill, on sugar, are equal to from 80 to 100 per cent. *ad valorem*, which of course opens the door to all sorts of frauds and evasions of taxes. And this is the sort of tariff commended to the consumer and in the interest of revenue! We had a "little tariff" some days ago. This is little in another sense. Perhaps the vision, once dispelled here, of a cheap breakfast-table, still haunts the Ways and Means. Let them begin anew to calculate the cost of such a table, from the taxed lumber in its legs and the taxed cloth for its cover, the taxed knives and forks and spoons, and especially, sir, the taxed sugar.

To explain some of the delusions under which the Committee on Ways and Means have fallen, let me say, that the crop of tea is gathered in July and August. The cargoes are not shipped till September. This is on account of the southwest monsoon which prevails on the Chinese coast, so that no vessel can leave till after it is over. Of the 54,000,000 pounds of tea which arrived here in one year, 35,000,000 arrived in January, February, March, April, and May; these are the heavy months for such importations. There is a reason for this, and it may account for some of the mistakes of gentlemen who consider that the tea-market is drugged now. Out of the 64,000,000 pounds shipped in 1874, 13,000,000 only came across the Pacific to San Francisco, while 50,000,000 went to New York, and the rest to Baltimore,

Boston, &c. The bulk, therefore, came in sailing-vessels, as is well known. Perhaps 75 per cent. is under way now on the sea. Tea is like hops; if it is over one year old it dries and loses much of its strength and value. New tea is worth 15 cents a pound more than the old, so that there is no great inducement to keep large stocks on hand. As to coffee, it has no special season. From 19,000,000 to 20,000,000 pounds per month is the average. Large stocks of coffee are not kept on hand for other reasons. Eighteen million dollars could be raised on a tax of 3 cents on coffee and 15 cents on tea. Besides, it is a purely revenue-tax. As a devotee of democratic principle, I will, if I vote for any tax now, prefer a revenue to a protective tax.

This tax on tea and coffee, all of it, reaches the Treasury. Nay, more, if you think the tax on sugar is limited to the increase of the nominal tax itself, you are mistaken. If sugars are high, less is used; families economize, and revenue falls off. If our paternal Government, which hankers after the control of railroads, telegraphs, and what not, would have more revenue, with less burdens, let me invite them to the woolen and cotton manufactures, and the steel wires, and the railroad iron.

My friend seems to be impressed with the idea that there is now in importers and speculators' hands a large stock of tea, enough in fact to supply the wants of consumers for one year without further importations. I therefore take the liberty of submitting the following figures, taken from carefully prepared statistics and verified by those on record at our Importers and Growers' Board of Trade, showing that there is scarcely *three months' supply* available:

Stock in importers and speculators' hands, 13,500,000 pounds.	
Afloat in China and Japan, to arrive before 30th June, 27,000,000 pounds, at 15 cents.....	\$4,000,000
New crop of 1876, to arrive before May 1, 1876, 60,000,000 pounds, at 15 cents.....	9,000,000
	13,000,000
Less probable stock in bond June 30, 1876, 14,000,000 pounds.....	2,000,000
Amount that would be received by Government to June 30, 1876....	11,000,000

This shows conclusively the Government would receive \$11,000,000 prior to July 1, 1876, with a duty of 15 cents per pound.

The stock on hand is *smaller* than usual at this period, and the dealers, having had little faith in the prospect of the passage of the bill, are also lightly stocked.

The importations have been *retarded* rather than *stimulated*, as our importers canceled their orders in December last in anticipation of an immediate application of the duty.

The Government would reap an almost immediate revenue if the tax was laid and made to apply to goods afloat. I can hardly understand why, with these facts in their possession, the committee do not urge it in this form.

This tax would fall lightly on the consumer, as the producer would be obliged to sell the article at the compensating difference in the East; the price at retail being in a great measure fixed and almost unalterable, and the descriptions of tea used in this country not being exportable to any other. Thus the Government would be able to collect a certain revenue on an article of constantly increasing consumption, and the producer be forced to pay the tax. The stock in speculators' hands is light.

TAX ON SPIRITS.

But it seems that the committee do not frame their bills on principles of revenue or fairness. How is it with this added tax on spirits? Will it yield more revenue by the additional tax? The answer to this question I hinted at yesterday, in proposing a question to the gentleman from Massachusetts, [Mr. DAWES.] He held, on the authority of the present Commissioner of Internal Revenue, that the additional tax of 30 cents a gallon on whisky would give additional receipts. He held this irrespective of the question of who administered the revenue from 1864 to the present time, whether under President Johnson and his republican Commissioner, or under Grant's administration. He held it irrespective of the question as to whether the President or the Senate were most responsible for the appointment and confirmation of corrupt officials. Let me give you the figures and the conclusions.

WILL A LARGE TAX PRODUCE MOST REVENUE?

The conclusions are not merely mine, but of such economists as ex-Commissioner Orton and David A. Wells. In 1864 spirits were taxed 20 cents a gallon; the receipts were \$28,431,000. In 1865 the tax was raised to 60 cents for six months of the time, and to \$1.50 for the other six months; the receipts fell to \$16,000,000. In 1866 the tax was raised to \$2 a gallon; the receipts ran up for some inexplicable reason to \$29,000,000. In 1867 they were \$28,000,000. In 1868 they dropped to \$13,419,000. Then under the pressure of intelligent economy the tax was reduced to 50 cents, and the receipts more than doubled, amounting to \$33,225,000. In 1870 the same tax—fifty cents—gave \$38,000,000 of receipts. In 1871 the tax was raised to 70 cents; and the revenue fell at once to \$30,000,000. In 1872 it was \$32,000,000. These are sufficient to illustrate the principle that too much pressure may make larger leakages. It will be perceived that when the tax was at \$1.50 the lowest sum was collected; and when it was at 50 cents the largest average in the two years was collected. Is this not consonant with correct reasoning? O, but this tax is in the interest

of temperance and morality. I do not know about that, sir. The drinking did not fall off during the years when the tax was highest; nor did the production and consumption. There never was a greater farce than the attempt to make men moral by statute. It is the very foolishness of this lower world. When you raise this tax nearly five hundred per cent. above the cost of production, you give a premium to fraud, and fraud is not morality. To be sure, the tax ought to be collected; but it is not, and will not be. There is a principle in mechanics which, at first sight, is a paradox: that the greater the pressure the more power may be evolved, as in pneumatics; but it is ascertained that after a certain pressure the very interstices and rivets of the cylinder are sluices for the escape of the power.

It may be said that the highest tax on whisky ought to be collected, even to the destruction of the distillery. But when we legislate it is for revenue, and that which depresses the revenue cannot be considered the highest obligation upon the legislator. Now, the telegraph-wires for their power do not depend on their length, but on the size of the conductor. Put copper on the iron, and you have more conductivity. This is correct, apparently, and its opposite is also a paradox. But there is another condition, that the two metals combined corrode, and copper alone has not the strength of steel between the posts, and will not answer. The failure is not more absolute than the failure to collect more revenue by simply increasing the tax, for as you increase you lose. Am I asked the question, "Suppose you reduce the tax from seventy, where it now is, to fifty, or from fifty to twenty, or even from twenty to ten, would you get more revenue?" I answer that it depends upon the circumstances—the frailty of human nature, perhaps. Certainly fifty cents, according to the figures before given, will produce the largest revenue upon this particular article. If it were reduced to twenty, I cannot say that it would produce more. If it were reduced to ten, then I am compelled to answer, if I may be excused the use of such an illustration, that a fine-tooth comb has a specific object. If the teeth are too coarse, the object will fail; if the teeth are too fine, you have got to reduce the size of the object, or it will fail also. Just as no teeth at all in a comb is an absolute failure, if the tax is too small the officers have not the same responsibility. They become careless, and have no results. You have to adapt the teeth of the comb to the object of the fine-tooth comb's creation.

This tax on whisky, while it will not afford any more revenue by the increase, will break down all distillation before the close of the year. I prophesy that whisky will be sold at less than the tax before the year is over, if the increased tax be levied. When the present stock runs out, men who produce and deal in the article, and who will reason on the uncertainty of Congress, will cease production, and the revenue will fall off.

As between a tax on sugar, tobacco, and spirits on one side and tea and coffee on the other, give me the latter; the more so, because the doctrine squares with the indestructible doctrine of

FREE TRADE.

There is one portion of this law to which I particularly except. It is that which refers to the re-enactment of the ten per centum on the duties referred to in the fifth section. This is a general aggravation of the present monstrous and fraudulent protective system. Since I have been in Congress, in season and out of season, I have thrown down the glove to all champions of such legislation. Public opinion marches in one direction. The victories won the past year in my own State and in the Western States are greatly owing to the extraordinary taxation imposed by this indirect protective system and to the hearty denunciation of the system by the democracy. In detail I oppose any further addition by this general and sweeping fifth section. I propose on this occasion to give my reasons for it. Others may neglect this theme; to me it is the inspiration and impulse of most of my congressional labors.

The principle of the tariff is simple; it only becomes complicated when we reach details. It has been the object of its advocates to confuse by details and by mixing specific with *ad valorem* duties, and, as in this bill, internal with external taxation.

I learned my lessons of political economy and moral science from Dr. Wayland, of Brown University. His keen and exhaustive analysis has kept me steadfast through twenty years of debate to the cardinal thought which lies at the bottom of all intelligent and honest discussion on this theme. If I were called upon to train a boy or a Congressman in the rudiments, I should commence first with the moral, then with the constitutional, and wind up with the strictly economical features. Once prove that a protective tariff, like this bill, involves oppressive, unequal, and illegal exactions, and, though it may have statutory power, it is nothing but a statutory fraud.

NATURAL JUSTICE OF FREE TRADE.

I. I would begin with the right of property, then show me how it is violated by society or by government. All history teaches that while government may prevent the infliction of slavery, personal or taxable, as between individuals, it is by no means innocent of doing the same thing as against individuals and classes. The levy of tribute by stronger powers, through satraps and barons and pirates, whether on the Rhine or on the Mediterranean, was no less an infliction of wrong than unjust tariff legislation. The gist of the question in a moral point of view, is this: the enacting of unjust laws by which property is subjected to oppressive confiscation or

spoliation; in fact, the word "tariff" comes from a little port in the Mediterranean which levied tribute upon all who passed by. Not to speak of the atrocity of government turning its altar of refuge into an arsenal of oppression; not to speak of the example which government sets of peculation and brigandage, which individuals are not loath to follow, it will be conceded as a general principle that public oppression leads to revolution. It stops production. Under its malign influence, labor and capital emigrate, society is more or less disorganized, and the eternal law that wrong breeds wrong prevails until the sword and bloodshed do their work.

THEORIES AND PRACTICES.

Men who hold these ideas have been sneered at as *doctrinaires*, mere theorists; but there can be no true theory unless based on irrefragable facts. The facts furnish the repertory from which the theorist draws his material for generalizing. It is no answer, therefore, to say that a theory may be correct, and yet inapplicable to human affairs. When I affirm that abundance is more useful than scarcity, I am not to be answered by saying that scarcity brings high prices to the producer, or abundance low prices. For the question, both in morals and economy, is, what is best for the body of the masses of society? One glance at the census reports will show that these are the consumers. And this must be so from the variety of human employment. It must be so from the principle underlying all discussion, which Adam Smith states, that a nation is rich or poor in proportion to the cost of subsistence and necessary commodities. Take away the liberty of liberties, the privilege of the consumers to buy as well as to sell in the best market, and you enslave that people which tolerates the tyranny.

Why should we be afraid to say "free trade?" Once, in 1869, a member in Congress arose and said, "No one here dare avow himself a free-trader!" I arose and accepted the odium, but I choose to define my own thought. When I exchange equivalents—when I buy abroad and give an equivalent—that is both dignified and honest, and then I trade freely. When protection begs bounty, it is (as Bonamy Price said) a subscription for New England and Pennsylvania from the people. When we compel our people to produce that which costs us more to produce than it costs other people, (transportation cost, which is a sort of protection, not now counted,) then we cripple our productions and pay more for goods than we should. What is that but a compulsory fraud in the shape of a mysterious tax!

Assuming, then, that the moral phases of this question are upon the side of free trade, let me, before touching the constitutional and economical points, expose a fallacy very common with the advocates of protection. Mr. Speaker BLAINE used it recently in attacking the reciprocity treaty in his canvass in Maine. And this fallacy is a mere matter of verbiage, hanging upon the meaning of the words "free trade." Suppose I should, instead of "free trade," say "unenslaved trade," "unrestricted interchange," "unfettered commerce," "unshackled labor," where would the anti-slavery protectionist find a crevice in my armor for his spear? And yet free trade means each and all of these expressions. No one means by it absolute free trade, regardless of Government restrictions or taxation. There is free trade between our States, even as we seek free trade between Canada and our country, and the Sandwich Islands and our country. But no one proposes by free trade to abolish all taxation. In some form taxation is a necessity, to which we must submit even as we submit to government. It is the condition of an organized community. Civil order depends on it. The protection of persons and property cannot be had without it. Government may be a luxury, and the way some governments are run, notably our own in the last ten years, an expensive luxury. But contributions for its sustenance must be exacted. The problem is, in what form shall the necessary taxation be imposed. What is the loss of the earnings of labor for the supply of the government? In answer to this a preceding remark is pertinent. Why should any other expenditures than those actually necessary for the protection of the Government be levied? And that brings me to ask a review of what I have said as to "sugar" in this bill, and then to the second point.

UNCONSTITUTIONALITY OF PROTECTION.

II. May I refer to the Constitution to ascertain the powers of taxation? Unless they are written in that instrument they should not be exercised. They are, then, among the ungranted and reserved powers; in fact, they are not Federal powers. That instrument says "that the Congress shall have power to lay and collect taxes duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States." The purposes of taxation are herein strictly defined. Any duty on imports not for the purpose of revenue for the Federal Treasury, but to protect classes in particular industries, is clearly unconstitutional. What does protection mean, if it has any meaning? Is it not the power to make a forced loan to compel the mass of the people to pay bounties upon peculiar articles to peculiar classes? Is not this done through a tax or duty on imported articles of the same description which come into competition with the domestic? It is the more insidious, enormous, and troublesome because entrenched behind the law. The farmers and laboring-men, as the census shows, form the great preponderating majority of the people. If they are robbed, oppressed, and impoverished under the name of protection, then protection is a scoundrelly *alias* and a pious fraud. A tax can only be tolerated—can only be borne cheer-

fully—when imposed for the actual needs of the Government. If the protectionist answers that he does not desire taxation to put money into his pocket, what, I ask, then, is the need of protection, since it does not protect? What is the use of this clamor for sugar, above tea and coffee, if some one is not to be benefited by this bill outside of the Treasury? Why this discrimination in favor of the home-producer? If protection does put money in his pocket, which is taken from the pockets of the unprotected, then my argument has no need of further elucidation.

One-half of our people are unprotected agriculturists; they produce, we will say, one-half of our wealth; all their pursuits, except a small percentage, are in other than protected pursuits. These unprotected classes have as much right, moral, natural, and constitutional, to live and labor without Government exactions and class-rapacity, as they have to speak, or print, or locomote. They have a right to extend their market for all they produce to all the world, and to buy whatever is produced abroad at the cheapest rate, while they sell what they produce at the highest rate. There is no more moral or legal restriction between exchanging with Europe than there is in exchanging between Pennsylvania and Ohio.

The tariff of 1846, framed by Robert J. Walker, and Edmund Burke of New Hampshire, was an honest, friendly, and economical response to the repeal of the corn-laws by Great Britain that year. Great Britain got the cheap loaf by overturning the monopoly of many hundred years which her landed gentry and farmers had, while we obtained a larger market in which we sold hundreds of millions of bushels of our grain.

Time will not allow me now to show that our grain-product, rated at English prices, is diminished every year by hundreds of millions because it makes its bounties when it buys its machines its shelter, its clothing—all its needs—at home and cannot buy them freely in the open market of the world.

Let me here remark that science—progressive science—has enlarged all markets. The steamship and the telegraph have reduced the expense of traversing distances. If we can gather within a day from the Antarctic the scientific results of the transit-of-Venus expeditions which, five years ago, would have been accounted a marvel, how wonderful is that abridgment of distance and expense when it comes to the matter of transporting and distributing the products of industry! Macaulay, in a free-trade speech in 1852, hinted at this idea; but had he lived the last twenty years his wonderful rhetoric would have received added points and more affluent illustration. He then said that New Zealand was nearer for all practical purposes to England than New England was to the Puritans who fled thither from the tyranny of Laud; that the coasts of North America were, in 1852, nearer to England, within the memory of persons then living, than the county of Donegal was to London. He had the secret even then which has enabled Great Britain to add four-fold to her tonnage and ten-fold to her production, while we have been losing ground. "Our countryman," he exclaimed, "who goes abroad is not lost to us; wherever he settles he is bound to us by close ties. If he is not a neighbor he is a benefactor and a customer. For us he is turning the forests into corn-fields on the Mississippi, and tending sheep and preparing his fleeces in the heart of Australia; while from us he receives the commodities which are produced with vast rapidity in an old society, where great masses of capital are accumulated. His candlesticks and his pots and pans come from Birmingham, his knives from Sheffield, the light cotton duck, which he wears in summer, from Manchester, and the good cloth coat, which he wears in winter, from Leeds; and, in return, he sends back what he produces in what was once a wilderness—the good flour out of which is made the large loaf which the Englishman divides among his children."

What is it, since 1860, that has destroyed this element of reciprocity? Why is it that we have not the mutual advantage which both France and England received from the treaty of Cobden-Chevalier? Did that treaty injure either country? It hurt neither. The only question was, and is, which was helped in the greatest measure?

CHEAP FOREIGN LABOR.

Am I asked, "Does not this enlarged trade at once strike down certain branches of industry which should be stimulated and developed by restricted tariffs?" I answer by asking another question: "Wherein are they to be thus stricken down?" Again, I am answered, "By cheap foreign labor, which enables the foreign producer to undersell the native producer." There is only one way to meet this in a plain talk, and that is by the *reductio ad absurdum*. Go with me to Rochester, New York. You will find water-power in abundance, grinding wheat and making the best flour. That water, or a portion of it, by its specific gravity turns a mill-wheel. No one will deny but it is cheap labor; it is simply nature in harness working for the welfare of men. It costs little to harness it; and a large loaf at less price is a consequence. But why should that water if it comes from the Canadian side—unpatriotic water; unglorified hydrostatics—unstarred and unspangled specific gravity—be used to cheapen bread? Is it not foreign, and worse than foreign—British? And worse than British—provincially British? Worse than provincial British—French, British, Indian? And every consumer of the flour, if he be a patriot, should stop damming that water. He should tear out the water-wheels, and insert in their stead steam-engines made in Pittsburgh, to be driven by caloric from Lehigh coal; for

this machinery and caloric are produced on our own soil and demand protection. They are such precious "infants."

ECONOMIES OF FREE TRADE.

III. This brings me at once to the economical point. Without going into the details of our tariff; without showing the difference between the tariffs of other countries, which are levied upon a few articles, while ours covers so many; without calculating the cost of its collection and the frauds at the custom-house; without further comparison between other countries and our own; without showing how, by reducing our tariff, we can get more revenue, or how, by reducing the number of articles, we can aggrandize our greatness and prosperity; without showing the necessity of having the raw material free, as with steel and wool, which even manufacturers are clamoring for; without enlarging upon the selfishness of isolation which has destroyed our commercial prosperity—let me come at once to the question: "Wherein does the protective tariff injure individuals or classes?" When protection is asked for, something is asked for. For whom is that something? Is it for individuals or for classes or for States? Does it not come from one to go to another? And if it does not go into the Treasury is it for revenue? And if not for revenue is it not robbery? Is it not robbery to take from the farmer, who buys his plow; the blacksmith, who buys his anvil; the carpenter, who buys his chisel; the sewing-girl, who buys her machine, and the ship-builder, who builds his iron ship, to give it, not to the Treasury, but to the iron-monger? Who can doubt it? It is a more definite and pertinent question to ask, when a certain customs duty is levied, how much of that duty goes to the Treasury and how much goes to the protected class or individual? There has been great divergence of opinion on this point. Some have reckoned that where we collect \$200,000,000 of revenue by the customs, that as much more goes into the pockets of those in this country engaged in manufacturing a similar imported article. Some have placed it as high as \$1,000,000,000. Others have doubled it. I incline to the larger sum. But, irrespective of the amount, no one denies that an immense amount is thus indirectly paid by the consumer. We can only approximate the amount of this robbery.

WHEREIN ARE THE BOUNTIES TO THE FAVORED CLASSES.

On the 2d of June, 1864, in opposing Mr. MORRILL's war-tariff bill, intended to be temporary, I undertook to ascertain the sums paid for protection outside of revenue. At that time, as now, we had the greenback system. No calculations as to the tariff, which does not take notice of the greenback as a factor, are worth considering; hence, I laid down some self-evident propositions as the basis of my calculation. First, in all commercial transactions between two foreign countries, the basis of exchange must be specie, and the currencies of the countries must be reduced to their par values. The difference in the gold values, say of the United States and Great Britain, was $\frac{8}{10}$ per cent., which, owing to more alloy in the gold currency of the United States than that of Great Britain, had to be added to each American dollar. This exchange depends, of course, upon demand and supply. Second, this rate of exchange is also according to the depreciation of the paper currency of the one below the gold or standard specie currency of another. Suppose that the depreciation of United States currency is 10 per cent., compared with United States gold. Thus, it takes \$1.10 of greenbacks to buy one dollar of United States gold. Our Government requires that duties shall be paid in gold. The importing merchant, therefore, must purchase the gold with depreciated paper, paying for it the market premium. To this are added the freight and charges, and 10 per cent. profits to the importer. Now we come to the elements of cost of all the merchandise imported from foreign countries into the United States. They are, first, the first cost abroad; second, the difference of exchange; third, the duty; fourth, freight, insurance, and other charges of importation; and fifth, the importer's profits. Now, it is at this very point of cost that the imported article comes into competition with the corresponding article of the home manufacturer. Does not the aggregate, therefore, of the items above mentioned constitute the protection which the tariff gives to the home manufacturer? And who pays this bounty unless it be the consumer of the domestic article? I am not speaking now of duties so high as to be actually prohibitory—that involves a by-way into which I am not now traveling. Does not this system, therefore, tax the labor and capital employed in the one class for the benefit of the labor and capital employed in another?

HOW THE CURRENCY AFFECTS THE TARIFF.

These thoughts may seem abstract, but they will not seem so when I illustrate. To ascertain what our depreciated money in connection with the tariff has cost the people of this country, two elements only are necessary: first, the amount of our importations for a given time and the premium on the gold with which we paid for them; and, second, the duties on those imported goods and the cost of the gold which we had to buy to pay those customs-duties. It has been ascertained that in the last eight years this amount, by reason of our depreciated currency, has cost us the enormous figure of \$1,143,000,000. The average price of gold during those years was 15 per cent., and the returns of our commerce furnish the duty by which to verify the calculation.

But this does not express the protective exactions growing out of the tariff alone, irrespective of the gold we have to buy to pay for

importations and the duty. That can be only ascertained according to the formula hereinbefore referred to as to exchange, &c.

In 1864 I took the article of pig-iron, the quantity imported in 1861, its cost, exchange, and duty, in both paper money and gold, and showed that on a greenback basis there was a protective duty of 210 per cent. and in gold of 115 per cent., and on all kinds of iron and eight other products for the year 1862, based on the census of 1860, under the tariff then existing, there was an aggregate value in greenbacks paid in the shape of bounty to the home manufacturer, when gold was 60 per cent., of \$750,250,252. This immense bounty never saw the Treasury. There is no other way to exhibit the enormous gratuities paid to certain manufacturers, except we give facts as to the exchange, cost of importation, custom-house charges, and a tariff-duty payable in gold.

Afterward, on the 19th day of April, 1870, on eight articles—iron, cotton manufactures, woolen manufactures, ready-made clothing, salt, leather, coal, India-rubber manufactures—we received \$41,211,000 of revenue for the Treasury, while the people paid out of their pockets on these articles \$852,000,000, which did not go to the Treasury. How much this rate of duty is *per capita* on forty millions of people, and how much is this rate of tribute to the home manufacturer, is clearly set forth in the tables published with my remarks in Congress on the 28th of March, 1870. I know that they seem too monstrous to be true; but may we not account for our present labor paralysis and stagnation by this immense, inordinate, unconstitutional, and tyrannical exaction from industry?

What makes the tariffs for protection so odious is that they not only discriminate against certain States and interests, but they discriminate against the great body of the people in various States. The protected States, to speak generally, are Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, and Louisiana. The remainder may be considered agricultural and commercial, or unprotected States. Three-fourths of the wealth and population of the Union have interests opposed to this system. The protected industries can be found by reference to the last census, and a comparison can be easily made between them and the unprotected, both as to the persons employed and the amount invested.

The injustice and wrong which these figures imply are apparent to the weakest intellect. Their consequences appear in the reduction of the purchasing power of their wages, as well as in the wages themselves. No wonder the Northwest and the South and a great portion of the East have written free trade upon their banner. No wonder the failing party clutch at such crude and partial bills as this about tobacco, sugar, and spirits, to save them from the deep damnation of their recent defeats. But it will not avail. The bubble is pricked. All schemes and devices to revive industry, to rebuild shipping, to enhance the price of grain, to cheapen transportation, to increase our cotton and other crops, to help all men, black and white, to the comforts and necessities of life, to shelter, food, and clothing, to the implements of industry, whether made of iron or wood, whether patented or unpatented inventions, all are involved in this problem: "free trade or unrestricted interchange." The statesman works and thinks in vain who makes the horoscope of our future and fails to correct or eradicate the immensity of extortion which weighs like a nightmare upon the industry of the nation and upon the wages and welfare of the laboring-man. This fresh attempt to add forty millions more to our taxes, and to increase the tariff 10 per centum, is condemned already. The politician who makes the attempt works against the laws of God, the laws of nature, the organic written laws of this country, the progress of science, the attractive forces which have made our country enterprising and great. In time we will throw off all burdens under liberal, intelligent, moral, and constitutional policies.

In countries where even ignorance prevailed, revolutions on taxing problems have been common and sanguinary. What may we not hope, in the form of a peaceful revolution, from an enlightened opinion in this tariff-ridden land?

Shakespeare must have been a free-trader as well as prophet, when he said:

We must not rend our subjects from our laws,
And stick them in our will. Sixth part of each?
A trembling contribution! Why, we take
From every tree lop, bark, and part o' the timber;
And, though we leave it with a root thus hacked,
The air will drink the sap.

In conclusion, Mr. Chairman, instead of this constant changeableness in our tax and tariff, may we not aid business by a general reform? May not that reform, like reforms in similar affairs in England—be accomplished by intelligent commissions—who will sit at leisure and report from time to time, and advise us what is wisest? Thus may we escape many of the evils of bad and selfish legislation, while we draw nearer to the true principles of our economic faith.

Mr. NIBLACK obtained the floor, and yielded ten minutes of his time to Mr. BANNING.

Mr. BANNING. I claim a right to be heard upon this question from the fact that I represent a constituency more directly interested in this subject than any other in the United States.

The following tables exhibit the fact that we of Cincinnati are called upon to contribute in the way of tax upon spirits, tobacco, and other articles 15 per cent. of the revenue derived from the excise duty. These tables are official and show the taxes for the fiscal year ending June 30, 1874, in my own district:

Beer-stamps sold to brewers in the first district of Ohio from July 1, 1873, to June 30, 1874.

Bauer, G. M.	\$202 00
Bach, George	5, 100 00
Beatter & Betting	910 00
Bruckman, F. & J. C.	5, 500 00
Christman, J.	190 00
Darnsmont, A.	8, 812 50
Foss, Schneider & Brenner	22, 575 00
Gambirinus Stock Company	22, 137 50
Haas, G.	126 00
Hauck & Windisch	42, 200 00
Herancourt, G. M.	17, 890 63
Hirsch, Phil.	1, 007 50
Hoag, Martin	337 50
Hoffmeister, William	27 50
Kauffman & Co.	41, 600 00
Kroger, J. B. & Co.	929 50
Kleiner & Brother	31, 433 00
Klotter's Sons	7, 810 00
Lachman, H.	18, 000 00
Maerlein, C.	59, 688 00
Nichaus, J. & Co.	18, 800 00
Schaller & Gerke	38, 469 50
Schneider & Mueller	12, 140 00
Schmidt & Brother	2, 350 00
Sohn, J. G. & Co.	13, 307 50
Schneider & Stephany	1, 422 50
Walker, J. & Co.	11, 750 00
Wettermann, J.	535 00
Windisch, Muhlhauser & Brother	43, 953 00
Weyand & Jung	20, 460 63
Weber, George	10, 118 00
Winterholer	100 00
Total	465, 891 76

Spirit-stamps sold to distillers in the first district of Ohio from July 1, 1873, to June 30, 1874.

Arleth, Ernst	\$112, 624 40
Caldwell, R. W.	
Dodsworth, C.	771, 477 10
Fleischmann & Co.	773, 421 60
Gaff, J. W. & Co.	1, 548, 881 00
Holterhoff, G.	99, 630 60
Jasper, H. J.	8, 757 70
Kinsinger, C.	378, 650 30
Kayser, A. & Co.	429, 488 60
Miller, A.	211, 176 80
Rabe, G. H.	173, 941 30
Pfeffer, John	450, 514 30
Teepen, H. & Co.	323, 722 90
Woolscroft, J. N.	99, 630 60
Total	5, 304, 341 80

Tobacco, snuff, and cigar stamps sold in the first district of Ohio from July 1, 1873, to June 30, 1874.

Allen & Ellis	\$237, 325 50
Barber & Stout	83, 298 20
Boehmer & Beckeneyer	8, 880 00
Geghan & Murphy	15, 206 40
Kenneweg & Bade	36, 088 25
Lovell & Buffington	77, 255 20
McF. Smith, R.	8, 920 80
Moorman & Son	12, 567 50
Peebles Brothers	18, 317 50
Spence Brother, & Co.	193, 678 50
Shinkle & Linfoot	20, 236 45
Shaw, J. M.	13, 941 00
Tenen & Andrews	88, 031 50
Thirteen small factories consolidated	58, 458 90

Total collections on tobacco	794, 205 70
Six snuff factories	4, 837 44
About 400 cigar factories	419, 404 75

Total 1, 218, 447 89

RECAPITULATION OF TAXES COLLECTED.	
Beer	\$465, 871 76
Spirits	5, 304, 341 80
Tobacco	794, 205 70
Snuff	4, 837 44
Cigars	419, 404 75
Other sources	220, 206 06

Total 7, 208, 887 51

From these it will be seen that the revenue paid in my own district for the last fiscal year was \$7,208,887.51.

Addressing a note to Colonel Weitzel, collector of my district, asking for information as to the probable increase or decrease of taxes this year, I received the following reply:

UNITED STATES INTERNAL REVENUE,
Collector's Office, First District, Ohio, December 5, 1874.

DEAR SIR: In reply to yours of 30th ultimo, I would inform you that the records of this office show an increase of internal-revenue collections in this district during the months of July, August, September, October, and November in 1874, over those of same months of 1873, of \$461,901.50; principally derived from distilled spirits.

Very respectfully,

WM. WEITZEL, Collector.

General H. B. BANNING, M. C., Cumminsville.

From this letter it appears that the increase of taxes collected in Cincinnati for the five months of July, August, September, October, and November last was almost half a million dollars more than in the same months the previous year, justifying the conclusion that my own district will for the support of the Government pay this year

over \$8,000,000, increasing more than a million over last year notwithstanding the hard times. This eight millions is a tax mostly collected from whisky at 70 cents a gallon.

Now, sir, I am opposed to the increase proposed by this bill for several reasons. In the first place, I am opposed to any increase of taxation at this time. A loss of revenue on the part of the Government indicates poverty on the part of the people. When a justly apportioned tax falls off it indicates distress, and the only remedy is in economy of expenditures. We were promised this by the party in power. The promise if made in good faith and carried out in earnestness and honesty would have accomplished a result acceptable to an over-tax-burdened people.

Instead of this we have the same extravagant expenditures which characterized our Government in more prosperous times. In the second place it has been demonstrated through hard-earned experience that as you augment the taxation on any given article you increase the cost of collection, until in the end more is lost than gained. We now collect more with the tax at 70 cents a gallon than we did when the tax was \$2 a gallon. As we lower the tax then to a given point we increase the revenue.

This was proven in our hour of prosperity. How much more will it be so now that labor is out of employ, trade paralyzed, and the business of the country threatened with bankruptcy.

Increase this tax, sir, 30 cents on the gallon and you will have all the smugglers, thieves, and illicit distilleries of the country at work again. To increase this revenue we have to adjust the balance between the cost of revenue and the cost of fraud.

In fact, sir, if the object of this bill is to increase the revenue, I am satisfied that object would be better attained by reducing rather than by increasing the present tax. In illustration of this, my district has an efficient, able, and honest collector, and the result is an increase of revenue from this district, as the letter and tables I have read show, while in all others nearly there is a decrease. I venture the assertion that the returns in the Department will prove that while the distillers of Cincinnati have mashed less grain in certain months than some other districts, they have paid to the Government during the same months a larger amount of revenue.

Sir, it is notorious that high-wines sell in New York for 93½ cents, when at their source in the West they could not be produced for less than 93 cents; this at a time when high wines cost 98 to 99 cents delivered in New York market. So, sir, notwithstanding all the vigilance of Mr. Douglass, the best and most efficient Commissioner we have ever had, and his assistants, it is quite evident that a large amount of spirits escape taxation, or that there is "crooked whisky in the market," to the loss of the Treasury and to the detriment of honest manufacturers.

If this is the case with the tax at 70 cents a gallon, may we not safely conclude that an increase of 30 cents a gallon will be an inducement for more and greater frauds.

But I wish in the short time allotted me to call attention to another and even more objectionable feature of this bill, which reads as follows:

Provided, That in addition to the tax of 70 cents per gallon imposed by laws now existing, there shall be levied and collected a tax of 15 cents, being one-half the increase of tax upon this act, on each and every proof gallon, or wine gallon when below proof, of domestic distilled spirits manufactured and placed in bonded warehouse prior to the day when this act shall take effect, and held in bonded warehouse at that time, and on all such spirits then held by distillers, rectifiers, or wholesale dealers, having in their possession or under their control distilled spirits in stamped packages; and any person who shall sell, transfer, or otherwise dispose of any such distilled spirits after this act takes effect until an additional stamp, to be especially provided for this purpose by the Commissioner of Internal Revenue, denoting payment of the additional tax of 15 cents per gallon herein imposed, is purchased and attached to the package or packages containing the same, in such manner as the Commissioner of Internal Revenue shall prescribe, shall be subject to and pay a penalty of \$1 for each and every gallon so removed; and the spirits so removed shall be forfeited to the United States: And provided further—

The provision adds 15 cents tax per gallon on all spirits in bonded warehouses held by distillers, rectifiers, or wholesale dealers at the time of its passage.

Sir, this provision of the bill is certainly a very unjust one, placing an additional tax upon spirits already taxed, and will not, as I believe, increase the revenues if it is enacted into a law. The owners of spirits already taxed 70 cents will not hold on to the article for the privilege of paying the Government 15 cents additional assessment. Before this bill becomes a law the 200,000 retail dealers will be the owners of this eleven and one half millions of gallons now in the hands of the distillers, rectifiers, and wholesale dealers, to the inconvenience and disadvantage of the present holders, in whose hands, if the spirits remain until the passage of the law, the 15 cent tax must be added to that already paid; while the manufacturers who have contracts ahead to deliver spirits for a stipulated price will lose millions, which will be pocketed by the brokers and speculators.

Mr. Chairman, "there is millions in it," and I refer to this clause of the bill now under consideration. The millions are not for the producers of the corn out of which the whisky sought to be taxed is made. Not for the producers and manufacturers of whisky. Not to increase the fund in the Government Treasury; but for the brokers and speculators.

Mr. Chairman, when making his argument in support of this bill the gentleman from Massachusetts, [Mr. DAWES,] in answer to a question, said he did not doubt that a portion of the whisky in bond would

escape the tax by passing to retail dealers before the bill became a law, but the retail dealers could take but a part of the eleven and a half millions of gallons. In reply to an inquiry I sent to Commissioner Douglass, asking the number of retail liquor dealers in the United States, I received the following:

Hon. H. B. BANNING:

The number of retail liquor dealers in the United States is probably not less than 200,000.

J. W. DOUGLASS,
Commissioner.

WASHINGTON, D. C., February 12, 1875.

Dividing the 11,500,000 gallons, the amount estimated of spirits to be now on hand by the honorable gentleman, by the 200,000 retail liquor dealers, we find that it will only be necessary for each of them to purchase 57½ gallons to exhaust the amount sought to be retaxed 15 cents. So we find the retail liquor dealers might purchase all the spirits now in the hands of the wholesale dealers and in bonded warehouses, and their stock would not then be large.

If, then, the gentleman succeeds in this proposition, he puts a tax upon a class that is iniquitous through its inequality. And his only escape from this injustice is a failure that leaves a stain upon our statute-book without any thing by which it can be justified.

TOBACCO.

Section 3368 of the Revised Statutes fixes the tax on all chewing and smoking tobacco, fine-cut, cavendish, plug, or twist, cut, or granulated of every description, at 20 cents a pound. The second section of this bill increases that tax to 24 cents a pound.

Against this increase of tax the tobacco manufacturers protest loudly and earnestly. This industry which now pays a very large revenue for the support of the Government is greatly injured and crippled by the frequent and constant changes of the revenue law, particularly in the increase and decrease of the tobacco tax.

It appears to me, Mr. Speaker, there is but one argument necessary to defeat this section of the bill, which is—

The revenue now obtained from tobacco far exceeds in amount that which was contemplated by the Government during the highest days of taxation. When the currency and all business were greatly inflated, and when it is remembered that every reduction of this tax resulted in increased revenue, is it not fair to believe that in view of all these evils and difficulties an advance of the tax now would fail to enrich the Treasury?

Now, sir, one or two suggestions in conclusion.

By this bill the tax on matches is repealed, being a loss to the revenue of upward of \$2,500,000 annually of a tax easily collected and not burdensome, and 4 cents per pound additional is placed upon tobacco, which is now taxed 20 cents a pound. It may be true statesmanship, Mr. Speaker, to make the tobacco smokers, tobacco chewers, and spirit consumers pay all the excise duties or revenues if it were practicable. I must however say that to my mind it would be more just and right to divide the burdens of taxation and let those who have the luxury of light pay a portion of them—considerable in the aggregate, but wholly inappreciable to the individual consumer.

Again, Mr. Chairman, the honorable gentleman from Massachusetts, the chairman of the Committee on Ways and Means, says:

He now came to the necessity which led the committee to report this bill to the House. The pledge had been given to the holders of the bonds of the Government at home and abroad, that there should be built up a sinking fund that in thirty years would extinguish the entire national debt. On that pledge the bonds had been taken abroad, and the maintenance of the faith of the Government was of more importance and value in dollars and cents than the amount proposed by this bill.

It is rather remarkable, Mr. Chairman, that this pledge to create a sinking fund should have escaped the consideration of members of this House who have been here for years, and the former Secretaries of the Treasury, and that it is only now found necessary to build up this fund by an increased taxation. When the workshops are empty money is scarce and times are hard. Now, sir, while I favor the payment of these bonds, I hardly think the time auspicious to increase taxation to build up a sinking fund which is to lay idle for years, a constant source of danger from corruption and temptation to extravagance.

Sir, I do not share in the anxiety evinced in behalf of these bonds while the great industries of the country are almost burdened out of existence.

For the first time in the history of our country laborers are begging for work, and in some parts of our country, especially the great commercial centers, are threatened with starvation.

I think we had better cut down our expenses, sir, and so economize as not to require increased taxation.

Sir, there is a persistent design to throw the burdens of taxation upon the West and South. While we take the tax from matches, we increase the tax upon chewing-tobacco and distilled spirits, and, by an additional protection, as they call it, augment the price of hops.

Another and most barefaced illustration of this is the manner in which this tax upon tobacco is managed. Now, while a heavy additional tax is put upon tobacco by this bill, one of the largest and most valuable staples of the Southwest, no additional tax is put upon cigars; and why? Because Connecticut leaf, that enters into the manufacture of this luxury, has to be protected, and to protect it it is exempted.

The investigation of this subject led me into a comparison of the excise duties paid in my own district with those paid at the East. I found the six New England States paid revenue, as follows for the year 1874:

Connecticut.....	\$580,379 00
Maine.....	123,089 45
Massachusetts.....	2,761,004 95
New Hampshire.....	245,679 19
Rhode Island.....	233,164 81
Vermont.....	56,316 94

Total.....\$4,039,932 21

During the same year my own district paid internal revenue to the Government in the sum of \$7,208,887.51, almost twice as much as all the New England States put together. And a further examination shows that while the New England States fell off nearly a million and a half from the year 1873 to 1874, and that all other Eastern States paid less in 1874 than in the previous year, Cincinnati increased her revenue to the Government. A further examination of the tables I have read shows that in the year 1874 one manufacturer of spirits in the Cincinnati district paid more revenue for the support of the Government than any one of the six New England States except Massachusetts; and that one manufacturer of beer in Cincinnati paid more revenue than the entire State of Vermont; and that the manufacturers of beer alone in Cincinnati pay more revenue for the support of the Government than any one of the six New England States, except Massachusetts and Connecticut; while further examination shows that the manufacturers of tobacco in the Cincinnati district pay more revenue for the support of the Government than any New England State except Massachusetts; while a further examination shows that Cincinnati pays more internal revenue than the State of Pennsylvania, or any Eastern State except New York.

Notwithstanding all this amount of tax paid by my own district, which is only an example of what the West is doing by the way of revenues for the support of the Government, it is proposed to put upon us the additional unjust tax provided for in this bill.

Mr. Chairman, this is all wrong, and if persisted in will loosen and eventually destroy the bonds of union that hold us together as a common country. There is no wrong more aggravating, certainly none more cruel or unjust, than unequal taxation. While one class is favored, the other class is not only robbed but made to feel the robbery as if they were serfs, having no control in the Government that was organized for their protection. This inequality becomes doubly an evil when it takes on a sectional form and arrays one part of our country against the other. The late civil war taught us a lesson of this sort that should never be forgotten.

The Cincinnati Gazette, one of the oldest and ablest republican papers in the country, in an editorial upon the increase of the tax upon tobacco and whisky, gives some wholesome advice which I now read. I hope gentlemen upon the opposite side of this Chamber, and particularly those from the South and the West, will give attention to this article. The writer has studied and understands the subject; and knows, as we should know, that this increased taxation is levied upon already overtaxed western products.

TAXING TOBACCO FROM 250 TO 500 PER CENT.

Upon what principle of justice or of practical revenue can the Committee on Ways and Means propose to add 4 cents a pound to the already enormous tax of 20 cents on tobacco? The present tax is at the rate of from 200 to 400 per cent. *ad valorem*, a rate which has no basis in justice, which is so great as to stimulate all sorts of frauds and evasions, and to make the complete collection almost impossible; yet it is proposed to add 4 cents a pound, and increase the injustice and the difficulty of collection.

Is it because the use of tobacco is a vice, an evil, a curse, and it is intended to make those who use it smart for it? Then what is the nature of the use of tea and coffee? They are nothing but stimulants. They are no more a necessity than tobacco; but they are free. Why this discrimination?

Tobacco is an article of almost universal use by the laboring class. They find solace in it. No one is such a fool as to suppose the addition of 4 cents to the tax will stop the use. It will only add to the burdens of the laboring class, and take so much from their other comforts. Upon what principle does the committee propose this addition to an already outrageous burden? It is sheer robbery. The writer is not tainted with the tobacco "vice," and therefore speaks without bias in demanding by what right the committee singles out this article, which more than any other is an article of comfort of the poor and the laboring classes, for this special and enormous burden.

This is not honest revenue legislation. It is a paltry dodge. The committee thinks to dodge the consequence of raising the taxes by the pretense of laying a penalty on an evil. This is a transparent fraud. Secondly, the restrictive effect of the tax is made to bear on a product and manufacture which are mostly western, and the West is made to carry the financial burden of this enormous levy until it is distributed. This makes the committee very generous in adding to this burden, and reluctant to lay even a just revenue rate on some other articles.

Such a rate as the present can never be completely collected. All sorts of illegitimate evasions will be invented, and Congress will be continually called upon to legalize these. It has but recently escaped one of them. The high tax turned consumption to the raw leaf. Then Congress had to resort to the tyrannical measure of forbidding anybody to sell the raw leaf in small quantities. Thus a farmer may not sell a neighbor a stem of leaves. This in a free country! And now Congress is waylaid with schemes to allow the producers to sell, say, 100 pounds.

There arbitrary measures and foolish attempts to legalize evasions would be unnecessary if the tax were at a judicious revenue rate. It is now twice too high. To add to it is to break down collections and diminish revenue. This and the proposal to raise the whisky tax are schemes which dodge the business of honest revenue legislation, and seek the cover of a false moral and beneficial pretense. Whenever any change shall be made in the tobacco and whisky excises, they should be reduced. They can be made more productive by this course. They will surely be made less productive by raising them.

In conclusion, Mr. Chairman, I repeat that I do not believe there is

any necessity for additional taxation; that by proper economy we can reduce the expenses of the Government so that the revenue now collected will be sufficient for all purposes. If, as it is claimed by some, the revenues are going to continue to decrease, that is only an additional evidence of the increasing poverty of the people, and should only stimulate the managers of the Government to more rigid economy.

[Here the hammer fell.]

Mr. NIBLACK. I yield now seven minutes to the gentleman from New York, [Mr. CHITTENDEN.]

Mr. CHITTENDEN. Two or three weeks ago, when our last tariff exploit was before this House for consideration, the chairman of the Committee on Ways and Means dropped some remarks which amounted to a broad and gratuitous reflection on the character of New York merchants. I know, sir, that he meant no harm, but I felt at the time very much, I presume, as he would have felt if his professional duties had brought him in contact with two or three hundred New York merchants in the chamber of commerce, and after he had made his speech the leading merchant present should have risen and said "Massachusetts lawyers make their money by misleading the public and cheating their clients." I do not allude now to his unguarded language, Mr. Chairman, to complain of it, but I ask that it may be my warrant for some freedom of speech on this occasion on which I might not have ventured under other circumstances.

I believe in the sinking fund, and would support it by all proper means; but I am opposed to the bill now before the committee. I regard it as unjust, arbitrary, and as insufficient. It is a thing to be denounced and strangled without any unnecessary labor of statistics or argument. The revenue sought is not in it.

Sir, I listened to the gentleman's advocacy of his bill a few days ago with an eager desire to be instructed by him, but finding that his most material statements of facts were grave errors, his arguments only crystallized my hostility to the measure. It is of course impossible to answer his speech of ninety minutes in the seven minutes kindly given me by my friend from Indiana; but if I have good luck I will strike one or two fair and square blows at his ranting within that time. I pass over the first three sections of the bill. There are gentlemen here who will take care of whisky and tobacco and lucifer matches. I have no time to deal with them. I come to the fourth section, and without meaning to reflect in the slightest degree on the Committee on Ways and Means, I say that there is embodied in that section as presented and as printed a bold and glaring fraud. It has been discovered—thanks to merchants of New York—that the words in that section "not including tank bottoms," &c., mean nothing more and nothing less than a revival of the old and famous leaden-statue business. The committee have been duped, but it is a comfort to know they have agreed that the art feature of the bill shall not be insisted upon or even tolerated. The fourth section is also flagrantly unjust. It taxes a pound of sugar, pure and simple, which costs 2½ cents in Cuba, 2½ cents gold when it arrives in New York, or 90 per cent. on its first cost, and tea and coffee are still permitted to enter our ports free. What have demagogues who clamor vociferously against a tax on tea and coffee to say about a tax of 90 per cent. on sugar?

It is perfectly well known to all who have given any attention to the subject that tea and coffee are the most legitimate and feasible objects for taxation known to our commerce. This was forcibly demonstrated on this floor by Hon. Mr. Kerr, from Indiana, on the 16th of March, 1872. Having no time to read, I ask permission to print, in connection with my remarks, two brief extracts from the speech of Mr. Kerr, which I cordially commend to everybody:

COFFEE.

But the importation of coffee during the calendar year 1871 was 321,636,707 pounds, equal to 8½ pounds for each person in the country. The total importation is estimated at \$33,725,017 in gold, and the duty per pound is 3 cents, being less than 31 per cent. *ad valorem*, and it paid to the Treasury \$9,650,601. It therefore cost the consumers *per capita* a trifle less than 25 cents, and did not compel them to pay a penny to monopoly. It is a revenue tax, pure and simple; costs the people what it pays the Government; builds up no stupendous fortunes at the expense of the people; fosters no corrupt corporations or "rings," and bars the door against no competition. Then why reduce it? Or where can you obtain \$9,650,601 in revenue that will cost the people less? Nowhere. Not in the whole list of taxable articles, whether of domestic or foreign production. The people are entitled to have their taxes cost them the least possible sum. True and honest statesmanship will not make them cost one cent more.

TEA.

Let us take another subject of taxation for comparison. In the calendar year 1871 the importation of tea was 59,622,145 pounds, equal to 1½ pounds *per capita*, and the duty is 15 cents per pound, yielding in revenue \$8,943,321, so that the average cost of this duty *per capita* is just 22½ cents. And every dollar it costs the people it pays the Treasury. It is pure revenue, with not a cent for "protection," monopolies, rings, favorites, or tariffed robbers. There is no possibility of imposing any tariff tax that will pay so much in revenue and cost less to the people. It builds up no ill-gotten fortunes or powerful corporations, and does not expel competition nor violate the law of fair play. It is impossible to impose a protective duty on tea or coffee. There is no domestic producer of them to protect. Hence the protectionists want them free. They want no tariff taxes imposed that will not pay them as much or more than they pay the Treasury.

The fifth section of the bill is a stupendous bid for endless new inventions of revenue frauds at a time when the honest commerce of the country is baffled, blighted, and ground to death. On the whole, Mr. Chairman, after much study of it and without fear, I denounce the bill as a comprehensive blunder. It is a blunder which this

Congress may not enact with impunity, a blunder which shall clothe republican supremacy in these Halls with merited contempt—I did not mean to say contempt—I meant discredit. It is a blunder which the people will resent, and which the next Congress will hasten to repeal; a blunder which will make the tariff legislation of this Congress a by-word and a laughing-stock of the whole civilized world. Why, sir, it is only Monday week since the President finished our last tariff bill. May the Congress of the United States rob and afflict the commerce of this great people by monthly tariff acts?

Do you ask me, then, what I would do with the sinking fund? If my good friend from Indiana will give me a minute more by the clock I will answer that question. Let your Postmaster-General square his own accounts; resist the lobby; stop squandering; reduce your appropriations and let your employes work for ten hours a day if they like, and pay them accordingly. Leave the people to help themselves. Tell them not to bring all their old chairs up here to be mended. If these common-sense measures fail to restore your sinking fund, put on moral courage and tax tea and coffee. That is what it is all coming to as sure as the sun shines in the heavens. Put a tax on now; the people like courage. They know what is right and will always support and applaud you when you do what is right.

Mr. Chairman, the gentleman from Massachusetts [Mr. DAWES] plaintively spoke the other day of the tremor that came rushing into the committee-room on all the wires, from all points of the compass. That is the lightning which pervades every section of his bill; pass it and the thunder will swiftly follow, to shake him as the leaf is shaken by the wind.

Sir, I protest against another tariff act this session unless applied to tea and coffee.

Mr. NIBLACK. I yield now twelve minutes to the gentleman from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. Mr. Chairman, in the brief time allotted me I propose to discuss so much of the bill under consideration as refers to the internal tax, and especially that part which proposes to increase the tax on manufactured tobacco, and to prove its injurious effects on the people of Virginia of all classes, the planter, the manufacturer, and the laborer.

I know, sir, it is said in regard to tobacco "the consumer pays the tax." When I refer to the fact that Virginia pays more tax than all New England combined, the same answer is given me. It may be true that the consumer does ultimately pay the tax, but it is equally true that the higher you tax an article the less of it is consumed, and therefore the demand is diminished in the same proportion. To that extent the producer is oppressed by high taxes. We have to reason but a moment to see the bad effect a high tax has on the producer, manufacturer, and all labor employed in growing and manufacturing tobacco. When we reflect that the tax per pound is more than the value of the article when manufactured, and that before the same can be sold this enormous tax must be paid, the injurious effects of the tax on all classes becomes too apparent. For instance, a manufacturer has on hand one million pounds of tobacco. Before he can sell it he must by some means raise in money for the purchase of stamps \$200,000. How is he to raise this large sum? Unless he is a man of more wealth than usual, he is compelled to mortgage his tobacco to enable him to raise the money for the purchase of stamps. Then being mortgaged, he must sell whether he gets paying prices or not.

Again, when he cannot find prompt sales for his tobacco, the manufacturer is not only laying out of his capital invested in the article but is losing the interest on the money invested for tax. That being greater than the value of the article, he is compelled to sell on a good or a bad market lest the interest on the money so expended will soon consume the value of the tobacco. Let me illustrate by taking a case precisely parallel which gentlemen from non-tobacco regions will more readily comprehend. The average value of wheat, say, is \$1 per bushel, and corn 50 cents. How would you like a law requiring the farmer before he could move his wheat or corn to pay a tax of \$1 per bushel on the wheat and 50 cents per bushel on the corn? True, when he sells he will get \$2 per bushel for his wheat and \$1 for his corn, thus recovering back the tax which he has paid. But he loses the interest on the tax from the time of the purchase of the stamps until the sale of his grain. Therefore it will be seen that the farmer before he can sell his wheat or his corn must raise as much money as it is worth to pay the Government in advance of any sale. The effect would be, unless he was a moneyed man, he would be compelled from each crop to lay aside half his sales to meet the tax of next year.

Suppose another case equally as parallel, that manufacturers of all kinds, in advance of their sales, had to pay to the Government the full value of their goods, every one must see at once the effect this would have on the business of the country. It would require double the capital to carry it on. The manufacturer insures the Government its tax, while, if from accident or failure of a purchaser to pay, the manufacturer not only loses his goods and all they have cost him, but he loses as well their value, which he has paid to the Government. Would the manufacturers of the country submit for one moment to such a tax? No, sir; never. Yet it is just as legal and as practicable to tax other and all manufacturers as it is those of tobacco. But it said the use of tobacco is a vice, and therefore must be made to bear this great burden. If it is a vice it is common to all mankind, saint as well as sinner. If it be such, and Congress has the power, legislate

it out of existence. But so long as tobacco is a legitimate article of traffic, Congress has no more right by indirection to legislate against its manufacturers than it has to legislate against any other business.

Pardon the digression. I know it is labor lost in the effort to prove Congress ought not to tax tobacco. But I do hope, and I have a right to expect, if it can be shown that the proposed additional tax of 4 cents per pound on manufactured tobacco will not increase the revenue, but greatly injure a large class of our people, that this House will not pass the bill now under consideration. The experience of the Government proves that the tax of 20 cents per pound will bring in more revenue than it did at 32 cents. The last fiscal year was the first under the new rate. Notwithstanding the universal depression in all classes of business, the revenue derived from tobacco at 20 cents per pound was within a small amount of the sum raised at 32 cents per pound. But as the country is recovering from the shock to trade, the tobacco business is recovering, and the Commissioner of Internal Revenue says:

From the month of November, 1873, up to the present time (November 18, 1874) there has been a steady increase of collections from this source over any previous corresponding period. The largest amount ever collected in any one quarter from tobacco was collected during the first quarter of the current fiscal year, which reaches the sum of \$10,162,954. Should corresponding relative collections continue to be made for the remaining three quarters, the receipts from this source alone will aggregate for the current year in round numbers \$36,000,000.

Here we have the emphatic declaration of the Commissioner that for the last year there is a steady increase over any corresponding period, and that more tax was collected for the last quarter than ever was collected in any one quarter before. Now, if the collections are increasing and producing more revenue at 20 cents than at 32 cents a pound, why make a change? Why again unsettle business, crush many honest men who have bought tobacco at the present rate of tax and must sell it under the increased rate, and turn thousands of poor laborers out of employment? This trade of all others requires uniform and fixed rates of tax. It cannot exist under uncertain and variable rates. The manufacturer does not know what price to pay for the leaf if the tax is to be raised on him before he can manufacture and market his tobacco. Thus the whole business is paralyzed and made to suffer by this ever changing the laws. You see the effect. Millions of pounds of tobacco are doubtless now sold at a given price to be delivered some months hence. Put on this 4 cents per pound, which is more than an average profit, and you utterly ruin the seller who contracted under existing rates of tax.

I stated low taxes increased the demand, and therefore increased the production of tobacco. In proof of this, I again quote from the last report of the Commissioner of Internal Revenue, who says:

The actual production of manufactured tobacco was in excess of any previous year by over two million pounds, and the exportation to foreign countries was in excess of any previous year by nearly three-quarters of a million pounds.

Upon the whole, the results for the year are highly satisfactory and indicate a prosperous condition of this great national branch of industry, and show it to be a reliable source of revenue to the national Treasury even during a season of general business depression.

Here we have the positive proof of the great increase of manufactured tobacco under the lower rates of 20 cents per pound. This high rate of tax bears hardest on our laboring class at the South. It is a plain proposition. If 20 cents a pound brings in as much revenue as 32 cents did, then there must be 80 per cent. more tobacco handled, thus furnishing labor to 80 per cent. more hands. Are you ready to increase the tax, and to that extent diminish the labor and deprive the poor man of his daily bread, without any corresponding benefit to the Government? Surely not.

As the present rate of tax is working so admirably and bringing in more revenue than the higher rate, what right have we to be making experiments at the expense of the people? It is cruel and oppressive to our laboring classes and unjust and bad faith to our planters and manufacturers for Congress to unsettle this "great national branch of industry" by running the scale of tax up, then down, then up again, in search of the exact point at which it will bring in the largest amount of revenue. Tobacco is unlike all other articles of traffic. For instance, a merchant buys a cargo of goods to-day, he knows he can sell them before the tariff is changed, because the articles which he buys are ready for use; but not so with tobacco. The manufacturer of tobacco must buy the leaf one year to be manufactured and sold the next; thus leaving ample time between his purchase and the sale of the goods for Congress to change the tax. Knowing this, he cannot trade with the remotest degree of certainty as to the future. Therefore, for the want of stability in the tax the trade is utterly paralyzed, if not totally destroyed.

This bill operates in another respect greatly to the injury of the tobacco trade. For the reasons just given, all laws changing the tax ought to take effect in future and not on the passage of the bill. Millions of pounds of manufactured tobacco have been contracted to be delivered in the future at a fixed price. These contracts were made with reference to existing tax. Now add 4 cents to each pound, and the seller is utterly ruined and all his hands turned out of employment. I ask the Clerk to read as a part of my argument the following letter, which I have received from one of the most intelligent tobacco men of Richmond, Virginia:

RICHMOND, February 12, 1875.

DEAR SIR: I see the Committee on Ways and Means have reported an additional tax of 4 cents per pound on manufactured tobacco. As your friendly interest in

this important part of the business of our State is well known, I address you in its behalf, requesting you to oppose its passage, or at least strive to have the bill so amended as to take effect on the 1st of July next. If this bill take immediate effect, it will paralyze the manufacturing interest for some time to come and throw thousands out of employment.

Yours, truly,

Hon. JOHN T. HARRIS,
Washington, District of Columbia.

S. H. FRAZIER.

This illustrates, Mr. Chairman, what I have said. These manufacturers have engaged to deliver manufactured tobacco in future at a given price. Now, add on 4 cents per pound more before it is manufactured and you render it utterly impossible for him to fill his contract; hence his business is suspended and all his hands are turned adrift. But postpone its effect until he can work up the leaf on hand, and it gives him a fair show for living. This principle is acknowledged in the bill by the sixth section, which exempts from its operation goods on ship on the 10th instant and bound for the United States, or any such goods in warehouses at the date of the passage of this act. Why this exemption? Because it would be manifestly unjust to the purchaser to raise the tariff on his goods between the date of purchase and day of sale or delivery, and thus utterly destroy him. The effect is equally as ruinous to the manufacturer of tobacco who has bought the leaf, but before he can manufacture and sell or deliver 4 cents per pound—equal to 25 per cent.—is added to his tobacco. The sixth section amply guards the trade of New England, but when we come to articles grown and manufactured in the South, there is not only no protection, but on whisky, where the contract of tax is perfected between the Government and manufacturer, the tax reverts back and retaxes goods already taxed according to law. These discriminations are as palpable as they are unequal, unjust, and oppressive. God grant the day may soon come when the Representatives of the people may look to the interest of the country from an impartial stand-point and do exact justice to all. Then we will have universal love, fraternity, and good will toward the Government and prosperity among the people.

[Here the hammer fell.]

Mr. NIBLACK. I now yield five minutes to the gentleman from Tennessee, [Mr. BRIGHT.]

Mr. BRIGHT. Mr. Chairman, as a matter of course it would be impossible in the five minutes of time which I have, through the kindness of my distinguished friend from Indiana, [Mr. NIBLACK,] to discuss the grave questions which arise out of this bill. I rise merely to enter my protest against its passage, and only to make a few suggestions in regard to it.

The first suggestion is that this bill is unnecessary. Sir, when we look at the expenditures of this Government since 1865, amounting up to the grand aggregate of nearly \$4,400,000,000, it becomes a matter of importance to the House and the country to inquire into the extravagant expenditures of the administration of the Government.

Why, sir, the country is bleeding to death with taxation, and still we are called upon for additional taxation instead of applying the pruning-knife to extravagances and paring them down. We see the mouths of our tax wounds sluicing the Government with revenues, and yet we are called upon to enlarge the orifices that we may have a still further depletion of the people. For one, I will never give my consent to such a policy. As the Government preaches economy to the people, let the Government set the example.

Another suggestion as to the tax on whisky. The honor of the country is involved in that tax. Much of that whisky is now in bond under contracts with the Government. Yet, like the miller that has received the grain, after once telling it you propose to toll it again to the lasting dishonor of the Government. Whatever may be the moral questions involved either in the manufacture or in the use of ardent spirits, it is a matter of commercial traffic; and so far as the traffic is concerned it is recognized by the Government, and those who engage in the traffic are entitled to the fair dealing of the Government. I never will put in peril nor temporize with the honor of the Government in relation to it.

Another suggestion in relation to the tobacco tax. My voice has been heard heretofore in relation to this matter. I have denounced it as unconstitutional. Tobacco and cotton are the first crude productions of the soil which have ever been taxed by any Congress since the existence of the Government. This tax can find no sanctuary either under the apportionment or uniformity rule of taxation. It is not pretended that it falls under the apportionment rule. It cannot fall under the uniformity rule, for we can as easily enact the uniformity of the climates and soils as the uniformity of the tobacco tax. The seven tobacco States pay 1,400 per cent. more of this tax than all the other sections of the United States. It is unnecessary for us to discuss the use of tobacco. It is one of the great agricultural productions, and it meets with all the other productions at the money point. It is converted into the bread and meat and clothing of six hundred thousand laborers who are this day engaged in its production.

We should remember that a tax on tobacco operates as a tax on the land, the labor, and expenses employed in the production. Increase the pressure of taxation, and it may not be long before there is an exodus of laborers from the tobacco-fields.

In behalf of the Constitution of the United States; in behalf of six hundred thousand laborers; in behalf of the labor and resources

of the tax-burdened States; in behalf of the harmony of all our industries, I protest against the passage of this bill.

I protest against the Government installing itself landlord of all the tobacco-fields, to exact a rent-charge from the toiling laborer.

[Here the hammer fell.]

Mr. NIBLACK. Mr. Chairman, I regret that I have been unable to agree with the Committee on Ways and Means in reporting the bill which we now have under discussion. One year ago, when it was recommended that we should increase the revenues of the Government by additional taxation, the Committee on Ways and Means, after full discussion, determined that there was no such exigency upon the Government in that respect as the Secretary of the Treasury seemed to imply in his communication to the House of Representatives, which went to that committee for its consideration. We agreed to postpone the question of increased taxation for another year. The results of that year in the collection of our revenues and in meeting the demands on the Government have demonstrated the wisdom of that action on the part of the Committee on Ways and Means.

It is true that very recently there has been some falling off in the amount of revenues collected. But I have reason to believe, and other gentlemen who are better informed upon this question than I am corroborate this view, that this falling off is from the very necessity of the case temporary, and not likely in all human probability to continue during the next twelve months. If it were necessary for the honor of the Government and for the preservation of the public faith, I would agree to impose taxes upon something or other, unpleasant as that may be in times like these, and would cheerfully co-operate in any reasonable plan by which the revenues of the Government might be either temporarily or permanently increased. But I am not convinced that there is any absolute necessity for any increased tax upon anything at this time, and I think the gentleman from New York [Mr. WOOD] made that pretty clear the other day in his very able speech on this bill.

That we can get fairly and honorably through another year without more taxes if we will I have no doubt.

That there ought to be a revision of the tariff laws of the country I have contended for years—ever since the close of the war—and still contend. But that question is not involved in the proposed increase of taxes at this time. I am informed by a member of the Committee on Appropriations that the appropriations this year will fall \$10,000,000 below those of last year. If so, then I think it perfectly safe to say that no increased taxation at this time is necessary for the preservation of the public faith.

Yet we are met at the very threshold with this view of the bill under consideration. This bill is reported in pursuance of a request from the Treasury Department for more revenue. If the response of the Committee on Ways and Means has been a faithful response to that request, this must be a revenue bill, pure and simple. But when I look into its provisions applicable to the duties upon imports, I find it to be essentially a protective tariff bill; a bill for the protection of certain great interests of this country. That is one of its leading and most notable features, and one of its strongest characteristics.

Three years ago the Congress of the United States, acting upon a report from and under the lead of the Committee on Ways and Means of this House, at that time reduced the duties upon certain articles 10 per cent. They did that, as I understand it, then because those duties were unreasonably and unnecessarily high, and because these duties were generally conceded to be too highly protective. I believe even the gentleman from Pennsylvania, [Mr. KELLEY,] who was then a member of that committee as he still is, agreed to that reduction, believing that the manufacturing interests which he had so much at heart could live under the reduction, and that it was better for the consumers and all other classes of the people that some such reduction as that should be made.

Mr. KELLEY. I desire to say that the gentleman is mistaken on that point. I resisted that reduction as vigorously as I could.

Mr. NIBLACK. Then I beg the gentleman's pardon. At all events he does not seem to be very earnest in his efforts to restore that 10 per cent., believing, probably, that other portions of the bill overbalanced the good which in his opinion might arise from the repeal of that 10 per cent. reduction.

Mr. KELLEY. If the gentleman will allow me a moment I will say as briefly as I can that I believe the repeal of that reduction to be the only valuable part of the bill; but the other portions overburden it so much that I must vote against the bill, good as I believe that feature to be.

Mr. NIBLACK. Then I am more than ever confirmed in the belief that this repeal of the 10 per cent. reduction is a protective measure, pure and simple, and has very little to do with the question of revenue so far as the Treasury is interested; hence the proposed increase in this respect is sufficient to compel me to vote against the bill as an entirety, if there were no other objection to it.

But, sir, that is not all. It is proposed to increase the tax upon sugar 25 per cent. That strikes me as a most extraordinary proposition. I have been perfectly amazed (and I have no objection to announcing it here outside of the committee-room) at the action of the committee in refusing to tax tea and coffee, while at the same time proposing to levy this additional duty on sugar. There can be no reason for it except a desire to make the bill more protective in its features, to make

it mainly a measure of protection as to sugar. It is said that by this provision, if it should become a law, we shall get \$8,000,000 of additional revenue. But with what result? To obtain this additional revenue we increase the price of imported sugar, thereby increasing the price of domestic sugars in the same proportion.

Mr. SYPHER. Will the gentleman allow me to ask him a question?

Mr. NIBLACK. I will before I get through, if I have time. I cannot yield at this moment. Thus there will be imposed upon the consumers of both the foreign and the domestic article an increased burden of somewhere between \$20,000,000 and \$25,000,000, as estimated by those who are regarded as experts upon this subject. The result then is that in order to obtain \$8,000,000 of revenue from sugar, you impose an aggregate burden of from \$25,000,000 to \$30,000,000 upon the American people.

I voted some years ago to take off the duty from tea and coffee; and in the present condition of things I would not vote to restore it. But, sir, in my judgment, this proposed tax upon sugar ought to be infinitely more odious than the tax upon tea and coffee could possibly be. It is a very much worse tax, a less economical tax so far as revenue is concerned. The increased price on tea and coffee, when they are taxed, all goes into the Treasury, but not so with sugar, as I have shown.

In regard to tea and coffee I will avail myself of this opportunity to say that I voted to strike them from the list of articles subject to taxation just as I have voted to strike off everything in the last six or eight years, with the hope that by striking down these taxes from time to time those controlling both Houses of Congress might be compelled to have a revision of the tariff laws in the interest of revenue rather than in the interest of protection, as nearly all of our tariff laws have been for the past fifteen years.

I would vote to-day to restore the tax on tea and coffee, if we could have some compensation corresponding to what I think would be the burdens imposed by such a tax, and what would be the obnoxious features of the tax to a portion of the American people. But that question is not involved in this bill; and I will not vote to reinstate the tax on tea and coffee as a mere addendum to other provisions of the tariff law now in force.

But what I wish to repeat is that I regard it as most extraordinary that the committee, while failing to report in favor of some tax on tea and coffee, should seek to impose this very large additional duty upon sugar alone, which is as much a necessity to the American people, if not more so, than tea and coffee can possibly be. Tea and coffee are regarded by some as luxuries; but with a large portion of the American people they have come to be considered as matters of necessity. Sugar is equally so, and I believe more so, because it enters much more largely than tea and coffee into the various articles we consume in the way of food, and is already taxed at rates ranging from 1½ to 4 cents per pound.

Upon the subject of whisky, I will say very frankly that I have been from the first willing to make the tax \$1 a gallon, if any increase is to be made. That is a round sum; and it would not be likely in my opinion to be ever increased. If I should vote for any increase at all—and I would regard \$1 as the utmost limit—I should do so more as an experiment than anything else, to see what would come out of it as a revenue measure and to determine by a practical test whether that article would bear this increase of taxation.

I, in common with other members of the Committee on Ways and Means, have heard both sides of this question argued before the bill was reported, and I am not satisfied that whisky will bear any increased tax, viewed from a revenue stand-point alone—the only point of view in which we are justified in looking at the provision as a part of this bill. In regard to every article there is a point beyond which we cannot go and collect taxes. When taxes go beyond a certain point in taxing any given article, the compensation for an evasion of the revenue laws is so great that persons are found to engage in smuggling or clandestine manufacture, as the case may be. Take the case of diamonds. Under existing tariff laws diamonds pay a duty of only 10 per cent. Why is not a higher duty imposed? Simply because if you impose any great duty smuggling is so easy that you will not be able to collect any duty at all; diamonds being so easily concealed, smuggled diamonds will take the place almost entirely of articles regularly imported. As it is, a large proportion of our diamonds are smuggled into this country in violation of law.

Now that rule applies to everything else, to whisky as much as to every other article. We have seen that under the law of some years ago imposing a tax of \$2 there was, as stated by the gentleman from Massachusetts [Mr. DAWES] the other day, a failure to collect the full amount of tax, which was accounted for upon the ground that the class of officers then engaged in the collection of our internal revenue were not reliable. Now, I imagine, with due deference to those engaged in the collection of the revenue, that if you should again place the whisky tax at \$2 a gallon, you would find the same difficulty in getting officers—subordinate officers especially—who would faithfully collect the tax in spite of the terrible temptations to which they would be subjected. Men are substantially the same under similar circumstances everywhere. To be sure, a man's political theories may have something to do in restraining him. A man believing in strict construction of the powers of the Government, honestly so, is not as likely to enter upon doubtful powers and doubtful expedients as a man of more latitudinarian views. But, sir, upon a more personal view of the case, we dare not trust one class of reasonably honest men more than another where great temptations are involved.

So then I regard it as a conceded position that there is a point beyond which we cannot go. Therefore I am unwilling to risk the price of \$1 a gallon, or indeed any substantial increase, for the reason I doubt whether we will make any more money by it and because I am not impressed with the necessity for it at this time.

But the great objection I have to this section is that it proposes to tax the stock of whisky in the hands of wholesalers, whisky which has already paid its tax and received from the Government a quitclaim, a clean discharge; which every stamp on a cask of whisky implies. If it were a time of war or of some other great exigency we might be justified in breaking over and doing such thing as a measure of public safety. But I am informed by those who know more of the subject than I do, by men from my own district in whom I have every confidence, if this tax of whisky on hand be imposed and rigidly enforced it will result in bankrupting a great many dealers in this article, men of good repute and who have striven to do their duty honestly in all their dealings with the Government. I will not be a party in the present case to any additional tax upon whisky which has already paid a tax and gone out upon the market as tax-paid whisky.

I regard the tax on whisky in bond as a measure of great severity—not so strong, not so harsh, however, as taxing whisky on hand, which has already paid a tax, but as a kindred measure. Men have placed whisky in bond under an implied contract with the Government that they shall be allowed to withdraw it on payment of a certain amount of tax within a given time. If this becomes a law it will abrogate that agreement which the Government has made with a large class of its citizens, and I think there is no exigency upon the Government to justify so harsh a measure as this.

It is claimed if we do not tax whisky on hand and in bond the dealers will realize a large advance and make a good deal of profit out of the enhancement of value because of the increased tax. This is a matter upon which the dealers in this article have to take their chances. They have to take the risk at all times of favorable or adverse legislation, and it is one of those incidents to which every dealer in the article of whisky or any other article liable to taxation is necessarily subjected. If he can be benefited by increase of tax upon this article, it is only what is done in almost every case in which additional or new taxes are imposed by the Government. I know no reason why we should be more harsh in reference to men engaged in this trade than any other. When we are prescribing rules for the collection of our revenues, to which they so largely contribute, whether they have chosen the best business or not is not the point involved; it is a question of good faith on the part of the Government in its dealings with its citizens.

Another result of this increase of \$1 a gallon on whisky is a supposed consequent necessity of increasing the tariff on foreign brandies so as to protect whisky while competing with them. That will have the effect of diminishing the importation of brandies, and will hence diminish the revenues from them.

As to tobacco, I do not propose to detain the House long, as my time is nearly exhausted. It is a measure, however, to which I have devoted some attention, because a portion of those I have the honor to represent here are deeply interested in the tobacco question also. Under existing laws the manufacture of tobacco is taxed from 200 to 400 per cent. The addition of 4 cents per pound will increase the rates up to from 250 to 500 per cent. Such rate of taxation, it strikes me, is beyond all proportion to the value of the article upon which the taxes are levied. It was well said by the gentleman from Tennessee [Mr. BRIGHT] that it would diminish the consumption of the article, and of course correspondingly decrease the production. Because this happens to be an article which will bear taxation pretty well, because it is an article which gentlemen may dispense with the use of, that is no reason why we should impose upon it an unreasonable, extraordinary, and indefensible rate of taxation.

The same is the case here as in reference to the increase of taxation on whisky. It seems to be acknowledged that we collected on the average more revenue from 20 cents than we did at 32 cents a pound. The higher you increase the rates of taxation the chances are you will correspondingly diminish the chances of collecting all you do charge is, so far as I am capable of judging, as true as to tobacco as anything else. There are a great many ways in which tobacco can clandestinely be used. If you impose great burdens on the manufactured article there will be resort to the old-time fashion of using unmanufactured tobacco, which can be done to a great extent, especially in smoking-tobacco.

I think the proposed increase unwise, to say nothing of the harshness and injustice of it.

Mr. Chairman, rather than enter upon such doubtful legislation as this, if the worst should come to the worst, I would rather resort to a temporary loan to bridge over the emergency and leave it to some future Congress to endeavor to adjust our tariff and internal taxes on a more equitable and reasonable basis than is proposed in this bill.

Mr. O'NEILL. Will the gentleman permit me to ask him a question?

Mr. NIBLACK. I will hear the gentleman's question, but my time has almost expired.

Mr. O'NEILL. I desire to ask the gentleman whether the Committee on Ways and Means considered the subject of putting a duty upon the articles now upon the free list, or upon any of them? I find that the valuation of the goods imported free of duty was \$180,000,000

in the last fiscal year. As a matter of calculation a duty of 5 per cent. on those importations, it will readily be seen, would yield in the aggregate \$9,000,000. Did the committee consider whether it would have been detrimental or not to the manufacturing or other interests of the country and people to have recommended a temporary imposition of duties on the very extended list of articles now duty free? The gentleman recollects that several years ago Congress saw fit to make a general reduction of 10 per cent. of the duties on all dutiable articles and materials, and it was done, as I understood it, for reasons which at that time it was supposed by those who voted for the reduction sanctioned that legislation. It certainly was not then or since considered as a question of permanent high or low tariff policy.

The bill now before the committee has in it a section proposing the repeal of the law which made that 10 per cent. reduction, and I sincerely hope it will be repealed. I look upon such a favorable result as being of immense interest to American industry. I am sure the restoration would have a tendency to promote business and to set the people to work again. My object in interrupting my friend from Indiana—and I thank him for yielding to me—was for information. Of course the necessities of life should neither be taxed nor made dutiable while there are luxuries which could well bear the burden of both tax and duty. But whether the Committee on Ways and Means considered it their duty to scan well the free list I think it would be proper for the Committee of the Whole to know.

Mr. NIBLACK. The committee considered that question and agreed not to disturb the free list at the present session of Congress. I mean by this that a majority of the committee so agreed.

Mr. BECK. Mr. Chairman, I will endeavor in the short time allowed me to give the reasons why I oppose the bill as reported by the committee. Of course I can only do it very imperfectly, and must ask leave of the committee to allow me to hand to the reporters some extracts on which I rely to verify what I will say, because I am unable in the crippled condition of my right arm to turn over the books from which I desire to read, as I would otherwise do.

There are two questions presented for the consideration of the House by the Committee on Ways and Means. The first is, Are additional revenues required for the support of the Government? The second, How shall these revenues be raised, if necessary?

As the first proposition, if decided against the necessity, disposes of the other, I shall discuss that before noticing the provisions of the bill. All agree that if the sinking fund has either been sufficiently provided for or the public debt so reduced as to comply with the terms of the law, additional taxation is not required for any other purpose.

It is obvious, and has been admitted by all who have discussed the question, that any addition to the burden of taxation in the present depressed condition of the industries of the country ought to be avoided if it can be done consistently with national faith and honor. I admit that, however onerous increased taxation may be, it must be imposed if our obligations as a people cannot otherwise be faithfully maintained. Believing, however, that we have already complied with all the requirements of law relative to the reduction of our national debt, in accordance with the true spirit and intent of the laws providing therefor, and hoping to be able to show that we can, by reduction of expenditures and by a less onerous form of taxation than that now proposed, provide for whatever deficiency those who differ from me on the first proposition may consider necessary to comply technically as well as equitably with the letter of the law creating a sinking fund, I am opposed to almost every provision of the bill presented by the Committee on Ways and Means.

Gentlemen cannot fail to have observed two remarkable facts in connection with the present demand for money to supply the wants of the sinking fund: The first is the importance attached to the annual provision for that purpose, and the second the magnitude of the amount which the Treasury now claims to be necessary to maintain it. It will be recollected that although the law was originally passed in 1862 providing that 1 per cent. of the entire indebtedness of the country should be set apart as a sinking fund, neither the President, Congress, nor any Secretary of the Treasury from that time until 1869 either made any separate provision for this fund or suggested that any law was violated by the failure to do so, although Chief Justice Chase, Senator Fessenden, and Mr. McCulloch, all men of distinguished ability, thoroughly conversant with the true intent and meaning of all legislation, certainly all specially careful of the interest of the bondholders, were during those years Secretaries of the Treasury. Indeed, for three or four years after the passage of that law it would have been the merest folly to have pretended to comply with the provisions of it.

The public debt of the United States, as shown on page 8, table F, of the last finance report, was, in round numbers, \$1,119,000,000, while in 1866 it reached the sum of \$2,773,000,000. A sinking fund of 1 per cent. reserved in the face of such a rapidly accumulating debt, would, as I said, have been the sheerest nonsense. Since 1866 we have been steadily and rapidly diminishing the national debt, until at the close of the last fiscal year it amounted, as the finance report shows, to \$2,161,000,000; being a reduction, in round numbers, of over \$612,000,000, instead of \$521,000,000, as stated by the chairman of the Committee on Ways and Means in his speech the other day. His error consisted in failing to notice the following note appended by the Secretary to the report from which he quoted:

In the amount here stated as the outstanding principal of the public debt are included the certificates of deposit outstanding on the 30th of June, issued under act of June 8, 1872, amounting to \$31,730,000 in 1873 and \$58,760,000 in 1874, for which a like amount in United States notes was on special deposit in the Treasury for their redemption and added to the cash balance in the Treasury. These certificates as a matter of accounts are treated as a part of the public debt; but, being offset by notes held on deposit for their redemption, should properly be deducted from the principal of the public debt in making comparison with former years.

It will be remembered that when the honorable gentleman from Massachusetts [Mr. DAWES] announced that—

All we have done toward the reduction of the public debt, if it could with propriety be applied to the discharge of our obligations to the sinking fund and could with equity be considered sufficiently distributed over all the years, would yet fall short of the requirements of the sinking fund by some \$36,000,000.

I denied the correctness of the statement, and requested the publication of the facts upon which he based it, as shown by the following extracts from the RECORD:

Mr. BECK. Is the chairman of the Committee on Ways and Means [Mr. DAWES] officially informed of that fact, so that he can publish it in the RECORD?

Mr. DAWES. I will publish in the RECORD just exactly what the sinking fund required each year, together with just exactly what has been paid into the sinking fund and to the bonds we have purchased outside of the sinking fund. I believe that answers fully the question.

Mr. BECK. Has that information been furnished by the Secretary of the Treasury?

Mr. DAWES. I have the figures from the Treasury Department. The following table shows the requirements of the sinking fund each year since its enactment:

1863.....	\$11,869,584 67
1864.....	20,002,219 92
1865.....	30,441,914 20
1866.....	33,359,455 96
1867.....	34,472,950 62
1868.....	35,961,184 80
1869.....	38,002,018 41
1870.....	39,276,481 04
1871.....	40,423,377 61
1872.....	41,934,725 40
1873.....	44,402,832 76
1874.....	47,409,252 17

Total..... 417,556,000 56

Total amount of bonds purchased on sinking fund account..... \$141,612,050 00

Amount purchased in excess of that required for sinking fund account..... 189,241,750 00

Since purchases for that account commenced in 1869..... 323,253,800 00

To this sum may be added other bonds redeemed to the amount I have stated.

Mr. BECK. I want to say to the House just now that there are \$400,000,000 and over of 7.30 bonds and 3 per cent. certificates also taken up and canceled that the Secretary of the Treasury has held back, in addition to the other bonds, if he has made the statement the gentleman suggests.

Mr. DAWES. Does the gentleman from Kentucky [Mr. BECK] mean to say that the Secretary of the Treasury has not made a true statement of the total amount of the decrease of the public debt?

Mr. BECK. I do mean to say that if the Secretary of the Treasury has said that the only indebtedness we have paid since that law took effect is the 6 per cent. bonds, then he has not made a true statement; and this is why I asked whether the Secretary of the Treasury furnished the statement. We have paid off 7.30 bonds and 3 per cent. certificates to the amount of over \$400,000,000, which should be added to the amount of the 6 per cent. bonds in order to give a true statement.

It would be easy to show by reference to the various finance reports that I did not overstate the amount of public debt which had been retired from the close of the war up to the present time. The following will illustrate what I mean:

In the annual Finance Report of 1874, at page 291, the United States Treasurer gives a tabular statement of the currency outstanding at the close of each fiscal year for the last eleven years. By currency outstanding in these statements are intended the issues of the United States Treasury. The items embraced are, old demand notes, legal-tenders, compound-interest notes, one and two year notes, and fractional currency. For the total currency in actual circulation, or otherwise serving indirectly to the same effect in the money market, we take the statements of the United States Treasurer at the dates which we select, and add thereto the amount of 7.30 notes, 3 per cent. certificates, and State-bank notes outstanding, thus:

Treasury currency, 30th June, 1865, according to Treasurer's report.....	\$698,918,800
Add 7.30 notes, 31st July, 1865.....	830,000,000
National-bank notes, 3d July, 1865.....	131,452,158
State-bank notes, July, 1865, say.....	240,000,000

Total circulation in July, 1865..... 1,900,370,958

This, however, was the state of the circulation immediately upon the close of the war. Let us now look at the currency account after it was fairly reduced to a peace footing:

Treasury currency, according to Treasurer Spinner, June 30, 1868.....	\$444,196,262
Add 7.30 notes, (January 1, 1868).....	240,591,300
Three per cent. certificates, June 30, 1868.....	50,000,000
National-bank notes, July 6, 1868.....	294,908,264
State-bank notes, July 6, 1868, say.....	4,000,000

Total circulation in July, 1868..... 1,033,395,826

Treasury currency, according to Treasurer Spinner, June 30, 1873.....	\$401,527,267
Seven-thirty notes.....	274,100
Three per cent. certificates, June 30, 1873.....	30,000
National-bank notes, June 30, 1873.....	344,858,627
State-bank notes, June 30, 1873.....	nil.

Total circulation in July, 1873..... 746,689,994

Treasury currency, 30th September, 1873.....	\$402,923,039
Seven-thirty notes, 30th September, 1873.....	260,500
National-bank notes.....	348,007,958

Total currency, 30th September, 1873..... 751,191,497

All these legal-tender notes, 7.30 notes, and 3 per cent. certificates were debts due by the United States, as much so as any other of our bonds; some were doubtless funded, and others paid off and canceled.

But it is unnecessary to go further than the official statement of the reduction of the public debt in the finance report, which the gentleman from Massachusetts [Mr. DAWES] and the gentleman from New York [Mr. ROBERTS] both agree shows that it has been nearly \$600,000,000 since 1866—a sum far in excess of what even the Treasury Department now claims that the sinking fund requires in the exaggerated statement laid before the House by the chairman of the Committee on Ways and Means. Until it became necessary to endeavor to alarm the House in order to induce the passage of this bill, no Secretary, no representative of the Government ever pretended to assert that \$417,000,000, or any sum approaching thereto, was or ever had been necessary to supply the wants of the sinking fund. It has always

been asserted, and never disputed, that during the administration of Secretary BOUTWELL, a sum sufficient to meet the demands of the sinking fund and all interest thereon was set apart in accordance with the requirements of the act of July, 1870. Indeed there was no sort of excuse for his doing otherwise, as the revenues of the country enabled him to purchase annually many millions of dollars of bonds in excess of what anybody pretended was necessary to comply with the law relative to the sinking fund. The present Secretary furnishes us in his last report with the true state of the account of the Treasury with that fund, which differs so widely from that laid before the House by the chairman of the committee the other day, that I give it entire, so that the true state of facts may appear in contrast with that now paraded for the purpose of frightening Congress into the passage of this bill under the pretense that the good faith and honor of the country are at stake:

TABLE K.—Statement showing the condition of the sinking fund from its institution in May, 1869, to and including June 30, 1874.

Dr.		THE SECRETARY OF THE TREASURY IN ACCOUNT WITH SINKING FUND.		Cr.	
July 1, 1868	To 1 of 1 per cent. on the principal of the public debt, being for the three months from April 1 to June 30, 1868.....	\$6,529,219 63	June 30, 1869	By amount of principal purchased, \$8,691,000, including \$1,000 donation, estimated in gold.....	\$7,261,437 30
June 30, 1869	To interest on \$8,691,000, being amount of principal of public debt purchased during fiscal year 1869 on this account.....	196,590 00		By accrued interest on the amount of purchases in 1869.....	136,392 56
	Balance to new account.....	672,020 23			
		7,397,829 86			7,397,829 86
July 1, 1869	To 1 per cent. on the principal of the public debt on June 30, 1867, \$2,588,452,213.94.....	\$25,894,522 14	July 1, 1869	By balance from last year.....	\$672,030 23
June 30, 1870	To interest on \$8,691,000, amount of redemption in 1869.....	521,460 00	June 30, 1870	By amount of principal purchased, \$28,151,900 estimated in gold.....	25,893,143 57
	To interest on \$28,151,900, amount of principal of public debt purchased during fiscal year 1870 on this account.....	1,254,897 00		By accrued interest on account of purchases in 1870.....	351,003 54
		27,660,879 14		By balance to new account.....	744,711 80
July 1, 1870	To balance from last year.....	\$744,711 80			27,660,879 14
June 30, 1871	To 1 per cent. on the principal of the public debt on June 30, 1870, \$2,480,627.81.....	24,806,724 28	June 30, 1871	By amount of principal purchased, \$29,936,250, estimated in gold.....	\$28,694,017 73
	To interest on redemption of 1869, \$8,691,000.....	521,460 00		By accrued interest on account of purchases in 1871.....	367,782 53
	To interest on redemption of 1870, \$28,151,900.....	1,689,114 00		By balance to new account.....	257,474 32
	To interest on \$29,936,250, amount of principal of public debt purchased during fiscal year 1871 on this account.....	1,557,264 50			
		29,319,274 58			29,319,274 58
July 1, 1871	To balance from last year.....	\$257,474 32	June 30, 1872	By amount of principal purchased, \$32,618,450, estimated in gold.....	\$32,248,645 22
June 30, 1872	To 1 per cent. on the principal of the public debt on June 30, 1871, \$2,353,211,332.32.....	23,532,113 32		By accrued interest on account of purchases in 1872.....	430,908 38
	To interest on redemption of 1869, \$8,691,000.....	521,460 00			
	To interest on redemption of 1870, \$28,151,900.....	1,689,114 00			
	To interest on redemption of 1871, \$29,936,250.....	1,796,175 00			
	To interest on redemption of \$32,618,450, amount of principal of public debt purchased during fiscal year 1872 on this account.....	2,059,325 50			
	To balance to new account.....	2,823,891 46			
		32,679,553 60			32,679,553 60

About \$31,000,000 is the amount deemed sufficient for sinking-fund purposes annually by the Treasury account, as shown by their books, and not \$47,000,000, as now set forth in the speech of the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. I do not wish to take up the gentleman's time, but I would like to tell him the reason for the difference between the \$31,000,000 and the \$47,000,000.

Mr. BECK. I know all about that, but they had to go back to the year 1862 and take all the debt that existed then and add the interest on that and on each subsequent year from that time, giving a construction to the law that neither Secretary Chase, Secretary Fessenden, Secretary McCulloch, Secretary Boutwell, or Secretary Richardson ever thought of, and which the present Secretary of the Treasury in his own report never thought of until either he or the Committee on Ways and Means thought it important that he should make up a statement sufficient to alarm Congress.

Mr. DAWES. Mr. Chairman—

Mr. BECK. Let me go on.

Mr. DAWES. I want to ask the gentleman from Kentucky [Mr. BECK] what is his authority for saying that Secretary Chase and Secretary McCulloch never put that construction upon it?

Mr. BECK. Because during all these years there was no demand and no pretense made that it had to be applied as now insisted on, or that we could not reduce the debt as we were doing by paying off the 7.30 bonds and the 3 per cent. certificates, and reducing our circulation, which was as much a part of our debt as any other part of it. That is my reason for saying so.

Mr. DAWES. The gentleman certainly is not ignorant of a letter in the room of the Committee on Ways and Means from Mr. McCulloch on that subject.

Mr. BECK. I think it likely that Mr. McCulloch, about 1863, when he was working in the interest of the bondholders—I want to speak respectfully of him—may have written such a letter, but if so I never saw it.

But, however that may be, it is obvious that I was right in as-

serting that it was untrue that the requirements of the sinking fund had either exceeded the reduction of the national debt or approached it by several hundred millions of dollars. And that the statement furnished by the Treasury Department to the chairman of the Committee on Ways and Means was not only grossly exaggerated, but if true, instead of being thirty-six millions in excess of the reduction of the national debt, was in fact nearly \$200,000,000 less.

The tax-payers of the country cannot be charged because the Treasury officials have failed to apply the means furnished them by taxation to the legitimate purposes to which those means should be applied.

The following table of receipts in gold collected from 1861 to 1874 as customs dues, together with the amount of interest payable in those years, will be useful as showing the large amount which the republican managers of the Administration had in their hands to apply to the sinking fund if they had seen fit or deemed it necessary so to do:

Year.	Interest obligations.	Customs receipts.
1861.....	\$4,000,174	\$39,582,126
1862.....	13,190,324	49,056,398
1863.....	24,729,847	69,050,642
1864.....	53,685,421	102,316,153
1865.....	77,397,712	84,928,260
1866.....	133,067,742	179,046,630
1867.....	143,781,592	176,417,811
1868.....	140,424,046	164,464,599
1869.....	130,694,243	180,048,427
1870.....	129,235,498	194,538,374
1871.....	125,576,565	206,270,408
1872.....	117,357,839	216,370,286
1873.....	104,750,688	188,089,522
1874.....	107,119,815	163,103,833
Total.....	1,305,011,506	2,013,292,469

From the above figures it will be seen that the total customs receipts for the fourteen years embraced in the table were \$708,280,963 in excess of the entire interest obligations of the General Government for the same period, all of which large excess, according to the construction now sought to be given to the law of 1862, was next applicable to the payment of the sinking fund as ample revenues were furnished from other sources of taxation to supply all the ordinary wants of the Government. In this connection the following table taken from the Finance Report of 1873, page 12, may be useful to prove more fully the truth of my statement on this subject:

Year.	Expended by Administration.	Collected by taxation.
1867.....	\$357,542,675 16	\$490,634,010 27
1868.....	377,340,284 86	405,638,083 32
1869.....	322,865,277 80	370,188,256 09
1870.....	309,653,560 75	411,253,477 63
1871.....	292,177,188 25	383,323,944 89
1872.....	277,517,962 67	374,106,867 56
1873.....	290,345,245 33	333,738,204 67
Total.....	2,227,442,194 82	2,768,882,844 43
Collections over expenditures.....		2,227,442,194 82
		541,440,549 61

It will thus be seen that, notwithstanding the enormous expenditures of the Government for the last seven years, the amount coerced from the people which reached the Treasury was yet \$541,440,000 greater. More than half of the immense sum collected was in gold.

There can be no pretense, in view of all of these facts, that there was any lack of means to reduce the national debt even far beyond what has been done.

Why, then, I repeat, is this great anxiety shown for increased taxation? Why should the world be told that those who oppose it are either in favor of repudiation or careless of the honor and good faith of the country? Is it not more certainly true that the exaggerated statements which have been made and the clamor which has been raised are for the purpose of obtaining money to use for purposes not legitimate rather than to comply with any honest obligations? When our creditors at home and abroad see that we have in fact not only reduced our debt \$600,000,000 since 1866 but have paid off hundreds of millions of floating indebtedness which never appeared on the books of the Treasury—being in the forms of claims against the War, Navy, and other Departments of the Government and settled by sales of our enormous war material—they will readily understand that we are in good faith determined to comply with all of our obligations, no matter under what circumstances contracted, and they will not be alarmed even though our revenues, by reason of panics, commercial revolutions, or occasional blunders of our own, sometimes temporarily fall short, and we are unable each year, without damaging all our business interests, to reduce our debt as fast as we would otherwise do.

The creditors of no other country ever had such assurances of good faith under such circumstances or such rapidly increasing security as ours. In ordinary times the wealth of the country, as shown by reliable statistics, doubles in ten years; which alone doubles the security of the creditor, by doubling the capacity of the debtor to pay.

It is needless for the chairman of the Committee on Ways and Means to seek to alarm Congress by telling us, as he did, that it is an open secret that the great bankers of Europe are now refusing to accept our new loan or to convert their old bonds, because they fear our bad faith by failing to provide this year, by additional taxation, for the sinking fund. It does not lie in the mouths of bondholders to complain of our treatment of them, and I have heard of no such complaints; they are the last people in the world who have ground for complaint. All our legislation for the last eight years has been in their interest. Now the 6 per cent. bonds of the United States are from 3 to 4 per cent. above par in gold; and gold itself is purposely kept at a high premium still further to increase their advantages over the other creditors of Government and the mass of the people. We persistently continue to refuse to receive our own legal-tender notes for any part of our customs dues for the sole purpose of keeping up the premium on gold for the benefit of the bondholders and those protected by our tariff.

It would be interesting and perhaps instructive, if time allowed, to show the course of legislation by which this state of things was brought about. It has, however, been repeatedly exposed by myself and others on this floor, and I will not repeat it now. I have, however, read with great interest a remarkable speech made by a distinguished gentleman, formerly a member of this House, the Hon. Daniel W. Voorhees, during the late canvass in Indiana, in which the facts bearing upon this subject were so strikingly set forth that I cannot refrain from using a few extracts from it—only remarking that I have not had an opportunity to verify the exact facts stated therein, but have been assured by him lately that they were true and were prepared with great care. The extract I refer to is as follows:

In 1862 the Government sold 6 per cent. 5.20 bonds to the amount of \$60,982,450, and received for them greenbacks at their face, dollar for dollar. The demand now is that these bonds shall be paid in gold at their face, and yet, owing to the

depreciation of greenbacks at the time of their purchase, only \$44,030,649 in gold was paid for them. This makes a clear speculation of \$16,951,801 in favor of the bondholder in this first transaction. On this clear speculation the bondholders have received interest for eleven years, amounting to \$11,187,188, which, added to its principal, makes the sum of \$25,138,989 already received in that single transaction, for which not one dollar was ever paid.

In 1863 the Government sold of the same kind of bonds \$160,987,550, for which it received an equal amount in greenbacks. A standard authority placed the average price of gold during that year at \$1.58 in currency. It will thus be seen that these bonds cost their purchasers but \$101,890,854 in gold, leaving a profit of \$59,096,696, without including the interest. For ten years, however, the Government has paid interest on this naked profit, this principal, without any consideration. The interest thus paid amounts to \$35,458,017, which, added to this fictitious principal, makes \$94,555,713, now in the pockets of the bondholders on that year's operation, for which they never paid anything.

In 1864 the Government sold these bonds, amounting on their face to \$381,292,250. Again the Government received only depreciated paper for these bond obligations, and at that time our currency was enormously depreciated, if tried by the gold standard. The price of gold during that year was at an average of 201 in currency. The sale of these bonds, therefore, which are now assumed to be gold bonds, only realized to the Government \$189,697,636 in gold, less than one-half of their face value. There was left to the capitalists who speculated in them as purchasers the immense profit of \$191,594,614. This was the amount of the broker's shave, and on it he has drawn interest from the people for ten years, amounting at this time to \$114,956,768. Add this to its principal, which stands as pure speculation, and we find that the bondholders have made as clear gain, as something for nothing, the sum of \$306,551,382 on the one year's transaction of 1864.

In 1865 the Government sold bonds to the amount of \$279,746,150, on which it suffered a discount of \$71,532,060 at the hands of the capitalists. The interest already paid by the people on this discount reaches \$38,627,307, making this year's operation realize for the bondholders \$110,159,367, for which not one cent was ever paid.

In 1866 the Government sold \$124,914,400 of its bonds, for which it received depreciated paper currency amounting to \$88,591,773 in gold, according to the then price of gold. The difference between the face of these bonds and the amount they realized to the Government was \$36,322,627. Eight years' interest received on this shave amounts to \$17,434,556. Adding this interest and its principal together, and we find that the bondholders have received \$53,757,183 out of this year's sale of bonds, for which not one dollar ever left their coffers or reached the United States Treasury.

In 1867 the Government sold of its bonds the immense sum of \$421,469,550. The purchasers paid for them \$303,215,503, leaving a clear profit to them on the operation of \$118,254,047. Taking the interest on this profit for seven years, amounting to \$49,661,694, already paid, and the speculators have in their pockets, if these bonds are to be paid in gold, the sum of \$167,915,741 on this year's brokerage, and for which they never gave a farthing in consideration.

In 1868 the Government sold its bonds to the still further amount of \$425,443,800. Their purchasers paid \$312,836,323 for them, clearing by that annual speculation the sum of \$112,617,477. Add six years' interest on this bonus, amounting to \$40,542,288, to the bonus itself, and we find that these traffickers in a nation's perils have received in this operation \$153,159,765 of the people's money, for which not the slightest equivalent was ever paid into the United States Treasury.

In addition to the foregoing 6 per cent. bonds, the Government at different times during the years mentioned issued and sold \$195,139,550 of bonds bearing 5 per cent. They realized to the Government \$122,957,410, thus leaving to the purchasers a net profit of \$72,182,140. Interest already paid on this profit amounts to \$36,115,734, which, added to the profit itself, makes the sum of \$108,297,864 as the amount now in the pockets of the bondholders growing out of their operations in the 5 per cent. bonds, and for which there is not the slightest consideration.

An account of the bondholders' clear profits arising from no investments at all may therefore be stated in the following tabular form:

1862.....	\$25,138,989
1863.....	94,555,713
1864.....	306,551,382
1865.....	110,159,367
1866.....	53,757,183
1867.....	167,915,741
1868.....	253,159,765
On account of 5 per cent. bonds.....	98,297,864

Total..... 1,012,536,004

If these facts are substantially true, and I have no doubt they are, they demonstrate how utterly groundless any complaints on the part of the bondholders would be, if such are in fact made. When in addition to all that we recall the frequent contractions of the currency made in the face of increasing business and our growing wants for their benefit, and recall the first act of General Grant's administration falsely entitled "An act to strengthen the public credit," but really an act to appreciate the bonds and fill the pockets of their holders at the expense of the tax-payers of the country; and still further couple with all these things the enormous advantages given to them as national bankers, it is impossible to believe that any complaint can come from that class of our creditors unless it be on the hypothesis that the more they get the more they want, and that having received so much to which they were not entitled they imagine that tax-payers have no rights which they are bound to respect.

If the letter or spirit of the act of 1862 which requires that the gold paid into the Treasury from duties on imported goods shall be set apart as a special fund, first to pay in coin the interest on the bonds and notes of the United States, and second, to the purchase or payment of 1 per cent. of the entire debt of the United States has been in any way disregarded, it has been in the interest of the bondholders by using it to pay the principal as well as the interest of the bonds held by them. When that illegal procedure was going on, if the faith and honor of the country was so dear to them, they might have shown their patriotism by insisting that after their interest was paid, the gold in the Treasury could not be used for the purpose of paying their principal, but could only be applied to the sinking fund, so long as any portion of it was needed for that purpose. No such suggestions were then heard, and no complaints from them should be heeded now. If the account in the Treasury with the sinking fund has not been correctly kept Congress can order it to be adjusted now, ample funds having been furnished to satisfy any reasonable mind that we are extinguishing our debt faster than we are compelled to do by any law or any obligation. Secretary

Richardson was right when he said, on page 85 of his book concerning the public debt, that—

The great revenues of the country in excess of the expenditures have enabled the Secretary to purchase bonds much more extensively than the sinking-fund law absolutely requires. And the debt has been more rapidly reduced than by the operation of that fund alone. But the sinking fund itself will extinguish the entire national debt in about thirty years, or soon after the close of the nineteenth century; the exact time depending upon the price at which the purchases may be made in the future.

But assume that the republican majority have determined, even in the present distressed condition of the country when our revenues have fallen off, not because as some gentlemen allege of the prudence and economy of our people, but rather, as the gentleman from Pennsylvania [Mr. KELLEY] truly said the other day, because in their poverty and destitution arising from the prostrate condition of all industries they are unable to purchase what they need, to impose additional burdens for the purpose of still further enhancing the value of our already inflated bonds; the subjects of taxation ought to be so selected as to bear with as little weight as possible upon the poorer classes, and to injure as little as may be the industries of the people.

It will be observed that the bill reported by the committee, with one exception relative to matches, either imposes additional burdens upon southern and western industries, or seeks by additional protection to still further increase the prices of necessary commodities. And it is extremely problematical whether this bill, if passed, will not in most instances reduce rather than increase our revenues. It will certainly greatly derange many important industries from which we are now deriving large amounts. The proposed increase of tax from 70 cents to \$1 per gallon on distilled spirits is, in the face of the past experience of the country, certainly an unwise proposition; while the proposition to tax stock in bond, or in the hands of rectifiers and wholesale dealers as well as distillers, is not only a violation of good faith, but would, if the United States occupied the relation toward its citizens that one individual occupies to another, be annulled by the courts as a violation of solemn contract. No government can afford to occupy such a position toward its people except in cases of the direst necessity, and I assume that these provisions of the bill will be stricken out. Hundreds of distillers all over the country have contracted for the delivery of their product free of tax up to the close of the distilling season, upon the basis of the 70-cent tax. Utter ruin, without fault on their part, will be entailed upon them by the proposed change in the rates of taxation, and while they may protect themselves to some extent by ceasing to produce hereafter, the imposition of the increased tax upon the stock already produced would be such an arbitrary and oppressive exercise of power that the statement of such results ought to cause Congress to refuse to sanction the proposition.

It will be remembered that neither the President in his message nor the Secretary of the Treasury in his report suggested an increase of tax exceeding 10 cents per gallon; the Commissioner of Internal Revenue, himself a subordinate of the Treasury, not assuming to make any suggestions to Congress, only saying that he believed he could collect the increased tax if imposed.

The Committee on Ways and Means has therefore acted on its own want of knowledge rather than upon reliable information in proposing to increase the tax to \$1 per gallon; and it ought to be known, because it was communicated to the committee by the Secretary for the purpose of having it known by Congress, that after his report was written he had consulted with many of the best-informed men in the country as to the effect of the proposed increase of taxation upon the revenue, the result of which was that he seriously apprehended that any increase of taxation would prove injurious. It is therefore safe to say that the committee is not sustained by the head of the Treasury Department in the confident belief expressed that anything like the same proportion can be collected at the rate of \$1 per gallon that is now collected at 70 cents. I have conversed with other well-informed gentlemen upon the subject, among others Mr. Orton, formerly Commissioner of Internal Revenue, whose intelligence and ample means of information is known to many members. He, in common with the others, believes that we are obtaining more revenue now at present rates than we would if the tax was increased to \$1.

The country has tried the experiment of exorbitant taxation of distilled spirits. When the tax was \$2 per gallon we received only about \$13,000,000 per annum, although the product was almost if not quite as great as it is now. Certainly one hundred millions a year was stolen, nearly all of it, with the connivance of the Government officials, and so it will always be when we attempt to collect a tax wholly disproportionate to the value of the product taxed. Distilled spirits sell on an average at not exceeding 95 cents per gallon, or 25 cents without the tax. Seventy cents is over 275 per cent. of the value of the article. One dollar would be 400 per cent. The temptation to steal becomes almost irresistible under such a pressure.

Human nature is no better now than it was six years ago, at which time General Schenck, then chairman of the Committee on Ways and Means, declared upon this floor that at least 90 per cent. of the enormous frauds then committed were perpetrated by direct collusion between our own officials and the distillers and rectifiers. The Commissioner thinks that there is great virtue in his system of stamps.

Doubtless there is when honest men handle them; but they are utterly valueless when officials, either through dishonesty or because of temptation they cannot resist collude with the producers to cheat the Government for private gain. Even at present rates there is a much larger percentage of fraudulent distillation than the Commissioner knows of or is willing to admit. Nearly all last year whisky was manufactured in New Orleans from grain carried from the Northwest, shipped back up the Mississippi River, and sold in Saint Louis and other western cities at lower rates than it could be produced where the corn was grown; and the same thing is going on now, as high wines are sold in New York at the cost of production in Cincinnati.

It is no argument to say that whisky is a luxury and its use a vice. Congress is looking to revenue and not to morals. Besides, from the best information that can be obtained, at least one-half of the distilled spirits produced is used by manufacturers, mechanics, apothecaries, and others, and is to them as much a raw material as raw silk and cotton are to the manufacturers of fabrics composed of these articles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASSON. I will yield five minutes of my time to the gentleman.

Mr. BECK. I am obliged to the gentleman for his courtesy.

The proposed increase in the tobacco tax will prove to be equally fallacious as a means of raising revenue. Two years ago the tax on tobacco was 16 and 32 cents, three-fourths of it being at the higher rate. When a uniform tax was proposed the Department insisted that we would lose \$9,000,000 annually if a uniform rate of 20 cents a pound was adopted. We determined to make the experiment in spite of their protests. The result is we are receiving more revenue to-day from that source than we did at 32 cents; and in my judgment we would receive more by reducing it to a uniform rate of 16 cents a pound than we do now; certainly more than we will if we increase it to 24. I have no doubt that the proposed restoration of the 10 per cent. to the tariff will prove a signal failure as a revenue measure, and that is the opinion of many well-informed men.

I read a letter to the Committee on Ways and Means the other day from the largest merchant in New York, perhaps in the world, expressing his decided conviction that in the present condition of our import trade revenues would be diminished rather than increased by the imposition of the additional 10 per cent. duties proposed by the bill. If there is one article of more universal necessity to the laboring people of the country than any other among all that may be classed as luxuries, it is the article of sugar. We already impose taxes upon it which produce over \$33,000,000 of revenue, and the proposed addition of 25 per cent. is that much burden added to every poor man's meal. Tea and coffee, which are strictly revenue-producing articles, are not included in the bill, while the equally if not more necessary article of sugar is to be still further taxed, so that producers in this country may still further enhance the prices of all produced here from which no revenue is derived. I am glad attention has been called to the article of melada which it was proposed should be exempt from the increase, enabling the sugar refiners to import at low rates in that form the material from which they manufacture their high-priced sugars. I presume the bill will be amended so as to guard against fraud in that quarter.

Knowing that it was useless to insist either in the committee or on this floor that the amount demanded in the form of taxation could be saved by proper reduction of expenditures, I endeavored to suggest other subjects of taxation instead of those proposed in the bill now before us, hoping that the committee might agree with me, but I failed. One of the subjects which I thought ought to be embraced if revenue had to be raised, was an additional tax of at least 1 per cent., and I think 2, on the circulation of the national banks. Having discussed that question at the last session of this Congress, I cannot state my views upon the subject better now than by reading an extract from the speech I then made, showing that the national bankers can afford to pay the tax I sought to have imposed.

I then said:

I presume three-fourths of all the bonds now held by national bankers were bought with legal-tenders at par; but as I cannot prove that, and want to present the question fairly, I am willing to concede that the bonds cost them on the average 10 per cent. premium. Upon that assumption, which is certainly all the bankers can claim, and assuming 7 per cent., which is the legal rate of interest in the State of New York, as the average value of money, let us apply the test. It requires \$110 to buy a hundred-dollar bond of the United States; the interest on the money invested is \$7.70 per annum; the bond bears 6 per cent. interest in gold. Put the premium on that down to 10 per cent.; the interest on the bond (payable semi-annually) is \$6.60. In addition to that, the Government loans to the bondholder, as a national banker, \$90 on every hundred-dollar bond he deposits as security, requiring him to hold in reserve (which I will assume he does, though we all know that to be a fiction) 15 per cent. of the \$90 so loaned, leaving him for his own use \$76.50, the interest on which, at 7 per cent., is \$5.35. How does the account stand?

United States, Dr.

To \$110 invested, worth 7 per cent. \$7 70

United States, Cr.

By \$100 United States bond, interest. \$6 60

By \$76.50 loaned by United States, 7 per cent. 5 35

11 95

Deduct 3 per cent. tax on \$90 circulation to United States. 2 70

Leaves. 9 25

Or a clear profit of 155 per cent. to the banker after paying the tax I propose on the whole currency loaned by the Government, while the increase of the tax from 1 to 3 per cent. would add annually \$7,000,000 to the revenues of the country.

I would like to know from what source that amount of revenue can be so justly and equitably raised as from the national banks, if we are to be cursed by their continuance. I would like some gentleman to explain why a bondholder should be entitled to borrow money from the Government at a lower rate of interest than any other citizen; or why the national banker should have the money of the people put into his hands at the rate of 1 per cent. per annum to be loaned to the men from whom it was taken by taxation at the rate of (say) 7 per cent. per annum, to enable the bondholding banker to pocket the other 6 per cent.

* If a bondholder with \$1,000 or \$100,000 of bonds which he was willing to deposit as security wanted to borrow \$900 or \$90,000 from any banker, corporation, or individual, he would have to pay 7 per cent. interest for it, just as I would have to do if I held and offered to deposit State bonds, railroad bonds, or other undoubted securities. Why should the Government, the people's banker, furnish him \$900 or \$90,000 on his securities at 1 per cent. interest per annum, when the money it furnishes is worth 7 per cent., and when it would not let me have a dollar though I might pile up other securities mountain high to secure the repayment of the loan?

I made another proposition, which the House at the last session adopted, which was to impose a tax of $\frac{1}{10}$ of 1 per cent. upon all sales of stocks, bonds, gold, and other securities, from which the gentleman from Connecticut [Mr. STARKWEATHER] assured the House last session not only that \$12,000,000 a year could be collected, but that the Commissioner of Internal Revenue could without additional machinery execute the law.

He said on the 1st day of June, 1874:

Mr. STARKWEATHER. This bill of mine, which is No. 3139, levies a tax of 1-20 of 1 per cent. on these sales. In regard to the collection of this tax the execution of a law of this kind has never for any length of time been attempted. Just at the close of Mr. Johnson's administration, when the tax on whisky, which in 1864 had been collected on 85,000,000 gallons, had run down to a collection on 6,700,000, we collected from this tax on bonds, stocks, &c., at that time a larger proportion of tax than we did on whisky; and recently the whisky tax has been collected on 77,000,000 gallons as the result of proper organization and good administration, showing that success in the collection of a tax depends on efficiency in the administration of the law.

All that is needed now is to use the machinery we have. By conversation with gentlemen best posted on this subject—I did not go to clerks of the Departments—with gentlemen who have studied this subject for years, I find that the Department can execute this law without any additional machinery; that is, by adopting the bill in the form in which I have put it—that the law can be executed and the tax collected as well as the whisky or any other tax, if they will only take hold of the subject in good earnest. It was as well executed as the whisky tax and realized a larger proportion. Neither were well executed, because the Internal Revenue Bureau was thrown into confusion by changes and removals at the very time the law should have been well executed. Without additional officers you can realize this tax without the least trouble at all.

It will besides have a wholesome influence upon the country in checking the abnormal condition of things in New York and other cities where gold and bond sales are going on. The repeal of this law was brought about by pressure of the lobby.

I wish simply to say to the House if this amendment should be adopted it will bring into the Treasury twelve or thirteen million dollars without additional expense to the Treasury, and we shall need it to pay our honest debts and to apply to the sinking fund. I now give notice that I shall endeavor to move that amendment at the proper time.

Again, on the 22d day of June, 1874, while the little tariff bill of which this proposition was a part was pending before a committee of conference, the same gentleman said:

The Commissioner of Internal Revenue, after three months' consultation with leading financial men, drew a bill on this subject, and said to the Finance Committee of the Senate—I heard him say so—that he could execute this bill and bring in \$12,000,000 to the Treasury annually. He says that he can execute it cheaply without any considerable additional force; that he can execute it as cheaply as he can collect the tobacco and whisky tax.

If the Commissioner is to be taken as authority this is a proposition which surely ought to have met with favor, as it reaches the stock and gold gamblers who can better afford to bear the burdens of taxation than the already overloaded industries of the country. I sought further by providing to tax incomes exceeding \$3,000 a year to reach other sources of accumulated wealth in our search for revenue; but I soon found that it would meet with but little favor, and had to abandon the idea. It is but too apparent that neither by economy in expenditures nor by imposing taxation upon wealth can the industry and labor of the country be released in this Congress. I see nothing left except to vote down the bill, there being no necessity requiring that any of its provisions should be adopted.

[Here the hammer fell.]

Mr. DAWES. I wish to suggest to my friend from Kentucky [Mr. BECK] that instead of obtaining \$10,000,000, the most we ever got from stocks when the tax was highest was \$2,500,000.

Mr. WARD, of Illinois. Mr. Chairman, to provide a scheme of taxation which shall yield most revenue with least oppression to the people is one of the high est duties devolved upon a legislative body; and it is a duty in the discharge of which I apprehend legislative bodies have generally least succeeded. It is not my purpose, even if I possessed the ability, to criticize in any unfriendly spirit the report of the Committee on Ways and Means on this subject. I feel, however, that, representing as I do a constituency largely interested in this proposed system of taxation from the fact that they will pay a large amount of it, I should neglect the duty resting upon me if I did not protest against some of the provisions of this bill.

The location of taxation in this country—a subject that appears not to have been studied much by this committee—is one of interest to me; and I desire to call the attention of the House to it. I find that, as has usually been the case, the increase of taxation proposed in this

bill provides for an added burden to that portion of the country in which I live. I do not know that I could have devised a better plan for increasing the revenues of the Government if they need increase—upon which point there seems to be some doubt—and I shall not blame gentlemen very much if they take the chairman of the Committee on Ways and Means at his word in his speech of a year ago, and fail to see the necessity which he now proclaims for increased taxation. For my own part I have not studied the subject sufficiently to be able to determine that question; but I am satisfied the bill is injustice almost from beginning to end. It is such a compromise upon the subject of taxation as seems to me almost unworthy of consideration in this deliberative body.

Now, Mr. Chairman, in the kindest spirit in regard to this subject, I desire to call the attention of the House to the fact that this increased revenue, which it is asserted must be had, is to be obtained by levying taxation upon productive industries chiefly in the West and South while the capital of the country, that which has been accumulated and invested, which requires no attention, no effort, no credit, except simply to collect its increase, is entirely ignored.

I call the attention of gentlemen to the history of taxation on this subject as shown by the report of the Commissioner of Internal Revenue for several years past. I find that in the year 1866 the State of Massachusetts paid \$34,989,205.33 of internal-revenue tax, while in 1874 the same State paid only \$2,792,302.71. In 1866 the State of Illinois, which I have the honor in part to represent, paid \$15,397,463.81, while in 1874 the same State paid \$15,419,720.81. This is a decrease in that period of tax, a lifting off of burdens from our excellent friends in one State of New England of \$32,196,905.63, while it is an increase of the burden upon the people of my own State of \$22,257. In Connecticut and some other of the New England States the change has been almost as marked. They at one time paid nearly ten millions of internal-revenue taxes, while to-day they pay but a pitiable amount indeed. Connecticut paid \$580,379.11; Maine, \$128,039.25; Massachusetts, \$2,792,302.71; New Hampshire, \$248,679.19; Rhode Island, \$233,164.81; and Vermont, \$56,316.94; making in all \$4,038,932.01. So that, taking all of the New England States, which once paid a fair revenue to the Government, they pay to-day only \$4,038,932.01; while on the contrary the first district of the State of Illinois, from which I come, pays \$6,606,125.82, being an increase of \$2,567,193.81, or more in one collection district in the West than is paid in all of the New England States.

Now, my friends from New England must not think I am feeling particularly bad about this, for I do not. I am well aware that it is not this special industry which pays this vast revenue. I care as little about it or deem it of as little consequence as any man from New England, because I know the tax on whisky, like all other taxes, is a burden ultimately on the consumer, and that the tax on this great product of the West, into which the corn of the farmer so largely enters, is finally paid by the consumer, and not by us. It is so in reference to all subjects of taxation. It has been said cleverly by some of our New England friends that they drink our whisky and pay the tax in the end. I tell them that we buy their shoes, and everything in the way of tax you put on them has finally to be paid by us. That argument therefore goes for nothing. The taxes are finally paid by the consumers, while we who are poor and are struggling to make our fortunes, who have not accumulated capital, paying high rates of interest, who make loans from you of New England and pay 2 per cent. a month for it on good security, have to put all this into the Treasury; and when you look around to find new sources or subjects upon which to levy additional tax, you again put the burden upon us instead of imposing some of it upon yourselves.

But, Mr. Chairman, I do not specially object to that; I am willing this commodity should pay whatever taxes may be deemed to be reasonably fair; but I do feel, as has been ably advocated by the gentleman from Kentucky, [Mr. BECK,] who preceded me in this debate, that increased taxation upon this article of whisky will not in the end increase the revenues of the Government. I can tell you that during the time we had a high tax upon whisky, all down through the States where this kind of enterprise does not rise to the dignity of an employment, illicit distillation was carried on in garrets and cellars by men living down there, paying no tax at all upon the whisky which they manufactured, while our industry was carried on upon a pretty fair basis all the time. The increase on the part of our friends from the East of this tax, from a feeling which enables them to see only one industry on which they can impose taxation, will tempt the cupidity of these same men in the East to again engage in illicit distillation of whisky in garrets and cellars in the very districts from which the gentlemen now come who advocate here the levying of increased taxation, and then the legitimate manufacture of high-wines in this country, which is carried on principally in the West, will have to come into competition with that illicit distillation in other sections. Is it fair? Is it just?

But there is another consideration which I desire to call to the attention of the House.

Mr. KASSON. I cannot yield to the gentleman any further.

Mr. WARD, of Illinois. I have not had my ten minutes.

Mr. KASSON. I am under engagement to the gentleman from Virginia.

Mr. WARD, of Illinois. I beg the gentleman's pardon; I have not

had my ten minutes. I wish only to give expression to another thought.

Mr. KASSON. I yield to the gentleman for two minutes to finish his point.

Mr. WARD, of Illinois. There is one other thought which I wish to express. This bill, while it seeks to raise the revenue, at the same time strikes down a fruitful source of revenue, yielding nearly \$3,000,000, and that, too, without any very great cost to the Government, by repealing the tax on matches.

I will not characterize the proposition as perhaps I feel in regard to it. The easiest tax paid in the whole country, the one most equally distributed throughout the land, is that match tax, which nobody feels or cares for. The tax is taken from that and put on these other commodities in the way I have described.

Now, one word more and then I will be done. Over one-half of the whole product of that commodity (alcohol) perhaps is used in the production of high wines and enters into all the manufacturing pursuits and all the arts, and you tax them at the same time that you levy this tax. It is unjust and unfair, and I hope the proposition will not prevail in the shape in which it is presented.

Mr. KASSON. I now yield to the gentleman from Virginia, [Mr. WHITEHEAD.]

Mr. WHITEHEAD. I may be pardoned, Mr. Chairman, for feeling great anxiety on the subject of this bill, inasmuch as it extracts from the people of my State \$7,000,000. They will pay more tax on manufactured tobacco than the rest of the country put together. The people I represent will by this bill pay \$7,000,000 of the internal-revenue taxes on the article of tobacco alone. And it is a State certainly not rich; a State that has passed through at least as many pecuniary troubles and is about as much burdened with public debt, and suffers as much from the disasters of the late war, as any other State in the Union. And yet we are expected not only to sit quietly by and see this additional taxation paid, but we are expected in regard to those \$7,000,000 coming out of the pockets of our people to satisfy ourselves with the doctrine of the gentleman from New York [Mr. ROBERTS] that the consumer pays this tax and that we are not injured in our poor State by having \$7,000,000 extracted from the pockets of the people.

I may be excused perhaps, sir, for some bitterness, if I should display it in my language on this subject, when gentlemen recollect precisely what passed in regard to the little tariff bill in the last session of this Congress and at this session. The little tariff bill could not be passed in this House except upon certain concessions to the growers of tobacco in regard to the sale of leaf-tobacco, and certain concessions to manufacturers of tobacco in regard to a drawback on licorice. That bill, recognized as the voice of the people on these subjects, and which it was known could not be passed at the last session without these concessions, came back here this session, and by gag-law was passed in this House after every single concession made to these industries had been struck out. That is the history of the legislation in regard to it. The manufacturers of tobacco from all over the country, when that bill was before the House at its last session, sent petition after petition asking that when they paid 9 cents in gold as duty on licorice they might have a drawback on the licorice used in the manufacture of tobacco; when they exported that tobacco that they should not be compelled to pay 20 cents a pound on raw leaf and 9 cents a pound on licorice on the top of that, and might have a drawback on the duties they paid in gold on the licorice used in the manufacture. This House passed that bill. It went to the Senate, and at the instance of two manufacturers of licorice, against the interest of all the tobacco manufacturers in the country, that clause was struck out. The bill came back to this House without it, and the House went back on its own action, on its own word, and passed the bill in that form against the protest of the representatives of every tobacco manufacturer in the United States.

Now I say the legislation in connection with that bill and the legislation put into this bill have been in disregard of the voice of the people as expressed in the public press, and in disregard of the voice of the whole of the manufacturers of tobacco throughout the country, and in disregard of the resolutions of boards of trade and the resolutions of the Legislatures of every State engaged in raising tobacco. I have thought over the action of the Committee on Ways and Means, and what is presumed to be the action of this House, in order to ascertain the philosophy on which this action is based. I thought, sir, of what I had heard when a little boy of the dog in the manger, and thought the Committee on Ways and Means had got their philosophy from that fable. And then I thought of what I had seen in the Bible about the man who took from his poor neighbor his one little ewe lamb, and gave it to his friend to dine on. And I thought that perhaps they had taken their philosophy from that. But I believe it is worse than either of those cases; worse than the dog in the manger, worse than the man who took the little ewe lamb. And then I thought of a man who had a philosophy that fits this case exactly. I had heard of a man who called himself a practical philosopher. Possibly the gentlemen of the Committee on Ways and Means who have fixed up this bill consider themselves practical philosophers in finance and taxation. This man said that he acted upon his philosophy always; and that he had three cardinal principles, and one general rule of action. His cardinal principles were, that he never loaned a man a dollar unless he had a Mexican dollar in his

hand as collateral security; that he never asked a man to take a drink because he might lead his neighbor into temptation, and spend his own money; and that he never refused to take a drink when asked, if the whisky was good, because it did not cost him anything. His general rule of action was, that he did not care a curse what happened so it did not happen to him. Now, if there is any other philosophy under heaven about the matter, I cannot find it. Let us see how the matter stands. I would give you statistics, if I had time, to prove every word I state upon this subject. The gentleman from Illinois [Mr. WARD] said that this bill seemed to come from New England. The only part of the tobacco question that could affect New England and the Middle States is left out of this bill of increased taxation. This law is framed to accommodate that section of the country. Now take the State of Maine, of which the chairman of this committee is one of the Representatives. There is no increase proposed in this bill in the tax on cigars, although that is much more a manufacture than the preparation of chewing or smoking tobacco. I asked the gentleman from New York why not put a tax on the rich man's cigars if you put an increase on the poor man's pipe. The gentleman from New York said that he would be willing to do so if he knew how to collect it, and a gentleman from Pennsylvania jumped up and said that he would vote against any increase of the tax on cigars. Now it occurs to me that the cigar tax is more easily collected than any other tobacco tax.

But the practical philosopher's theory comes in right here. Maine pays \$18,964 on manufactured cigars and \$8 on manufactured tobacco. The State of Vermont pays \$15,179 on manufactured cigars and \$139 on manufactured tobacco, and \$70 on leaf-tobacco license. The State of Virginia pays \$41,600 tax on manufactured cigars and \$5,546,620 on manufactured tobacco and \$14,463 on leaf-tobacco license. The States of Virginia, Kentucky, Ohio, and Illinois pay the largest amount of this tax and will be compelled to pay greatly more under this bill.

I will print a careful table of statistics made by me from the report of the Commissioner of Internal Revenue, by which it appears that the New England States pay for tax on cigars \$634,531, and for tax on chewing and smoking tobacco \$14,719; while the seven tobacco States pay \$1,772,444 tax on cigars, and \$13,256,200 on chewing and smoking tobacco.

Tobacco tax paid by different States, showing what States are benefited by low tax on cigars.

States.	Tax on cigars, \$5 per 1,000.	Manufactured tobacco, 20c. per pound.	Leaf sales, license \$25 and $\frac{1}{2}$ per cent.
Maine.....	\$18,964 00	\$8 00	\$165 00
New Hampshire.....	20,300 00	314 00	71 00
Vermont.....	15,179 00	139 00	78 00
Rhode Island.....	45,788 00	103 00	135 00
Connecticut.....	123,800 00	255 00	4,537 00
Massachusetts.....	410,500 00	13,900 00	3,294 00
Michigan.....	261,200 00	912,526 00	833 00
New York.....	2,700,000 00	4,400,000 00	12,141 00
New Jersey.....	285,000 00	246,400 00	558 00
Pennsylvania.....	1,808,900 00	358,600 00	6,276 00
Maryland.....	308,600 00	329,100 00	3,600 00
Virginia.....	41,600 00	5,604,000 00	14,463 00
North Carolina.....	2,940 00	1,173,800 00	1,991 00
Tennessee.....	9,700 00	71,400 00	4,327 00
Missouri.....	227,900 00	1,436,000 00	5,408 00
Kentucky.....	149,400 00	1,358,000 00	27,900 00
Ohio.....	891,000 00	1,991,000 00	11,100 00
Illinois.....	449,900 00	1,622,000 00	2,300 00
Total.....	7,770,071 00	18,817,545 00	98,577 00

Now, it will be perceived that the main tobacco manufacture of the North is of cigars, and the most salable tobacco raised by them, and especially the States of Connecticut and Massachusetts, is Connecticut seed-leaf for cigar wrappers. Look at the further fact that there is a duty of 35 cents per pound on leaf-tobacco imported, and the further fact that there is a high duty on imported cigars, and the still more remarkable fact that the only leaf-tobacco in the world that could or would be imported to the United States is West India cigar tobacco, and you have a clew to the "practical philosophy" of this tax bill. Recollect that no tariff, however high, could benefit the manufacturers of Virginia chewing or smoking tobacco. The world cannot produce the equal of Virginia wrappers and fillers; and John W. Carroll and L. L. Armistead, of Lynchburgh, Virginia, received gold medals at the Vienna exposition for smoking-tobacco; and recollect that the President and other rich men smoke Havana cigars, and you will see the New England milk in this cocoa-nut bill.

By a report of the Commissioner of Internal Revenue it appears that 1,885,397,498 cigars and cheroots were sold in 1874. Manufacturers and tobacco men believe many are smuggled in and sold that pay no tax. There was collected from stamps on cigars, cheroots, and cigarettes, $\frac{1}{2}$ cent each, \$9,333,592.24. One cent on each cigar would have been a light tax on the rich man, and certainly as the consumer is alleged to pay the tax the cigar manufacturers of the North ought not through their representatives to object and we should have from cigars \$18,667,184.48, an increase of revenue of \$9,333,592.24. Why did not this occur to the chairman, Mr. DAWES, or Mr. ROBERTS of

New York? This would have superseded the 4 cents per pound on chewing and smoking tobacco, and yielded a surplus revenue of \$3,000,000.

Mr. Chairman, it is asserted that an increase of tax increases the revenue, and it is asserted that the present able Commissioner of Internal Revenue can collect all the increase. Well, we doubt if he can make one planter raise tobacco when the burden becomes oppressive to the planter, as it had become previous to the late short crop, and in fact it had much to do with the short crop. The present high price and large receipts arise from the fact that hardly one-third of a crop was made last year. The Commissioner's report shows that when the tax was 40 cents per pound the revenue never reached \$20,000,000; when it was 32 cents and 16 cents it never reached \$25,000,000, and that at 20 cents it was never less than \$31,320,000, and is now over \$33,000,000. So much for facts in regard to a high tax producing most revenue.

The chairman of the Committee on Ways and Means said in opening the discussion on this bill:

Mr. Chairman, this tax upon whisky will yield \$16,840,000; the tax upon tobacco of 4 cents on the pound will yield \$4,200,000; that on sugar will yield \$8,213,000; the 10 per cent restoration will yield \$8,000,000. The whole increase therefore by this bill will yield, Mr. Chairman, \$37,753,000. You have to deduct from that the repeal of the duty on matches, amounting to \$2,500,000, which will leave \$35,253,014. This will be subject of course to any losses which may be occasioned by the evasion suggested by the gentleman from Ohio, [Mr. BANNING.] This bill will therefore increase the revenue of the country \$35,000,000. It has been fully and fairly considered, and that is the amount which, so far as can be ascertained, it will produce to the Treasury. It will just about meet the estimate of the Secretary of the Treasury and the allowance for that falling off in the customs duties to which I have called attention.

It remains therefore for the House to say first whether you will meet that deficit in the Treasury; second, will you meet it by seeking out new sources of revenue as the committee have, or will you turn your attention to some other method of doing it.

I have but a word to say before I sit down. The honor of the Government is involved in this question and in its ability to meet the current expenses of the Government as well as to keep its faith; these questions are involved in the consideration of this bill. It may not be that the Committee on Ways and Means have selected the right, proper, or best articles from which to obtain this increased revenue. That of course is a question for the House to pass upon. If they make up their minds that they will add to the revenues of the country by means of increased taxation an amount substantially what the committee say the necessities of the Government require, it only remains for them to pass judgment upon the wisdom of the selection made by the Committee on Ways and Means.

Now, sir, I take issue with the chairman of this committee and assert that they have not "selected the right, proper, or best articles from which to obtain increased revenue."

And, sir, I assert more, that they have thrown the burden of taxation upon the labor and industries of the country; that they have pursued a system of taxation admitted to have been begotten and permitted only as a war measure of at least doubtful constitutionality, opposed by the people and denounced by the press; and that in making this selection of the mode of raising revenue they have passed by and overlooked productions and industries common to all the States or to all the people, and have selected sectional agricultural productions and sectional manufactures under the plea that industries—the bread and meat, the supplies of a large agricultural and manufacturing people, laboring men—were either immoral or unnecessary; that other manufactures were aided, benefited, protected by one clause of the bill, and these were to be burdened and oppressed by another.

They have passed by the beer and ale of the East to fasten on the whisky of the West; they have passed by the cigars of the North to lay hold of the tobacco of the South. Ay, sir, and more; at the instance of a few manufacturers of matches in the North, uncalled for by the people who consume them, they have given up \$2,500,000 of revenue without a reason or a justification. They have increased the tariff on sugar and tickled poor Louisiana with her deserted cane-fields that refineries from Baltimore to Boston might profit by their manufacture, while revenue was derived from the raw or crude article.

Sir, I ask the House to aid the committee in finding a fairer and more just subject of taxation. What is more just than that the burdens of the Government should be borne by the wealth of the country? What is fairer than that each man should contribute his proportion of what he has made? What is more righteous than an income tax? Will it produce revenue? In 1867 it produced \$57,000,000, nearly twice as much as is now asked for. This proves that it can be collected. It is said men will swear falsely as to their incomes. I would blush, Mr. Chairman, if I thought that I represented a constituency that made it necessary to put in this plea.

The gentleman from Illinois [Mr. WARD] suggested a better; the South and West are poor, New England and the North are rich.

One more subject, Mr. Chairman, and I am done. One hundred thousand dollars invested in the manufacture of tobacco would furnish labor, food, and clothing for hundreds of men and women, black and white. One hundred thousand dollars invested in banking, in the purchase and sale of gold and bonds, will not employ two clerks; yet the industry that builds up the country, feeds her people, is taxed, while that which makes gamblers is protected.

This House last session by a two-thirds vote, heeding the voice of the people, fixed a tax on these sales. Now, heeding the voice of the charmer, and taking their orders in finance from a soldier of fortune and their lessons on currency from a silver-mounted backwoods Sen-

ator, they strike the bankers and bullionists from the little tariff bill and obsequiously leave them out of this.

Mr. Chairman, in virtue of the Constitution of our common country, in the name of the laborers, black and white, of my State; in the name of her tobacco manufacturers, who were in the days of her prosperity her merchant princes; in the name of her plain and honest agriculturists; in the name of justice to an old State and fair dealing to a people unable to redress their wrongs, I appeal to this House to defeat this bill.

Mr. KASSON. Mr. Chairman, if any member of this House has been resting under the delusion that the duties of the Committee on Ways and Means are pleasant, that delusion must by this time have been dispersed. Every other committee has an opportunity at times to gratify not only the wishes of the public, but certainly to meet the wishes of a fraction, at least, of the members of the House. The Committee on Ways and Means has no such opportunity. The Constitution has imposed upon the House of Representatives the duty of originating all measures of revenue, and unless they are inaugurated in this House they can have no origin anywhere, and the duty of their inception is put by the House upon this committee. There is in the experience of the Committee on Ways and Means but one single condition within my knowledge in which it was ever able to report a bill for raising revenue that of itself was likely to gratify any portion of the people or any considerable number of the members of the House. That condition involves additions to the tariff duties upon imports which by many are believed to improve the industries of the country and to meet the special wants of the manufacturing interests. In that respect they occasionally meet the wishes of a majority of the House of Representatives and a large section of the people. But does any gentleman suppose that the proposition to impose a tax upon any property or interest of this country must await the approval of that interest? Is it ever expected that a petition from parties interested shall come in for the imposition of taxes upon themselves? Of course not.

But there remains notwithstanding a duty—a duty which neither the committee nor this House can shirk—a duty I venture to say which ought not to rest alone on one political side of this House. Yet in this case the indications are that it is the intention of gentlemen on the other side to leave the performance of the duty with those who happen to be politically friendly to the administration of the Government. Mr. Chairman, in that other country, with as popular a parliamentary government as ours has—that country which gave origin to the controlling element of the American people, there is this to be said for their system; that when the House of Commons chooses to defeat a measure of the government the administration itself is changed and without a new popular election. But neither party in England ventures to array itself against any proposed measure that is necessary to sustain the honor or credit of the government, by which ever party administered. If it was bold enough to do it, the hard common sense of the people of England, a people which does not tolerate much nonsense, would turn that party out of power by an overwhelming majority. Both parties in that country stand by the honor of their government and the interests of the nation. Would to God that on the floor of this House there were some things—questions of personal liberty on the one hand and of financial credit and of the honor of the Government upon the other—on which this House could be united without political divisions!

Sir, I had hoped when the President of the United States, in conformity with his constitutional duty, called our attention to the deficiency in the Treasury, when the Secretary of the Treasury in accordance with his duty called the attention of Congress to the fact that our revenues were not meeting our expenditures, and that if those expenditures were to be met, not a dollar would be left to go into the sinking fund—I had hoped, when those facts were made to appear, the voice of party would be silenced in this House and that the voice of the country and its honor would be heard.

Mr. NIBLACK. Does the gentleman from Iowa [Mr. KASSON] expect us to vote for a bill which is against our theories of taxation, and especially when we do not really believe conscientiously that there is any necessity for increased taxation?

Mr. KASSON. Mr. Chairman, I shall come to that point and see whether gentlemen can maintain that there is no necessity for taxation, and on certain provisions of the bill whether they can maintain that they are opposed to that theory of taxation, if I have time. But for the present I go on to say that if the facts are as represented by the government to this House, no man has a moral right to refuse to maintain the honor of the Government and provide for meeting its liabilities.

Sir, is it the Administration that makes your expenditures? Can your Administration pay out \$1 of money without the direction or consent of Congress? When you complain of expenditures, of whom are you complaining? Are you complaining of the various heads of Departments, who pay out exactly what you appropriate, who may in some instances pay out less, but never any more? Sir, the rebuke of extravagant expenditures, if addressed anywhere, is addressed to this body, and its correlative body in this Capitol—not, as attempted, to be addressed to the executive branch of the Government, except in small details.

Now, where will you reduce your expenditures? Will you still further express your hostility to your gallant little Army? You have

struck it so many blows within the last four years that there is no man of honor North or South, East or West, who can fail to feel that you have strained the confidence of your Army in the legislative branch of the Government to its extreme limit. For myself, I say that not for one single blow more against that Army can my vote be obtained. The other day a certain portion of this House objected even to giving them a little trained music, by which the military man is in part formed and the military *esprit de corps* cultivated. I never have felt more mortified at any manifestation of petty economy than in that case. So with another bill now in a conference committee, in which bill an effort has been made to have some of our wounded officers—some of them riddled through and through with the bullets of the enemy—reduced on their retired pay. God forbid that we should any further destroy the confidence of our Army in our legislative appreciation of their gallant achievements, their worth, and of their past sacrifices in the country's service.

Take up the Navy; and where will you strike, without impairing its efficiency and strength? Is there any man here who thinks that we have one ship too many? Is there any man here who can justly maintain that we should reduce the force of men or officers in the Navy? Sir, that flag which was once carried so proudly by them, which traversed the various seas and was seen in all the ports of the world, is to-day in many places rarely seen, and the honor represented by that flag—the honor of the country—is in some places scarcely maintained by the force which you allow to the Navy. No more blows struck at the Navy. I declare as one member of this House I had rather be taxed on everything which I use and wear, everything that I own, than to strike at those two great branches of the public service upon which we proudly rely in times of peril to maintain the honor and the safety of the United States.

Then again, Mr. Chairman, if you maintain that your civil list is too large, I have only to say point out the place and let us reduce it; but do not say in general language that the expenditures are too large unless at the same time you point to the place where a reduction can be made. And I venture the assertion that as soon as the reduced expenditures proposed by the Committee on Appropriations are made, it will be difficult to get a reduction of even \$1,000,000 on the civil list.

Let us see if we can reduce in another direction. Here you have your expenditures for fortifications reduced so low that I do not now remember one man in this House when the bill was up who proposed to reduce it further. Then come to your appropriations for rivers and harbors, will you strike there? I believe you can strike them to some extent, but not to the extent of \$5,000,000 or half that amount, because the entire bill is only five or six millions. Our rivers must be improved if we have the means to do it, and I am one of those who believe the West would suffer some new tax rather than have the improvement of the Mississippi River stopped. Consider the mouth of that river. We are to have a bill up very soon which will necessarily appropriate some money to open the mouth of that great stream to the commerce depending on it and its tributaries; to open it up to our outgoing as well as to the incoming commerce of the various nations of the world. Shall we abandon this appropriation, and so prevent an addition to our expenditures? If so, say it; say something that will show there is no necessity for getting more money in the Treasury. Then, Mr. Chairman, unless you can point the way to a certain number of millions which can and will be saved, you must admit that there is necessity for further revenue.

In the last fiscal year your sinking fund was not met. The entire reduction of the debt for that year was only, as you well remember, about six or seven million dollars. Your sinking fund is not going to be met in this current year by about \$20,000,000 on the estimates made at the beginning of the year; and those estimates were more favorable to the Government than the results approve. You have not, in point of fact, had the money to meet the liabilities of your sinking fund last year. You have not had the money, in point of fact, to meet the liability of the sinking fund this year. These are unquestioned facts.

But, say gentlemen, you should have applied the revenue first to reduce the sinking fund, and then it would have been kept good. That is true. But, granting that, what is the other result? Your deficiency is increased by that same amount in the other liabilities of the Government—in the other branches of the service; liabilities which you have created, and not the executive government. And what difference does it make to the honor of the Government if it fails to meet any of its liabilities anywhere, except that the sinking fund is the most serious because it is a special, solemn obligation in connection with contracts created and before they were created.

"But," says the gentleman from New York, [Mr. WOOD,] my distinguished colleague on the Ways and Means Committee, "that is easily accomplished." How? He says, "You have canceled some \$140,000,000 of the general bonded debt of the country. It is now dead. Revive that debt, credit it to the sinking fund, and you will then have complied with your obligations." I thought at once, when I heard my distinguished friend state that, where he got that new system of book-keeping. In this Pacific Mail investigation we found a similar system of book-keeping, and so far as I know the committee were opposed to it. The officers of that company took from an account where it belonged, and was troublesome, a certain sum of \$600,000 and passed it over to another account. It got troublesome

there, and they took it and passed it over to another, and it has never yet found a settled resting-place. But the idea of taking a dead and canceled debt, reviving it, and passing it over to the sinking fund is something I think no government in the world, no financier in the world, would consider a system of book-keeping which would go very far in preserving the credit of the United States.

Then, Mr. Chairman, we have this distinct fact, with which I make my reply to the gentleman from Indiana, [Mr. NIBLACK,] that the last two monthly returns show an increase of debt of about \$5,000,000, with no provision for the sinking fund. I find also in the report of the Secretary of the Treasury that bonds to the extent of about thirteen millions in the last fiscal year were purchased for the benefit of the sinking fund, leaving a margin of nearly twenty millions unprovided for.

I find that upon his estimate of revenue for the present year there will be only a surplus revenue of about \$9,000,000 to apply to the sinking fund, and that estimate is made, as I understand it, upon the amount then already received and the anticipated receipts of the Government for the remainder of this year. There is a deficiency. There it is; right or wrong, you cannot evade it. There is an unquestionable deficiency in the Treasury of the United States either for the sinking fund or for the other liabilities of the Government. Now the question is, will you meet that liability? Will you provide for it? Or will you let one of two things go to protest, the sinking fund or the other obligations of the Government, wherever they may be owing? One or the other is going to protest, and your public improvements must be abandoned unless you provide additional revenue. I have no time, sir, to spend further upon the general subject of the necessity of additional taxation.

Now, then, as to the mode which the committee proposes. They propose to levy certain specific taxes in addition to those now collected and certain imposts, in order to meet this liability. Can you provide better or more satisfactory means for it? If it be supposed by gentlemen of this House that every member of the committee upon the Administration side likes to do each of these things, he is very much mistaken. It may not be improper for me to say that it is with enormous reluctance that I propose to restore the 10 per cent. duties reduced in 1872. I consent to it rather than put taxes on some other subjects of taxation, and also because there is a very large interest in the House and in the country which believes this to be necessary for the good of the country and for the employment of labor now idle. Whether I agree with them or not, I must agree to some bill. If this were struck out, you must insert in its place tea and coffee.

And now, Mr. Chairman, while I am speaking on this subject, let me say that I know of no revenue reformer in the United States who does not maintain that this is one of the most just and equal burdens that can be imposed by the Government for revenue purposes. I wish to shirk no responsibility on this subject. I only contend that the same interest which demands the increase of the 10 per cent. is the interest that is opposed to the duties on tea and coffee; because, obtaining a revenue from the latter source, it would be that much the less necessary to obtain it from the former.

Mr. CHITTENDEN. May I ask the gentleman a question?

Mr. KASSON. Yes, sir.

Mr. CHITTENDEN. Is there the slightest evidence before the Committee on Ways and Means that that increased 10 per cent. will produce the money which you seek?

Mr. KASSON. There is evidence that it will produce some money; how much is problematical and depends of course upon the demand for the articles imported.

Mr. DAWES. Tell the gentleman how that is ascertained.

Mr. KASSON. I would like to finish what I was saying on the subject of tea and coffee. I have in my hand a statement, received yesterday, which, together with some other evidence, leads me to differ from my friend the chairman of the committee as to the amount of stock on hand in this country. I will print it with my remarks that the House may see it. It goes to show that there are less stocks on hand now than there were at the corresponding periods of previous years, indicating that there has been no increase of importation in consequence of this proposed imposition of the tax.

This is the statement:

Shipments of teas from China and Japan.

	Pounds.
Between December 23, 1874, and February 8, 1875.....	5,000,000
Between December 23, 1873, and February 8, 1874.....	12,500,000
Between December 23, 1872, and February 8, 1873.....	11,400,000

The fear of incurring duty having prevented shipments from China this season. This view of the case is fortified by the following comparison of stock:

	Pounds.
Stock in native hands, China and Japan, February 8, 1875.....	11,500,000
Stock in native hands, China and Japan, February 8, 1874.....	3,000,000
Stock in native hands, China and Japan, February 8, 1873.....	4,100,000
In regard to his second assertion the returns of the New York Board of Trade show stock of teas, first hands, February 1, 1875.....	10,486,000
First hands, January 1, 1875.....	11,787,000
First hands, December 1, 1874.....	13,962,000
First hands, November 1, 1874.....	12,275,000
First hands, February 1, 1874.....	8,533,000
First hands, February 1, 1873.....	13,289,000
First and second hands, February 1, 1872.....	23,616,000
First and second hands, February 1, 1871.....	15,830,000

It is well known, though not susceptible of proof, that the stock of teas in second

hands and in the interior is less this year than ever before; the unsatisfactory course of the tea trade for the last two years having prevented dealers in the interior from laying in their usual stock.

The President in his message to Congress ventured the assertion that the imposition of the duty would not permanently increase the cost of tea to the consumer. His assertion seemed to be rash, but events have proved it singularly correct. Between December 15 and February 8 the cost of teas in China has decreased equal to 10 per cent. on the cost in the United States, and a further fall of prices there seems unavoidable if a duty is really imposed here.

New York, February 15, 1875.

Mr. GUNCKEL. From whom does it come?

Mr. KASSON. It is from a very responsible house in New York—none more so.

Mr. GUNCKEL. Dealers in tea?

Mr. KASSON. And furnished to that house by another party in New York familiar with the whole subject.

Mr. O'BRIEN. I desire to ask the gentleman a question. Does he consider it practicable to levy the proposed tax on stocks in hand? Does he think it would produce sufficient revenue to justify doing so?

Mr. KASSON. There is no question of levying the tax on stocks in hand of tea. I will come to that in a moment. Gentlemen will excuse me till I finish the subject on which I am speaking.

We do not want to impose taxes on tea and coffee. No man wants to do it. There are demagogues from the Atlantic to the Pacific who come before the people of the country and say, "Look at what they have done in Congress, taxing your morning cup of coffee and your evening cup of tea." But the demagogues do not go before the same people and say, "Look, here is this 10 per cent. increase, and they are taxing everything you wear." But the people are intelligent enough to know that the aggregate tax is higher on many of those things about which these appeals of demagogues are not made and the burdens are greater upon them than they would be by a tax of 10 cents a pound on tea and 2 cents a pound on coffee. And I understand that what we took off in 1872 was put on in Brazil, and if reimposed in America it would probably be taken off or reduced in Brazil. I am bound to say this much in candor, while at the same time I do not wish to put a tax on tea and coffee if the honor and credit of the Government can be maintained without it and also without putting some more onerous burdens on the people on some other branches of industry and property.

Mr. MYERS. I would ask my friend how much the restoration of the 10 per cent. will add to the revenues?

Mr. KASSON. Do not take up my time.

Mr. MYERS. Let me say that we lost at least \$3,000,000 by this reduction.

Mr. KASSON. I cannot gainsay that statement nor can I quite admit that statement, because the diminished industries and consumption of the country must be taken into consideration, which had quite as much to do with that loss as anything else, and I cannot therefore admit the statement of the gentleman from Pennsylvania.

But, sir, let me pass from the 10 per cent. increase to the question of whisky. You may be assured that there were good reasons why the Committee on Ways and Means recommended an increased tax on this product. To show that it would not operate unjustly on the interests of the country, so far as the evidence goes, I will read a dispatch sent to the chairman of the committee from one of the great centers of the whisky interest, and I ask to the reading of it the attention of the gentleman from Illinois [Mr. WARD] and the gentleman from Kentucky [Mr. BECK] and other representatives of the whisky interest. The dispatch reads as follows:

PEORIA, ILLINOIS, February 17, 1875.

Hon. H. L. DAWES, M. C.,

Chairman Committee Ways and Means:

We are not particularly opposed to an increase of tax on spirits if the necessities of the Government require it. Have bill take effect on and after 1st March next. We do not think it advisable to tax stocks on hand in bond, as it would only compel parties holding it to raise large sums to pay the tax, which would be a great inconvenience to them and no gain to the Government. We pay an average of \$400,000 per month taxes from this source alone. See Commissioner Douglass. We have no lobbyists in Washington.

DISTILLERS OF PEORIA.

Mr. SMITH, of Ohio. Does the gentleman know how much whisky these dealers have on hand?

Mr. KASSON. Undoubtedly, like all the rest of the dealers, these distillers have whisky on hand to an amount not known to us, nor is it important.

Mr. SMITH, of Ohio. Would not they make a great deal by the increased price of whisky consequent upon the increased tax?

Mr. KASSON. Every interest touched by taxation is always opposed to any increase of taxation upon itself. The questions we have to deal with are whether it is just to increase this tax both in the future and now, and whether we can collect the tax so increased. Mr. Chairman, I do not know any large distilled-spirit-producing country where the tax is so low as it is here. In England the tax, when I last examined the subject, was \$2.44 per gallon. This is one of the things which are not in themselves such articles of necessity as to make the tax onerous on the consumer. The tax does really fall on the consumer; and when the gentleman from Illinois rises here and says that we compel his constituents to pay so much tax on whisky, and so also the gentleman from Kentucky, they should remember that this tax is diffused all over the United States among the men who take drinks or use whisky. And the collection of the duties under Mr. Johnson's administration, before the present system of

stamps and checks was brought into existence, is not by any means a fair standard of what may be done now. You must either collect this tax or impose burdens upon other articles, which are articles of necessity.

Mr. Chairman, there is one other subject to which I wish to refer, and that is the tax on tobacco.

Mr. SMITH, of Ohio. Will the gentleman allow me to ask him a question?

Mr. KASSON. I hope the gentleman will not interrupt me at this point. Upon the subject of tobacco let me say that there is no just objection to imposing a part of our increased tax upon tobacco. The tax comes lightly and unconsciously upon the consumers, and the dealers get it back in infinitely small proportions from the country at large. It is as in the case of whisky, diffused over the whole country, comes ultimately from the consumers, and is upon an article of optional consumption. Upon the two articles of whisky and tobacco the Commissioner of Internal Revenue is of opinion that he can collect the tax as well as he does the present tax, and with the same machinery. I regret that the gentleman from Kentucky [Mr. BECK] made the statement that the Secretary of the Treasury has expressed an opinion against it. I did not so understand him. I only understood him to say, as many of us said in the beginning, that he had apprehensions it might lead to further evasions. I did not hear him say that he was opposed to the further increase of this tax, and I observe that the recollection of the chairman of the Committee on Ways and Means accords with mine. The real question before us is: Will you derive a portion of the additional revenue which you must have by taxing two articles, the tax on which is first paid, to be sure, by the dealers, but ultimately by a vast host of consumers, scattered everywhere, and in such small proportions that they do not feel it and scarcely know it.

I have a word to say upon the additional impost upon sugar. We shall have an amendment to offer at the proper time which will include melada proper in the new rates and transfer concentrated melada to the classification of sugars. There is an increasing disposition in the island of Cuba and elsewhere to send sugar, in some cases granulated sugar, into this country in the form of melada, in consequence of the lower rate of duty on melada, so as to evade the payment of the legitimate duty on that article. We have in this the co-operation of importers and refiners of sugar and the importers and refiners of this melada, and the form in which this section will be proposed is the form to which they have all given their assent with the approval of a Government expert.

As to the justice of this provision, gentlemen will recollect that this is an increase of only 25 per cent. of the existing duties. If that is added to the price per pound to the consumer, it will be seen that the people will scarcely feel the burden, as it does not even approximate the difference in price at which it is sold by the retailers to the consumers. It is less than half a cent per pound on the lower grades, and a little more on the higher grades, as proposed by this bill.

I should be glad to go still further into the details of this bill, but want of time forbids. I will only add that the section in regard to whisky can be amended either by striking out altogether the additional tax on existing stocks, or by a proviso that this increased tax shall not be levied on the vendor so far as regards whisky which he contracted to sell before the introduction of this bill. But those amendments will come in under the five-minute rule, and can be debated and considered then.

I will conclude by appealing once more to the House. If the gentlemen on my left who are opposed to the Administration still insist on denying that there is or ought to be any deficiency in the revenues, still insist on leaving the sinking fund unprovided for, then I turn to this side of the House and appeal to republicans to remember one occasion when there was a glow of patriotism which spread among the people of this country, and which should serve as an example to us now. In 1863, when it was proposed by our opponents to repudiate the payment of the public debt in gold and silver as it had been solemnly pledged, you declared in your convention in Chicago that the public faith should be maintained, and that both "the letter and the spirit of the law" should be met by the people of this country and by their Congress. In that sign we conquered, gained an overwhelming moral and political victory, with the aid of an honorable people. It will yet be written into history as a more notable triumph to the honor of the American Republic than many great victories won by feats of physical courage. So now I appeal to this side of the House to meet this time the demands of the financial honor of the nation, confident that the people are still devoted to the honor, the good faith, and the credit of the Government.

[Here the hammer fell.]

The CHAIRMAN. By order of the House all general debate upon this bill is closed, and it is now before the Committee of the Whole for consideration and amendment, under the five-minute rule.

The Clerk read the first section of the bill, as follows:

That from and after the date of the passage of this act there shall be levied and collected on all distilled spirits on which the tax prescribed by law shall not then have been paid, and whether the said spirits shall then be in distillery bonded warehouse or not, a tax of \$1 on each proof gallon, or wine gallon when below proof, to be paid by the distiller, owner, or person having possession thereof, before removal from the distillery bonded warehouse; and so much of section 3251 of the Revised Statutes of the United States as is inconsistent herewith is hereby repealed: *Provided*, That in addition to the tax of 70 cents per gallon imposed by

laws now existing there shall be levied and collected a tax of 15 cents, being one-half the increase of tax under this act, on each and every proof gallon, or wine gallon when below proof, of domestic distilled spirits manufactured and placed in bonded warehouse prior to the day when this act shall take effect, and held in bonded warehouse at that time, and on all such spirits then held by distillers, rectifiers, or wholesale dealers, having in their possession or under their control distilled spirits in stamped packages; and any person who shall sell, transfer, or otherwise dispose of any such distilled spirits after this act takes effect until an additional stamp, to be especially provided for this purpose by the Commissioner of Internal Revenue, denoting payment of the additional tax of 15 cents per gallon herein imposed, is purchased and attached to the package or packages containing the same, in such manner as the Commissioner of Internal Revenue shall prescribe, shall be subject to and pay a penalty of \$1 for each and every gallon so removed; and the spirits so removed shall be forfeited to the United States: *And provided further*, That on all brandy, gin, rum, and on all compounds and preparations of which distilled spirits is a component part of chief value, embracing all forms of distilled spirits imported from foreign countries, on which the duty, as fixed in the Revised Statutes, is \$2 per gallon, the duty hereafter to be levied, collected, and paid shall be \$2.50 per proof gallon.

Mr. SOUTHARD. I move to amend this bill by striking out all after the enacting clause except the third section.

Mr. DAWES. I raise the point of order that a motion cannot be made to strike out a portion of the bill which has not yet been read for amendment. A motion to strike out the enacting clause of the bill would be in order.

Mr. SOUTHARD. Then I will move now only to strike out the first section. I do not propose to discuss this question further than to say that I think it unnecessary to increase the taxes upon all the articles named in this bill. I yield the remainder of my time to my colleague, [Mr. SAYLER.]

Mr. SAYLER, of Ohio. I hope the proposition to amend this bill made by my colleague [Mr. SOUTHARD] will be sustained by the House. I suppose the Committee on Ways and Means would, as a matter of theory, recognize very readily the principle that taxation should be assessed equally upon all, yet when they come to assess a tax they understand, as well as does every other member, that each section of the country seeks to avoid its own share of the just and ordinary burdens of the Government.

Now, as a representative from the first congressional district of Ohio, and as a representative in part of the first collection district of that State, I protest against the provisions of this section of the bill. I protest against it especially because it is an unfair and unjust discrimination against that section of the country in which I live, and in favor of other sections of the country that do not bear their equal share of the burdens of taxation.

The gentleman from Illinois [Mr. WARD] has shown very clearly in the brief time allotted to him that during the last ten or eleven years the burdens of taxation for the support of the Government have been gradually shifted from the Eastern States upon the shoulders of the people who live in the central, western, and southern portions of the country. My own district is a very fair example of what has been done in this respect. The city of Cincinnati contributes annually from her whisky and tobacco the enormous sum of between \$7,000,000 and \$8,000,000 of revenue—about twice as much as is paid by all New England. Yet New England is a wealthier section than ours; Massachusetts has more personal wealth. The rim of States upon our northeastern border have been settled longer, their people have more money than we have; but notwithstanding this, the great burden of the support of the Government has been shifted upon us. Why, Mr. Chairman, the first collection district of Ohio alone pays one-fifteenth part of the entire revenues collected by excise tax in the United States; and the four States of Ohio, Indiana, Illinois, and Kentucky, lying in the center of our country, pay unitedly three-fifths of all the excise tax.

I know it is said "No matter if you do pay this tax, you collect it back." But I tell you it does matter. In the first place, it requires a very much larger capital than we possess to carry on business successfully under burdens of this kind. This will be understood when you consider that we pay about \$3,000,000 of revenue now and to which this bill proposes to add nearly 50 per cent. This proposed legislation not only requires increased capital and disturbs the interests of our producers and manufacturers, but disturbs also banking interests by the enormous drain that is thereby made upon our currency. And you must recollect also that the entire amount of this excise tax must be advanced for a period of about four months on the average by our manufacturers and producers, and does not return to us at once as other outlays, but goes into the Treasury of the United States, and is thus withdrawn from immediate circulation.

But I do not object to the tax simply on this ground. I affirm that this tax is another of those burdens imposed upon producing interests whereby they are crowded down, and whereby gentlemen of large capital, not connected with labor, are freed comparatively from taxation. Why, sir, every pound of tobacco that is raised in our western and southern country is already taxed from 200 to 400 per cent. on its value—an enormous and outrageous tax. Every bushel of grain that the farmer grows in our rich western country is taxed in the enormous sum of about \$2.80 per bushel if it happens to be made into whisky. Sixty thousand bushels of grain are now converted every day into alcoholic liquors. Remove this enormous tax and you will have twice sixty thousand bushels converted into that kind of products. Not that this will increase drinking; gentlemen need not let their temperance sympathies become aroused here. But it will vastly increase the manufacture of these articles for a thou-

sand mechanical and domestic uses from which they are now excluded by reason of their high price.

[Here the hammer fell.]

Mr. PARKER, of New Hampshire. I move to amend the amendment by striking out all of the first section except the last word. While I do not indorse the argument of the gentleman from Ohio, [Mr. SAYLER,] I very cheerfully yield to him that he may complete it.

Mr. SAYLER, of Ohio. I am obliged to the gentleman from New Hampshire [Mr. PARKER] for his courtesy, and am sorry that he does not indorse my statements.

Now, Mr. Chairman, I undertake to say, in the first place, as a matter of fact, that the additional revenue called for in this tax bill is not necessary; and, in the second place, I undertake to say that if this amount is necessary the Ways and Means Committee ought to have devised some other method by which to raise it, and ought not to have proposed to overburden interests already bearing more than their share. I am sorry that this Ways and Means Committee, with the honorable gentleman from Massachusetts at their head, a gentleman for whom I have great respect, have not been able to find out some method by which the enormous wealth of other portions of the United States should be made to bear some small portion of this burden of taxation. I am sorry that the chairman of that committee should stand here to-day and plead for the imposition of about \$4,000,000 additional tax upon the people of my district alone, when his entire State, rich in every respect, vastly richer than the State of Ohio, pays only the pitiful sum of a little over \$2,000,000. I am sorry that the vast incomes of Massachusetts might not have been reached as they were a few years ago. I am sorry that the vast stock speculations of New York might not have been touched. I am sorry that in a hundred other forms, easily suggested, some taxation might not have been laid upon wealth and capital and some of the burdens removed from those who happen to live in the West and the South and who force from mother earth her wealth by the labor of their hands, and whose productions are the substance and foundation of all the real prosperity of the country.

But, Mr. Chairman, my time is very short and I cannot discuss this as I would like. It seems to me that some other propositions might have been considered by the Committee on Ways and Means to meet the exigency which they claim exists. They might have sought to reduce the expenditures of the country. If we are spending, as would appear from the declared necessity for this bill, from \$20,000,000 to \$30,000,000 more annually in expenses of the Government than we were two or three years ago, it might have been a just inquiry with that committee whether this expense could not be reduced. I know, sir, this would be unpopular in certain quarters, but with the great masses of our people, who pay the taxes and who have no selfish interests to subserve, I think the party that will step forward and effect an honest reduction of expenditures will build for itself a much surer popularity, and will gain a much stronger hold upon their affections, than by pandering to selfish interests. The Committee on Ways and Means might also have considered the question of a more efficient collection of the revenue of the country at the present rates of taxation.

It is all folly for the Commissioner to tell us that this large tax can easily be collected. It is all folly for him to tell those who know anything about it that the 70 cents tax now imposed is fairly and honestly collected. Why, Mr. Chairman, as a matter of fact high wines are sold to-day in the city of New York for 93½ cents per gallon. Those high wines cannot be manufactured in Cincinnati or anywhere else for less than 93 cents if the tax is paid. It costs 5 cents to transport each gallon from the city of Cincinnati to the city of New York, and yet it is a notorious fact that high wines are shipped by way of the Mississippi River and the Gulf, with all the expense of transportation, with all the natural volatile waste, with all the delay in effecting the shipment and sale, and sold in the city of New York at an advance of about ½ cent over the cost of their production in the very district in which the corn grows and the distillery runs.

[Here the hammer fell.]

Mr. DAWES. Mr. Chairman, I wish only a moment in reply to the gentleman from Ohio, [Mr. SAYLER.]

Mr. COX. Does the gentleman rise to oppose the amendment?

Mr. DAWES. I do.

Mr. COX. I should like to have the question stated. Can I move to perfect the section before it is stricken out?

The CHAIRMAN. Certainly.

Mr. PARKER, of New Hampshire. I withdraw the amendment to the amendment.

Mr. DAWES. Now, Mr. Chairman, the gentleman from Ohio [Mr. SAYLER] has followed up the argument of the gentleman from Illinois, [Mr. WARD.] He asked why the Committee on Ways and Means did not put this on the East as well as upon the West. He says that his district, as well as the district of the gentleman from Illinois, pays a great deal more than Massachusetts. There was a time when Massachusetts paid \$23,000,000 and the whole State of Illinois did not pay one-half that sum. He wondered why we were not willing to go back to that same condition of things. The gentleman goes upon the idea that because the tax is collected from his district his district pays it. There is collected in the State of Massachusetts \$20,000,000 besides this, but we never had the idea that we paid the whole of that tax. The gentleman from Ohio should understand that all they do in his district is to advance that money, and it is not only collected and paid

back, but a very large interest is collected on it, a wonderfully large interest, when we see those men who advance it rolling up their wealth just as the men in Boston who pay \$20,000,000 of the tax upon imported goods and one hundred and forty millions in New York. They roll up immense fortunes by advancing this money, just as the gentleman's constituents and my friend's constituents out in Chicago. If my district up in the mountains of Massachusetts could only have that privilege, they would consider themselves blessed of men.

I wish to say in behalf of myself that my district is the only one district in Massachusetts affected by this bill, as it is the only one which manufactures whisky. It pays more taxes in consequence, if the rule is correct, than all the other districts in Massachusetts. My district does that; so I have not any particular interest in behalf of my district. It is different from that of the gentleman from Ohio, [Mr. SAYLER.] This is not paid where he intimates to this House it is paid. It is only advanced; it is loaned on 25 and 40 and 100 per cent. interest in the profits that these gentlemen have in their broad and rich acres that roll up these piles of corn that can be turned into whisky and come back in their dividends and receipts. It is not very gracious for us to talk in this way; it is not right. There is no one section of the country that is, in point of fact, affected very much differently from another, because it is paid by those who use the whisky as much in my section as in his; it is paid by those who use the tobacco more in my section than in the section of the gentleman from Virginia, [Mr. WHITEHEAD,] because his section unfortunately is poorer than mine and cannot consume the tobacco it raises; but it comes back to them; we pay it back to them; it is distributed all over the country. It is a common interest, Mr. Chairman. We are affected alike, one and all, in this matter, and it is not exactly logical to say that because the custom-house is in Boston or the collector of internal revenue is in Cincinnati or in Chicago and gathers the tax there, it is his district which has to pay it. It is not quite so.

Mr. GARFIELD. I offer an amendment to perfect the section before it is stricken out. I move to amend the section by substituting in lieu thereof, after the enacting clause, what I send to the desk.

The Clerk read as follows:

Strike out section 1 and insert these words:

That from and after the passage of this act there shall be levied, collected, and paid on all spirits that may be distilled and sold or removed for consumption or sale of first proof or wine gallon below proof, on and after the date of the passage of this act, a tax of 85 cents per gallon, to be paid by the distiller, owner, or person having possession thereof, before removal from the distillery bonded warehouse; and so much of section 3251 of the Revised Statutes of the United States as is inconsistent herewith is hereby repealed.

Mr. GARFIELD. I intended to say a few words in the general debate on this bill, but I was unwilling to consume the time. I will only say now on the general question that, after the best study I have been able to give to the subject, I am satisfied we are bound in honor to do one of two things; either to increase the amount of revenues by additional taxation sufficient to raise some \$20,000,000 additional revenue, or refuse to pass the river and harbor bill altogether and stop work on all our public buildings. If those two things were done it would probably cut down the appropriations about \$12,000,000 for the coming year. Even if that were done, I still am in doubt whether we should have enough left to make good the sinking fund. I want to call attention to still another phase of our situation. One year ago no man could have foreseen that we should go on so long without a revival of business and a consequent increase of the revenues. The great effect resulting from this want of revival of business has been that our imports have been steadily and heavily falling off—some months as much as \$3,000,000, in most months as much as \$5,000,000. With all our reduction of expenses we are still required to provide additional revenues to supply the deficit caused by the falling off in importations. The practical question is, how shall we do this most effectually, and with the least disturbance to the business interests of the country?

And first, we are asked to consider the method proposed by this bill. The first section proposes to increase the tax on spirits from 70 cents to \$1 on a gallon, and to make a portion of the increase apply to the stock on hand.

So far as whisky is concerned, I will say that I am in favor of getting just as much revenue out of it as we can get. How much can we get? This is a question that must be settled mainly by experience, and by our American experience. We have never, I believe, succeeded in collecting a tax upon any commodity by taxing the stocks on hand at the date of increasing the rate. It has always been regarded as against public policy, and in a certain sense a violation of public faith. It has always been regarded as both impracticable and impolitic. If we are ever to do so on anything we ought to do it on spirits. But as the result of our experience, I do not believe we shall succeed if we attempt to tax the stock on hand. In the next place, the matter of the amount we can collect upon whisky is wholly a question of how much pressure will any given article stand so as to yield the maximum amount of revenue? When we put the tax on whisky down from \$2 to 50 cents, we received about \$5,000,000 more at that rate than we received when the rate stood at \$2. I am satisfied there is a point, not very far above the present rate at which we now tax spirits, beyond which we shall cease to get additional revenue, and will probably get less. It is like the point of full saturation of air. When we have forced a certain amount of moisture into a given quantity of air we cannot force a drop more into it by any amount of pressure that may be brought to bear upon it.

Mr. KASSON. What is that point?

Mr. GARFIELD. I doubt if we can collect a dollar. I believe we can collect 85 cents; and I doubt if a higher rate will yield any addition of revenue.

Mr. DAWES. I would like to know the data on which the gentleman fixes 85 cents as the dew-point.

Mr. SYPHER. That is the whisky point.

Mr. GARFIELD. Our past experience has shown that a high rate breaks down the machinery of collection. In the great debate had in this House when the tax was fixed at its present rate the subject was very fully considered, and 70 cents was considered the safe maximum. Our machinery is now more perfect, and I think a small increase is safe; but when .4 of the value of a gallon of spirits is the tax upon it, the temptation to evade the law is very great.

I have offered the amendment just read by the Clerk because it is in the line of safe precedent. If we can collect \$1 per gallon, I shall be very glad to support that rate. But I offer this to evoke the judgment of the House upon it.

[Here the hammer fell.]

Mr. DAWES. I move to amend the amendment by striking out "85 cents" and inserting "\$1," and then the question will be before the House.

The CHAIRMAN. An amendment is now pending to the amendment of the gentleman from Ohio.

Mr. DAWES. The gentleman from Ohio [Mr. GARFIELD] proposes to perfect the section by striking out so many words and inserting others, making the amount of the tax 85 cents on whisky on hand. I move to strike out "85 cents" and insert "\$1;" then the question will be before the House.

Mr. COX. I understand that the amendment of the gentleman from Ohio [Mr. GARFIELD] is a substitute for the first section of the bill, and I propose to amend the original text of the first section.

The CHAIRMAN. The Chair will hold that the first amendment pending is that offered by the gentleman from Ohio [Mr. GARFIELD] to strike out the first section and substitute what he proposes therefor; that an amendment to that is pending, and that no further amendment is in order until the committee shall have passed on the amendment of the gentleman from Ohio.

Mr. DAWES. I call the attention of the Chair to the fact that if the first section be stricken out and what the chairman of the Committee on Appropriations proposes to insert be substituted, it cannot be amended any further by striking out.

The CHAIRMAN. The Chair will hold that the amendment of the gentleman from Ohio cannot be further amended, being an amendment to an amendment, and the committee had better first vote upon it.

Mr. DAWES. Is it not in order to move to amend his amendment?

The CHAIRMAN. The Chair thinks not.

Mr. BURCHARD. The gentleman from Ohio [Mr. GARFIELD] offered it as a substitute for the first section of the bill; and therefore it would be in order to amend it.

Mr. HOSKINS. I rise to a parliamentary inquiry. The proposition, as I understand it, is that the gentleman from Ohio [Mr. GARFIELD] has offered a substitute for the bill. Now, my parliamentary inquiry goes to this: Is not an amendment to the substitute in order and also an amendment to the original text? Clearly under the rules both are in order, both an amendment to the original text and an amendment to the substitute.

The CHAIRMAN. Was the amendment of the gentleman from Ohio offered as a substitute?

Mr. GARFIELD. I offered it as a substitute for the original text.

The CHAIRMAN. Then it is amendable by another motion.

Mr. DAWES. I now offer my amendment.

Mr. COX. I yield to the gentleman for that purpose.

The CHAIRMAN. The Chair understands the gentleman from New York [Mr. COX] to have yielded to the gentleman from Massachusetts who has moved to amend the substitute offered by the gentleman from Ohio, [Mr. GARFIELD,] and that amendment will be considered as pending.

Mr. COX. I now offer the following amendment:

At the end of the section add these words:

And provided further, That on all champagne wine imported the duty be, and is hereby, increased from \$6 per dozen quarts to \$9 per dozen, and on pints from \$3 per dozen to \$4.50 per dozen.

I propose that amendment in the interest of revenue. The consumption of champagne in 1873 was 234,000 dozen. The increased duty would bring additional \$372,000 revenue. The duty on champagne is the lightest on record—it is only 56 per cent. *ad valorem*; while that on spirits is 400 per cent. and on still wines 120 per cent. The tax on whisky at 70 cents is 200 per cent. If gentlemen want to raise revenue by taxes on luxuries here is a beautiful opportunity.

Mr. SMITH, of Ohio. How much would the tax produce?

Mr. COX. Sixty-seven thousand six hundred dollars.

Mr. HARRIS, of Virginia. Is it in order now to amend the first section?

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, to the substitute offered by the gentleman from Ohio.

Mr. WARD, of Illinois. I desire to say a word in regard to that amendment, and in doing it I respond first to the distinguished gentleman from Massachusetts, the chairman of the Committee on Ways

and Means, and I thank him for having made the discovery—and he has a genius for making discoveries—has told us that the West is wealthy and that it is the poor East that should escape taxation. Under this proposed arrangement the consumers would have to pay the tax on incomes by increased interest on the money loaned to him. That, however, is the only tax which will reach the constituency of the gentleman from Massachusetts, [Mr. DAWES,] and the only form of taxation really which can be made to reach the portion of the country from which he comes. They do not do anything there except to count over their incomes, their receipts from rents, and their interest upon the money loaned to us, and it is fair to tax that industry. It is true you are engaged in manufactures, but they yield nothing to the Government in the way of revenue. Why not add something by way of taxation on your manufactures? We will pay it and not complain of it. Why not impose a tax on your incomes? We will pay that by paying increased interest on the loans which you make us.

The argument made here by the gentleman from Ohio [Mr. GARFIELD] in reference to the burden of taxation is strictly and literally true. The principle underlying all taxes on the commodity under consideration in this section is the same on which all taxation is based. It is true the consumer must ultimately pay it, but primarily it is a burden and a hardship on industry. Upon a question of this kind it is not worthy to say that the tax on a product is all collected back again, and therefore is not a burden upon the producer. It is a burden on us who are developing our resources and borrowing money and capital for that purpose, because we are too poor to furnish it ourselves.

As I said a few moments ago when I had the floor, I will not insist that there should be no taxation or increase of taxation on this commodity. I do not know but it should be taxed. But there are principles underlying it all which require that it should be administered in a spirit of fairness and justice, with some reference to locality and capital and wealth, instead of laying it all upon those who are trying to build up fortunes, and have not already amassed them.

Mr. DAWES. If the gentleman will move an amendment imposing a tax on incomes he will get my vote for it.

Mr. WARD, of Illinois. There is such a proposition to be moved, and I hope to see if there is not some way by which the real wealth of the country can be reached and made to pay its share of the burdens.

[Here the hammer fell.]

Mr. DAWES. I wish to state my proposition distinctly to the committee.

The CHAIRMAN. All debate is exhausted upon the pending amendment.

Mr. DAWES. Then I will withdraw it for the purpose of renewing it.

Mr. SMITH, of Ohio. I object to that.

Mr. DAWES. I do not want to consume the time unnecessarily, but I desire to state my proposition to the House so that it may be understood.

Mr. PENDLETON. If the gentleman will withdraw his amendment I will renew it and yield the floor to him.

Mr. DAWES. I desire to say—

Mr. HEREFORD. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEREFORD. My point of order is that under the rules no gentleman can speak more than once upon a proposition until all others who desire to do so have been heard.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURCHARD. I desire to ask what is the original proposition?

The CHAIRMAN. The original proposition is the motion of the gentleman from Ohio [Mr. SOUTHARD] to strike out the first section of the bill. The chairman of the Committee on Appropriations [Mr. GARFIELD] moves a substitute for the section, and the chairman of the Committee on Ways and Means [Mr. DAWES] offers an amendment to that substitute.

Mr. PENDLETON. I understood the gentleman from Massachusetts [Mr. DAWES] to withdraw his amendment to the substitute.

The CHAIRMAN. That was objected to and it could not be done.

Mr. BURCHARD. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURCHARD. No motion has been made to amend the original text of the section, except by way of a substitute for the whole section. I desire to move an amendment to the original text, which under the rules of the House I think is in order.

Mr. COX. That is what I proposed to do, and I was ruled out of order.

Mr. BURCHARD. I understand that under the rules an amendment of the original proposition is in order, and an amendment to that amendment; it is also in order to move to strike out the entire original text, and a motion to insert a substitute is also in order, and to amend the substitute. That I believe is the extent to which amendments are permitted by the rules of the House.

The CHAIRMAN. No amendment has been offered to the original section for the purpose of perfecting it. The only amendment to the original section which has been offered is the substitute proposed by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. KASSON. I have a proviso to offer on behalf of the committee,

to perfect the first section. If it is in order I will offer it now, and other gentlemen can speak upon it.

The CHAIRMAN. The gentleman from New York [Mr. COX] first rose to move an amendment to the original section to perfect it.

Mr. COX. Yes, sir.

The CHAIRMAN. The Chair recognized the gentleman for that purpose.

Mr. COX. I offered the amendment in regard to champagne, to come in at the end of the section. That was before any substitute was offered.

Mr. BURCHARD. I rise to oppose the amendment, and to say a word or two in regard to the proposition to reduce the tax on distilled spirits from \$1 to 85 cents. In my judgment, if we touch this tax at all, we had better fix it at some rate that will probably remain permanent. As I said a few moments ago, the Commissioner of Internal Revenue favors the tax of \$1. It seems desirable that we should fix it at a round sum. The gentleman from Ohio [Mr. GARFIELD] admits that there are no figures to show that 85 cents is just the point at which the tax should stand. He refers to the small amount collected under the \$2 tax; but the Committee of the Whole will remember that we had then an entirely different system; we had not the stamp system and the system of Government supervision, as we have now. At present the Government takes charge of the distilleries; in fact, as has been said, it runs them. About all that the distiller does is to furnish the capital and pay the tax. Under this system we can, in the opinion of the Commissioner of Internal Revenue, collect a tax of \$1 per gallon. If you now adopt a tax of 85 or 90 cents, the trade will constantly be disturbed with the idea that at some time the tax is to be advanced to \$1. It is these constant changes that cause embarrassment in business and create frauds in the revenue.

If you now attempt to impose this tax upon stocks on hand no doubt those who have already paid the tax of 70 cents upon their whisky will think they do right to get it out of sight. We had better fix the tax at some rate that will be permanent; and I think that if we put it at \$1 it will stay there. I hope that either the tax will not be raised or that it will be fixed at this round sum.

Before concluding I wish to make one statement in regard to the proposition of the gentleman from Ohio [Mr. GARFIELD] to tax simply the distilled spirits hereafter manufactured at 85 cents. The amendment proposed by the gentleman from Massachusetts [Mr. DAWES] is to make the rate \$1. If the latter amendment, together with that of the gentleman from Ohio, be adopted, it will tax distilled spirits hereafter manufactured at the rate of \$1 per gallon.

[Here the hammer fell.]

Mr. HEREFORD. Mr. Chairman, I rise for the purpose of opposing this whole bill, and will try in the few minutes allowed me to show that it is the duty of the Forty-third Congress, before it goes out of power, instead of imposing an additional tax upon the people, to take some action in favor of retrenchment and reform and the cutting down of expenses. For this purpose I desire to draw the attention of the House to a few facts and figures.

From the foundation of this Government, March 4, 1789, to June 30, 1874, there was received into the Treasury of the United States \$6,049,034,567.15. During the eight years commencing July 1, 1866, and ending July 1, 1874, there was received into the Treasury \$3,473,622,887.55, making about \$400,000,000 more received into the Treasury within these eight years than was received from the foundation of the Government down to July 1, 1874. In view of these figures, I ask this Congress whether it is not high time that we should engage in the work of retrenchment and reform and cutting down our expenses.

Furthermore, the same report of the Secretary of the Treasury shows that on the 1st of July, 1866 the debt of the United States was \$2,773,236,173.69. Thus we received into the Treasury of the United States during those eight years the enormous sum of \$700,000,000 more than the whole debt of the United States. Yet gentlemen tell us that we must still impose additional taxes upon the people of the United States.

It is further shown by the last report of the Bureau of Statistics that our exports for last year were more than they have been in any year since the foundation of the Government. Yet we are told that we need more money; that our Treasury is not in as prosperous a condition as it should be.

On page 13 of the report of the Secretary of the Treasury submitted to this Congress we find the net ordinary receipts from March 4, 1789, to June 30, 1874, were \$6,049,034,567.15; and the net ordinary receipts for—

1866.....	\$519,949,564 38
1867.....	462,846,679 92
1868.....	376,434,453 82
1869.....	357,188,256 09
1870.....	395,959,833 87
1871.....	374,431,104 94
1872.....	364,694,222 91
1873.....	322,177,673 78
1874.....	299,941,090 84

3,473,622,887 55

In the same report we find the indebtedness of the United States on June 30, 1866, was \$2,773,236,173.69, and the amount received between June 30, 1866, and June 30, 1874, was \$3,473,622,887.20, showing

that the receipts in those eight years were \$700,386,713.51 more than the whole debt of the United States was on June 30, 1876. We also find from the last report of the Bureau of Statistics that our exports from September 30 to June 30 in merchandise (domestic) were \$569,433,421, and foreign exports during same period were \$16,849,619, making an aggregate for that period of \$586,283,040, which is more than our exports ever were before for a like period. And we are also told in the same report that our imports in merchandise during the same period were \$567,403,342, leaving a balance of trade in our favor of \$18,876,698. I wish my time allowed me to amplify and draw the legitimate conclusions from these figures. During the year 1860 (President Buchanan's administration) our entire expenditures, including war, Navy pensions, and Indians, were only \$60,056,754.71; while during the eight years from June 30, 1866, to June 30, 1874, our expenditures, *excluding* the interest on the public debt and pensions, averaged per year about \$250,000,000. I regret I have not the time to make the proper application, but it seems to me comment is unnecessary. *We must economize.*

[Here the hammer fell.]

Mr. GARFIELD. In order to harmonize conflicting views upon this subject, I modify my amendment so as to make the tax \$1 instead of 85 cents.

Mr. KELLEY. Is that debatable?

The CHAIRMAN. The change can only be made by unanimous consent.

Mr. KELLEY. Then I object.

Mr. DAWES. The gentleman from Ohio [Mr. GARFIELD] has the right to modify his own amendment.

Mr. GARFIELD. I will so modify my amendment.

Mr. KELLEY. Is not that open to debate? It is a new proposition. It has never been debated.

Mr. GARFIELD. It has been debated five minutes on each side. I merely accepted the amendment as a modification of my own.

The CHAIRMAN. Debate is not in order until after the committee has voted on the amendment of the gentleman from Massachusetts.

Mr. COX. I ask that my amendment be read.

The amendment was again read.

The CHAIRMAN. The question now is on the substitute of the gentleman from Ohio.

Mr. GARFIELD. To which the gentleman from Massachusetts has moved an amendment.

Mr. DAWES. I withdraw my amendment.

Mr. LAWRENCE. Is it in order to move an amendment to the substitute?

The CHAIRMAN. It is.

Mr. LAWRENCE. Then I move to amend by adding to the proviso what I send to the Chair.

The Clerk read as follows:

That section 3339 of the Revised Statutes of the United States be and is so amended as to strike out the words "one dollar" where they occur in said section, and insert in lieu thereof "two dollars."

Mr. DAWES. I reserve the point of order until I hear what the gentleman has to say.

Mr. LAWRENCE. Mr. Chairman, the law now levies a tax of \$1 a barrel upon ale and beer, and I propose to make it \$2 a barrel. I will state in a few words my reason for doing so. The tax on whisky is now 300 per cent. and the tax on tobacco from 300 to 400 per cent., while the tax on ale and beer is only 10 per cent.

Mr. DAWES. I rise to a question of order, that the amendment of the gentleman from Ohio is not *germane* to the pending substitute, although it may be *German* enough.

Mr. LAWRENCE. It is *germane* enough. As I have said, the tax on ale and beer is now only about 10 per cent. There is no one article upon which a tax is levied which is so lightly taxed as ale and beer. I do believe this amendment ought to be agreed to. It will bring into the Treasury \$8,000,000 of revenue.

Mr. SPEER. "There are millions in it."

Mr. LAWRENCE. Certainly there are—there are eight millions of revenue in it. I know no reason why ale and beer should not be taxed.

Mr. DAWES. I do not withdraw my point of order.

The CHAIRMAN. Does the gentleman from Massachusetts withhold it until the gentleman has finished his remarks?

Mr. DAWES. I insist on my point of order at the proper time, but withhold it until the gentleman from Ohio has completed his statement.

Mr. LAWRENCE. I know no reason why the tax on ale and beer should not be increased as well as the tax on whisky and tobacco. If it is practicable to collect a higher rate of duty on whisky and tobacco, a higher rate of tax could much more effectually be collected on ale and beer, and much more effectually than on any other article under existing laws. I doubt myself whether higher rates of duty on whisky and tobacco can be collected. The result will be, I think, if you increase the tax on whisky, that illicit distilleries will spring up in the mountains of Virginia and North Carolina and other States just as they did when we imposed a tax of \$2 a gallon on whisky. Illicit distilleries will spring up in the garrets and cellars of New York and Philadelphia, and a large amount of whisky will be manufactured upon which no tax will be collected.

I am willing to impose on whisky any tax which can be faithfully and fully collected, but it is idle, it is worse than useless, to impose a tax which we cannot collect at all. I submit that mine is a judicious amendment.

Mr. DAWES. I now insist on my point of order.

The CHAIRMAN. The gentleman from Massachusetts rises to a point of order on the amendment of the gentleman from Ohio, and he will state it.

Mr. DAWES. Mr. Chairman, it does not seem to me that the gentleman's amendment is *germane* to the pending proposition which refers to another subject of taxation entirely.

The CHAIRMAN. The Chair will inquire of the gentleman from Massachusetts whether the first section in any way affects fermented liquors?

Mr. DAWES. It does not affect fermented liquors in the least.

The CHAIRMAN. The Chair, on that statement of facts, sustains the point of order, and rules the amendment out.

Mr. HOSKINS. Allow me to say a word in reference to the point of order before the Chair decides it. If the point of order is made that the amendment to the substitute is not *germane* to the substitute, I have no doubt that the ruling of the Chair is correct. I desire to know distinctly of the Chair if he expects to rule out all propositions to increase or decrease taxation on any commodity not mentioned in this bill?

The CHAIRMAN. The Chair certainly has given no such intimation, and has no such intention; but the Chair, having first consulted with the journal clerk, will rule that upon any proposition involving a tax upon articles not covered by a particular section the committee must reach it in another way, by the motion to add another section, and that amendments will only be received which are *germane* to the subject-matter of the section, while that section is pending.

Mr. PARSONS. The Chair is clearly right, because in this case this is an amendment to the substitute.

The CHAIRMAN. The amendment is not in order.

Mr. KELLEY. I desire to offer an amendment to the substitute.

The Clerk read as follows:

It shall be lawful for the Commissioner of Internal Revenue to permit and authorize any distiller or rectifier of spirits, or other persons specially licensed in that behalf, to mix, under the conditions and regulations hereinafter mentioned, spirit of wine of not less degree of strength than 50 per cent. over proof, and in a quantity of not less than four hundred and fifty gallons at one time, with not less than one-ninth of its bulk-measure of wood naphtha or methyllic alcohol, or to mix spirit of wine of such other degree of strength and in such other quantity or proportion with wood naphtha or methyllic alcohol, or with such other article or substance as the said Commissioner shall from time to time approve, order, and direct, and as to the satisfaction of the said Commissioner shall render such spirit unfit for use as a beverage, and incapable of being converted to that purpose; and thereupon such mixture shall be allowed tax free for use in such branches of the arts and manufactures of the United States as the said Commissioner shall sanction or approve in that behalf; or if such mixture shall be made by a rectifier with duty-paid spirit of wine, he shall be allowed a drawback of the tax on such spirit of wine.

And the said mixture of spirit of wine with the wood naphtha or methyllic alcohol shall be denominated methylated spirit, and the mixture of spirit of wine with any other substance appointed or approved by the said Commissioner for the purpose aforesaid shall be designated by such term as they shall from time to time direct; and wherever in this act the term methylated spirit is used, the same shall be deemed to include any and every such other mixture as last mentioned; and the several provisions of this act shall be deemed to apply to any and every such last-mentioned mixture as if the term by which the said Commissioner shall direct the same to be designated had been substituted in this act for and in lieu of the term methylated spirit.

Mr. KELLEY. The amendment I have proposed is in the language of the British act of Parliament, which has been tested by the experience of twenty years. It is the act of June 26, 1855, the preamble to which reads as follows:

Whereas it is expedient, with a view to promote the advancement of the arts and manufactures of the United Kingdom, to allow spirit of wine to be used duty free in the various processes thereof: Therefore,

Be it enacted, &c.

Now, Mr. Chairman, if any legislation that shall be proposed in connection with this bill is pertinent, this is so. We are about to grant a gratuity of \$12,000,000 to the distillers and dealers in spirituous liquors of this country. The stock on hand is 40,000,000 gallons, and the addition of 30 cents amounts to \$12,000,000. This enters largely into your manufactures. According to the best estimate I have been able to obtain, about one-half of the distilled liquors made goes into our manufactures. And by giving this gratuity to the dealers in spirits, you are going to close the chemical and other kindred establishments of the country. You are going to impose additional taxes upon an infinite number of your industries, and all for the purpose of lavishing \$12,000,000 upon the favorites of this Congress.

I appeal to gentlemen, for the honor of Congress, either to impose no tax or to tax stock on hand. It is true that the Commissioner says stock on hand cannot be taxed and the tax collected. Then forego giving this great benefaction to favored distillers and dealers in spirits. In God's name permit your honest industries to go on and prosper as they can, and not break them down for the benefit of a favored class.

A good many of us remember the scandal raised by the gratuity made when we increased this tax in other days, and I tell gentlemen that it will be no less foul a scandal when they shall have perpetrated this wrong, for a wrong it is. Let there be a clearly proven

demand of the Treasury for revenues and then let the revenues be adjusted.

At any rate my amendment proposes to give to the manufacturers of this country what England has found it necessary, after twenty years' experience, to give to her manufactures—free spirit of wine on condition that it be methylated or reduced to a condition in which it cannot be consumed as a beverage, but may be used in the arts.

Mr. KASSON. The subject to which the gentleman from Pennsylvania alludes to, was considered by the Committee on Ways and Means, and not only has it been considered now, but it was considered during my former service on the committee years ago, when the first tax was imposed upon whisky. This process of methylation, I beg leave to say to the committee, is one by which the attempt is made to interject a material into the whisky so as to destroy its quality for drinking, but not to destroy its utility in the arts. There has been the greatest difficulty in accomplishing this result. I am informed by my colleague on the committee from Illinois, [Mr. BURCHARD,] who has recently examined this subject, that the English government have been compelled to repeal the law to which the gentleman from Pennsylvania refers, in consequence of the frequent evasions of it.

Mr. KELLEY. Let me state that the law is now in effect in England.

Mr. BURCHARD. No, sir. All the reports state that the act was repealed two years ago, because of the frequent evasions of it.

Mr. KASSON. I think the gentleman from Pennsylvania is in error, at least so far as this particular law is concerned. The difficulty is that it was found that the article mixed with the spirit could be separated from it, and the spirit thrown upon the market. I think it clear that this committee will agree with the Committee on Ways and Means that we cannot, without the report of experts, adopt such a complete change in the laws as this proposes. I doubt if the committee are prepared to adopt this law even if the English government have perfected a system that they cannot maintain. I do not know that I ought to take up the time of the committee by further discussing this question. If we adopt this proposition at all, it should only be done after an examination by a committee of experts.

Mr. BURLEIGH. I desire to amend the amendment to the amendment.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania is in the second degree, and is not amendable.

The question was taken on Mr. KELLEY's amendment; and on a division there were ayes 28, noes not counted.

So the amendment was not agreed to.

Mr. GUNCKEL. I move to amend the substitute offered by my colleague [Mr. GARFIELD] by adding thereto the following proviso:

Provided, That in addition to the tax of 70 cents per gallon imposed by laws now existing, there shall be levied and collected a tax of 15 cents, being one-half the increase of tax under this act, on each and every proof gallon, or wine gallon, when below proof, of domestic distilled spirits manufactured and placed in bonded warehouse prior to the day when this act shall take effect and held in bonded warehouse at that time, and on all such spirits then held by distillers, rectifiers, or wholesale dealers, having in their possession or under their control distilled spirits in stamped packages; and any person who shall sell, transfer, or otherwise dispose of any such distilled spirits after this act takes effect until an additional stamp, to be especially provided for this purpose by the Commissioner of Internal Revenue, denoting the payment of the additional tax, the 15 cents per gallon herein imposed as proposed, and attached to the package or packages containing the same, in such manner as the Commissioner of Internal Revenue shall prescribe, shall be subject to and pay a penalty of \$1 for each and every gallon so removed.

That is included in the original bill, and merely proposes to tax the stock on hand.

Mr. LAWRENCE. I ask that the amendment be read as it will stand if amended.

The Clerk read the amendment as it would read if amended.

Mr. HARRIS, of Virginia. I rise to a point of order. Does the substitute of the gentleman from Ohio [Mr. GARFIELD] include a tax on whisky on hand, or is it not altogether on whisky manufactured after the passage of this act? If I am right in this, then the amendment now offered by the gentleman from Ohio on my right [Mr. GUNCKEL] is not germane.

The CHAIRMAN. The amendment of the gentleman from Ohio [Mr. GARFIELD] is in relation to the whole section, and is a substitute for it. The Chair will rule that it may be amended by adding anything to it which is contained in the original text for which it is offered as a substitute.

Mr. GUNCKEL. My proposition is that the tax of 85 cents or \$1 shall apply to the stock on hand. My friend from Kentucky [Mr. BECK] estimates the stock on hand at 40,000,000 gallons, and that would yield a revenue of \$12,000,000; or, as he estimates it, from eight to ten millions of dollars. Now, it is a question whether the House is going to vote eight, ten, or twelve millions of dollars into the hands of speculators.

There are upon the floor to-day a number of gentlemen lobbying. For what? A tax on whisky, but not a tax on the stock on hand. The original bill taxed stock on hand. We who represent where there are distilleries said to our constituents that we presumed the Committee on Ways and Means were acting in good faith, and they acted accordingly. They did not run their distilleries night and day and Sundays and all the time; but certain gentlemen in other localities ran their distilleries night and day and Sundays, and these men have millions of gallons on hand to-day, and they have sent their lobby here, and these gentlemen are lobbying here to get the

House to do what? To have millions of dollars put into their hands and not into the Treasury of the United States. I say for one that I will vote no money into the hands of speculators and lobbyists; but I will vote to do whatever may be necessary for the Treasury and for the Treasury only.

Mr. LAWRENCE. That is right.

Mr. MAYNARD. Has not the gentleman reason to believe that since the project of raising the tax on whisky has been voted upon there have been very large speculations in whisky, laying up large stocks in the expectation of legislation for the benefit of speculators?

Mr. GUNCKEL. Certainly. And I will say further that when the tax was raised on whisky before, all the papers of the country said that members of Congress were interested in whisky, in having the rates raised so as to benefit by the increase of the value of the stocks on hand in which they had an interest. I want to have any imputation of this sort done away with now by a provision which will tax the stock on hand, so that the whisky shall pay the increased tax.

Mr. O'BRIEN. Mr. Chairman, I am opposed to the amendment of the gentleman from Ohio [Mr. GARFIELD] which proposes to levy a tax on the stock of spirits on hand. For that matter, I may say that I am opposed to every feature and section of this bill. I would inquire here why upon the very threshold of this discussion a threat or an intimidation is attempted by leading gentlemen upon the other side of the House, and cast as a reflection upon those on the democratic side? Why is it that the gentleman from Ohio [Mr. GARFIELD] or my friend from Iowa [Mr. KASSON] are of the opinion that the democratic side of the House is not as willing to sustain the dignity and honor and faith of the country as any gentleman upon the republican side of the House?

The charge that is made here is one that has been flaunted off and again during the last few years. Yet there is nothing in any act of the democratic party, whether here or elsewhere, that will sustain such a charge. I will state to gentlemen upon the other side that if the faith and honor of the country are at stake at this time, if the pretended emergency sought to be met by this bill is one which really exists, then it is a peril of their own making and their own choosing. Why is it that the now languishing industries of the country are not sufficient through the imposts and the taxes already levied upon them to pay the current obligations of the country? Is it not because of the maladministration and of the corruption and extravagance in office? Every charge that has been made by this side against the republican party, I will remark here, has been signally sustained, every one of them, by the judgment of the people at the late elections. Therefore it does not come with good grace from the other side of the House to say when we oppose this bill that we are acting in bad faith.

We oppose this bill because we believe there is no necessity for it. We oppose it further because of the fact that we believe many of its features will be inoperative and impracticable, and instead of increasing the revenues will take from those which we already have.

Did I believe that there was any necessity for additional taxation to meet the current demands of the country, or to keep faith with any of our creditors, foreign or domestic, while I would yield to the demand for more revenue, I would hesitate long before raising it in the manner and from the industries and articles included in this measure. Your cry for more revenue may be delusive or the phantom of your fears. Why not attain the same end by rigorous economy in your appropriations? Your demand is a confession of the necessity of economy, which as yet you do not know how to practice. Expenses are on the increase, as the reports from the Treasury clearly show. We all remember the elaborate speeches during the last session of the gentleman from Massachusetts, chairman of the Committee on Ways and Means, and of the gentleman from Ohio, [Mr. GARFIELD.] How rose-colored were their statements of abundant resources and the cutting down of expenses; and now within a year we are told that the Treasury is bankrupt and unless new revenues are obtained by further oppression of the people the honor and faith of the country are in peril and may be sacrificed. Is not this the fear of the coming wrath of an indignant people when the wanton profligate extravagance of the Government is unveiled, as it surely will be by the next Congress?

Now, Mr. Chairman, the want of any necessity for this bill has been clearly shown by the member of the Ways and Means Committee from New York, [Mr. WOOD.] He has demonstrated that the present revenues are ample if legally applied; that the hundreds of millions of bonds heretofore purchased in order to decrease the public debt, if applied under the statute to the sinking fund, will be sufficient for years to come to comply with the law requiring 1 per cent. of the debt to be annually applied to that fund. Then, if there be no deficit, why more taxes? The advocates of this bill are anxious to sustain the value of the bonds, but callous to the sufferings of the people. Every industry and department of trade is looking to the Congress for relief from the paralysis brought about by the financial blunders of the Government, and it is now proposed to answer their wail of distress by imposing additional taxes.

The republican party is incapable of appreciating the necessities of the hour. All intent on further oppressing the South and by revolutionary methods attempting to retain power, it no longer legislates for the people or seeks to renew that prosperity which has been wasted by improvident and corrupt government. The first section of this bill levies an additional tax of 30 cents on spirits hereafter

manufactured and 15 cents on stocks on hand. The spirit trade, Mr. Chairman, is one of the largest and most important industries of the country. Leaving out of view the moral question involved in the manufacture and sale of spirits, it is a production which should not be unduly taxed, as it now yields one-fourth of all the revenues of the Government. The cost of production of spirits is about one-fourth of its market value, the other three-fourths being taxes paid the Government. It is but fair to say that no industry pays more cheerfully or promptly this tax of 70 cents as now levied. It is well known that when the tax was \$2 per gallon the revenue was less than is now collected. The explanation is plain; illicit distillation and corrupt officials let a flood of untaxed spirits on the market. A further increase of tax at this time may accomplish a like result.

The proposition to tax the stock of spirits on hand is, I think, liable to a fatal objection. It will be practically inoperative, and will be beyond doubt be productive of decreased revenues. It is estimated that the full amount that under the most favorable circumstances can be obtained from this tax will be about one and three-quarters millions. Now let us look to the result. The spirits on hand are to be found in the wholesale houses and distilleries in all parts of the country. The tax of 70 cents has been paid. They are considered by the trade as free goods, so declared by the Government; and is it not fair that this faith should be kept? But it is said that the holders of this stock will derive large profits and should pay a tax on that account. Why, Mr. Chairman, any change in tax or tariff will profit somebody, and in this case, as the change is the act of the Government, the spirit trade needs no vindication.

The imposition of this tax will require large additional capital from many dealers and prove ruinous to some who could not in these times raise the required capital. This money could not be raised even by a sacrifice of their stocks on hand, as until the tax is paid no sales could take place. A paralysis of trade would ensue, the demand would be decreased, and less production would follow, distilleries would be compelled to stop, and as a consequence the revenues would be greatly diminished. The practical effect of this tax would necessarily interfere with all buying and selling until each dealer's stock was ascertained by official inspection. This is apparent. Take a large dealer who has many barrels of every grade and degree of proof of spirits, some in barrels and more in rectifying-tanks. How long would it take a skilled officer to accurately measure and verify such a stock, and what is to be the manner of daily business in the mean time. It would take weeks of time and cause a cessation of business.

Now, sir, this is but one case, and there are many thousands such in all the States and Territories. Besides, sir, it is not possible to comply with this law in the course of two or three months without the aid of thousands of new officials. Is this contemplated? Is it seriously proposed to create a new army of officials to prey upon the substance of the people? The collection of this revenue would in the nature of things, through the incompetency of the newly-fledged Government agents, be productive of great oppression, unlimited frauds, and endless litigation. I therefore assert, Mr. Chairman, that from the paralysis of trade, decrease in production, and the immense costs of such collection incident to the employment of thousands of inefficient officers, the revenues would be diminished more than they could be advanced by this 15 cents tax on stocks in hand.

I understand that this bill is brought forward to supply temporary deficiencies, to bridge over a supposed difficulty of making both ends meet in the Treasury. I doubt its efficacy, and I protest against its accumulation of wrongs. I need not discuss the other sections which refer to tobacco and sugar. The whole bill is opposed to the interests of the people and in the interests of the bondholders and the already highly-protected industries of the country. Why not impose a tax on national banks, make the money-power of New England contribute its share? O, no; this is carefully avoided. They are privileged. The people, the trading interests, the commerce of the country must bear all the burdens. This is the standard of republican representation of the people; and by this standard they have been judged and found wanting.

[Here the hammer fell.]

The question was upon the amendment of Mr. GUNCKEL to the substitute of Mr. GARFIELD, and was taken by a *via voce* vote.

The CHAIRMAN. In the opinion of the Chair the "ayes" have it.

Mr. KASSON. I desire to make a parliamentary inquiry. Does this amendment now pending exhaust the power of amendment? If another amendment is in order, I wish to move one by way of correction. The question cannot fairly be taken on the amendment, because it contains something inconsistent with the substitute offered by the gentleman from Ohio, [Mr. GARFIELD.]

The CHAIRMAN. No amendment is now in order to the substitute moved by the gentleman from Ohio, [Mr. GARFIELD.] The amendment pending is an amendment in the second degree, and must be voted upon.

Mr. KASSON. I desire to offer an amendment to perfect the original section. I move to amend the original section by inserting at the end of the first proviso, in line 34 of the printed bill, that which I send to the Clerk's desk to be read.

The Clerk read as follows:

Provided further, That whenever it shall be shown by testimony under oath, to the satisfaction of the Secretary of the Treasury, that any person liable to pay the

increased tax upon domestic distilled spirits by this act imposed had, prior to the 10th day of February, 1875, made a contract for the future delivery of such spirits at a fixed price, which contract was in writing prior to that date, such spirits may be delivered to the contracting party entitled thereto under special permit from the Commissioner of Internal Revenue provided therefor, without previous payment of such additional tax; but the said additional tax shall be a lien thereon, and shall be paid by and collected from the purchaser under such contract before the sale or removal thereof by him, and when demanded by the collector of internal revenue for the district to which the same shall be removed for delivery to the purchaser; and any sale or removal by such purchaser, prior to the payment of such tax, shall subject him and the spirits so sold or removed to all the penalties and processes of law provided in the case of distillers so selling or removing spirits to avoid the payment of tax.

Mr. GUNCKEL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GUNCKEL. I ask how, pending a division of the committee upon my amendment, it is possible for the gentleman from Iowa [Mr. KASSON] to get in another amendment?

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out of order.

The question being taken on the amendment of Mr. GUNCKEL, there were—ayes 91, noes 46; no quorum voting.

Tellers were ordered; and Mr. GUNCKEL and Mr. BANNING were appointed.

The committee divided; and the tellers reported—ayes 118, noes 38. So the amendment was agreed to.

Mr. STORM. I move to amend by striking out the words "\$1" where they first occur in the section, and inserting "85 cents." I yield my time to the gentleman from Ohio, [Mr. SAYLER.]

Mr. SAYLER, of Ohio. Mr. Chairman, I rise to debate the amendment and to oppose this section in its present form. I wish particularly to respond to the statements of my colleague, [Mr. GUNCKEL,] who has presented the amendment to tax stock on hand, and who has declared that proposition to be in the interest of the country and hostile only to the interests of speculators. I undertake to say that if this bill should become a law in the form in which it has just been amended on motion of my colleague, it will produce a financial panic in the whole whisky-producing country, and 50 per cent. of the establishments engaged in that business will be broken up. It is not an amendment against the interests of speculators. It is against the interests of every dealer—of every man engaged in this business who has a contract for the delivery of future supplies of whisky.

I hold in my hand a dispatch from one dealer in Cincinnati, and I refer to it as an example, who says that he has now unfilled orders to the amount of 3,000 barrels. The high wines have been purchased at the rate of about \$1.05, which anticipates about 12 cents of the proposed tax, and illustrates the change of values already effected by the introduction of this most injurious bill. These 3,000 barrels contain an average of 43 gallons each, and a fifteen-cent assessment would cause a loss of \$20,000.

Mr. DAWES. I will state to the gentleman that I have prepared an amendment which meets that very case, which will permit that man to put the additional tax upon the purchaser.

Mr. SAYLER, of Ohio. I am very glad to hear that something of that kind is to be proposed, and that possibly something humane may enter into this bill after awhile.

If you pass the amendment in its present form, you will produce financial distress throughout the entire whisky-producing section of the country—not only financial panic, but such a prostration in business as will lead to a great diminution of the amount of revenue instead of a great increase, as is anticipated. I undertake to say that for the next year the amount of revenue derived will be 50 per cent. less than it has been in the past, on account of this panic and distress. I undertake to say further that if you put the bill through in its present form, you only give an increased incentive to frauds that are already going on in the country. Prostration of business means a lack of revenue; and this high tax upon whisky in bond, upon whisky in store, and upon whisky to be manufactured means additional frauds upon the revenue of the Government.

I said awhile ago that if there were an honest effort to collect this excise tax, 25 per cent. additional revenue would be obtained from the present tax of 70 cents a gallon. I also gave some instances of fraud. I agree with the report of the Commissioner of Internal Revenue that there cannot be fraud under the present system without collusion of Government officers; but I undertake to say that it is a fact patent to every man who examines the subject, that in many districts of the country the Government officers are in collusion with the illicit and dishonest distillers; and I undertake to say that if honest officials were substituted for dishonest officials in certain districts, a much greater revenue would be obtained and the provisions of this bill be rendered unnecessary.

[Here the hammer fell.]

Mr. GUNCKEL. My friend and colleague [Mr. SAYLER] says that if my amendment, which the House has chosen to adopt, be enacted unto law it will create a panic. A panic with whom? Why, sir, my colleague does not look beyond Cincinnati, where there are some ten or twelve speculators who have on hand a large stock of whisky, amounting to millions of gallons. No doubt the adoption of such a provision would create a panic with them, and it ought to; because they have been trying to speculate at the expense of the business interests of the country; but the result will be that the ten or twelve million dollars which the speculators want to go into their hands will

go into the Treasury of the United States. Sir, the amendment is a good one; the House did a good thing in adopting it, so as to give the benefit of this tax to the Treasury of the country and not to a few speculators.

Mr. SAYLER, of Ohio. The large dealers are the very men who will not suffer; the small dealers are the very men who will.

A MEMBER. And the manufacturers.

Mr. SAYLER, of Ohio. Yes, and the manufacturers. My colleague [Mr. GUNCKEL] is entirely mistaken in his statement.

The question being taken on the amendment of Mr. STORM, it was not agreed to.

Mr. DAWES. Now, if we can have a vote on the amendment of the gentleman from Ohio [Mr. GARFIELD] I will then move that the committee rise.

Mr. SMITH, of Ohio. I wish to inquire whether by the adoption of the amendment of my colleague [Mr. GARFIELD] we do not thereby lose the amendment of the gentleman from New York?

Mr. DAWES. No, sir; that is an amendment to the original bill.

Mr. SMITH, of Ohio. But it is not an amendment to the substitute.

Mr. DAWES. Then vote down this amendment.

Mr. SMITH, of Ohio. So I say.

Mr. DAWES. There is no occasion to adopt the amendment in its present shape. It does not change the result.

Mr. CESSNA. If the substitute be adopted as it now stands I understand it differs in nothing from the original bill; that to adopt the amendment will strike out the amendment of the gentleman from New York, [Mr. Cox.]

The CHAIRMAN. That undoubtedly will be the effect.

Mr. CESSNA. Then it has no other effect than to strike out the amendment of the gentleman from New York [Mr. Cox] and will leave the bill to stand as it is. Therefore I hope it will be voted down.

Mr. GARFIELD's amendment, as amended, was rejected.

Mr. DAWES. I now move the committee rise.

The motion was agreed to.

The committee accordingly rose, and, the Speaker having resumed the chair, Mr. HALE, of Maine, reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration a bill (H. R. No. 4680) to further protect the sinking fund, and provide for the exigencies of the Government, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their Clerks, informed the House that that body had passed a bill (H. R. No. 4669) to provide for the selection of grand and petit jurors in the District of Columbia, with an amendment; in which the concurrence of the House was requested.

It further announced that the Senate had passed without amendment a joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2102) to incorporate the Capital, North O Street and South Washington Railway Company;

An act (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases;

An act (H. R. No. 3623) regulating fees and costs, and for other purposes;

An act (H. R. No. 3825) to amend section 5240 of the Revised Statutes of the United States in relation to the compensation of national-bank examiners;

An act (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia;

An act (H. R. No. 4126) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name; and

An act (H. R. No. 4676) for the relief of actual settlers on lands claimed to be swamp and overflowed lands in the State of Missouri.

GRAND AND PETIT JURIES IN DISTRICT OF COLUMBIA.

Mr. DAWES. Mr. Speaker, the bill (H. R. No. 4669) to provide for the selection of grand and petit juries in the District of Columbia has been returned from the Senate with a verbal amendment which if not now concurred in will cause the loss of the bill. I therefore move by unanimous consent to take from the Speaker's table the bill and amendment, and that the amendment be concurred in.

Mr. STRAIT, and Mr. BUTLER of Massachusetts, objected.

Mr. DAWES. I do not wonder that the gentleman from Minnesota should object, but I hope my colleague will not object.

Mr. BUTLER, of Massachusetts. O, pardon me, but I will.

ORDER OF BUSINESS.

Mr. STORM. I move that the House take a recess until half past seven this evening when the session has been set apart for reports from the Committee on the Judiciary.

Mr. COBURN. I rise to a privileged question.

Mr. RANDALL. I demand the regular order of business.

Mr. COBURN. I wish to submit a privileged report from the select committee to investigate outrages in Alabama.

Mr. RANDALL. I object to debate.

The SPEAKER. The motion for a recess must be first put.

Mr. MERRIAM. What is to come up in the night session?

The SPEAKER. Reports from the Judiciary Committee.

The House divided; and there were—ayes 92, noes 40.

Mr. SPEER. Before the Chair announces the result I wish he would state exactly for what purpose the session this evening has been assigned.

The SPEAKER. On Monday last under a suspension of the rules the Judiciary Committee was given the privilege to report this evening, but with the limitation that no political bills or bills involving an appropriation of money should be reported.

Mr. SPEER. That is what I wished to have stated.

Mr. BUTLER, of Massachusetts. And I hope everybody will be here.

So the motion was agreed to.

And then (at four o'clock and forty-five minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock.

ORDER OF BUSINESS.

The SPEAKER. The House, pursuant to order, meets to-night to consider reports from the Committee on the Judiciary.

Mr. LOUGHRIDGE. I desire to offer some amendments to the tax and tariff bill, and ask unanimous consent to have them printed in the CONGRESSIONAL RECORD.

The SPEAKER. The Chair does not know whether, an order having been specifically made that the House should meet to-night to consider business of the Judiciary Committee, requests for unanimous consent for any other business can be entertained.

Mr. SPEER. I object.

The SPEAKER. The Chair thinks it safer to limit business to reports of the Judiciary Committee absolutely.

GEORGIA NORTHERN JUDICIAL DISTRICT.

Mr. POLAND, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 4662) to change the location of the office of United States marshal in the northern district of Georgia.

The bill was read. It provides that the office of United States marshal in the northern district of Georgia shall be kept in the city of Atlanta, in that district; and all charges for mileage in the execution of the duties of the marshal's office in the said northern district of Georgia shall be computed from Atlanta.

The second section repeals all laws and parts of laws inconsistent with the act.

Mr. SENER. I should like to have some explanation of the provisions of this bill.

Mr. POLAND. In the first place, I will move to amend the bill by striking out the second section as being unnecessary.

The amendment was agreed to.

Mr. POLAND. I can explain in a word or two what this bill is. In the State of Georgia there are two judicial districts, but only one judge and one marshal. The court in the northern district formerly sat at Marietta, and the law then provided that for all service of process in the northern district travel should be computed from Marietta. Afterward, by act of Congress, the place of holding the court was changed from Marietta to Atlanta; and this is to cause the marshal's charges for mileage to be computed from that place.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES OF JURORS, ETC., IN THE DISTRICT.

Mr. POLAND also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 4536) prescribing the fees of jurors and witnesses in the courts of the District of Columbia.

The bill was read. It provides that jurors and witnesses in the courts of the District of Columbia shall receive the same fees as are paid to jurors and witnesses in the courts of the United States.

Mr. HOLMAN. Does not the law now provide for that?

Mr. POLAND. It is a question of doubt whether it does or not.

Mr. SPEER. Does this bill give witnesses residing in the District any mileage?

Mr. BUTLER, of Massachusetts. It does not.

Mr. POLAND. Twenty years ago, perhaps, a bill was passed just like this, providing that witnesses and jurors in the courts of this District should have the same fees as in the courts of the United States. Since that time a law has been passed raising the fees of

jurors and witnesses in the courts of the United States, and they have understood here that that applied to the courts of this District; but there is a doubt in reference to it. We propose simply to re-enact the same statute.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF SECTION 649 OF REVISED STATUTES.

Mr. POLAND also, from the same committee, reported a bill (H. R. No. 4743) to amend section 649 of the Revised Statutes of the United States; which was read a first and second time.

The bill was read. It provides that the provisions of section 649 of the Revised Statutes of the United States shall be applicable to the district courts of the United States.

Mr. POLAND. The section here referred to provides that questions of fact, by the consent of parties, may be tried by the court in circuit courts, and with the same effect as if the facts were tried and found by a jury. But it does not apply to district courts. This is to make the same provision apply to the district courts, so that questions of fact, if the parties consent, may be tried in the court with the same effect as if they were tried by a jury.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN UTAH TERRITORY.

Mr. POLAND also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3996) conferring jurisdiction upon the United States courts in the Territory of Utah in certain cases.

The bill was read. It provides that the power and authority vested in the probate courts of the Territory of Utah, under and by virtue of the provisions of the act of the Territorial Legislature, entitled "An act providing for the incorporation of railroad companies, and the management of the affairs thereof," approved February 19, 1869, be, and hereby is, vested in the district courts of the United States in said Territory; and such district courts shall have the same power and authority in all respects as by said act are conferred upon said probate courts.

Mr. CROUNSE. May I inquire of the gentleman from Vermont what is the occasion or reason for passing this bill?

Mr. POLAND. They have in Utah a provision for ascertaining land damages where lands are taken by railroads, a similar law to that existing in most of the States; but the territorial law gave the jurisdiction to probate courts. In the bill that was passed at the last session of Congress it was provided that the jurisdiction of the probate courts in Utah should be confined strictly to probate business; so that there is no court that has jurisdiction to settle these questions of land damages. We have provided that the district courts shall have that jurisdiction.

The provision of the law is that the matter should be referred to commissioners in the vicinity and jurisdiction is taken away from the probate courts.

Mr. SPEER. Is this an exceptional provision as to the Territory of Utah or does the bill apply to all these Territories.

Mr. POLAND. This bill merely applies to the Territory of Utah. It was impossible to ascertain what the law was in the other Territories, but in this case we thought it advisable to confine it to the Territory in which the mischief exists.

Mr. SPEER. If I understand the effect of the bill it is this: the jurisdiction of cases like this is now confined to the probate courts where the parties are residents of the Territory; but this bill proposes to give the district court of the United States jurisdiction over them.

Mr. POLAND. It is confined to all cases where a railroad company takes lands for its railroad purposes from the citizen, and if the question of damages is brought before the court, it is for the court to ascertain the amount. The law now provides that the damages shall be ascertained by commissioners.

Mr. HOLMAN. Allow me to make an inquiry. Of course there are three district courts held in the Territory of Utah, and is the citizen who complains of the action of a railroad company to have the right to have a change made in the court before which his case shall be tried? The case may be tried in either of the courts, and is not that a hardship in a large Territory like the Territory of Utah, where a citizen may be compelled to apply to the courts for redress? Does it not give corporations great advantage in drawing a citizen from his home to a point distant from it, and for that reason would not this bill be an interference with justice in that it authorizes such transfer?

Mr. POLAND. Undoubtedly some little inconvenience of that sort might arise, but I have had some experience in cases of this kind. Legal questions may arise in these cases, and it is thought better that the jurisdiction should be in the district court of the United States; and as the whole trial is to be by commissioners, as the law requires,

to be appointed in the county where the land in question is held, we thought it advisable to make this provision.

Mr. SPEER. Does the Delegate from Utah know anything about this bill?

Mr. CESSNA. The Delegate from Utah has been sitting in the House ever since the bill was reported.

Mr. WILLIAMS, of Michigan. I will say that there was no controversy about this provision of this bill.

Mr. POLAND. I was furnished by the Delegate from Utah with the law in relation to this subject.

Mr. CANNON, of Utah. It would be a much better law if the power were restored to the probate courts; but in case there is a determination not to leave this power in the hands of the probate court, it would be better to have a clause inserted in this bill like that inserted in the general railroad bill which passed the House a short time since, giving to any court of record the right to adjudicate cases that arise between citizens and railroad companies where condemnation of lands is required for railroad purposes. If that bill were now law there would be no necessity for this bill which we are now considering, as it confers all the power necessary upon all courts of record. The point made by the gentleman from Indiana [Mr. HOLMAN] against the bill as it now stands is a forcible one. Beaver City, where the second judicial court of the Territory of Utah is held, is so far distant that it requires as long a time to travel from the town of Saint George to it as it does to travel from Chicago to Boston, and this bill, if left as it is, will subject the citizens to very great inconvenience.

There can be no objections against the probate court, a court elected by the people, exercising this jurisdiction. It has exercised it without difficulty and without complaint. I imagine the taking away of this power from the probate court was an act of inadvertence at the passage of what is known as the Poland bill.

When upon examination it was found that this power had been taken away from the probate courts, and there was no court in the Territory of Utah that held this power, then steps were taken to frame a bill to supply the defect. I was consulted by the gentleman from Michigan [Mr. WILLIAMS] upon the subject. I thought, and so told him, that the power should be restored to the probate courts. But he informed me that he had been assured by the gentleman from Vermont that a bill restoring this authority to the probate courts would not be entertained; hence the bill was introduced in its present form. If objections exist to the probate courts having this authority alone, then let it be vested in them and the district courts. It would be much better for the interests of all citizens of the Territory if this bill were amended in this manner. And I move that it be so amended, and that the power be given to any court of record, which will include both the district and probate courts.

Mr. POLAND. I consent that the amendment be offered.

The amendment was agreed to; and the bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF DISTRICT JUDGE OF PENNSYLVANIA.

Mr. POLAND, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 4351) for the relief of the judge of the district court of the United States for the western district of Pennsylvania.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the provisions of section 714 of the Revised Statutes shall be extended and made applicable to Hon. Wilson McCandless, judge of the district court of the United States for the western district of Pennsylvania, in consequence of his physical disability, notwithstanding he has not attained the age of seventy years.

Mr. POLAND. The facts in this case, in reference to the judge of the western district of Pennsylvania, are almost identical with those in the case of the district judge of Vermont, in whose favor we have already passed a bill through both Houses, passing it here under a suspension of the rules. The age is about the same, the length of service just about the same, and the disabilities about the same.

Mr. SENER. What is the age of the judge and the length of service?

Mr. CESSNA. He has been upon the bench about sixteen years, and is now about sixty-six years old.

Mr. SENER. What is his disability?

Mr. CESSNA. Paralysis of the tongue and mouth.

Mr. LAWRENCE. I do not think we ought to pass this bill. We have provided by general law for the retirement of judges under certain circumstances, and I do not think we ought to extend the principle of that law beyond those terms. I know of no reason why a judge should be retired upon a pension any more than any other officer who has served the same length of time. Suppose that a member of Congress has served for sixteen years and is attacked by paralysis, as is the case of this judge; why should he not be retired upon a pension just as it is proposed to retire this judge? That is my view of the matter.

Mr. POLAND. We have already passed a bill in a case almost identical with this—passed it under a suspension of the rules.

Mr. SENER. It was claimed that that would not be a precedent.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMISSION ON THE ALCOHOLIC LIQUOR TRAFFIC.

Mr. POLAND, from the same committee, reported back, with the recommendation that the same do pass, the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic and fermented liquor traffic.

The question was upon ordering the bill to be read a third time.

The first section of the bill provides that there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, neither of whom shall be the holder of any office of profit or trust in the general or a State government; that the said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed one year; that it shall be their duty to investigate the alcoholic and fermented liquor traffic and manufacture, having special reference to revenue and taxation, distinguishing as far as possible in the conclusions they arrive at between the effects produced by the use of distilled or spirituous liquors, as distinguished from the use of fermented or malt liquors, in their economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States, and the effect produced by such legislation upon the consumption of distilled or spirituous liquors and of fermented or malt liquors, and also to ascertain whether the evil of drunkenness has been decreased or increased thereby; whether the use of opium as a stimulant substituted for alcoholic drinks has become more general in consequence of such legislation, and whether public morals have been improved thereby; that it shall also be the duty of said commissioners to gather information and take testimony as to whether the evil of drunkenness exists to the same extent or more so in other civilized countries, and whether those foreign nations that are considered the most temperate in the use of stimulants are so through prohibitory laws, and also to what degree prohibitory legislation has affected the consumption and manufacture of malt and spirituous liquors in the country.

The second section provides that the said commissioners, all of whom shall not be advocates of prohibitory legislation or total abstinence in relation to alcoholic or fermented liquors, shall serve without salary; that they shall be authorized to employ a secretary at a reasonable compensation, not to exceed \$2,000 per year, which, with the necessary expenses incidental to said investigation, of both the secretary and commissioners, not exceeding \$10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; and that for this purpose the sum of \$10,000 is hereby appropriated; and that it shall be the further duty of said commissioners to report the result of their investigation and the expenses attending the same to the President, to be by him transmitted to Congress.

Mr. RANDALL. I raise the point of order on that bill that it makes an appropriation.

Mr. POLAND. Wait a moment.

Mr. RANDALL. I do not wait; I make it now.

Mr. POLAND. I am perfectly aware that the bill is open to this point of order; but the gentlemen who are interested in this matter desire very much to have this investigation made by somebody that shall be clothed with some authority. I am authorized by the gentlemen who are the promoters of this scheme to propose, if it will obviate the objection of the gentleman, to strike out of the second section all provisions for the payment of the salary of the secretary and the expenses, and to provide that the salary of the secretary and the expenses shall be paid by voluntary subscriptions; that no money shall be paid from the Treasury under this act.

Mr. RANDALL. It creates a new office. I insist upon my point.

The SPEAKER. The point of order is well taken.

Mr. POLAND. I am aware of that; but I was in hopes that the gentleman's temperance principles would overcome his parliamentary scruples.

Mr. WILLARD, of Vermont. I understood that the Committee on the Judiciary were not to report to-night any bill making an appropriation of money.

The SPEAKER. This bill does not technically make any appropriation of money; but the stipulation of the gentleman from Indiana [Mr. HOLMAN] was that no bill in the nature of a claim should be reported. The Chair stated that all points of order would be good against any bill which might be reported.

Mr. MAYNARD. And it was also stipulated that no political bill should be reported.

The SPEAKER. The bill is clearly liable to the point.

Mr. POLAND. I will withdraw the bill, giving notice that on next Monday I shall move to suspend the rules for its passage. We shall then see how many temperance gentlemen we have here.

Mr. RANDALL. You will find out that some of us do not want to create any more offices.

Mr. CESSNA. An office without pay does not cost the Government anything.

JURISDICTION OF SUPREME COURT.

Mr. BUTLER, of Massachusetts, from the same committee, reported back adversely the bill (H. R. No. 3909) prescribing the jurisdiction of the Supreme Court in certain cases therein named; and moved that the same be laid on the table.

The motion was agreed to.

FORGERY OF CERTAIN INSTRUMENTS.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back without amendment the bill (H. R. No. 4557) to prevent and punish the false making and uttering of certain instruments.

The bill was read. It provides that the false making, forging, or alteration, with intent to defraud, of any check, draft, or other paper writing, or voucher for the payment of money, or any paper writing or voucher whatever, issued by or under the direction or regulations of the Department of the Interior, or any Bureau, officer, or agent thereof, or to be filed or placed as evidence in said Department, in relation to pensions already granted, or in support of an application for a pension to be granted, or the uttering or producing of any such check, draft, voucher, or paper writing, with intent to defraud, shall be a felony; and the party found guilty thereof before any United States district or circuit court for the district where he resides, or the offense is committed, is to be punished by imprisonment at hard labor for a term not exceeding five years, or by a fine not exceeding \$5,000, or both, in the discretion of the court by which he is sentenced.

Mr. BUTLER, of Massachusetts. I desire to say merely that there is no law now on the statute-book for punishing forgeries of certain public records and forgeries of pension-checks. This matter was brought to the attention of the Judiciary Committee by a letter from the Pension Office, stating that a man who had forged a pension-check had been discharged in one of the United States courts because there was no law for the punishment of that offense. I presume there will be no objection to the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LARCENIES.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported a bill (H. R. No. 4744) to punish larcenies and the receivers of stolen goods; which was read a first and second time.

The bill was read. It provides that any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States wherein said offense may have been committed, or into which he shall carry or have in his possession said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary, not exceeding five years, or by a fine not exceeding \$5,000, or both, at the discretion of the court before which he shall be convicted.

The second section provides that if any person shall receive, conceal or aid in concealing, or have or retain in his possession, with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined from the United States by any other person, knowing the same to have been so embezzled, stolen, or purloined, such person shall on conviction before the circuit or district court of the United States wherein he may have such property, or wherein he resides, be punished by a fine not exceeding \$5,000, or imprisonment at hard labor in the penitentiary not exceeding five years, one or both, at the discretion of the court before which he shall be convicted, and such receiver may be tried either before or after the conviction of the principal felon; but if the party has been convicted, then the judgment against him shall be conclusive evidence that the property of the United States therein described has been embezzled, stolen, or purloined.

Mr. G. F. HOAR. I desire to call my colleague's attention to a clerical error occurring in both the first and second sections. The bill speaks of the "court of the United States wherein said offense may have been committed." The words "for the district" should be inserted in both cases.

Mr. BUTLER, of Massachusetts. That modification is proper. I presume it can be made by unanimous consent.

There being no objection, the bill was so amended.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDEBTEDNESS OF SOUTHERN RAILROADS.

Mr. BUTLER, of Massachusetts. The Committee on the Judiciary have directed me to report back the amendments of the Senate to the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes." The committee recommend concurrence in the amendments of the Senate. When the amendments have been read I will explain them.

The Clerk read as follows:

Strike out the preamble and all after the enacting clause and in lieu of the matter stricken out insert the following:

That the Secretary of War and Attorney-General are hereby authorized and empowered jointly to adjust and settle the claims of the United States against the Alexandria, Loudoun and Hampshire, the Edgefield and Kentucky, the Knoxville and Kentucky, the McMinnville and Manchester, the Mobile and Ohio, the Memphis, Clarks-ville and Linnville, the Memphis and Little Rock, the Nashville and Northwestern, the Southwestern Branch Pacific Railroad of Missouri, and the Selma, Rome and Dalton Railroad Companies, and all persons and corporations having any interest in the subject growing out of the sale and transfer by the United States of any rights of property to said railway companies above named respectively, in the years 1865 and 1866, or both, by making such abatement in the amount of such claims respectively as shall be deemed just, in respect of an overvaluation, if any, of the property sold, not exceeding 25 per cent. of the valuation of the property in each case, as made under the authority of the War Department on the occasion of such sales: *Provided*, That such settlements shall be made within one year next after the passage of this act; and that good and sufficient security be given to the United States, by or on behalf of the parties in interest respectively who do not pay in cash at the time of settlement, for the payment, with interest, of such sums as shall, on such settlements, be so found due at such times within ten years as may be agreed upon.

SEC. 2. That this act shall not be construed so as to produce or authorize any delay in the prosecution of said claims respectively other than as aforesaid; and each of said claims not so settled and disposed of as aforesaid shall be prosecuted and enforced according to existing obligations. In such settlements no allowance shall be made in respect of any matter occurring prior to such sales and transfers, nor otherwise, except such payments as may have been made in cash and such credits for transportation as the general course of the business regulations of the Departments authorizes. And in any such settlement the said Secretary and Attorney-General shall, as a condition thereof, take a full release from the other parties, respectively, of all claims and demands, of every name and nature, theretofore existing, if any such there be, against the United States.

Amend the title so as to read:

A bill to provide for settling with certain railway companies.

Mr. BUTLER, of Massachusetts. I want to state to the House exactly the difference between this and the House bill. There were certain southern railroads bought by the railroad companies back from the United States, but there were certain offsets claimed by the railroad companies. The House passed a bill providing that the Secretary of War and Attorney-General should settle upon a certain equitable basis. The Senate have amended it substantially only in this, that they permit a deduction not to exceed 25 per cent. We put on no limit; they have limited it to 25 per cent. The Judiciary Committee have instructed me to move concurrence in the Senate amendment, and I now ask the House to do.

Mr. HOLMAN. I could not ascertain from the reading the exact effect of the amendments of the Senate, or exactly where they come in, and I therefore ask the amendment be again read, in connection with the bill as it passed the House, so we may understand it.

Mr. BUTLER, of Massachusetts. This is an entire substitute for the bill which passed the House. The House bill allowed them to settle generally at any price which they deemed to be just and equitable. The substantial difference is that the Senate provide that no deduction shall be made exceeding 25 per cent. That is all. I thought it better to concur than to have a committee of conference, and so did the Committee on the Judiciary.

Mr. HOLMAN. I ask now that the bill be read as it passed the House.

Mr. BUTLER, of Massachusetts. Very well; let it be read.

The Clerk read as follows:

Whereas the Secretary of War was directed and authorized by the act of Congress approved March 3, 1871, to compromise certain suits instituted by the United States against certain railroad corporations which purchased material from the Quartermaster's Department under the provisions of executive orders of August 8 and October 14, 1865; and whereas issues have been raised and are pending in the settlement of the accounts of other railroad corporations which made purchases under said orders and against which the Government has not commenced suit: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized, by and with the advice of the Attorney-General of the United States, to compromise, adjust, and settle the same upon such terms as may be equitable and just and best calculated to protect the interests of the United States.

Mr. BUTLER, of Massachusetts. You see what I have stated is all the difference there is between the House bill and the Senate amendments. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments of the Senate were concurred in.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIRCUIT AND DISTRICT COURTS OF MINNESOTA.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back a bill (H. R. No. 3855) to change the times and places for holding the circuit and district courts of the United States for the district of Minnesota, with the recommendation that it do pass.

The bill, which was read, in the first section provides that the circuit and district courts of the United States for the district of Minnesota shall be held at the city of Saint Paul on the second Monday of December, and at the city of Winona on the third Monday in June, in each year.

The second section provides that said circuit or district court may, in its discretion, order special terms, and order a grand or petit jury, or both, to attend the same, by an order to be entered of record twenty days before the day at which said special term shall be ordered to convene; and said courts respectively, at such special terms, shall have all the powers that they have at a regular term appointed by law; provided that no special term of said circuit court shall be appointed except by and with the concurrence and consent of the circuit judge.

The third section provides that the circuit court shall appoint two clerks, each of whom shall be clerks both of the circuit and district courts, one of whom shall reside and keep his office at the city of Saint Paul, and the other shall reside and keep his office at the city of Winona, who shall receive the fees and compensation for services performed by them, respectively, now fixed by law.

The fourth section provides that all recognizances, indictments, writs, processes, and other proceedings, civil and criminal, now pending in either of said courts, shall be returned, entered, heard, and tried at the times for holding said courts, respectively, as herein provided.

The fifth section provides that the act shall take effect and be in force from and after its passage; and all other acts and parts of acts authorizing the holding of stated or special terms of either of said courts be, and the same are thereby, repealed.

Mr. BUTLER, of Massachusetts. I move to strike out the fifth section, as it is entirely unnecessary.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT COURTS IN LOUISIANA.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back a bill (S. No. 88) for the better organization of the district courts of the United States in the State of Louisiana, with the recommendation that it do pass.

Mr. SENER. I make the point of order on that bill.

The SPEAKER. The Chair sustains the point of order, and the bill goes to the Committee of the Whole on the state of the Union.

TELEGRAPHIC LINES ESTABLISHED AS POST-ROUTES.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back a bill (H. R. No. 4470) to establish certain telegraphic lines in the several States and Territories as post-roads, and to regulate the transmission of commercial and other intelligence by telegraph, with the recommendation that it do pass.

The bill, which was read, in the first section provides that all telegraphic lines of communication over which messages are transmitted for hire are thereby established and made post-roads; and the Postmaster-General is thereby empowered and authorized to advertise for proposals, under the same limitations and with the same authority as for the transmission of mails over post-roads, so far as the same are applicable for the transaction of all governmental business by telegraph over said post-roads, and make contracts with the lowest responsible bidder thereof.

The second section provides that each telegraphic company or corporation, maintaining telegraphic lines used for the purpose of sending telegraphic communications, for hire, over and along any of the highways and railways, or any part thereof, in the United States, shall receive all telegrams at any office thereof from any other telegraphic company directed to be delivered to any other office or station on the line of the receiving company, and transmit the same at the regular tariff rates of transmission established between its own offices, to and from which such messages are transmitted on its own lines, and no words shall be charged for beyond or in addition to those which the company delivering the message for transmission shall direct to be transmitted; and no company shall give any preference, either in the order of transmission or in the rate of charge for transmission, to any one connecting company over any other connecting company in sending any message.

The third section provides that each telegraphic company engaged in transmitting messages among the several States or with foreign countries shall limit its business to the transmission of such messages only as may be delivered to it for that purpose; and neither of such companies shall be, directly or indirectly, interested in the collection or purchase of commercial or other news to be transmitted by itself or any other company; and the tariff on all telegraphic messages by cable from offices in the United States to offices in foreign countries

or from offices in foreign countries to offices in the United States shall not exceed, in addition to the cable rate, the rate of transmission of said messages from New York or Boston to the place of destination of the foreign telegram, or from Florida to the place of destination of the telegraphic message from Cuba.

The fourth section provides that the tariff rates of charges for the transmission of special telegrams to newspapers and commercial-news associations shall be the same to each association, without discrimination; and a rate of charges therefor shall from time to time be fixed by every such telegraphic company and exposed in some public place in its principal offices, and no charge except according to the tariff of charges so fixed shall be demanded or received by such company; and the rates of such special telegrams shall in no case exceed those charged to the Associated Press or American Press Association for like services on the 1st day of January in the year 1875.

The fifth section provides that all persons shall have the right to correspond by telegram in the manner therein described; and all telegrams shall be privileged communications in law to the same extent that sealed letters now are, and the contents thereof shall not be divulged by any agent or officer of a telegraphic company, except for the purpose of justice, by order of a court of competent jurisdiction.

The sixth section provides that the tariff for sending telegrams shall be uniform to all persons for similar service and without discrimination. Telegrams from the several Departments of the Government and their officers and agents, upon public business authorized or required of any such officer or agent in the execution of any duty devolved upon him by law, shall, when required in writing entered on the message, have priority in transmission without prepayment, and at rates to be annually fixed by the Postmaster-General in accordance with existing laws. All other telegrams shall be transmitted in the order in which they are received, except telegrams directed by the sender to be transmitted between the hours of six o'clock in the afternoon and six o'clock in the forenoon.

The seventh section provides that every person who shall willfully violate any of the provisions of this act, or willfully destroy, postpone, or delay the delivery of, or unlawfully divulge or permit to be seen by any other than the person to whom the same is addressed, any telegraphic message, or any part thereof, or give any duplicate or copy thereof to any other person, or who shall injure or destroy any property of any telegraphic company, or willfully interfere with the operation, repair, or use of any line of telegraph, or any part thereof, shall be deemed guilty of a misdemeanor, and, upon complaint to a United States commissioner or judge of a United States court in behalf of the United States, shall be held for trial therefor, and, upon conviction in the district or circuit court of the United States for the district where such offense shall have been committed, or where such person shall reside, may be fined not exceeding \$1,000 or imprisoned for a term not exceeding two years, either or both, at the discretion of the court; provided that this section shall not hinder or be a bar to any suit for damages by the party injured because of the omission or commission of anything in this act prohibited or directed to be done.

Mr. WILLARD, of Vermont. I make the point of order the bill provides for the Postmaster-General making a contract, and therefore contains an appropriation.

Mr. BUTLER, of Massachusetts. I desire to have section 5 amended by adding at the end the words which were in the bill that I meant to have sent to the desk, "or by committee of either House of Congress."

The SPEAKER. The gentleman from Vermont [Mr. WILLARD] raises a point of order based on the first section of the bill, which the Clerk will again read.

The Clerk read as follows:

That all telegraphic lines of communication over which messages are transmitted for hire are hereby established and made post-roads; and the Postmaster-General is hereby empowered and authorized to advertise for proposals, under the same limitations and with the same authority as for the transmission of mails over post-roads, so far as the same are applicable for the transaction of all governmental business by telegraph over said post-roads, and make contracts with the lowest responsible bidder therefor.

The SPEAKER. Will the gentleman please state his point of order.

Mr. WILLARD, of Vermont. The point of order is this: that the bill involves an appropriation of money. The Postmaster-General is authorized to make contracts for the transmission of Government messages over these telegraphic lines.

The SPEAKER. Does it involve an appropriation of money not now authorized by law?

Mr. WILLARD, of Vermont. I do not understand the point of order would not be as good as if it did.

Mr. RANDALL. It does do that.

The SPEAKER. In what respect?

Mr. RANDALL. There is no law existing now providing for what is provided for in that section; and what is therein provided does involve an expenditure of money.

The SPEAKER. The Chair does not think that is correct as a matter of fact.

Mr. WILLARD, of Vermont. The Chair has ruled uniformly under the new rule in respect to bills involving an appropriation of money that wherever a bill provided a contract might be made

which would take money out of the Treasury that bill was subject to the point of order.

Mr. RANDALL. An amendment to this bill would be in order appropriating money.

Mr. WILLARD, of Vermont. I ask to have the rule read.

The Clerk read as follows:

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in Committee of the Whole.

Mr. WILLARD, of Vermont. My point is that this bill will require an appropriation of money to be made.

The SPEAKER. The Chair takes this to be the case: There is a constant appropriation of money being made for governmental business by telegraph. This bill declares that the Postmaster-General shall advertise for the lowest responsible bidder to do such business. It is just as though coal were appropriated for the supply of the Navy and a bill should afterward be introduced providing that the Secretary of the Navy should advertise for the lowest bidder for the coal. Advertising for the lowest bidder does not appropriate money. It has nothing to do with it. This bill does not *proprio vigore* take a cent of money out of the Treasury; it only proposes that the Government business hereafter by telegraph shall be advertised and proposals received that it may be given to the lowest bidder.

Mr. WILLARD, of Vermont. If the Speaker will allow me, I would remark that the provision here is that the Postmaster-General is hereby empowered and authorized—

The SPEAKER. Not to expend one dollar which is not now authorized to be expended.

Mr. WILLARD, of Vermont. The Postmaster-General

is hereby empowered and authorized to advertise for proposals, under the same limitations and with the same authority as for the transmission of mails over post-roads.

The SPEAKER. But not to expend a single dollar that he is not now authorized to expend. There is simply a limitation put upon it.

Mr. WILLARD, of Vermont. Then I see no use in this legislation, if the Postmaster-General can do it now. The bill says he shall do it under the same limitations as are now provided by law in reference to the transmission of mails. That is new legislation.

The SPEAKER. New legislation of course; that is another thing.

Mr. WILLARD, of Vermont. It is new legislation authorizing the Postmaster-General to enter into certain contracts which will bind the Treasury of the United States, which he cannot do under existing law.

Mr. RANDALL. Let me call the attention of the Chair to one other point. This creates an additional branch of the Post-Office Department which no existing law provides for.

The SPEAKER. The Chair cannot see that there is a single expenditure on the part of the Government authorized by this bill which is not now going forward. There is a large amount of Government telegraphing done which the Government has to pay for. This bill enacts that hereafter it shall be the duty of the Postmaster-General to advertise for the lowest proposals for which that should be done. If the Chair should construe the bill in its legitimate effect, he would presume that it would keep money in the Treasury. It certainly does not propose to take a dollar out of it that is not now under the practice of the law going out. There has been an appropriation made heretofore for many years for Government telegraphing expenses, and that is done at the discretion of the Department. They pay what the Department is charged and what it thinks is legitimate. This stops that practice, and says that hereafter the Postmaster-General shall advertise for proposals. The Chair does not see how that involves the appropriation of money not now authorized by law.

Mr. WILLARD, of Vermont. Perhaps it is taking notice of too small things to raise the point—

The SPEAKER. By no means. If the point is good, the Chair would sustain it to the extent of a dime just as readily as if there were a million of dollars involved.

Mr. WILLARD, of Vermont. I was going to say that this authorizes the extension of the present law for advertising for proposals for the transmission of mails to advertising for transmitting telegraphic messages, and that it would therefore involve an increased expense in that regard.

The SPEAKER. The gentleman from Vermont will observe that there is a considerable amount appropriated in the annual appropriation bills to be expended at the discretion of the heads of the several Departments. It is done in the faith that they will make these expenditures wisely and judiciously.

Now, if a bill should be introduced here declaring that each of the Departments should advertise for the lowest bidder for supplies of every kind, it would be only limiting and directing the mode in which the money appropriated should be expended.

Mr. GARFIELD. I would inquire if this amendment does not really extend the postal system and allow the Postmaster-General, under law, to transact a large amount of his business by telegraph which is now transacted by mail?

The SPEAKER. The bill does not authorize that.

Mr. GARFIELD. But it says in distinct terms that this line shall be a post-route just as railroads are post-routes.

The SPEAKER. As all railroads are now declared to be post-routes.

Mr. GARFIELD. The Postmaster-General may in his discretion extend the post-route system to the telegraphs. The bill enlarges the Postal Department of the United States to the extent of putting it on wires and giving to the Postmaster-General the power to increase the expenses to meet that extension.

The SPEAKER. The gentleman from Ohio will observe that the declaring of any route a post-route does not imply that a mail shall be carried over it. It only implies that the Postmaster-General may put a mail upon it if in his discretion he thinks it necessary.

Mr. GARFIELD. But if the bill authorizes the Postmaster-General to make a contract for carrying the mails, it would involve an appropriation.

The SPEAKER. The Chair does not see that the point is good against the bill.

Mr. BUTLER, of Massachusetts. I move to amend the bill by inserting a few words. I move to insert in line 5, section 7, after the word "thereof," the following:

Or shall, without authority of the telegraphic company transmitting the same, take from the wires or other instruments of said company any telegraphic message while the same is being transmitted by said company.

I ask the kind attention of the House to an explanation of this bill. It is a bill of very considerable importance. The first section puts the control of the telegraph line of the United States under the Postmaster-General so far only as the Government business is concerned—no further—so that he can regulate how the Government business shall be transacted over those lines.

The first question that has been asked of me is, Where do you find the power for it? I answer that in the Constitution the provision adopted with most unanimity was to put post-routes and post-offices under the control of the General Government. It was the only means by which intelligence could be transmitted at the time of the formation of the Constitution, and therefore our fathers enacted that the post-offices and post-roads should be under the control of the General Government. They enacted in doing that the practice which has prevailed in every country in the world, that the transmission of intelligence should be under the control of the Government; and every one must see the necessity of it. In case of war or invasion there is an absolute necessity for such a rule.

Then came the railroads, and the mails were transmitted in a very different way.

Mr. MERRIAM. I want to ask the gentleman a question.

Mr. BUTLER, of Massachusetts. No, sir; I will not be interrupted. I repeat what Mr. Proctor Knott once said upon this floor: that if Christ were delivering the sermon on the mount upon this floor, some gentleman would get up and ask to be allowed to put a question to him.

I say that the railroads came in and they were at once adopted as post-routes. The words "post-road" in the Constitution have never been construed to mean a post-road merely, as is seen in the fact that all the canals, rivers, and lakes have been made post-routes. They were made so as an easy means of the transmission of intelligence.

Then came the telegraph; and the first telegraph line established in this country was established by the General Government. The first telegraph line ever built in this country was built between this city and Baltimore by the Post-Office Department. And Cave Johnson, one of the ablest Postmaster-Generals we ever had—and I call the especial attention of my friends on the other side to this—in 1846, after the telegraph lines had been established for two years in this country, uses this language in his report:

Telegraph lines have been established from New York to Boston, Buffalo, Philadelphia, Baltimore, and Washington; others are in process of construction. I may further add that the Department, created under the Constitution, and designed to exercise exclusive power for the transmission of intelligence, must necessarily be superseded in much of its most important business in a few years if the telegraph be permitted to remain under the control of individuals. It is the settled conviction of the undersigned that the public interests, as well as the safety of the citizens, requires that the Government should get the exclusive control of it by purchase, or that its use should be subjected to the restraints of law.

That is the good old Davy Crockett doctrine of democratic days, when democrats were democrats, and not obstructionists. And if that is not sufficient there is another power which we have, and that is the right to regulate commerce among the several States and with foreign countries. A telegraph line comes from Europe to these shores, and coming to these shores the United States has assumed control over it, so that it cannot land on the shores of any State, although the State may own the shores, without the permission of the General Government. Why? Because it is an instrument of commerce with foreign countries. It is an instrument of commerce among the States, and as such instrument of commerce it is a most potent engine of commerce. A merchant may sit in his counting-room in London and sell his goods in this country, in Chicago for instance, almost as well by telegraph as he can upon the docks in London. The prices are all regulated by telegraph. As I say, it is a most potent instrument of commerce, and therefore under that provision of the Constitution we have the power to regulate it.

But there is a still further instrument of power. In 1866 the telegraph companies came to Congress, and on the 25th of July of that year we passed an act allowing every telegraph company which chose to do so to put up its telegraph poles on every post-road and military-road in the United States, and to extend its lines over every navigable river and every arm of the sea in the United States, thereby

subjecting our post-roads to the use of the telegraph companies who were the simple creatures of the State. It would seem that there is always a power in Congress to do something for a monopoly, but there is always a constitutional doubt when we attempt to do anything in the interest of the people and against a monopoly. Having these post-roads of ours with telegraph lines over them, we propose to assume the control over the transmission of intelligence on the top of the poles as well as through the mails carried on the roads. That is another source of power.

Now, if members will send for House report No. 125 they will find in the latter part of it this bill, and in the report they will find all the authorities upon this subject collated. That report will answer me to-night on this subject. And a little more reading and a little less talking would give a great deal of instruction to certain gentlemen.

Now for the bill itself. The first section simply makes these telegraph lines post-routes, and allows the Government, through the Postmaster-General, to contract for the Government business over the lines at the lowest rate of bidding, precisely as the carrying of the mails is paid for. That will commend itself to everybody.

The second section meets another difficulty, which is this: The telegraph companies to-day will not send each other's messages; that is, if you send a message by the Western Union Telegraph line, and for aught I know if the Western Union Company should send by the Atlantic and Pacific line, a message to a place where it had no wire, those messages would not be sent for each other at the usual and fair rates. Let me illustrate so that there will be no mistake about it. You send a message by the Atlantic and Pacific line, for instance, from here to New York. We will suppose that that telegraph company has no wire to Saratoga, but the Western Union Telegraph Company has a wire there. The Western Union Company will not take that message at the same rate at which they would send one of their own messages; they will charge a different rate.

Mr. LAWRENCE. Permit me to ask a question, if at common law they are not bound to receive and send their message at a reasonable rate?

Mr. BUTLER, of Massachusetts. I suppose that is the common law. But the difficulty about the common law is this, as applied to this case: you would have to bring suit on each message and recover ten cents damages, and perhaps lose \$10,000 in costs, for you would have to fight a company with a capital of \$40,000,000.

Mr. LAWRENCE. This provision of the bill comes in aid of the common-law right.

Mr. BUTLER, of Massachusetts. Yes, sir. We only propose to require them to do what every railroad company ought to be required to do and in every State is required to do—to pro-rate with each other. The bill provides further, that no preference shall be given to one message over another. The manner in which a line stops competition is that whenever another line sends messages to it, it will keep those messages back until all its own have gone, and by this means ruin the other line. That is the reason we have not had any competing lines until this bill has been reported; and now there are two competing lines between here and New York that send messages for one-half the rates that were charged a fortnight ago, before this bill was reported. If reporting a bill will do so much good to the public in fourteen days, what will be accomplished by the passage of a bill which shall bring these companies to their senses?

The next provision is as to cable telegrams; and here is a very great evil. The bill provides—

That each telegraphic company engaged in transmitting messages among the several States or with foreign countries shall limit its business to the transmission of such messages only as may be delivered to it for that purpose; and neither of such companies shall be, directly or indirectly, interested in the collection or purchase of commercial or other news to be transmitted by itself or any other company; and the tariff on all telegraphic messages by cable from offices in the United States to offices in foreign countries, or from offices in foreign countries to offices in the United States, shall not exceed, in addition to the cable rate, the rate of transmission of said messages from New York or Boston to the place of destination of the foreign telegram, or from Florida to the place of destination of the telegraphic message from Cuba.

Now, the thing to be met by that provision is this: The telegraphic companies collect news on the other side and sell it on this side; and they will not let other parties send any news over their lines until their news has gone ahead. Now, suppose corn has risen two pence a bushel in Liverpool, that will affect the corn market in Chicago to the extent of four cents a bushel. But the cable sends the news in cipher to the Western Union Telegraph Company or any other company whose lines connect with it; and they, having paid for the news, sell it to their customers, sending it over the line first. They will not let anybody else's dispatches go over until their customers have had the news in time to get the advantage of the rise in the market. Thus the business of the whole country is improperly affected.

Now, to meet that state of things this section is framed, providing first that the company shall transmit all cable messages in the order in which they are received; that these companies shall be telegraphic companies and nothing else; that they shall not be stock-jobbers and news-brokers for other people, and shall not keep back one message that another message may be preferred; that they shall charge the same rates on this side for all cable messages which they are to transmit as they do for messages not transmitted by cable.

The fourth section is meant to meet another grievance which the public suffer—a most intolerable burden. In the use of the telegraph a little institution grew up called the Associated Press, whose business it was to collect news at Halifax, at the end of the cable, and send it forward for publication. That association has extended all over the United States, and the members have made themselves a close corporation; they will not allow any other newspaper to come into the association. The value of having the privilege of that association, which has not cost them a dollar, is worth in the city of New York to any newspaper a quarter of a million dollars, and is so reckoned in the sale of a newspaper. No newspaper can be established without the consent of that association, because no newspaper can sustain itself if it has not the news. The telegraphic companies have a bargain with that association by which all the news goes through what is known as the Associated Press, who color every dispatch to suit themselves. You cannot get a dispatch upon any subject sent over this country except it is favored by the Associated Press; and whenever any dispatch is sent to the contrary it is either suppressed or colored. Why, sir, I have been told by my friend from Pennsylvania [Mr. ALBRIGHT] his experience down in Alabama in connection with this matter. I yield to him that he may tell it to the House.

Mr. ALBRIGHT. Mr. Speaker, I am very much obliged to the gentleman from Massachusetts [Mr. BUTLER] for yielding to me. While the committee of which I am a member was down in Alabama gathering testimony, it was a noticeable fact that no agent of the Associated Press ever called upon any members of the majority, although we saw in the papers that news was sent to the North and other sections of the country purporting to contain a synopsis of testimony taken before that committee. While we were at Mobile it was considered proper that some of the facts which had been elicited before our committee should be furnished to the public; and a dispatch was prepared by a gentleman in Mobile from the facts furnished to him by members of the committee. The gentleman said that the dispatch could not go over the wires. We desired that he should present it to the agent, saying to him that it contained some of the facts which had been testified to before the committee. The agent of the Associated Press was handed the dispatch, but declined to send it.

Mr. BROMBERG. Did you offer to pay for that dispatch?

Mr. ALBRIGHT. No, sir; because it was understood the Associated Press agents were desirous of getting information which they would send out to the country. But, strange to say, the next day almost the opposite of what was attempted to be furnished the Associated Press was sent over the country as part of the testimony taken before the Alabama committee.

Mr. BROMBERG. Did they pay for that?

Mr. ALBRIGHT. I cannot say whether they paid for it or not.

Mr. TREMAIN. Did they object on the ground that it was not paid for?

Mr. ALBRIGHT. I was going to say that the gentleman who was the agent of the Associated Press asked whether it was an impartial report, and the gentleman informed him it was a report which had been gathered from some members of the committee, and he believed it was truthful; and, if truthful, was impartial, and that it was proper to send it.

Mr. CESSNA. Let me ask my colleague a question. Did they put the refusal to send the dispatch upon the ground that it was not paid for?

Mr. ALBRIGHT. Not that I understood. We were told before it was delivered that the agent of the Associated Press would not send it, because it was a known fact that unless the news was of a certain kind it would not go over the wires.

Mr. BROMBERG. Let me ask the gentleman a question right here.

Mr. ALBRIGHT. I do not desire to be interrupted at this point. I wish to say that some important Government dispatches relating to the movements of Government troops were sent by Major-General McDowell to Captain William Mills and other officers of the Army, and before the dispatches were delivered or their contents were known to the officers the public was in possession of the information contained in the dispatches twenty-four hours at least before the dispatches were delivered to the officers; and in one instance the movement of the troops to which they referred was not made in consequence of the improper disclosure of the telegram. That this matter may appear more clearly, I will ask the Clerk to read the testimony taken before the committee. It will show too how the truth of a private dispatch was garbled for political effect.

The Clerk read as follows:

BENJAMIN F. HERR, editor Livingston Journal, Alabama.

By Mr. BUCKNER:

Question. Tell us whether you have any information that you rely upon as to why they were released without a trial so summarily?

Answer. I think I have information. On Thursday evening they were released, I think; Captain Mills who commanded the infantry had been absent a day or two. Q. These were a portion of Captain Mills's troops who made the arrest?

A. Yes, sir; they were the only troops here at that time. When he arrived on the train he found a dispatch awaiting him to this effect. I will not undertake to give the precise words: "Williamson and the negro must be examined forthwith, but no more men must go into that jail. The howl is getting too loud;" and within a short time after that he got down to the depot.

By Mr. ALBRIGHT:

Q. Where was that dispatch from?

A. I cannot tell.

By Mr. BUCKNER:

Q. Is the same man the operator here now who was here then?

A. Yes, sir; that is my information from a source that I deem entirely reliable. It was given to me confidentially.

By Mr. ALBRIGHT:

Q. You have given the contents of a telegraphic communication to Captain Mills confidentially?

A. I did.

Q. You got that from the telegraph operator?

A. No, sir.

Q. From whom did you get it?

A. Unless under compulsion, I prefer not to violate the confidence.

Q. You may take your election.

A. The gentleman who gave it to me requested me not to give it to anybody. I desire you to understand simply this: the gentleman who gave it to me is not the operator, but he procured the news in the office, and gave it to me.

Q. He probably procured it surreptitiously.

A. No, sir; not according to his statement.

Q. Had he access to the dispatches?

A. His business was about the depot.

Q. Was it his business to divulge the secret dispatches about the office?

A. I do not know whether it was or not.

Q. Did you take a copy of it?

A. No, sir.

Q. How did you get knowledge of it?

A. He simply related to me the contents of it.

Q. Repeat it, if you please.

A. As near as I can remember, it was to this effect: "Williamson and the negro must be tried at once; no more men must be put in that jail. The howl is getting too loud." That is the purport of it.

Q. Did he tell you where that dispatch was from?

A. He didn't. I didn't inquire.

Captain WILLIAM MILLS, Second United States Infantry.

By Mr. ALBRIGHT:

Question. Was there anything in that dispatch about the country howling?

Answer. No, sir. General Healey afterward wrote me a letter to know the kind of a dispatch I had received. I went to Mr. Hester, got the dispatch, and sent it back to General Healey as I received it from the telegraph operator, so that he could see just what it was. There was nothing about howling in it. When I wrote to General Healey, I told him that he had better go to the telegraph office in Montgomery also and get a copy of his dispatch. I know the newspapers made a great howl about jailing men, saying that no more persons must be put in jail, and I do not know what all; but there was not a word of truth in the statement that the dispatch contained anything about howling.

Q. In what paper did you see it stated that a telegram had been sent to you that you must release Williamson and Coleman, and that the country was "howling"?

A. The statement was published in the paper that the howl was getting too great. I think probably I saw it first in the Livingston Journal. I recollect that my officers and myself had a good deal of fun about it.

Q. There was not anything in the dispatch such as was reported in the papers?

A. No, sir; I have stated the facts in regard to that dispatch.

General ROBERT W. HEALY:

Question. Did you send a dispatch to Captain Mills containing these words, or anything like them: "Williamson and the negro must be tried at once. No more men must be put in that jail. The howl is getting too loud?"

A. No, sir; I never said anything of the kind. That is a garbled account of the dispatch I did send. The very next day after I sent the dispatch to Captain Mills it appeared in the Montgomery Advertiser in that garbled condition, and was stated to have come from the Attorney-General at Washington.

Q. What, in fact, was that dispatch?

A. I think it ran in this way, and was addressed to Captain Mills: "Tell the detectives to carry Williamson before the United States commissioner for examination at once. There is much complaint about their seizure of the jail. All persons arrested should be carried before a commissioner for examination before being jailed."

Captain MILLS. On that same day, the 19th of September, General McDowell sent me a telegram from Livingston, directing me to send one-half of my company to Belmont. That telegram did not reach me until Monday afternoon, the 21st, about four o'clock. On Sunday morning that party at Belmont, which consisted of the Williamson party and this man Holmes's party, and some seventy-five or eighty men who came from Meridian, and quite a number from Demopolis, in Marengo County, got a message from Demopolis that troops were coming there, and they came home.

On receipt of that dispatch from General McDowell I wrote back, explaining why I had not complied with its directions, saying that the excitement was over at Belmont and that they had dispersed. I on the next day sent my first lieutenant down there with a sergeant to investigate what had been going on. He made a report in accordance with the facts, and as soon as he could get it he took the testimony of white and colored people down there.

By Mr. ALBRIGHT:

Q. Why is it that you did not get your telegram earlier?

A. I do not know. I reported to General McDowell the fact, and I understand he communicated with Mr. Orton, of the Western Union Telegraph Company. The dispatch is as follows:

"LOUISVILLE, September 19.
[Received at York, September 21.]

"To the Commanding Officer at Livingston:

"HEADQUARTERS DEPARTMENT OF THE SOUTH,
"Louisville, Ky., September 19.

"Send half your company under a commissioned officer at once to Belmont, Sumter County, Alabama. A rapid movement necessary. Acknowledge receipt and report when detachment leaves.

"By command of Major-General McDowell.

"CHAUNCEY MCKEEVER,
"Assistant Adjutant-General."

As I say, I explained why I did not send those troops, having received the dispatch on Monday afternoon about four o'clock.

Q. State whether the information contained in that dispatch was known to anybody before you received it?

A. It was as far as I could learn; what I know is this: I was told at Demopolis that they sent a messenger to Belmont telling them there that the troops were coming, and on Sunday afternoon they dispersed and came home. I saw a good many of them myself in Livingston on Sunday night back at the hotel. A lot of them came in to supper.

Q. Could they have got knowledge of the fact of the movement of a portion of your command without becoming possessed of the information contained in your telegram?

A. No, sir; I did not know it. As I say, I did not receive the dispatch until Monday afternoon at four o'clock.

Q. In sending dispatches down South do you find the same regularity as you do up here? Do you receive them as rapidly there as you do here generally?

A. Yes, sir. While I was at Livingston I had seven or eight or ten dispatches, and I always got them about the right time; but I reported to the general two cases where dispatches were known to others before I received them. This case which I have recited was one of them, and another was a dispatch which I received at the time of the Louisiana difficulty on the 14th of September. The commanding officer of the post at Atlanta sent me a telegram to hold my company in readiness to proceed to New Orleans, and to notify the commanding officers in Pickens and Choctaw Counties to hold their companies in readiness. A gentleman, who, I think, was Mr. Little, a State senator, said to me, "Captain, I hear you are going to leave us." I told him I had not heard anything of it, and about fifteen minutes afterward the messenger from the telegraph office handed me the dispatch. I asked Mr. Little afterward how he heard of it, and he said that he did so down at the depot, hearing them saying that the Yankees were going away. I suppose that that dispatch was made known there. I will state that the telegraph line to Livingston belongs to the Alabama and Chattanooga Railroad Company. It is not a Western Union road, and dispatches are not sent in an envelope. They are written on any slip of paper, and anybody whom they may come across brings it up to you.

Lieutenant F. B. TAYLOR, Eighteenth United States Infantry.

Question. What has your experience been with regard to the contents of telegraphic communications that have been sent to you and other military officers, being known to the public before you got hold of them?

Answer. I will explain that. Though I am in command of the company at the present time, heretofore I have always acted in a subordinate capacity, not as commanding officer; therefore telegrams when sent to the commanding officer have not been sent to me. I cannot speak from my personal knowledge except that I am morally convinced, both from the testimony of my brother officers and of such facts as have come to my knowledge heretofore, that telegrams sent to post commanders in military places are considered public news and are so appropriated by the operator and made known. You can find plenty of officers who can definitely state cases.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I now think I need not pursue that thing any longer. I only ask a section shall be passed that the tariff of charges for transmission of special dispatches to newspapers and commercial associations shall be fixed and disposed of in some public station so everybody shall know exactly what the charges are.

Section 5 provides that all persons shall have the right to correspond by telegram in the manner therein prescribed; and all telegrams shall be privileged communications in law to the same extent that sealed letters now are; and the contents thereof shall not be divulged by any agent or officer of a telegraphic company, except for the purpose of justice, by order of a court of competent jurisdiction, or any committees of either House of Congress.

Mr. SPEER. Are those last words in the bill?

Mr. BUTLER of Massachusetts. I have added them. In view of what has been said and what has been read, I shall ask in regard to all telegraphic communications another penalty, to which I shall call the attention of the House.

The sixth section provides that the tariff for sending telegrams shall be uniform to all persons for similar service and without discrimination. Telegrams from the several Departments of the Government only shall have precedence. That is a matter of necessity. But night telegrams may be sent in any order the telegraph company chooses; that is, between six in the evening and six in the morning, because they send them usually at half rates.

The bill then provides in the seventh section for penalties, making the violation of the provisions of this act subject to certain penalties. It also came to the knowledge of the committee that there was no provision against injuring telegraph wires, breaking them down, interfering with them, stopping messages, stealing messages over these post-roads of the United States; and therefore you will find in the seventh section penalties for giving duplicates or copies of any message, tearing down telegraph lines, interfering with telegraph messages, as well for the protection of the telegraph company as for the community. For I want to say here I am no enemy of telegraphic communication, but I am an enemy, declared and determined, against all monopolies. And I do not mean that this great organ of transmission of intelligence shall remain and be a monopoly. I shall ask the Clerk to add after the fifth line of the seventh section what I send to the desk. After he has read the amendment I will explain the object of it.

The Clerk read as follows:

After the word "thereof," in line 5, section 7, add these words:

Or shall, without authority of the telegraphic company transmitting the same, take from the wires or other instruments of said company any telegraphic message while the same is being transmitted by said company.

Mr. BUTLER, of Massachusetts. It is well known that any telegrapher can climb up a telegraph pole, hitch around the wires a small copper wire and slip down, and read any messages that pass over the wire as well as they could be read in the office; and then he can send back by means of his tongue an answer. Now, it is to prevent that, which is an unauthorized and improper act, that I ask that the words which have been read may be put into the bill making it penal to undertake to do that.

Mr. WILSON, of Indiana. Let me ask the chairman of the committee a question. I wish to ask him if he thinks this section is broad enough to cover the class of cases where, for example, one of these operators may sit and listen to a message that is being sent and then divulge it?

Mr. BUTLER, of Massachusetts. The words are—

Take from the wires or other instruments of said company any telegraphic message.

I have covered that exactly. Now, then, I want to say a word further, and then I shall be glad to answer any other questions that may be addressed to me. I want the Clerk to read in the first place, to show what the Western Union Company have done, the passage I have marked from the report of Mr. C. C. Washburn, made to the Forty-first Congress.

The Clerk read as follows:

Among others they bought the Missouri and Western stock, paying some cash and some stock. They also built, in partnership with myself, the Pacific Telegraph from Brownsville, Nebraska, to Salt Lake, Utah, some eleven hundred miles, (Congress gave this line \$40,000 per annum for ten years—in all \$400,000 as a bonus,) which cost, by considerable financing on the part of two of the Western Union directors, \$147,000. Upon this expenditure they issued \$1,000,000 of stock.

This \$1,000,000 of Pacific Telegraph stock (prominent men of the Western Union Telegraph Company being the sole owners) was afterward taken into the Western Union Telegraph Company by issuing therefor \$2,000,000 of Western Union Telegraph Company's stock. After this the Western Union Telegraph Company's stock was tripled, by which manipulation an original expenditure of \$147,000 (and a part of that not honestly spent) came to represent \$6,000,000 of Western Union Telegraph stock.

Mr. CESSNA. Mulberry Sellers was about. "There's millions in it."

Mr. BUTLER, of Massachusetts. I want to call the attention of the House to how this thing has gone on. There has never been any power anywhere to have this thing regulated before. I desire to have read a passage from the report of the President to the stockholders of the Western Union Telegraph Company, wherein he openly, boldly, and clearly avows that he uses the franking of free passes to corrupt legislators and Government officials.

The Clerk read as follows:

The franks issued to Government officials constitute nearly a third of the total complimentary business. The wires of the Western Union Company extend into thirty-seven States and nine Territories within the limits of the United States and into four of the British Provinces. In all of them our property is more or less subject to the action of the national, State, and municipal authorities, and the judicious use of complimentary franks among them has been the means of saving to the company many times the money value of the free service performed.

Mr. BUTLER, of Massachusetts. I do not mean to refer that to any committee for investigation. But there is there an open avowal that a judicious use of franks has been of very great value to the company. Now, I think it is time that Congress take this thing in hand, and I call upon the men who have the intelligence and virtue of the people at heart—for all the people depend now so much upon telegraphic communication, such is the hurry and bustle of life—to take hold of this opportunity to make this great means of intelligence the servant and not the master of the people.

Mr. MERRIAM. Will the gentleman allow me—

Mr. BUTLER, of Massachusetts. I yield to the gentleman.

Mr. LAWRENCE. Will the gentleman from New York allow me to address an inquiry to the gentleman from Massachusetts, [Mr. BUTLER?]

Mr. BUTLER, of Massachusetts. I yield to the gentleman.

Mr. LAWRENCE. The first section of this bill provides as follows:

The Postmaster-General is hereby empowered and authorized to advertise for proposals, under the same limitations and with the same authority as for the transmission of mails over post-roads, so far as the same are applicable for the transaction of all governmental business, &c.

Now, the Western Union Telegraph Company owns about 90 per cent. of all the telegraphic lines in the United States. If the Postmaster-General advertises for proposals for transmitting Government messages, by what means will the Government be secured against unjust rates, because the Western Union includes so large a portion of all the telegraphic lines in the United States? There will be no competition in bidding.

Mr. BUTLER, of Massachusetts. I will answer that. The Postmaster-General has now to pay exactly what the Western Union men choose to charge as compensation. He would not be any worse off after the passage of this bill. But if he can advertise for rates, then most of the railroad companies have telegraph lines along their roads, and they will compete for a large portion of the business, and connecting lines will also come in.

Mr. LAWRENCE. One thing more. If I remember right the act of 1860 authorized the Secretary of War to fix the rates at which telegraphic messages should be sent.

Mr. BUTLER, of Massachusetts. That was only for certain purposes; we do not propose any legislation of that sort here.

Mr. LAWRENCE. But the bill would leave all that legislation in force.

Mr. BUTLER, of Massachusetts. Not at all. I yield now for a moment to my colleague, [Mr. PIERCE.]

Mr. PIERCE. I wish to ask my colleague whether it is within the constitutional power of Congress to provide that the seventh section shall be so far retroactive as to impose its pains and penalties upon any person who intercepted and divulged dispatches one year ago and make him amenable to those pains and penalties?

Mr. BUTLER, of Massachusetts. O, no; it cannot be *ex post facto*. We do not propose to make it *ex post facto*. I should be very glad to do it if it could be done, but the Constitution unfortunately forbids it.

Mr. PIERCE. I think my colleague did not understand my question.

Mr. BUTLER, of Massachusetts. I understand the question to be

whether the pains and penalties prescribed in this act can be applied to persons who violated its provisions a year ago. As my friend is a manufacturer of chocolate, and not a lawyer, I am glad to inform him that that cannot be done.

Mr. PIERCE. I want to know whether its provisions cannot be applied to a man who committed this offense a year ago and boasted of it.

Mr. BUTLER, of Massachusetts. How is that, sir?

Mr. PIERCE. The gentleman can answer my question.

Mr. BUTLER, of Massachusetts. I will do so if I can hear it. I will answer any question anybody asks me. Now, what have you got to say?

Mr. PIERCE. I wish to know if my colleague believes it to be within the constitutional power of Congress to provide that the seventh section of this bill may be made retroactive, so that its pains and penalties shall apply to persons who intercepted and divulged dispatches sent from and received by telegraph one year ago?

Mr. BUTLER, of Massachusetts. Now, Mr. Speaker, I understand my colleague's question, and I say to him that I do not think as a lawyer it can be done; and as he himself is not a lawyer, I can excuse him for putting that part of the question. He did not know any better. Now, in reference to the next part of the answer, in relation to the one year ago, I have only to say that whatever was done by anybody will be answered for here or anywhere else; and if the gentleman means any sort of insinuation, why does he not speak it out in the first speech he has ever made since he has been a member of Congress?

Mr. PIERCE. Well, it will not be the last.

Mr. BUTLER, of Massachusetts. I trust it will be unless it is better than the one the gentleman has just made. I now yield a portion of my time to my friend from New York, [Mr. MERRIAM.] How much time have I left?

The SPEAKER. The gentleman has fifteen minutes.

Mr. BUTLER, of Massachusetts. Then I yield seven of those minutes to my brother.

Mr. MERRIAM. The honorable gentleman has presented a bill here which possesses many good features, but there is contained in it that which I consider one of the most monstrous propositions that has been presented to the House for many days. A few days ago the honorable gentleman had the kindness to call my attention to this bill, and asked me to read the report, which I did, and I came to the conclusion that the title of the bill should be changed so as to read "A bill to enable rival telegraph lines to partake in the profits of the Western Union Telegraph Company without rendering any service therefor." And in order that I might the better know the full scope of this bill, I wrote to a friend in New York and sent him a copy of the report. I ask the Clerk to read the reply which I received.

Mr. BUTLER, of Massachusetts. Do not take more than the seven minutes.

Mr. MERRIAM. Not more than two or three minutes over.

The Clerk began the reading of the letter; but before concluding, the hammer fell.

The SPEAKER. The time for which the gentleman from Massachusetts [Mr. BUTLER] yielded to the gentleman from New York [Mr. MERRIAM] has expired.

Mr. BUTLER, of Massachusetts. I must stop this reading right here, for I have not the time left to spare for it. I would like to have it go on, for I suppose the gentleman will admit that it was written by Mr. Orton, the president of the Western Union Telegraph Company.

Mr. MERRIAM. It is his answer to an attack made upon his company.

Mr. BUTLER, of Massachusetts. Well, if that is the best answer this telegraph monopoly can make, I am willing it should be made here.

Mr. MERRIAM. The House should have before it the facts to enable it to vote intelligently upon this bill.

Mr. BUTLER, of Massachusetts. This bill only requires that company to carry messages for other companies at the same rates it carries them for other people, and that they shall not keep down competition by preventing any other company, as they have done, from sending any message over its wires at any price whatever, as the report shows this company has done. Now, as we have heard the argument on behalf of the Western Union Telegraph Company, I propose to call the previous question on this bill.

Mr. MERRIAM. It has not all been read.

Mr. O'BRIEN. Would it not be fair to hear the whole of the communication read?

Mr. BUTLER, of Massachusetts. If it is not to come out of my time, I would like to hear the whole of it.

Mr. O'BRIEN. It will not come out of your time.

Mr. BUTLER, of Massachusetts. That is for the House to say.

Mr. MERRIAM. It is only fair for the other side of the case to be heard. We cannot vote intelligently without hearing both sides.

Mr. BUTLER, of Massachusetts. I am willing to let the debate run on for a time, or for any time that is reasonable, provided that I shall have the opportunity to call the previous question. But I do not like to leave the floor until I do that.

Mr. MAYNARD. You can call the previous question and then you will have an hour to close debate.

Mr. WILLARD, of Vermont. It will require a two-thirds vote to order the previous question to-night, this being the first day of the consideration of this bill.

Mr. BUTLER, of Massachusetts. I suppose it does. I call the previous question on the bill.

Mr. POTTER. I rather think this great constitutional question will bear some discussion on the other side.

Mr. BUTLER, of Massachusetts. I mean to give the other side an opportunity to be heard, the same as we have had. You had an opportunity to put in a minority report.

Mr. POTTER. Yes; and I propose to have an opportunity to discuss this bill on the floor, with the permission of the House, even if I cannot get the permission of the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. Very well.

Mr. RANDALL. Let us test the sense of the House on ordering the previous question.

The question was taken on seconding the previous question; and upon a division there were—ayes 73, noes 69; no quorum voting.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. POTTER were appointed.

The House again divided; and the tellers reported that there were—ayes 89, noes 71.

The SPEAKER. Two-thirds not voting in the affirmative, the previous question is not seconded. The Chair will recognize the gentleman from New York [Mr. POTTER] as entitled to the floor.

Mr. POTTER. I will yield to my colleague [Mr. MERRIAM] for three minutes.

Mr. MERRIAM. I will ask the Clerk to read the remainder of the communication I sent up to him, and I ask the attention of members of the House to it.

The Clerk resumed and concluded the reading of the communication; which was as follows:

NEW YORK, February 15, 1875.

SIR: The Butler bill, although professing to be in the public interest, is, I believe, exclusively in the interest of telegraph companies competing with the Western Union, which seek to enjoy facilities and advantages which they lack the enterprise or the means to provide for themselves. Strictly speaking it should be entitled "A bill to compel the Western Union to carry messages for its competitors for less rates than the Western Union charges the public between the same points." In proof of this I submit the following illustrations:

First: The Atlantic and Pacific Telegraph Company takes a message at New York, say, for Springfield, Illinois, and carries it to Chicago, where it is turned over to us. We do not charge for date, address, and signature, nor the name of the place where a message is handed to us. This message we treat as an original message at Chicago, and send it forward for the local tolls between Chicago and Springfield, not charging for the word "Chicago," nor date, address, and signature. But it is our practice to require the company handing us such a message to put thereon the name of the place where it originated (in this instance New York) and the date it was filed with the other company when such date is different from that on which it was handed to us. That would require the Atlantic and Pacific Company to pay us for two extra words. But it is a necessary feature of our system that the office at which a message originates and that to which it is addressed shall both make an entry of the amount of tolls due thereon, which in this case would be the tolls between Chicago and Springfield; and in order that the Springfield office may not make a debit entry for the whole tolls from New York to Springfield we are obliged to send additional words, for which no charge is made, notifying Springfield that this message was handed to us at Chicago by another line. So that even when we charge two additional words on such a message for the place of origin and the date of filing we do not get pay for all the additional words we find it necessary to send for our own protection. Now, in a majority of instances, persons filing messages with other lines addressed to places not reached by such lines do so in ignorance of the fact that the company taking their message is unable to forward it to its destination. In short, the effect of the practice of the companies competing with the Western Union is to get business by deceiving the public concerning their ability to carry it.

Again: The Atlantic and Pacific Telegraph Company have only a line of one wire between Chicago and Omaha. They also have but one line (bearing three wires) all the way between New York and Buffalo. Now, if their line between the last two points was interrupted, and yet was in working order west of Buffalo, under the provisions of General BUTLER's bill they can group or pack any number of customers' messages at New York, destined for points west of Buffalo, into one consolidated message, addressed to their agent at Buffalo, and signed by their agent in New York, and require us to forward it as one message.

Now, the tariff rates on messages are for ten words, with a reduced rate per word for words in excess of ten. The rate from New York to Buffalo is fifty cents for ten words and three cents a word for each additional word. If, therefore, ten separate messages of twelve words each were handed to us at New York addressed to Buffalo, we should receive fifty-six cents each, equal to \$5.60. Now, if these messages were packed into one message, we would be entitled to charge for the first ten words fifty cents, and for the remaining one hundred and ten words three cents each, making a total of \$3.80. The difference against us would increase as the distance and the rate increased. For example: In the case of a message the tolls on which are \$2.50, equal to twenty-five cents a word for the first ten words, the rate for additional words above ten is seventeen cents.

Again: The Atlantic and Pacific Telegraph Company competes with us for messages between New York and San Francisco. And it is not unfair to say that the Western Union lines between these two points work many more days in the year than those of the Atlantic and Pacific. Under our present practice, if the Atlantic and Pacific Company were unable to forward their messages to San Francisco, it would be necessary for them to so notify their customers, in order that they may be handed to us. But under the provisions of General BUTLER's bill the Atlantic and Pacific could go on taking messages for San Francisco when they had no wires working with that city, and by consolidating a dozen or twenty of them into one message, they would pay in the case of twenty messages of ten words each, equal to two hundred words, \$2.50 on the first ten words, and seventeen cents on one hundred and ninety words, equal to \$32.30; total \$34.80. Whereas the Western Union tolls on twenty messages of ten words each, between New York and San Francisco, would be fifty dollars; so that our competitors could actually underbid us with our own customers at the rate of twenty-five or fifty cents a message between New York and San Francisco, when they had no wires working, and actually make a profit for themselves by compelling us to transmit for them.

Without raising any question as to the power of Congress thus to compel a telegraph company to provide facilities which its competitors may use, so as to derive profit from messages taken at lower rates than are charged by the other, I submit

that this proposition is a flagrant violation of the general understanding of what constitutes fair play.

In respect to other sections of the bill the injustice is perhaps greater toward the public than toward the Western Union Telegraph Company. The bill undertakes to secure to all newspapers and press associations the transmission of news on the same terms. The result, I admit, is desirable; but will the means employed accomplish it? Let us see. A news report is filed with us every night at Washington for transmission to points South, its ultimate destination being New Orleans. The telegraph company has no proprietorship in the news report and this bill prohibits it being interested therein. Yet under present arrangements it is delivered to papers at small cities on the route at from fifteen to twenty-five dollars per week, and yet a paper at New Orleans will pay for it \$150 per week. Now, suppose that a new paper is started, say at Lynchburg, Virginia, which desires to receive news by telegraph, and on application to this company is informed that we receive say twenty dollars a week for the news delivered to the paper which belongs to the combination owning or controlling the report. Is it the intention of this bill that we shall deliver a message (because a news report is nothing but a message) to some other person than those to whom it is addressed, or that we shall send an independent report from Washington to the new paper at Lynchburg of like length and character for only the twenty dollars a week received from the other paper, as but a small part of an aggregate compensation for a service which includes several other cities? If such is the intention of the bill, its effect would be to prevent our serving any news report at all at Lynchburg; and, indeed, to break up all combinations for receiving the same report so far as the smaller towns and cities and weaker papers are concerned, and to largely increase the profits of the more powerful papers in the larger cities. Let me say here that we will perform for all papers and combinations substantially similar service at the same rates. It is an element of protection to the weaker papers of the country that the Western Union Company have the right to serve them with news gathered by its own agents. And but for the constant exercise of this right by the company many papers now members of press combinations doubtless would not have been admitted to membership.

There are other points in the bill which I should be glad to notice, but cannot do so for want of time. I think, however, that the facts and reasons hereinbefore stated will show that the scheme is as unjust as it is impracticable, and that it would lead to far more clamor from the public who would suffer thereby than has ever been raised by all the wrongs alleged to have been committed by the Western Union Company. I do not care to dwell upon the fact, although I believe it to be a fact, that the introduction of this bill, and of several others hostile to the Western Union Company, is the result of appliances designed to influence results in Wall street, and not prompted by any sincere desire to benefit the public, which, so far as I know, has made no application to Congress alleging grievances and praying for their correction.

Respectfully, &c.,

WM. ORTON.

Hon. C. L. MERRIAM.

Mr. MERRIAM. Having no interest in the Western Union Telegraph Company, and never having owned a dollar of its stock in my life, when I saw that there was a proposition to take from an established enterprise a part of its business so that a rival company might through it make a profit to itself, I felt that it was an injustice which should be met, and, if possible, remedied on this floor.

Any man who is at all familiar with the working of the telegraph companies of this country knows that their success depends upon their integrity and their honor. They never divulge the secrets of the messages delivered to them for transmission. As to the case which has been alluded to here to-night as occurring in the South, all that I can say is that it is no more possible to obtain an honest man in the South than in any other part of the world. It may be quite impossible to find men in the South, two or three thousand miles from the home office, who are entirely immaculate. But, the attention of the Western Union Company being called to a case of this kind, the public will doubtless have no occasion whatever to complain hereafter. The gentleman from Massachusetts has said (and upon this point he would not allow me to interrupt him with a question) that in case of war or invasion this bill will enable the Government to take possession of the telegraph wires of the country. Sir, it is not necessary for me to say to this House that in such cases the Government always takes possession of the telegraph wires.

Mr. BUTLER, of Massachusetts. And has to pay for them.

Mr. MERRIAM. I thank my colleague [Mr. POTTER] for the time he has yielded to me.

Mr. POTTER. Mr. Speaker, this is a most extraordinary bill, one of the most dangerous bills that has been introduced into Congress within my experience. It proposes to take possession of the telegraph lines of the country; to regulate and control their business; to declare the order in which they shall forward dispatches; the prices which they shall be at liberty to charge; under what circumstances the dispatches of the Government shall go first, and under what circumstances the dispatches of other persons shall go according to a prescribed order. It is so stringent in its limitations that if there were a train off the track between New York and Philadelphia, the telegraph company could not change the order of business to send notice of that fact out of due course even to prevent a collision, but must continue to send off in their order all the market, trade, or other dispatches that might at the moment be first on hand. The bill provides also that the telegraph companies shall not charge upon news dispatches offered to them more than the rates charged to the Associated Press, and must carry the Government dispatches at prices to be fixed by the Postmaster-General. In a word, it takes general control, supervision, and direction of the business of the telegraph lines, whether owned by companies or private individuals which do any business for hire.

Now, I should be glad to know where Congress gets any such power as this bill proposes. These telegraph lines are not the property of the United States. They were neither built by it nor subsidized by it; nay, they do not even exist by its authority. They are built by permission of the States in which they are located or of the individuals upon whose lands or roads they stand. In no single in-

stance that I know of is there any one of these lines that is indebted for its existence or privileges or property in any degree whatever to the United States. Yet it is coolly proposed that Congress shall now take possession of this private property, shall regulate and control it and fix prices upon it. If Congress can do this, then it can fix or regulate the charges of hotels and church sittings, the price of flour or of boots. I am therefore surprised that a bill so unprecedented and revolutionary should have been pressed to a vote within the first hour of its consideration and that a majority of the gentlemen on the other side of the House should have been found to support it.

It has been said that the telegraph is an analogous enterprise to the post-office, and that as the Government has the power and the monopoly of forwarding letters it ought to have the power and the monopoly of controlling dispatches by telegraph. There may be much to be said on both sides of that subject. But however great may be the analogy between these cases, it is to be recollected that the power to control the post-offices and post-roads of the country—the power by which the Government exercises the monopoly over the transportation of the mails—is a power not implied or incidental but expressly given in the Constitution. By the eighth section of the first article of the Constitution there was given to the Government express power to establish post-offices and post-roads. By virtue of that express grant, and that alone, the Government possesses and exercises that power, and the grant has been deemed broad enough to give the Government a monopoly of that business. But no power was ever given to Congress to build telegraph lines and control telegraph messages; and until this night it has never been reported that the Government had any power to monopolize that business, still less to control the private lines and private business of citizens.

But it is said that under the general power to regulate commerce the Government has authority to regulate the prices and the order of business on telegraphs as it would have power to regulate the prices and order of business upon a railway. But how many gentlemen in this House believe the Government has any such power in respect of railways? And how many more of those who even believe it has that extraordinary power think it would be wise for Congress to exercise it? A railway is a far more expensive instrument than a telegraph line; it can be built only by the expenditure of great capital. A telegraph is one of the cheapest concerns in the world; you can build one for \$100 a mile; and if the Government is not well served under existing laws it may for some thousand dollars establish a new line of its own to any of the principal cities of the country; so that there is not even the excuse of the necessity of using these lines which exist in respect of the railways.

The gentleman from Massachusetts talks here about being eternally opposed to monopolies. What are monopolies? Monopolies are men or associations of men who by law have special powers or privileges not generally granted; but what special privileges or rights has a telegraph company? Absolutely and exactly none.

So far as telegraph companies exist by law in most of the States, they do so under some general act under which a given number of persons can at any time form themselves into such a company. So far as these lines are built along railways, they are built by the permission of the persons who own the railway. So far as they are built along highways, they are built by permission of those who own or control those highways. They are in no proper sense of the word monopolies at all; since any one can build a telegraph line for himself. It is said that one of these companies has grown by aggregation of lines to be a great power and is guilty of great abuses, so that it breaks down competing lines and largely controls the business of the country. But the same thing may be true of Mr. Claffin or Mr. Stewart of New York, or any other great trader who has carried on a successful business for years until he has acquired a capital and influence which enables him in a degree to control trade and drive to the wall weaker merchants. But can Congress therefore go into New York and take possession of Mr. Stewart's business, say how he shall sell his goods, how he shall regulate his profits, and generally what his prices and order of dealing with his customers shall be? It seems to me that the cases are entirely analogous; that if this Congress can do the one, it can do the other as well.

Now, I do not know anything as to the abuses which have been spoken of. I have never experienced any difficulty in such ordinary transactions as I have had with telegraph companies. I have been told by gentlemen who are publishers that there are serious troubles growing out of the control of the Associated Press and its relations with the telegraph. But what have we to do with that? These are ordinary and private businesses built up without our permission, free from our control, over which we have no ownership, and in respect of which the people have given us no authority. If it be deemed desirable that we should control these telegraph lines, then let us go to work and propose to the States a suitable amendment of the Constitution so as to give the General Government authority to exercise the control now proposed. If the Government is not satisfied with the service it obtains from the existing lines, let it build a line of its own. It need not deal with the owners of existing lines a month longer if it does not choose to. But the power which the Government has in common with every citizen to build a telegraph line of its own and its power to monopolize the whole business are wholly different things. For such monopoly there is no authority; still less for undertaking to control the business while it remains in the hands of private

citizens. To my mind, sir, it is too clear to admit of discussion that we have not now any such powers, any more than we have the power to regulate the price of any ordinary product of labor or of any necessity of life.

Now, Mr. Speaker, having merely suggested these objections to the House—for that seems to me all that is necessary in regard to this bill, a bill introduced at this late hour of the session, and which I have supposed it was never seriously intended to press—I am now prepared to yield to gentlemen who have asked me to give them a portion of my time; and I will yield first to the gentleman from Massachusetts on my right, [Mr. E. R. HOAR.]

Mr. E. R. HOAR. My colleague, the chairman of the committee, called my attention yesterday to this bill and the report which accompanies it. I desire to say, in the first place, that I heartily and thoroughly concur with him in many of the views which he has expressed to the House; that is, I entirely concur with him there are gross and palpable abuses of power and privilege and property by the men who have managed these telegraph lines. I think what was told us by the gentleman from Pennsylvania, [Mr. ALBRIGHT,] and some of the incidents named in the report and some others which may occur to the memory or are within the knowledge of various members of the House, show that to be the fact. But I am the more sorry from those considerations that this committee should bring in just at the close of the session a bill of this vast importance, as it seems to me, so crude, so obnoxious to just criticism, so entirely beyond the constitutional power of this House to pass, upon any construction of the Constitution with which I am familiar.

Now there are two branches apparently, if we follow the line of reasoning, of constitutional power from which the authority is sought to be derived for the passage of this bill. One is the power given to regulate commerce with foreign countries and between the States of the Union, and the other is the power to establish post-offices and post-roads. I have thought, on the little reflection I have been able to give to the subject, that it is possible under the post-office and post-road power there may be authority, though it would be extremely derivative and analogous, not direct, for the Government to undertake the transmission of intelligence by telegraph; and the argument of the committee in the report as well as the oral argument addressed to the House is a very strong one in favor of the Government assuming and undertaking the business of the transmission of intelligence by telegraph. But I cannot see, and I cannot think my colleague can make the intelligence of this House understand, on what principle he undertakes to say you can make a telegraph wire a post-road or a private telegraph office a post-office. It is not supported by the United States. It is not anything to which the United States contributes in the transmission of intelligence.

Mr. BUTLER, of Massachusetts. I have the statute here.

Mr. E. R. HOAR. I do not care to see the statute that we have once before attempted something of the same kind. My attention has been already called to it. It does not help the argument.

I cannot see why it is not as much within the constitutional power of Congress to declare the little boys who run around to distribute the information, the messages, the letters, are not post-roads just as much as these telegraph wires. The telegraph company undertook not merely to send from town to town, but to deliver; that is a part of its organization; and this House may, if it chooses to stultify itself, deliberately say these little boys are post-roads and then assume to legislate what they shall do in carrying messages, the speed and order and the price which shall be paid them, as they may regulate these telegraph wires when the Government does not have possession of them and they are not Government wires.

When the Government undertakes to run a telegraph, then I shall go as far as I can with my colleague in favoring the purpose he seeks, because I sympathize, as I have said, entirely with his feelings in regard to the way in which this business has been in some cases managed. But nobody can suppose the framers of the Constitution, in saying the Government might establish post-offices and post-roads, meant it might take any private means of communication which might afterward be devised, and without using it as the Government means of transmission without taking it into Government possession and regulation, undertake to say it will regulate private parties in the mode in which they shall go.

Now, under this regulation of commerce, I am clearly of the opinion that the Government of the United States has a right to say what foreign cables shall be landed on our shores, and to attach such conditions to the right as to it may seem fit.

I am not prepared to deny that under the power to regulate commerce as between the States the transmission from one State to another may be regulated; the power to regulate commerce being as Marshall has defined it, "intercourse." The social business intercourse of the community is included within the word "commerce." But this bill undertakes to regulate every line within the limits of a State that does not go out of it. There can be no constitutional power of legislation based on the post-office power and the post-road power, and it does not make it a branch of the post-office, to be run by the Government.

I do not see why, on the same principle, if you should say the Adams Express wagons were post-roads you might not undertake what is very important, the regulation of the delivery of their parcels in the cities, which is sometimes a matter of very great favoritism.

Mr. BUTLER, of Massachusetts. We do that. I want to call the attention of my colleague to the fact that we do by law regulate that. Mr. E. R. HOAR. We do not by law regulate that within the States.

Mr. BUTLER, of Massachusetts. Yes, we do.

Mr. E. R. HOAR. Not Congress.

Mr. BUTLER, of Massachusetts. Yes. Let them abstract a letter, and they will get into State's prison.

Mr. E. R. HOAR. O! That is it.

Mr. BUTLER, of Massachusetts. O, yes; that is exactly the thing.

Mr. E. R. HOAR. Let us see for a moment how that is. That brings me back to my post-road and post-office argument as to the constitutional power. Whatever you bring within the constitutional power of the Government to provide for the people, undoubtedly you give them the power to exclude everybody else but the Government from performing that public duty which they assume. But I am now speaking about the Government undertaking to control the Adams Express wagons, so that because there is a great evil and a great nuisance through their favoritism in delivering goods to different merchants and packages to different classes of people, from which I have myself suffered sometimes great inconvenience in my own city from papers not being delivered to me at the precise moment they were wanted in court—that because of that you might say the law of the United States shall be applied to their delivery of their packages, and that by calling them post-roads you can get over all the difficulty and fix their prices and their whole mode of transacting business.

Undoubtedly you may regulate the commerce of the States. Whether that goes to the length of fixing prices is a matter which was a good deal discussed in the railroad discussion we had during the last session, and I do not want to open it again. But this bill does not stop there. This bill regulates everything in the way of telegraphic operations within the States.

I should be very glad to have put into this bill a prohibition on officers of the United States, legislators, and others, over whom we have any control, from receiving complimentary passes. That would be a very good provision. That, undoubtedly, we have power to do, and to make that a penal offense. But I have not yet, in the time I have given to the examination of this bill, been able to find that it is one we ought thus hastily to pass.

Mr. POTTER. I now yield to my colleague from the Oneida district [Mr. ELLIS H. ROBERTS] ten minutes.

Mr. ELLIS H. ROBERTS. Mr. Speaker, as true as it is that this is a wonderful bill when considered by itself, we get a much broader view of it if we take it in connection with the report of the committee, which I have before me. The bill itself is very innocent on its face, proposing to authorize the contracting for the mere transmission of messages. The report is broad enough to justify the National Government in building telegraph lines. The report is much too large for the individual that seems to be hidden in it. I object at the beginning to the application of the principle. The gentleman from Massachusetts is logical enough to see the force of his arguments, and I venture to say that he does not shrink from the consequences of them.

He understands it was necessary that he should adopt the line of argument he presents in the report before he can get ground to stand upon for presenting a bill of this character. Innocent as the bill is on its face, it is yet the forerunner of other bills. It not only authorizes Congress to contract with existing lines, but it authorizes also the building of additional lines and the establishment of international telegraphic business. The argument of the gentleman covers the whole ground. I believe that such a policy is suggested by the bill itself, nor does the gentleman from Massachusetts hesitate in the application of his principle. He complains of the telegraphic companies because they distribute the news. Why? Because in this way the market for corn and stocks is affected! That is to say, the gentleman from Massachusetts comes here with a bill for regulating the markets for corn and stocks, and would have Congress interfere and say how intelligence shall be gathered and distributed which affects the whole interest and business of the country. He claims that capital ought not to have its natural advantage; that enterprise ought not to have that advantage. He wants to give the slow and lazy defense of law against tact and diligence. He seeks to place the markets under control of statutes.

But the chief bugbear is that so often pointed at with fear upon this floor—the Associated Press. The gentleman seems to be very much afraid of the Associated Press. What is the Associated Press? It is an organization in the city of New York of seven newspapers for the gathering of news which is sent to all parts of the country and to papers of every shade of politics and of no politics at all. The Associated Press, as such, indulges in no adverse criticisms upon statesmen distinguished or otherwise.

The very agreeable gentleman who sits here representing the Associated Press is not the man who makes the gentlemen on this floor wince. It is not the Associated Press that excites the ire of the gentleman from Massachusetts; it is the special correspondents who sit in the gallery above. The agent of the Associated Press on this floor sends news from this body of which, I venture to say, no gentleman can complain. He reports the proceedings without comment. He gives facts without gloss or color. But he sends only a small part of the reports which leave the capital. The wires and the

mails are burdened with the notes and criticisms of an army of other correspondents. They are not representatives of the Associated Press. They represent their own journals, and those alone are responsible for them. They are as independent of the Associated Press as they are of this House. You cannot by slaughtering the Associated Press put shackles upon the newspapers of this country.

The gentleman from Pennsylvania [Mr. ALBRIGHT] has recited an instance to show that the Associated Press is illiberal. It happened, judging from his statement, that in the city of Mobile, where his committee held its sessions, the agent of the Associated Press happened to be in his political sympathies in opposition to the gentleman. The Associated Press has to employ such agents as it can find. A friend from the State of Connecticut tells me that in that State the agents of the Associated Press happen to be all republicans. In the State of New York a majority of them are republicans, and I have often heard democratic politicians complain that only republican news passed over the wires. The gentleman from Pennsylvania complains that the agent of the Associated Press in Mobile refused to send a message containing his views over the wires. If he had addressed that message to the Inter-Ocean of Chicago or to the New York Times it would certainly have gone everywhere in the United States, and then the very rule of which the gentleman from Massachusetts [Mr. BUTLER] complains would have made that dispatch the property of all the papers under the rules.

Mr. BUTLER, of Massachusetts. Would it have gone into the Associated Press?

Mr. ELLIS H. ROBERTS. Mr. Speaker, I do not know any way that Congress—

Mr. BUTLER, of Massachusetts. I ask, would it have gone there?

Mr. ELLIS H. ROBERTS. I will answer the question when the gentleman takes his seat. I do not know any way in which Congress can regulate such matters.

Mr. BUTLER, of Massachusetts. I did not ask that question.

Mr. ELLIS H. ROBERTS. I know you did not.

Mr. BUTLER, of Massachusetts. Then what did you tell me that for if you are going to answer my question? I thought you did not know, and that is why I excused you.

Mr. ELLIS H. ROBERTS. I told you that because I thought you needed to know just that.

Mr. BUTLER, of Massachusetts. I did not need to know just that, because I knew that there was nothing that was true that got into the newspapers. Is your paper a member of the Associated Press?

Mr. ELLIS H. ROBERTS. I will tell you when you take your seat.

Mr. BUTLER, of Massachusetts. When I get an answer I will take my seat.

Mr. ELLIS H. ROBERTS. You do not browbeat anybody here.

Mr. BUTLER, of Massachusetts. No, not anybody; of course not you.

Mr. ELLIS H. ROBERTS. I am not a member of the New York City Associated Press.

Mr. BUTLER, of Massachusetts. I did not ask you that. I asked you if your paper was a member of the Associated Press.

Mr. ELLIS H. ROBERTS. My newspaper is not a member of the Associated Press of the city of New York.

Mr. BUTLER, of Massachusetts. Is it a member of the Associated Press?

Mr. ELLIS H. ROBERTS. I will tell you.

Mr. BUTLER, of Massachusetts. No dodging; is it a member of the Associated Press?

Mr. ELLIS H. ROBERTS. I will tell you when I get ready; and do not let me have any display of your impudence.

Mr. BUTLER, of Massachusetts. Well, do not do it before.

Mr. ELLIS H. ROBERTS. Mr. Speaker, my paper is a member of the Associated Press of the State of New York.

Mr. BUTLER, of Massachusetts. Thank you.

Mr. ELLIS H. ROBERTS. And I will tell the gentleman from Massachusetts more now about the Associated Press. He has misrepresented the Associated Press.

Mr. BUTLER, of Massachusetts. Then we are only about even, that is all I have to say.

Mr. ELLIS H. ROBERTS. With this difference—

Mr. BUTLER, of Massachusetts. It is an even thing, I guess.

Mr. ELLIS H. ROBERTS. With this difference, that there was reason of justice in what the Associated Press said of the gentleman from Massachusetts. Now, I attempted to discuss this bill upon principle.

Mr. BUTLER, of Massachusetts. I see you did, and upon interest too.

Mr. ELLIS H. ROBERTS. And will do so, unless the gentleman from Massachusetts chooses to divert me from it.

Mr. BUTLER, of Massachusetts. Yes; upon principle and interest too.

Mr. ELLIS H. ROBERTS. I will tell you about that too. The Associated Press of the city of New York consists of seven newspapers.

Mr. BUTLER, of Massachusetts. Yes.

Mr. ELLIS H. ROBERTS. It represents a power which has grown up by the combination of enterprise and of capital. It is not true that a newspaper cannot be established in the city of New York without membership in the Associated Press. The portion of the news

which is now gathered by the Associated Press for the city of New York is a small part of that which goes by telegraph. Some of the leading members of the Associated Press, like the New York Herald, deem the association a burden upon them, and are anxious to break away from it. In the country where my newspaper is a member of the Associated Press anybody may become a member by paying an admission fee, which goes into a fund for the common interest of all the members.

Mr. BUTLER, of Massachusetts. Now let me—

Mr. ELLIS H. ROBERTS. I do not choose to be interfered with again at present.

Mr. BUTLER, of Massachusetts. Can they get into the Associated Press without every member agrees to it?

Mr. ELLIS H. ROBERTS. I do not choose to be interfered with again.

Mr. BUTLER, of Massachusetts. I see you do not.

Mr. ELLIS H. ROBERTS. If the gentleman from Massachusetts exercises courtesy I will answer any question he may choose to ask. But if he does not choose to show courtesy, he shall have no courtesy from me.

Mr. BUTLER, of Massachusetts. Sho!

Mr. ELLIS H. ROBERTS. I say that taking the country as a whole the Associated Press is not the tyrant which gentlemen here for their own purposes see fit to represent it to be. That it has its abuses, that it inclines here to one party and there to another party, is true. It operates as all parties and as all that is human must operate, through men. But what is the proposition before us now? It is to exercise a censorship over the press because the press does not choose to say what we want the press to say. Congress tried to do that in pro-slavery days by tyranny over the mails. But the press is more powerful now than then. You cannot bind it with withes. It is stalwart in its well-earned freedom. Its enterprise has become marvelous, and it is the greatest customer of the telegraph. It has set examples to governments in gathering intelligence of important movements. We propose to say by law how it shall gather its news and under what circumstances it shall gather its news. We are trying to clip the wings of its enterprise.

[Here the hammer fell.]

Mr. MERRIAM. I hope my colleague's time may be extended.

Mr. ELLIS H. ROBERTS. I want to say a few words upon the bill.

Mr. POTTER. Does the gentleman want two minutes longer?

Mr. ELLIS H. ROBERTS. Two or three minutes.

Mr. POTTER. I will yield for three minutes longer.

Mr. ELLIS H. ROBERTS. I want to say, first, that section 3 of the bill would operate with great disadvantage to the smaller newspapers, because the telegraph companies, through their agents, do gather news for the smaller newspapers. Everywhere where a fire occurs, where an accident happens, the telegraph company co-operates in the gathering of news. That section would be most fatal to the news department of the smaller papers.

So again—I am sure the gentleman from Massachusetts did not mean it—but I think that the effect of section 4 of the bill would be to compel the telegraph companies to charge the smaller newspapers a much higher rate than they now charge them. For example, the telegraph company contracts to send a certain amount of news to New Orleans. The news has to go to New Orleans. Now, if the company were compelled to charge to every newspaper on the line at the same rate then the smaller newspapers could not get that news at all. But because the news has to go over the wires the company can afford to furnish it to the smaller newspapers at a very low rate, because whatever is received in that way is clear gain. I think therefore that the third and fourth sections are in antagonism to what the gentleman from Massachusetts declares to be the purpose of the bill.

Now, if I had more time I would call attention again to the fact that in the beginning of the sixth section there is a phrase which while very fair on its face would interfere with the great charities which the Western Union Company and I suppose other telegraph companies exercise; as, for example, when disaster comes upon a town like Shreveport, the telegraph company becomes the almoner of the charities of the people, and does it gratuitously.

I thank my colleague [Mr. POTTER] for his courtesy in yielding to me.

Mr. POTTER. I yield now to my colleague on the committee, the gentleman from Ohio, [Mr. FINCK.]

Mr. FINCK. Mr. Speaker, this is a remarkable bill; and whatever may be said about it, we ought at least to give credit to the gentleman from Massachusetts [Mr. BUTLER] for his bravery and courage in presenting it to the House. It sounds more like a military order than anything else. In a single paragraph it proposes to take charge of all the telegraph lines of the United States. Allow me to read what it says in the first three lines:

That all telegraphic lines of communication over which messages are transmitted for hire are hereby established and made post-roads.

By a single sweep of the pen, the gentleman from Massachusetts undertakes to make all the telegraph lines of the United States post-roads. What are these telegraph lines? They exist in the thirty-seven States of the Union, and are corporations under the laws of those several States, private companies in the enjoyment and possession of private property. The gentleman might as well undertake to regulate the running of a steam-mill in Ohio and to fix the rate of

tolls that shall be charged by its proprietors as to undertake to assume control of the telegraph lines in Ohio or Massachusetts. Where does he obtain this power? The gentleman from Massachusetts tells us that it is derived under that clause of the Constitution which provides for the establishment of post-roads. His colleague [Mr. E. R. HOAR] has, I think, disposed of that proposition. How can you make post-roads out of these wires upon which telegrams are sent from one part of the country to the other? You cannot establish them as post-roads or post-offices; you have no power over them. How do you obtain control of a private corporation in the State of Ohio or Massachusetts? There is no authority vested in the Federal Government to take possession of these lines—no more than to take possession of a turnpike-road within a State.

The gentleman from Massachusetts undertakes to regulate also the rates of charges on these lines. He does not stop there; but he undertakes also to make a violation of the provisions of this act a crime punishable by indictment in the courts of the United States by fine or imprisonment. Where does he get the power to do that? It is a bold and daring attempt on the part of the gentleman from Massachusetts to regulate and control these telegraph lines without any authority whatsoever vested in Congress by the Constitution for that purpose.

Mr. Speaker, I am not connected with any news association; I have no interest whatever in any of these telegraph lines. But I do know that there is no power in Congress under the Constitution to pass any law of this character. It is possible the gentleman from Massachusetts may feel that he has cause to complain of the Associated Press. I do not know whether that is the fact or not; but whatever may be his purpose, I have to say that in my opinion we have no power to pass this bill. It is now pressed upon us at the close of this Congress, and I trust it will be defeated by the House.

Mr. POTTER. I yield three minutes to the gentleman from Connecticut. [Mr. KELLOGG.]

Mr. KELLOGG. Mr. Speaker, I rise merely to say that this bill is an illustration of a tendency on the part of Congress to attempt legislation upon private interests and upon matters that concern State legislation only. I think this bill contains too much altogether for us to be justified in its passage by any reason that has been given. We have here a proposition to take control substantially of all the telegraph lines of the country. We might as well attempt to regulate the rates for freight and passengers on all the railroads of the United States which are post-roads. When we attempt legislation of this kind, especially upon matters of private interest, where private capital has built up an establishment like the Western Union Telegraph Company, I think we are going altogether beyond our jurisdiction, and it is time to "call a halt." I do not know anything about the abuses in the management of the Associated Press. The charges that are made may be true. I do not know whether the agents of the association in my State are republicans or not. I never heard that question raised until to night. I do not know democrats or republicans in any matter of business of this kind. I say that in my judgment it is altogether beyond our power to legislate in the manner this bill proposes. I trust the bill will be defeated.

Mr. POTTER. I now yield to the gentleman from Connecticut. [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. Mr. Speaker, in connection with this subject, there are unquestionably some evils and aggravations under which the public and the press labor. I think they are not well understood by the House; and as a newspaper man allow me to explain them. I think such explanation will aid in a better understanding of this bill.

Now, a great deal of the trouble gentlemen feel, most of the exasperation they feel, is due not to the Western Union Telegraph Company but to the Associated Press. That is a very peculiar institution. Its history, its character, are partially sketched in the report of the Judiciary Committee; but I fear the House does not yet understand it. The seven great newspapers in the city of New York, which began humbly many years ago, have now come to have the supervision and control, the complete control, of the collection and distribution of all the news published in the newspapers of the country as telegraphic news. There are agencies established under these seven newspapers. They have their contracts and arrangements all over the country, by means of which they collect this news, and then from a center in the city of New York they distribute it to the newspapers belonging to the Associated Press. The telegraph company is to them an agent for the collection and distribution of news—an express company, so to speak. Under this national associated press, or in the New York Associated Press, as it is called, are a number of local press associations, as we call ourselves. I belong to the New England Associated Press, and my friend from Utica [Mr. ELLIS H. ROBERTS] to the New York Associated Press. There is a western, a northwestern, and a southwestern press association.

I will take, for instance, the New England Associated Press. The contract with us is that we shall collect all over New England whatever news of local interest there may be and send it to New York. It is dropped on the way to all of our New England papers. The New England Press Association, I may say, is composed only of some eight or ten of the leading newspapers, and they peddle out to smaller papers, which come under another contract. We are bound, as I have said, to collect the local news of New England and send it to New York,

and in return we get the news from the agents throughout the Union and the cable news from abroad, but we have to pay them a heavy sum of money besides.

Mr. BUTLER, of Massachusetts. Let me ask the gentleman from Connecticut whether anybody who owns a newspaper can get into the Associated Press without all the members of that Associated Press agree to it?

Mr. HAWLEY, of Connecticut. I will come to that fairly in the course of my explanation. These local associations agree to collect and furnish news to these various press associations, and they in turn contract to do the same toward the New York Associated Press. Let me say right here that if we do not like the New York Associated Press, we can set up for ourselves. We do not do this because it would be just as much as our property is worth. We cannot stir a single foot—not a foot. We have had long and angry controversies with the New York Associated Press. They have been settled generally somewhat to our satisfaction. So has the great Western Associated Press, for collecting and furnishing the news in that section of the country, had angry controversies with the New York Associated Press. The management has not been to our satisfaction at all times. We are subject to them, however; our business is subject to their dictation. They control the collection and distribution of the news of the whole country. The Western Union Telegraph simply contracts to send it. They can make a contract with any other associated press.

Now, what is the evil complained of? You say that dispatches from certain portions of the country are colored to represent only particular sentiments. I will tell you how that happens, and you will see how much or how little there is in it. Wherever there is a newspaper belonging to the Associated Press that newspaper is made its agent to collect the news in its particular locality. If anything happens in the region of Springfield or Chicago, the Chicago Tribune or the Springfield Republican is bound to collect the news by means of the local telegraph and make up a dispatch, and that dispatch you will read in the morning in the New York press.

But it is said that this news is often colored to suit party purposes. In some regions of the country there is no old leading newspaper of the republican party, and the agents of the Associated Press of Mobile, Savannah, or Nashville are exactly the same old papers established before the war, and the editors are of the democratic persuasion. And then at many more points where there are no newspapers the local telegraphic operator is charged with collecting the news, and he is very probably a man of democratic politics; so that the news coming from the South has been almost wholly in the control of that class of people, people of that political persuasion, and is naturally colored accordingly. Now, the dispatches ought not to be colored in that way. A dispatch for general use is a sort of general possession, and should be non-partisan. In Connecticut generally every agent of the Associated Press is a republican, and we hold it our duty in making up a dispatch, say of a democratic convention, that it shall be strictly impartial. For example, the one which was published to-day about the Connecticut democratic convention at Hartford is made up by the republican editor there. It is his duty to make it of a non-partisan character, and to give a fair account of the members and character of the convention. And it is the duty of every agent of the Associated Press in the whole South, and I have no doubt it is the directions they give their agents as honorable men, to make up a non-partisan account. But they do not do it. That accounts for some of the things you complain of.

Let me refer to one other point. These things are not quite right, but I think they will cure themselves. It is in the power of the northwestern press, the New England press, &c., to come together and form one national association, bring their collectors of news together, and make their contract with the cable, and completely leave those seven great papers stranded. For they can do nothing without the country press. It collects all the news for them just as they collect their news for us. It is the fault of the country newspapers themselves that they do not have the position they ought to occupy.

Mr. BUTLER, of Massachusetts. Will the gentleman answer the question I addressed to him?

Mr. HAWLEY, of Connecticut. As to the close corporation?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. HAWLEY, of Connecticut. The New England association is composed of eight or ten of the leading newspapers and will sell to any newspaper a portion of its news; for example, to the Pittsfield paper or the Fall River paper, which are not large enough to pay the full rates. Now, the point of the gentleman from Massachusetts is this: Suppose a new morning paper wants to start in Boston, can it do so? Not without the consent of the others which have built up that association with an expenditure of a great deal of money and time. And I am free to say, as one of the men engaged in this business, that the conduct of our own association, and I am a member of it, is not what it ought to be. And I am free to say while I manage the only morning paper in Hartford, I will not stand in the way of the establishment of any other paper in that town, but I have the right to prevent it.

Mr. DAWES. How about your neighbor up the river?

Mr. HAWLEY, of Connecticut. O! you must take care of the Springfield Republican yourself.

Mr. ELLIS H. ROBERTS. Allow me to say that in the State of

New York it is different. Outside the city of New York any person desirous of establishing a newspaper may become a member of the association by paying a sum equivalent to five years' dues as an admission fee.

Mr. HAWLEY, of Connecticut. That is fair enough; but as a rule you can prevent the establishment of any other paper.

Mr. POTTER. I yield now to the gentleman from Illinois, [Mr. WARD.]

Mr. RANDALL. Will the gentleman from New York yield to me for a moment? Under the new rule this bill has to go over until to-morrow, and until it is disposed of no other bill can be introduced, because it would go over as unfinished business. I therefore suggest, as we have been ten hours in session, that the gentleman yield to me for a motion to adjourn.

Mr. POTTER. In a moment. I wish to yield for a few moments to the gentleman from Illinois, [Mr. WARD.]

Mr. WARD, of Illinois. My own position as a member of the Judiciary Committee in regard to this bill may be of little consequence to anybody but myself, but I do not want to be misunderstood. I am opposed to the legislation proposed by this bill and to the principle on which it is based, and I have acted in accordance with that position ever since I have been in Congress. I do not believe in this kind of legislation. And I desire to state this because I understand it has been claimed that I have supported this bill; that in the committee I understood that the bill was to be reported here and discussed and that I did not make any objection to it.

I look upon some of the evils which have been described here in connection with the Associated Press as unmitigated evils, and I would be glad to find some remedy for them. I look, however, upon the recognition of the principle on which this legislation is based as a greater evil than any we have suffered from the Associated Press. I am opposed to that kind of legislation on kindred subjects and I am opposed to it on this subject. I do not believe the Congress is yet ready to run telegraphs, or to fix the prices of wages or commodities throughout the country.

Mr. ELLIS H. ROBERTS. The gentleman from Pennsylvania [Mr. RANDALL] suggests that this bill goes over. I understood that the Judiciary Committee had this evening only.

Mr. RANDALL. That applies only to unfinished business. They would not have the power to make other reports.

The SPEAKER. The point has been somewhat discussed and the Chair would be glad to have it well understood by the House.

Mr. RANDALL. I stated the case under the new rule as I understood it.

Mr. ELLIS H. ROBERTS. I suggest that the Committee on the Judiciary had this evening only for the consideration of its business and that the business which it has failed to finish this evening falls.

The SPEAKER. That point is raised, and the Chair desires the attention of members to it, for it is an entirely new point. Heretofore by usage of the House, when an evening was given for the consideration of a particular bill and it failed to pass because of the lack of a majority in its favor, it failed on the simple principle that there was no use in carrying it over as unfinished business. But on this bill the demand for the previous question was seconded by a majority of the House; but the new rule which has been adopted requires a two-thirds vote to second the demand for the previous question on a bill on the first day of its consideration. That rule does not require that in case two-thirds fail to vote to sustain it the bill shall die and not come up as unfinished business. The Chair does not think it would meet the equities of the case to decide otherwise. A majority have seconded the demand for the previous question, and the bill is presumably in charge of that majority, who might control it absolutely by moving to recommit the bill and then moving to reconsider the vote on its recommitment. The Chair thinks that a majority having voted to second the previous question, they have a right to have a vote upon the bill. The law of the House on the subject of the previous question has not been changed. The majority still control the business of the House. The rule has only been changed so that the minority shall have the right to debate. Now, if the majority should recommit the bill and enter a motion to reconsider, what question would be more highly privileged to-morrow than that?

Mr. ELLIS H. ROBERTS. But the bill came up under the rules as they are.

The SPEAKER. The gentleman is quoting the usage and not the rules, and the usage of to-day must conform to the rules of to-day. The bill does not go over unless there be not a majority of the House in its favor.

Mr. WILLARD, of Vermont. I have understood the usage to be that unless the previous question is seconded on a bill on the special day set for its consideration, the bill falls, and that the only change made in the rule was as to the number required to second the demand for the previous question on the first day of the consideration of the bill.

The SPEAKER. Does not the gentleman from Vermont now perceive that if a majority of the House are in favor of the bill, it is perfectly competent for them to recommit the bill, and then a motion can be entered to reconsider the recommitment?

Mr. WILLARD, of Vermont. It does not follow that because some other parliamentary method may be resorted to to bring the bill before the House, therefore this is a proper mode of doing it.

The SPEAKER. If there is a majority against the bill, that majority can recommit and enter a motion to reconsider.

Mr. GARFIELD. Suppose the House adjourns without the motion to recommit being made?

The SPEAKER. The Chair has only stated that as a majority voted to sustain the previous question, that majority could accomplish its object of bringing the bill before the House in the manner which the Chair has indicated, by recommitment and reconsideration, and there is no use of doing indirectly what can be done directly.

Mr. ELLIS H. ROBERTS. Suppose a majority had not seconded the previous question?

The SPEAKER. Then the bill would have been dead, clearly.

Mr. ELLIS H. ROBERTS. Therefore it seems to me fair to determine whether the majority wish to keep the bill alive until to-morrow.

The SPEAKER. If the majority wish to do that, they can easily do it in the mode indicated by the Chair.

Mr. BUTLER, of Massachusetts. I move that the House do now adjourn, and I will not withdraw the motion.

The motion was agreed to; and accordingly (at ten o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: Memorial of members of the Woman's National Christian Temperance Union, praying for restrictive legislation in regard to the importation, manufacture, and sale of alcohol in the District of Columbia and the Territories, to the Committee on the Judiciary.

By Mr. ARCHER: The petition of Jane E. Slamon, of Prince George's County, Maryland, for a pension, to the Committee on Invalid Pensions.

By Mr. CLYMER: The petition of citizens of Blandon, Burks County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872, to the Committee on Ways and Means.

Also, petitions of citizens of Reading, Millerstown, and Birds-borough, Pennsylvania, that the national credit be extended to aid the completion of the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. DANFORD: The petition of R. S. Lacey, for relief, to the Committee on War Claims.

By Mr. DAVIS: The remonstrance of Alfred Glass and others, of Brooke County, West Virginia, against the restoration of duties on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. FARWELL: The petition of members of the Woman's National Temperance Union, for restrictive legislation in regard to intoxicating liquors, to the Committee on Education and Labor.

By Mr. FRYE: Petitions of the Methodist Episcopal church of Biddeford Pool; of the Methodist Episcopal church of Guilford; of the Universalist church of Auburn, and of sundry citizens of Maine, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. GARFIELD: Two petitions of members of the Woman's Christian Temperance Union from the State of Ohio, asking restrictive legislation in reference to the use and sale of alcohol in the District of Columbia and the Territories, to the same committee.

By Mr. GUNCKEL: The petition of Henry C. Cassad, formerly of Company E, Fifty-seventh Indiana Volunteers, for correction of his military record, to the Committee on Military Affairs.

Also, the petition of Franklin C. May, formerly of Company K, Forty-second Ohio Volunteers, for correction of his military record, to the same committee.

Also, the remonstrance of tobacco manufacturers and dealers against an advance in the existing rate of tax upon tobacco, to the Committee on Ways and Means.

By Mr. HARRISON: Additional papers in support of the claim of J. Bloomstien, of Nashville, Tennessee, to the Committee on War Claims.

By Mr. E. R. HOAR: The petition of the Methodist Episcopal church of Ballard Vale, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of John Ashworth and others, of similar import, to the same committee.

By Mr. KELLEY: The petition of citizens of Philadelphia, for the passage of the bill in aid of the completion of the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. KILLINGER: Two petitions of citizens of Schuylkill County, Pennsylvania, praying Government aid to the Texas and Pacific Railroad, to the same committee.

By Mr. KELLOGG: The petition of Charles W. Adams, for an appropriation to satisfy a judgment against the United States rendered by the United States district court for the district of Louisiana on the 11th day of May, 1866, to the Committee on Appropriations.

By Mr. MONROE: The petition of G. P. Sperry and 111 others, of Summit County, Ohio, for restrictive legislation in regard to the manufacture and sale of intoxicating liquors, to the Committee on the Judiciary.

By Mr. PARSONS: The petition of H. M. Kelly and 149 others of Newark, Ohio, members of the Woman's Christian Union, for restrictive legislation in regard to the use of intoxicating liquors, to the Committee on Education and Labor.

By Mr. ELLIS H. ROBERTS: The petition of the Grand Temple of Honor of the State of New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. ROBINSON, of Ohio: The petition of George Bennett, Lucretia Potter, and 852 others, of Ohio, for restrictive legislation in regard to the use of intoxicating liquors in the District of Columbia and the Territories, to the same committee.

By Mr. SCHELL: The petition of dealers in drugs, perfumery, &c., for the repeal of Schedule C of the internal-revenue laws, to the Committee on Ways and Means.

By Mr. SMITH, of Pennsylvania: Six petitions of citizens of Lancaster County, Pennsylvania, asking Congress to extend aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. SPEER: The petition of citizens of Hollidaysburgh, Pennsylvania, asking Congress to extend aid to the Texas and Pacific Railroad, to the same committee.

By Mr. WADDELL: The petition of Charles W. Phifer, of Texas, for removal of disabilities, to the Committee on the Judiciary.

By Mr. WOOD: The petition of the Carriage Builders' National Association of the United States, that the duties upon carriages may be so adjusted as to be more in harmony with the duties placed upon the articles used in their construction, to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 18, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order of business.

Mr. DAWES. I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the tariff bill. Pending that motion, I move that all debate upon the first section of the bill be limited to ten minutes.

Mr. COBURN. I desire to make a privileged report.

Mr. RANDALL. I insist upon the regular order.

Mr. COBURN. Is not a privileged report the regular order?

The SPEAKER. The report is privileged under the rules. The motion of the gentleman from Massachusetts [Mr. DAWES] is to suspend the rules and go into Committee of the Whole.

Mr. DAWES. If it is only to submit a report for printing and recommitting, I will not object. I do not object to mere routine business.

Mr. RANDALL. I insist upon the regular order.

Mr. BUTLER, of Massachusetts. If the House shall go into Committee of the Whole now, what will be the effect upon the unfinished business coming over from last night?

The SPEAKER. That will postpone it.

Mr. RANDALL. It would keep its place.

Mr. BUTLER, of Massachusetts. Very well.

Mr. LAWRENCE. I desire to submit some reports, and I ask unanimous consent for that purpose.

The SPEAKER. When one member demands the regular order, it is the absolute duty of the Speaker to enforce it.

Mr. RANDALL. I do not withdraw my demand.

Mr. DONNAN. Have I not the right to submit a report from the Committee on Printing?

The SPEAKER. That right is not of so high a privilege as it is for the House to go into Committee of the Whole on the tariff bill. The report from the Committee on Printing is privileged under the rules, and the motion of the gentleman from Massachusetts is to suspend the rules and go into Committee of the Whole. Pending that the gentleman moves to limit all debate upon the first section of the bill to ten minutes.

Mr. BANNING. I hope not.

Mr. DAWES. How much time is needed?

Mr. BANNING. Time enough to debate the question fully.

Mr. FIELD. At least thirty minutes.

Mr. DAWES. I will say twenty minutes.

Mr. BANNING. This is the most important section in the bill.

Mr. RANDALL. Say thirty minutes.

Mr. DAWES. Very well; I will move to limit the debate to thirty minutes.

The motion limiting debate was agreed to.

The question was taken on suspending the rules and going into Committee of the Whole; and upon a division there were—ayes 67, noes 22.

Mr. SENER. That is not a quorum.

The SPEAKER. It is not; and the Chair will order tellers, and appoint the gentleman from Massachusetts, Mr. DAWES, and the gentleman from Virginia, Mr. SENER, to act as tellers.

The tellers took their places; but before announcing the vote on either side—

Mr. SENER (one of the tellers) said: I will withdraw my demand for a further count if there can be ten minutes allowed for business by unanimous consent.

The SPEAKER. The Chair cannot consent to entertain conditional objections or withdrawal of objections.

Mr. SENER. Then I will withdraw the call for a further count.

The motion to suspend the rules and go into Committee of the Whole was agreed to.

TAX AND TARIFF BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. HALE, of Maine, in the chair,) and resumed the consideration of the bill (H. R. No. 4680) to protect the sinking fund and provide for the exigencies of the Government.

The CHAIRMAN. By order of the House all debate upon the pending section is limited to thirty minutes. The pending question is upon the motion of the gentleman from Ohio [Mr. SOUTHARD] to strike out the section as amended.

Mr. FIELD. I move to substitute for the section proposed to be stricken out that which I send to the Clerk's desk.

The Clerk read as follows:

That on and after the 1st day of July, 1875, the duties on all commodities, the growth and productions of foreign countries and subject to duty by existing laws, shall be increased 10 per cent.; and on the first day of each succeeding quarter of each fiscal year thereafter all duties shall be advanced an additional 10 per cent. until the price of American gold coin in the open market shall not exceed the par of United States legal-tender notes: *Provided*, That the legal-tender notes called greenbacks shall on and after July 1, 1875, be received for duties on imports.

Mr. DAWES. I raise the point of order that the proposed amendment is not germane to the section.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Michigan [Mr. FIELD] can reach his object at a subsequent stage of the consideration of the bill, by offering his amendment as an additional section or as a substitute for the whole bill.

The question was then taken on striking out the section as amended, and upon a division there were—ayes 37, noes 63.

Mr. WARD, of Illinois. That is not a quorum. I call for a further count.

Tellers were ordered; and Mr. DAWES and Mr. SOUTHARD were appointed.

The committee again divided; and the tellers reported that there were ayes 34.

Before the noes were counted,

Mr. DAWES (one of the tellers) said: I understand the gentleman from Ohio [Mr. SOUTHARD] does not insist upon a further count.

The CHAIRMAN. Then the motion to strike out is not agreed to.

Mr. RANDALL. I desire to move an amendment to the first section.

Mr. BECK. Did a quorum vote?

The CHAIRMAN. The Chair thinks the gentleman is too late in making that inquiry.

Mr. BECK. The Chair had not said the motion was lost before I asked the question.

Mr. WARD, of Illinois. I stood here on the floor and called for tellers; and I do not know of any one who has a right to withdraw my call.

Mr. DAWES. The gentleman from Ohio, [Mr. SOUTHARD], who made the motion to strike out and who was one of the tellers, I supposed was the one that called for a further count.

The CHAIRMAN. The gentleman making the motion to strike out [Mr. SOUTHARD] and the chairman of the Committee on Ways and Means [Mr. DAWES] antagonizing that motion were appointed as tellers, and agreed that no further count should be had, and the Chair so announced. The gentleman from Kentucky [Mr. BECK] states that he rose in time to insist upon a further count, as he had the right to do. The Chair considers that the demand for a further count was made in time, and the tellers will resume their places and complete the count.

The tellers accordingly resumed their places, and, completing the count, announced that there were—ayes 64, noes 96.

So the amendment was not agreed to.

Mr. RANDALL. I move to amend the section by striking out "\$1," in line 70, and inserting "90 cents" as the amount of tax per gallon.

Mr. Chairman, if this tax is to be imposed, it ought to be fixed at such an amount that the revenue of the Government may not be defeated in consequence of the temptation to frauds. I believe, sir, that 90 cents is as high as Congress can go without tempting the manufacturers of whisky and others who may be induced to go into the business to commit fraud. It will be very well remembered that when we made this tax \$2 the temptation to evasion of the tax was so great that the revenue derived by the Government was comparatively small; and subsequently, when we fixed the tax at 50 cents, the amount received at that rate was more than double what we had received from the two-dollar tax. I believe I am correct in my statement upon this point.

While I do not entirely concur in the necessity for any imposition of additional taxes, yet if this bill is to pass, the tax ought to be fixed at such a rate as will enable the Government to collect the entire amount due to it; and in proposing 90 cents as a suitable figure I

believe I concur with the judgment of the Secretary of the Treasury, as I have heard it stated without contradiction.

As to the general policy of our taxation, I cannot concur with the recommendation of the Committee on Ways and Means. My own belief is that the proper method of relieving the Government from its present embarrassments would be a reduction of the amount of our appropriation bills. In my view, an increase of taxation will only aggravate the present paralysis of business throughout the country. I believe there is absolutely no necessity at this time for any increase of taxation. After a careful examination of the appropriation bills—in fact I may say after a thorough study of them—I believe that if this House really meant economy, it could reduce the appropriation bills at this session of Congress at least \$40,000,000. I believe that this opportunity will be offered to the next Congress; and that at the next session we shall be able to reduce the appropriation bills to the extent of \$50,000,000, without embarrassing at all any function of the Government.

Mr. SMITH, of Ohio. May I ask the gentleman a question?

Mr. RANDALL. Certainly.

Mr. SMITH, of Ohio. After "a careful study of the appropriation bills," does the gentleman think that we can make a reduction of \$40,000,000 on those bills yet to be acted on?

Mr. RANDALL. Of course I do not. I am speaking of all the appropriation bills. The naval appropriation bill alone could be reduced to \$10,000,000.

Mr. SMITH, of Ohio. The gentleman from Pennsylvania is an old parliamentarian; and I would like to know how we are to get back to the bills already passed upon and reduce them.

Mr. RANDALL. I do not expect that, of course; but I say to-day that if you will reduce the civil service appropriation bill to what I deem would be a proper amount; if you will make a moderate reduction in the Army bill; if you will strike out altogether the deficiency bill; if you will lay aside for twelve months the river and harbor bill, there will be no necessity whatever for an imposition of one dollar of additional taxation. In this manner business may be allowed to proceed toward a revival instead of being subjected to another disastrous blow by the imposition of an unnecessary and outrageous tax.

[Here the hammer fell.]

Mr. DAWES. I wish to say one word in regard to this proposition to fix the tax at 90 cents. I agree with the gentleman from Pennsylvania [Mr. RANDALL] that we ought to seek to fix the tax at such a point (and not higher) as will secure the faithful collection of the revenue; and adopting this view, it is difficult to ascertain whether the rate should be 90 cents or \$1. I will say, however, that the general drift of all the testimony before the Committee on Ways and Means was that the Government could collect a tax of \$1. The change from 50 cents to 70 cents was apparently an alteration in the rate of tax, but was not so in fact.

Mr. RANDALL. That is true.

Mr. DAWES. Under the 50 cents tax there were certain other small taxes which practically made the tax equivalent to 70 cents.

Mr. RANDALL. And the 70 cents tax was a decided improvement.

Mr. DAWES. Yes; a decided improvement. The tax of 70 cents has been collected a great deal better than was the tax of 50 cents. But it does not follow, from our experience on this point, that we cannot make the tax somewhat higher. The general testimony thus far of those engaged in the collection is that they could collect a tax of \$1. If I thought that we could not collect a higher tax than 90 cents, I would assent to this amendment of the gentleman from Pennsylvania; for nothing would be so demoralizing in every sense, as well as detrimental to the revenue, as to fix the tax higher than could be collected faithfully; and nothing could so damage the honest, enterprising, and prosperous distillers as to have so high a tax as to cause illicit distilleries to spring up all over the country.

But the general belief is, the belief of very many of the large distillers themselves, that if you put it at a round dollar and let them know it is going to remain there and all improvements in methods which can be devised will be resorted to, we will get it faithfully. That is why the committee yielded to the conclusion of the Commissioner of Internal Revenue that it should be a dollar. I yield now to the gentleman from Ohio [Mr. GARFIELD] on the subject of the reduction of expenditures.

Mr. GARFIELD. Mr. Chairman, I am somewhat surprised by the statement of the gentleman from Pennsylvania, [Mr. RANDALL.] I want it to be remembered that he now believes and promises there can be and will be \$50,000,000 of reduction.

Mr. RANDALL. I do not promise; I say I believe it. I have no power to make promises.

Mr. GARFIELD. I say that he expressed that as his belief of what can be done.

Mr. RANDALL. I have no doubt it can be done.

Mr. GARFIELD. Can \$40,000,000 be reduced this session? I wish to call his attention to the fact that the sinking fund and the interest on the public debt are \$140,000,000. The total appropriations for the last year were \$270,000,000 exclusive of the sinking fund. How he proposes to cut down \$40,000,000 on our present establishment can only be seen by what he proposes in reference to the Navy. He thinks we ought to get the Navy down this year \$10,000,000 below what we have put it at. In other words, he wishes

to put the Navy down to \$7,000,000. It is now in the bill which has passed and become a law I believe a little less than \$17,000,000. If the gentleman will show how he can maintain the Navy in anything like its present shape on any such sum as \$7,000,000 he will show what nobody has yet offered to show in this country. We pay almost that amount for the actual pay of the Navy outside of the repairs of our ships and general incidental expenses of the Navy.

Now let it be understood in the country that we are going in the next year to get \$50,000,000 of reduction on our appropriations. I think it is high time the country should look forward to see in what a crippled condition the public service will be with such retrenchment as that.

Mr. RANDALL. The gentleman does not fairly state it.

Mr. GARFIELD. I am willing to go as far as possible, and I hope the next Congress will go lower than we have gone. I think they ought to.

Mr. RANDALL. You did not fairly state what I said. I said that I believed it ought to be cut down fifty millions, but I also said without any legitimate interference with the proper functions of government. And I say to the gentleman now, so far as I know and so far as I shall be guided in the next Congress as a member of it, that the Administration has nothing to fear whatever from any attempt on my part to cripple it in its finances.

Mr. GARFIELD. What does the gentleman propose in the way of cutting down the Navy?

Mr. RANDALL. I think that your party is utterly incapable of cutting down—utterly incapable of cutting off excrescences from the appropriation bills. I believe, and the gentleman will not deny it, that all these Departments can be cut down. I take for instance the Department of Justice—

[Here the hammer fell.]

Mr. MAYNARD. I move to increase it 1 cent, making it 91 cents; and I have sought the floor for the purpose of replying to the remarks of the gentleman from Pennsylvania [Mr. RANDALL] on a view of the case which is certainly entitled to great consideration, that is to make the tax so as not to defeat the object of revenue. He refers to the time when the tax was \$2 a gallon, when our entire amount of collection of tax on liquors amounted to a little over \$18,000,000 a year, although it was known the amount distilled reached very nearly 100,000,000 gallons; and also to the fact that the amount which was collected when it was reduced to 50 cents a gallon, with certain special taxes, amounted to something over \$50,000,000 a year.

I wish to call the attention of the committee to another fact. While the \$2 tax was pending it was collected in money from the distillers and the casks were marked with a stencil-plate to indicate that the tax was paid. The law of 1868 which reduced the tax from \$2 to 50 cents, with certain special taxes, making it in the aggregate on the average 70 cents, the whole mode of collecting the tax was changed, and instead of collecting in money the tax was collected by stamps which were required to be attached to the casks. And then there were other provisions of the law not necessary to refer to, increasing the safeguards so as not only to make the collection more certain but to make the means of evasion far more difficult. But I am persuaded, having had occasion to examine the subject at that time, being on the committee that had charge of such questions, that the increased collection arose quite as much from the change in the mode of collection and from the safeguards thrown around the collection as from the reduction of the tax from \$2 to about 70 cents. Of course the tax of \$2 a gallon was a great temptation; 70 cents was a great temptation; even 25 cents a gallon would be a great temptation. And unless you make your methods of collection secure you will have frauds upon the Government no matter what tax you may impose.

I do not think therefore the argument deduced from the result of changing the law from \$2 a gallon, as we did by the act of 1868, to something like the present amount of 70 cents a gallon, is a legitimate argument or ought to have weight in considering this question arising under this bill which is merely to raise the rate of tax per gallon and to keep the same methods of collection, the same use of stamps, the same safeguards precisely as have been in use since 1868 and which, so far as I am informed or have reason to believe, have been efficient; so that we have had comparatively little illicit distilling done in the country.

The question, therefore, suggested by the gentleman from Pennsylvania, [Mr. RANDALL,] supported as he seems to support it, seems to me hardly to arise; and I think we are perfectly safe in imposing a tax of \$1 per gallon if we are satisfied that the interests of the public Treasury require a tax of that amount.

I desire to submit to the committee as part of my remarks a portion of the report of the commission for the reduction of the revenue system in 1866.

Mr. HOSKINS. I rise to oppose the amendment, and only intend to occupy a few moments of the time of the committee. I am opposed to any legislation looking to a change of tax upon the article of whisky unless it is to have the effect of doing the revenues of the country some good; and from my own experience as collector of internal revenue of my district, I believe I have a right to speak upon this question in relation to the probability and possibility of collecting this tax of \$1. I know from my own personal experience that it will be just as easy to collect this tax of \$1 per gallon upon whisky

as it is to collect the tax of 70 cents. The taxes are now paid by stamps and not in gross. These stamps will be purchased and put upon the package precisely the same with a tax of \$1 as with a tax of 70 cents a gallon.

The reason why more tax was collected when the rate was 50 cents a gallon than when it was \$2 a gallon was not because there was not enough whisky distilled under the latter tax to yield a larger revenue, but because the systems and forms of collection were not properly enforced by the Government. But with the machinery now enforced for the collection of this tax upon whisky it will be just as easy to collect the tax of \$1 a gallon as it is to collect the tax of 70 cents per gallon. I say this from my own personal experience in collecting these taxes. The distillers, when they know distinctly what they have got to do, are just as well prepared and willing to come up and pay the tax of \$1 as to pay the tax of 70 cents.

Mr. SMITH, of Ohio. Does not the larger tax lead to surreptitious distilling?

Mr. HOSKINS. In answer to the question of the gentleman from Ohio, I will say that the difference between 70 cents a gallon and \$1 a gallon does not hold out to distillers any temptation whatever to go into illicit distillation. And I believe that not only would it be a benefit to the revenues of the country, but that it would inure to the benefit of the distiller himself to fix the tax at \$1 per gallon rather than at 80 or 90 cents; and for this reason: When the tax is fixed at \$1 per gallon, an increase of 30 cents, the distiller will of course add that to the price of the distilled spirits. But if you increase the tax only 10 cents per gallon, it would be impossible for him to add that tax to the cost of the distilled spirits. This proposition is therefore better for the distiller, it will largely increase the revenue of the country, and the tax can be successfully collected. We shall then get at a fixed basis, and can there remain, and the distillers, the Government, and everybody will be satisfied.

[Here the hammer fell.]

Mr. MAYNARD. I withdraw the *pro forma* amendment which I offered.

Mr. BURCHARD obtained the floor and said: I yield to the gentleman from Tennessee to have read some matters which will be of interest to the House.

Mr. MAYNARD. I hold in my hand, Mr. Chairman, a report made to the Secretary of the Treasury in 1866 by David A. Wells, who held official relations with the Treasury Department at that time—a gentleman of high repute with our friends on the other side of the House—and I ask that those portions of the report which I have marked upon pages 179 and 181, which relate to this subject, be read.

The Clerk read as follows:

That distilled spirits ought to contribute a very large proportion of the amount which the necessities of the country require shall be annually raised by internal taxation is, we believe, the almost unanimous sentiment of the whole country. It may, indeed, be considered as an axiom in political economy that there is no article which constitutes a fairer subject for excise and none which can be made to produce so much revenue with so little suffering to the tax-payer. In Great Britain, where the duty has been for the last four years at the very high rate of 10 shillings per imperial gallon, the concurrent testimony is to the effect that of all the methods adopted in that country to raise a revenue this is the one most cheerfully borne and least oppressively felt by the people. In this connection the commission would also refer to the review of the revenue experience of various foreign States in relation to this subject, as given in the opening pages of this report.

In fact, the commission regard the present standard of consumption of distilled spirits for drinking purposes in the United States, which they now estimate at 39,000,000 of proof gallons per annum, as one which no legislation and no augmentation of tax can materially diminish. They believe, furthermore, that there are no people less inclined to regard expense in the gratification of their desires and appetites than the Americans.

Mr. MAYNARD. I now ask the Clerk to read the paragraph at the top of page 181, which is italicized by the author of the report himself.

The Clerk read as follows:

In a revenue, industrial, and moral point of view, it would be expedient to reduce the existing excise of \$2 per gallon on distilled spirits, and to substitute therefor a lower rate of \$1 per proof gallon.

Mr. HOLMAN. Mr. Chairman, I desire the attention of the chairman of the Committee on Ways and Means for a moment to a statement made by himself, that the present tax of 70 cents per gallon is honestly collected. I apprehend the gentleman is incorrect. I do not think that it is very safe to rely upon mere theory in matters of this kind; reliable information is still better. I have before me a statement from a gentleman whose integrity and high character can be vouched for by many members of this House, the Hon. James W. Gaff, for many years a State senator in my State, and who, I believe, at the head of what is known as the Distillery Association of the United States. He states that under the present rate of taxation it is difficult for the honest manufacturer to carry on his business successfully at a reasonable profit; that frauds are being perpetrated on the revenue in various sections of the country, and that even the present rate of taxation on spirits holds out great temptations to fraud. He states that to preserve the purity and integrity of the officials of the Government from being tempted by the cupidity of illicit manufacturers, greater safeguards are even now required. The association over which he presides insisting on investigation in certain sections, investigation was made, and it was found that there had been frauds to the extent of \$700,000 in the single city of New Orleans by distillers; but it was too late to collect the amount, and it was lost to the Government. It is for the purpose of collecting the tax in

those regions of the country where corn is not grown and where illicit distillations are going on that we need legislation. Even now corn used for distillation has been removed to remote parts of the country for fraudulent manufacture. At the point of distillation where corn is raised the distiller is taxed on 3.20 gallons of whisky to the bushel of corn; but in the regions of illicit distillation, remote from the corn regions, apparently to avoid frauds, the distillers are taxed only upon 2.45 gallons to the bushel of corn. It is evident, therefore, that even with the present tax of 70 cents per gallon the Government is still losing in consequence of the strong motive offered for illicit distillation, the high premium for fraud.

I believe, sir, that if the tax is increased it will greatly add to the present difficulties—a misfortune far beyond the loss of revenue to the Treasury, and that is the corruption of the revenue officers. It will not be so much a demoralization of the Treasury Department, but a demoralization of the public servants to whom this increased temptation for fraud would be held out.

[Here the hammer fell.]

The CHAIRMAN. By order of the House debate upon this section was limited to thirty minutes; that time has expired.

Mr. RANDALL. I would ask whether an amendment to place the duty at 85 cents has not already been voted on by the committee and defeated?

The CHAIRMAN. A motion fixing the duty at 85 cents was made, but the Chair understands that it was withdrawn. The gentleman from Ohio [Mr. BANNING] offered that proposition, but subsequently withdrew it.

Mr. RANDALL. Then I will modify my amendment and make it 90 cents instead of 85. At the request of the chairman of the Committee on Ways and Means, I put it at 90 cents, and propose to test the sense of the committee upon it.

Mr. DAWES. I want to keep it as near \$1 as I can.

Mr. RANDALL. I ask for tellers upon my amendment.

Tellers were ordered; and Mr. RANDALL and Mr. DAWES were appointed.

The House divided; and the tellers reported—ayes 63, noes 88.

So the amendment was not agreed to.

Mr. BANNING. I offer the following amendment: I move to amend the first section of the bill by striking out the whole of the first proviso; that is, by striking out all after the word "repeal" in line 13, namely, the provision putting 15 cents per gallon additional on stock now on hand.

This amendment strikes out—

The CHAIRMAN. Debate is exhausted upon this section.

Mr. BANNING. I would be very much obliged to the chairman of the committee if he would hear me for a moment.

The CHAIRMAN. Debate is not in order; the Committee of the Whole has no power to allow debate after the House has fixed the time for closing it.

Mr. BANNING. I would like to say one word in explanation of my amendment.

The CHAIRMAN. The committee has no power to extend the time for debate beyond the limit fixed by the House.

Mr. BANNING. This amendment strikes out the 15 cents additional tax proposed on the stock now on hand.

Mr. DAWES. Does the gentleman understand that this amendment would make the tax on the stock on hand \$1 instead of 85 cents per gallon?

Mr. PAGE. I desire to move an amendment to come in after the amendment adopted on motion of the gentleman from New York, [Mr. COX.]

The CHAIRMAN. That amendment would not now be in order.

The question was taken upon the amendment moved by Mr. BANNING; and upon a division there were—ayes 59, noes 77; no quorum voting.

Mr. O'BRIEN. I call for tellers.

Tellers were ordered; and Mr. BANNING and Mr. DAWES were appointed.

The committee again divided; and the tellers reported that there were—ayes 69, noes 88.

So the amendment was not agreed to.

Mr. PAGE. I move to amend by adding to the section the following:

And provided further, That nothing in this section shall be construed to increase the tax on brandy manufactured from apples, peaches, or grapes.

I would inquire if debate upon this amendment is in order?

The CHAIRMAN. It is not.

The amendment was not agreed to.

Mr. KASSON. I desire now to offer, on behalf of the Committee on Ways and Means, an amendment to perfect this first section, to come in at the end of the first proviso. I send it to the Clerk's desk.

The Clerk read as follows:

Provided further, That whenever it shall be shown by testimony under oath, to the satisfaction of the Secretary of the Treasury, that any person liable to pay the increased tax upon domestic distilled spirits by this act imposed had, prior to the 10th day of February, 1875, made a contract for the future delivery of such spirits at a fixed price, which contract was in writing prior to that date, such spirits may be delivered to the contracting party entitled thereto under special permit from the Commissioner of Internal Revenue provided therefor, without previous payment of such additional tax; but the said additional tax shall be a lien thereon, and shall be paid by and collected from the purchaser under such contract before

the sale or removal thereof by him, and when demanded by the collector of internal revenue for the district to which the same shall be removed for delivery to the purchaser; and any sale or removal by such purchaser, prior to the payment of such tax, shall subject him and the spirits so sold or removed to all the penalties and processes of law provided in the case of distillers so selling or removing spirits to avoid the payment of tax.

The amendment was agreed to.

Mr. BARRERE. I move to amend the first section by striking out the words "date of the passage of this act," and inserting in lieu thereof the words "1st day of April, 1875."

The amendment was not agreed to.

Mr. ARTHUR. I move to amend the section by adding to it the following:

And provided further, That nothing herein contained shall apply to spirits sold but not delivered, or sold and in process of manufacture, or sold and to be manufactured and delivered, as by contract made and confirmed in good faith on or before the 10th day of February, 1875.

Mr. KASSON. That is all provided for in the amendment just adopted upon my motion.

The question was taken upon the amendment of Mr. ARTHUR; and upon a division there were—ayes 33, noes 71; no quorum voting.

Mr. BANNING. I call for tellers.

Tellers were ordered; and Mr. ARTHUR and Mr. MONROE were appointed.

The committee again divided; and the tellers reported that there were ayes 31, noes not counted.

So the amendment was not agreed to.

Mr. BANNING. I move to amend this section by adding the following:

Provided, That no whisky now owned by distillers and in bonded warehouses shall be subject to the increased tax provided in this act.

The amendment was not agreed to upon a division, ayes 26, noes not counted.

Mr. ARCHER. I move to strike out the enacting clause of the bill.

The motion was not agreed to upon a division—ayes 65, noes 89.

The committee rose informally.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon their amendments disagreed to by the House to House bill No. 3912, to reduce and fix the Adjutant-General's Department of the Army, and had agreed to the conference asked by the House upon the disagreeing votes of the two Houses thereon, and had appointed Mr. LOGAN, Mr. SPENCER, and Mr. RANSOM as the conferees on the part of the Senate.

TAX AND TARIFF BILL.

The Committee of the Whole resumed its session, and proceeded with the consideration of the special order.

The Clerk read the following:

SEC. 2. That section 3368 of the Revised Statutes be, and the same is hereby, amended by striking out the words "20 cents a pound," and inserting in lieu thereof the words "24 cents a pound." *Provided,* That the increase of tax herein provided for shall not apply to tobacco on which the tax under existing law shall have been paid when this act takes effect.

Mr. PENDLETON. I move the following as an additional section, to come in after the section just read by the Clerk:

SEC. —. That section 3418 of the Revised Statutes be, and the same is hereby, repealed, to take effect on and after the 1st day of July, 1875.

Mr. DAWES. I raise the point of order that that is new legislation.

Mr. PENDLETON. I ask to have the section read which I propose to have repealed.

The Clerk read as follows:

There shall be levied, collected, and paid, for and in respect of every bank-check, draft, or order for the payment of money drawn upon any bank, banker, or trust company at sight or on demand, by any person who makes, signs, or issues the same, or for whose use or benefit the same is made, signed, or issued, two cents.

Mr. DAWES. I am opposed to the amendment, but I desire to say to the gentleman from Rhode Island [Mr. PENDLETON] that that particular section of the Revised Statutes is repealed by what is called the "little tariff bill," and a new section has been adopted in its place. The gentleman therefore will not reach his object by the amendment he has proposed.

Mr. KASSON. I wish to reserve a point of order on this amendment.

The CHAIRMAN. The point of order has already been raised, and the Chair sustains it. The gentleman offering the amendment can reach his object by proposing an additional section at the end of the bill; but the amendment is not germane to the section which the Committee of the Whole are now considering.

Mr. GUNCKEL. I move to amend by striking out the whole of the pending section. Mr. Chairman, I hope I am loyal to the Government and the Administration. I have labored and voted to cut down expenses and so obviate the necessity of increased taxation. But if, notwithstanding our reductions, there is, by reason of the depressed business of the country, still a necessity for additional revenue, I am willing to vote it; but I ask that in imposing the taxes upon the people you do it somewhat with reference to an equal distribution of the burdens of taxation among the different sections of the country. The Committee of the Whole has already, by a suffi-

cient vote, agreed to a tax of \$1 upon whisky. Say what you will, that is a high tax and a heavy burden which must first be paid and largely borne by the West. Now, you are about to impose another heavy tax which will fall almost entirely upon the West and the South; and I protest in behalf of my people against its imposition. While it bears heavily on the tobacco of Ohio and the West, it does not reach Massachusetts and Connecticut tobacco at all. Their tobacco goes into cigars, and is never manufactured into smoking or chewing tobacco, and so not reached by this bill or injured by this tax. But as cigars compete with smoking-tobacco, it will really inure to the benefit of the New England tobacco-growers.

Mr. DAWES. Most of the Connecticut tobacco is called "Connecticut leaf," and is used for wrappers of cigars.

Mr. GUNCKEL. And is not for that very reason affected by the proposed tax.

Mr. DAWES. A portion of it, the poorest portion, goes into cigars; but the best of it is the leaf.

Mr. GUNCKEL. The fact remains, that all of it goes into cigars; and therefore none of it is affected by this particular section. But much of the cheaper tobacco raised in the Western and Southern States is manufactured into smoking and chewing tobacco and therefore will be affected by this provision.

Mr. DAWES. I have an amendment I would like to offer to put 1 cent increase of taxation upon cigars, to correspond with this.

Mr. GUNCKEL. It is somewhat singular that the Committee on Ways and Means did not think of it before and report it in the original bill. Rich men smoke cigars; poor people use the pipe and smoking-tobacco. Was it for this reason the committee discriminated in favor of cigars and against smoking-tobacco; or was it because the former are made of Connecticut tobacco and the latter of western and southern tobacco?

Mr. DAWES. I propose to offer the amendment I have indicated.

Mr. GUNCKEL. And I shall oppose it because it makes worse what was bad enough before. But a word more as to the pending section. I oppose it because it will impose an additional burden upon the poor people who use that particular kind of tobacco, and because its inevitable effect will be to injure the producers and manufacturers of the West.

Mr. DAWES. I do not see that.

Mr. GUNCKEL. If I only had time I could made you see it clearly enough. I trust others who represent similar interests will do so in the time allotted them under the rules. I can only repeat, I believe the proposed tax would be unwise, unjust, and ruinous to the West, and to express the hope that it will be stricken out.

Mr. DAWES. I do not see how this tax helps New England; New England does not smoke the cigars.

Mr. GUNCKEL. No; if she did she would pay more of the tax. But the less manufactured tobacco is used, the more cigars will be smoked and the more Connecticut tobacco used.

Mr. DAWES. The cigars are not made in New England; the manufacturers take your tobacco for the middle of the cigar and make the wrapper of ours.

Mr. GUNCKEL. Some of the best cigars are made entirely from Connecticut tobacco; but, whether partially or wholly, your tobacco is used and so your growers favored.

Mr. DAWES. There is in a cigar four times as much of the Ohio tobacco as there is of the leaf, which is merely used for the wrapper.

Mr. GUNCKEL. That is not so as regards the best cigars.

[Here the hammer fell.]

Mr. BUCKNER. I move as a substitute for the section the provision which I send to the Clerk.

The Clerk read as follows:

SEC. 2. That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities at the rate of one-tenth of 1 per cent. on the amount of sales thereof; and every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof under oath that the same is true and correct, to the collector of the district where such business is carried on, on or before the 15th day of each month; and the collector shall thereupon assess and collect a tax of one-tenth of 1 per cent. on the gross amount of such sales. Such test or return shall be made in such manner or form as may be prescribed by the Commissioner of Internal Revenue.

Mr. DAWES. I raise the point of order that this amendment is not germane.

Mr. BUCKNER. Then I withdraw it, giving notice that I shall offer it at the end of the bill.

Mr. DAWES. Then it will be in order.

Mr. BUCKNER. I desire to make a few remarks in reference to this tobacco tax, and for that purpose I move to amend by striking out "24" and inserting "16."

Mr. SMITH, of Ohio. What has become of the amendment of my colleague, [Mr. GUNCKEL?]

The CHAIRMAN. That is pending. The amendment of the gentleman from Missouri [Mr. BUCKNER] is to perfect the section.

Mr. BUCKNER. Mr. Chairman, there is one view of this question of taxation of southern tobacco and western grain that does not seem to have been considered at all by gentlemen of the Committee on Ways and Means or the House, and that is the effect of such legislation upon our exports and indirectly upon the question of the resumption of specie payment. It is with this view I desire to call the atten-

tion of the House and the country to the fact that while the exports of the country have been increasing for the last ten or fifteen years or since the conclusion of the war, in every other branch of business I can think of, in reference to exports of alcohol and spirituous liquors, there has been a large diminution since this tax has been imposed upon whisky and tobacco. It is true as to both.

I have before me, Mr. Chairman, a table of exports of the article of spirituous liquors derived from grain from the years, 1868 to 1873 inclusive. It will be found in 1869 that the exports amounted to 47,000 gallons; 23,000 gallons the year afterward; 47,000 gallons in 1871; falling down to 26,000 in 1872; while in 1873 they amounted to 654,365, a large increase. But going back prior to the war, when this was perfectly free—when there was no tax—when every man had a right, without tax and without supervision on the part of the Government officers, to manufacture spirituous liquors, what was the result? In 1858 you had a million of gallons, and in 1861 2,294,000 gallons derived from grain alone.

The same facts appear in reference to manufactured tobacco. I will give you some tables on that subject. In 1858 the exports of manufactured tobacco amounted to \$2,400,000; in 1859 to \$3,334,000; in 1860 to \$3,383,000; in 1870 to \$1,593,000; and in 1871 to \$2,034,000.

That is the result of your legislation affecting our industries and the products of our labor. It is a tax in effect upon the production of grain in the West and throughout the country. So far from helping by your legislation the labor of the country engaged in raising grain which is afterward put into whisky or the labor of the country employed in producing tobacco, your legislation has so far been directed, as the results show, to oppress that labor. That is shown in the diminishing amount of exports every year.

[Here the hammer fell.]

Mr. DAWES. Mr. Chairman, I desire to state, while the gentleman's statistics are all correct, the cause must be sought somewhere else, inasmuch as the present system gives a drawback of all this tax to everybody who will export these articles. So the exporter has the privilege of raising his tobacco and producing his whisky without paying this tax. If he pays the tax and exports the article, he has that tax all back again. So, then, while the gentleman's statistics may all be true, the cause is not to be found where he puts it. Of course there is something that causes all this.

Mr. RANDALL. What is it?

Mr. DAWES. The statistics apply to years before this remedy was applied—before we had a drawback. I think we have done everything in reference to these products to stimulate their exportation. We have taken away all the impediments, we have removed all restrictions, so that a man may raise for exportation all of these products just as easily as if the tax were not in existence. We have tried to stimulate these productions for exportation, just as we propose when we come to the sugar clause to move an amendment the object of which will be to bring sugar in here to refine it and send it abroad as part of our exports.

Mr. HARRIS, of Virginia. Mr. Chairman, I move to strike out the last word. My real object is to support the amendment of the gentleman from Ohio [Mr. GUNCKEL] to strike out the section. I do not believe the American Congress, of whatever political party it may be, want to do gross injustice to any portion of the American people. We have all a common interest and a common destiny, and to oppress one section is virtually to injure the credit of all. I am sure if the chairman of the Committee on Ways and Means or the Commissioner of Internal Revenue knew the effect this tax will have upon the tobacco interest they would not ask for its imposition. Why, sir, the tax of 20 cents a pound, the Commissioner informs us, brings in more revenue than when the tax was 32 cents a pound. He says, too, that this interest is in a most prosperous condition.

But, sir, how does this law affect it? Our people buy the tobacco one year in the leaf to be manufactured the next year. Consequently they want to get the law as stable as possible before they will buy. No man will wish to buy tobacco in the leaf one year when it may be that next year he will have to pay 25 per cent. more tax upon it.

The chairman of the Committee on Ways and Means is always ready to protect the interests of New England, not because they are the interests of New England, but because he understands those interests better perhaps than the interests of other sections. Therefore he says that cargoes bound for this country and goods in bond should not be liable to the additional duty imposed by this bill. Why? Because they have been bought with a view to the existing tariff of the country, and therefore ought not to be compelled to pay any higher rate of duty. Now, these manufacturers in the South and throughout the country have bought leaf tobacco to be manufactured next year upon the present rate of tax upon that article, which is now 20 cents a pound, and to impose upon them any additional rate of taxation is unjust. Indeed to increase the rate of taxation under the circumstances would be most oppressive to the manufacturers of tobacco.

I ask the Clerk to read a letter from a gentleman in my State, who is at the head of the American Tobacco Exchange, to show what effect this law will have on the poor people of the South. Our factories will be closed, and our white and colored laborers will be turned out in the midst of winter, with no other means of livelihood to resort to.

The Clerk read as follows:

RICHMOND, February 12, 1875.

DEAR SIR: I see the Committee on Ways and Means have reported an additional tax of 4 cents per pound on manufactured tobacco. As your friendly interest in this important part of the business of our State is well known, I address you in its behalf, requesting you to oppose its passage, or at least strive to have the bill so amended as to take effect on the 1st of July next. If this bill takes immediate effect, it will paralyze the manufacturing interest for some time to come and throw thousands out of employment.

Yours, truly,

S. H. FRAZIER.

Hon. JOHN T. HARRIS,
Washington, District of Columbia.

[Here the hammer fell.]

Mr. HARRIS, of Virginia. I want to say one word further.

The CHAIRMAN. The gentleman's time has expired.

Mr. HARRIS, of Virginia. I wish only to say that if the manufacturers were allowed to work up the stock on hand under existing rates this change in the law would not be so oppressive.

Mr. BUCKNER. I withdraw my amendment that the gentleman from Kentucky [Mr. BECK] may renew it.

Mr. BECK. I renew the amendment.

Mr. Chairman, I desire to say to the committee that in my opinion this is another blunder as a revenue measure. I say so for this reason: Two years ago, when the Committee on Ways and Means were considering the propriety of making the tax on tobacco uniform, the rate upon this article being then 32 cents a pound for all chewing-tobacco and 16 cents a pound for certain grades of smoking-tobacco, three-fourths, perhaps seven-eighths, of our revenue from that article was derived from the 32-cent tax; and it was because gentlemen who were paying 32 cents charged and proved that there was a great deal of swindling going on under the 16-cent tax that the committee determined that it ought to be made uniform. Twenty-four cents was the amount we then thought we could afford to reduce it to. But the Commissioner of Internal Revenue and all of his Bureau officers came before the committee and insisted we should lose by reducing the tax to a uniform rate of 24 cents a pound at least \$4,000,000; and that if we attempted to reduce it to a uniform rate of 20 cents we would lose \$3,000,000. The committee hesitated a long time in view of the information thus given as to whether we could afford to make the tax less. But a uniform rate of 20 cents was finally adopted, many gentlemen, contending then as they do now properly, that the reduction from 32 cents to 20 cents would not involve a loss of revenue, but that we would get as much or more in a very few years at that rate than we had been receiving at the higher rate of 32 cents, because of the frauds and evasions of the law.

What was the result? When we were collecting 32 cents on tobacco, a small fraction only paying 16 cents, in the year 1870 we received \$31,350,000 of tax; in 1871 we received \$33,578,000; and in 1873, \$33,736,000. All the estimates made by the Department assumed that we would receive a sum not exceeding \$25,000,000 at the 20-cent rate; and the chairman of the Committee on Ways and Means stated on the floor, in a speech to be found in the CONGRESSIONAL RECORD, if my memory is correct, that from all the information before him he believed there would be a positive loss of \$8,000,000; and the committee did not dare to recommend a reduction lower than 24 cents.

The tax was reduced to 20 cents; and next year, 1873, the receipts were \$34,386,000; and last year they were \$33,242,000. Instead of a loss of \$8,000,000 by the reduction of the rate of taxation, the very next year gave us more than we had received at a tax of 32 cents; and last year the amount was almost as high as had ever been collected before.

The lesson taught is this: The reduction of taxation to the revenue point is the true interest of the Government. If you put the rate back to 24 cents, you are thereby increasing the chances of fraud, and your revenue will be less than at 20 cents. You would get more, in my judgment, at 16 cents than at 20 cents; because the inducements to fraud would be that much diminished. And if the experiment is tried of raising the tax on whisky, on which I suppose we are now about to impose a tax of \$1, I am satisfied that we will get less revenue from that than we do now.

Even the President in his message only ventured to recommend an addition of 10 cents. The Secretary of the Treasury never recommended a greater addition than 10 cents. It is within the knowledge of every man of experience in that matter in the country that frauds are being perpetrated now because the taxation on whisky is so high. We ought to have regard to the lesson taught us in 1863, when we put the rate on whisky down from \$2 to 50 cents, and the revenue was increased from \$13,000,000 to \$33,000,000 in a single year—the same Government officials managing the business, the same men carrying it on, the increase being simply because the manufacturers could not afford to buy the Government officials at the low rate and did at the high one, and they will always do it under the like circumstances.

Mr. DAWES. I oppose the amendment.

Mr. SAYLER, of Ohio. I rise to oppose the amendment.

The CHAIRMAN. The amendment has been spoken to and opposed; the gentleman from Massachusetts [Mr. DAWES] having risen to oppose the amendment and then resumed his seat.

Mr. SAYLER, of Ohio. I move to strike out the last word of the pending amendment. I am very glad the chairman of the Committee

on Ways and Means has learned the important fact that the consumer pays the duty. That has not always been held as a theory with the gentlemen who advocate a protective system in this country. It is true, Mr. Chairman, that the consumers pay the duty, and it seems to be the purpose of the Forty-third Congress that duties shall be imposed upon the articles consumed by the poor and taken from articles consumed by the rich. Sir, we had a specimen of this in the "little tariff bill" passed by this Congress a few days since, in which the duties upon the common silks, those composed in part of silk and in part of cotton, were increased from 50 to 60 per cent. *ad valorem*, not in the interest of revenue, but in the interest of a few manufacturers of mixed goods in the Eastern States, and this, too, notwithstanding the fact that this class of goods, being cheap, has entered into common use among the poorer people and become with them almost a necessity. It is noticeable that upon rich and expensive silks worn by wealthy people no increase of tax was suggested.

In the same bill the duty upon still-wines was fixed at the uniform rate of 40 cents per gallon, thereby increasing the duty from 25 to 40 cents on cheap wines of daily use among our people, and regarded as a necessity by one class of them, while it decreased from \$1 to 40 cents the duty on expensive wines found only on the tables of the rich.

To-day we are called upon to follow in the line of these precedents and to tax the poor man's tobacco at such rate as to increase the price from about 10 cents, the cost of production and manufacture, to from 40 to 50 cents per pound. We are told that you must not tax the poor man's tea and coffee because they are necessities of life. I do not say that I favor such a tax, but I do say that tea and coffee are no more necessities of life than tobacco. Both are stimulants, and by the customs and habits of the people have alike become necessities to them.

Gentlemen may moralize on this as they will, but the fact remains, and the burden of the increased price is none the less onerous.

Mr. WILBER. Does the gentleman mean to include whisky as well as tobacco in his statement?

Mr. SAYLER, of Ohio. Yes; I will include whisky if the gentleman desires. The poor man's glass of whisky is as much to him, conduces as much to his comfort and oftentimes to his health, and is as much one of the necessities of his life as is the gentleman's champagne at dinner, of which he would not like to be deprived.

Mr. WILBER. I want the gentleman to understand that I do not drink champagne at dinner nor do I need whisky as one of the necessities of life.

Mr. SAYLER, of Ohio. The Secretary of the Treasury's opinion has been quoted here. I want to say that the Secretary of the Treasury never advocated any such tax as is imposed by this bill on whisky and tobacco, and has said publicly and privately that he does not favor it and does not believe as much revenue will be received under the proposed bill as is received under the existing law.

Mr. Chairman, as an expression of the feelings and views of persons engaged in the tobacco business, I beg leave to insert the protests of sundry of my constituents as a part of my remarks.

The papers are as follows:

The Cincinnati Tobacco Board of Trade, at a meeting held February 8, 1875, unanimously passed the following resolutions:

Resolved, That it is the belief of this board that any advance of the existing tax on tobacco would prove most injurious to all branches of the tobacco trade, and particularly to those sections of the country especially interested in its growth, manufacture, or sale.

Resolved, That we deem it unjust to the consumers and producers of tobacco to add any additional burden upon an article already so heavily taxed, and that as a measure to increase the revenue we believe that it would most signally fail of its purpose.

Resolved, That this board, while representing the tobacco trade of Cincinnati, does also hold close and intimate relations with the tobacco interests of our sister States, and we do most respectfully request that all members of Congress, in sympathy with our interests, will use their utmost efforts to prevent any advance in the rate of tax on tobacco.

B. F. POWER, President.

W. J. DUNHAM, Secretary

Protest against an advance of the tax upon tobacco by the Western Tobacco Cutters' Association.

CINCINNATI, February 6, 1875.

SIR: I observe with great regret by the Washington dispatches of last night, that in order to supply the deficiency of revenue, your committee have under consideration a proposition to place an additional tax of 4 cents per pound upon tobacco.

As president of the Western Tobacco Cutters' Association, I would very respectfully but earnestly endeavor to represent to your honorable committee that such an advance of the tobacco tax would bear very heavily and injuriously upon the interests which I have the honor to represent, and that the additional burden would be most seriously felt by the great multitude of the consumers of cheap tobacco.

Our association embraces all of the States west of Pennsylvania, and pays a very large proportion of the revenue raised from tobacco. The present tax, for at least one-half of our entire product, averages one year with another 400 per cent. on the value of the material used, and upon one-third of the balance of our manufacture it amounts to 200 per cent. This great quantity is consumed almost entirely by farmers, laborers, and mechanics, and must be classed among their indispensable wants.

The tobacco for which they now pay 40 cents per pound would be sold to them if there was no tax at an average price of 10 to 12 cents per pound; the additional cost being the 20-cent tax, the expense of packing in accordance with the requirements of law, and the interest and profit required by the trade for the tax, which is paid in advance.

That a large portion of the consumers of tobacco in this country are now keenly feeling the weight of this enormous tax upon their daily supplies must I think be apparent to you by the powerful influences which have heretofore been brought to bear upon your committee and the House, leading them to pass a bill abolishing all tax upon tobacco for a large class of consumers, and a very recent vote in the

House upon this same measure indicates that the danger in that direction is still very great. Could there be any more positive evidence that, practically, the maximum tax upon tobacco had at least been reached.

It is the conviction of the trade generally that any increase of the tax would fail ultimately in giving increased revenue, and we trust that the investigations and experience of your committee will lead you to reject so dangerous an expedient.

Very respectfully, your obedient servant,

T. R. SPENCE.

President Western Tobacco Cutters' Association.

Hon. H. L. DAWES,

Chairman Committee on Ways and Means,

Washington, D. C.

To the honorable Senate and House of Representatives in Congress assembled:

We, the undersigned, manufacturers and dealers in tobacco of Cincinnati, Ohio, would very respectfully but earnestly petition your honorable bodies to make no advance on the existing rate of tax upon tobacco, for the following among many other reasons which could be given:

First. Tobacco, on the average value of the entire amount which enters into consumption, is now more heavily taxed than any other article, either of domestic or foreign production.

Second. The great preponderance of this tax falls upon the laboring portion of the community, the consumers of cheap tobacco, who not only pay the tax but about 50 per cent. additional caused by the expense of packing in accordance with the requirements of law, and the interest upon the tax which is paid in advance.

Third. It must be apparent, from the repeated action of the House of Representatives to abolish all tax upon leaf-tobacco for consumption, that under the general reduction of wages which now exists, a large class of consumers severely feel the burden of this great tax upon an article of home production and which is indispensable to them.

Fourth. The revenue now obtained from tobacco far exceeds in amount that which was contemplated by Government during the highest days of taxation, when the currency and all business was greatly inflated; and when it is remembered that every reduction of this tax resulted in increased revenue, is it not fair to believe that in view of all these evils and difficulties, an advance of the tax now would fail to enrich the Treasury?

Barber & Stout, B. G. Stall & Co., R. Luthy & Co., F. S. Burdall & Co., Rissel & Helmeckamp, Jacobs & Mescher, J. M. Shaw, W. A. Shaw & Bro., A. B. & A. R. Clark & Co., J. M. Fisher & Co., F. H. Andersen & Co.

[Here the hammer fell.]

Mr. WHITEHEAD. I rise for the purpose of indorsing what was said by the gentleman from Ohio [Mr. GUNCKEL] in regard to the duty on cigars, and to explain what seems to be a misunderstanding on the part of the chairman of the Committee on Ways and Means. Now, as I understand the dispute between the gentleman from Ohio and the chairman of the Committee on Ways and Means, it is whether the manufacturers of cigars under the present tax had any advantage over the manufacturers of chewing and smoking tobacco. Now, I think that I can in a few minutes satisfy the chairman of the committee himself that that is the case. The tobacco made in his State and in Connecticut, the best is used solely as wrappers for cigars and the inferior for filling of the cigars. The tobacco which was made into chewing-tobacco, and which took the premium at the exposition in Vienna, was raised and can be raised nowhere else than in Virginia. You cannot import this kind of tobacco, because it is raised nowhere else. But cigar tobacco is raised in the West Indies of a better quality than you can raise, and would be imported by the million pounds but for the 35 cents per pound duty which you put upon the leaf which you would manufacture into cigars. You have the protection of a tariff on your manufacture of \$2.50 per pound and 25 per cent. *ad valorem* on cigars imported and the protection of the tariff on the raw material which is manufactured into your cigars. We have not that benefit and cannot get it on either chewing or smoking tobacco. Therefore the cigar manufacturer and the raiser of the cigar tobacco in the United States are protected by the tariff and are upheld by this committee in making money, while the burden of the tax comes solely upon us.

[Here the hammer fell.]

Mr. BANNING. I withdraw my amendment to the amendment.

The CHAIRMAN. The pending question is upon the amendment of the gentleman from Kentucky [Mr. BECK] to strike out "24" and insert "16" as the tax upon tobacco.

Mr. KASSON. I desire to move an amendment to perfect this section. It is, *mutatis mutandis*, the same that I offered, and which was adopted, in regard to whisky.

The Clerk read as follows:

Provided further, That whenever it shall be shown by testimony under oath, to the satisfaction of the Secretary of the Treasury, that any person liable to pay the increased tax by this act imposed had, prior to the 10th day of February, 1875, made a contract for the future delivery of such tobacco at a fixed price, which contract was in writing prior to that date, such tobacco may be delivered to the contracting party entitled thereto under special permit from the Commissioner of Internal Revenue provided therefor, without previous payment of such additional tax; but the said additional tax shall be a lien thereon, and shall be paid by and collected from the purchaser under such contract before the sale or removal thereof by him, and when demanded by the collector of internal revenue for the district to which the same shall be removed for delivery to the purchaser; and any sale or removal by such purchaser, prior to the payment of such tax, shall subject him and the tobacco so sold or removed to all the penalties and processes of law provided in the case of manufacturers of tobacco so selling or removing tobacco to avoid the payment of tax.

Mr. BUCKNER. I desire to amend the amendment by striking out the words "in writing."

Mr. KASSON. All contracts, to be valid, must be in writing of course, except where money has been paid. We cannot go beyond that and include verbal contracts without subjecting the Government to great frauds.

Mr. BUCKNER. I moved the amendment for the purpose of stating

the reason why there has been such a falling off in the exports of manufactured tobacco and of grain manufactured into whisky. So far as the article of manufactured tobacco is concerned, I understand that since the tax upon tobacco was increased a competing rival has arisen in Canada. Prior to that time there was not a pound of tobacco, so to speak, manufactured in the Canadas. Now there is quite as much manufactured in Canada as in any State of this Union, except it be in Virginia, and more than is manufactured in Missouri or Kentucky. That is the reason why the manufacturers there come in competition with us, and not the reason given by the gentleman from Massachusetts, [Mr. DAWES.]

By adding to the tax on whisky the manufacture of whisky is made a monopoly in the large cities and towns. Instead of whisky being manufactured out of the grain where it is worth only 15 or 20 cents a bushel, it is manufactured now where it costs 40, 50, or 75 cents a bushel. Before this tax whisky was manufactured in the western country, not only in Peoria, Chicago, Cincinnati, and Saint Louis, but in the country where the grain itself is raised. If the manufacture of whisky is left unfettered and unshackled, I think the solution of this question of transportation as to grain will be developed by it. Corn, wheat, and other articles raised in the West will not bear the cost of transportation; but if you enable the farmer to manufacture it into alcohol, he can manufacture it cheaper and therefore come in competition with the manufacture elsewhere. But now the grain is shipped from here to Europe and there converted into alcohol, instead of our being left to supply the markets of the world with this important article used in almost all departments of trade.

The question was then taken upon the amendment moved by Mr. KASSON; and it was adopted.

The question was then taken upon the amendment of Mr. BECK to reduce the tax on tobacco from 24 to 16 cents per pound; and it was not agreed to.

The question recurred upon the motion to strike out the section as amended.

Mr. DAWES. Before that motion is put, I desire to move to insert after the word "pound" in line 5, the following:

And that section 3394 of the Revised Statutes be, and the same is hereby, amended by striking out the word "five" wherever it occurs therein and inserting instead thereof the word "six."

Also, amend line 6 by inserting after the word "tobacco" the words "cigars or cigarettes." The object of these amendments is to increase the tax upon cigars from 5 cents to 6 cents, so as to make it correspond with the increased tax upon tobacco.

Mr. BECK. Let me ask the gentleman from Massachusetts [Mr. DAWES] whether a proper method of making the tax on cigars correspond to the increased tax on tobacco would not be by providing a 20 per cent. addition to the tax now collected on cigars?

Mr. DAWES. This tax of 1 cent is precisely the same proportion; but this tax is specific while the other would be *ad valorem*.

Mr. BECK. Whether the tax proposed by the gentleman is equivalent to a 20 per cent. addition depends upon the value of the cigars. The addition of 20 per cent. would, I think, be a better mode of reaching an equivalent.

Mr. DAWES. It would be the better way if there is no objection from the danger of fraudulent invoices and undervaluations.

Mr. BECK. My suggestion is that allowing the present machinery of the law to stand, we simply add 20 per cent. to the existing tax, which is specific, not *ad valorem*.

Mr. DAWES. I now understand the gentleman, and I think he is correct in his suggestion. I withdraw my amendment for a moment until I can modify it.

Mr. SMITH, of Ohio. Mr. Chairman, it must be conceded by every one that tobacco is now one of the most highly taxed articles that we have in this country. We are now taxing the poor man's tobacco 200 or 300 per cent.; and we are taxing the cheap tobacco at just as high a rate as we tax costly tobacco. It is now proposed to add to the tax on the poor man's tobacco just as much as we put upon the rich man's tobacco.

The poor people of this country generally use tobacco. I undertake to say that nine-tenths of all the negroes in the South use tobacco. It is also very extensively used by our people throughout the West. It is proposed by this bill to raise from this tobacco a tax of \$4,200,000, nine-tenths of which will be collected upon the tobacco used by the poor people of the country.

Now, is it absolutely necessary to impose this taxation? Is there no other means of finding money to support the national Treasury? I have an amendment which I propose to offer to this bill, to levy a tax of 2½ per cent. on all incomes over \$2,000. I have a dispatch from the Commissioner of Internal Revenue stating that such a tax will yield \$13,000,000, and I am very glad to be assured that the chairman of the Committee on Ways and Means is ready to vote to insert such a tax in this bill.

Mr. NEGLEY. I can assure my friend that a great many gentlemen here are not prepared so to vote.

Mr. SMITH, of Ohio. I trust that before we tax the tobacco of the poor negroes of the South, and the other poor people all over the country, we shall put a tax upon the great fortunes of the country which are yielding vast incomes to those who live in that favored portion of the country from which the chairman of the Committee on Ways and Means comes.

Mr. NEGLEY. This is the highest type of agrarianism.

The question being taken on the amendment of Mr. GUNCKEL to strike out the pending section, it was not agreed to; there being—ayes 57, noes 77.

Mr. HARRIS, of Virginia. I move to amend the pending section by adding the following additional proviso:

Provided further, That the increased tax herein provided shall not apply to tobacco purchased from the planter before the passage of this act.

Mr. Chairman, the object of this amendment is to place the manufacturer of tobacco upon precisely the same footing with purchasers of goods under our tariff legislation. For instance, this bill provides in the last section that this increase of tariff shall not apply to goods shipped from foreign countries and destined for this country, nor to goods in the warehouses in this country. The object of this provision is to avoid taxing men who bought goods under existing rates of value, because it would do them injustice. Now, by the same rule, the buyers of tobacco—men who have bought tobacco in the leaf to be manufactured and sold—have the same right to ask the protection of the American Congress. They should not be taxed 4 cents a pound, which is 25 per cent. and in some cases 50 per cent. of the value of the tobacco, upon tobacco bought under existing laws and which they cannot resell until it is manufactured. These men should have the right to manufacture and sell this tobacco unaffected by this taxation. If they buy tobacco after the passage of this act, they of course buy it with the knowledge of this legislation and they cannot then complain of the tax. But pass this section in its present form, and I warn gentlemen on the other side that the class of people whom they regard as worthy of the highest consideration, and whom none of us desire to treat with injustice, will be turned out of doors and many of them will wander through the country suffering for the necessities of life; because this bill will break up our manufacturers and consequently all their employes must be thrown out of employment.

Mr. DAWES. I cannot see that there will be any such effect, because every manufacturer gets back the additional tax when he sells the manufactured tobacco.

Mr. HARRIS, of Virginia. Do not your men who buy goods in Europe and import them to this country to be sold get the benefit of the additional tariff duty?

Mr. DAWES. But I cannot see how this legislation is going to break up the manufacturers of tobacco.

Mr. HARRIS, of Virginia. I ask the gentleman again whether the men who buy goods in Europe and import them into this country are not compelled to pay a tariff duty before they put them on the market, and after paying that duty do they not add it to the price of the goods?

Mr. DAWES. But they buy in foreign markets unaffected by this.

Mr. HARRIS, of Virginia. That makes no difference.

Mr. DAWES. It makes a great deal of difference.

Mr. HARRIS, of Virginia. O, no; the cases are analogous. You protect your own and oppress ours under exactly the same circumstances. If you relieve one, relief also ought to be granted to the other.

Mr. DAWES. I do not see how we are to break up these manufacturers of tobacco by this measure.

Mr. HARRIS, of Virginia. The facts are precisely as I have stated them.

[Here the hammer fell.]

The committee divided; and there were—ayes 47, nays 63; no quorum voting.

Mr. HARRIS, of Virginia, demanded tellers.

Tellers were ordered; and Mr. HARRIS, of Virginia, and Mr. EAMES were appointed.

The committee again divided; and the tellers reported—ayes 77, noes 82.

So the amendment was rejected.

Mr. DAWES. Mr. Chairman, I offer the following amendment:

In line 5, section 2, after the word "pound" insert the following words:

That section 3394 of the Revised Statutes be, and the same is hereby, amended by striking out the word "five" wherever it occurs therein and inserting in lieu thereof the word "six," and by striking out the word "sixty" and inserting "seventy-five."

That is made after consultation with the gentleman from Kentucky, to meet the case.

Mr. GUNCKEL. One word on that amendment. Connecticut tobacco is worth about 50 cents a pound, while Ohio tobacco is worth only about 10 cents a pound. Therefore to tax Connecticut tobacco the same as Ohio tobacco would unfairly increase the tax on cheap cigars. This, then, is still another burden imposed upon the poor people of the country.

Mr. DAWES. There never was so great a mistake in the world. My friend has never, it seems to me, lived within fifty miles of where cigars are made. Does he not know there are five times as much of his Ohio tobacco in the common cigars as of Connecticut leaf? There is a little spot of a few acres in Massachusetts and in Connecticut where enough leaf-tobacco is raised to wrap all the cigars made in this country, and all the rest of those cigars come from the gentleman's quarter and from other quarters of the country. Therefore whatever is protected in favor of the cigar brings five times as much

to his section compared with this small interest in Connecticut and Massachusetts.

Now, Mr. Chairman, I did not happen to think of Connecticut and Massachusetts in the matter at all. That never occurred to me. I do not belong to that class, when I am here as an American Representative, always trying to find the lines of my district. I have been in the committee-room of the Ways and Means nearly five years putting taxes upon this whole country and taking them off from this whole country, and there is not an interest in my district that has not suffered when taxes have been put on as much as any other and been relieved as slowly and as reluctantly by the Committee on Ways and Means. I am not here trying to find out what little petty thing is raised or produced in my district so that I can stick only to that. When I come to that I will take my hat and go to Massachusetts and ask the people of this country to despise the Representative who can take no broader view of duty here than that.

Mr. STORM. I should like to ask the gentleman from Massachusetts how it is about the little mine of emery ore in his district?

The CHAIRMAN. The gentleman's time has expired.

Mr. WARD, of Illinois. I am glad, Mr. Chairman, to be informed of what I have long since believed to be the truth, that while the gentleman was engaged in his committee-room he did not think of Massachusetts and Connecticut when taxes were to be levied.

Mr. GUNCKEL. I rise to a question of order. I do not understand how the chairman of the Ways and Means Committee got my time. I was on the floor, and he took it from me and made a speech.

Mr. DAWES. I will tell the gentleman how I got the floor. I offered my amendment, and while on the floor he jumped into my speech, when the floor was mine.

Mr. GUNCKEL. As the gentleman has made an attack upon me I want some time to answer him. It is not considered fair in my country to attack a man and then give him no time for reply.

Mr. WARD, of Illinois. I have the floor now, and I want it understood that this colloquy is not to come out of my time, although I must say I find that five minutes in this committee is longer than ten minutes in the House the other day; and I say that without any reflection on the Chair.

I am glad to find that the gentleman from Massachusetts [Mr. DAWES] admits that when he seeks to raise revenue he does not take into consideration Massachusetts and Connecticut, but looks to other sections of the country.

I do remember that some five or six years ago, just before the time he refers to, the gentleman remembered Massachusetts enough to take off \$32,000,000 of taxation from that section of the country, while he increased the taxation in my section. These are facts. And when the gentleman says, as he has just said, that he does not look after his own district, perhaps he does not require to do so in this House, for he always has persons to take care of it in the committee-room and keep the hand of the Government off it.

And what is it that is now attempted? I characterize it now, after listening to these discussions all these days, as being one of the most unfair pieces of legislation I ever read or heard of. You do lay the heavy hand of the Government on the producers, on the class of people who are least able to bear it. That is the effect of this legislation, as the gentleman himself admits. This bill from beginning to end, it seems to me, has been based on this principle. It seeks in every part of it to add to the burdens elsewhere which the gentleman forgets to lay on his own section, and then he gravely tells us that he never looks after the lines of his district. The lines of the gentleman's district recently have, fortunately or unfortunately for the country, been extended. The lines of my district have been practically blotted out. But here, though I am in the last days of my service in this House, I do insist that the legislation in which you are now engaged, in which you are levying burdens on certain sections of the country more than upon others, is unfair.

The tax on incomes is the truthful, honest, and fair way of getting additional revenue. By taxing incomes the gentleman from Massachusetts will in his own State alone raise enough to restore all the loss of revenue he complains of. The restoration of that tax would give us \$32,000,000, assuming that the gentleman's constituents have not grown richer since, as probably they have done, by the interest they have charged my constituents for loaning them some of their money. The amount that might be raised from incomes I believe would be much larger than it was formerly.

Mr. HAWLEY, of Connecticut. Mr. Chairman, I am utterly unable to see the necessity for stimulating sectional jealousy in this matter. When the gentleman from Ohio [Mr. GUNCKEL] spoke he showed me there was apparently an inequality in this, that the tax proposed by section 2 did not bear so heavily upon my own section as upon others. The region that raises a very fine quality of tobacco for wrappers is partly embraced within my own district, and I have not made the slightest objection to anything any reasonable man may conceive to be proper in equalizing the tax. There has now been put in here an addition of 20 per cent. to the tax on cigars. All right. But I think there ought also to be the proviso that this shall not affect stocks purchased previous to February 10, as is provided with reference to ordinary chewing and smoking tobacco in the other part of the section.

I think it right to add this to the tax on cigars if you make the addition of 25 per cent. to the tax on tobacco. And if you find that New England has got any special advantage over any other section,

I say take it away. You may vote us down if you please. We are only a small portion of the country. But we are not paupers, we are not beggars.

I will have something more to say concerning apparently sectional interests under the fifth section when the committee reaches that point. I will only say further now that I have an infinite and unutterable contempt for this sectionalism. Put on the tax the best you know how, on all sections of the country fairly, and I will vote for your bill.

Mr. WHITEHEAD. I offer the following amendment.

The Clerk read as follows:

In section 2, lines 3 and 4, strike out the words "by striking out the words 20 cents a pound and inserting in lieu thereof the words 24 cents," and insert "so that on all cigars paying \$5 a thousand internal-revenue tax there shall be paid a tax of \$10 per thousand."

Mr. WHITEHEAD. I do not desire to detain the committee, and shall only say a word or two. The tax of \$5 per thousand on cigars is on the finest cigars, and the amount of tax raised on cigars, according to the report of the Commissioner of Internal Revenue, was \$9,333,000. That was at the rate of $\frac{1}{4}$ a cent per cigar. Make the tax 1 cent per cigar, and you will get from the consumer an addition of \$9,333,000 revenue. You may thus strike out the increase of the tax on tobacco to 24 cents a pound, and have \$5,200,000 of surplus revenue to apply where you choose. And in that case it would be the rich men and not the poor man who would pay the tax.

Mr. MYERS. In answer to the gentleman who has just taken his seat let me say that Congress years ago set the seal of its disapproval upon the system of a sliding scale of taxation on cigars such as he now proposes. In 1868 at my own instance, against the opinions of some gentlemen who are still on this floor and against the recommendation of the Internal Revenue Department, we succeeded in fixing a uniform tax on cigars. The sliding scale providing a higher tax for the dearer class of cigars and a lower one for the poorer was found to promote frauds, tempting the maker to undervalue and the inspector to aid in the wrong. We then fixed the tax at a uniform rate of \$5 per thousand, and contrary to the predictions of its opponents the result was that the next year cigars yielded one and a half million dollars more than they had done under the sliding scale, the receipts increasing yearly since, and the vexations and troubles arising from attempted frauds in this respect have almost ceased.

The next year I tried to get a uniform tax on tobacco, but the recommendation of the Internal Revenue Department was against it and so we continued with two rates on tobacco until at last the Bureau yielded, the House took a strong stand on the question, and in 1872 we placed a uniform tax of 20 cents a pound on all kinds of tobacco, which has given general satisfaction and is producing a large revenue. While the bill of the committee retains the uniform tax, it proposes 4 cents a pound increase on tobacco, and now 1 cent more a hundred is to follow on cigars. What I fear is to disturb this rate so recently fixed for tobacco. The producers have just become used to it and this addition may not stimulate so much production. If it does not, then the laborers of the tobacco section will be the losers and the Treasury not the gainer. The five-dollar tax on cigars has been so satisfactory to the Government and people I dislike to disturb it. We must have additional revenue; and I am anxious to perfect this bill for that purpose and shall sustain it wherever I can, but we should so arrange a bill for the raising of this additional revenue as to give a new stimulus to the industries of the country. This cannot be done more effectually than by the restoration of the 10 per cent. duties which were illogically taken off in 1872. The Committee on Ways and Means did not think of the tax on tobacco and cigars originally, but afterward they proposed to include them. I hope this increase may not be pressed, but at least let us not retrograde by returning to the sliding scale on cigars or tobacco. Taxes should be uniform wherever possible. In this way we shall get more money in the Treasury and frauds upon the revenue will be less likely to occur.

The question was taken on the amendment offered by Mr. WHITEHEAD and on a division there were, ayes 46, noes not counted.

So the amendment was not agreed to.

Mr. DAWES. I now hope that we shall take a vote upon my amendment.

Mr. YOUNG, of Georgia. I offer the following amendment to come in after section 2 of the bill:

That farmers who produce less than 500 pounds of leaf-tobacco shall have the right to sell to their employes or others upon the place where it is grown in quantities less than 5 pounds, free of any tax.

I will state that the tax now on tobacco is very oppressive to many of the farmers in my section of the country and all over the country. There are many farmers who live from fifty to one hundred miles from any licensed dealers and no farmer under the law now can sell to any but a licensed dealer. They are not allowed to pay it to their hired men. Now, I ask that the law may be so arranged that farmers may sell to their employes a quantity of tobacco less than 5 pounds without tax. I yield the remainder of my five minutes to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. SOUTHARD. I am opposed to the whole bill with the single exception of the third section, which relates to the repeal of the stamp tax on matches. This increase of taxation means continued increase of expenditures, when the people are demanding, and have a right to demand, retrenchment—a cessation of the extravagance and

profligacy that have prevailed for the past few years. The gentleman from Ohio, the chairman of the Committee on Appropriations, in his remarks yesterday stated that—

We are bound in honor to do one of two things, either to increase the amount of revenues by additional taxation sufficient to raise some \$20,000,000 additional revenue, or refuse to pass the river and harbor bill altogether and stop work on all our public buildings.

I do not agree with the gentleman. There are other sources of retrenchment besides the river and harbor bill. The sundry civil bill and the Army and other bills afford opportunity for the pruning-knife. What necessity in time of profound peace for the expenditure of over forty millions a year, for the War Department? This item is increasing year by year although professions of retrenchment have been held out to the people at each recurring election for the past series of years. Sir, I deny the necessity of such large war expenditures. For the year 1871 this item of expenditure amounted to thirty-five millions, in 1872 to a like sum, and in 1873 to forty-six millions, and in 1874 to forty-two millions, (Finance Report for 1874, page 16.) The estimate for 1876 is thirty-eight millions, yet I venture the prediction that the actual expenditure will amount to forty-odd millions. The estimate for 1874 was thirty-six millions, (Finance Report of 1872, page 8,) while the actual expenditure amounted to forty-two millions. (Finance Report of 1874, page 16.) So will it be for the ensuing fiscal year.

Baron von Schwarz-Senborn recently said:

There was an old European general by the name of Montecuculi who said that if you are preparing for war and wish to become victors you must have three necessary things—first, money; secondly, more money; thirdly, much more money.

This Administration and that side of the House seem to have taken up this philosophy, and in order to carry on the war in the South and perpetuate their party power demand money, more money, much more money, from an overburdened and tax-ridden people.

Mr. GARFIELD. What was that last statement of my colleague?

Mr. SOUTHWARD. The estimate is \$38,000,000 for the next ensuing year, and yet I dare say the actual appropriations will be \$40,000,000. The estimate for 1874 was \$36,000,000, and yet the actual expenditures were \$42,000,000.

Mr. GARFIELD. The gentleman is entirely mistaken.

[Here the hammer fell.]

Mr. YOUNG, of Georgia. I withdraw my amendment.

Mr. CESSNA. I object to the withdrawal.

The CHAIRMAN. It is in order to oppose the amendment.

Mr. COX. I rise to oppose the amendment then. This amendment is in favor of the farmers of the country. Members of the House do not seem to take quite as much interest in the farmers as they did before the last election. There was a great deal of talk in favor of the farmers then; and as I represent a city *rus in urbe*, and as I moved yesterday to tax champagne, and being, like the gentleman from Massachusetts, illimitable as a Representative, I propose to say something in favor of the farmers. And I show it in this way: When the gentleman from Illinois [Mr. WARD] came here and growled about our not putting an income tax upon the rich men of the East—

Mr. FORT. I want to introduce it now in a few minutes.

Mr. COX. Did you get up to say that? When the gentleman from Illinois a moment ago growled about our not putting the income tax upon the people, believing that it would fall especially upon the eastern section of the country, I asked him why he and his party friends for the last ten years have been sitting under this burden of protective tariff legislation with scarcely a whimper from them.

Mr. WARD, of Illinois. I was not here.

Mr. COX. Gentlemen know that the farming interest produces over \$3,000,000,000 worth of productions annually—twelve-thirteenth of all the productions of this country. I could give you a list of the articles upon which you have imposed so high a tax that it becomes a burden upon the agricultural people of this country. Yet you are all the time seeking to place new burdens upon that interest. The farmer might well make a reduction of the price of his pork per hundred pounds, and of other things, provided he did not have to buy everything except his food under the burdens of taxation which you have imposed upon him with your abominable protective system. He cannot go to town and buy a pair of shoes for his wife without putting upon her feet the value of two loads of potatoes. If he gets a dress for his wife, fifteen acres of corn will hardly pay for it under your scoundrelly Pennsylvania system of protection. I can scarcely think of anything connected with our manufactures, either hosiery, blankets, or anything made of copper or iron or woolen or cotton goods, on which the farmer does not have to pay a tax of from 60 to 160 per cent. of its value by this insidious mode of taxation.

In the past eight years by our peculiar system of paying the customs duties in gold we have drawn from the people millions and millions of money. If you will only look at our importations, and consider that we have not the currency of the world, and of commerce, that our taxes are paid in gold and silver, and that we have to buy the gold in market on an average of 15 per cent. premium during the last eighteen years, you will see that there has been at least \$1,413,000,000 of money robbed from the people by your peculiar system of legislation.

Now, I am a friend of the farmer. Although I do live in the city, I cannot forget my old relations and associations. Now, to come back to the amendment of my friend from Georgia, [Mr. YOUNG,]

which I thought in the first instance I would oppose; I cannot in my heart do it, as it is in the interest of the farmer. And although I rose to talk against his amendment, I think if I had five minutes more I could straighten it all out for him.

[Here the hammer fell.]

The CHAIRMAN. The question is upon the amendment of the gentleman from Georgia [Mr. YOUNG] to permit producers of less than 500 pounds of tobacco to sell on the place where it is produced quantities of five pounds or less to their employes and others.

Mr. DAWES. You might just as well say that there shall be no tax levied on tobacco.

The question was taken upon the amendment; and upon a division there were—ayes 51, noes 75.

Mr. YOUNG, of Georgia, called for tellers.

Tellers were ordered; and Mr. YOUNG, of Georgia, and Mr. DAWES were appointed.

The committee again divided; and the tellers reported that there were ayes 46, noes not counted.

So the amendment was not agreed to.

Mr. PLATT, of Virginia. I move to amend by adding to the second section the following:

Provided, That the provisions of this section shall not take effect until the 1st day of July, 1875.

Mr. BUCKNER. What has become of my amendment?

The CHAIRMAN. The gentleman withdrew his amendment.

Mr. BUCKNER. I withdrew it until the amendment of the gentleman from Georgia [Mr. YOUNG] could be disposed of.

The CHAIRMAN. The Chair has recognized the gentleman from Virginia who has moved an amendment.

Mr. DAWES. Is that amendment in order before the one I offered?

The CHAIRMAN. Two amendments are in order to perfect the section, and the amendment of the gentleman from Virginia is in the nature of perfecting the section.

Mr. DAWES. But which should be considered first? It is not an amendment to my amendment.

The CHAIRMAN. It is an amendment to the section in the nature of perfecting it.

Mr. DAWES. So is mine.

The CHAIRMAN. The Chair allows two amendments to be pending.

Mr. DAWES. But which should be considered first?

Mr. PLATT, of Virginia. Is my amendment recognized as in order?

The CHAIRMAN. It is.

Mr. PLATT, of Virginia. I desire to state to the committee as briefly as possible the reasons which compel me to ask that this amendment shall be adopted. I am of course opposed to any change in the law imposing a tax upon tobacco, especially a change to increase the tax. I believe that our experience has proved that we shall receive no increased revenue from increased taxation on certain articles. We are getting more money from the present uniform tax of 20 cents per pound on manufactured tobacco than we derive from any other rate of taxation ever tried by Congress.

Now, if it is the determination of this committee to adopt this section, as I believe to be the case, I desire that those who are connected with the tobacco trade and more particularly interested in it shall have the necessary opportunity to prepare themselves for the proposed change and not to permit this additional tax to come upon them in an entirely unprepared condition, as they now are. The result of this proposed legislation has already shown itself in the State which I have the honor to represent in part upon this floor and in which the tobacco interest is so large an interest. It has caused those who have put their capital in the manufacture of tobacco to make great sacrifices to raise money in a country where money is not plentiful and to rush to the offices of the collectors of internal revenue to purchase the stamps necessary to pay the tax on the tobacco which they have on hand already manufactured before this law shall go into operation.

The provision as it now stands in the bill makes a great discrimination against the men who have not such means or credit that they can, through their bankers or their friends or from their own resources, raise money to enable them to purchase stamps for the tobacco which they now have on hand. By the provision of the section, the men who are able to raise money for this purpose will have a great advantage over the poorer class—an advantage which ought not to be sanctioned by our legislation. It must be readily seen that a man having on hand in his factory a quantity of tobacco already manufactured, if he can raise money to buy the stamps to put upon that tobacco, has a great advantage over those who have not the means to do so. The men who cannot pay the tax before this bill goes into operation will have to pay an increased tax of 4 cents a pound upon tobacco already manufactured. Speculators are already at work raising all the money they can to purchase these stamps in large quantities, not for their own use but to be sold to the manufacturers of tobacco after this bill has gone into operation; for even if these stamps are sold by these speculators at an advance of 3 cents per pound the manufacturer will still save 1 cent a pound.

The object of my amendment is to enable the trade to accommodate itself to this change in the law. No possible advantage can be taken of this provision; the Government cannot be defrauded out of one dollar in connection with this matter. The amendment sim-

ply enables the manufacturers to prepare for the change in the law. It is in the interest of fairness and justice that I ask the committee to allow this additional time.

[Here the hammer fell.]

Mr. GUNCKEL. I rise to oppose the amendment. The distinguished gentleman from Massachusetts [Mr. DAWES] proposed a little while ago an amendment to his own bill, increasing the tax on cigars by a horizontal tax of 20 per cent. on the present rates. Thereupon, I was bold enough to suggest one fact—that Connecticut tobacco is worth about 50 cents a pound, and Ohio and other western tobacco about 10 cents a pound, and that therefore a cigar made entirely of Connecticut tobacco, and worth 5 cents or 10 cents, would pay precisely the same tax as a cigar made of Ohio or other western tobacco and worth perhaps less than a cent. They used to sell a handful of them for a penny. That was before they were taxed. Well, I objected to a tax which was the same upon the good as the poor cigar, the same on the dime cigar as the penny one, and especially I objected to continuing and not only continuing but increasing this inequality and injustice. But before I had half stated my objection, the chairman of Ways and Means takes the floor—putting me off by some sort of legerdemain which I could not understand—and without denying my facts or answering my argument assumes to lecture me, for what? For raising a sectional question! Well, this is a very old question, and has been raised many times before. It was fought in the Committee on Ways and Means by my predecessor, General Schenck, who insisted that the tax should be imposed in such an *ad valorem* tax so that the rich men who enjoyed good cigars should pay a greater tax than the poor man who were compelled to smoke cheap ones. But New England voted him down, because it was to the interest of the growers of Connecticut tobacco.

And it is my friend from Massachusetts who again raises this sectional question by the amendment which he submitted, and which proposes to increase and perpetuate this inequality and wrong. And the fact cannot be obscured by the denial that this legislation is not in the interest of New England. Gentlemen who represent the western people, and who feel it their duty to protect western interests, are compelled to take the aggressive and to make statements and arguments which they would much prefer not to make, but which are necessary to protect the interests of their constituents. But the gentleman from Connecticut [Mr. HAWLEY] says the eastern members do not raise sectional questions, and for a very good reason. They are fully protected in any case—protected under the old law, and again fully protected under the new bill.

Why, look a moment. We have already provided for taxing whisky, a western production, and also the manufacture of tobacco, a large western industry, the tax upon which will be injurious, not only to the producers and manufacturers but to a vast body of consumers, including large numbers of poor people. It is now proposed to add a horizontal tax on cigars, putting no more tax upon the cigar smoked by the rich man, for which he pays 5, 10, 15, or 20 cents, than on the cigar smoked by the poor man and costing but a penny or two. You put also an additional tax upon manufactured tobacco for fear he might resort to his old pipe, and then you couple with this a proposition to remove the tax upon matches. Why? That tax yields I believe two and a half millions of revenue; there is nobody protesting against it; but the matches are made largely in New England and this repeal of the tax is to benefit that section. And then we come to the 10 per cent. increase in the tariff; why is that inserted? To help New England manufacturers. It is the old story over and over again. Every tax bill that has been passed heretofore has been in favor of New England and to the injury of the West. And now I protest against its repetition in this new bill and appeal to western men to stand by western interests.

[Here the hammer fell.]

The question being taken on the amendment of Mr. DAWES, it was agreed to.

The question then recurred upon the amendment of Mr. PLATT, of Virginia.

Mr. DAWES. I move to amend the amendment by striking out "June" and inserting "July." I do not want to have any misunderstanding with my good friend from Ohio, [Mr. GUNCKEL.] I think if he understood what he is talking about to-day just as well as he did what he was talking about last Saturday, he would not talk as he does. He speaks about the tax on matches, and says that the proposition to remove this tax is, like everything else, made in the interest of New England. Sir, what has induced the Committee on Ways and Means to report in favor of the repeal of the tax on matches? Because the western manufacturers came down here and spent hours with the committee to persuade them to repeal that tax. They put it in, and the eastern manufacturers upon the other end of the aisle came here to persuade us to let the tax remain. I will tell my friend from Ohio that when he moves to strike out that section he moves just as New England manufacturers want it. If he lets it remain, it is just as the western manufacturers want it.

And just so the gentleman has talked about the fact that we have put a uniform tax on cigars, so as to help the eastern manufacturers of cigars. The best cigars are not made in the East. They furnish the wrapper in the East, which goes to the West, where they make the cigars. They raise the wrapper there, while you furnish all the rest and make the cigars. Now, when my friend from Ohio has

been here as long as I have, and I hope he will be, and when he goes into that Committee on Ways and Means, as I hope he will, because I know he is honest, industrious, and faithful, he will understand that there is no such thing as undertaking to fix things for one particular district. He cannot do it if he tries. He cannot touch one industry in this land that does not spread itself all over the land, as the system of human nerves spreads itself all over the human body, so that if you touch it in one place it is felt in every other. There is no such thing as undertaking to build up here a law which is applicable to the whole country which at the same time will protect any special industry in any particular locality. If you make it profitable there this year, one hundred rival establishments all over the land will spring up in consequence.

[Here the hammer fell.]

Mr. KASSON. Does the gentleman withdraw his amendment to the amendment?

Mr. DAWES. I do.

Mr. KASSON. In order to perfect the proviso adopted on my motion in respect to contracts for future delivery, I want to put in after the words "such tobacco," the words "cigars and cigarettes," so as to make it harmonize with the amendment adopted on motion of the gentleman from Massachusetts, [Mr. DAWES.]

Mr. PLATT, of Virginia. What becomes of my amendment?

The CHAIRMAN. It is pending, and the question will now be taken.

The House divided; and there were—ayes 39, noes 75.

So the amendment of Mr. PLATT, of Virginia, was rejected.

Mr. KASSON's amendment was then adopted.

Mr. BUCKNER. I move to add at the end of the section these words which I will send to the Chair.

The Clerk read as follows:

Provided, From and after the passage of this act any farmer or planter may sell at the place of production tobacco of his own growth and raising at retail, directly to the consumers, an amount not exceeding 100 pounds annually, subject to such rates and regulations as may be prescribed by the Commissioner of Internal Revenue.

Mr. BUCKNER. I only desire to say, Mr. Chairman, that this is the provision carried by the majority of this House and especially adopted by a large vote on the other side at the last session of Congress, and was a part of the "little tariff bill." As my friend from New York has well remarked, there was an anxious desire on the part of the other side of the House to do something which would favor this agricultural interest. Now here is the opportunity for which they have asked. Here is the opportunity for them to manifest that anxiety to protect the interest of the farmer. Here is this change in the provision I submit to the committee at this time, that instead of \$100 worth it is limited to 100 pounds, so that you give the farmer the right to sell to his employees or for any other purpose 100 pounds of tobacco. We all know, as gentlemen have well said that the man who raises less than a hoghead of tobacco, unless he can sell to the manufacturers or wholesale dealers—and they are scarce all over the country—the tobacco will be left on his hands utterly worthless. That is true of nothing else raised in this country. Nothing else under the broad canopy of heaven except tobacco has this stigma and blight put upon it. I wish to see whether these gentlemen who voted for the proposition less than a year ago will now go back on it.

Mr. ATKINS. I move to strike out "pounds" and insert "dollars."

Mr. ATKINS's amendment to the amendment was rejected.

The question recurred on Mr. BUCKNER's amendment.

The committee divided; and there were—ayes 47, noes 79; no quorum voting.

Mr. WHITEHEAD demanded tellers.

Tellers were ordered; and Mr. DAWES and Mr. BUCKNER were appointed.

The committee again divided; and the tellers reported—ayes 47, noes 75.

So the amendment was rejected.

The Clerk read as follows:

Sec. 3. That so much of section 3437 as imposes a stamp tax on friction matches, lucifer matches, or other articles made in part of wood and used for like purposes, be, and the same is, repealed, to take effect on and after the 1st day of July, 1875.

Mr. WARD, of Illinois. I move to strike that section out.

IMPROVEMENT OF THE MOUTH OF THE MISSISSIPPI.

The committee informally rose.

The SPEAKER. The Chair directs the Clerk to read the following resolution.

The Clerk read as follows:

Resolved, That the rules be suspended and House bill No. 4714, for the improvement of the mouth of the Mississippi River, shall be made a special order for consideration in the House, to the exclusion of all other business, on Thursday, 18th day of February, 1875, at the hour of two o'clock p. m., and the previous question shall be called on the same at four o'clock on the same day.

Mr. COBURN. I rise for the purpose of submitting a report from the special committee on political affairs in Alabama.

Mr. RANDALL. I demand the regular order of business.

The SPEAKER. Under a suspension of the rules the bill relating to the improvement of the mouth of the Mississippi River is the regular order of business.

Mr. McCRARY. I ask to have a report printed.

Mr. RANDALL. I demand the regular order of business.

Mr. DAWES. Would it be in order to raise the question of consideration?

The SPEAKER. The Chair thinks the House can never be debarred from that.

Mr. STANARD. I hope we will be allowed to proceed with this bill.

Mr. DAWES. I understand that this is to close at four o'clock?

The SPEAKER. Yes; at four o'clock.

Mr. STANARD. I am instructed by the Committee on Commerce to report an amendment in the nature of a substitute for the bill (H. R. No. 4714) for the improvement of the mouth of the Mississippi River. Some amendments have been made to the bill as recommended to the Committee on Commerce, and I ask that as now reported it may be treated as a substitute.

The substitute was read, as follows:

A bill (H. R. No. 4714) for the improvement of the mouth of the Mississippi River.

Be it enacted, etc., That James B. Eads, of Saint Louis, Missouri, be, and he is hereby, authorized, with such others as may be associated with him, on the conditions hereinafter mentioned, to construct such permanent and sufficient jetties and such auxiliary works as are necessary to create and permanently maintain, as hereinafter set forth, a wide and deep channel between the Southwest Pass of the Mississippi River and the Gulf of Mexico; and for that purpose he may construct in the river, outlet, or pass, and likewise in the Gulf of Mexico, such walls, jetties, dikes, levees, and other structures, and employ such boats, rafts, and appliances as he may, in the prosecution of said work, deem necessary: *Provided*, That no such structures or means employed shall hinder, delay, or materially interfere with the free navigation of said pass; and, to protect his said works, he may build and maintain such levees or embankments as may be necessary to secure their permanency along the banks of the river or Southwest Pass: *Provided further*, That unless the construction of the proposed work shall be substantially commenced within eight months from the date of the approval of this act, and prosecuted with due diligence, the provisions contained herein shall be null and void; and unless the said Eads and his associates shall secure a navigable depth of twenty feet of water through said pass within thirty months after the date of the approval of this act, Congress may revoke the privileges herein granted, and cancel the obligations herein assumed by the United States. And Congress may revoke the privileges herein granted, and cancel the obligations herein assumed by the United States, unless the said Eads and his associates shall, after securing twenty feet of water, secure an additional depth of not less than two feet during each succeeding year thereafter, until twenty-six feet shall have been secured, and four feet additional, or thirty feet, within twenty-four months after having secured twenty-six feet; and in case said Eads and his associates shall fail to comply with the foregoing conditions as to depth of water and time for any period of twelve months in excess of the time fixed, as aforesaid, then this act shall absolutely become null and void without action by Congress. And in the event of the privileges and authority herein granted being thus forfeited by the default of said Eads to substantially commence said work, and to diligently prosecute the same, as above stated, it shall be the duty of the Secretary of War to cause plans and specifications for the said work to be made, and to commence the construction of the same under the direction of the Chief of United States Engineers without delay; and the funds herein provided to be paid to said Eads and associates shall be applied, under the Secretary of War, in the construction of said works.

SEC. 2. That the conditions herein prescribed being complied with, the United States hereby promise and agree to pay to said Eads, or to his assigns or legal representatives, \$2,000,000 for constructing said works and obtaining a depth of thirty feet in said channel, and the annual sum of \$150,000 for each and every year that said depth of thirty feet shall be maintained by the jetties and auxiliary works aforesaid in said Southwest Pass during twenty years after first securing the said depth. Payments shall be made on certified statements of an engineer officer, who shall be detailed by the Secretary of War, and whose duty it shall be to report the depth of water and width of channel secured and maintained from time to time in said channel, together with such other information as the Secretary of War may direct. When a channel of twenty-two feet depth of water, and of not less than two hundred feet in width, shall have been obtained by the action of said jetties and auxiliary works, \$500,000 shall be paid; and after said depth and width of channel shall have been maintained for twelve months consecutively, \$500,000 shall be paid with interest at 6 per cent. per annum from the date when said depth and width was first obtained.

When a channel twenty-four feet in depth and not less than two hundred and fifty feet in width shall have been obtained, there shall be paid \$500,000; and after said depth and width shall have been maintained during twelve consecutive months, there shall be paid \$500,000 with 6 per cent. per annum interest from the date when said twenty-four feet were first obtained.

When a channel twenty-six feet in depth and not less than three hundred feet in width shall be obtained, there shall be paid \$500,000; and when said depth and width shall have been maintained for twelve months consecutively, \$500,000 shall be paid with interest at 6 per cent. per annum from the date when said channel was first obtained.

When a channel twenty-eight feet in depth and not less than four hundred feet in width shall be obtained, there shall be paid \$500,000; and after said depth and width shall have been maintained for twelve months consecutively, \$500,000 shall be paid with interest at 6 per cent. per annum from the date when said twenty-eight feet were first obtained.

When a channel thirty feet in depth and not less than five hundred feet in width shall be obtained, there shall be paid \$1,000,000; and after said depth and width shall have been maintained for twelve months consecutively, there shall be paid \$1,000,000 with interest at 6 per cent. per annum from the date when a channel of said depth and width was first obtained; making a total aggregate of six millions for the aforesaid payments, the respective depths and widths of channel being measured at average flood-tide, as ascertained and determined by the Secretary of War.

When said thirty feet depth of water and width of channel of not less than five hundred feet shall have been obtained by the effect of said jetties and auxiliary works aforesaid, the remaining \$2,000,000 shall be deemed as having been earned by said Eads and associates; but said amount shall remain as security in the possession of the United States for the purpose hereinafter set forth, interest at 6 per cent. per annum on the same being payable to said Eads, his assigns and legal representatives, semi-annually from the date when said thirty feet shall have been first secured, so long as said money, or any part thereof, is held by the United States.

SEC. 3. That after said depth of thirty feet of water, of not less than five hundred feet in width, shall have been secured, \$150,000 per annum shall be paid in equal quarterly payments during each and every year that said depth of thirty feet of water and width of channel of not less than five hundred feet shall have been maintained by said Eads and his associates in said pass for a period of twenty years, dating from the date on which said depth of thirty feet and said width of channel shall be first secured: *Provided, however*, That no part of such annual compensation shall be paid for any period of time during which the depth of water

in the aforesaid channel of said pass shall be less than thirty feet of the width hereinbefore specified.

SEC. 4. That the said depth of thirty feet of the width specified having been maintained for ten years, one-half of the \$2,000,000 hereinbefore mentioned shall be released and paid to said Eads, his assigns or legal representatives; and said depth and width having been maintained for ten additional years, the remaining half of the said \$2,000,000 shall be released and paid as aforesaid. And if any of said money shall have been paid under the provisions of this act as hereinafter provided, then the residue shall be paid at the times above stated.

SEC. 5. That in case said Eads and associates, in order to maintain said thirty feet depth of water, and width of channel above specified, shall deem it necessary to expend on said works, during any one or more of said twenty years, any money in excess of the annual payments received by them during said year or years under section 3 of this act, the Secretary of War shall, on satisfactory proof of such expenditures, authorize, as often as such extra expenditures may require, the payment of the same from the said money in pledge, to said Eads, or his legal representatives. And such payments shall be made from the \$1,000,000 to be released at the end of ten years, before any payment shall be made from that to be released in twenty years; and if any failure to maintain said thirty feet depth and the specified width of channel shall occur, the date for releasing the said money held in pledge shall be postponed for an equal period of time, and the compensation for maintaining said depth shall cease until said depth and width shall be again restored, the maintenance of thirty feet of depth and width of channel of five hundred feet for twenty years exclusive of all such periods of failure being intended by this act. And any time after said jetties shall have been completed, and said depth of thirty feet and specified width shall have been obtained, that the United States may elect to pay the said \$2,000,000 and stop the payment of said interest and said annual sum of \$150,000 for the maintenance of said depth and width, said United States shall have the right to do so on payment of said money held as security and in pledge as aforesaid, together with the interest and annual compensation for maintenance which may be earned at the date of such final payment; and on such payment being made by the United States, the supervision and maintenance of said jetties and auxiliary works by said Eads and associates, and all liability on their part shall cease and determine.

SEC. 6. That in order to facilitate the proper location of said jetties, which shall not be less than two thousand feet apart, and to correctly determine such effects as may be produced by them, the chief of the Coast Survey shall, as soon as practicable, cause a careful topographic and hydrographic survey to be made of said pass and bar, and shall submit the same to the Secretary of War, who shall furnish to said Eads the results of any such survey.

SEC. 7. That any person maliciously or intentionally injuring said works, or interfering with the construction thereof, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed; and, if found guilty, he shall be liable to a fine not exceeding \$1,000, or to imprisonment for not more than two years, or to both fine and imprisonment as aforesaid, for each offense.

SEC. 8. That the said Eads and his associates may have the right to use any materials on the public lands of the United States within twenty miles of the mouth of the Mississippi River that shall be suitable for, and may be needed in, the construction of said works: *Provided*, That said right may be limited or withheld by the President of the United States if he deems it contrary to the public interest.

SEC. 9. That in case of death or other disability of said Eads before the completion of said works, the same may be prosecuted and completed by his legal representatives and his associates aforesaid, with the same powers, rights, obligations, and compensations as if done by him in person.

SEC. 10. That the Secretary of War be, and he is hereby, authorized and directed to carry into effect the provisions of this act on behalf of the United States, and when the said Eads and his associates shall from time to time have fulfilled on their part the several conditions of this act, to draw his warrants upon the Treasurer of the United States in favor of said Eads or his legal representatives in payment of the aforesaid amounts as they respectively become due by the provisions of this act. And it shall be the duty of the Secretary of War to embody in his annual report the payments made from time to time under this act and the probable times when other payments will become due, and to report during the construction of the works herein authorized all important facts relating to the progress of the same, the materials used, the character and permanency with which the said jetties and auxiliary works are being constructed, to the end that the Congress of the United States may be kept fully advised as to the faithfulness and efficiency with which the said works are being executed by the said Eads and associates; it being expressly understood that while said Eads shall be untrammelled in the exercise of his judgment and skill in the location, design, and construction of said jetties and auxiliary works, the intent of this act is not simply to secure the wide and deep channel as above named, but likewise to provide for the construction of thoroughly permanent works by which said channel may be maintained for all time after their completion; and in case the Secretary of War shall be of the opinion that this work is not being constructed according to the spirit and intent of this act, he shall report the same to Congress at the earliest moment thereafter for its action.

SEC. 11. That the sum of \$500,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purposes herein set forth.

SEC. 12. That the option of discharging the obligations herein assumed by the United States, either in money or bonds, is expressly reserved; and the Secretary of the Treasury is hereby directed to issue the bonds of the United States, bearing 5 per cent. interest, and payable in not exceeding thirty years from their date, to said Eads or his legal representatives, in payment at par of the aforesaid warrants of the Secretary of War, unless the Congress of the United States shall have previously provided for the payment of the same by the necessary appropriations of money.

Mr. STANARD. Mr. Speaker, it is not my purpose to speak at any great length upon this bill, but merely to say enough that its provisions may be thoroughly understood by the House, and then I shall give way to other members of the committee and other gentlemen who may be disposed to speak.

The bill which has been read at the Clerk's desk is a bill which has been prepared by the Committee on Commerce of the House with the greatest care and scrutiny. It has been before us by night and by day for the past two weeks, and in one way and another before the House of Representatives and the Senate for the past twelve or fourteen months. The Committee on Commerce have had the benefit of the investigation and the scrutiny of the Committee on Railways and Canals, and of a committee of the Senate, and we believe that we have prepared as nearly perfect a bill for presentation to the House as it is possible for us to do.

It will be remembered that a scheme for the improvement of the mouth of the Mississippi River was before this House at the last session of this Congress. It was discussed at great length. We finally agreed to and passed a bill making an appropriation of \$2,000,000 for the purpose of constructing what is known as the Fort Saint Philip

Canal below New Orleans. That bill went to the Senate, and instead of passing it, in order that Congress might have further light upon the subject, the benefit of the best engineering skill of the country, the benefit of extended observations of improvements not only in this but in foreign countries, the Senate saw fit to insert in the provisions of that bill the following, establishing a commission:

SEC. 3. That a board of engineers, to be composed of three from the Army, one from the Coast Survey, and three from civil life, be appointed by the President; which said board shall make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf or by deepening one or more of the natural outlets of said river; and said board shall make a full and detailed estimate and statement of the cost of each of said plans, and shall report the same, together with their opinion thereon, showing which of all said plans they deem preferable, giving their reasons therefor, to the Secretary of War, to be presented at the commencement of the second session of the Forty-third Congress; and that the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the cost of said survey.

This amendment was agreed to by the House. In accordance with the provisions of this section, the following engineers were appointed to carry out the duties therein prescribed: Lieutenant-Colonel H. G. Wright, Lieutenant-Colonel B. S. Alexander, and Major C. B. Comstock, of the Corps of Engineers of the United States Army, and Professor Henry Mitchell, of the United States Coast Survey, T. E. Sickles, W. Milnor Roberts, and H. D. Whitcomb. These gentlemen were appointed by the President to constitute this commission and to make the report.

I have the report in my hand; it is Executive Document No. 114. I will simply say, without reading from the document, that six of the seven members of this board report in favor of improving the mouth of the Mississippi River by what is known as the jettee plan, and report against the canal.

Mr. Speaker, I will now as nearly as I can and as briefly as I can explain the provisions of this bill. The bill provides that a contract be made with or a cession be made to James B. Eads, of Saint Louis, Missouri, and his associates, for the construction of this work. It contemplates that the work shall be commenced within eight months. It provides that there shall be 20 feet of water within thirty months from the passage of the bill, while the depth of water now is only 16 feet; it provides that there shall be 22 feet of water within twelve months from the time of having secured the 20 feet; it provides that when the 22 feet of water has been secured with a width of said depth of 200 feet the Government shall pay \$500,000, and that when the said 22 feet of water has been maintained for one year thereafter another \$500,000 shall be paid. It provides that when 24 feet of water has been secured with a width of 250 feet of that depth \$500,000 shall be paid, and that when the said depth and width have been maintained for twelve consecutive months thereafter another \$500,000 shall be paid. When 26 feet of water has been secured with a width of 300 feet it provides that another half million dollars shall be paid, and when the 26 feet of water has been maintained for twelve months with the width before mentioned that another half million dollars shall be paid. It provides that when 28 feet of water has been secured with a width of 400 feet of like depth another half million dollars shall be paid, and that when that has been maintained for twelve additional months another half million dollars shall be paid. It provides that when 30 feet of water has been secured with 500 feet in width of the same depth a million dollars shall be paid, and that after a depth of 30 feet of water with 500 feet in width has been maintained for twelve months another million dollars shall be paid.

It provides further, that when 30 feet of water with 500 feet in width of the same depth has been thus maintained for twelve months the \$8,000,000 which was to be the original cost and price of the canal shall then be considered due, only \$6,000,000 having been paid up to this time. It provides further, that these \$2,000,000 of the \$8,000,000 shall remain in the hands of the Government as a security—one million for ten years and one million for twenty years—that the said James B. Eads and his associates shall maintain this 30 feet of depth and 500 feet of width for twenty years at a cost of \$150,000 annually for that purpose. As a guarantee that this work shall be maintained and that it shall not cost more than \$150,000 a year, this provision is put in to guard against the fact that the commissioners who have been appointed and who reported were of the opinion that it would cost \$390,000 a year to maintain and extend these jetties; Mr. Eads believing it will cost no such amount.

But, sir, the bill makes a further provision in order to make the Government doubly safe. It provides that in case \$150,000 a year is not required to maintain this channel, the Government may pay the \$2,000,000 which have been left as security and only the balance of the \$150,000 that may be due to Mr. Eads and his associates, and take the work of maintaining and extending itself.

Mr. Speaker, I am of opinion—and there are many gentlemen who have given this subject careful and thorough investigation who unite with me in the opinion—that these jetties—which are to help the national outlet will widen, deepen, and extend themselves; that it will require a very small amount of money to keep them in order; but as that is somewhat problematical, we have put in the provision that \$150,000 may be expended for the purpose of keeping the works in repair and extending the jetties; but we have left it discretionary with the Government to take it in hand and maintain the works for any

sum they may see fit to expend rather than expend \$150,000 a year. I believe that these are substantially all the business provisions of the bill.

Mr. WILSON, of Indiana. I understand that after obtaining a depth of 30 feet of water the Government is to contract to pay Mr. Eads \$8,000,000.

Mr. STANARD. That is so.

Mr. WILSON, of Indiana. I find that the third section of the bill provides—

That after said depth of 30 feet of water, of not less than 500 feet in width, shall have been secured, \$150,000 per annum shall be paid in equal quarterly payments during each and every year that said depth of 30 feet of water and width of channel of not less than 500 feet shall have been maintained by said Eads and his associates in said pass for a period of twenty years, dating from the date on which said depth of 30 feet and said width of channel shall be first secured.

By that it would seem that as soon as this work is constructed these parties are to receive \$150,000 a year for the purpose of keeping up this 30 feet depth of water, in addition to the \$8,000,000 to be paid them for the construction of the work itself.

Mr. STANARD. I will state that the engineers of the commission estimate that it will cost \$390,000 a year to keep up that depth of water. I do not myself believe that it will cost \$150,000. But there is a provision further along in the bill that if it does not cost \$150,000, if it costs a less sum or nothing at all, then the Government is empowered to take the work off his hands and to stop any payment to him for that purpose, and maintain the works as it may elect.

Eight million dollars! This may be considered a very large amount by some to be expended in this way for this great ship canal. It is a large sum of money, but the work is one of vast importance. The Government of the United States for the last half century or more has been attempting to improve the mouth of the Mississippi. We have been spending from \$150,000 to \$250,000 and \$300,000 a year for the purpose of keeping something like a navigable channel at the mouth of the Mississippi River. I observe in the report from the Engineer's office that although a larger amount of money was expended last year for the purpose of keeping as good navigation as it was possible, yet at no time did they secure over seventeen and one-half feet depth of water.

Many may consider this a novel and perhaps very precarious method of improving the mouth of the Mississippi. The engineer officers of the Government have failed thus far to give us the necessary depth of water, although the Government has been constantly spending money for the purpose. Now comes a gentleman who proposes to improve the mouth of the Mississippi River at a time when the Government is poor in its Treasury, and not disposed to expend large sums of money for uncertain results—he comes forward and proposes to do this work and to accomplish these results or to get no pay. He proposes to leave his money earned in the hands of the Government as a security that this work shall be accomplished, and if it is not accomplished in accordance with the specifications of this bill the money is to be forfeited to the Government. There can be no better security for results than this.

When the depth of water shall be secured of 22 feet, 24 feet, 26 feet, 28 feet, and 30 feet, he proposes to leave at four of the periods \$500,000 a year in the hands of the Government, and at the other period \$1,000,000 a year as a guarantee to the Government that that depth and width of water shall be secured and maintained. After he has secured 30 feet of depth he proposes to leave two millions of money earned by him as a guarantee that that depth and width shall be maintained for ten and twenty years, as prescribed by the bill and as before explained.

The bill further provides that this money may be paid in the bonds of the United States after the provisions of the bill have all been complied with, in bonds running not over thirty years, bearing interest at 5 per cent. I have stated that it looked like a large figure to pay. By reference to estimates made by the board of engineers of which General Barnard was president, in the report dated January 3, 1874, to be found in Executive Document No. 220, Forty-third Congress, you will find on page 117 the estimate that this very work—which Captain Eads proposes to complete for \$8,000,000 and to sustain for twenty years, should it be necessary, for \$150,000 per year, making in the last contingency \$11,000,000—this board of United States engineers, who made this first estimate for a like work, estimate that it will cost \$25,771,523.20.

Mr. WILSON, of Indiana. Out of what kind of material was that work to be constructed on account of which this estimate was made?

Mr. STANARD. It was simply to be constructed out of such materials as were at hand, and which were proved by experience to be the best for the construction of permanent works; timber and stone; it may be of iron or willow—anything making a bank by which the waters shall be confined.

There has been another estimate made by a board of engineers of which General A. A. Humphreys, the Chief of Engineers, was president. You will find that in Executive Document No. 220, on pages 13 and 14. The cost of construction as asked for a like work which Mr. Eads proposes to give to the country for \$8,000,000 or in a contingency \$11,000,000. The engineers estimate that it will cost \$23,000,000.

In the act which I have already read a commission is provided for, which commission has recently reported, after having visited the

month of the Mississippi and many rivers in the Old World. That commission makes a careful estimate, and say that the jetties will cost \$16,053,124 at the Southwest Pass. This proposition of Mr. Eads saves the Government all risk and is \$14,771,223 less than the estimate made by the board of Army engineers which met in New Orleans. It is \$12,000,000 less than the estimate made by the Chief of Engineers of the United States Army during the last session of Congress, and \$5,053,124 less than the estimate made by the select commission of engineers in their report dated January 13, 1875; and all payments to Captain Eads and his associates are dependent on the results that may be accomplished. So much for the cost.

Now, Mr. Speaker, we are not without precedent in this work. Although the Government has not, nor have private corporations so far as I am aware, constructed jetties in this country, it has been for almost a century and perhaps longer the recognized and acknowledged method in the Old World for the improvement of rivers. I hold in my hand photographs of the mouths of some nineteen rivers of Russia, Prussia, Sweden, and other lands, where the mouths of rivers have been improved by the jetty system, giving the results in detail as to how and when they were constructed, as to the depth of water before their construction and the depth afterward. I will read from but a few of them to give results of the work, as that is really what Congress wants. It does not want theories; it wants facts, and I am attempting to give them as accurately as I can.

The mouth of the river Liban in Russia had 6 feet of water before the introduction of the jetty system, and 16 feet after completion. The river Pernau in Russia had 6 feet before the jetties were applied, and 16 feet afterward. The river Warne in Prussia had 6 feet of water before the introduction of the jetty system, and 13 feet afterward. The river Niemen in Prussia had at its mouth a depth of only 10 feet before the jetties were applied, but afterward and up to the present time the depth of water has been 23 to 24 feet. The river Pregel in Prussia had 12 feet of water before the application of jetties, and now has 20 feet, though the improvement is not yet completed. The river Oder in Prussia had 7 feet of water before the jetties were applied, and now it has 23 to 24 feet. The jetties there are permanent in their character. The river Danube, the mouth of which is very similar to that of the Mississippi, had 9 feet of water before the application of the jetty system, and now has 21½ feet. The river Trave in Prussia had 7 feet of water before jetties were constructed, and it now has 18.

Mr. Speaker, I might occupy the time of this House at great length in talking about the grandeur of the Mississippi River, of the country through which it runs, of the country through which its tributaries run. But, sir, we have heard much of that here. Many of us live upon the banks of this Mississippi River, some of us were born west of this grand river; and although many of you do not live there, you know of its importance as a great artery of commerce, running from Minnesota to Louisiana through the most fruitful and prosperous country on the face of the earth, through a region of country that has the greatest promise for the future of any country known to man. I might speak to you at great length about the resources of the ten or fifteen States where this river runs, and the importance of improving the mouth of the river so that boats drawing twenty-four, twenty-six, or twenty-eight feet of water shall be able to pass in and out, after the commerce shall have been collected from these twelve to fifteen thousand miles of navigable water.

How is it to-day? We are spending millions of money every year to improve the Mississippi and its tributaries. You have already a bill reported to you making appropriation for the improvement of these waters. The experience has been and will be for all time to come, unless you improve the mouth, that this commerce through these waters shall be carried to the mouth, and then the nation finds itself in a pitiable condition with the mouth of the river so filled with mud and so low that this commerce cannot take vessels that come into the Gulf of Mexico from the waters of the great oceans of the world and be distributed almost wherever man lives in other countries as well as to our eastern sea-board. I say that I do not believe the Congress of the United States will longer allow the country to be disgraced in this way.

I have spoken to you here of the improvement of some nineteen or twenty rivers in European countries where the commerce does not amount to mills where ours amounts to dollars; where they have expended in the improvement of a single river nearly half of what this bill provides for expending.

The rapid increase of population in the Western States where this river runs and where its branches ramify is too well known for me here to lay it before you. The statistics of the country show that the States that I mention increased in population about 64 per cent. during the decade from 1860 to 1870; that the productions of the cereals increased more than 100 per cent., amounting to about one thousand million bushels of grain; that its manufactures in some of the States increased more than 500 per cent. We may judge somewhat by this what is to be expected in the near future and what is to be the transportation wants in the next ten or twenty years or longer; and I am sure there comes a voice unmistakable in its sound from all over the southern country asking that this appropriation shall be made so that one of its chief harbors may be reached in this way, giving them new spirit and new hope of prosperity within their borders; and when prosperity comes to a people, then also come peace and contentment.

All over the northwestern country, where there are organizations of men, either in granges, boards of trade, chambers of commerce, political conventions, or conventions expressly called for the consideration of this subject, as well as in State Legislatures, comes up the plea unmistakable in its sound to Congress that the mud shall be taken out of the mouth of the Mississippi River, and a deep and permanent channel be given to the Gulf. I am sure if we have a vote on this bill to-day it will be supported by a united East and a united West. I may say that I feel sure, although New England may be one thousand miles from this river she cannot go back upon her sons who are scattered throughout this great western valley, who went out into the wilderness braving the privations and dangers of a frontier life to bring it under cultivation and ultimately to find thrifty and happy homes, and who have made it "blossom as the rose," and who have brought prosperity not only to that country, but thrift and prosperity to New England as well.

I would like to speak of another matter if time would allow. As the gentleman from Iowa [Mr. McCrory] wishes me to go on, I will refer to it. I do not believe that transportation charges can be regulated by legislation. I believe the only thing which will do it is competition in the carrying trade. Now, sir, there is a demand for additional transportation facilities and for cheaper transportation. I do not believe the country can bring this additional and cheaper transportation facilities in any way so sure as by the adequate improvement of the Mississippi River and its tributaries, because the river runs from the southern to the northern extremity of the country, midway between the East and the West, cutting at right angles every railroad running from the East to the West or from the West to the East, aggregating a length of more than thirty thousand miles in the valley, making the railroads tributary to the river and the river tributary to the railroads, each serving as a check upon the other and as a competitor in the general carrying business; thereby giving additional and also cheaper transportation facilities, which the country to-day so much requires and so loudly demands.

Mr. Speaker, if this bill becomes a law, I have faith that this great work will be accomplished satisfactorily to the Government, because I have faith in Captain James B. Eads. He stands pre-eminent among the engineers of the country. We have a monument of his skill and engineering ability in a constructed bridge of wonderful size, strength, and symmetry at Saint Louis, as well as many other evidences of his ability. When the country was in the throes of rebellion he was called on by the Government to construct some thirteen or fourteen iron-clads, which he did in a remarkably short space of time and to the satisfaction of the Government; and in this connection I beg to read an extract from a letter from Hon. Gideon Welles, then Secretary of the Navy, to Captain Eads, under date of February 10, 1875, which has this afternoon been placed in my hands:

I notice in the papers you have a proposition of some importance before Congress relative to deepening the channel of the Mississippi. Of course I am no expert or judge of the best method of accomplishing this great and necessary work, but I have confidence that you, with your fertile and suggestive mind and your great practical experience on the "Father of Waters," whose navigation you so much improved, are better master of the subject than any mere speculative theorists. From the promptness and fidelity with which you executed your large contracts with myself and the Government during the war, I have faith that you would perform whatever you undertook. As I have said to you heretofore, and also publicly stated, your eminent services in that great emergency the country has never realized, but I shall never forget.

But I will not occupy more of the time of the House now, but after the previous question is seconded if there should be any questions propounded as to the workings of this bill and its provisions necessary for me to answer, I will then occupy enough of the time necessary to answer them if I have the ability to do so. I now propose to yield to other gentlemen. I yield first to the gentleman from Wisconsin [Mr. Williams] for fifteen minutes.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, I most heartily favor the passage of this bill, because I believe it is a step in the right direction—a move toward the practical solution of that all-important problem of cheap transportation which lies so near to the hearts of the people of the West and Northwest. However flippant the term may be on the tongue here, whether you denominate it the "grangers," the "hay-seed," or the plain "farmers' movement," or whatever gloe all this cheap wit may create, still the sober question remains to the people of the West, "How shall the cheap transportation of our surplus products from the interior to the sea-board be best secured?" And, for one, I rejoice that the opportunity is here given, in the closing hours of the Forty-third Congress, for the majority of this House to attest in a practical way its fidelity to principle in this regard. All my colleagues from the West will bear evidence that in the recent political canvasses there this was really the question of questions, second only to the peace and perpetuity of the country itself.

In all our newspapers and in almost every election precinct the record of yeas and nays of this and former Congresses was presented to our constituents; the yeas and nays on the former resolution of the gentleman from Illinois, [Mr. Hawley], on the resolution of the gentleman from Ohio, [Mr. Smith], and on the passage of the McCrory bill in the House were brought out and urged upon our constituencies to convince that portion of the country the party in power here was in favor of subordinating the great corporations in this country to the just, reasonable, and wholesome restraints of legislation. That record was contrasted with the record of our oppo-

nents and dwelt upon as an evidence of our fidelity to the principle it contained.

Sir, the people had looked, and I had begun to fear they had looked almost in vain, to the Forty-third Congress not for argument, not for theory, not for speculation, nor for the discussion of mere law power alone, but for some substantial and practical advance upon this question of cheap transportation. But whenever Congress has approached anything which looked like a practical solution of this question, they have found it hedged about with difficulties. True, we passed the McCrory bill by a small majority and sent it to the Senate; we fearlessly affirmed the principle upon which it is founded; but, like all other kindred legislation, there were complications and difficulties surrounding its practical application which caused doubt and hesitation. Not that the principle must not be applied in some form, but upon interests vast and extended, reaching over an entire continent, it should only be imposed after the most thorough study of its details and careful consideration of its practical effects.

A general system of internal improvements has been recommended by a committee of the Senate, and indorsed by the President in one of his annual messages; but no sooner do we approach this as a practical question than we stand confronted by an exhausted Treasury on the one hand, while the actual cost of these improvements towers away into the hundred millions on the other. Immediate relief does not lie that way. We have considered the question of subsidies to transcontinental railroads, but the experience of the Government has been such as not to warrant any further advance in that direction. The project of constructing road-beds, to be owned and controlled by Government, upon which individuals and corporations may place their engines and cars, under supervisory regulations and restriction as to rates and charges, has also been proposed, but found too complicated to be adopted except as a last resort.

The direct ownership and operation of railroads by the Government I believe would break down by its own weight, and could only end in failure and disaster. Competition by means of narrow-gauge roads may yet prove to be the practical way out of the difficulty, but these have not yet been sufficiently tested to demonstrate the fact. One thing is certain, water carriage on the inland lakes and rivers of America is not yet to be abandoned, and the plain practical question is, how shall this be brought into the most effectual competition with railroad transportation? That it is effectual in regulating rates and charges upon railroads has already been demonstrated by the report of the special committee of the Senate upon cheap transportation.

But it is said if you improve one of these water lines you must improve all, or sectional or local interests will defeat you. If every member of this House cannot secure Government aid to improve his own local river or creek, then in duty bound to his constituency he is expected to vote against the bill. But let us see if there is not some broader ground upon which we can all stand, and, without antagonizing any of these local enterprises, work to a common purpose. It is manifestly not advisable to add to the list of unfinished works an isolated improvement here and there. A few thousand dollars annually appropriated from the Treasury and sunk on works which will require years to realize practical results, is merely scratching the surface of things and trifling with the subject.

It seems to me, sir, that the plain, common-sense business proposition of to-day is not to attempt to construct canals over high mountain altitudes, however feasible or desirable, or to waste our strength upon improvements merely local in their character, but to select some general routes lying along the natural water-courses of the country, national in their character, and place those in the *shortest possible time in the best possible condition*, and thus to give the experiment a full, fair, and thorough trial; after which all these others may come in due time.

Where do we find these routes? The hand of nature has traced the one along the bed of the Mississippi River. The usages of commerce has established the other for nearly two centuries over the route by the northern lakes. The one leads to New Orleans, the commercial metropolis of the South, and the other to the city of New York, the commercial emporium of the continent and destined to be of the world.

Sir, it is as idle to attempt to determine arbitrarily by legislation what channels the currents of commerce should take as it would be to try by the same method to determine where great cities ought to be planted and grow. These things take to themselves laws of their own, and commercial centers once established are not easily changed. As the blood flows from and to the heart, so is commerce ever flowing from and to its own chosen centers, and over routes once established the channels were broad and deep.

New York sits like a queen by the sea, and her commercial wand rules the waves and rules the land; and she will hold her place while our country shall endure. Looking now away from any narrow ground of partisanship or sectional feeling, we see the Crescent City of the South built up by the commerce which shall flow across the western sea through the isthmus to pour its treasures at her feet, emulating in prosperity and thrift her more powerful rival at the North.

Here we have the two great routes. How shall we improve them, and what shall be the cost? I must hasten, for my time is passing rapidly. I find from estimates in the report of the special committee of the Senate on cheap transportation that the improvement of the

Mississippi River below the falls of Saint Anthony would cost \$8,000,000; the improvement of the Fox and Wisconsin Rivers, \$3,000,000; the improvement, with the concurrence of the State of New York, either of the Erie Canal from Buffalo to Albany, or the improvement of the Oswego Canal to Albany, or the Champlain Canal from Lake Champlain to deep water on the Hudson, and including a connection between Lake Champlain and the Saint Lawrence, either one of these routes, \$12,000,000.

Where would this money be expended? Eight millions would be expended in the South, as proposed by this bill; six millions in the Northwest, on the Mississippi, the Fox and Wisconsin Rivers, and the chain of lakes; and \$12,000,000 in the East on one of these proposed lines. You then have a circuit extending from New York by way of the Atlantic to New Orleans; from New Orleans to Saint Paul; from the Mississippi to the northern lakes and along the border; around again to New York in its return. You embrace within this circuit every variety of climate, soil, and production; you reach the terminal point of almost every stream east of the Rocky Mountains, and promote the interest of all the States—East, West, North, and South.

In Heaven's name, if we are ever to unite and push forward any one scheme for the improvement of our national water-ways, why not unite upon this one and hasten it to completion? It is estimated that some three years will be required to complete this work, when we are promised that the mouth of the Mississippi shall be unobstructed and the great river flow out to the Gulf through a channel eighteen hundred feet wide and thirty feet deep.

Would that this \$26,000,000 might be appropriated so fast as needed for the work, and that the same day which witnesses the completion of the improvement proposed in the pending bill might see this great circuit of water communication completed from the sea-board to the interior and from the interior to the Gulf. And why not? Why does not every maxim of business prudence and economy not only sanction but demand this? For instance we have now invested from first to last some \$800,000 in the improvement of the Fox and Wisconsin Rivers. We have the further appropriation of \$500,000 now pending in the river and harbor appropriation bill. We have placed this improvement upon the list of unfinished work. I take it we intend to complete this work some time; why not do it as speedily as possible and begin to realize from the investment?

I cannot stop to enumerate the advantages to come from this single improvement alone. I find in the report of the Senate Committee upon Transportation Routes that the average cost of transporting a bushel of wheat of sixty pounds from nine towns on the Mississippi, namely, Saint Paul, Winona, La Crosse, Prairie du Chien, Dubuque, Savannah, Fulton, Rock Island, and Burlington by rail to Chicago was 17.1 cents, while the estimated cost of transporting the same by water from these places over the Fox and Wisconsin improvement to Green Bay, the terminus on Lake Michigan, would be 7.4 cents, being a saving of 9.7 cents per bushel:

The surplus of wheat and corn in Iowa and Minnesota in 1873 being over 60,000,000 bushels, the annual saving to be effected by the proposed improvement will amount to an annual saving of \$8,000,000.

And the surplus of corn and wheat of counties in Wisconsin bordering on the Mississippi and lower Wisconsin River, being in the same year 10,500,000 bushels, the annual sum goes up to over \$7,000,000.

The question has been often asked here, Mr. Speaker, if such immense annual profits can be realized from each one of these preferred improvements, why cannot private capital be induced to undertake them? I think, sir, a fair answer to that is, that these savings flow not to the coffers of the few but are distributed among the many. They are to come, if at all, like a common blessing; they fall as the rain falls; and while we may not be able to gather the latter up into reservoirs or rivers in a day or a year, yet its coming fertilizes and brightens the earth. I would far sooner see this \$7,000,000 distributed equitably among the honest producers of wealth than see it gathered into colossal fortunes to menace, if not to endanger, the very existence of free institutions.

This same committee upon reliable data show that these combined improvements once completed would result in an annual saving to the people of the Mississippi Valley and the Northwest of \$42,000,000. There is no disguising the fact that there has been a lingering doubt in the minds of many whether water carriage will be able to so compete with railroad carriage as to regulate rates on the latter. The regularity and rapidity of transportation, the facilities for taking advantage of the markets, and the insuring of quick returns on investments afforded by railroad transportation, have been believed to be more in keeping with the commercial spirit of the age. But, sir, a revolution has just been effected in the application of steam to the navigation of canals which must bring them fully abreast the railroads for capacity in moving aggregate masses of freight.

I will detain the House only long enough to present the two following extracts. The first is from the speech of Mr. D. P. Dobbins, of Buffalo, made at the cheap transportation convention held at Richmond in December last. He says:

These Baxter steamers have repeatedly made the trip from Buffalo to New York in less than six days, as against fourteen days usually consumed by the horse-boats, and have done it at the rate of ten cents per mile for steam-power, as against thirty-five cents per mile, the usual cost of towing a boat by horse or mule power, and that the rate of freight has been reduced from twelve and fifteen cents per bushel to eight and ten cents per bushel. Here is cheap and rapid transportation in actual operation.

The second is from the report of Mr. H. S. Sweet, State engineer and surveyor of the State of New York, bearing date February 6, 1875, and is as follows:

Access has been had to the books of the general agent of the Baxter Steam Canal-boat Transportation Company, in the city of New York, and abstracts taken therefrom, at the request of this department, exhibit the following facts:

Number of round trips made.....	39
Number of tons carried east.....	7, 870
Number of tons carried west.....	2, 765

Freight receipts on down trips.....	\$25, 732 47
Freight receipts on up trips.....	7, 319 73

Total.....	33, 052 20
------------	------------

Tolls paid on down cargoes.....	\$8, 115 41
Tolls paid on up cargoes.....	1, 988 69

Total.....	10, 104 10
------------	------------

Average duration of round trip from New York to Buffalo and back, 15 days; average coal consumption per round trip, about 12 tons.

This time does not include detentions in New York, nor does it include very serious delays, due entirely to the absence of needed facilities for handling freight. The average duration of the trip of a horse-boat, from New York to Buffalo and back may be put at twenty-five days. With an established business, and with all needed facilities, the steamers of this line will make their round trips regularly in from fifteen to seventeen days, as against thirty-three days of the horse-boat; in other words, they will reduce the time one-half, under the best conditions.

As is generally well known, business upon the canals during the season of 1874 was exceedingly dull; and, it is scarcely necessary to add, that rates were unprecedentedly low. Considering also that the business of the Baxter Company was not thoroughly organized and established, that it was without the needed terminal facilities, and without facilities at various points along the canal, the necessity for which developed itself very early in the season, and that the number of boats was so limited and variable as to render it impossible to guarantee the regular departure of boats at stated times from each end of the line, it must be conceded that the results attained by this line of boats were very highly satisfactory. A careful investigation of these results develops the interesting and important fact that the Baxter boats have demonstrated, beyond reasonable doubt, their ability not only to equal, but to exceed, the estimates of the engineer of the commission both as to speed and economy of movement.

Already the reduced time and the certainty of prompt delivery is drawing merchandise to the canals beyond the ability of the present fleet of steamers to carry; and we are informed that, within a few weeks, contracts for the transportation of merchandise and other freight to the West have been offered to and declined by the Baxter Company on account of their limited facilities.

I am of the opinion that the question of economy and adaptability of steam as a motive power on the canals of this State is removed beyond the sphere of physical experiment, and that ultimate and complete success now depends upon capital alone.

The Senate committee, at page 52 of their report, in comparing the average rail and water rates per bushel from Chicago to New York during the months of June, July, and August, and the months of December, January, and February, of the year 1872, say:

The average all-rail rate during the three summer months just named was twenty-seven cents, and the average of the winter months was thirty-nine cents; the winter average being 44.4 per cent. higher than the summer average when the completion of water transport was in full force.

Now, if under the old order of things transportation by water was able to produce a reduction of 44.4 per cent. in competition with railroads, where shall there be left a chance for doubt of its effectiveness when the cost of towage shall be reduced over 53 per cent., the time 50 per cent., and the arrival and departure of boats shall be regulated as precisely as that of railroad trains?

Sir, I have thus tried to show that this proposed improvement at the mouth of the Mississippi is only a part of one grand system, in which we are all alike interested. As to this particular method of performing the work there would seem to be left no reasonable ground for doubt. At the last session of this Congress nearly if not all of the Government engineers were opposed to the plan proposed by Captain Eads of improving the mouth of the Mississippi by means of jetties.

The measure was defeated. During the recess a board of seven civil engineers, appointed by the President pursuant to a special act of Congress, visited Europe and there made special examination of the jetty system at the mouth of the Vistula, the Danube, and the Rhone, and returning spent three weeks in examining the mouths of the Mississippi; the result of all which is, that all but one of these engineers unite in recommending the jetty system for this improvement.

The jetty system cannot be better explained than by a few extracts from Captain Eads's pamphlet. He says:

Jetties are simply dikes or levees under water, and are intended to act as banks to the river, to prevent its expanding and diffusing itself as it enters the sea.

It is a notable fact that where the banks of a river extend boldly out into the sea, no bar is formed at the entrance. It is where the banks or *faucis terre* (jaws of earth) are absent, as is the case in delta-forming rivers, that the bar is an invariable feature.

The bar results from the diffusion of the stream, as it spreads out fan-like in entering the sea. The diffusion of the river being the cause, the remedy manifestly lies in contracting it or in preventing the diffusion.

A glance at the accompanying map of the Southwest Pass reveals the narrow and uniform width of the pass, until it is within about seven and one-third miles of the bar, which is about three miles beyond the land's end. In this seven and one-third miles the river is building up and extending its own banks into the sea at the rate of eight or nine inches per day. Above this seven and one-third miles its work is finished. Its jetties are completed by its own forces, and will probably never change their location, although every time the stream overflows them fresh

deposit will raise them still higher. It is therefore evident that the river itself is continually employing the jetty system, and that nature makes parallel and not converging jetties.

Since the white man has known the river, this distance between the bar and the narrow and completed banks of the pass above has been the same, namely, seven and one-half miles.

Now, suppose that by artificial means these natural jetties could be suddenly extended seven and one-third miles out to the bar; the volume of water would be almost if not exactly the same, and so would be the current. Instead of passing over the bar as it now does, at three feet per second, it would pass out from between these artificial jetties at the rate of over four feet per second. This artificial and parallel construction would give the stream at the present bar the width, depth, velocity, and volume almost exactly which it has to-day seven and one-third miles above the bar. Could the bar again reform afterward nearer than seven and one-third miles from the end of these artificial jetties?

At the rate it has been going out for the last forty years it would take the river sixty-five thousand days or one hundred and seventy-eight years to extend its jetties from where they are finished out to the present crest of the bar. All these years will be required to build up its foundations in the Gulf before it can complete its jetties to the present bar. Is it not evident, then, that one hundred and seventy-eight years hence, if the river be left alone, the bar will then be seven and one-third miles in advance of its present location? Is it not equally evident, if man should do in three or four years what it will require the river one hundred and seventy-eight years to do, that when the bar reappears it will be after the lapse of centuries, because it must be located at least seven miles beyond the artificial jetties, and where the water is now several hundred feet deep? Even if there be no currents whatever to distribute the sediment into more profound and distant depths, we will have gotten so far in advance of the bar-forming power of the river that it will require centuries for it to overtake the work of man and again build up its bar, for this must be done in greatly increased depths.

Mr. Speaker, it now seems to be conceded on all sides that this Captain Eads has established the reputation of a genius in civil engineering. An eminent French writer tells us that "genius is the logic of common sense." When we see a man by persistent pluck and energy overcome the obstacles which this one has; when we see him acting upon nature's hints, and demonstrating apparently to the most common understanding, that the weight of a great river current can be so thrown as to plow its own way through to the Gulf and maintain itself permanently, shall we not give him the full scope of his plan and pay him the \$8,000,000 when his work is accomplished and tested according to the provisions of this bill? He asked nothing before.

Sir, one word further upon the cost of these various improvements and I have done. Since 1854 we have expended \$40,000,000 for the improvement of the rivers and harbors of this country; and according to the fact stated in a speech made by Mr. WELLS, in discussion here last session, three-fourths of that amount has been expended east of the Alleghany Mountains. Since the adoption of the Constitution I find from a report of the Senate committee that we have expended \$62,000,000 on public buildings, while on twenty thousand miles of the rivers of the West we have expended only the sum of \$11,438,300.

Now, sir, I do not especially complain of these expenditures for public buildings. Where necessary, they should be constructed in a substantial manner and upon a scale of liberality and style to correspond with the present and future wants of the country. But what would be thought of the farmer who should expend thousands of dollars in the erection of a house and the cultivation of his land but refused to invest anything for the purpose of transporting his products to the market town? Twenty-six million dollars is a large sum of money; but England invested \$40,000,000 to develop the culture of cotton in India, and little Holland pays annually \$4,000,000 to keep her 12,000 windmills revolving; and since the beginning she has expended \$2,000,000,000 in the construction of dikes to keep out the great sea waves.

We appropriate nearly \$300,000,000 annually for various governmental purposes, and yet doubt and hesitate about completing improvements which will return a tenfold profit upon the investment and stimulate industrial interests and enterprises all over the country.

If these jetties are constructed now and remain permanent, one authority says it will take one hundred and twenty years to form bars again; another that it will take one hundred and thirty-eight years; a third that it will take one hundred and seventy-eight years; and a fourth that it will take two hundred years. I only wish to say that if it takes even one hundred and twenty years' time, the Pinchback trouble will probably be over, Louisiana will be at peace, and our descendants can then judge whether the jetty system had better be continued or locks and dams substituted in their stead.

[Here the hammer fell.]

Mr. WILSON, of Indiana, obtained the floor.

Mr. STANARD. Does the gentleman from Indiana desire to speak to the bill?

Mr. WILSON, of Indiana. I want to offer an amendment, which I ask to have read.

Mr. STANARD. I will yield for the purpose of having it read for information.

The Clerk read the amendment, as follows:

Add at the end of section 2 as follows:

That the Secretary of War shall appoint a commission, composed of three engineers of the Army, one of whom shall be chief engineer, who shall from time to time examine the manner of the construction of the work herein provided for, and no money shall be paid on account of said construction until said commission shall have reported to the Secretary of War that the work done is of a permanent character and of durable materials.

Mr. STANARD. I am of the opinion that the substance of the amendment which the gentleman proposes to offer he will find not in the printed bill but in the substitute which the committee reported. I will state further that I am not disposed to allow amendments of this kind to be brought in here and considered in the hasty manner in which they would necessarily have to be considered here, as they have been before our committee and have been thoroughly discussed. This bill must be left in such shape that it can be accepted by the gentleman with whom we expect to deal. If the Government is desirous of having this work accomplished they must not put such provisions in the bill as will preclude and deter him from entering upon the work. Results are what we want, and in the bill as we have prepared it and presented it here no money is to be paid unless there are practical results from the execution of the contract. But Mr. Eads must be left free and not trammelled by prejudice or interest or by the *ipse dixit* of any Government engineer who might be sent in that capacity. There is a further provision made that the Secretary of War shall state in his annual report to Congress the amount that has been expended on the work, the progress made on it, and the nature of the work that has been performed, &c.

The SPEAKER *pro tempore*, (Mr. COTTON in the chair.) The gentleman's time is exhausted.

Mr. STANARD. I now ask that the Clerk read what has been prepared and discussed by the committee, night and day, to cover this very subject, and which I think will be satisfactory to the gentleman from Indiana himself.

The Clerk read as follows:

Payments shall be made on certified statements of an engineer officer, who shall be detailed by the Secretary of War, and whose duty it shall be to report the depth of water and width of channel secured and maintained from time to time in said channel, and such other information as the Secretary of War may direct. When a channel of twenty-two feet depth of water, and of not less than two hundred feet in width, shall have been obtained by the action of said jetties and auxiliary works, \$500,000 shall be paid; and after said depth and width of channel shall have been maintained for twelve months consecutively, \$500,000 shall be paid with interest at 6 per cent. per annum from the date when said depth and width was first obtained.

Mr. WILSON, of Indiana. Mr. Speaker, it has not been discussed day and night in the House but by the committee, and I think the House will see that it will not cover the point which I desire to reach by the amendment I have offered. I only desire to occupy the time of the House for a very few minutes, and then yield to such gentlemen as desire to speak either for or against the bill.

Now, Mr. Speaker, some time ago it was my fortune to visit the mouth of the Mississippi at the point where this work is proposed to be constructed. I was most profoundly impressed with the importance of opening that channel, to the end that the vast commerce of the great Mississippi Valley should have an unobstructed outlet to the sea.

After having said this much, I hope my friend from Missouri [Mr. STANARD] will not consider that I am speaking to this proposition in any unfriendly spirit. He says that in the hasty manner in which this matter is to be considered the House cannot properly consider the amendment I have submitted. This bill now before the House is one of very great importance. It involves the expenditure of \$8,000,000. It proposes to enter into a contract with Mr. Eads and his associates for the construction of this work, he obligating himself or the bill providing that certain depths of water to certain widths shall be maintained in this channel for certain periods of time. The importance of this measure cannot be overestimated. It is a matter of great importance to the people, especially of that valley. It is a matter of very great consequence to the Treasury of the United States, and we should take time to consider any amendment necessary to secure a contract fair to the Government.

In looking over this bill—and I did not read it until my friend began explaining its provisions—it occurred to me that there was nothing in it which afforded adequate protection to the Government, taking into consideration the large sum of money that is to be expended. If members of the House will examine the bill they will find that it nowhere makes any provision indicating the character of the material out of which this work is to be constructed nor the manner of construction; nor does it make any provision whatever with reference to protecting the Government as regards the permanency of the work to be constructed. I therefore thought it would be well enough to put into it a provision by virtue of which the Government could know that this work was being constructed out of proper material and in a permanent manner. Certainly in making this great expenditure of money it is not contemplated that this work shall be for one year or two years nor for twenty years, but it is to be a work that is to last for generations to come. For that reason and that alone I have offered this amendment.

Mr. PARSONS. Will the gentleman yield to me for a moment?

Mr. WILSON, of Indiana. I will.

Mr. PARSONS. I will say to the gentleman that the Committee on Commerce reported an amendment which I think covers the very point to which my friend is now speaking.

Mr. WILSON, of Indiana. I am glad my friend from Ohio [Mr. PARSONS] has called my attention to that. That amendment of the committee is written, not printed, and I did not see it until about the moment I sent up my amendment to be read. Upon an examination of that amendment of the committee the House will find that it does

not reach the point that is reached by the amendment I have offered, if I understand it. I ask the attention of the House to it when it shall be again read, and gentlemen will then see that there is a very great difference between the two propositions.

The amendment which I have offered simply provides that there shall be appointed a commission, to consist of three engineers of the Army, one of whom shall be the engineer in chief; and that no payment shall be made on account of this work until that commission or board shall certify to the Secretary of War that it is being constructed in a permanent manner and of durable materials. That is the point I am seeking to reach by my amendment. It seems to me to be a reasonable proposition.

I think that no man who has ever visited that point can be otherwise than impressed as I was with the great importance of opening the mouth of the Mississippi River. In offering this amendment I do not do it in any spirit of factions opposition to this bill. I think that something ought to be done; and if we undertake to do this work in this manner, making a contract with parties to do it, there should be some security to the Government, some provision in the contract that it shall be constructed of suitable material and substantially done.

Mr. THOMPSON. Will the gentleman allow me to offer an amendment to this bill?

Mr. WILSON, of Indiana. I will yield for an amendment.

Mr. CONGER. Does the gentleman have the floor so that he can yield?

Mr. WILSON, of Indiana. I was recognized as entitled to the floor in my own right; and after I have yielded for an amendment, I will yield the remainder of my time to the gentleman from Michigan, [Mr. CONGER.]

The SPEAKER *pro tempore*, (Mr. COTTON.) The gentleman from Michigan [Mr. CONGER] would have been recognized if he had claimed the floor at the expiration of the time of the gentleman from Missouri, [Mr. STANARD.] Until four o'clock is allowed for debate.

Mr. STANARD. And the previous question is to be regarded as ordered at that time.

Mr. WILSON, of Indiana. And my amendment is pending.

Mr. THOMPSON. I move to amend the first section of the bill by striking out the following:

And in the event of the privileges and authority herein granted being thus forfeited by the default of said Eads to substantially commence said work and to diligently prosecute the same as above stated, it shall be the duty of the Secretary of War to cause plans and specifications for the said work to be made, and to commence the construction of the same under the direction of the Chief of United States Engineers without delay; and the funds herein provided to be paid to said Eads and associates shall be applied, under the Secretary of War, in the construction of said works.

The gentleman from Missouri [Mr. STANARD] having charge of this bill has stated to this House that the strong inducement for its passage was that it contained a proposition to do this work at a large reduction, about 50 per cent. of what the board of engineers had estimated it could be done for. Now, in my judgment, the bill as it now stands is a perfect delusion. It would almost seem that the bill was for the very purpose of insinuating the Government into the making of this contract, and then binding it to do the work which the contractor would decline to do. The portion of the bill which I have moved to strike out makes it obligatory upon the Government to take charge of and perform this work, no matter at what expense, if Mr. Eads should decline to perform the work or accept the privileges which this bill proposes to give him. Now, if his offer or bid is 50 per cent. less than the Government can do the work for, and less than it will really cost, he has no intention of ever commencing this work. But if we pass the bill and he refuses to commence the work, the Government is bound to do it, cost what it may. I want, therefore, to test the sincerity of this bidder. If he intends to do this work, let him bind himself to do it; and let us strike out the clause which will shift the burden from his shoulders to the shoulders of the Government. If he intends to do the work, if he is able to do it and is acting in good faith, strike out this clause, and I will vote that he shall have the contract. But leave that clause in as a cover to compel the Government to assume the carrying on of this work, cost what it may, and I must vote against the bill.

[Here the hammer fell.]

Mr. WILSON, of Indiana. I yield the remainder of my time to the gentleman from Michigan, [Mr. CONGER.]

The SPEAKER *pro tempore*, (Mr. COTTON in the chair.) The gentleman has twenty-five minutes.

Mr. CONGER. I yield five minutes to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. Mr. Speaker, the exhaustive and able speech of the gentleman from Missouri [Mr. STANARD] renders it unnecessary, perhaps, that I should say very much upon this bill, or that any further discussion be had. It seems to me that this measure has been brought forward in such a manner that the House cannot fail at once to grasp it in all its magnitude and in all its beneficent results. I do not think a more important measure has been presented to this Congress than this, and I am glad thus far to discover the favorable spirit in which it has been received. No measure of the last session of this Congress was more cordially indorsed by the people of the Northwest than the measure that passed the House providing for the construction of the canal known as the Fort Saint Philip Canal.

Throughout the entire Northwest that proposition was gladly received and cordially indorsed; and those men of whatsoever party who voted for that project, now to culminate, I hope, in the passage of this bill, will be found, if the election returns are scanned and analyzed, to have been indorsed by the people in their ballots in the elections of November of last year.

I could (but it is entirely unnecessary) speak of the valley of the Mississippi River. To this great valley the Mississippi River is its only sea. With its obstructed mouth this river does not perform for this great section of the country what nature intended it should do. With the mouth improved and with a free passage from the Falls of Saint Anthony out into the Gulf, this river becomes to the great Northwest an inland sea, and the vast productions of the vast Northwest will find a ready outlet not simply to the markets of the New World but to those of the Old.

Mr. Speaker, the Mississippi Valley is to be in the future of this Republic the great grain-growing section. It must not, therefore, be disregarded in our legislation. It is in the interest of the Government and of the entire country that this river now be taken care of and permanently improved.

The gentleman from Pennsylvania [Mr. RANDALL] this morning spoke about retrenchment, and stated that by cutting off the appropriations for the rivers and harbors we might appropriate a less sum of money to meet the current expenses of the Government. Let me say to the gentleman from Pennsylvania that neither will his party nor any party sustain a policy that lets alone this grand Republic of ours and allows her to remain undeveloped. Strike down the appropriations for rivers and harbors, and you strike a solid blow at the inland-commerce of the country; you strike a blow at the industries of the country; and you still more completely bind the country in that sleep in which she now too soundly reposes.

Mr. Speaker, I had hoped that this Congress would close up with some legislation that would inspire the country. I do not ask that it be partisan; I do not ask that this side of the House simply inaugurate this kind of legislation; but I ask that this Congress inspire hope in the country by more liberal legislation. We need today a generous and liberal system of internal improvements; and those parties and those men are to receive indorsement that are willing to take hold of this question.

Therefore, Mr. Speaker, I hope that this improvement will now be carried on; and when other sections of the country come up expecting to receive recognition, I pledge every section my vote, whether it be an improvement North or West or South.

[Here the hammer fell.]

Mr. CONGER. I yield five minutes to the gentleman from Tennessee, [Mr. WHITTHORNE.]

Mr. WHITTHORNE. Mr. Speaker, thanking the gentleman from Michigan [Mr. CONGER] for the courtesy which enables me to occupy the floor at this time, I have, in the brief space allotted me, hurriedly to give the reasons which induce me to give my support to the Eads proposition for the opening of the outlets of the Mississippi River.

At the last session of this Congress I voted for the ship-canal project, which bill now lies in the Senate unacted on. And I also voted for the organization of the commission under which a "survey of the mouth of the Mississippi River" was directed to be made with a view "to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf or by deepening one or more of the natural outlets of said river."

The report of that board of engineers has been made and now lies upon our table, and taken in connection with the report of the Committee on Transportation in the Senate, together with the non-action of the Senate upon the bill passed by this House, makes it morally certain that unless the jettee-system improvement is adopted nothing will be done to open this "mediterranean sea" of America to the commerce of the world.

A question has been raised whether the jettee system should be put through under the control of officers of the Government, or, in other words, by the Government, or shall it be put through under and by contract with Mr. Eads and his associates.

If the improvement, Mr. Speaker, of the mouth of the Mississippi is now to be made or inaugurated, then I am clear in the opinion it should be done under the contract with Captain Eads as proposed by the pending bill. What is the Eads proposition? It is in brief—

To build parallel jetties at the mouth of the Southwest Pass, reducing the width of the river from two miles to one-quarter of a mile, thus increasing the velocity of the current and enabling the great flood of western waters to do its own dredging, taking up and carrying forward the vast accumulation at the bar and casting it into the Gulf beyond. He proposes to achieve this mighty and most beneficent work at his own risk and cost, asking not one dollar in compensation or reimbursement until the enterprise is so far completed as to afford a good, safe, and permanent channel to the open sea. He proposes to finally deepen the channel to thirty feet, and after twenty years of trial and approval by a Government commission, to receive \$3,000,000 for the whole undertaking. This sum is not more than one-fourth of what would be saved to the West and Southwest in a single year's transportation of our almost illimitable products.

It is a better one for the Treasury in its present crippled condition. It is not so full of risk. It has in substance the support of the board of engineers, to whom this whole matter was referred. It has received the encouragement of those commercial communities more immediately interested in this great work. In addition, allow me to say that

I prefer the "contract system" than for the Government to engage directly in works of any kind. It is better for the people in that it is more economic and less provocative of fraud and corruption.

Now, sir, the main question is, shall this work be done? And, first, is it within the power of Congress to direct it; and is it demanded by the public interests?

The constitutional question has been heretofore ably and in my opinion satisfactorily answered. Long years ago the strictest constructionists of the powers possessed by the Federal Congress conceded that the Mississippi was such a channel of commerce, confined to no section, traversing in its course States and dividing in its sweeping march commonwealths, gathering its power amid climes of snow and ice, and losing its strength under the influence of the tropics, that it was national in all of its relations. Upon its bosom is borne an annual commerce in excess of the entire foreign commerce of the United States, estimated to be in excess of \$2,000,000,000. Duty to the States that are bordered by it and its navigable tributaries, and whose products are dependent upon it for their value in easy and cheap transportation to market—these considerations, which might be elaborated and amplified, clearly demonstrate that the improvement of the Mississippi River is not only within the power but within the line of positive duty upon the part of Congress.

Recently, sir, the Legislature of my State, the State of Tennessee, instructed her Senators and requested her Representatives in Congress to support the project now before one of our committees known as the Southern Pacific Railroad. While not now yielding assent to the particular measure to which they request my support, yet I am sufficiently acquainted with that honorable body to know that the motives that underlay their instructions and request were the development of the material and political prosperity of our common State, and with that the entire country. I may be permitted differentially to say here that in the improvement of the Mississippi River and its tributaries, more than the Pacific or any other railroad, there is wealth, prosperity, and commercial freedom to the people of Tennessee, the West, the South, and the entire country.

In the very nature of things it cannot be a monopoly; it must be an open highway, free to all who choose to avail themselves of its freedom, power, and privileges. It is one that cannot be controlled by a "favored few" in our own country or subjected to the death-grip of a foreign bondholder. Neither the superciliousness of office, the fraud of agents, or reckless issue of stocks can embarrass the free course of trade thereon.

In these and other aspects of the proposition it becomes more important than any pending measure before Congress. And why? The importance of the Mississippi Valley in its present resources and its capacity of production and support of population in the future can hardly be estimated. Says a recent writer:

This valley contains 768,000,000 acres of the finest lands on the face of the globe, enough to make more than one hundred and fifty States as large as Massachusetts; more territory than the area of Great Britain, France, Spain, Austria, Prussia, European Turkey, and the Italian peninsula combined. If peopled as Massachusetts is, it would contain five times the present population of the United States; and as France is, it would hold as many people as the whole area of Europe contains; and as Belgium and the Netherlands are, with not the same danger of famine, it would contain four hundred million souls, largely more than one-third of the entire population of the world.

Traversed by the important rivers of the Ohio, the Missouri, the Illinois, the Tennessee, the Cumberland, the Arkansas, the Red, and others, it presents a river navigation which years ago drew from that eminent statesman of the West, Hon. Thomas H. Benton, the following graphic words:

The river navigation of the great West is the most wonderful on the globe; and since the application of steam-power to the propulsion of vessels, possesses the essential qualities of open navigation, speed, distance, cheapness, magnitude of cargoes, are all these, and without the perils of the sea with storms and enemies. The steamboat is the ship of the river, and finds in the Mississippi and its tributaries the amplest theater for the diffusion and display of its power. Wonderful river! Connected with the seas by the head and the mouth; stretching its arms toward the Atlantic and the Pacific; lying in a valley, which is a valley from the Gulf of Mexico to Hudson's Bay; drawing its first waters not from the rugged mountains but from the plateau of the lakes, in the center of the continent, and in communication with the sources of the Saint Lawrence and the streams which take their course north to Hudson's Bay, draining the largest extent of the richest land; collecting the products of every clime, even the frigid, to bear the whole to markets in the South, there to meet the products of the entire world. Such is the Mississippi!

And adds:

Who can calculate the aggregate of its advantages and the magnitude of its future results!

Since these words were uttered by that great statesman, the progress of the States of the Mississippi Valley has been dazzling in its rapidity and wonderful in its results. May I not here appropriately call your attention to the details of the present wealth of these States. I quote from the recent estimates made by the able statistician of the Agricultural Bureau of the value of the products of the principal crops of these States, and they are as follows:

Value of products of principal crops.

Ohio	\$106,423,700
West Virginia	14,187,511
Indiana	70,536,560
Illinois	117,998,170
Missouri	54,105,240
Kentucky	54,481,136
Tennessee	41,372,410
Iowa	83,102,210

Kansas	\$28,311,200
Nebraska	6,848,882
Mississippi	17,064,320
Arkansas	15,510,090
Louisiana	8,528,750
Texas	23,057,970
Michigan	49,265,000
Wisconsin	58,814,400
Minnesota	37,198,350
Territories	2,000,000
Total	788,887,659
Add Pennsylvania	115,965,700
Total	904,853,359

If, then, to this you add the value of live stock, the value of their minerals, oils, and the manufactures of woolen and cotton goods, you will have a grand total approximating three billions per annum.

It is a safe and reliable estimate of the value of the commerce which is carried per annum on the waters of the Mississippi, when it is stated to be over \$2,000,000,000; and when we pause to contemplate the magnitude of the future of these States, (that magnitude we can reasonably calculate when we turn to the census tables of 1860 and 1870, which show a rapid increase in population and wealth,) the importance and necessity of the improvement of this great and national channel of commerce cannot for one moment be denied. It is important and necessary to the cheap and successful transportation of the products of these States and their interchange in the markets of the world. It is an important check to the monopolies in transportation now controlling the commerce of these States. It is important as an aid in the development of the capacities of this great valley to the support of the millions who inhabit "the uttermost parts of the earth."

The people of Tennessee feel a deep interest in this proposed work, not only on account of the considerations already referred to, but from the fact that two of the important tributaries of the Mississippi River traverse the State of Tennessee and the Mississippi itself limits its western boundary. A large amount of its trade is done upon these waters, and with a free outlet to the seas a much larger amount will be done.

I trust, sir, before concluding, I may be allowed to mention another consideration which prompts me in my advocacy of this measure. I believe the hearty co-operation of Congress in the improvement of this river and its tributaries will be legislation healing and pacific in its political results. It will tend to bind together people but recently embittered toward each other. It will be accepted as a measure of love as well as justice by a people who feel that the General Government does not regard them with favor. It will bring into closer relations the people of the West and South. It is a measure that at once gives assurance to the people of all sections that it is the intention and purpose of the Government to unite by kindness and justice this people into one Union.

Mr. CONGER. I now yield three minutes to the gentleman from Louisiana, [Mr. SHELTON.]

Mr. SHELTON. Mr. Speaker, it is well known to the House that at the last session I opposed a bill for putting jetties at the mouth of the Mississippi River and favored the construction of a canal. I have never changed my views as to the proper method of improving navigation there. When the commission of engineers were appointed, there was a tacit agreement on both sides that they would abide the result. I propose to keep faith upon that question. Still, believing that the jetty system is only an experiment, I want that experiment tried at the expense of somebody else than the Government of the United States; for I am satisfied we cannot have a canal until this experiment has been tried and the plan exploded. If it shall be a success, we want nothing more; but if it shall prove to be a failure, then I think we can secure a method for the improvement of the navigation of the mouth of the Mississippi River in reference to which we can all agree. That is all I have to say.

Mr. CONGER. I now yield for three minutes to the gentleman from Louisiana, [Mr. SYPHER.]

Mr. SYPHER. It is a very short time to say anything on this subject. I will say that I have not changed my mind on this subject since last Congress, when I made a speech in favor of the canal. I still believe that is the best way to improve the mouth of the Mississippi River, but when I cannot get what I believe is right and what I want, I will take what I can get, and therefore will support this bill.

We had an investigation on this subject by seven engineers of the United States Army, six of whom reported in favor of a canal. We passed an act, however, allowing the President to appoint a commission of seven engineers, able in their profession, and they reported, six in favor of the jetty system, and one only in favor of the canal system. Here, then, is a pretty fair balance of the engineer talent of the country, and they have left us to decide, we who are not engineers, what we shall do on this subject of the improvement of the Mississippi River, and to make the necessary appropriation for it.

If this bill is properly guarded and the appropriation shall not be squandered in fruitless experiments, I am satisfied with it. I am in favor of an improvement whether by jetty or by canal, but give us something and as soon as possible.

I thank the gentleman for the courtesy of yielding to me even for such a brief time.

Mr. CONGER. I now yield for three minutes to the gentleman from Virginia, [Mr. PLATT.]

Mr. PLATT, of Virginia. Mr. Speaker, I yield to no gentleman on the floor of this House in an earnest desire to see the mouth of the Mississippi River properly improved, and I think now the way to improve it, as I believed one year ago when the subject was before the House, is by the jetty system.

But I object to this bill because for the first time in the history of this country we attempt by Congress to make a contract with an individual—to make through Congress directly a contract with one individual to carry on a great work of internal improvement under appropriation of money from the Treasury. I object to it on that ground, believing that this work should be placed in the hands of the men belonging to the Engineer Corps of the Army, who have always justified the confidence reposed in them by Congress in carrying on this character of improvement under the Government. I believe in the whole history of the country there has not been an instance on record where the engineers of the United States Army have failed to carry out properly any work of this character intrusted to them by Congress, and certainly no one has ever been charged even by implication with spending one dollar of the public money except for the purpose for which it was appropriated by Congress, or of making anything for themselves in the way of speculation upon Government works.

I object therefore, Mr. Speaker, to that particular feature of the bill; and I hope if anything be done by the Government the work will be placed in the hands of the engineers of the Army, and not as it is proposed in this bill one individual shall be selected to whom a contract shall be given. Least of all, sir, am I in favor of giving this work to the gentleman named in this bill; for if his estimates in regard to this work are as much out of the way as his estimates for the great work upon which he bases his reputation as an engineer, where he calculated it would cost \$4,000,000 and it in the end cost more than \$15,000,000, I think for one he is too expensive an experiment for the Government of the United States to afford especially in the present condition of the Treasury. I therefore hope the gentleman having charge of the bill, while I shall vote cheerfully to aid all I can to give Government aid to improve the navigation of the mouth of the Mississippi River by means of the jetty system—I hope that gentlemen will not press the bill to its passage until it shall be so amended as to provide that the work shall be placed where it properly belongs, under the superintendence of the officers of the Engineer Corps of the United States Army.

I am sorry, in the few minutes allowed me, there is not time to do justice to this question.

Mr. CONGER. I now yield for two minutes to the gentleman from Tennessee, [Mr. LEWIS.]

Mr. LEWIS. Mr. Speaker, the gentleman from Virginia thinks this work should go into the hands of the officers of the Army Engineer Corps. I do not agree with him. This is a project which for some reason that board of Army engineers has opposed, and it is something they will oppose unless they can have the whole control of it.

Mr. PLATT, of Virginia. The gentleman from Tennessee certainly does not desire to do injustice to the engineer officers of the United States Army when he knows that six of them out of seven on the commission reported in favor of this jetty system.

Mr. LEWIS. The gentleman does not know what he is talking about. The Chief of the Engineer Corps of the Army and nearly all of his subordinates have been opposed to this. It is a work which demands some genius, and they are not men of genius but men of routine. They are old fogies, although they may be useful and worthy men.

I wish, sir, to see this work put into the hands of a great engineer, who had sagacity enough to conceive the subject and present it to the world when these old fogies were all against it. It is like a thousand other things which have been done. Even this sleeping old board tells you it can be done. But it shall be done by other men, by men of genius, ability, and intellect. And then perhaps they will be ready to cry out that it is their work, and cackle over it as though they had laid the egg.

It was so in the improvement of the rivers of Europe. It was great minds like Sir Charles Hartley and others, not the sleepy boards of old fogies that have conceived the great improvements that have changed the whole face of Europe so far as the river system is concerned.

Mr. WILSON, of Indiana. Will the gentleman name the men of genius he would substitute for the old fogies, that I may have them put in my amendment?

Mr. LEWIS. I cannot yield to the gentleman, because he is a little crazy on the subject. He has offered an amendment the result of which, although not so designed by him, would be to kill the bill. This cannot be fettered in the way he proposes. Let us have a fair, square thing of it.

Nor can I agree with another gentleman who has said he is opposed to jetties and regarded them as experiments. The experience of the engineering works of Europe has settled the question. For the last

twenty-five years not a river has been improved there except by jetties, with the exception of the river Rhone, which was improved by a canal, and the head engineer, himself told the world that that was a land speculation.

[Here the hammer fell.]

Mr. CONGER. Mr. Speaker, I have not time now to enter at all into the merits of this bill, nor do I propose to do so. After the previous question is ordered I propose to address the House for a few moments.

I wish to say simply this, that this project, this plan which at the last session of Congress did not receive the entire approval of the Committee on Commerce or of the House, was referred by the unanimous consent almost of the House to a board of engineers, carefully selected, who should report on the jetty system of the whole world and the probabilities of its success at the mouth of the Mississippi. I was one of those who at that time had great doubts of the sufficiency of the jetty system to accomplish the object that all seemed to desire in opening the mouth of the Mississippi.

I am free to say—as I then agreed that my judgment in the matter should be controlled to a great extent by the conclusions of this able board—I am free to say that, having examined their report, having studied the analogies between the rivers that have been improved in the Old World by this system and the mouth of the Mississippi, I have come to the conclusion that the system of jetties is not only practicable, but may be considered safe in its application to the Mississippi.

The bill, which was before the last session of Congress, and which was then advocated and discussed very fully, has been amended now, with the concurrence of the Committee on Railroads and Canals and the Committee on Commerce, after many sittings and the most careful investigation; so that I think it will commend itself to the judgment of the House as being as nearly perfect perhaps as it is possible to make such a bill. There are some amendments, like that of my friend from Indiana, [Mr. WILSON,] which had the most careful consideration of the committee; and the portion of the tenth section of the substitute forming the written part of this bill was, I think, approved generally by all the members of the committee as the best substitute in that direction that could be adopted to guarantee to those who furnish the money to do this important work with that security which would enable them to bring capitalists into their scheme. There is another amendment proposed by the gentleman from Ohio to which the committee accede. It is to strike out on the third page, line 41, the words "without action by Congress." The committee also agree to the amendment to strike out the remaining words of that first section.

The SPEAKER. The House directed that at four o'clock the previous question should be considered as ordered on the bill and amendments. The first question is on the amendment of the gentleman from Pennsylvania, [Mr. THOMPSON,] to strike out all of the first section after the word "Congress," in the forty-first line.

Mr. CONGER. The committee recommend the acceptance of that amendment.

The amendment was agreed to.

The question recurred on the amendment offered by Mr. WILSON, of Indiana, as follows:

Add to section 2 these words:

Provided, That the Secretary of War shall appoint a commission, composed of three engineers of the Army, one of whom shall be the chief engineer, who shall from time to time examine the manner of construction of the work herein provided for; and no money shall be paid on account of such construction until said commission shall have reported to the Secretary of War that the work done is of a permanent character and of durable materials.

Mr. HURLBUT. Before this is voted on I desire to have read the part added in writing to section 10, beginning with the words "and it shall be the duty."

The latter part of section 10 was again read.

The question being put on the amendment of Mr. WILSON, of Indiana, there were ayes 44, noes not counted.

So the amendment was not agreed to.

The substitute, as amended, was agreed to.

The question recurred upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. CONGER. I desire to make a verbal correction in line 2, of section 9, to change the word "may" to "shall;" so that it will read:

Sec. 9. That in case of death or other disability of said Eads before the completion of said works, the same shall be prosecuted and completed by his legal representatives and his associates aforesaid, with the same powers, rights, obligations, and compensations as if done by him in person.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill, and being put, the bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DAWES. Will it now be in order to move to limit debate on the third section of the tariff bill?

The SPEAKER. It will not. The Committee of the Whole rose

by order of the House for the purpose of dispatching this business, and it having been disposed of, the committee must resume its session, and the gentleman from Maine [Mr. HALE] will take the Chair.

TAX AND TARIFF BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HALE, of Maine, in the chair,) and resumed the consideration of the special order, being House bill No. 4680, to further protect the sinking fund and provide for the exigencies of the Government.

The CHAIRMAN. When the committee rose the Clerk had just finished reading the third section of the bill.

Mr. ELLIS H. ROBERTS. I move on behalf of the Committee on Ways and Means an amendment to the third section, to strike out at the end of line 5 the word "July" and insert in lieu thereof the word "May." That is a change in the time when the repeal of this tax shall take effect. I also move to amend the section by adding at the end thereof the following:

Provided, That the Secretary of the Treasury may, under such regulations as he may prescribe, pay to manufacturers of matches a sum of not less than \$10 in any case for stamps and stamped paper unused or affixed to matches at the time this section shall take effect.

These amendments come from the Committee on Ways and Means. The first proposes that the tax shall be repealed from the 1st of May instead of the 1st of July. The second is a provision that is universally adopted in such cases, making provision for payment for stamps on hand and unused. The amendments are so simple that I know I need not take up the time of the committee in discussing them further.

The amendments were agreed to.

Mr. WARD, of Illinois. I move to strike out the entire section, and I send to the Clerk's desk a communication from manufacturers of matches in various parts of the country, which I ask the Clerk to read, and after which I will say only a few words.

The Clerk read as follows:

WASHINGTON, D. C., February 17, 1875.

DEAR SIR: Respectfully referring you to your proposal to move an amendment to the tax bill, for the purpose of striking out the section which repeals the stamp tax on matches, we give the following reasons why the match manufacturers wish the tax retained:

First. It operates as a protection against imported matches, which are required by law to be stamped before they are sold in this country, the same as those of domestic manufacture, and the importers having no facilities for doing this work of stamping, which involves the opening of the packages and the cost of repacking, they are deterred from importing them, and few or none are imported. Should the tax be repealed, large quantities will be brought in from abroad, as they can be laid down in our markets and sold for less than the cost of production here.

Second. The stamp tax has been for eleven years so large an item in our business, which is adjusted and organized on that basis, that its repeal involves a complete revolution in our whole business arrangements, the result of which will we think affect us injuriously.

Third. The tax has not been complained of by the manufacturers as a body, nor by a majority of them, nor to any considerable extent by dealers and consumers; all are apparently satisfied with it, and it would be difficult to find another example of so heavy a tax being levied and collected with so little opposition and so few complaints.

Fourth. The tax yields to the Government a large sum at a merely nominal cost for collection, is fairly and honestly paid, is evenly distributed over the whole population, and its payment scarcely felt by the poorest consumer.

Fifth. The repeal of the tax will involve a temporary stoppage of business, lasting until the repeal takes effect, and while it lasts depriving our operatives of work at a time when they need it sorely.

Sixth. And finally, it seems useless to repeal a tax which works so well, is felt so little, and is paid so willingly, and at the same time impose heavier taxes upon other interests which are already complaining of their burdens, and the collection of which will be difficult and costly.

There are many other reasons for the opposition of the manufacturers to the repeal of this tax, but the foregoing cover the main ground and we hope will be of some use to you in presenting the case; and we will thank you for any effort you may make in that direction.

Very respectfully,

O. C. Barber, of the Barber Match Company, Akron, Ohio; James Eaton & Son, Utica, New York; Wm. Gates, by W. B. Gates, Frankfort, New York, representing F. Zaiss & Co. of Philadelphia, New York Match Company of New York, Wm. Roeber of New York, John Locher of New York, Clark Match Company of Connecticut, and Hotchkiss Match Company of Connecticut; Wm. H. Swift of the Swift & Courtney & Beecher Company; E. G. Byam, of Byam, Carlton & Co., also representing H. Stanton, Syracuse, New York, and Messenger & Sweet, Norton, Massachusetts.

Hon. J. D. WARD,

House of Representatives, Washington.

Mr. WARD, of Illinois. That communication is signed by various manufacturers of matches in the East and it is also indorsed by some from the West. I desire to state further that from this source the revenue received during the last year was \$1,326,755. Out of that the proportion paid by the men whose names are appended to this communication was \$845,800, or more than half of the entire amount. I do not desire to debate the question further than to say that if there is any tax in the country which is fairly, widely, thoroughly distributed through the country it is the tax upon this article. It is an article of universal use, and the amount of revenue received from it is \$2,800,000 a year. I do not think that there is a man in the whole country who feels the burden of this source of taxation; and therefore I hold that it is wrong in principle and unfair to strike this article from the list of taxable articles in a bill to raise internal revenue.

Mr. DAWES. I will just state the reasons which induced the committee to put this section in the bill. There has been for three years a very strong pressure from the western part of the country to have

this tax on matches repealed. Ever since this bill was introduced parties have appeared before the committee from that section, from Detroit and from other portions of the western country, asking for a repeal of this tax.

Mr. HOLMAN. I rise to a question of order. It is impossible to hear what is going on in the committee.

The CHAIRMAN. The gentleman from Massachusetts will suspend his remarks until order is restored, and gentlemen who desire to converse will please retire to the cloak-room.

Mr. DAWES, (after a pause.) In addition to the fact that this is a burden upon the men who use matches, which are of universal consumption, there is this other fact to be considered. It requires a capital of \$30,000 or \$40,000 to be invested in the stamps used by these large manufacturers. You will see at once that no small manufacturer can carry that large amount of capital in stamps. The large manufacturers get a discount on their stamps provided they get a large amount of them, and the smaller manufacturers cannot invest enough money in stamps alone to obtain the advantage in this way resulting to the large manufacturer. The effect has been to break up all the smaller manufacturers of matches, and to concentrate the manufacture in the hands of several large establishments. In that way we have unwittingly made it a monopoly.

On the other hand, it is true, as has been stated in the communication which was read at the Clerk's desk, that the very tax itself is a protection to the American manufacturer of matches, because the foreign manufacturer, in addition to the duty which he has to pay when he gets here, is obliged to take his matches apart and put a revenue stamp on each hundred of them. In Sweden matches are made cheaper than they are anywhere else in the world. The Swedish match goes into the English market and drives out the English manufactured article, and it would come in here and drive out our manufacture if it was not for this protection.

I will state that all the opposition to the existing tax on matches comes from Detroit and in that vicinity; and all the desire to keep this tax and burden upon the people seems to come from the East. I believe I have stated this as clearly as if I was charging a jury. If you keep this tax on we shall save \$2,500,000 of revenue. If you take it off you will expose the match manufacturer to competition with foreign producers, unless by enabling every man to set up his little shop you can in that way keep out the foreign manufactured article. You benefit persons of large capital by keeping the tax on, and you will encourage the small manufacturers by taking it off.

[Here the hammer fell.]

Mr. CESSNA. The gentleman's charge is so impartial that I wish he would tell us how he wants us to vote and how he intends himself to vote.

The question was upon striking out section 3 as amended; and upon a division there were—ayes 66, noes 53; no quorum voting.

Mr. FIELD. I call for tellers.

Tellers were ordered; and Mr. DAWES, and Mr. WARD of Illinois, were appointed.

The committee again divided; and the tellers reported that there were ayes 109.

Before the noes were counted,

Mr. DAWES (one of the tellers) said: I do not ask for any further count, as everybody seems to be in favor of striking out the section.

Accordingly the section was stricken out.

The Clerk read section 4 of the bill, as follows:

SEC. 4. That on all molasses (not including tank-bottoms, sirup of sugar-cane juice, melada, or concentrated melada) and on sugars, according to the Dutch standard in color, imported from foreign countries, there shall be levied, collected, and paid, in addition to the duties now imposed in Schedule G, section 2504 of the Revised Statutes, an amount equal to 25 per cent. of said duties as levied upon the several grades therein designated.

Mr. KASSON. By instruction of the Committee on Ways and Means, I move as a substitute for the section just read that which I send to the Clerk's desk:

The Clerk read as follows:

That on all molasses, concentrated molasses, tank-bottoms, sirup of sugar-cane juice, melada, and on sugar, according to the Dutch standard in color, imported from foreign countries, there shall be levied, collected, and paid, in addition to the duties now imposed in Schedule G, section 2504 of the Revised Statutes, an amount equal to 25 per cent. of said duties as levied upon the several articles and grades herein designated: *Provided*, That concentrated melada or concrete shall hereafter be classed as sugar dutiable according to color of the Dutch standard; and melada shall be known and defined as an article made in the process of sugar-making, being the cane-juice boiled down to the sugar point, and containing all the sugar and molasses resulting from the boiling process, without any process of purging or clarification; and any and all productions of the sugar-cane imported in bags, mats, baskets, or other than tight packages shall be considered sugar and dutiable as such; *And provided further*, That of the drawback on refined sugars exported allowed by section 3019 of the Revised Statutes of the United States only 1 per cent. of the amount so allowed shall be retained by the United States.

Mr. KASSON. I will say that this section, offered now as a substitute, is the result of a careful investigation of the subject, assisted by all those interested at home and the importing interest, and as such I suppose it will be satisfactory to the Committee of the Whole. I will answer any question any gentleman desires to ask.

Mr. EAMES. Were these different interests represented before the committee, the importers, the refiners, and also the producers?

Mr. KASSON. They were, and this is the result of that interview, and it is thought to be satisfactory to all interested. It differs from the section of the bill simply in including melada, which ought to be

included and would have been included except for information from an official source, which was afterward found out not to be correct. I hope the amendment will be adopted.

The amendment was adopted.

Mr. HOLMAN. Is it in order now to move to strike out the original section?

The CHAIRMAN. A substitute has been adopted for the section as reported.

Mr. HOLMAN. I move to strike out the section as amended.

Mr. DAWES. Is that in order?

Mr. E. R. HOAR. Will it be in order to move to substitute for this section a provision imposing a duty on the importation of tea and coffee?

The CHAIRMAN. The Chair has already ruled upon a similar question that such a motion would not be in order now, but that the object may be accomplished by introducing a provision at the end of the bill.

The Clerk read the next section of the bill, as follows:

SEC. 5. That so much of section 2503 of the Revised Statutes as provides that only 90 per cent. of the several duties and rates of duty imposed on certain articles therein enumerated by section 2504 shall be levied, collected, and paid be, and the same is hereby, repealed; and the several duties and rates of duty prescribed in said section 2504 shall be and remain as by that section levied, without abatement of 10 per cent. as provided in section 2503.

Mr. HATHORN. I move to amend the section by adding the following:

That on all imported natural mineral waters there shall be collected and paid the following rates of duty, namely:

For each bottle or jug containing not more than one quart, 3 cents, and in addition thereto 25 per cent. *ad valorem*; containing more than one quart, 3 cents for each additional quart or fractional part thereof, and in addition thereto 25 per cent. *ad valorem*; otherwise than in bottles, 30 per cent. *ad valorem*.

Mr. DAWES. I rise to a point of order. I submit that the amendment is not germane. There is nothing about mineral waters in this section.

The CHAIRMAN. If there is nothing in section 5 in reference to the subject-matter of this amendment, the point of order is well taken.

Mr. BURCHARD. I move to amend by striking out section 5.

Mr. KELLOGG. I rise to a parliamentary inquiry. Is it not in order to offer amendments perfecting the section, before the motion to strike out?

The CHAIRMAN. The gentleman from Illinois [Mr. BURCHARD] has made the motion to strike out the section, and is entitled to five minutes upon that motion. Afterward, it will be in order to move amendments perfecting the section.

Mr. BURCHARD. Mr. Chairman, the bill as reported from the Committee on Ways and Means, and as explained by the members of that committee, would raise from thirty-five to thirty-six million dollars additional revenue. No gentleman has claimed upon this floor that the Treasury needs even that much either for current expenditures or to make provision for the sinking fund. The Secretary of the Treasury tells us that in the next fiscal year he expects to need only \$12,000,000 of additional revenue. He shows in his report that during the present fiscal year he will need only \$20,000,000. For the last fiscal year there was a deficiency of only \$16,000,000. We did not undertake to make that up; gentlemen even on our side of the House did not claim last year that we ought to make it up. We refused to adopt any measure of that kind in the then existing condition of the industries of the country. It is said that our industries are in no better condition now; that the situation of the country is such that we ought not to increase unnecessarily the burdens upon the people. The additions which have been made to the bill will give us \$5,000,000 more than the amount that would have been obtained from the bill as first reported. The amendment of the gentleman from New York, [Mr. Cox,] imposing additional duty upon champagne, will give us an increased revenue of over \$600,000. The amount of duty received last year upon the importation of champagne was \$1,230,488, and an increase of 50 per cent. will yield in addition \$615,244.

Cigars gave us nearly \$10,000,000 of revenue during the last fiscal year; and an addition of 20 per cent. to the present duty will give us nearly \$2,000,000 more. We have stricken from the bill the repeal of the tax on matches, so that our revenues in that respect will be about two and a half million dollars more than the estimate on which this bill was based.

The importations of champagne for the last four fiscal years, at \$3 per dozen pints and \$6 per dozen quarts, have been, in—

Year.	Value.	Duty.
1871.....	\$1,957,935	\$1,180,601
1872.....	2,426,619	1,437,060
1873.....	2,421,823	1,408,941
1874.....	2,244,420	1,230,488

At \$4.50 and \$9 rates the increased duties on last year's importations would have been \$615,249. Cigars, at \$5 per thousand, yielded an internal-revenue duty in the last fiscal year of \$9,333,592. An increase of \$1 per thousand would give an increased revenue from cigars manufactured in this country of \$1,866,718.

The bill will give on consumption for last fiscal year of internal tax on duty-paying articles as follows:

Distilled spirits, on 61,814,878 gallons.....	\$18,544,463
Tobacco, on 104,562,548 pounds.....	4,180,102
Sugar and molasses, 25 per cent. increase on \$34,852,600.....	8,713,150
Champagne.....	615,240
Cigars.....	1,866,718
Total.....	33,919,677

The bill, as now amended by the committee, and striking out the fifth section, will give about \$34,000,000. It will raise with the section remaining over \$40,000,000, an amount almost double what the most gloomy estimates claim will be needed for the next fiscal year.

I submit, then, that we shall raise from this bill, without the adoption of the pending section, all and more than all that the Committee on Ways and Means believed to be necessary for the wants of the Government. For that reason alone, without urging other considerations, I submit that this section should be struck out.

Mr. KELLOGG. Mr. Chairman, I rise to oppose the amendment. I will say at the outset to my friend from Illinois [Mr. BURCHARD] that so far as I know the manufacturers in our section of the country have not asked for this restoration of duty. They were opposed to the reduction in the first instance; it cut down duties 10 per cent. without regard to whether the revenues demanded it or not; and it was an unfortunate measure; for instead of bringing in more revenue, as some gentlemen urged would be its effect, and especially my free-trade friend from New York, [Mr. COX,] we had actually less importations for the nine months following the adoption of the measure, and consequently a smaller amount of duties than we had received under the higher rate. A report from the Secretary of the Treasury, made in answer to a resolution I offered the first session of this Congress, discloses this fact: When you strike off a duty from articles produced in this country, and cripple our own manufacturers by it, you make them and their employes less able to buy foreign goods; and while you produce less at home, if business is dull and people are idle or out of employment, you will find they will buy a less amount of foreign goods, and your revenues are thus diminished.

But there is one class of materials and goods, wools and woollens, upon which I think the duty had better remain as it is rather than be restored to the former rate of duty, for I do not believe that the growers of wool or the manufacturers of woollen goods will be benefited by a disturbance of the present duty. The increase of duty on wools will more than offset any advantage our manufacturers can derive from the restoration of the 10 per cent. on their manufactures; and if our wool-growing friends could only see it, they would get a better market for their own wools by a lower duty on foreign wools. I say once for all that our people are not asking any change in the tariff on their manufactures. They did not call for this 10 per cent. reduction in the first place; they believed it was a mistake, and it has proved to be a mistake; and now they do not ask its repeal, unless so far as it may be necessary to give the Government more revenue. Do not say you put this back because our manufacturers ask it.

Mr. ALBRIGHT. Is the gentleman opposed to the repeal of the 10 per cent. reduction?

Mr. KELLOGG. No, sir; not if the revenues require it; but do not do it on our account and lay it to the manufacturers. I was opposed to the reduction; it cut down all our manufactures 10 per cent. in duty. We remember how that 10 per cent. reduction was brought about. We had discussed the tariff here for some two weeks and the Committee on Ways and Means were all at sea with their bill; and then my friend from Pennsylvania, [Mr. KELLEY,] a member of the Ways and Means Committee, got up here one morning and moved to strike out the enacting clause. That motion was carried in Committee of the Whole by twenty or more majority; and the committee rose. The gentleman from Pennsylvania held the House as in the hollow of his hand. But he did not keep it; he did not call the previous question; his hand turned, his bill slopped over, and he with it. And then my friend from Massachusetts [Mr. DAWES] saw his opportunity and succeeded in getting the floor, and was cunning enough to move an amendment to the proposition of the gentleman from Pennsylvania, striking down the duty on these various articles 10 per cent.—a proposition which had been sent down from the Senate and which he had opposed down to that time. He struck hands with my friend from New York [Mr. COX] and with the other gentleman from New York on my left [Mr. WOOD] and with every other free-trader in the House, for the purpose of regaining his lost leadership in the bill; and he recovered it in that way. The Senate had sent that 10 per cent. reduction scheme down to us, as a tail to some little bill repealing the duty on salt or coal, which we had sent to them; and the chairman of Ways and Means had opposed it. But to get back his leadership he put himself at the head of the free-trade element of the House, and carried the 10 per cent. reduction in that way.

We made a mistake when we struck down those duties 10 per cent. If the Government requires more duty from those articles, let it impose it; but let it not be said that the manufacturers of New England come here asking for it. I say once for all that our manufacturers do not ask for a high rate of tariff if you will give them their raw materials at a lower rate of duty and give them more stability in your tariff legislation, and not continually tinker with it, changing it year after year and sometimes twice in a Congress. They desire to know what they may depend on in their business when they begin

the year, and they do not want these frequent changes in your tariffs. They want stability in your legislation and a settled policy. You struck off 10 per cent. from some articles that would bear it two years ago, and you crippled some industries by that reduction which would have flourished if you had let them alone.

Now, so far as wool and woollen goods are concerned, I believe the duty high enough, with this 10 per cent. reduction, if you will keep up the high duties on wool. I believe for the interest of the manufacturers they would rather have it as it is than to have added 10 per cent. additional on wool and woollens; and I believe the wool-growers better off without an increase of duty than with it.

So far as the interests of my friend from Pennsylvania are concerned, and so far as all of our other manufacturers are concerned, I would stand by this section; but I must say that in my own judgment this bill from beginning to end is a mistake on the part of the Committee on Ways and Means. If you will add 10 cents a gallon on whisky to be manufactured instead of 30, and put 10 cents a pound on tea, and 2 cents a pound on coffee, and strike out the first, second, and fourth sections, I do not know but the bill might then be in a shape to secure the necessary revenue and be satisfactory to the country.

Additional duty is imposed upon sugar. Now sugar is as much a necessity as tea and coffee, and there is already a very high duty on it. In my judgment the committee are making a mistake. They certainly did when they proposed to increase the duty on sugar 25 per cent. more, and except melada, and open a door for the enormous frauds that might be easy under that exception. I have a letter here from a firm of the highest respectability in my own district, who are familiar with the sugar trade, and whose opinion is worth more than my own in this matter. I will include the letter as part of my remarks. It is as follows:

NEW HAVEN, February 12, 1873.

DEAR SIR: * * * We much regret that any necessity should exist to enact any new tariff, as all such legislation is disturbing to business, and in the present instance seemingly hard; especially the proposed increase of duties on sugar, which already pays from 40 to 60 per cent. duties, and such an addition as 25 per cent. to present rates is very onerous. It would appear to be much better to put some of the burden upon tea and coffee, now free, and just as equally consumed. A peculiar feature in the proposed bill, to which permit us to call your attention, is the exemption of melada from the increase of duty, which is without any justification, and intended only to benefit a few refiners, who already are protected to an undue extent by the unequal operations of the present law, which admits low-grade sugars, such as they use at so much less duty than the higher grades; a difference which is further augmented for the refiner's interest by the proposed change, aside from the special and unjust exception in favor of melada. There is another fact connected with this last exemption which is, the greater inducement to fraud in importing sugars under the name of melada, a thing which can be done and is very likely to be attempted when such a marked difference exists in the duties.

We call your attention to these facts, and trust that this exemption in favor of melada will be eliminated from the bill; and it would be far better if the whole proposed change in the sugar duties should be abandoned, (the article being sufficiently taxed,) and the additional revenue needed be put upon tea and coffee.

With much respect, we remain yours, very truly,

L. W. & P. ARMSTRONG.

Hon. S. W. KELLOGG, M. C.,

Washington, District of Columbia.

When the time comes, for I do not wish now to cut off debate on it, I will move to strike out the enacting clause, unless some one else does it, for the purpose of instructing the Committee on Ways and Means to report a new bill, with a duty of 10 cents a pound on tea and 2 cents a pound on coffee, and 10 cents a gallon additional on whisky to be manufactured, which will be better than what is proposed in this bill for the revenues in my judgment, and which would be collected with much less danger of fraud than 30 cents a gallon; and then perhaps we could leave the rest of the bill as it is, with the exceptions I have named—

[Here the hammer fell.]

Mr. KELLEY. I move to strike out the last word, and I do so for the purpose of correcting a mistake into which my friend from Connecticut [Mr. KELLOGG] has fallen. It is true I moved to strike out the enacting clause of the tariff and tax bill referred to, but I never advocated this reduction and never consented to it.

Mr. KELLOGG. My friend from Pennsylvania moved an amendment, but did not call the previous question, and then the chairman of the Committee on Ways and Means got up, moved his amendment, and called the previous question.

Mr. KELLEY. The chairman of the Committee on Ways and Means of his own motion, without, so far as I know, the concurrence of any member of the committee, submitted that amendment.

Mr. DAWES. Without anybody knowing what he was going to do.

Mr. KELLEY. He moved a substitute embracing this 10 per cent. reduction, which I resisted. My object was to have the consideration of the subject of internal taxes before we reached the tariff question. I favored then, as gentlemen from the South and West know, a reduction of the tax on tobacco; for my theory is that we should relieve the productions of the country from internal taxation and protect ourselves against unequal foreign competition. And I believe now, sir, that the adoption of this section alone, without any of the other sections of the bill, would increase the revenue of the country, while the bill as it stands, including this section, would as a whole reduce the revenues. And from what I have heard on the floor to day I have reason to say, and I have also heard the fact elsewhere, that I express the opinion of the Secretary of the Treasury when I say this bill, instead of giving us revenue, will diminish the revenues of the Government. I have a copy of the Chicago Inter-Ocean of yesterday giving

a recital of the condition of those who would gladly be the working people of New York. The restoration of this 10 per cent. pure and simple would animate our manufacturing and mining industries—[Mr. DAWES, chairman of the Committee on Ways and Means, made a remark which was not heard by the reporters,] under the tutelage of the chairman of my committee, who always takes charge of me to guard me against committing improprieties.

I will proceed to read the article referred to.

It is as follows:

Want and destitution prevail among the poorer classes of New York, and especially during the late intensely cold weather the applications for relief to the different charitable institutions appear to have been unprecedented. Among the multitude which last week besieged the doors of the "Saint John's Guild," at least 95 per cent. were women and children, many of them shoeless and with frozen feet. The terrible aggregate of human suffering in a great city can be appreciated only by understanding individual cases, and of these sad illustrations there are now so many that no one can plead ignorance of destitution as an excuse for withholding charity. Thousands of families are in absolute want. Their savings are long spent, their credit is exhausted, and work they find it impossible to procure. Some of the most pitiful tales reach us of poverty and hunger which are even beyond the reach of the resources of organized philanthropy. The cry for food, work, money, and clothes comes from every side. One meal, consisting of two apples, has sustained for thirty-six hours a man out of employment. Another is subsisting his family on the price of his wife's silk dress. An educated German, quoting Virgil and Aristophanes, begs for a few cents to secure a night's lodging. Even more sad than strong men thinly clad and weakened by long fasting is the spectacle of poor women, treading the icy pavements with slipped feet and keeping out the biting wind with only a summer shawl, and, more heart-rending still, suffering in obscurity in cold lodgings, without food or even sufficient clothing to make up for the absence of the costly luxury of a fire.

The dismal tramp through the streets from night to morning or the search for some sheltering porch or alley where uncomfortable rest may be found lead too often to the repose of the dark waters of the docks or the fatal oblivion of opium. It is a ghastly procession that moves on through the busy streets, staggering with faintness, and beseeching charity with voices many of which are unaccustomed to beg. "Accidental poverty" is the most painful to witness; and that it now exists in New York to an unusual extent the reports of the charitable relief associations abundantly attest. At one of these institutions no less than nine hundred persons applied for food and lodging one night last week, and more than four hundred were turned away for lack of accommodation. The station-houses are avoided by this class, and the consequence is that they are occasionally found exhausted by hunger and cold, preferring death to association with the professional mendicant.

This is the condition to which, by legislation against the laboring people of the country and imposing taxes upon domestic production, you have reduced them.

[Here the hammer fell.]

Mr. COX. If I understood the object of the gentleman from Pennsylvania, [Mr. KELLEY,] it was to put on this extra 10 per cent. to animate industries. They have had their percentages running from 50 to 600, and now they ask for war percentages in time of peace. The gentleman reads something from New York about charities established there by the benevolent people of that city.

Mr. PARKER, of New Hampshire. Chicago.

Mr. COX. Chicago, was it? It is the same thing; it was something read from the Inter-Ocean.

Now, I say to the gentleman from Pennsylvania, with all earnestness, and to this House, that if there is one cause more than another, the cause of causes, for the impoverishment of the poor people of this country, it lies at the door of that gentleman more than of any other man in this House; but I suppose the gentleman thinks he is decorated by such an allusion.

Why, Mr. Chairman, you, sir, from Maine, know very well—you know it too well—that your commerce and your shipping were cut up by the roots because these cormorants clamored for more protection on iron and all the materials that enter into shipping. I cannot speak with the full volume of voice that belongs to the gentleman from Pennsylvania, [Mr. KELLEY,] but if my voice were ten times louder and stronger and more eloquent than his, I would have it reach the farmers of this country and let them know what it is that gentlemen propose to do when they add 10 per cent. more to the present high rate of taxation. I can give you items that come right home to the every-day business and convenience of our farmers and our poor people. Take hosiery, taxed at 96 per cent.; blankets, 106 per cent.; flannels, 113 per cent.; calicoes, 61 per cent.; thread, 75 per cent.; carpets, 54 per cent.; yarns, 94 per cent.; balmorals, 93 per cent.; delaines, 82 per cent.; poplins, 61 per cent.; wool hats, 101 per cent.; clothing, 45 per cent.; earthenware, 40 per cent.; pocket knives, 45 per cent.; soap, 46 per cent.; sugar, 88 per cent.; and now you are adding a little more to it, making it 99 per cent., if I understand the gentleman from Iowa; salt in bags, 43 per cent. And all these are articles in daily use. No wonder that the people have panics. No wonder that they are beginning to find out, as shown by the elections last fall, what a "revenue and protection tariff" means.

Protection! It is the protection, sir, which the lamb receives from the wolf. It is nothing more nor less than cheating by statute, or legalized robbery. Take the articles made out of iron, take every one of them—the spikes and nails, the hoes and shovels and plows, the fanning-mill, the thrashing-machine, the mowers and reapers—these are all made from iron; and the farmer pays the extra cost which is put upon those articles for your protection. It comes out of the grain produced by the farmer.

If it were only arranged that so many bushels of grain were paid over to the custom-house collector; if it were only understood that we were to send so many hundred bushels of wheat whenever we bought blankets, cutlery, woolen and cotton goods, iron, and paints and oils, there would be a sudden and stunning cry for reform on this subject,

even louder than that of last fall. For the truth is that nine-tenths of this money, if not more, goes not to the Treasury but to those who despoil the people without regard to the Constitution of the United States. Whether you raise wheat, or oats, or potatoes, or pork, or beef, or make horses' shoes, or wear clothing, or make clothing—whether you are a farmer, painter, carpenter, blacksmith, shoemaker, or a day-laborer, you are despoiled by this protective system whenever you pay an excess of percentage above that which goes to the Treasury; and if protection does not do that who will care for it?

[Here the hammer fell.]

Mr. KELLEY. The gentleman from New York really believes what he has been saying. He won the approval of President Wayland when he made that speech on his graduation, for he was the valedictorian. We have been hearing it for the last fourteen years, until I know it as well as he does—that is, only by memory.

I desire, sir, to go to the farmers with him. Sir, the farmer pays on the tobacco he produces, and the grain he raises for distillation, taxes now ranging from 250 to 400 per cent., and the gentleman proposes to put these taxes up to from 400 to 500 per cent. Five hundred per cent. is not too high a direct tax for the grower of tobacco to pay; not too high for the western farmer, whose grain is distilled into spirits, to pay; but a tariff averaging 40 per cent., levied in protection of the right of the American laborer to employment in his own land, is regarded by the gentleman as a grievous burden!

Why make your internal taxes, which your own people must pay, a thousand per cent. more than the duties by which you protect their industries? O, go with me to the farmers, and you may make the farmers remember your valedictory address as well I do; but they will know the facts that lie behind, and will reject you and your theories.

Mr. COX. They have not done it yet. They did not do it last fall.

Mr. KELLEY. Why stands the machinery of this country idle? Why runs its water-power to waste?

A gentleman at my side suggests that the Ohio farmers drove the gentleman out of that State. I remembered that fact, but it was an indignity and I did not want to refer to it. The gentleman now represents the importers of New York, and he is not a carpet-bagger either.

I repeat the question, Why is your machinery idle? Why does your water-power run to waste? Why are your people unable to contribute to the public revenues? It is because the gentleman and men of his convictions labor to prostrate the laborers of this country, deprive them of employment and reduce their wages, and they have thus made many an honest, independent family familiar with the bitter bread of charity, for which they have gone, as the paper I read described it, with bleeding feet and slenderly covered bodies. Come, gentlemen, let us try whether the restoration of the 10 per cent. of duties will increase the prices of commodities. The repeal of this portion of then existing duties did not reduce them one cent in any market of the world, nor would the restoration enhance them.

Mr. HAWLEY, of Connecticut. I move to strike out the last word.

The committee is not considering any measure of protection, as I understand it. We are discussing a bill which comes before us primarily as a revenue bill; and it is in that aspect I choose to consider it. But I cannot help observing how differently it strikes different men according to the section from which they come. I noticed that the eloquent advocate of protection from Pennsylvania the other day was quite unwilling that the tax on alcohol should be increased. I did not understand it at first until I reflected that after all it was raw material of which a large number of manufacturers among the gentleman's constituents make use, and which stands to them precisely in the same relation that wool, iron, and steel stand to the manufacturers in my own district. We do not produce wool, iron, or steel to any extent in our part of the country; but we need great supplies of them to serve as the raw material of our manufactures.

Now, sir, it is proposed to amend section 2503 of the Statutes at Large so as to increase the duty on wools, alpaca, &c., and the manufactures from these articles. It is proposed to raise the duty on wool and woolen manufactures. I wish to correct the impression some gentlemen entertain, that it is a measure in the interest of the protection of New England manufacturers. You may say that though it increases the duty on imported wool, it increases the duty on manufactures of wool also sufficiently to counterbalance. Sir, we are perfectly willing to waive the proposed increase of the duty on manufactures of wool if you will let us get wool a little cheaper. The manufacturers can use all the wool raised in this country and a great deal more, and they desire to get that from abroad as cheaply as possible. We are not so much interested in protection against woolen manufactures from abroad as we are in the cost of wool. If you would reduce this duty on wool a little instead of raising it, I strongly surmise that you would get a greater revenue. There is not time for me to show how it would work, but it is perfectly clear, and I should make it perfectly clear if I had time by a letter from a large importer and manufacturer of wool and woollens who is making a fine article of woolen goods. He has to use chiefly foreign wool. He does not ask that you shall put a duty on woolen goods, but that you shall place the duty on wool at such rates that he can compete with better advantage with the foreign manufacturers in the purchase of wools in foreign markets. At present he is weighted down by remember-

ing that when he gets his wool to New York he must add to the original cost of his wool duties ranging anywhere from 50 to 100 per cent. or more. He desires to get his raw materials more cheaply, that when the home market is glutted he may take his goods to foreign markets and there compete successfully with foreign manufacturers. That he cannot do while you so greatly add to the cost of his raw materials.

[Here the hammer fell.]

Mr. COTTON obtained the floor.

Mr. SMITH, of Ohio. I move that the committee do now rise.

Many MEMBERS. Vote! Vote!

The CHAIRMAN. The Chair recognized the gentleman from Iowa, [Mr. COTTON.] Does he yield for the motion that the committee do now rise?

Mr. COTTON. I do not.

The CHAIRMAN. Then the gentleman will proceed.

Mr. COTTON. Mr. Chairman, if the Government needs more revenue I am in favor of imposing duties for the benefit of the Government in preference to imposing those which would be for the benefit of individuals, and I therefore support the amendment to strike out that section of the bill which restores the 10 per cent. duty on cotton goods, woolen goods, iron, manufactures of iron, and other manufactured articles, and in lieu of that I would add a section imposing a duty on tea and coffee.

I am one of the illustrious forty-nine who voted in this House two years ago against placing tea and coffee on the free list. I prefer a duty which will give the Government all the money that may be paid in consequence of that duty rather than that which will give to individuals a portion of the money that must be paid as the result of the duty.

We need not discuss the question whether the restoration of the 10 per cent. on manufactured articles will increase the cost of those articles to the consumer to the full extent of the 10 per cent. We know that the effect will be to give increased profits to the manufacturers; that the design on the part of the protectionists is to give them an advance in prices, and whatever that advance may be it is to that extent a tax upon the consumer in favor of the manufacturer, while the Government will receive only the duties upon the imported portion of those classes of goods. The different effect of a duty on tea and coffee and of that upon manufactured articles is very plain. I have heard the argument made upon this floor that we should spare tea and coffee from taxation for the sake of the laborer and the poor man, they being, as it is claimed, so essential for his use. Any one can understand the sophistry of that argument. All the tea and coffee consumed are imported, and whatever increased price may be paid for these articles in consequence of a duty thereon goes into the Treasury of the United States. On the other hand cotton goods, woolen goods, iron, and the other commodities on which it is proposed to increase the duty 10 per cent., are partly imported and partly manufactured in this country, and therefore this additional duty would yield to the Government revenue on the imported part, and will enable manufacturers to advance the prices on like articles manufactured by them, and the people will have all to pay.

With a duty on tea and coffee the people pay no more as the result of the duty than is added to the revenues. The duty is simple, and accomplishes just what it professes to do; it takes only so much as goes into the public Treasury. But of the boots and shoes, blankets, cotton and woolen goods, hats, iron, coal, and salt which are sold in our markets, a portion being imported and a portion produced in this country, and all being sold in a common market, like articles of the same quality will bring the same price. Such of these articles as are imported pay the prescribed duty, and that the Government receives; but just as much as the price of the imported article is increased by the duty the manufacturer of a similar domestic article can add to the price of his goods, and that he takes. The wealthy manufacturer therefore has no interest in having a duty on articles which are wholly imported, such as tea and coffee, duties on which only benefit the Government, but he prefers a duty on those classes of articles which he makes, so that while the Government collects the duty on what pass through the custom-house, he collects for his own pocket an increase in price on similar articles manufactured by him. An American manufacturer sells his blankets for the same price at which are sold imported blankets, the duty on which averages when reduced to *ad valorem* from 60 to 100 per cent. according to the tables of the chief of the Bureau of Statistics. A poor man in need of a pair of blankets may chance to purchase those that have been imported, in which case the Government has had the benefit of the increased cost caused by the duty; but should he purchase another pair, these may have been made in this country, in which case whatever additional price the manufacturer can place thereon by reason of their being sold alongside of high-tariffed imported blankets is his gain. The result is the poor man in effect pays duty on two pairs of blankets—on one to the Government, and on the other to the manufacturer. The same is the case with other woolen and cotton goods, and many necessary articles required by all the people. Thus it will be seen that duties on tea and coffee take from the people only what is received by the Government, while duties on classes of goods which are imported only in part yield revenue to the Government on the imported portion and give the manufacturer the opportunity to add to his price and profits on similar goods not im-

ported. The Government cannot obtain a given amount of revenue without it is once paid, and when a certain amount can be placed in the Treasury by paying it but once, as is done through duties on tea and coffee, the burden of the duties is as light as it possibly can be; but when the effect of the duties assumes a more complicated shape, as it does when they are on a class of goods some of which are imported and some not, and all sold for the same price, the Government secures some revenue and the manufacturers some additional profit and the people have both to pay. Again, if tea and coffee can be kept on the free list and the Government be deprived of the revenue from that source, this will make it necessary to maintain tariff rates proportionally higher on commodities which are produced in part in this country; and consequently a wider margin will be afforded for manufacturers' profits.

[Here the hammer fell.]

Mr. BURCHARD obtained the floor.

Mr. COTTON. I would like a little longer time.

Mr. BURCHARD. I will yield to the gentleman.

Mr. COTTON. In consequence of placing tea and coffee on the free list from and after the 1st day of August, 1872, the Government lost for the first eleven months \$25,000,000, and for the twelve months ending June 30, 1874, it lost an additional sum of \$16,000,000, making \$41,000,000 virtually thrown away by reason of making tea and coffee free. In the report of the Secretary of the Treasury for the last year we have the statement made that there was nothing saved to the consumer in consequence of the abolition of that duty, while had it been retained \$41,000,000 could have been added to the revenues of the Government. The statement of the Secretary is as follows:

The import statements for 1872-73 show how heavily the revenues from customs were depleted by the reduction of 1872, coffee alone having yielded \$10,969,098.77 in 1871, and \$7,192,074.91 in 1872. On the importations of coffee in 1873 the rate of 3 cents per pound would have yielded nearly \$9,000,000, and 2 cents per pound almost \$6,000,000.

The following table exhibits the annual imports of coffee and tea from 1871 to 1874, inclusive, with the total value thereof, and the average price per pound in the countries of their production:

Statement of imports of coffee and tea during the four fiscal years, (ending June 30,) 1871 to 1874, inclusive.

Fiscal years ending June 30.	Pounds.	Aggregate cost at place of shipment.	Average cost per pound at place of shipment.
COFFEE.			
1871.....	317,992,048	\$30,992,869	Cents. 9.74
1872.....	298,805,946	37,942,225	12.69
1873.....	293,297,271	44,109,671	15.00
1874.....	285,171,512	55,048,967	19.34
TEA.			
1871.....	51,354,919	17,254,617	33.60
1872.....	63,811,003	22,943,575	36.00
1873.....	64,815,136	24,466,170	37.74
1874.....	55,811,605	21,112,234	37.82

This record of foreign prices for coffee tends strongly to the conclusion, making due allowance for the effect of short crops on prices, that the duty repealed by the act of 1872 was added to the selling price abroad, with no advantage to consumers here, while the country, as a whole, has paid more than before for the entire stock. The repeal of the duty on tea caused little or no reduction of prices to consumers here, but an increase of prices abroad.

Are tea and coffee necessities above all other articles? A child needs to be clad and shod years before the kind parents will indulge it with a cup of tea or coffee. From its advent into the world and the time it is wrapped in swaddling-clothes, cotton and flannel goods are essential to its very existence. Some persons never drink either tea or coffee. It is evident that as essentials to health and life tea and coffee are not to be compared with boots and shoes, cotton and woolen goods. Then why do we see such display of philanthropy over making tea and coffee free? It is rather remarkable that those who are so much concerned for the poor man in the matter of duties on tea and coffee feel no compassion for him when it is proposed to lay a duty on his hat, his coat, his shirt, and upon every article of clothing which are so essential for the use of himself and family.

[Here the hammer fell.]

Mr. DAWES. I now move the committee rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HALE, of Maine, reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration a bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government, and had come to no resolution thereon.

OSGOOD B. WEBB.

Mr. GARFIELD. I ask unanimous consent for an order of the House requesting the Senate to return to this House a bill passed on Tuesday last making appropriations to enable the Clerk of the House to pay certain employes of the House. I ask this in order that when the bill shall come back I can move to add to it the sum of \$486 to be paid to the widow of Osgood B. Webb, deceased, late in

the service of the Doorkeeper of the House, for pay and funeral expenses.

No objection was made, and it was so ordered.

SECURITY OF ELECTIONS.

Mr. COBURN. I rise to make a report, in part, from the select committee investigating affairs in Alabama. It is a partial report of the committee, privileged to report at any time.

Mr. RANDALL. I move that the House take a recess until half past seven o'clock.

The SPEAKER. The House has ordered that the session of this evening shall be given to the Committee on Invalid Pensions, and the House will be presided over by Mr. CESSNA, of Pennsylvania.

Mr. COBURN. I desire to introduce this bill for printing and recommitting.

Mr. RANDALL. I will not object if the gentleman will consent that it shall not be brought back on a motion to reconsider.

Mr. COBURN. I will not do that.

Mr. RANDALL. That will reserve for the future the contest as to the right of the committee to report again at any time.

Mr. DAWES. The committee will have the right to report at any time.

Mr. RANDALL. I am willing to waive that question for the present, and consent that the bill may be introduced and recommitting, no advantage to be taken of the motion to reconsider; and the question of the right to report at any time to be reserved for future determination.

The bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections, was received, read a first and second time, ordered to be printed, and recommitting to the select committee on affairs in Alabama.

Mr. COBURN. I ask that the bill may be printed in the RECORD. No objection was made, and it was so ordered.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if two or more persons within the jurisdiction of the United States shall invade any of the States of this Union for the purpose of forcibly overthrowing the existing government of said State, or any constituted authority of the same, or for the purpose of interfering in any forcible or unlawful manner with the due execution of the laws of said State or of the United States, or if two or more persons within the jurisdiction of the United States shall conspire with any other person or persons for any of the unlawful purposes hereinbefore recited with intent to commit the same, each person so offending shall be deemed guilty of felony, and on conviction thereof shall be punished by fine not exceeding \$10,000 and by imprisonment and confinement to hard labor for a term not exceeding ten years, at the discretion of the court trying the same.

SEC. 2. That if two or more persons shall conspire together to overthrow by force or to usurp by violence the State government of any of the States of this Union, or any department thereof; or if any two or more persons shall in fact by force and violence attempt to subvert or usurp such State government, or any department thereof; or if any two or more persons shall by like force and violence actually overthrow the existing government of any State, or any department thereof, each person so offending shall be deemed guilty of a crime, and on conviction thereof shall be fined not less than \$500 nor more than \$5,000, and shall be imprisoned not less than one year and not more than twenty years, at the discretion of the court trying the same.

SEC. 3. That any person or persons using or proposing to use fire-arms or other deadly weapons against any peaceable individual or individuals, or assemblages of the same, at or near the place and on the day or days of registration or holding an election for Representatives or Delegates to Congress, for the purpose of intimidating or injuring such individual or individuals while such election is in progress and before the same shall have been completed, or before such election has commenced to be held, for the purpose of intimidating such individuals from coming to the same, shall be guilty of a crime, and on conviction thereof shall be fined not less than \$500 nor more than \$2,000, and imprisoned not less than one year and not more than three years, at the discretion of the court trying the same: *Provided*, That in all prosecutions under this act the open or concealed carrying of fire-arms or other deadly weapons at such election or place of registration shall be taken as presumptive evidence of the intent to intimidate under this act.

SEC. 4. That in case the registration officers appointed under the laws of any State or Territory, whereby the laws of said State or Territory registration is required as a condition of voting at any election for Representatives in Congress, shall willfully or corruptly refuse or neglect to give any persons entitled to vote at any precinct or voting-place established under the provisions of the laws of Congress or of any State or Territory full and sufficient opportunities to register in the manner prescribed by law and within the time fixed by law, or shall by any device or subterfuge impose conditions or enforce discriminations upon voters or classes of voters not declared in such registration laws, or shall refuse or neglect, on request made by the voter or his agent, to furnish such voter with a certificate of registration or such other form of evidence of the same as may by law be required in such State or Territory, such officer shall be deemed guilty of a crime, and on conviction thereof shall be fined not less than \$500 nor more than \$1,000, or imprisoned not less than six months nor more than two years, or both, at the discretion of the court trying the same.

SEC. 5. That any person or persons who, at any election for a Representative to Congress, shall, by cunning or device, fraud or force, take or cause to be taken from the legal custodian or custodians of the same, or from any place where kept in deposit by any such custodian or custodians, the box or boxes of ballots or the poll-lists, or either of them, or shall carry away, conceal, scatter, deface, mutilate, or destroy said ballots or poll-lists, or any or either of them, before the final count and comparison of the same has been completed and the result of the election ascertained and publicly announced, or before the time has expired for which such ballots and poll-lists, or either of them, have to be preserved under the laws of the United States or of such State or Territory, every such person shall be deemed guilty of a crime, and on conviction thereof shall be fined not less than \$500 nor more than \$3,000, and imprisoned not less than two years nor more than five years, at the discretion of the court trying the same.

SEC. 6. If in the prosecution of any of the undertakings hereinbefore declared unlawful, or in the commission of any of the offenses hereinbefore set forth, any person not participant in said offenses or unlawful undertakings shall be killed by any persons engaged in the same, or any of them, such killing shall constitute the crime of murder, and any person committing the same, or accessory before the fact to such commission, shall on conviction thereof suffer the penalty of death.

SEC. 7. That the district courts of the United States within their several districts shall have, exclusively of the courts of the several States, jurisdiction of all crimes and offenses against the provisions of this act, and also concurrently with the circuit courts of the United States of all causes, civil or criminal, arising under this act, except as herein otherwise provided; and the jurisdiction hereby conferred shall be exercised in conformity with the laws and practice governing United States courts, and all crimes and offenses committed against the provisions of this act may be prosecuted by the indictment of a grand jury, or, in cases of crimes and offenses not infamous, may be either by indictment or information filed by the district attorney in a court having jurisdiction.

SEC. 8. The supervisors of election hereafter appointed for any county, parish, or voting precinct in any congressional district, at the instance of ten citizens as provided in existing laws, shall exercise the same powers and perform the same duties as are now given to and required from supervisors in towns and cities of twenty thousand inhabitants or upward. All supervisors of elections within any congressional district may hereafter be appointed from the congressional district; and the judge of the circuit court of the United States within whose circuit such district may be situated shall appoint such supervisors on petition, as now provided by law, at least thirty days prior to the registration or election in which they are to act, and one of said supervisors so appointed by said judge shall be by him denominated as chief supervisor of said congressional district, and shall possess the powers and perform the duties now required by law of a chief supervisor.

SEC. 9. The provisions of existing laws as to the appointment, powers, and duties of special deputy marshals for cities and towns of twenty thousand inhabitants or upward in elections for Representatives to Congress are hereby extended to the several counties, parishes, and voting precincts in each congressional district, and such special deputies may be selected from any portion of such congressional district.

SEC. 10. At all elections for Representatives in Congress hereafter held the managers of such elections or board of officers charged with the conduct of the said election, by whatever title denominated, at the several polling places shall immediately after the closing of the polls, and before separating or adjourning to any other time or place, count and declare in the presence of the supervisor and deputy marshal, if any shall have been appointed and shall be present at said polling place, the result of the vote polled at said place of election, and shall thereupon immediately certify the same so far as relates to Representatives in Congress or presidential electors, if voted for in said election under the laws of the State, and shall deliver such certificate to said supervisor or deputy marshal, whichever may be present, and such supervisor or deputy marshal, as the case may be, shall at once transmit such certificate to the chief supervisor of the congressional district, who shall, as soon as practicable, forward the same to the Clerk of the House of Representatives. And the officer or officers charged with the canvassing or consolidation of the vote of any county, city, or parish shall in like manner perform such duty in the presence of such supervisor, if present, who shall, if appointed, attend in each, county, city, or parish at the time and place provided by law for such canvass and consolidation.

SEC. 11. No officer whose office is created by this act shall receive any compensation whatever from the United States for his services, nor shall the compensation heretofore allowed by law to any officer already existing be in any manner increased by reason of anything in this act contained.

SEC. 12. That the ballots, poll-lists, tally-sheets, or other papers which by the law of any State are evidence of an election, and which have been used in elections for Representatives to Congress, shall hereafter be preserved and safely kept by the custodian provided by the laws of the several States until the close of the first session of the Congress to be affected by such election. That either party to an election contest in the House of Representatives of the United States, in which contest an allegation of fraudulent count or change of ballots is made, may have a subpoena directed to said custodian, who shall, if so required by said subpoena, produce such original ballots, lists, and other papers connected with said election, and the same, after the usual notice to the contestant or contestee, may be examined and compared before any person in the county or parish authorized to take depositions in contested elections, and such person shall certify under his hand and seal and forward in the manner provided by law said examination and comparison to be used as evidence in the case. After said examination and comparison shall be completed said ballots, lists of voters, and other papers shall be returned to their lawful custodian in the same condition as when by him produced before said examining officer.

SEC. 13. That whenever, in any State, or part of a State, the unlawful combinations named in section 5299 of the Revised Statutes and in the first and second sections of this act shall be organized and armed and so numerous and powerful as to be able by violence to either overthrow or set at defiance the constituted authorities of said State and of the United States within said State, or when the constituted authorities are in complicity with, or shall connive at, the unlawful purposes of such powerful and armed combinations; and whenever by reason of either or all of the causes aforesaid the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it to suspend the privilege of the writ of *habeas corpus*, to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of an act entitled "An act relating to *habeas corpus* and regulating judicial proceeding in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *And provided further*, That the President shall first have made proclamation as provided by law commanding such insurgents to disperse.

CORRECTION OF ERROR IN ENROLLMENT.

Mr. HARRIS, of Georgia. I submit the following resolution from the Committee on Enrolled Bills:

Resolved by the House of Representatives, (the Senate concurring.) That the Committee on Enrolled Bills be authorized, in the enrollment of the bill (H. R. No. 1938) to extend the provisions of an act approved March 3, 1871, entitled "An act to provide for the collection of debts due from Southern railroads, and for other purposes," to change the word "Linnville" to "Louisville," in the ninth line of the Senate substitute therefor; so that the line will read: "to Memphis, Clarkesville, and Louisville."

The SPEAKER. That is an error in enrollment to which the Chair supposes there will be no objection.

Mr. PELHAM. I object.

Mr. HARRIS, of Georgia. I think I can explain it so that there will be no objection.

Mr. PELHAM. The bill passed the House before I knew anything about it.

Mr. HARRIS, of Georgia. The bill went to the Senate, and in the Senate a substitute was offered. When it was sent to the printer a typographical error was made of "Linnville" for "Louisville."

Mr. PELHAM. It was very fortunate it was made.
 Mr. MAYNARD. It does not affect you at all.
 The SPEAKER. The only effect of the objection of the gentleman will be to have the bill go upon record enrolled with this erroneous spelling of the word.
 Mr. PELHAM. Well, let it go there.
 The SPEAKER. Objection is made.

IMMIGRATION.

Mr. MYERS, from the Committee on Foreign Affairs, by unanimous consent, reported a bill (H. R. No. 4747) supplemental to the several acts in relation to immigration; which was read a first and second time, ordered to be printed, and recommitted.

CHANGE OF NAME OF A NATIONAL BANK.

Mr. PLATT, of New York, by unanimous consent, introduced a bill (H. R. No. 4746) authorizing the Second National Bank of Watkins to change its name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CLERK OF DISTRICT COURT, SOUTHERN DISTRICT OF ILLINOIS.

Mr. SENER. The Committee on Expenditures in the Department of Justice, to whom was referred a resolution directing inquiry into the alleged delinquency of George P. Bowen, clerk of the United States district court for the southern district of Illinois, in filing semi-annual returns, have directed me to present a report which shows that this officer has paid the amount which was found due against him. I ask that the committee be discharged from the further consideration of the subject, and that the report be printed in the RECORD.

There being no objection, the motion was agreed to.

The report is as follows:

The Committee on Expenditures in the Department of Justice respectfully report—

That in pursuance of the resolution of the House adopted March 26, 1874, directing them to inquire specially into the charge made in the Attorney-General's report for 1873 against "George P. Bowen, clerk for the southern district of Illinois, for continued violation of section 3 of the act of 1853, requiring clerks of the circuit and district courts of the United States to make semi-annual returns in writing, embracing all the fees and emoluments of their offices of every name and character," they summoned said George P. Bowen before them with as little delay as possible, and ascertained that he was delinquent in making his returns for eight or ten years past. Believing from their examinations of Mr. Bowen that his delinquency was not willful, but the result of inattention, he was permitted to return to Springfield, Illinois, for the purpose of making up his accounts and paying into the Treasury the amount due by him on account of fees earned in excess of the compensation allowed by law. During the recess of Congress the Attorney-General diligently pressed Mr. Bowen to a settlement of his accounts, and succeeded in obtaining on the 10th of November last the sum of \$5,000, with the promise that the accounts still in arrears should be speedily made up. This was the position of affairs when the committee resumed its sessions in December. Finding on the 1st of February that there was still due from Mr. Bowen to the United States the sum of \$6,184.98, the committee telegraphed him, requiring its payment on the 15th instant; and it gives them pleasure to report that they are informed by letter from W. Hemphill Jones, esq., acting Comptroller of the Treasury, that Mr. Bowen has deposited that amount to the credit of the United States in the State National Bank of Springfield, Illinois.

It is due to Mr. Bowen to say that from the correspondence with him by the committee and the Department of Justice, they believe he has been as diligent in settling up his accounts as his duties in court and his health would admit. His prompt payment of the balance found due by him, his willingness to waive the allowance and lose the benefit of fees due him by the United States in order to secure an immediate settlement of his accounts, and his relinquishment of all claim to mileage and fees as a witness before the committee, acquit him, in the judgment of the committee, of willful and intentional disregard of the requirements of the law.

The committee are of opinion that the enactment of the law proposed by them at the last session, (H. R. No. 3623,) with the amendments of the Senate which have since been concurred in by both Houses of Congress, will effectually prevent the recurrence of such delinquencies on the part of clerks of courts of the United States; and they therefore propose the following resolution:

Resolved, That the Committee on Expenditures in the Department of Justice be discharged from the further consideration of the resolution of the House directing them to inquire specially into the violation of section 3 of the act of 1853 by George P. Bowen, clerk for the southern district of Illinois.

(Copies of letters from the Attorney-General and acting Comptroller showing the payments are appended to this report.)

DEPARTMENT OF JUSTICE,
 Washington, January 4, 1875.

SIR: Referring to your letter of the 19th ultimo, asking for any information in the possession of this Department relative to the accounts of George P. Bowen, clerk of the United States district court for the southern district of Illinois, and what action has been taken by this Department in relation to these accounts, the result thereof and their present condition, I have the honor to inclose copies of various telegrams and letters sent to and received from Mr. Bowen in relation to his accounts as clerk.

His emolument returns have been rendered to the 1st of January last and are now in this Department. His fee and per diem accounts have been rendered to the 31st of December, 1868, only. You will perceive from the inclosed copies what action has been taken by this Department to obtain all the accounts. Mr. Bowen has paid into the Treasury the sum of \$5,000 on account of his indebtedness to the Government.

Very respectfully,

GEO. H. WILLIAMS,
 Attorney-General.

Hon. JAMES B. SENER,
 Chairman Committee on Expenditures in Department of Justice,
 House of Representatives.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
 Washington, D. C., February 15, 1875.

SIR: Referring to my letter addressed to you on the 2d instant, I now inclose a copy of one dated 10th instant, from George P. Bowen, clerk United States district

court southern district of Illinois, showing that he has deposited to the credit of the United States Treasurer the balance due on account of surplus emoluments.

Very respectfully, your obedient servant,

WM. HEMPHILL JONES,
 Acting Comptroller.

Hon. J. B. SENER,
 Chairman Committee on Expenditures in Department of Justice,
 House of Representatives.

NOTE:
 Amount paid as shown by letter of Attorney-General..... \$5,000 00
 Amount paid as shown by letter of Acting Comptroller..... 6,184 98

Total amount paid by George P. Bowen in settlement of his account. 11,184 98

PRIVATE LAND CLAIMS IN COLORADO.

Mr. PACKARD, by unanimous consent, introduced a bill (H. R. No. 4748) to provide for the settlement of certain private land claims in Colorado; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

WISCONSIN CENTRAL RAILROAD.

Mr. McDILL, of Wisconsin, by unanimous consent, presented concurrent resolutions of the Legislature of the State of Wisconsin, asking Congress to authorize a change of the line of the Wisconsin Central Railroad, and requesting their Senators and Representatives in Congress to vote for such a measure; which were referred to the Committee on the Public Lands, and ordered to be printed.

GEORGE A. ARMES.

Mr. CASON, by unanimous consent, introduced a bill (H. R. No. 4749) to authorize and direct the Secretary of War to restore George A. Armes to his former rank of captain in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEGAL DEFENSE OF JUDICIARY COMMITTEE.

Mr. BUTLER, of Massachusetts. I ask unanimous consent for the introduction and adoption of a resolution to pay the expenses of the Judiciary Committee of the last House of Representatives, who were sued by a man in New York because we did not hear him so long as he thought we ought to, although we heard him three weeks.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of this House is hereby authorized and directed to pay from the contingent fund of the House the sum of \$600 to defray the expenses of the defense of members of the Committee on the Judiciary of the Forty-second Congress in an action brought by one Hastings in the circuit court of the United States for their conduct as members of that committee; \$500 of the same to be paid to Messrs. Develin, Miller, and Trull, attorneys at New York, and \$100 to James P. Lowrey, esq., which gentlemen were counsel respectively for members of the committee in said action in the circuit court of the United States, which has been dismissed in said court.

Mr. KASSON. What was the nature of that case?

Mr. BUTLER, of Massachusetts. If the House will allow me a moment I will state the case. This man made a complaint against one of the justices of the Supreme Court and wanted him impeached. We heard him day after day, and day after day; and then we came to the conclusion to report that he had no case. He sued us for a false report and because we had not heard him clear through!

There being no objection, the resolution was considered adopted.

AMENDMENTS TO TAX AND TARIFF BILL.

Mr. LOUGHRIDGE. I ask unanimous consent to have printed in the RECORD two amendments which I propose to offer to the tax and tariff bill now before the House in Committee of the Whole.

There being no objection, it was ordered accordingly.

The amendments are as follows:

To be proposed as an independent section:

That on and after the 1st day of July next, there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion coin, and promissory notes, and other securities, at the rate of one-twentieth of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion coin, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the first and fifteenth day of each month, and the collector shall thereupon assess and collect a tax of one-twentieth of 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

To be proposed as an independent section:

That there shall be levied, collected, and paid annually, upon the annual gains, profits, or income of every person residing in the United States, whether derived from any kind of property, rents, interest, dividends, salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, except as hereinafter mentioned, if such annual gains, profits, or income exceed the sum of \$3,000 and do not exceed the sum of \$10,000, a duty of 3 per cent. upon the amount thereof exceeding \$3,000; and if said income exceeds the sum of \$10,000, a duty of 5 per cent. upon the amount thereof exceeding \$3,000. And upon the annual gains, profits, or income, rents, and dividends accruing upon any property, securities, and stocks owned in the United States by any citizen of the United States residing abroad, except as hereinafter mentioned, and not in the employ of the Government of the United States, there shall be levied, collected, and paid a duty of 5 per cent.: *Provided*, That incomes derived from interest upon notes, bonds, and other securities of the United States, and also all premiums on gold and coupons, shall be included in estimating incomes under this act: *And provided further*, That the word person in this section shall be construed to include corporations.

FORTY-FIRST PARALLEL RAILROAD COMPANY.

Mr. MCCRARY, by unanimous consent, presented from the Committee on Railways and Canals a report on the bill (H. R. No. 4036) chartering the Forty-first Parallel Railroad Company of the United States of America from Lake Erie to the Missouri River, and to limit

rates of freight thereon; which was ordered to be printed and re-committed.

TOBACCO TAX.

Mr. STOWELL, by unanimous consent, presented a memorial of tobacco manufacturers of Petersburg, Virginia, against any increase of the tax on tobacco; which was referred to the Committee on Ways and Means.

JAMES M. CUMMINGS.

Mr. NEGLEY, by unanimous consent, introduced a bill (H. R. No. 4750) for the relief of James M. Cummings and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMISSIONS OF POSTMASTERS.

Mr. PACKER, by unanimous consent, introduced a bill (H. R. No. 4751) to define the postal revenues upon which commissions to postmasters shall be allowed; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MAIL TRANSPORTATION ON RAILROADS.

Mr. PACKER also, by unanimous consent, introduced a bill (H. R. No. 4752) prescribing conditions and fixing rates of compensation for the transportation of mails on railroad routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CAPTAIN C. H. WELLS, UNITED STATES NAVY.

Mr. COX, by unanimous consent, from the Committee on Foreign Affairs, reported a joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor conferred upon him by the President of the French Republic; which was read a first and second time.

The joint resolution, which was read, authorizes the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor conferred upon him by the President of the French Republic as evidence of his appreciation of that officer.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF POLITICAL DISABILITIES.

Mr. LAMAR, by unanimous consent, introduced a bill (H. R. No. 4753) to remove the political disabilities of Otho R. Singleton, of Mississippi; which was read a first and second time.

The bill, which was read, provides (two-thirds of each House concurring therein) that the political disabilities imposed by the fourteenth amendment of the Constitution upon Otho R. Singleton, of Mississippi, be, and the same are thereby, removed.

The SPEAKER. Is there a petition accompanying the bill?

Mr. LAMAR. Yes, sir; the petition has been filed to-day.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds concurring therein.

Mr. LAMAR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. SENNER, (at five o'clock and twenty minutes p. m.,) the House took a recess until seven o'clock p. m. this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock, Mr. CESSNA in the chair as Speaker *pro tempore*.

Mr. RANDALL. We may as well understand in the beginning that this evening's session is to be devoted exclusively to pension cases.

The SPEAKER *pro tempore*. It has been set apart for reports from the Committee on Invalid Pensions, and no other business whatever is to be transacted.

Mr. RUSK. Do I understand that there is to be no other business than reports from the Committee on Invalid Pensions?

The SPEAKER *pro tempore*. It will be time enough to decide when the question is raised as to other business.

Mr. RANDALL. If we start with the understanding that no other business is to be transacted, then the Chair will be the guard and not the members.

Mr. HOLMAN. The order of the House is definite and there can be no misunderstanding.

The SPEAKER *pro tempore*. There is no doubt in the mind of the Chair on that point that the order of the House confines this evening's session to pension cases.

BETSEY A. EATON.

Mr. RUSK, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4734) granting a pension to Betsey A. Eaton; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsey A. Eaton, widow of Willard G. Eaton, late colonel Thirteenth Regiment Michigan Volunteers, and to pay her a pension at the rate of thirty dollars a month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM LYON.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4755) granting a pension to William Lyon; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Lyon, late a private Company D, Fifty-sixth Regiment Indiana Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMMET LANGSTON.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4756) granting a pension to Emmet Langston; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emmet Langston, late a private in Company I, Fifty-fourth Regiment Indiana Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREEMORTON YOUNG.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4757) granting a pension to Freemorton Young; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Freemorton Young, late captain of Company B, Fifth Regiment Tennessee Volunteers, and pay him a pension as a captain from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. LA POINTE.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4758) granting a pension to George W. La Pointe; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. La Pointe, late a first lieutenant Seventh Regiment Michigan Volunteers, and pay him a pension as such from and after the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HERMAN NETTLEFIELD.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4759) granting a pension to Herman Nettlesfield; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Herman Nettlesfield, late a member of General Canby's special scouts, and pay him a pension from and after the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES WILKINSON.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4760) granting a pension to James Wilkinson; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Wilkinson, late a private in Company G, One hundred and twenty-seventh Regiment New York Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN C. COX.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4761) granting a pension to John C. Cox; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John C. Cox, acting ensign United States steamer Weehawken, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. SIDNEY J. WOOD.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4762) granting a pension to Mrs. Sidney J. Wood; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sidney J. Wood, widow of Daniel B. Wood, late a private in the One hundred and fourth Regiment Ohio Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

LAFAYETTE BRIGGS.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4763) granting a pension to Lafayette Briggs; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lafayette Briggs, late a private of First Battery Wisconsin Artillery, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH A. WOODWORTH.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4764) granting a pension to Sarah A. Woodworth; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Sarah A. Woodworth, widow of Joseph C. Woodworth, late a private in Company H, Sixty-eighth Pennsylvania Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMILLIA O. BLACK.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4765) granting a pension to Emillia O. Black; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emillia O. Black, widow of Willis H. Black, late deputy provost marshal for the eleventh district of Illinois, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SENNER. I want at this point to ask the gentleman from Wisconsin a single question in the way of facilitating business. I desire to ask if it is not necessary that the counties and States from which the parties come should be named in these bills?

Mr. RUSK. The rank and regiment designates who they are, and nothing else is necessary.

Mr. SENNER. Is that sufficient?

Mr. RUSK. Yes, sir.

RUTH ISABELLA NAYLOR.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4766) granting a pension to Ruth Isabella Naylor; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ruth Isabella Naylor, widow of Charles Naylor, late captain Company F, Twenty-eighth Pennsylvania Volunteers in the war with Mexico, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FERDINAND MONTI.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4767) granting a pension to Ferdinand Monti; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Monti, wagon-master in the quartermaster service, Mexican war, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ANNIE FARLEY.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4768) granting a pension to Annie Farley; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie Farley, widow of Peter M. Farley, late private Company M, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABRAANNA L. DUNN.

Mr. RUSK also, from the same committee, reported a bill (H. R. No. 4769) granting a pension to Abraanna L. Dunn; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abraanna L. Dunn, widow of George B. Dunn, late captain Seventeenth Regiment Maine Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RUSK. I move that the reports in these various cases be printed.

The motion was agreed to.

J. W. CALDWELL.

Mr. RUSK also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. W. Caldwell, late a private in Company E, Seventy-fourth Regiment Indiana Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATHAN UPHAM.

Mr. RUSK also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 1213) granting a pension to Nathan Upham.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathan Upham, corporal in Company G, Eighty-fourth Regiment Indiana Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET S. HASTINGS.

Mr. RUSK also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 862) granting a pension to Margaret S. Hastings.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret S. Hastings, widow of Charles B. Hastings, late a private in Company E, Forty-fifth Regiment Massachusetts Volunteers, and pay her arrears of pension from the date of the death of her husband up to the time her present pension commenced.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN COLLAHAN.

Mr. RUSK also, from the same committee, reported adversely the bill (S. No. 874) granting a pension to John Collahan; and the same was laid upon the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

Mr. RUSK also, from the same committee, reported back the following; and the committee was discharged from their further consideration, and they were referred as indicated below:

A bill (H. R. No. 4607) for the benefit of Stokely Smith and Margaret B. Smith, of Kentucky, allowing them bounty for their son who died in the Army—to the Committee on Military Affairs.

A bill (H. R. No. 4415) for the relief of the officers of the Fourth and Fifth Indiana Regiments—to the Committee on Military Affairs.

The petition of Charles James Gates—to the Committee on the Post-Office and Post-Roads.

The petition of Mrs. Amanda Stokes—to the Committee on Claims.

ADVERSE REPORTS.

Mr. RUSK also, from the same committee, reported adversely upon the following; and the committee was discharged from their further consideration, and they were laid on the table:

The petition of Samuel and Mary F. Mercer;

The petition of Aaron Taylor;

The petition of Mary T. Morrison; and

The petition of Henry Hoyle.

Mr. RUSK. I move that the reports accompanying these various petitions and bills be printed.

The motion was agreed to.

SALLY P. LEE.

Mr. BARRY, from the same committee, reported a bill (H. R. No. 3660) granting a pension to Sally P. Lee; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally P. Lee, widow of Thomas M. K. Lee, jr., late captain Company K, Sixth New Jersey Infantry Volunteers, and pay her a pension as the widow of a captain from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOPHIA GREEN.

Mr. BARRY also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sophia Green, widow of Harvey Green, late a private in Company C, Tenth Regiment Vermont Volunteers, and to pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WIDOWS AND CHILDREN OF INVALID PENSIONERS.

Mr. BARRY also, from the same committee, reported adversely the bill (H. R. No. 1612) to continue pensions to widows and children of invalid pensioners pensioned for total disabilities, without reference to cause of death; and the same was laid on the table.

Mr. BARRY. I move that the reports accompanying the bills which I have just reported be printed.

The motion was agreed to.

Mr. BARRY. I move to reconsider the various votes upon the reports just made by me; and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ELIZABETH THOMAS.

Mr. YOUNG, of Kentucky, from the same committee, reported a bill (H. R. No. 4770) granting a pension to Elizabeth Thomas, of Philadelphia; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Thomas, widow of Eli K. Thomas, private Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES A. DRAHER.

Mr. YOUNG, of Kentucky, also, from the same committee, reported back a bill (H. R. No. 4771) granting a pension to Charles A. Draher; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Draher, late private in Company H, One hundred and sixty-fifth Regiment Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RICHARD G. MOBLEY.

Mr. YOUNG, of Kentucky, from the same committee, reported a bill (H. R. No. 4772) granting a pension to Richard G. Mobley; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard G. Mobley, late a private in Company A, Twenty-fourth Kentucky Volunteers, and pay him a pension from and after the passage of this act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DWIGHT A. BARRETT.

Mr. YOUNG, of Kentucky, also, from the same committee, reported a bill (H. R. No. 4773) granting a pension to Dwight A. Barrett; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dwight A. Barrett, late a private in Company E, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension from and after the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. YOUNG, of Kentucky, from the same committee, reported back adversely the following bill and petitions; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 4221) granting a pension to Sarah Maynard;
The Petition of Mary Bailey;
The Petition of Elizabeth Hull;
The Petition of German Dettweiler;
The Petition of Susan Ross;
The Petition of Obadiah P. Reams; and
The Petition of Anderson Davis.

MARY ANN McDONALD.

Mr. CRITTENDEN, from the same committee, reported a bill (H. R. No. 4774) granting a pension to Mary Ann McDonald; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann McDonald, mother of William McDonald, late a sergeant in Company G, Thirty-first Ohio Infantry Volunteers, and pay her a pension as mother of such soldier from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET C. WELLS.

Mr. CRITTENDEN also, from the same committee, reported back, with a recommendation that it pass, the bill (S. No. 1070) granting a pension to Margaret C. Wells.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret C. Wells, widow of James G. L. Wells, late of Company A, Eleventh Regiment (afterward Company A, Second Regiment) Missouri State Militia Cavalry, and pay her a pension from and after the passage of the act for herself and minor children under sixteen years of age.

The bill was ordered to a third reading, read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH McADAMS.

Mr. CRITTENDEN. The Committee on Invalid Pensions, to whom was referred the amendment of the Senate to the bill (H. R. No. 3717) granting a pension to Sarah McAdams, have directed me to report back the same, with a recommendation that the House concur in the amendment of the Senate.

The amendment, which was read, was to add at the end of the bill the words "at the rate of eight dollars per month."

The amendment was concurred in.

Mr. CRITTENDEN moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLEMAN SIMS.

Mr. CRITTENDEN also, from the same committee, reported back adversely a bill (H. R. No. 2029) granting a pension to Coleman Sims, of Clarksburgh, West Virginia; and the same was laid on the table, and the report ordered to be printed.

MARGARET PATTISON.

Mr. MARTIN, from the same committee, reported a bill (H. R. No. 4775) granting a pension to Margaret Pattison; which was read a first and second time.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Pattison, widow of William J. Pattison, late second lieutenant Ninth Regiment Michigan Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH LANING.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 4776) granting a pension to Elizabeth Laning; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Laning, widow of Richard Laning, late

of Company H, Eightieth Regiment Ohio Volunteers, to date from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES A. FORGEY.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 4777) granting a pension to James A. Forgey; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James A. Forgey, late a corporal in Company H, Twenty-ninth Regiment Iowa Volunteers, from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEILA A. COOKSEY.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 4778) granting a pension to Heila A. Cooksey; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Heila A. Cooksey, widow of James C. Cooksey, late a private Company C, Thirty-second Regiment Missouri Infantry, from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUTH ELLEN GRELAND.

Mr. MARTIN also, from the same committee, reported a bill (H. R. No. 4779) granting a pension to Ruth Ellen Greland; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ruth Ellen Greland, widow of John A. Greland, late captain, United States Army, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EUNICE WILSON.

Mr. MARTIN also, from the same committee, reported back a bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late private Company D, Forty-ninth Illinois Volunteers, with the recommendation that the Senate amendment be concurred in.

The amendment of the Senate was to strike out the words "death of her said son" and in lieu thereof insert "from and after the passage of the act."

The amendment of the Senate was concurred in.

Mr. MARTIN moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. MARTIN also, from the same committee, submitted adverse reports in the following cases; which were laid upon the table, and the accompanying reports ordered to be printed

The petition of Elvira Kidd;
The petition of Joseph L. Nealy;
The petition of Susan Giles; and
The petition of Harriet L. Bowman.

PERSONAL EXPLANATION.

Mr. SMALL. Before making the reports with which I am intrusted from the Committee on Invalid Pensions, I desire to make a personal explanation. My attention has been called to an error in the statement I made the other day to the House when the bounty bill was under consideration. I stated to the House that New Hampshire had paid bounties to her soldiers during the entire period of the war. I found on examination there was error in that statement, and that she did not pay bounties in the early part of the war. Consequently she has soldiers now who are entitled to bounty under the law.

WOODSON POWERS.

Mr. SMALL, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 2586) granting a pension to Woodson Powers.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Woodson Powers, late captain of Company C, Fifth West Virginia Volunteer Infantry, on the evidence and papers on file in the office of the Commissioner of Pensions.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATRICK GLACKIN.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 4780) granting a pension to Patrick Glackin; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Glackin, late a private of Company G, Seventh Regiment Ohio Cavalry, and to pay him a pension, to take effect from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARBARA PATTI.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 4781) granting a pension to Barbara Patti; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Barbara Patti, the widow of Gregory Patti, late a seaman in the United States Navy, and to pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANSEL THAYER.

Mr. SMALL also, from the same committee, reported a bill (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ansel Thayer, father of George Frederick Thayer, Company F, Second Regiment Massachusetts Cavalry; Loring W. Thayer, Company E, Thirty-second Massachusetts Volunteers; Charles C. Thayer, Company K, Third Massachusetts Cavalry; and Lucien M. Thayer, Company I, Forty-second Regiment Massachusetts Volunteers, and pay him a pension, to take effect from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT CAVANAUGH.

Mr. SMALL also, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4783) granting a pension to Robert Cavanaugh; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Cavanaugh, late a private in Company D, Ninety-eighth Regiment Ohio Infantry Volunteers, and pay him a pension, to take effect from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LYDIA A. CHURCH.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of

the pension laws, the name of Lydia A. Church, minor daughter of Nathaniel G. Church, late a private in Company E, Third Regiment Maine Volunteers, and pay her a pension from the time of its suspension, November 16, 1867, until she arrives at the age of sixteen years.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. SMALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. SMALL also, from the same committee, reported adversely on the petition of Ruth B. Brown for a pension; and the same was laid on the table, and the report ordered to be printed.

WILLIAM H. MASSIE.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 3861) to pay William H. Massie \$150 as a soldier in the late war, and to place his name upon the pension-roll; and the same was laid on the table.

SOLDIERS OF THE WAR WITH MEXICO.

Mr. SMALL also, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 577) granting pensions to certain soldiers and sailors of the war with Mexico, and the widows of deceased soldiers.

Mr. SENNER. Is it in order to have that bill put upon the Calendar?

Mr. HOLMAN. I ask that the bill be reported.

The Clerk commenced to read the bill.

Mr. HOLMAN. I will not insist on the reading of the bill if it can be referred to the Private Calendar for further consideration.

Mr. SMALL. I withdraw the bill for the present.

Mr. CRITTENDEN. Has the gentleman from New Hampshire the right to withdraw the bill? He was instructed to report it back to the House.

The SPEAKER *pro tempore*. The gentleman has a right to withdraw it, and does withdraw it.

Mr. SENNER. I beg to ask respectfully in what condition the bill in relation to Mexican soldiers stands?

The SPEAKER *pro tempore*. It is now in the hands of the Committee on Invalid Pensions.

Mr. SENNER. The whole of it?

The SPEAKER *pro tempore*. The whole subject.

NANCY HAROLD BRANSON.

Mr. THOMAS, of Virginia, from the Committee on Invalid Pensions, reported adversely on the petition of Nancy Harold Branson; and the same was laid on the table, and the report ordered to be printed.

ISAAC BEELER.

Mr. THOMAS, of Virginia, also, from the same committee, reported adversely on the petition of Isaac Beeler; and the same was laid on the table, and the report ordered to be printed.

WILLIAM IRA MAYFIELD.

Mr. THOMAS, of Virginia, also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 836) granting a pension to William Ira Mayfield.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Ira Mayfield, late a private in the Ninth Oregon Militia Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. THOMAS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY H. KAISER.

Mr. THOMAS, of Virginia, also, from the same committee, reported a bill (H. R. No. 4784) granting a pension to Henry H. Kaiser; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Kaiser, late a private in Company H, Eighth Regiment United States Veteran Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FANNIE M. HERRON.

Mr. THOMAS, of Virginia, also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No.

3116) granting a pension to Fannie M. Herron, widow of James Herron, deceased.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fannie M. Herron, widow of James Herron, late chief civil engineer of the Pensacola navy-yard, who died while on duty at said yard of disease contracted in discharge of his duty, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALVAH W. HICKS.

Mr. THOMAS, of Virginia, also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 4785) granting a pension to Alvah W. Hicks, of Cincinnati, Ohio.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alvah W. Hicks, late a private in Colonel Ellet's ram fleet, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. SARAH B. HOWE AND MRS. MARY CRANSTON.

Mr. THOMAS, of Virginia, also, from the same committee, reported a bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Sarah B. Howe, widow of Albion Howe, late lieutenant Fourth United States Artillery, and Mary Cranston, widow of Arthur Cranston, late lieutenant in the Fourth United States Artillery, and pay them pensions at the rate of twenty-four dollars a month each from and after the passage of this act.

Mr. HOLMAN. I call for the reading of the report in that case.

The report was read.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGIANA PARKER.

Mr. THOMAS, of Virginia, also, from the same committee, reported adversely on the petition of Georgiana Parker, minor child of George Parker, sailmaster on the United States steamer Powhatan; which was laid on the table, and the report ordered to be printed.

WILLIAM H. MASSIE.

Mr. BUNDY. I wish to move a reconsideration of the vote by which the bill for the relief of William H. Massie was laid upon the table.

The SPEAKER *pro tempore*. Was that report made by the gentleman from Virginia, [Mr. THOMAS?]

Mr. BUNDY. It was made by the gentleman from New Hampshire, [Mr. SMALL.] The bill was referred to an improper committee. It should have gone to the Committee on War Claims, and I ask that the bill should be referred to that committee.

The SPEAKER *pro tempore*. Was the bill reported upon adversely?

Mr. SMALL. It was.

Mr. RUSK. I will say that there is no objection to allowing the bill to go to the Committee on War Claims.

The SPEAKER *pro tempore*. As the motion to reconsider has been laid upon the table, it will require unanimous consent to take the bill from the table and refer it to the Committee on War Claims.

No objection was made, and it was so ordered.

CHARLES H. BUGBEE.

Mr. SMART, from the Committee on Invalid Pensions, reported back, with a recommendation that the same do pass, the bill (H. R. No. 4787) granting a pension to Charles H. Bugbee.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Bugbee, late a private in Company A, Fourth Regiment Vermont Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATHARINE FERRY.

Mr. SMART also, from the same committee, reported a bill (H. R. No. 4788) granting a pension to Catharine Ferry.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Ferry, mother of Sylvester Ferry, late a corporal in Company I, One hundred and forty-sixth Regiment New York Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

KEZIA ZOLLER.

Mr. SMART also, from the same committee, reported a bill (H. R. No. 4789) granting a pension to Kezia Zoller, of Little Falls, New York.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Kezia Zoller, mother of Norman Zoller, deceased, late a private in Company C, One hundred and twenty-first Regiment New York Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAVID SALSBUARY.

Mr. SMART also, from the same committee, reported a bill (H. R. No. 4790) granting a pension to David Salsbury; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Salsbury, late a private in Company F, One hundred and sixtieth Regiment New York Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL SHEAFFER.

Mr. SMART also, from the same committee, reported a bill (H. R. No. 4791) granting a pension to Samuel Sheaffer; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Sheaffer, late private in Battery F, Fifth United States Artillery, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELISHA B. KNAPP.

Mr. SMART also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 4540) for the relief of Elisha B. Knapp, of Wellsburgh, New York.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elisha B. Knapp, of Wellsburgh, New York, and pay him such pension as he would have been entitled to under existing laws if he had been regularly mustered into the service of the United States during the war of the rebellion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS ALLCOCK.

Mr. SMART also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 518) granting a pension to Thomas Allcock, of Rochester, New York.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Allcock, a private in Company F, Third Artillery, during the Florida war, at the rate of eight dollars per month from the 1st day of July, 1852, and to continue during his natural life.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMART moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN H. BELL.

Mr. SMART also, from the same committee, reported back adversely the bill (H. R. No. 2910) granting a pension to John H. Bell; which was laid on the table, and the accompanying report ordered to be printed.

Mr. SMART moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH NEIBLING.

Mr. STRAWBRIDGE, from the same committee, reported a bill (H. R. No. 4792) granting a pension to Elizabeth Neibling; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Neibling, widow of James Neibling, late colonel of the Twenty-seventh Regiment Ohio Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MERCY E. SCATTERGOOD.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4793) granting a pension to Mercy E. Scattergood; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mercy E. Scattergood, widow of Edward Scattergood, late a second assistant engineer in the United States Navy, and pay her two dollars a month in addition to her present pension until the child of said Edward Scattergood shall be sixteen years of age.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN M'KINLEY.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4794) granting a pension to John McKinley; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John McKinley, father of Thomas H. McKinley, late a second lieutenant in Company B, Twenty-ninth Regiment Connecticut Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANN JONES.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4795) granting a pension to Ann Jones; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Jones, mother of John Jones, late a private in Company B, Fifty-fifth Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATHARINE KNIERIM.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4796) granting a pension to Catharine Knierim; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Knierim, widow of Paul Knierim, late a sergeant of Company C, Ninety-eighth Regiment Pennsylvania

Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. LYLE M'CULLOUGH.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4797) granting a pension to J. Lyle McCullough; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. Lyle McCullough, father of Jacob L. Nelson, John and Joseph E. McCullough, late privates Company A, One hundredth Regiment Pennsylvania Volunteers, and pay him a pension at the rate of eight dollars per month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIA W. SANDERS.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4798) granting a pension to Maria W. Sanders; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria W. Sanders, widow of John Sanders, late brevet major United States Army, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. LEAMY.

Mr. STRAWBRIDGE also, from the same committee, reported a bill (H. R. No. 4799) granting a pension to George W. Leamy; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Leamy, late second lieutenant Company B, Ninth Regiment, Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TETER WOLFGONG.

Mr. STRAWBRIDGE also, from the same committee, reported back a bill (H. R. No. 3700) granting a pension to Teter Wolfgong, with the recommendation that the Senate amendment be concurred in.

The amendment of the Senate strikes out in line 4 "Wolfgong" and inserts "Wolfgong."

The amendment of the Senate was concurred in.

Mr. STRAWBRIDGE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM WILLIAMS.

Mr. STRAWBRIDGE also, from the same committee, reported back a bill (S. No. 1154) granting a pension to William Williams, with the recommendation that it do pass.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Williams, late a captain Company A, First Battalion Cavalry Pennsylvania Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STRAWBRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. STRAWBRIDGE also, from the same committee, reported adversely on the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

The petition of Edward Hawley;

The petition of Candace McMelan;
 The petition of W. B. Harland;
 The petition of Josephine O. Likens;
 The petition of Anthony A. Laws;
 A bill (H. R. No. 2574) granting a pension to Wilhelmina Bossert;
 A bill (H. R. No. 2372) granting a pension to Col. James R. Porter;
 and
 A bill (H. R. No. 2573) granting a pension to William Brunt.

JOHN H. LOOBY.

Mr. WALLACE, from the same committee, reported a bill (H. R. No. 4890) granting a pension to John H. Looby; which was read a first and second time.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Looby, late captain Company D, Sixty-second Regiment United States Colored Troops, and pay him the pension allowed to totally disabled officers of that grade from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MICAJAH STOUT.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 4801) granting a pension to Micajah Stout; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Micajah Stout, of Company I, Forty-third Regiment Iowa Volunteer Infantry, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL PURCELL.

Mr. WALLACE also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 965) granting a pension to Samuel Purcell.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Samuel Purcell, who was a private in Company A, First Indiana Volunteers, in the Mexican war, at the rate of eight dollars per month from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NANCY TIPTON.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 4802) granting a pension to Nancy Tipton; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Tipton, widow of Samuel Tipton, late a private of Company H, Thirteenth Regiment Tennessee Cavalry, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUSAN C. CLARK.

Mr. WALLACE also, from the same committee, reported a bill (H. R. No. 4803) granting a pension to Susan C. Clark; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan C. Clark, widow of William D. Clark, who was killed by the confederate soldiers near Newmansville, Florida, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WALLACE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEVINA BERRALL.

Mr. CRITTENDEN. My colleague on the committee, the gentleman from Maryland, [Mr. O'BRIEN,] is unavoidably absent. I desire to report three bills which the gentleman from Maryland would have reported if he had been here. The first is a bill granting a pension to Levina Berrall.

The bill (H. R. No. 4804) was received and read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Levina Berrall, widow of Renben Berrall, late a private in Company G, Fifty-first Regiment Pennsylvania Volunteers, and pay her a pension for herself and children under sixteen years of age from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. ELLEN MORROW.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 4805) granting a pension to Mrs. Ellen Morrow; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ellen Morrow, mother of John Morrow, late a private of Company H, First Potomac Home Brigade Maryland Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM C. EDMONDSON.

Mr. CRITTENDEN also, from the same committee, reported a bill (H. R. No. 4806) granting a pension to William C. Edmondson; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William C. Edmondson, late a private in Company I, Eighty-second Regiment Pennsylvania Infantry Volunteers, and to pay him a pension, to take effect from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRITTENDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. TRUEHEART.

Mr. RUSK, from the same committee, reported a bill (H. R. No. 4807) granting a pension to George W. Trueheart; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Trueheart, late a private in Company F, Sixty-seventh Regiment New York Volunteers, and to pay him a pension at the rate of forty-two dollars per month from and after the passage of the act.

Mr. HOLMAN. I ask that the report in that case may be read.

Mr. RUSK. I will state for the information of the gentleman from Indiana that there is no report accompanying this bill. I will explain the case in a single minute. This man has lost an arm and a leg—

Mr. HOLMAN. I do not waive the point of order while the gentleman is making his explanation.

Mr. RUSK. This man has lost an arm and a leg on the same side, but under existing laws he can draw a pension only for the loss of one limb. We passed at the last session of Congress a general bill, including this man and seventeen others. The Senate committee reported adversely on that general bill, but are willing to recommend a bill for this man. That is the whole of the case.

Mr. HOLMAN. I think such cases ought to be provided for by a general law; but as they are not, I have no objection to this bill. It is manifestly just.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANCISCO QUESADA.

Mr. THOMAS, of Virginia, from the same committee, reported

back, with the recommendation that it do pass, the bill (H. R. No. 4257) granting a pension to Francisco Quesada.

The bill authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francisco Quesada, late a private of Company C, Twenty-fifth Regiment, New York Volunteers, and pay him a pension, to take effect from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RUSK. I ask unanimous consent that the House proceed now to the consideration of the bills which have been referred to the Committee of the Whole on the Private Calendar in the House, reported by the Committee on Invalid Pensions, beginning with bill No. 4325.

No objection was made, and the House proceeded to the consideration of the bills heretofore reported by the Committee on Invalid Pensions and referred to the Committee of the Whole on the Private Calendar; which was discharged from the further consideration of the same.

WILLIAM R. DUNCAN.

The first bill on the Calendar was the bill (H. R. No. 4325) granting a pension to William R. Duncan.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William R. Duncan, late a private in Company G, Thirteenth Regiment Tennessee Volunteers, and pay him a pension from June 4, 1873, up to the present time and hereafter.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL P. EVANS.

The next bill on the Calendar was the bill (H. R. No. 4326) granting a pension to Samuel P. Evans.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Evans, late lieutenant in Company A, Fifth Regiment Volunteer Infantry, and pay him a pension as captain of said company from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGET LEAFFY.

The next bill on the Calendar was the bill (H. R. No. 4327) granting a pension to Bridget Leaffy.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bridget Leaffy, widow of Lawrence W. Leaffy, late a private in Company K, One hundred and ninth Regiment Pennsylvania Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

H. GODFREY HUNTER.

The next bill on the Calendar was the bill (H. R. No. 4328) granting a pension to H. Godfrey Hunter.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. Godfrey Hunter, late surgeon in the Twenty-fourth Regiment Pennsylvania Volunteers, from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. SMALL.

The next bill on the Calendar was the bill (H. R. No. 4329) granting a pension to William H. Small.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws,

the name of William H. Small, late a private in Companies E and K, Fifteenth Regiment Pennsylvania Cavalry, and pay him a pension as for the loss of a leg from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CYPHERT P. GILLET.

The next bill on the Calendar was the bill (H. R. No. 4330) granting a pension to Cyphert P. Gillett.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cyphert P. Gillett, late a private in Company D, Eightieth Regiment Iowa Infantry Volunteers, and pay him a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH ANN CROSBY.

The next bill on the Calendar was the bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Ann Crosby, mother of Robert D. Crosby, late first lieutenant in Company F, Forty-ninth Regiment United States Colored Troops, and pay her arrears of pension from the date of the death of her said son until the date of the commencement of her pension.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FANNIE E. RECORDS.

The next bill on the Calendar was the bill (H. R. No. 4332) granting a pension to Fannie E. Records.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fannie E. Records, widow of Albert B. Records, a private in Company G, Fifteenth Regiment Maine Volunteers, and pay her a pension from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES ROUNSFELL.

The next bill on the Private Calendar was the bill (H. R. No. 4333) granting a pension to James Rounsfell, a private in Company K of the One hundredth New York Infantry.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Rounsfell, a private in Company K, One hundredth Regiment New York Infantry Volunteers, in the army of the rebellion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM T. SIMMS.

The next bill on the Private Calendar was the bill (H. R. No. 4334) granting a pension to William T. Simms.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William T. Simms, late first lieutenant of Company E, Eighty-second Regiment New York Volunteers, and pay him a pension for permanent and total disability of the first class from and after the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY C. TOY.

The last bill on the Private Calendar was the bill (H. R. No. 3884) granting a pension to Mary C. Toy.

The bill directs the Secretary of the Interior to place on the pen-

sion-roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Toy, widow of John P. Toy, late private of Company A, Sixty-sixth Regiment Iowa Volunteers, and that she be paid a pension from the passage of the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS TO SOLDIERS OF MEXICAN WAR.

Mr. SMALL. I now ask leave to report from the Committee on Invalid Pensions, with a recommendation that the same do not pass, the bill (H. R. No. 577) granting pensions to certain soldiers and sailors of the war with Mexico and the widows of deceased soldiers. I move that the bill be referred to the Committee of the Whole on the Private Calendar, and that the report accompanying the same be printed.

The motion was agreed to.

Mr. CRITTENDEN. I ask permission on behalf of the minority of the committee to submit a minority report upon this bill. That report will be signed by the honorable chairman of the committee [Mr. RUSK] and by several other members of the committee. I ask that it be printed and referred to the Committee of the Whole on the Private Calendar.

No objection was made, and it was so ordered.

ELVIRA KIDD.

Mr. MARTIN. I ask unanimous consent that the adverse report in the case of Elvira Kidd be taken from the table and referred to the Committee of the Whole on the Private Calendar.

No objection was made, and it was so ordered.

ARTIFICIAL LIMBS FOR DISABLED SOLDIERS.

Mr. MARTIN, from the Committee on Invalid Pensions to which was referred the bill (H. R. No. 4385) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, reported the same with an amendment in the nature of a substitute.

The first section of the bill provides that every person who, in the line of duty in the military or naval service of the United States, shall have lost a limb or sustained bodily injuries depriving him of the use of any of his limbs, shall receive once every five years an artificial limb, or an appliance to support and strengthen his disabled limb, under such regulations as the Surgeon-General of the Army may prescribe; that such artificial limb or appliance shall be furnished only in kind and through the Medical Department of the Army, and that the period of five years shall be held to commence with the filing of the first application after the 7th day of June, in the year 1870.

The second section provides that every person entitled under the laws of the United States to a pension on account of a leg or arm which is wholly disabled, and cannot be rendered serviceable by any mechanical appliance, shall be entitled to receive the same pension as if said leg or arm had been amputated at or above the knee or elbow.

Mr. HARRIS, of Virginia. With the consent of the chairman of the committee [Mr. RUSK] and the gentleman who reports this bill, [Mr. MARTIN,] I offer the following as an additional section:

That all laws prohibiting the payment of pensions to the soldiers of the revolutionary war and the war of 1812, and to their widows, on account of disloyalty, be, and the same are hereby, repealed.

Mr. BANNING. I would inquire what change is made in the law already upon the statute-book by this bill?

Mr. MARTIN. The law as it now stands only provides for those who lost limbs in the war for the suppression of the rebellion. This bill extends the same provision to other wars.

Mr. THOMPSON. Is the amendment of the gentleman from Virginia [Mr. HARRIS] germane to this bill?

Mr. HARRIS, of Virginia. I offer it as a separate section.

Mr. THOMPSON. I know that; but it is upon a different subject entirely.

The SPEAKER *pro tempore*. That question has not been presented to the Chair.

Mr. THOMPSON. I raise it now.

The SPEAKER *pro tempore*. The Chair is compelled to sustain the point of order.

Mr. HARRIS, of Virginia. I appeal from the decision of the Chair. Gentlemen will see how far they will get along to-night if they choose to fight us upon this point.

Mr. HOLMAN. I desire to make a suggestion. It may be that there is not a quorum in the House.

Mr. HARRIS, of Virginia. I know there is not.

Mr. HOLMAN. This proposition contains two parts. In the first place it revives the law as to pensioners of the revolutionary war. My friend from Virginia [Mr. HARRIS] is well aware of the fact that there is no such class of pensioners now in existence.

Mr. HARRIS, of Virginia. I will tell you about that presently.

Mr. HOLMAN. Well, it is the fact, as I understand, that the pensioners of the revolutionary war have finally entirely disappeared by death; and I think my friend from Virginia is aware of the fact that none of them were affected by our legislation discontinuing pensioners in consequence of disloyalty.

The other provision I hope the gentleman from Pennsylvania [Mr. THOMPSON] will not object to, because it has already passed the House and is before the Senate in another bill. Its passage in this bill can do no possible harm.

There is at least one provision in this bill which certainly ought to become a law. The last section is a very valuable and important provision. Even if I should be mistaken in my understanding that there are now no surviving soldiers of the war of the Revolution, the proposition ought certainly not to excite objection, since none of us could desire to deprive the veterans of that war (if any should survive) of their pensions. I suggest to my friend from Pennsylvania [Mr. THOMPSON] that if any revolutionary pensioner was deprived of his pension by reason of disloyalty, and still survives, his pension should certainly be restored; for the venerable age, the vast years of any soldier of that war must have rendered it impossible that he should have participated actively in the late rebellion.

As to the other proposition, I again submit that it has already been incorporated in a bill passed by the House, so that the only effect of insisting on the point of order and having a division of the House will be to defeat the passage of the bill, which contains at any rate one section that is certainly proper and just.

Mr. WILSON, of Iowa. I will say to the gentleman that one sailor of the Revolution, a resident of my district, still survives.

Mr. HOLMAN. That may be so. I am speaking of revolutionary soldiers upon the pension-list.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania withdraw his point of order?

Mr. THOMPSON. No, sir. I think that my objection is entirely misapprehended. If I am understood as occupying the position of objecting to the granting or continuing of pensions to soldiers of the Revolution, then I am misunderstood and my purpose in raising the point is entirely misapprehended.

Here is a bill granting to wounded soldiers the right to be furnished with artificial limbs under certain restrictions, or enlarging the rights heretofore granted in that respect. That is right. But the proposition of the gentleman from Virginia does not propose to carry out that object, nor does it relate at all to the right granted by the bill. It proposes to incorporate in this bill a separate, distinct, and independent subject—a proposition entirely worthy of attention and one that would receive my approbation and support when presented in proper form. But what propriety is there in incorporating into the bill under consideration the repeal of another act in reference to the granting of pensions to soldiers of the revolutionary war? You might as well consolidate a mass of different measures into one bill—"omnibus" the whole thing, and pass (as used to be done in our State Legislatures) an act from the title of which one could ascertain nothing as to its character.

Now, here is a bill which by its title relates to the furnishing of artificial limbs to wounded soldiers; and it is proposed to inject into this measure another separate and independent subject—the repeal of a law in reference to disabilities of soldiers of the revolutionary war or other wars.

Mr. HOLMAN. I rise to a parliamentary question. After the gentleman from Virginia offered this amendment the gentleman from Ohio arose and addressed the Chair; therefore I submit that the point of order came too late. The occupant of the Chair, who is a master of parliamentary law, is well aware of the fact that it has always been held that after there has been any discussion upon an amendment it is too late to raise a point of order upon it.

Mr. THOMPSON. The Chair has already sustained the point of order.

The SPEAKER *pro tempore*. That is the fact.

Mr. THOMPSON. Whether the point of order came too late or too early, it has been sustained.

The SPEAKER *pro tempore*. The Chair would have taken the position indicated by the gentleman from Indiana [Mr. HOLMAN] if he had understood the gentleman from Ohio as debating the proposition; but he understood the remark of the gentleman from Ohio as merely in the nature of an inquiry. The Chair has ruled the amendment out of order for two reasons. In the first place this is a bill to regulate the issue of artificial limbs to disabled soldiers, seamen, and others; and an amendment to repeal a law upon another subject, as proposed by the gentleman from Virginia, is not germane to the bill. It is not in order for another reason, which the Chair will state. The House assigned the session this evening for the consideration of reports from the Committee on Invalid Pensions, and for those only. This is not a report from the Committee on Invalid Pensions, and therefore the Chair is constrained on that ground to sustain the point of order and to rule the amendment out.

Mr. HARRIS, of Virginia. But, Mr. Speaker, when the Committee on Invalid Pensions makes a report to this House it is held by the Chair that the proposition which is before the House on its passage is not open to amendment by any member of the House?

The SPEAKER *pro tempore*. The amendment itself is not germane to the proposition reported from the Committee on Invalid Pensions, and it is beside a proposition which does not come from that committee. The Chair does not rule that a proposition before the House is not open to germane amendments.

Mr. HARRIS, of Virginia. I understood the Chair to rule in that way. I take an appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The gentleman from Virginia takes an appeal from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the House? The gentleman will first, however, reduce his appeal to writing.

Mr. SENER. It is evident there is no quorum present, and, to save the House from a dead lock, I move we adjourn.

Mr. RUSK. I hope the gentleman from Virginia will withdraw that motion. This is the most important bill we have presented to-night, and it ought to be considered and acted on.

Mr. HARRIS, of Virginia. By unanimous consent I hope I may be heard for a minute or two. I think this matter can be adjusted if gentlemen on both sides understand it fully.

The SPEAKER *pro tempore*. I hope it will be adjusted; but the Chair is of the opinion that he is right in the ruling which he has made.

Mr. HARRIS, of Virginia. I wish to be heard only for one moment.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Virginia.

Mr. HARRIS, of Virginia. Early in the evening when I came here I consulted with the chairman of the Committee on Invalid Pensions and with the gentleman from Illinois [Mr. MARTIN] on my left, who reported this bill, and both consented this proposition of mine should be admitted as an amendment to come in as a separate section. They did so for the reason that the House had once before passed the same provision, but it passed in a bill revising the entire body of laws relating to pensions, giving pensions to all who served in the war, adding immensely to the expense of the Treasury. So objectionable indeed was the measure to the Senate that that body refused to act on it, and this clause which the House agreed should become a law, striking out of existing law the restriction because of the disloyalty of soldiers of the war of 1812 and of the widows of soldiers of the Revolutionary war. It has only failed to become a law because it was attached to a bill so objectionable to the Senate.

Let me add that the President of the United States, in his last annual message, recommended to Congress to strike out this disqualification in existing law. I have presented the proposition in deference to the opinion and recommendation of the President of the United States. My friends on the Committee on Invalid Pensions agreed that I should be allowed to offer it. I will not say it is ungracious on the part of my friend from Pennsylvania now to interpose his objection on a point of order; I will not say that it is ungracious in him now to come forward to-night, at this hour, to defeat a measure of importance as well to the district he represents as other districts throughout the country, after the promise made to me; but I will say that I sat here during the whole evening and saw bill after bill passed in favor of the soldiers of the North when I knew there was not a quorum present, when if I were disposed to be captious and punctilious in regard to constitutional law and the rules of the House, points of order in reference to which I never heard made by the gentleman before—I say I could have objected to the passage of each and every one of those bills because of the want of a quorum, but I did not do so, acting in obedience to that courtesy which should always obtain among members in this House. On the contrary, I permitted them all to pass without objection, without making the point of order there was not a quorum present; and now I appeal to my friend from Pennsylvania to reconsider the matter and not to insist on his point of order against my amendment, but to let it come in and go through, as it has the approval of the Committee on Invalid Pensions.

Mr. HOLMAN. Let me make a suggestion to the gentleman from Virginia. If I understand the proposition submitted by the gentleman from Virginia, it is presented with the approval of members of the Committee on Invalid Pensions. If, as has been stated, this Committee on Invalid Pensions has already reported a similar measure and that measure has passed the House and is now in the Senate, will not my friend from Virginia withdraw his amendment and let it be reported as an independent bill from the same committee for our action?

Mr. HARRIS, of Virginia. Before I take any further proceedings in the matter I wish to appeal courteously to my friend from Pennsylvania to withdraw his point of order. He says that he is not adverse to the amendment I have offered, and that his only objection is to the manner in which it is proposed to be passed.

The SPEAKER *pro tempore*. The Chair desires to remind the gentleman from Virginia that his ruling is made from no feeling of hostility to the measure presented; but because the point of order being made and insisted on, he had no alternative but to decide in accordance with the rules.

Mr. HARRIS, of Virginia. I appeal to the gentleman from Pennsylvania to withdraw his point of order.

Mr. THOMPSON. My friend from Virginia cannot outdo me in courtesy. He has now put me in a position where I cannot resist his appeal; and therefore, overlooking any irregularity in reference to his proposition, I withdraw my point of order now, once and forever.

The SPEAKER *pro tempore*. The point of order being withdrawn, the amendment is pending.

The amendment was agreed to.

Mr. HOLMAN. I hope I will have the attention of the gentleman reporting this bill as to the effect of this bill. I understand the pensioner is entitled to an artificial limb, but can take its equivalent in money.

Mr. CRITTENDEN. I rise to a point of order. There is so much confusion in the House we cannot hear what is going on.

The SPEAKER *pro tempore*. This is a very important proposition, and the Chair asks the earnest attention of the House to it.

Mr. HOLMAN. I understand the law now to be that soldiers who have lost a limb and are entitled to an artificial limb may either receive an artificial limb or so much money in lieu of it from the Treasury. That is the law now. The present bill requires such a person to take the artificial limb without the exercise of the option of taking that or the money in lieu of it. As I understand it, that is the change made by the first section of this bill.

Mr. MARTIN. In the law passed last session to which the gentleman from Indiana alludes we provided for one class of persons entitled to artificial limbs. This bill provides for another class.

Mr. HOLMAN. The law of last session provided that if a soldier who lost an arm at or above the elbow, or a leg at or above the knee, thought it better not to use an artificial limb he might receive the money. Is it not better to leave that option with him?

Mr. SMALL. Such is not the law now. At the last session we passed a law providing that soldiers who had lost an arm at or above the elbow, or a leg at or above the knee, and should receive the pension of the second-class should not be entitled to these artificial limbs at all.

Mr. HOLMAN. The gentleman from New Hampshire misapprehended my statement. I know I am not mistaken, for I was very familiar with the enactment of that law. The soldier who lost an arm at or above the elbow, or a leg at or above the knee, was to receive the full pension; but if he could use the artificial limb he was still to have the right of receiving that artificial limb; or if he preferred it he could receive the money in lieu of it. Does the gentleman state that that is not the law?

Mr. SMALL. I say so distinctly that that is not the law. We provided that those men who received pensions at a rate of twenty-four dollars per month should not be entitled to artificial limbs.

Mr. HOLMAN. I do not understand the gentleman to deny my proposition as to what is the law of the land. I was myself on the committee that framed that provision of the act of last session.

Mr. SMALL. This is the law:

That all persons who are now entitled to pensions under existing laws and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive twenty-four dollars per month: *Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

Mr. HOLMAN. Exactly; that is the law.

Mr. SMALL. But no person is entitled to artificial limbs under that law.

Mr. HOLMAN. But where the loss of limb was such that an artificial limb could be used, the soldier was entitled to receive that limb. He could either receive the money or the artificial limb. But now the proposition is that he shall not exercise this option, but shall receive the artificial limb. It seems to me that the propriety of this legislation is very questionable.

Mr. MARTIN. The reason of it is simply this: that in all cases where artificial limbs cannot be worn the pensions have been increased, and this bill increases the pensions of a class unable to use these artificial limbs, who were left out of the previous act. It provides for the case where the leg or arm has been wholly disabled, but has not been amputated. In those cases the pensions are increased.

Mr. HOLMAN. That is the second section of the bill; that is right.

Mr. MARTIN. All these have their pensions increased to twenty-four dollars per month.

Mr. HOLMAN. I have no objection to that. That is all right. Now, I wish the House to see the point exactly. The law as it stands gives the right of commuting. The person may take either the limb or the money. And the committee now proposes in this bill that the soldier who can use the artificial limb must take it and shall not receive the money. I desire now to move to strike out that first section, in order that that option may still be retained.

Mr. RUSK. If the gentleman who has charge of the bill will yield me five minutes, I think I can straighten this matter up.

Mr. MARTIN. I yield to the gentleman from Wisconsin.

Mr. RUSK. The main objection to the law as it now stands, and which we desire to remedy in this first section, is that it does not extend to all who are entitled to pensions. As the law stands now it only applies to those who were in the war of the late rebellion. It does not apply to the Mexican soldiers, nor to any of those who were engaged in the Indian war or any other war. We desire to wipe out that distinction and extend the law to all who are entitled to pensions. That is the main object. The second object is to give a person an artificial limb where he is entitled to a limb, and where he does not take a limb, to give him the money to which in that case he is entitled. That is what we propose.

Now, I want to state further that we provide in the second section of the bill for everybody who cannot wear a limb. They go in the second class and draw twenty-four dollars a month under the law. The law as it now stands says that they may draw twenty-four dollars a month. If they decline to receive the artificial limb they go in the second class and do not receive any artificial limb.

Mr. HOLMAN. Now I wish to say that I think one object of the bill is right, and that is in preventing these soldiers from receiving pen-

sions and at the same time artificial limbs. But is it right that a soldier who has lost his arm below the elbow and does not think proper to use an artificial limb shall lose the benefit of the act?

Mr. RUSK. If a soldier can use an artificial limb and if such is the report of the examining surgeon, then he is entitled to an artificial limb; but if the report of the examining surgeon is that he cannot use an artificial limb, then he is entitled to go into the second class and receive twenty-four dollars per month under the second section of this bill. The only question now before the House is whether a soldier shall be entitled to an artificial limb or to money in lieu of it.

Mr. COTTON. Why not leave it to the option of the soldier?

Mr. RUSK. Why not leave him the option of having a pair of pantaloons?

Mr. MARTIN. The object is to supply as far as possible that which he lost in the service of the Government and not furnish him with money. If he cannot wear an artificial limb he has the option of being paid in the second class, being twenty-four dollars a month.

Mr. HOLMAN. The question before the House is whether if the soldier could wear an artificial limb he should not receive the corresponding value if he prefers to do so, and to the proposition that he may not do so, I for one do not agree. If the soldier prefers to receive money rather than an artificial limb, why not give him the option to do so? Is there anything wrong in it? It is a question of the expenditure of so much money.

Mr. MARTIN. There is this reason: we have provided for men who cannot wear an artificial limb, increased pension. We provide that all those who are disabled by the loss of a limb shall be entitled to either an artificial limb or shall be placed in the second class, who receive twenty-four dollars a month.

Mr. HOLMAN. I desire to move an amendment to the first section of the bill, and I ask that it be again read.

The Clerk read the first section of the bill.

Mr. HOLMAN. I withdraw the motion to strike out the entire section, and I move to strike out the words "only in kind." And I wish to say a single word as to the effect of that amendment. Under the existing law a soldier who has lost a limb can receive either an artificial limb or the value in money from the Treasury of the United States, and I wish to continue that law.

Mr. CRITTENDEN. The idea of the action of the Government, as I understand it, was that it would furnish the means of locomotion to its maimed soldiers, that it would furnish means by which the soldiers could assist themselves; that it would give them either a wooden leg or a cork leg, a wooden arm or a cork arm. I believe that the Government was right in its generosity in making this provision; and I think that the Committee on Invalid Pensions are right in requiring of the soldiers to take these artificial limbs. The very moment that we give them permission to take money instead of artificial limbs, that very moment we encourage them to take money from the Government and spend it in a manner unbecoming soldiers. I say that it would be saving the Government a great deal of money to compel the soldiers to take these artificial arms or legs. If they do not choose to accept them, then they are placed in the second class at twenty-four dollars a month.

Mr. HOLMAN. I am as anxious as is the gentleman from Missouri to prevent money from going out of the Treasury for improper uses; but gentlemen about this Hall whose integrity and character are above reproach state that they cannot use artificial limbs. They find it more convenient to receive the small compensation given by the Government rather than take these artificial limbs. There is more than one man upon this floor who has been in our employment for years and years upon whom the effect of this amendment would be to take away from him the little pittance to which he is now entitled from the Government.

Mr. YOUNG, of Georgia. Does this involve an appropriation from the Treasury?

Mr. HOLMAN. Not at this time.

Mr. YOUNG, of Georgia. Will it?

Mr. HOLMAN. It does require some appropriation of money out of the Treasury of the United States, or will do so at some time hereafter.

Mr. CRITTENDEN. It will require \$200,000 of additional appropriation.

Mr. YOUNG, of Georgia. I was going to say that if it did take money out of the Treasury and the gentleman from Indiana [Mr. HOLMAN] supports it, it ought to pass.

Mr. HOLMAN. Let me say to my friend from Missouri [Mr. CRITTENDEN] that it does not matter in what form you put it, it costs the Government exactly the same amount of money. My friend from Wisconsin [Mr. RUSK] will say so.

Mr. RUSK. I think that to pay them fifty dollars each, to which they would be entitled for a foot or a hand, would be a saving of money to the Government, for the reason that the Government would save the cost of transporting the men here to fit the artificial limbs to them.

Mr. HOLMAN. In common with every other gentleman on this floor, I have constituents who will be injuriously affected by this bill if it shall become a law. And I cannot consent, upon a question like this, that the just rights of the soldiers should be overlooked in the haste to get through this session. I now yield to the gentleman from Pennsylvania, [Mr. TODD.]

Mr. SMALL. I would inquire what right the gentleman has to yield to anybody?

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. MARTIN] reported the bill.

Mr. MARTIN. I will yield to the gentleman from Pennsylvania [Mr. TODD] for three minutes.

Mr. TODD. I do not desire to discuss this question at large; but I have received a number of communications from maimed soldiers in my State protesting against the passage of this bill. They put their objection to it upon this ground: That the adjustment of an artificial arm or leg is a very delicate operation in order to enable the soldier to wear it with comfort and ease to himself; consequently, in order to have it rightly adapted to the wounded limb, a number of sittings and fittings must be had. Now, if the wounded soldiers and sailors can select the manufacturer of their artificial limbs to please themselves, they can perhaps have artificial limbs better adjusted than by accepting them from the Government.

There is all over the country much competition in the manufacture of these artificial legs and arms. And very frequently these maimed soldiers can select manufacturers who will furnish artificial limbs to them at less prices than the Government would charge for them. Now, if there be a desire to advance the interest, convenience, and comfort of the maimed soldier, we should leave to him the right to select the manufacturer of the artificial leg or arm he would choose to wear, instead of obliging him to receive one from the Surgeon-General, who selects his own manufacturer and makes it a monopoly and compels the soldier to accept the artificial limb of the person selected by the Surgeon-General.

Mr. MARTIN. I now yield to the gentleman from New Hampshire [Mr. SMALL] for three minutes.

Mr. CRITTENDEN. I want to ask a question of the gentleman from Pennsylvania, [Mr. TODD.]

Mr. MARTIN. Very well.

Mr. CRITTENDEN. Does not the gentleman from Pennsylvania think that the Surgeon-General of the United States Army is better qualified to make a proper selection of an artificial arm or leg to fit the soldiers than they themselves would be?

Mr. TODD. No, I do not; for this reason: If the Surgeon-General of the Army could personally attend to every individual case and ascertain the needs of each maimed soldier, he probably could give as good a judgment on the subject as any man could do. But we must remember that these maimed men are scattered all over the country at a distance from Washington, and cannot have access to the Surgeon-General, while they can have access to the manufacturers of artificial limbs in their several localities.

Mr. CRITTENDEN. The Surgeon-General convenes a board of Army surgeons, who attend to this business for him.

Mr. TODD. There is no man at a distance who can adjust an artificial limb to a maimed soldier with any certainty of fitting him, because the conformation of every man's limbs differs from that of every other man. There must be a particular adjustment to each limb, and no common form of artificial limb can be made that will suit different men. Each artificial leg or arm must be made to fit precisely the individual who has to wear it. A form of limb cannot be got up for the common use of all parties who may desire to use them.

Mr. CRITTENDEN. Then he goes into the twenty-four dollar class if he cannot wear it.

Mr. TODD. Every man must be measured for the limb he desires to wear.

Mr. MARTIN. I now yield for three minutes to the gentleman from New Hampshire, [Mr. SMALL.]

Mr. SMALL. I agree entirely with the gentleman from Indiana [Mr. HOLMAN] that this provision of the bill to compel every soldier to take the artificial limb from the Government is entirely unjust. It is entirely inconsistent with every provision of law that has been passed in regard to furnishing these artificial limbs and pensioning soldiers down to the present time. It is provided by general statute that maimed soldiers shall be furnished with artificial limbs at a fixed price. If they do not want to take them they can have the commutation price in money for the artificial arm or leg. It is provided, too, that certain persons who would be entitled to these limbs shall have an additional pension of six dollars a month. Now it is entirely plain that every time Congress has legislated upon this subject they have regarded that the soldier has not been fully compensated by a pension for the loss of his limb. Consequently they gave something more—an artificial limb. And now for the first time it is proposed by this bill to strike that provision from the statute-book—to say that the soldier shall take what he does not want, what is of no use to him, and at the same time that his pension shall not be increased. In all former cases when we have provided for furnishing artificial limbs it has been as an addition to the pension. If the soldier has not chosen to take the limb we have given him either commutation in money or additional pension. I hope, therefore, that the amendment suggested by the gentleman from Illinois, that the soldier must take the limb in kind, will be rejected; so that these soldiers may hereafter receive if they choose, as they have heretofore, commutation in money instead of artificial limbs.

Now, it is said that these artificial legs and arms are desired by all our wounded soldiers. That is not so, as I can say from my own

knowledge. A great many of these soldiers tell me that they would not wear these artificial limbs except for the appearance of the thing; that when they get away from the crowd they go without them. But we propose to say to these soldiers, "You must either take what is of no use to you or you shall have nothing."

Now, Mr. Speaker, does the Government suffer at all by allowing money commutation instead of the artificial limb? No, sir; the cost to the Government by the commutation is not so much, because under the law when you have furnished the limb you must provide for having the soldier go to the place where it is to be furnished in order to have it fitted. You save this expense by allowing him a commutation in money.

I hope that this amendment will be rejected.

Mr. MARTIN. I yield three minutes to the gentleman from Georgia, [Mr. YOUNG.]

Mr. YOUNG, of Georgia. Mr. Speaker, I am in favor of this amendment. No man in this House can sympathize more than I do with the soldiers of this country, no matter what may have been the color of their uniform. No man on the other side of the House will go further than myself to do all that is possible for the soldiers of the Union Army, and especially those poor men who have been maimed for life. Upon that point it is not necessary for me to say anything further.

While upon the floor, I wish to remark that one thing which has amazed me very much is the magnanimity of my friend from Indiana, [Mr. HOLMAN.] I can attribute it to but a single cause. I have investigated the matter since I came upon the floor this evening, and I am told that the softening of my friend's heart is connected with the tragedy which was enacted yesterday at this Capitol. I am glad that even this softened his heart. I am told that the man who yesterday leaped from the Dome was a Union soldier, and had a claim which had been referred to the Committee on War Claims, and by them referred to a sub-committee consisting of my friend from Ohio [Mr. LAWRENCE] and my friend from Indiana, [Mr. HOLMAN;] that immediately upon the receipt of the intelligence that this disposition had been made of his claim, this man went up to the Dome and leaped off!

Mr. MARTIN. I move the previous question.

Mr. HOLMAN. Before the previous question is called, I wish to modify my amendment by striking out the word "only" and inserting after the words "in kind" the words "or the value thereof in money."

Mr. MARTIN. I have no objection to that amendment. I now renew the call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of Mr. HOLMAN was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN. I move to amend the title of the bill by adding the words "and for other purposes."

The amendment was agreed to.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DANFORD. I move that the House adjourn.

The motion was agreed to; and accordingly (at ten o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The petition of Fenton G. Wells and 45 others, of Washington, District of Columbia, asking that provision be made for the payment of employes and laborers under contractors in said city, to the Committee on the District of Columbia.

By Mr. ARMSTRONG: The petition of John L. Taylor, for a pension, to the Committee on Invalid Pensions.

By Mr. CESSNA: The remonstrance of citizens of Franklin County, Pennsylvania, against the restoration of the duty on tea and coffee, to the Committee on Ways and Means.

By Mr. KELLEY: The petition of citizens of Philadelphia, for the passage of the bill in aid of the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of citizens and corporations of Pennsylvania representing \$30,000,000 of capital, praying for the extension of the national credit to aid the completion of a great southern railroad line to the Pacific, to the same committee.

By Mr. LAMAR: The petition of O. R. Singleton, of Mississippi, for the removal of his political disabilities, to the Committee on the Judiciary.

By Mr. LOWNDES: The petition of Daniel Weisel, of Hagerstown, Maryland, for relief, to the Committee on the Judiciary.

By Mr. MYERS: Resolutions of the Commercial Exchange Association of Philadelphia, against the imposition of duties or taxes on imports or manufactures which have once paid duties or taxes and

have passed from the possession of the Government, also in opposition to the proposed increase of the tax on whisky, to the Committee on Ways and Means.

By Mr. MOORE: The petition of citizens of Washington County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

By Mr. O'BRIEN: The petition of Lewis Jones, of Baltimore, for relief, to the Committee on Claims.

By Mr. PACKARD: The petition of members of the Woman's National Christian Temperance Union, of Henry County, Indiana, for restrictive legislation in regard to alcoholic liquors, to the Committee on the Judiciary.

By Mr. PACKER: The petition of artisans, manufacturers, and workers in iron and coal, citizens of Harrisburgh, Pennsylvania, that the national credit be extended to aid in the completion of a great southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

Also, two other petitions of citizens of Harrisburgh, Pennsylvania, of similar import, to the same committee.

By Mr. PHILLIPS: The petition of the mayor and other citizens of Leavenworth, Kansas, for the passage of the bill to incorporate the Eastern and Western Transportation Company, to the Committee on Railways and Canals.

By Mr. PIERCE: The petition of William M. Barrett, of Boston, Massachusetts, for a pension, to the Committee on Invalid Pensions.

By Mr. POLAND: The petition of Wells Richardson and others, for the repeal of the stamp tax on drugs, perfumery, proprietary medicines, &c., to the Committee on Ways and Means.

By Mr. SAYLER, of Indiana: The petition of 24 citizens of Saint Francis County, Arkansas, for the passage of a law to authorize the manufacture, use, and sale of patent-right articles by others than owners of patent-rights, upon payment of reasonable royalty thereon, to the Committee on Patents.

Also, the petition of 11 citizens of Saline County, Kansas, of similar import, to the same committee.

Also, the petition of 18 citizens of Orleans County, Vermont, of similar import, to the same committee.

Also, the petition of 23 citizens of Wisconsin, of similar import, to the same committee.

Also, the petition of 14 citizens of Grant County, Wisconsin, of similar import, to the same committee.

Also, the petition of 9 citizens of Lancaster County, Nebraska, of similar import, to the same committee.

By Mr. SHOEMAKER, of Pennsylvania: The petition of Calvin Pardee and 75 others, of Luzerne County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. STONE: Resolutions of the General Assembly of the State of Missouri, relative to the establishment of a branch mint in Saint Louis, to the Committee on Coinage, Weights, and Measures.

By Mr. WELLS: Resolutions of the Saint Louis Board of Trade, approving the bill for the establishment of a branch mint at Saint Louis, to the same committee.

By Mr. WOODWORTH: The petition of 32 citizens of Youngstown, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee, to the Committee on Ways and Means.

By Mr. —: Memorial of settlers on the military reservation at Camp Independence, California, that they be permitted to acquire title to their homes under the homestead and pre-emption laws, to the Committee on the Public Lands.

IN SENATE.

FRIDAY, February 19, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of Wednesday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, transmitting, in obedience to law, a copy of the report of Major F. U. Farquhar of the survey of a part of the subdivision of the Mississippi route; which was referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

He also laid before the Senate a report of the Acting Secretary of the Interior, in answer to a resolution of February 2, 1875, transmitting information in relation to services rendered by William P. Adair and C. N. Vann to the Osage Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Hon. Angus Cameron, chosen by the Legislature of Wisconsin a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

Mr. PRATT presented the credentials of Hon. Joseph E. McDonald, chosen by the Legislature of Indiana a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Woman's Temperance Union of the city of Wilmington, Delaware, signed by a large number of the women of Wilmington, asking for such legislation as will prohibit the importation, manufacture, and sale of intoxicating liquors as a beverage; which was referred to the Committee on Finance.

Mr. CAMERON. I present a resolution of the Legislature of Pennsylvania, in favor of an appropriation for the improvement of the harbor of Erie in that State; and as it is short I will ask the Clerk to read it.

The resolution was read, as follows:

Resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met. That our Senators be instructed, and members of the House of Representatives in Congress be requested, to vote for and use all proper means of securing from Congress an appropriation for the improvement of the harbor of Erie in this Commonwealth, and that the governor be requested to transmit copies of this resolution to our Senators and Members of Congress.

Attest:

ELBRIDGE MCCONKEY,
Resident Clerk of the House of Representatives.
THOMAS B. COCHRAN,
Journal Clerk of the Senate.

Mr. SCOTT. I move that the resolution presented by my colleague—I see that he has left the Chamber—be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. MORRILL, of Vermont, presented a memorial of the president and secretary of the Vermont State Medical Society, representing about five hundred physicians of the State of Vermont, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

He also presented the petition of W. C. A. Berkey, of Grand Rapids, Michigan, asking Congress to give each Union soldier, from a new issue, \$200 in United States legal-tender notes, not bearing interest, coined by the Government, that will be equal to gold; which was referred to the Committee on Military Affairs.

Mr. SCOTT. I present a memorial of merchants, ship-owners, and others interested in the commerce of the city of Philadelphia, protesting against the passage of the bill providing for a reorganization of the Light-House Board. I move its reference to the Committee on Commerce.

Mr. SARGENT. On the question of reference I wish to be heard one moment. By instruction of the Senate the Committee on Appropriations were required to examine into the expediency of a reorganization of the Light-House Board, whether the responsibility of the Secretary of the Treasury was sufficient for the interests of the public service in the operations of the board. A report of a sub-committee has been printed and sent back to the committee. This matter has been somewhat discussed in the papers and very much opposed by certain interests; I think, however, under great misapprehension. The report of the sub-committee shows clearly by figures that the present light-house system is costing about \$400,000 more than it ought for unnecessary expenses; for instance, by keeping up several fleets to perform much the same service, when one single fleet well officered would perform the same thing. The report further showed that the improvements which are made in Europe, in France, England, and other leading countries, in this particular, are not adopted by the present Light-House Board. Some of them are of the most striking character, leading to economy and making still further improvement. The Committee on Commerce I believe to be a committee that can very well investigate these matters, and if they have a bill before them I will withdraw any objection to the reference of this memorial to them; but I call their attention to that report, and I also call the attention of newspapers and others disposed to treat this subject fairly to the important considerations which are laid down in that report, and to the fact that the recommendations spring entirely from a regard for the interest of the public service and are not in the interest of the Navy, of the Army, of the Engineer Corps, or of any other corps whatever.

Mr. SCOTT. I observe that the petition refers to a House bill by number, and I would ask the Senator from California whether that bill is now before the Committee on Commerce?

Mr. SARGENT. I am not aware of any House bill of that number, but I introduced a bill myself some months ago which was sent to the Committee on Commerce and they are considering it, and in connection therewith the memorial may go to that committee.

Mr. SCOTT. I only desire that the memorial shall have the proper reference.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Commerce, if there be no objection.

Mr. SCOTT presented a resolution of the Commercial Exchange Association of Philadelphia, protesting against the proposed increase of tax on whisky from fifty cents to one dollar per gallon, and against

the imposition of duties or taxation upon property which has already been subject to duty or taxation; which was referred to the Committee on Finance.

He also presented a petition of members of the Soldiers and Sailors' Union of Philadelphia, praying for the passage of the bill (H. R. No. 3341) giving bounty to all soldiers, sailors, and marines who served in the war of 1861; which was referred to the Committee on Military Affairs.

He also presented five petitions of citizens of Montour County, Allegheny County, and Philadelphia, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which were referred to the Committee on Railroads.

He also presented two memorials of citizens of Franklin County and Luzerne County, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee or any revival of internal taxes and praying for the repeal of the 10 per cent. tariff reduction of 1872; which were referred to the Committee on Finance.

Mr. CAMERON presented petitions of citizens of Raven Run and Saint Nicholas, Schuylkill County, and two petitions of citizens of Philadelphia, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line to the Pacific; which were referred to the Committee on Railroads.

Mr. PATTERSON presented a memorial of physicians of South Carolina, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

He also presented a concurrent resolution of the Legislature of South Carolina, instructing the Senators and Representatives from that State to give earnest and united support to any measure that seeks to extend aid to the Texas Pacific Railway; which was referred to the Committee on Railroads.

Mr. DAVIS presented a memorial of citizens of Brooke County, West Virginia, remonstrating against the restoration of duties on tea and coffee and praying the repeal of the 10 per cent. reduction of duties on foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. LEWIS presented a petition of James A. J. Waites and other invalid pensioners, praying the passage of such a bill that their pension may date from their discharge from the United States service; which was referred to the Committee on Pensions.

Mr. FERRY, of Michigan, presented the petition of Alvan N. Sabin, late second lieutenant of the Fifth Michigan Cavalry, praying to be allowed arrearages of pay; which was referred to the Committee on Military Affairs.

He also presented the petition of A. W. Leggett, of Michigan, father of Percy S. Leggett, who was killed in the late war, praying that the arrearages of pay due his son may be paid to him; which was referred to the Committee on Military Affairs.

Mr. BOGY presented a resolution of the Legislature of Missouri, in favor of the establishment of a branch mint at Saint Louis; which was referred to the Committee on Finance, and ordered to be printed.

Mr. SPENCER presented a memorial of Mrs. Lavinia Mize, widow of James R. Mize, late private Company E, First Regiment Alabama Cavalry Volunteers, praying to be allowed arrearages of pension; which was referred to the Committee on Pensions.

He also presented a petition of Louisa Kitchens, praying a pension for the service of her husband in the war of 1812; which was referred to the Committee on Pensions.

He also presented a petition of Lavinia Mize, widow of James R. Mize, praying that the bounty due her husband may be paid her; which was referred to the Committee on Pensions.

Mr. STEVENSON presented the petition of R. W. Johnson, of Arkansas, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. JOHNSTON presented a resolution adopted at a meeting of the tobacco association at Richmond, protesting against any increase of the tax on manufactured tobacco; which was referred to the Committee on Finance.

He also presented a memorial of the Cotton Exchange of Norfolk and Portsmouth, Virginia, in favor of Government aid to the inland navigation opened up by the Dismal Swamp Canal and Albemarle and Chesapeake Canal Companies from Chesapeake Bay to Albemarle and Pamlico Sounds, North Carolina; which was referred to the Committee on Commerce.

Mr. HAMLIN presented a petition of Asa Cushman and other citizens of Auburn, Maine, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. HARVEY presented several memorials of physicians of Kansas, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

Mr. CONOVER presented two memorials of physicians of Florida, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

Mr. ANTHONY presented a memorial of members of the Medical

Society of Rhode Island, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

Mr. MITCHELL. I present a petition of citizens of Oregon, praying the passage of an act providing for a scientific survey of Eastern Oregon, and of portions of the Territory of Idaho and State of Nevada; and as it is very brief, I will ask permission to read it:

The undersigned, citizens of Oregon, most respectfully represent that a great extent of territory in Oregon, Idaho, and Nevada—rich in auriferous deposits and in pastoral and agricultural resources—is destitute of the necessary water for the various wants of man; that the water of Snake River, from its high elevation, can be carried through canals at reasonable expense to supply this vast region in question, and for this purpose we ask that an act may be passed decreeing that a scientific survey may be made of this country referred to, to determine the feasibility of this object, and also to ascertain the richness of an "extinct river," supposed to run southerly through Eastern Oregon, Western Nevada, and Eastern California—believed to be the ancient channel of the Columbia; and if the "gravel lead" in Eastern Oregon and the "Big Blue River lead" in California are one and the same river channel. For which we will ever pray.

This petition is numerously signed. I move that it be referred to the Committee on Mines and Mining.

The motion was agreed to.

Mr. MORRILL, of Maine, presented a petition of citizens of Fairfield, Maine, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. ALCORN presented the memorial of John Cleary, of Hinds County, Mississippi, praying for compensation for certain of his goods, wares, and merchandise taken from him for the use of the United States Government, and for a store-house destroyed by the military forces of the United States, under Major-General W. T. Sherman, during the war of the rebellion; or that his claim for said taking and destruction be referred to the commissioners of claims, or the Court of Claims; which was referred to the Committee on Claims.

Mr. BOUTWELL presented a petition of the Methodist Episcopal church of Ballardale, Massachusetts, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

He also presented the petition of Lucius R. Eastman, a citizen of Massachusetts, and a loyal subject of the American Union, in favor of universal peace; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Massachusetts, in favor of the admission of P. B. S. Pinchback, Senator-elect from the State of Louisiana, to a seat in the Senate; which was ordered to lie on the table.

Mr. GOLDTHWAITE presented two memorials of physicians of Florida, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which were referred to the Committee on Military Affairs.

He also presented the petition of James R. Porter, praying remuneration for the value of one hundred and twenty-two oxen and two mules captured and driven away by hostile Indians while he was engaged in the performance of a contract to furnish cattle to the Government; which was referred to the Committee on Claims.

Mr. FLANAGAN presented a joint resolution of the Legislature of the State of Texas, instructing and requesting the congressional delegation from that State to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the Army and Navy of the United States in the late war with Mexico; which was referred to the Committee on Military Affairs.

Mr. FENTON presented a petition of John Mills and other citizens of Warren County, New York, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

He also presented memorials of soldiers in the volunteer forces of the United States of Livingston and Ontario Counties, New York; of New York City; of Schenectady County, New York; of Otsego County, New York; of Orange County, New York; of Ulster County, New York; and of Allegany County, New York, praying the passage of the bill now pending before Congress for granting bounties to disabled soldiers; which were referred to the Committee on Military Affairs.

He also presented a resolution of the Legislature of New York, in favor of the improvement of East River from the southern end of Blackwell's Island to a point off Corlear's Hook; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FENTON. I present a memorial of the New York Board of Trade, remonstrating against the cancellation of the contract for the China mail service, and a like memorial of New York merchants and manufacturers, quite extensively signed, opposing the withdrawal of the China mail service. My colleague, who is not now in his seat, presented a like memorial from the importers and merchants engaged in the China trade and bankers in the city of New York yesterday, and supposing that the subject to which it referred had been reported by a committee to the Senate, he asked that the memorial might be laid on the table and printed. I now move that that

memorial, together with these which I now present, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CLAYTON presented a memorial of citizens of Arkansas, settlers on the Hot Springs reservation in that State, praying for such legislation as will secure them in their rights and quiet the titles to certain claims thereon; which was referred to the Committee on the Judiciary.

Mr. PRATT presented the petition of the Universalist church congregation, of Auburn, Maine, praying for the prohibition of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. HOWE presented a memorial of physicians of Wisconsin, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

Mr. WRIGHT presented a memorial of late soldiers of the United States residing in Ringgold County, Iowa, and a memorial of late soldiers of the United States residing in Marion County, Iowa, praying for bounty to disabled soldiers; which were referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. NORWOOD, it was

Ordered, That Charles L. Bradwell have leave to withdraw his petition and papers from the files of the Senate.

W. G. FORD.

On motion of Mr. GOLDTHWAITE, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of W. G. Ford, of Memphis, Tennessee, for cotton taken and sold by the United States Government during the war, and that it be referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1181) to amend the act entitled "An act to provide a government for the District of Columbia, and for other purposes," reported it with amendments.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 1310) providing for the extension of the time for completing the survey and location of the Portland, Dalles and Salt Lake Railroad, reported it without amendment.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 1186) for the relief of S. P. Jackson and others, submitted a report thereon, and asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands.

The bill was referred to the Committee on Public Lands, and the report was ordered to be printed.

Mr. THURMAN also, from the Committee on Private Land Claims, to whom was referred a resolution of the Legislature of California, in favor of the formation of a commission to adjust losses sustained by A. P. Jackson and others by being ejected from certain lands covered by a Mexican grant, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. ALCORN. When the committees were called, the Committee on Mines and Mining was informally passed over. I hold in my hand a bill that was reported at the last session of Congress, which proposes to grant a charter to a company to construct a tunnel through the White Pine Mountain. That mountain is in the State of Nevada, and lies in its vast proportions, not having been worked at all, nor is there any probability that it will be worked. This company propose an experiment in the way of constructing a tunnel. I have not seen any one who has any direct opposition to the bill. I consulted with the Senator from Nevada not now in his seat, [Mr. JONES,] and he says that he has no objection to it whatever. From the fact that it has been so long in my hands and that on account of the modesty that is a part of my nature I have refrained up to this time from troubling the Senate to consider this bill, I ask that it may be now taken up and passed upon. If there is objection to it, let the bill be defeated; if there is no objection, I ask that the Senate will permit the parties to construct this tunnel. I think they are entitled to it. The committee were unanimously of the opinion that no harm could ensue from it and that great good might be the result. I ask the Senate to pass upon it. It is the bill (S. No. 720) conferring the right to construct a tunnel through the White Pine Mountain, State of Nevada, and to purchase public lands contiguous thereto.

Mr. WRIGHT. I have a report from the Committee on Civil Service and Retrenchment that I desire to submit at this time.

Mr. ALCORN. Do I understand the Senator to object to the consideration of this bill?

Mr. WRIGHT. I do not object to the bill, but I ask to present a report at this time. I believe reports are in order.

Mr. ALCORN. Very well.

REORGANIZATION OF THE DEPARTMENTS.

Mr. WRIGHT. There was referred on the 17th of this month to the Committee on Civil Service and Retrenchment a bill (H. R. No. 2978) to provide for the reorganization of the Treasury Department

of the United States, and for other purposes. The committee have had this bill under consideration and have been unable to agree in a recommendation that the bill shall pass. They have made several amendments to the bill, however, and instruct me to report it back with amendments. I ask that the bill may go upon the Calendar with a view to have it considered to-morrow, if the Senate may deem it advisable to do so. I may be pardoned for saying, in this connection, that one thing which controlled the committee not a little was the fact that this bill proposed a reorganization of the Treasury Department alone, whereas the committee were of opinion that if reorganization was entered upon at all it ought to be of the several branches of the civil service, and that at this time it was hardly advisable that we should enter upon the reorganization of this Department alone. This and other considerations influenced us in the recommendation that we make upon this bill at this time. I report the bill back therefore, as instructed by the committee, without a recommendation, and ask that it go upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. WRIGHT. In this same connection I am instructed by the Committee on Civil Service and Retrenchment to report a resolution which I ask may be read; and I will say now to the Senate that I shall ask the consideration of the resolution to-morrow morning in connection with the bill which I have just reported, if the preference is to take up this resolution with the view indicated in the resolution. I ask that the resolution may be read.

The resolution was read, as follows:

Resolved, That a committee of five members of the Senate be appointed, whose duty it shall be to examine and thoroughly investigate the several branches of the civil service with a view to the reorganization of the several Departments thereof, the reduction of expenditures, and to promote the efficiency of such service, and to report thereon at the next session of Congress by bill or otherwise.

Mr. WRIGHT. I ask that this resolution may be printed, and to-morrow morning when the Committee on Civil Service and Retrenchment is called I shall call up the resolution.

The VICE-PRESIDENT. The order to print will be made.

BILLS INTRODUCED.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1327) to incorporate the Butchers' Drove-yard Company of the District of Columbia, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1328) to amend sections 1675, 1676, 1681, and 1682, of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1329) to make West Point, in the State of Virginia, a port of entry; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1330) to establish a post-route in California; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1331) to remove the political disabilities of Robert W. Johnson, formerly of Arkansas; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

RAILROADS IN THE TERRITORIES.

Mr. STEWART. I am instructed by the Committee on Railroads to ask for a conference committee on the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands. The House passed a substitute simply granting the right of way, which requires some modifications. The gentlemen who secured its passage now desire and the committee have instructed me to report it back and ask for a conference with the House. I move that the Senate non-concur in the amendment of the House and ask for a conference.

The motion was agreed to.

The VICE-PRESIDENT was authorized by unanimous consent to appoint the conferees on the part of the Senate, and Messrs. STEWART, HOWE, and HAGER were appointed.

BUSINESS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. LOGAN. Some time ago, under the order of the Senate, there was an hour given to each one of the committees to consider and pass upon such bills as they wished to have considered. At the time when this Military Committee should have occupied the floor it lacked but fifteen minutes of one o'clock, and we occupied the floor but fifteen or twenty minutes. Probably the time was extended five minutes; it was, however, a very short time, and the committee disposed of but one bill. There is quite a number of bills on the Calendar of military character that are of considerable importance, which I should like to have disposed of, and I ask the Senate that a day next week be agreed upon to be given to that committee. We should only occupy a portion of the day. I give notice at the same time that one of the reasons why we desire the time given to us is for the purpose of considering the bill for the equalization of bounties. That bill has passed the

House of Representatives four different times. For the last six years I believe it has been before Congress and has four times passed the House; but it has never been considered by the Senate. It has been reported from the Committee on Military Affairs favorably some two or three times, and it was reported at the last session of Congress. A bill of the same character has also passed the House at this session and been referred to the Military Committee, and is now before it. I desire that that question shall be disposed of, and I hope that no Senator will object to it. I will ask that Wednesday of next week, if there is no objection on the part of any Senator, be set apart for the consideration of that and other bills reported from the Military Committee. If the Senate shall be of the opinion that we have occupied too much time when that bill has been considered, we will then give way; but I want that bill considered—either voted for or against.

Mr. SARGENT. Will my friend from Illinois allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. SARGENT. Is not this the bill of which an allegation is made that it will cost the Government \$180,000,000—at any rate a great many millions?

Mr. LOGAN. I do not understand the Senator.

Mr. SARGENT. Is not this bill for the equalization of bounties the bill which it is alleged will cost the Government \$180,000,000? I wish to identify the bill. That allegation is made. It may be an exaggeration; it may be merely \$100,000,000; but I inquire if this is not the bill of which this remark has been made?

Mr. LOGAN. I will say to the Senator from California that that is rather a strange way of identification; but I will answer his proposition. If his desire is to get it before the country that the bill is objected to because it will cost a great amount of money, I will say this: If any parties allege it will cost \$180,000,000, they do not know anything about it. I know there has been an attempt by a certain gentleman—I do not mean any gentleman on the floor of the Senate, but a gentleman connected with the Army, not mentioning his name—to defeat this bill for several years by representing its immense cost. The bill that passed the House the other day, in my judgment, would require the Auditors six or seven years to go through with and dispose of the various claims, and when they should be fully disposed of I do not believe the cost would be \$20,000,000. I think I can demonstrate that there is no reason for apprehension as to the cost of this measure.

I will say further, in answer to the Senator, that when claims are being passed through Congress of doubtful character, taking money out of the Treasury every day, it is a very poor answer to a bill for the equalization of bounties to poor soldiers who deserve it to say that it is going to cost a great deal of money. It is their due; it is just to them; it is that money which they have been deprived of, while they served in the Army, by unfairness; and I will state what the unfairness is. When bounties were allowed by law, for instance, that two-years volunteers should be allowed so much, three-years volunteers so much, or veterans, as they may be termed—many of them were mustered out perhaps one day before the two or three years expired, perhaps a week, and advantage was taken of these soldiers by their muster-out just a short time before the time expired to prevent them from obtaining the bounty. They are entitled to it. The law authorized it, contemplated they should receive it, and their deprivation of it is an outrage upon their rights, in my judgment. I think it is about time this matter should be considered by the Senate of the United States; and if the Senate will give me—I do not say give me, but give the committee—an opportunity, I will try to demonstrate not only the justice of this bill, but that it is not going to plunder the Treasury of the United States. All I ask is a fair consideration of the measure. We have been attempting for six years to have it considered. I think it about time at least that the Senate should give an hour to it any how. I ask for next Wednesday.

The VICE-PRESIDENT. The Senator from Illinois asks that the Senate assign Wednesday next for the consideration of the bill for the equalization of bounties and other bills from the Committee on Military Affairs.

Mr. SARGENT. Does that require unanimous consent, or can a majority assign a special order?

The VICE-PRESIDENT. It requires a two-thirds vote to make a special order.

Mr. SHERMAN. It can be done only by unanimous consent. By the rule under which we are acting some committee has the floor this morning.

The VICE-PRESIDENT. No committee has the floor at this time.

Mr. SHERMAN. Some committee is entitled to the floor.

The VICE-PRESIDENT. The Chair is of opinion that it is in the keeping of the Senate to direct its own business. At the time the motion was made there was no one on the floor, and no one had any special business to present.

Mr. SCOTT. I shall make no objection to the request which the Senator from Illinois has made. That objection shall not come from me unless it comes from other quarters, but I have been patiently waiting for the call of committees in the morning hour under the order which we have made, hoping we would have another hour during the session for the consideration of bills from the Committee on Claims. I only wish to say that if we cannot do that I shall ask

to have equal consideration for that committee which shall be accorded to any other committee in fixing a special day, and I shall deem it my duty as chairman of that committee to ask that time be allowed for the consideration of bills from the Committee on Claims. I shall not object to the request of the Senator from Illinois.

Mr. LOGAN. I stated when I rose first that the hour which was allotted to the Committee on Military Affairs was taken up with other business and we really had no time. The Senator will remember the only bill that was acted upon from the Military Committee was a bill in reference to one of his constituents in which he felt an interest. I took that bill up out of its course to accommodate the Senator. That was the only bill acted on by the Senate coming from the Military Committee. I only ask for some time to be fixed for the consideration of this question. I do not care whether it is night, morning, or noon, or any time; it does not make much difference. I will come here at twelve o'clock at night if that is satisfactory to Senators. I only want to have it considered. I know we have had petitions before our committee counting up to hundreds of thousands really, on this very question, and I have never been able to get it considered in the Senate since I have been here. When I was in the House I had it considered, and it was passed twice there while I was a member of the House. I have tried to get a consideration of it in the Senate, and now all I ask is that the Senate may consider it and dispose of it. I think it is deserving at least of consideration, and I am willing that the Senate may fix the hour; whether in the morning, or afternoon, or at night, is immaterial to me.

Mr. WRIGHT. I suggest to the Senator from Illinois that the Senator from Maine having the appropriation bills in charge is probably opposed to fixing any time in view of his bills in a day session. I suggest that he ask for the evening of Wednesday next, beginning at half past seven o'clock.

Mr. LOGAN. I am willing to do that.

Mr. HAMILTON, of Maryland. What was the suggestion of the Senator from Iowa?

The VICE-PRESIDENT. That the evening of Wednesday next be set apart for the consideration of bills reported by the Committee on Military Affairs.

Mr. HAMILTON, of Maryland. A session for the consideration of such a bill as has been indicated, a bill that asks \$100,000,000 if not \$150,000,000, when the people are clamoring about taxes! I am opposed to it night or day, but I am opposed particularly to our sitting on a bill of so much importance as that after night.

Mr. MORRILL, of Maine. What is the motion?

The VICE-PRESIDENT. The motion before the Senate is that Wednesday evening of next week be specially assigned for the consideration of bills reported by the Committee on Military Affairs, and the Chair is of opinion that it requires a two-thirds vote.

Mr. MORRILL, of Maine. At this late period in the session to make a special assignment for any committee is not usual. Under the circumstances in which we find ourselves to-day I suggest to my honorable friend that it would be really a great peril to that part of the public business which I know he regards and which we all regard as a matter of necessity, that is the appropriation bills, to make such an order as he proposes.

Mr. LOGAN. If the Senator will allow me, I will relieve him. I have not been very persistent in thrusting business from the committee of which I am chairman before the Senate, as everybody will bear witness. At the last session many of our bills went over because I did not wish to crowd out other business on their account. I will say to the Senator from Maine that if appropriation bills or matters more important than this are before the Senate at the time named I will give way and take another time.

Mr. MORRILL, of Maine. Will it not answer the Senator's purpose if he gives notice that he will seek an opportunity to call up the business in his charge when appropriation bills are not engrossing the attention of the Senate?

Mr. LOGAN. I would rather not do that, but I will give way for the appropriation bills. I say to the Senator, in the presence of the Senate, that I will give way to them, so that there may be no collision.

Mr. MORRILL, of Maine. I have no especial relation to anything of importance except the appropriation bills.

Mr. LOGAN. I do not propose to interfere with action on any appropriation bill. I only ask that a time be fixed, so that then I can have a right for the Committee on Military Affairs to be heard.

Mr. EDMUNDS. I wish to call the attention of the Senate to the fact that some days since the Judiciary Committee reported the House civil-rights bill, which has been in its substance thoroughly discussed in this body already, and therefore it probably need not, so far as any fair debate is concerned, take more than a very short time to dispose of it. I feel it to be my duty to say that as soon as the appropriation bill which is now pending is disposed of, I must move to take it up; and I hope my friend from Illinois will not insist upon any special order which may jeopardize the opportunity of the Senate to dispose of the civil-rights bill.

Mr. LOGAN. I will not jeopardize the civil-rights bill, I will say to the Senator, for I am as much in favor of that bill as he is or any other Senator, and a good deal more in favor of it than some Senators here; but I desire at least to have consideration given to the committee that I represent, because I think it is due to them. They

have had no consideration this session. I will get out of the way for anything more important. Senators need not fear that.

Mr. SARGENT. The Senator from Illinois in reply to a question of mine stated that there were claims passing every day, and he implied by the word "claims" that they were improper claims. I will go with him and as far as any Senator in resisting all improper claims, and the bias of my mind is rather against claims anyhow, and in nine cases out of ten I vote against them. I do it in every case where I have not the clearest proof to satisfy me that it ought to pass. This Congress has been peculiarly free from the passage of claims. We have passed very few claims. We have passed no subsidies, and I hope we shall pass none.

So far as the soldiers are concerned, I believe for the last twelve years whenever I have had a seat in Congress I have been in favor of doing them justice, and I have that disposition at the present time; but when a bill is brought forward that I am assured at the Treasury Department will cost \$500,000 to go over all the work in the Second Auditor's Office since the war closed, and that after that labor shall be completed under it at least \$100,000,000 will be taken out of the Treasury—for I have had that information direct from the Treasury Department—I want a great deal of time to consider it.

I would further make the suggestion that these things are pressed on the attention of Congress not so much by soldiers, though they feel an interest in them, as they are by claim agents all over the country, men who examine the legislation of Congress and all the circumstances to see if there is not something which can be got for the class whom they represent, and they have very powerful influence in such legislation in Congress and make an appearance of a public sentiment which I think is often delusive.

But there are matters as important as this bill. For instance, I should like to have my friend from Indiana call up again the question of the admission of Mr. Pinchback. I think the question of war or peace, the future safety of the country, depends upon the settlement of that matter at this session of Congress. I will say, in fact, that I think it is better to decide the question wrong than not to do it at all. I cannot anticipate what the decision of the Senate will be, but after thirty hours of continuous debate on it so recently, it seems to me that debate must be nearly exhausted, and I feel that our democratic friends as well as our own friends are prepared to decide that question one way or the other. But to make special orders destroys any opportunity of taking up the civil-rights bill or the resolution for the admission of Mr. Pinchback, or any remedial legislation which the wisdom of Congress might devise in order to produce tranquillity in the South. For these reasons I shall most strenuously object to making a special order for any purpose.

Mr. HITCHCOCK. I desire to give notice that so soon as the Indian appropriation bill is disposed of I shall feel it my duty to call up the bill to enable the people of Colorado to form a State government and shall antagonize that bill against any other bill, except appropriation bills, until action shall have been had.

The VICE-PRESIDENT. The morning hour having expired, the Chair calls up the unfinished business of yesterday, being the Indian appropriation bill.

Mr. HOWE. I ask to what committee the morning hour this morning was due?

The VICE-PRESIDENT. The Committee on Printing.

Mr. ANTHONY. Then that committee goes over to the next morning hour, I suppose Monday, to-morrow having been given to the committee of which the Senator from Iowa [Mr. WRIGHT] is chairman.

Mr. HOWE. It has been usual when the morning hour was frittered away to extend the hour so that some committee might come in and be disposed of. I have been waiting very patiently for the Committee on the Library to be called. That committee has reported a bill which should be considered, and there is an immense public interest requiring it to be considered and acted upon. I believe that committee will be called when the Committee on Printing is disposed of, and I ask the Senator from Maine if he cannot yield an hour this morning? We have spent half an hour here in discussing what we will do next Wednesday.

Mr. SHERMAN. If the Senator had simply insisted on the enforcement of the rule he could have accomplished his purpose.

Mr. HOWE. I suppose if any Senator had done that the debate would have had to stop, but I never did insist on a rule in my life.

The VICE-PRESIDENT. The Indian appropriation bill is before the Senate unless a motion is made to postpone it.

Mr. HOWE. I ask the Senator from Maine if he will consent to do what has been done heretofore, postpone this subject an hour to allow the committees to be called.

Mr. MORRILL, of Maine. Under similar circumstances to those where it has been done before I certainly would give unanimous consent to do that thing, but under the circumstances in which I brought this bill to the attention of the Senate yesterday I feel extremely reluctant to allow any delay. The Senator from Illinois is also pressing.

The VICE-PRESIDENT. The Senator from Maine declines to yield.

Mr. LOGAN. I merely wish to reply to one remark of the Senator from California. When he speaks of claim agents, I think it is a very unfair thing to say here in the Senate when a Senator is asking to have a bill taken up by the Senate. I am no claim agent and

these petitioners are no claim agents. They are soldiers, honorable and honest men, only asking for their just rights that the law gave them when they were serving their country and of which they have been deprived, I will not say by trick but by an unfair muster out of the service.

Now, I give notice to the Senate that I will during the next week, without mentioning the day, for I may commence on Monday, persist in pressing this bill to which I have referred before the Senate until I get a vote on it in some way.

Mr. LEWIS. I appeal to the Senate—

The VICE-PRESIDENT. All this debate is out of order; and unless a motion is made to postpone the Indian appropriation bill and take up other matters, the Chair will direct the Secretary to proceed with the reading of the bill.

Mr. LOGAN. I call for the regular order.

Mr. ANTHONY. I suppose the Senator having charge of the bill will give way for strictly morning business, which has not been completed.

Mr. WINDOM. With the consent of the Senate, I will yield to strictly morning business.

Mr. ANTHONY. I desire to make a report.

Mr. LOGAN. I object. I call for the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills:

- A bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;
- A bill (S. No. 836) granting a pension to William Ira Mayfield;
- A bill (S. No. 862) granting a pension to Margaret S. Hastings;
- A bill (S. No. 1070) granting a pension to Margaret C. Wells;
- A bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;
- A bill (S. No. 1154) granting a pension to William Williams;
- A bill (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and
- A bill (S. No. 1213) granting a pension to Nathan Upham.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

- A bill (H. R. No. 4714) for the improvement of the mouth of the Mississippi River;
- A bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi; and
- A joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

- A bill (H. R. No. 3700) granting a pension to Teter Wolfgong;
- A bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late a private in Company D, Forty-ninth Regiment Illinois Volunteers; and
- A bill (H. R. No. 3717) granting a pension to Sarah McAdams.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers; and it was thereupon signed by the Vice-President.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 18th instant, approved and signed the following enrolled bill and joint resolution:

- An act (S. No. 1012) for the relief of the district judge of Vermont; and
- A joint resolution (S. R. No. 15) authorizing Thomas W. Fitch, engineer United States Navy, to accept a wedding present to his wife, Mrs. Minnie Sherman Fitch.

PENSION BILLS.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; and they were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. No. 518) granting a pension to Thomas Allcock, of Rochester, New York;
- A bill (H. R. No. 965) granting a pension to Samuel Purcell;
- A bill (H. R. No. 2586) granting a pension to Woodson Powers;
- A bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green;
- A bill (H. R. No. 3116) granting a pension to Fannie M. Herron, widow of James Herron, deceased;
- A bill (H. R. No. 3660) granting a pension to Sallie T. Lee;
- A bill (H. R. No. 4257) granting a pension to Francisco Quesada, of New York;
- A bill (H. R. No. 4540) for the relief of Elisha B. Knapp, of Wellsburgh, New York;
- A bill (H. R. No. 4754) granting a pension to Betsey A. Eaton;
- A bill (H. R. No. 4755) granting a pension to William Lyon;

- A bill (H. R. No. 4756) granting a pension to Emmet Langston;
- A bill (H. R. No. 4757) granting a pension to Freemorton Young;
- A bill (H. R. No. 4758) granting a pension to George W. La Pointe;
- A bill (H. R. No. 4759) granting a pension to Herman Nettlefield;
- A bill (H. R. No. 4760) granting a pension to James Wilkinson;
- A bill (H. R. No. 4761) granting a pension to John C. Cox, acting ensign United States steamer Weehawken;

- A bill (H. R. No. 4762) granting a pension to Mrs. Sidney J. Wood;
- A bill (H. R. No. 4763) granting a pension to Lafayette Briggs;
- A bill (H. R. No. 4764) granting a pension to Sarah A. Woodworth;
- A bill (H. R. No. 4765) granting a pension to Emilia O. Black;
- A bill (H. R. No. 4766) granting a pension to Ruth Isabella Naylor;
- A bill (H. R. No. 4767) granting a pension to Ferdinand Monti;
- A bill (H. R. No. 4768) granting a pension to Annie Farley;
- A bill (H. R. No. 4769) granting a pension to Abraanna L. Dunn;
- A bill (H. R. No. 4770) granting a pension to Elizabeth Thomas;
- A bill (H. R. No. 4771) granting a pension to Charles A. Draher;
- A bill (H. R. No. 4772) granting a pension to Richard G. Mobley;
- A bill (H. R. No. 4773) granting a pension to Dwight A. Barrett;
- A bill (H. R. No. 4774) granting a pension to Mary Ann McDonald;
- A bill (H. R. No. 4775) granting a pension to Margaret Pattison;
- A bill (H. R. No. 4776) granting a pension to Elizabeth Lanning;
- A bill (H. R. No. 4777) granting a pension to James A. Forgey;
- A bill (H. R. No. 4778) granting a pension to Heila A. Cooksey;
- A bill (H. R. No. 4779) granting a pension to Ruth Ellen Greland;
- A bill (H. R. No. 4780) granting a pension to Patrick Glackin;
- A bill (H. R. No. 4781) granting a pension to Barbara Patti;
- A bill (H. R. No. 4782) granting a pension to Ansel Thayer, of Braintree, Massachusetts;
- A bill (H. R. No. 4783) granting a pension to Robert Cavanaugh;
- A bill (H. R. No. 4784) granting a pension to Henry H. Kaiser, late private in Company H of Eighth Regiment United States Veteran Volunteers;
- A bill (H. R. No. 4785) granting a pension to Alva W. Hicks, of Cincinnati, Ohio;
- A bill (H. R. No. 4786) granting a pension to Mrs. Sarah B. Howe and Mrs. Mary Cranston;
- A bill (H. R. No. 4787) granting a pension to Charles H. Bugbee;
- A bill (H. R. No. 4792) granting a pension to Elizabeth A. Neibling;
- A bill (H. R. No. 4793) granting a pension to Mercy E. Scattergood;
- A bill (H. R. No. 4794) granting a pension to John McKinley;
- A bill (H. R. No. 4795) granting a pension to Ann Jones;
- A bill (H. R. No. 4796) granting a pension to Catherine Knierim;
- A bill (H. R. No. 4797) granting a pension to J. Lyle McCullough;
- A bill (H. R. No. 4798) granting a pension to Mariah W. Sanders;
- A bill (H. R. No. 4799) granting a pension to George W. Leamy, late second lieutenant Company B, Ninth Regiment Pennsylvania Cavalry;
- A bill (H. R. No. 4800) granting a pension to John H. Loby;
- A bill (H. R. No. 4801) granting a pension to Micajah Stout;
- A bill (H. R. No. 4802) granting a pension to Nancy Tipton;
- A bill (H. R. No. 4806) granting a pension to William C. Edmondson;
- A bill (H. R. No. 4807) granting a pension to George W. Trueheart;
- A bill (H. R. No. 4791) granting a pension to Samuel Sheaffer;
- A bill (H. R. No. 4790) granting a pension to David Salsbury;
- A bill (H. R. No. 4788) granting a pension to Catherine Ferry;
- A bill (H. R. No. 4789) granting a pension to Kezia Zoller;
- A bill (H. R. No. 4804) granting a pension to Levina Berrall;
- A bill (H. R. No. 4805) granting a pension to Mrs. Ellen Morrow;
- A bill (H. R. No. 3884) granting a pension to Mary C. Toy;
- A bill (H. R. No. 4332) granting a pension to Fannie E. Records, widow of Albert B. Records;
- A bill (H. R. No. 4334) granting a pension to William T. Simms;
- A bill (H. R. No. 4325) granting a pension to William R. Duncan;
- A bill (H. R. No. 4326) granting a pension to Samuel P. Evans;
- A bill (H. R. No. 4327) granting a pension to Bridget Leafy;
- A bill (H. R. No. 4329) granting a pension to William H. Small;
- A bill (H. R. No. 4330) granting a pension to Cyphert P. Gillett;
- A bill (H. R. No. 4331) granting a pension to Sarah Ann Crosby;
- A bill (H. R. No. 4333) granting a pension to James Rounsell, a private in Company K of the One hundredth New York Infantry Volunteers; and
- A bill (H. R. No. 4803) granting a pension to Susan C. Clark.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3821) making appropriation for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes; the pending question being on the amendment reported by the Committee on Appropriations, after the word "dollars," in line 191, in the appropriation for the Arickarees, Gros Ventres, and Mandans, to insert the following proviso:

Provided, That \$10,000 of said amount be available immediately: Provided further, That the Secretary of the Interior be, and he is hereby, authorized to use so much of this appropriation, not exceeding \$775, as he shall deem just and proper, to reimburse L. B. Sperry and William Courtenay for the losses sustained by them by the destruction of certain personal property by fire at the Fort Berthold agency, Dakota, on the 12th day of October, 1874.

Mr. HAMILTON, of Texas. I think the objection raised to this appropriation yesterday ought to be considered by the Senate. Here is an appropriation of \$10,000 in addition to what the Department thought was necessary, the greater portion or all of it to meet a claim set up by traders out there on the ground that they lost their property by fire. Suppose they did lose it by fire. I do not suppose there is a man in business on the plains anywhere in any Territory of the United States, or a man driving teams across the plains to feed those Indians, that does not make his calculation to lose once in awhile. Their profits allow for a very large margin of loss.

The Senator from Minnesota [Mr. WINDOM] stated yesterday that he thought it was a very meritorious claim; that these men had abandoned their own property in order to take care of the public property, and saved a very large amount of public property by letting their own go to destruction. I have great respect for the Senator from Minnesota and for any statement he may make; but I beg to say that if these men did neglect and abandon their own property for the purpose of protecting the public property, they are the first men in the history of this country that ever did such a thing. I never heard of such a case before, and I do not believe a word of it. I believe that they make such a showing here, and I do not doubt but that claimants can make a showing in any case.

I recollect a few years ago, when I was on the Indian Committee myself, a claim coming in of about \$90,000 for buildings which had become useless to the owner because the post had been abandoned and the owner conceived the notion of turning the buildings over to the Government of the United States, and had very strong indorsers. He had the governor of the Territory and a number of men who insisted that it was a necessary thing, and I believe afterward, perhaps a year or two afterward, he got his bill through and got the money. I have a case in my drawer now where another appropriation of about \$10,000 is asked from the Government of the United States to pay men for buildings because one of the agencies in one of the Territories had been removed; the buildings had become useless, they were no longer of any account to these merchants, and they wanted pay for them out of the Treasury of the United States. If the Government undertakes to pay all these claims, in other words, to insure the men against loss in any contingency, I do not know what is going to become of the Treasury. This bill to which I now refer provides:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,500, or so much thereof as may be necessary, to enable the Commissioner of Indian Affairs to purchase, in his official capacity, for the use and benefit of the Nez Percé tribe of Indians, with their consent, certain improvements within the limits of the Nez Percé reservation in the Territory of Idaho, made by or belonging to D. B. Randall and W. A. Caldwell respectively: *Provided*, That the sum herein appropriated shall be reimbursed to the United States from the amount of the last of twenty installments to be appropriated in fulfillment of the provisions of the fifth article of the treaty with the Nez Percés, concluded June 11, 1855, &c.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. SCOTT. My attention is arrested by this provision. I supposed upon first reading it that the \$775 was the only amount appropriated to pay persons for property destroyed by fire; but if I gather correctly the statement made by the Senator who has the bill in charge, the whole of this \$10,000 is intended for that purpose. Even as to the smaller amount I say my attention is arrested for the reason that this does involve a very important inquiry as to the circumstances which ought to take it out of the general rule. The Committee on Claims have had before them claims for reimbursement of losses by fire, cases in which soldiers had their property in forts that were burned, where it was alleged the fires originated from carelessness upon the part of the officers of the Government. We have rejected such claims upon the ground that the Government was not an insurer. We have now pending before us the case of the widow of one of the generals of the Army, who claimed \$12,000 for property destroyed on a steamer going from New York to San Francisco, on the ground that the Government was negligent in supplying that steamer, and that it was in consequence of that negligence that the household furniture and other property of that officer was lost. I do not know wherein these Indian agents differ from the other employés of the Government; and before I should be willing to recognize the principle which would bind the Government to pay for these losses, I should be glad to hear from the Senator having the bill in charge some explanation of the circumstances which justify this appropriation.

Mr. WINDOM. This amendment is misunderstood, I observe, by several Senators who have spoken of it, apparently with the understanding that \$10,000 was added over and above the amounts required by the treaties or recommended by the Department. I am not now alluding to the Senator from Pennsylvania, but to a Senator sitting behind me, [Mr. HAMILTON, of Texas.] The fact is the amount appropriated for these Indians—Arikarees, Gros Ventres, and Mandans—is a discretionary amount, and it is appropriated under the general idea on which we appropriate money to a large number of Indian tribes; that is, to feed them, take care of them, and keep the peace in that way. Instead of adding anything to the recommendations of the Department, the amount desired was \$125,000; the amount appropriated last year was \$85,000. The House committee made it \$75,000 this year, and the Appropriation Committee of the Senate merely raised the amount to what it was last year, thus making it \$85,000 instead of \$75,000; and one reason for increasing the amount \$10,000 was that

the Indians had suffered the loss of their buildings and a considerable amount of supplies by fire, and we thought the amount ought to be the same as it was last year.

The Indians to whom this appropriation relates are our friends in that country; they are the neighbors of the Sioux Indians. The Sioux Indians occasionally, under a sort of limited treaty of peace, come into the camps of these Indians and tell them, "You see how much better we are treated than you are; you furnish men to help fight the battles of the white men, and we demand food from them and fight them if they do not give it, and we get appropriations by the million and you are starved." And yet these Indians have maintained the peace; they have sent fifty to one hundred soldiers to our forts to help maintain the peace in that country; they are the hereditary enemies of the Sioux, and I do think that we ought to make reasonable appropriations for them. The amount ought to be doubled instead of being what is proposed, only \$85,000.

Now, a single word as to this claim. I myself am opposed to any claims upon this bill or any other appropriation bill except under peculiar circumstances. I think this is intimately connected with the bill and belongs here, for the reason that it is to be taken out of this appropriation, which is made on account of that fire. These men saved the Government, as the Commissioner of Indian Affairs tells us, a great many thousand dollars by neglecting their own property to take care of and save the property of the Government.

I have no feeling about this matter. If the Senate prefer not to encourage that sort of action on the part of agents who have control of Government property; if they prefer to say to them, "Save your own property, \$100 or \$200 or \$500 or \$700, and let thousands of dollars worth of Government property go to ruin because we will not reimburse you," then I say advertise it to the country by striking out this provision.

In addition to that, this man Sperry, as we are informed by the Department, is the best agent now in charge of Indians in any part of the country, and the Commissioner says that through his good management we have been able to cut down the appropriation to these Indians, and yet to keep the peace among them, some fifty to seventy-five thousand dollars below what we ever did until this agent went there. I am in favor of encouraging such an agent as that. You pay him \$1,500 to go out upon the frontier with his family. He stays there and takes good care of the Indians, and hence his reputation for honesty and good management. He takes care of the Government property to the loss of his own, and then we propose to turn around and advertise him, "We will not reimburse you; hereafter save your own property and let the Government property go to ruin."

With that submission of the question, I am willing that the Senate shall vote as they like.

Mr. INGALLS. It is unmistakably true, Mr. President, that this is a private claim. It is the individual claim of L. B. Sperry and William Courtenay, who are not described in the bill as Indian agents, but who are named as such by the Senator from Minnesota in his remarks. This being a case where the parties are private citizens, and this being a private claim, against whom does the obligation to pay it subsist? Against the United States? Certainly not. There can be no principle of law upon which the United States can be called upon to pay this claim. Are the Indians then liable, or are the Indian funds of the Government liable? Nothing can be clearer under the statement of the Senator from Minnesota than the fact that in no sense whatever is this or can this be a claim on the Indian funds or the Indian Department of this Government.

The only argument made by the Senator from Minnesota is that Mr. Sperry was a good Indian agent, and that therefore his claim should be paid. If that is to be acknowledged in making appropriations as an argument or as a ground upon which money should be taken from the Treasury, then our whole system of appropriations had better be changed at once.

This is a vicious proviso. It is wrong in principle; it is wrong as a matter of fact. I desire to call the attention of the President to the fact that it is also directly in violation of one of the standing rules of the Senate and cannot be entertained. Rule 30, referring to amendments to appropriation bills, declares in the first place—

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments—

And the rule goes on—

and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

This is confessedly a private claim. The amendment is not to carry out the provisions of an existing law or a treaty stipulation. I therefore make the point of order that under the rules of the Senate it cannot be received, whether reported from a committee or not.

Mr. WINDOM. I ask the Chair whether it is not moved by a standing committee of the Senate?

Mr. INGALLS. That is very true. If the Chair will allow me one moment further, I will say that the provision in the rule that no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or treaty stipulation, is entirely independent of the provision of the rule in regard to recommendations made or reports made by a standing

committee. It is an express provision that no amendment, whether reported by a committee or not, shall be received for the payment of a private claim, unless it be to carry out the provisions of an existing law or treaty stipulations.

The VICE-PRESIDENT. The Senator from Kansas raises a point of order. The Chair is of the opinion that the point of order is well taken, and he will so decide, but will submit the question to the Senate if that be desired.

Mr. ALLISON. That relates to the second proviso.

Mr. INGALLS. The second proviso.

Mr. WINDOM. I shall not appeal from the decision of the Chair. I ask, however, to what portion of the amendment the point of order relates? I suppose only to the second proviso.

Mr. INGALLS. I only raised the point of order with reference to the appropriation for the payment of Sperry and Courtenay.

Mr. WINDOM. I shall not appeal from the decision of the Chair.

Mr. SCOTT. Let me make an inquiry. Under this provision can any portion of the \$10,000 be applied to other parties who have suffered as they did by the fire?

Mr. WINDOM. No, sir. It simply makes \$10,000 of the whole amount appropriated available immediately, in order that out of the general fund of the Indians the Department can go to work and replace their losses. It does not apply to anybody else. We simply make the amount what it was last year and make \$10,000 of it available immediately on account of these losses.

The VICE-PRESIDENT. The amendment as modified by the ruling of the Chair will be read.

The CHIEF CLERK. The amendment as it stands now is to insert the first proviso:

Provided, That \$10,000 of said amount be available immediately.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was in lines 204 and 205, to increase the appropriation to subsist and properly care for the Apaches of Arizona, from \$200,000 to \$375,000.

Mr. SHERMAN. I do not know upon what basis the Committee on Appropriations offer amendments of this character to increase a definite appropriation. It is almost impossible for the Committee on Appropriations or any committee to estimate the amount of money that should be expended in the way money is now expended in the Indian service. Therefore in my judgment the Committee on Appropriations, unless they have a clear, satisfactory showing that an amount greater than is proposed by the House of Representatives ought to be expended for a given purpose of this kind, ought not to propose it, and we ought not to agree to it. I ask the Senator having charge of this bill upon what basis they propose to increase by these very large sums appropriations of a specific character for the Indian service?

Mr. WINDOM. It is one of the most difficult branches of the public service to know precisely what is the right thing to do. There is no question about that. This appropriation is made for the purpose of carrying out what is denominated the peace policy with the Indians; that is, that it is much cheaper to feed them than fight them. The amount recommended by the House committee for these Indians in Arizona is too small to enable the Government to carry out that policy with them. The recommendations of the Department were \$750,000 as the amount necessary to keep the peace with these Indians in Arizona and New Mexico. We appropriated last year \$500,000, and it has been with the utmost difficulty they have been able to carry on the service with that amount. The House cut that down to \$400,000. Acting upon their discretion and carefully investigating this subject as to the number of Indians, as to the amount required to feed them, as to the difficulties encountered in supplying them, our committee believed that \$500,000 was the very smallest amount with which the Department could possibly get along and carry out this policy. It may be that we could save \$100,000 now by voting only \$400,000 for these Indians; but possibly instead of saving \$100,000 we might be required to send a regiment there which would cost perhaps two millions a year.

Thus far I believe the peace policy has worked well; but if we are to maintain it we must exercise the best judgment we can upon the amount necessary to feed these Indians. We have cut down wherever we could. The Indian bill is \$1,700,000 less than it was last year; and the committee honestly believe, after a full, careful, and thorough investigation of this question, that we cannot go below what we have done and carry out this policy. I have no mathematical calculations to submit, no reasons perhaps that will be entirely conclusive upon this point; but I submit to the Senator and to the Senate whether it is not better to make appropriations large enough to maintain our policy with the Indians rather than to risk a war with them. That is the only reason I have to give. The Senator from California [Mr. SARGENT] is better acquainted with the details of this matter than I am, and will submit any further suggestions that may be needed.

Mr. SHERMAN. The Senator has said enough to answer my purpose. He can give no reason for the increase, and I can give no reason why the appropriation should not be increased. In other words, in appropriating money for what is called the peace policy with the Indians, we are doing it as blindly as bats in the brightness of day.

The Senator cannot give us a computation, or the mathematical reasons, as he would call them, for increasing the amounts in this paragraph of the bill \$75,000 in one case and \$25,000 in another. I cannot answer the argument of course without having all the facts.

Mr. President, it seems to me that a policy of this kind, which absorbs three-fourths of the whole of our appropriations in the expense of transportation, agencies, and expenditures of that kind which neither reach the backs nor mouths of the Indians, is an ill-defined policy which ought not to be carried out. These Indians ought to live by work, just as other people do, or they ought to be gathered where they could be compelled to earn their own living. I always supposed our Indian policy was to gather the Indians in reservations and require them to work; to expend our money, not in feeding them, but in enabling them to feed themselves; to buy them implements, build them school-houses, furnish them blacksmith-shops, furnish them mills. I thought this was the peace policy; in other words, to compel them to earn their living, just as the white people or black people do. But a policy which gives to these Indians food and clothing and does not require them to work never will redeem them into civilization, in my judgment. I do not believe in it. For the last seven or eight years I have voted steadily against every Indian appropriation bill. If I had the power I would defeat this bill now and compel the adoption by Congress of some other policy; but I have not. I simply call the attention of the Senate to it. I do not find fault with the Committee on Appropriations, because once when I served in the same capacity and had charge of Indian appropriation bills, I was filled with the most profound disgust; I could not answer a plain question, because I had not the materials with which to answer it. The Indian appropriation bills have swollen from about two and a half million dollars, which I believe was the amount of the last one I had charge of, until they have reached seven millions a year, and this bill has been reduced to between five and six million dollars.

Mr. WINDOM. A single word in reply to the Senator from Ohio. I said I could not make a mathematical computation of the amount necessary. Perhaps I stated that a little too broadly. We have not guessed at this matter wholly. We know the number of Indians there; we know what is the smallest amount that rations can be furnished for, and I have made a sort of mathematical calculation, which is before me. The cost of a hundred rations, exclusive of transportation, in that country is \$15.48 by the estimate of the Department. One hundred rations, costing \$15.48, for seventy-two hundred and seventy-six Indians—and by the way the number is known—2,655,740 rations will be required for a year, and the cost amounts to \$411,108.55 exclusive of transportation, and for transportation to Arizona the amount in the bill will not more than leave enough to cover the deficiency.

The Senator says he would defeat this bill entirely; that when he was a member of the Committee on Appropriations he always looked on Indian appropriation bills with disgust. I think that the committee fully sympathize with the Senator from Ohio on that subject. He speaks of the large increase of the Indian appropriation bills, but I will say to him that the expenses of wars with the Indians have largely decreased. Some years ago I had occasion to make an examination and received a report from the War Department as to the cost of fighting one single band of Indians during the two years, 1862 and 1863, and it came to over \$30,000,000, and the report was that there were not over five or six Indians killed in the expedition. So that in that case it cost about \$6,000,000 each to kill those Indians. I believe a recent report of General Sheridan or General Sherman—I have forgotten which it is—shows that it costs on an average a million dollars to kill an Indian on the plains by the military.

The Senator from Ohio proposes to throw away this Indian bill with which he feels disgust because of its uncertainty, and put the Indians on reservations. That sounds very well here in the Senate. In the cool deliberations of this body it has a very pleasant sound; but when you come to catch these Indians at the rate of a million dollars apiece—and it is just as hard to catch them as to shoot them; for if you can get the military near enough to catch them, you can get them near enough to shoot them—it will not be very strictly in the line of economy for which I know the Senator is an earnest and honest advocate.

I wish we could adopt some policy which would enable us to get along better with our Indian affairs; but until we can devise some policy better than the old one of fighting them, I say let us stick to the present one of feeding them; and if we do that, let us honestly feed those that we agreed to feed and keep them upon the reservations rather than take the risk of fighting them and killing them at the cost of a million a head.

Mr. STEWART. It is a mistake to say that anybody who wants to regulate this matter is in favor of fighting the Indians. We have had the experience of one Army officer who has done more good in settling the Indian question and wasted less money, I venture to say, than all other men in the United States during the same period of time, and accomplished more good with less money. That was General Crook. He was first sent to Idaho, to Indians there whom it was said nothing could be done with unless they were bought off at great expense. They were raiding into Nevada and nearly up to Oregon. There was a large region of country there which was being devastated by In-

dians. He was sent there, and it was but a year or two before he established peace. He caught the ringleaders and punished them. There was less cruelty in it than in any other course. He did it vigorously, in person, and he got peace. He was then sent up to Oregon and from there sent down to Arizona, and in Arizona he has secured peace. He is a strong executive officer. Where it was said it was hopeless, where it was said you had to buy off the Indians, he has secured peace without any great slaughter or without any great violation of humanity. He has only punished the wicked, the notorious murderers. He has taken the trouble to catch them and punish them; he has the others on reservations, and he is so careful in his management that the Indians know him and they believe he can see through them and understand them, and they respect him; and he can do more with ten dollars than any Indian agent you have can do with ten hundred.

If you had a few more men like General Crook you need not be afraid of Indian wars, because they would know how to manage Indians. It is necessary that a person should know something about them in order to manage them. I believe that more can be done through the Army officers without the shedding of blood, because it has not been shed in Arizona, and those were the worst Indians of the country. For two hundred years they had robbed and murdered in all directions, and it was said nothing could be done with them. We have them now on reservations, and they think General Crook sees through them, and we have peace. You can travel all over that country. That shows what may be done by a man of war who has a little judgment in his management.

Mr. SARGENT. I do full justice to the merits of General Crook in Arizona. It is unquestionable that his vigilance and activity assembled the Indians on reservations, and the Indians were induced to go there without very much bloodshed, by the promise that they going upon those reservations, the Government would fulfill what was called the peace policy, and furnish them, until they could maintain themselves, with the means of staying there. The Government keeping that promise has made a state of peace there the last two years, a state of peace so refreshing to the people there that their papers come to me loaded with thanks to the Government and congratulations to themselves that no longer there are two murders a day on the average in the Territory; the people can go to work on their farms, they can drive their herds without danger of losing their scalps. The Territory has been redeemed from a most horrible barbarism, largely redeemed through the energy of General Crook, but just as largely through the appropriations year by year by which the Indians going on barren reservations (and no other kind can be found there) are fed and kept in a comparative state of contentment.

Now withdraw your appropriations, and General Crook's promise cannot be kept. Withdraw your appropriations, and you have men upon desert tracts who must starve or break out and go upon the highways, who must rob, who will murder. That is the alternative. That is the complement of the speech of my friend from Nevada.

Now these Indians are made to work. There is not a ration issued to feed an Indian who is able to work, that is to say who is not sick, or an infant; or who is able to work. He is required to make in return an equivalent in his labor, which is used in digging ditches from the accessible rivers or streams on to the reservation to prepare the way by which irrigation can be supplied to those desert lands. I admit that the labor is not always valuable or efficient; but nevertheless it teaches the Indian to labor; nevertheless it redeems him so far from his barbarous habits and makes it easier hereafter to maintain him.

Year by year the appropriations have decreased. Last year we appropriated this amount and there was a large deficiency; the year before a larger amount and a deficiency still larger. This year the deficiency will be quite small; and the Commissioner assured the Committee on Appropriations that if the amount was appropriated this year which was appropriated last year he believed he could bring the service within the amount; and why? Because there is a possibility now for the people to raise cattle, because there is an opportunity for them to cultivate their lands, to raise wheat, and by this means instead of long transportation in passing across the articles which the Government needs to feed the Indians they may be bought more and more in the country itself.

We have reversed the old policy. Not only is it cheaper to feed Indians than to fight them in point of money, but it is cheaper on the ground of humanity to our own people. Do you want these harrowing accounts, these wails coming up from the Indian frontier? Do you want the news to come here, flashed by the telegraph, that this day this citizen was killed on his way from Tucson to Prescott, or that citizen and his wife were killed on the way to the Pima reservation? Nevertheless this is what you had three years ago. Senators' ears ought not to be dulled to cries like these; and I predict, as I predicted last year when I stood on the floor of the Senate and insisted that these appropriations should be made and the Senate made the appropriations, that if you withdraw the appropriations or cut them down so that the Indians cannot be kept contented during the year, the result will be an Indian war in that Territory, by which our people will lose their lives and the business interests of the Territory will be destroyed. For such a purpose what is \$500,000? If you talk about the comparative cost of feeding and fighting them,

then I cite the report made by the brother of the eminent Senator from Ohio, wherein in an elaborate report on this very question he said the Government had expended \$30,000,000 on the plains to fight the Sioux and the result was that the troops had killed thirty Indians; that is to say, at a cost of \$1,000,000 apiece. Although an Army man and well versed in all these matters and illustrations in the military service, he said in most pregnant language, italicizing it in his report, that it was cheaper as well as more humane for the Government to feed the Indians rather than fight them. Acting on that advice, we have appropriated since that time from a million to a million and a half annually for rations, and we have had to keep no military force and there have been no more such ravages as there were in the State of the Senator who has charge of this bill, where men, women, and children were murdered, where women were ravished, and where scenes were enacted as if the devils in hell had broke loose and come down upon Minnesota. Those scenes stopped. This has cost a million and a quarter a year. Adopt the other policy and the cost is \$30,000,000 a year, and still your people are not protected. Therefore I insist that it is the part of wisdom and the part of humanity toward our own people to adhere to this policy.

The Senator from Ohio says years ago when he had charge of Indian appropriation bills we used to appropriate two and a half millions a year. At that time we did not have to deal with the Sioux. At that time we did not deal with the Apaches or with the Cheyennes or the Arapahoes, and with few except a few civilized Indians within the Indian Territory. Our people had not pressed out into all these different Territories. We did not have railroad communication across the continent enticing emigrants to spread out through the mountain valleys. We were not reaching out our fingers of civilization, sensitive with nerves to the lip, in every direction where mischief and murder might assail American citizens and destroy their interests. We could let the Indians roam at large upon the plains and chase their buffaloes, because they did not come in contact with civilization. But since the time the Senator had charge of Indian appropriation bills civilization has been extended over this region, and this is the cheapest and best and most humane mode of protecting them.

Mr. STEWART. It would be a great deal cheaper to carry out the Indian policy if you had honesty rather than dishonesty. I have no doubt that in Arizona, if General Crook and the Army had had the disbursement of the money, it would not have taken more than 50 per cent. of it to accomplish the result. I have seen something of these agents and something of their performances, and if those who have been sent into my State are specimens, at least three-fourths of your money is stolen.

Mr. SARGENT. The Senator knows the Utes, the Diggers, are not the Comanches, and the Apaches? They are simply low, degraded creatures. The question is whether anything can be done for them. They are not quarrelsome. Some of them of the better class do a little work; but what will become of our people in Arizona and that vicinity if something is not done for these Indians. There has been only \$15,000 appropriated to the Senator's State, and he was not in favor of that.

Mr. STEWART. I prevented that because it would be stolen.

Mr. SARGENT. I do not know that it would be safe to send any money to the Senator's State. I am not insisting that any should be sent there; it might be stolen. [Laughter.]

Mr. STEWART. The people there would take care of it; but if you send thieves to steal it, it will be of no use to send it. I will tell you what they did in my State as a specimen of the Indian policy. There were a few Indians scattered in the southern part of the State. They lived in the little places where there were water and grass. When people came there they would work for them and herd stock. They were a peaceful, docile set of Indians. The Indian Department set apart a section of country about the size of Connecticut to make up a grand reservation. They came in here with a proposition to buy out all the settlers there were around there for thirty or forty thousand dollars and to appropriate fifty or sixty thousand dollars to get the Indians to go on that reservation, a thing that anybody knowing anything of that country would laugh at. I opposed any such appropriation; and when I did I was told "O, you want to kill the Indians." I am a friend of these Indians. The Indians heard that they were going to be brought on this reservation, and they sent word to me and I saw some of them. They protested against it. They want to stay about their homes; they are quiet and willing to work. Here was a grand scheme got up. The character of it did not appear to excite any indignation in the Interior Department. When I told them of it, they rather justified it. It was a mining country with patches of arable land here and there, and we wanted settlers to go there so that they could give the Indians something to do. The Indians wanted white people to come in. I have always said get the Indians together that are willing to go upon a particular place and have a few farms; that would be well enough. But the idea of setting apart nearly one-third of that State for an Indian reservation and having a large appropriation and a great parade was properly resisted. It could not possibly benefit the Indians or anybody else. I opposed it because it was nonsense from beginning to end. If that is a specimen of the want of intelligence, not to say want of honesty, which guides the Indian policy, what must be the Indian service elsewhere?

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator's time has expired.

Mr. INGALLS. Mr. President, one of the cheapest and commonest catch-words of the present philanthropic Indian policy of the Administration is that it is cheaper to feed Indians than it is to fight them. That sounds very well and perhaps might be useful as an argument were it not for the fact that the Government not only fights Indians but feeds them also.

In regard to these Apaches of Arizona and New Mexico, there was an appropriation last year made to feed them, including original and deficiency, of \$969,000—very nearly a million; and in addition to that there were kept in those two Territories two regiments of infantry and two of cavalry to fight them at an expense of nearly four millions more. They are driven as far as possible on to their reservations in the winter and fattened up at the expense of the Government to enable them during the summer to carry on their depredations against the white settlers; and then the military is called in to drive them back again upon their reservations during the winter.

I protest, sir, against this method of treating the Indian question as being not only in violation of sense and in violation of the first principle of government, but as being criminally extravagant and profligate. The great trouble about these Apaches of Arizona and New Mexico lies in this, that, as the Senator from Ohio has well said, there are no data upon which we can vote these appropriations. It rests entirely in the caprice or the cupidity, if you please to call it so, of the Indian commissioners. They come in here and recommend an appropriation of hundreds of thousands of dollars for the purpose of feeding and subsisting the Apaches of Arizona and New Mexico, and then, regardless of the amount appropriated, they proceed to expend whatever they see fit to expend and come in at the commencement of the next session with an appropriation for a deficiency reaching to the amount of hundreds of thousands of dollars. It is the most amazing, the most astonishing instance of profligacy in civil expenditure that this Government affords. It is entirely immaterial whether one single dollar is appropriated in this Indian appropriation bill at this season, for the authorities will proceed to make whatever expenditures they see fit to make and come in at the close of the year or the commencement of the next fiscal year for a deficiency appropriation that will cover the whole amount. Therefore, sir, unless the Senator from Minnesota having this bill in charge can furnish to the Senate some authentic data upon which to base this most extraordinary amount that is here asked for these Indians, I trust at least the item will be kept down to the amount originally named in the bill as it came from the House of Representatives.

Mr. WINDOM. I think the Senator from Kansas could not have been in his seat when I did furnish some data a few moments ago. It is not entirely guess-work as to the amount required. There is a roll kept of the Indians that are fed, and the number is reported to us from the Department. When up before the whole number was seventy-two hundred and twenty-six, according to the account, in Arizona and New Mexico, I was understood to state, but I should have stated in Arizona alone. It is well known what rations cost in that country. Footing up the total cost of these rations for the number of Indians which are reasonably known to exist there—I take the authority of the Department for this as all other questions when I have no other—it amounts to \$411,185.55 for the Indians in Arizona alone; and yet the bill which we report even with the amendment appropriates but \$375,000 for them, without the transportation. We fall far below the amount that is required absolutely to feed these Indians even with the amendment which we have offered.

But the Senator from Kansas arraigns the Indian Department for exceeding the appropriation. To some extent I presume that criticism may be justified. I think that if I had control of Indian affairs myself, if Congress appropriated \$100,000 for the Indian service, I would use that and not another dollar more even if I had asked for more and even if a war came; and I know they do try to avoid it. They do sometimes exceed the appropriations in order to save us from much greater expenses. If it were true that Congress appropriated the amount which the Department upon full investigation decided to be necessary, and then they exceeded it, there would be more ground for criticism; but we never do that. In this bill they asked for \$750,000 as the amount which is really necessary for this particular service. We have cut it down to \$500,000, and we hope to be able to get along with that amount. The Senator would have some ground for his criticism if we appropriated the whole amount and then they did not keep within it; but I think the Senator himself will admit that it is better that a little discretion should be exercised by the Secretary of the Interior where greater expense can be avoided and greater trouble, even if occasionally there is a little excess. I hope, however, in view of the criticisms which are always made in reference to this bill, that hereafter the Department will not expend one dollar more than is appropriated, come what will, no matter if the whole western plains become involved in an Indian war. I would not if I had charge of that Department, for I would not take the responsibility.

Mr. SHERMAN. I would like to ask my friend a question. I wish to know how they get money except in pursuance of an appropriation. I have always wondered how it was possible for them to get the money to expend.

Mr. WINDOM. They do not get it, but sometimes they make contracts, as I understand, in order to supply the Indians, trusting that the amount will be furnished by Congress; and those contracts always

cost a great deal more than if the money were originally appropriated. Of course they cannot use money without an appropriation.

Mr. SHERMAN. I want to know by what authority any officer of the Government contracts for the expenditure of money in advance of an appropriation.

Mr. WINDOM. I presume there is authority—

Mr. SARGENT. I will answer the question, if I may be allowed to do so. We appropriated less than the estimates last year. The Indian Commissioner informed the Committee on Appropriations that his money lasts up to this time and will last until after the adjournment of Congress, but that it is not sufficient to go through the year. Warning of this was made on the floor of the Senate at the time. Now he says, "I have not exceeded my appropriations; I do not intend to exceed them; I intend that Congress shall understand just what the results will be provided a sufficient deficiency is not appropriated; if the deficiency appropriation is not made, I have no authority to spend money; and if war comes my hands are clear." This is the position of the Commissioner at this very moment. He says, however, in reference to this appropriation, "I can get through, I think, the coming fiscal year without the necessity for a deficiency; things are getting into better shape by the existence of this policy; I can get supplies cheaper; the Indians are beginning to help themselves by bringing in water by irrigation; I will try to get through with this amount, and I think I can." Last year he said he could not get through. He has not yet violated any law, and does not intend to do so, even if war comes.

Mr. SHERMAN. That is right. I have always wondered how they got money beyond the appropriation, if they did. The Constitution of the United States, which we generally swear to support, declares that no money shall be drawn from the Treasury except in pursuance of an appropriation made by law; and the law is equally definite that an officer of the Government cannot contract so as to bind the Government in anticipation of appropriations; otherwise any officer of the Government might defeat the Constitutional provision. I say that if there is any deficiency here the appeal ought to be to Congress, and no executive officer in the Interior Department or any other ought to make a contract involving this Government except in pursuance of an appropriation made by law.

Mr. ALLISON. If the Senator from Ohio will turn to page 80 of this bill he will find a section which is intended to avoid deficiencies in the future with reference to Indian appropriations. It provides that all contracts be made so as to distribute the supplies over the entire year.

Mr. SHERMAN. That is right.

Mr. DAVIS. The provision here called for has been in each appropriation bill for a number of years. The fault is I think that the Indian Department as well as many other Departments of the Government commence too early to spend the money. When they know that they have to run over twelve months, they should divide their appropriation into twelve parts, and distribute it over the months; but they commence perhaps on a scale which disposes of it all in six months, depending on making it up when Congress meets. That has been the case more than once. I think the practice ought to be broken up; it ought not to continue. I think the sooner the Departments understand that their appropriations are to go over twelve months and not six months, the better. I believe the present Commissioner is trying to do his duty toward the Indians and toward the people and the Government. I see no fault in him. He has been before the Committee on Appropriations and explained everything asked of him by the committee. It is true, in many instances, I cannot agree with what he has done nor can I with all that the committee thought it was best to do. It was probably owing to my short service on the committee and not knowing as much about the Indian service as the other members do. I would state, however, that when I went on the Committee on Appropriations only a year ago my prejudice was very much against this Indian Department. I believed and think now the country believes generally that half the money which is appropriated for this Department by Congress is stolen or used in such a way that it never gets to its legitimate objects—the Indians. My mind has somewhat undergone a change by inquiry. I have given two days' continuous study to this question within the last thirty days, hoping to find something wrong and to be able to put my finger on somebody who had cheated the Government.

Mr. MORRILL, of Maine. Not "hoping" but "expecting."

Mr. DAVIS. No, I was hoping to find the man who had been doing it. I believe it has been done and I believe in this Department there is each day that passes before us a robbery of the Government. I mean just what I say; I believe it to-day; and I hope to find the man. I went to the Department and talked with the Indian Commissioner. He believes himself that there is money stolen which does not get to its legitimate object, but he cannot find the person who does it. It cannot all pass through his hands. It has to be sent to agents. This bill provides for seventy agents. Some of them disburse one-half the money that others do, and we have in some cases the least difficulty as to those who disburse the least. Take the very man who was named here this morning, and a provision for whom was struck out. The Indian Department says that he is feeding and controlling his Indians for one-half what it cost last year and one-half what it costs other Indian agents surrounding him now. This shows that the money goes not to the proper destination in many

instances. I believe that the remedy is that the Indian Department should divide its money into twelve parts and not into six parts as has been done in many cases, depending on Congress to supply the deficiency. It should remember that there are twelve months in the year.

Mr. STEWART. I should like to ask one question, because I do not want to interfere with anything that is necessary for the peace of the Indians. I ask if this becomes necessary under the promise made by General Crook to these Indians? If that is a fact ascertained, there is a basis which would justify action.

Mr. WINDOM. I am not aware that it is under any promises of General Crook. It is under the general policy; it is to carry out the promises of the Government; I do not know whether General Crook made them or somebody else. As General Crook's name has been mentioned, I wish to say that General Crook has been more successful in driving a portion of these Indians in reservations than some others, but he has not gone with the sword alone; he has gone with the sword and beef and bread together.

Mr. STEWART. He has gone with brains and honesty.

Mr. WINDOM. He has had all of them, I have no doubt. It is the easiest thing in the world to get up and say one-half the money appropriated for the Indian service is stolen. My honorable friend from Nevada has gone beyond that. I think usually he has confined himself to halving it, but to-day he thinks 75 per cent. is stolen. If he continues to improve in his estimates, at the next Congress the whole amount appropriated in the Indian bill will be stolen. Now, for gentlemen to charge that a certain percentage, as if there was some investigation from which they knew the fact, had been stolen from the Indians, with perhaps not one single fact before them to justify it, is, it seems to me, hardly fair treatment of the Department or of the Government. My honorable friend from West Virginia says he wanted to find somebody who had been guilty of rascality and he hunted for him, but he has not been able to find him and he is on this committee. I have no doubt money is stolen that is appropriated in the Indian bill, but I do not think it is nearly in such proportion as is named, and I do not believe you can carry on any great service of the Government or any great business scattered over such a vast extent of Territory, paying such salaries as you pay the men who do it, and have every dollar honestly administered.

Mr. STEWART. Mr. President—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEWART. I want to have my question answered if anybody knows—

Mr. SARGENT. Mr. President—

The PRESIDING OFFICER. The time of the Senator from Nevada has expired, and so has the time of the Senator from California.

Mr. STEWART. Let him answer the question I asked.

Mr. MORRILL, of Maine. Let anybody answer the question who has time.

Mr. SARGENT. Allow me?

Mr. MORRILL, of Maine. Yes, sir. I will yield to my friend from California.

Mr. SARGENT. I say the promises made by the Government through General Crook to these Indians were that they should be treated in the manner we have been treating them for the past two years. The Indians have behaved well because these promises have been made. They will be under no obligations to keep them if the promises be violated.

Mr. MORRILL, of Maine. I do not rise to discuss this proposition, but to say to Senators that there is nothing new in it. It follows as a necessity from the Indian system within which we are working. These Indians were forced upon these reservations and are there now. We have refused to allow them to roam and hunt and plunder and feed themselves, have confined them on these reservations. Now it is as well an ascertained fact as anything can be that it costs the Department so many hundreds of thousands of dollars annually to feed these Indians. That is known as well as anything can be in this service, and ascertained by actual experience. That is precisely this proposition. Unless you choose to change the entire Indian service, and allow these Indians to roam and hunt and plunder and murder and support themselves in that way, you must keep them where they are and you must feed them. That is the upshot of the whole thing, and that is exactly this proposition. It is not new and not peculiar to this year. We had it last year and the year before, and it will continue to be until you change the policy, and you cannot change the policy and go back to the old policy without its costing you more than four times what it costs now. From a very careful examination of this whole subject I am satisfied that we have saved more than \$3,000,000 in the last four years by our change to the present policy. I think there ought to be no question about this.

Mr. HAGER. Mr. President, it seems to me a question of policy how the Indians should be managed; that is to say, the proposition contained in this bill is the pursuit of a policy inaugurated heretofore which is a departure from what had been hitherto the policy of the country in regard to the Indians. Hitherto we have had wars with the Indians; and in that respect it looks like extermination. The other policy is to put them upon reservations and take care of them at Government expense by feeding them there. If the money is expended through the Army, in behalf of the Army, for the support of the Army, we understand it; but if appropriations are made here of

money to be distributed through agents for the benefit of the Indians, it is a very difficult matter for the Senate or any person to understand where that finally lodges. It is a well-ascertained fact, I believe, that it becomes dissolved or melts away before it ever reaches the Indians, through the hands of those who may manipulate it or otherwise.

Now, sir, I am disposed to do what is just to the Indian and what is best for the Indian, but I am not disposed to increase this appropriation beyond the amount contained in the House bill, and therefore shall not support the amendments that have been offered by the committee, for the reason that I have no confidence in the policy which it is intended to inaugurate. I do not believe that this money will go to the benefit of the Indians. We may pen them up in reservations, but if you do not feed them there will be starvation there; and between the two—extermination by war or starvation upon reservations—I do not care to discuss the question which is preferable; and that is really what is upon us. I have heard it said, as the Senator from Kansas has intimated, that the policy amounts to this, that you fatten the Indians during the winter in order that they may be better prepared to slay during the summer; but from what I have heard on the other side in regard to these reservations I do not believe there is much fattening of the Indians. It is rather starvation in consequence of a deficiency of food, and they break out in search of the necessities of life from these reservations in consequence of the inefficiency of the supply. That has been the history.

Mr. SARGENT. Will my colleague—

Mr. HAGER. I will be through in a moment.

Sir, we had a policy once. We had Indian commissioners appointed to whom was intrusted the care of the Indians, so far as they were an advisory board; they have resigned, and I had a conversation with one of these commissioners some time ago, a very intelligent gentleman, in which he said that they had no authority to inaugurate reforms and no power to correct abuses, and for that reason they gave up what to them was a fruitless task. Sir, it is the policy of the Government, the error in the administration of these Indian affairs, the plunder of the money on the way, that is mostly complained of; and I am not prepared to vote appropriations in this way unless I have some satisfactory guarantee that the money will reach the purpose and the object for which it is designed.

Mr. SARGENT. Mr. President—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARGENT. I move to amend the amendment.

Mr. WEST. I should like to have the amendment reported that we may understand what it is. I want to know what the pending question is.

The PRESIDING OFFICER. The pending question is the amendment of the committee in print, and the Senator from California [Mr. SARGENT] moves an amendment to the amendment.

Mr. SARGENT. I move to strike out "seventy-five" and insert "eighty," and I do it for the purpose of making some remarks on this question.

Mr. President, I desire conscientiously to avoid the difficulty pointed out by my colleague. He says that the Indians are nearly starved on reservations. Is that a reason for making a less appropriation? He knows as well as I do—

Mr. HAGER. I want to correct a mistake.

Mr. SARGENT. "I will be through in a moment."

The PRESIDING OFFICER. The Senator from California declines to yield.

Mr. SARGENT. My honorable colleague made that remark to me when I asked him to yield.

Mr. HAGER. I said I would give you the floor in a minute as I had but a word more to say.

Mr. SARGENT. My colleague, as well as I, knows that two or three years ago Arizona was a scene of blood from one end to the other; that there was a terrible condition of things there, and the papers of San Francisco day by day dinned in his ears as they did in mine that the Government should do something to remedy that condition of things. I have no more interest in Arizona than he has. I was never within its boundaries. I do not know one hundred people in it. I do not know that I know ten. I only know by these very San Francisco papers and by other sources of information that that condition of things has ended. I know the policy which ended that condition of things. Here comes a proposition from the House of Representatives which starves that policy, breaks it up because the Indians cannot be kept on the reservations and cannot be kept in peace. If one year from now, with this meager appropriation and with a stringent provision of law accompanying it that the Commissioner of Indian Affairs shall not expend a dollar more than the amount we give him, war breaks loose in that country and American citizens are killed, women are ravished, and children's brains are dashed out against the rocks, I call the attention of the people of San Francisco and of Arizona and of the State of California and of these newspapers that I am not responsible. I wash my hands of it. I predict it as inevitably the result; and I say that here is a measure of peace necessary for that coast, and let my colleague vote it down if he desires.

Mr. HAGER. My colleague misunderstood me in declining to yield him the floor. It was not through discourtesy at all, but merely to say that I intended to say only a very few words more and that then I

would yield. It was not with the intention of depriving him of the privilege of being heard. That did not occur to me at all. I had no such intention.

I merely wish now to correct a mistake that my colleague has made, that I undertook to say of my own knowledge that these Indians were starving. I meant to represent what I had heard on the other side by some person's remarks that the policy was to fatten them during the winter that they might be enabled to slay during the summer. Others told me that they were kept there in a starving condition for want of supplies, kept penned in by the Army. I did not say this of my own knowledge, but such information as came to me was what I wished to present. At the same time I have no intention at all to reflect on the action of this committee. I have no doubt they did what they thought was best for the country. I am speaking to the question, not as to the committee.

Mr. INGALLS. Is the amendment of the Senator from California [Mr. SARGENT] withdrawn?

Mr. SARGENT. I withdraw it. As my colleague would not allow me to speak in his time, and as I had none of my own, I was forced to take that expedient to say a word. I withdraw the amendment to the amendment.

Mr. INGALLS. I move to postpone the consideration of the amendment until to-morrow at twelve o'clock; and upon that motion I will remark, in response to the Senator from Minnesota, that his estimate of the number of the Apaches is entirely erroneous; it is absolutely incorrect. If I understood him, he declared that the Apaches of New Mexico alone were about seven thousand. I have before me the report of the Commissioner of Indian Affairs, and upon pages 106 and 107 he will find an estimate of the entire number of Indians of all tribes in the Territories both of Arizona and New Mexico. I have taken the trouble to add the numbers both of males and females, adults and children, and the entire number of Apaches in both these Territories, including infants and adults, is seventy-seven hundred and eighty-four. Of those it is estimated that not more than one-half are at the present time upon reservations. The Senator makes his estimate of the amount necessary for the support of the Indians upon the entire number, men, women, and children, at fifteen cents per day, which is the amount that is allowed for a soldier's ration. He computes in that estimate the entire number of Indians at seven thousand; then at fifteen cents per day, or fifteen dollars per hundred rations, an amount exceeding \$400,000 would be required to feed them alone. That is based upon an entire inaccuracy. It includes double the number of Indians that are upon the reservations and it estimates a full adult ration to every child among those tribes. It is grossly extravagant; it is grossly incorrect; and I for one desire some further information as to what is done with this extraordinary amount of money that is expended in Arizona and New Mexico. I say, sir, it is entirely incomprehensible upon any theory that is given us here either by the Committee on Appropriations or the Commissioner of Indian Affairs. There is no estimate whatever either as to the number of these Indians upon the reservations or the amount required to subsist them that will account for one-half of the money that is here named in this bill; and I trust that the Senator from Minnesota before we are called upon to vote on this proposition will explain the inaccuracy he has made in his statement; and if that is the ground upon which this appropriation is asked, that then he will amend his request and reduce it to correspond with the figures contained in the report of the Commissioner of Indian Affairs. I now withdraw my motion.

Mr. WINDOM. Mr. President—

Mr. SHERMAN. I trust my friend will give way to me for a moment. At the suggestion of the Senator from Connecticut [Mr. FERRY] who is not now in his seat, I wish to make an announcement. It was understood that to-morrow he would make the formal announcement of the death of his late colleague. He now says that the condition of his health is not such as to allow him to make the announcement to-morrow.

Mr. INGALLS. At what hour to-morrow?

Mr. SHERMAN. Mr. FERRY sends me word that he will not be able on account of his health to make the announcement to-morrow, but he will take occasion to do it on some other day at the convenience of the Senate. He wished me to make this statement to the Senate so that it might arrange its business without reference to the announcement which it was understood would be made to-morrow.

Mr. WASHBURN. While what the Senator from Ohio has stated is true, I wish to inform the Senate that announcements will come from the House to-morrow of the deaths of members of that body.

Mr. SHERMAN. Yes; I understand several announcements will come to us from the House of Representatives at a very late hour probably, so as not to interfere with our session to-morrow.

Mr. WASHBURN. They may be late, but they will be announced to the Senate.

Mr. SHERMAN. They will come before the adjournment. I have done all I desired in making the announcement.

Mr. HAMLIN. Let me say a word. I think the understanding in the House is that the announcement of the deaths there will commence at three o'clock, and it is apprehended that that will give ample time for the messages to be sent here and the appropriate attention paid here.

Mr. WINDOM. In view of the announcements that have been

made and of the pressing business before the Senate, I want to give notice now that I will request the Senate to remain in session until we complete this bill to-day; and having given that notice, I want to say in answer to my friend from Kansas, who suggests that there has been a great inaccuracy in my statement of the number of Indians, that my statement was that which was furnished me by the Commissioner on Indian Affairs; and since he commenced his remarks I have sent for the book containing the estimates, and they will be presented by my friend and colleague on the committee, the Senator from Louisiana, [Mr. WEST.] I have not the book before me, but I have no doubt the number is correctly stated as I reported it before.

Mr. INGALLS. I can furnish the Senator with the book.

Mr. WINDOM. The Senator from Louisiana has the figures.

Mr. SAULSBURY. In reference to the amendment of the committee, I have been listening with some attention to learn from gentlemen familiar with this question whether it is a proper amendment or not, and I confess now, after the debate has been had, I am unable to determine the necessity of the amendment. I am prepared to vote for any amendment to the House bill which, in the judgment of gentlemen familiar with the subject, is necessary for the Indian service; but after listening to this debate I confess that I am unable to say whether this amendment is necessary or not.

In reference to the general expenditure for Indian purposes, my impression is that until within a very few years, perhaps ten or twelve, the appropriations for Indian expenditures have not exceeded about \$3,000,000. This bill I believe appropriates over \$5,000,000, and it is a reduction from some Indian appropriation bills, which some years I believe have amounted to \$7,000,000. I cannot fully understand why the Indian service now requires so much more expenditure than it did some years ago. There is a less number of Indians to feed and clothe. It is true that by the extension of our borders our frontiers have been brought more in contact with some of the Indians, and that may in part account for the increased expenditure of this service.

Mr. MORRILL, of Maine. It accounts for it wholly, I will say to my friend.

Mr. SAULSBURY. I am not prepared to say from any personal examination of the subject that there has been a lavish expenditure of money; but when I find the general result to be what it is as between past years and the present, I am not satisfied that such is not the case.

Against this increase of appropriation I shall vote, because I am not satisfied from the discussion that has taken place on the part of gentlemen who are familiar with the subject that it is necessary, and gentlemen in the other House entirely familiar have thought the amount appropriated in the House bill is proper.

Mr. WEST. There is a principle before the Senate and a very simple one as to whether it is cheaper to feed Indians than to fight them. Having in the course of my military experience spent eighteen months precisely in the locality of these Indians and controlling them absolutely by military power, I think I have some reason to give my experience to the Senate.

With something over fifteen hundred men I was actually engaged about eighteen months in controlling this body of Indians now in these reservations. To do it effectually might require no more than one thousand men, because it was done with considerable ease with fifteen hundred; but in my judgment the smallest limit of the military force necessary to control them on these reservations is one thousand men. It is very well known that the cost of one thousand soldiers is, according to the military disbursements of this Government, \$1,000,000 on an average throughout the country. I think I might double that amount for the necessary disbursements in the Territories of Arizona and New Mexico. In case a thousand men were required to be kept there it would more likely cost you \$2,000,000 than it would \$1,000,000.

Then the mere question is whether we shall feed or fight them. To fight them will cost you \$2,000,000. To feed them will cost you \$525,000. The question simply is, is \$525,000 too much, or is it not enough? Let me say that I have figured just this moment how many Apache Indians there are on the reservations in New Mexico and Arizona. There are seventy-eight hundred and twenty. The difficulty the Senator from Kansas finds is that he confounds other Indians with the Apaches. The Apaches have various names, I think some seven or eight, for the various tribes according to the manner in which they stain their arrows. I could always tell when I was fighting in an Indian fight by their arrows as we picked them up afterward.

So we have according to the Commissioner's statement seventy-eight hundred and twenty of these Indians upon the reservation. The estimate is that they can be fed for twenty cents a day, giving you \$1,564 a day and \$570,860 a year, and this bill calls for \$500,000.

That in brief has been my experience and that is the result as stated by the Commissioner, and it is economy of the most judicious kind. I have no love for these Indians; if I had any use for them they would not be where they are, considering the treatment that men under my command met at their hands; but it is an absolute economy and it is an economy within a judicious limitation and within a numerical limitation that cannot be controverted.

Mr. INGALLS. Have I any time left?

The PRESIDING OFFICER. One minute.

Mr. INGALLS. I move, then, a postponement of the consideration of this amendment until to-morrow at one o'clock.

The Senator from Louisiana assumes that I have made a mistake

in my enumeration and have confounded different tribes of Indians in Arizona and New Mexico, who as he says are distinguished by the way in which they color their arrows. I do not profess to have a very profound knowledge upon this subject, but I am unwilling to rest under the imputation of having made an insufficient or an inaccurate count, and I will therefore call the attention of the Senate to pages 106 and 108 of the report of the Commissioner of Indian Affairs, in which the entire number of Apaches is estimated not only by their tribal name as Apaches but by their different designations as Aribapa Apaches, Pinal Apaches, White Mountain or Coyetero Apaches, Apache Yumas, Apache Mohaves, &c., and having added up the entire number of Indians that are named under the different designations the whole amount is exactly what I stated in my remarks before, seventy-seven hundred and eighty-four, and I say again that the enumeration which estimates the entire number at seventy-seven or seventy-eight hundred in New Mexico alone is therefore entirely incorrect; and the Senator having charge of this bill having declared that the amount that is here asked for is based upon the cost of rations for every one of these Indians at fifteen cents per head or fifteen dollars per hundred, he is entirely at fault, and unless the committee can give some further estimate of the objects and purposes for which this money is to be appropriated, certainly this amendment ought not to prevail.

In addition to the amount here appropriated, in addition to the statement made by the Senator in regard to the expenditure of this money for subsistence, I desire to call the attention of the Senate to the fact that the report of the Commissioner of Indian Affairs shows that a very large portion of these Indians now upon the reservations, amounting perhaps to about three thousand or thirty-five hundred, are self-sustaining. Upon various pages of his report will be found statements that at one point and another they have raised thousands of pounds of corn and a great many bushels of wheat and vegetables of various descriptions, that they are pursuing largely and contentedly the arts of civilized life. So the estimate upon which these enormous demands are asked appears to be wholly without foundation, and I trust before the Senate passes upon it the committee will give us some further idea of what this money is to be expended for.

One thing further, Mr. President. What I principally complain of, and what I think the Senate and the country have a right to complain of in the administration of Indian affairs, is that that Department habitually disregard the requirements of law. They entirely disregard appropriations that are made, and proceed to spend money and make contracts largely in excess of the amount which they are authorized to spend under the laws providing for the expenditures of the Indian Department.

Last year with regard to these Indians alone we had a deficiency appropriation of more than \$400,000, and I have no doubt that when the deficiency appropriation bill comes in this year we shall have another appropriation asked, in order to make up the deficient expenditure in connection with these Indians. The Indian Department, like all other Departments of this Government, ought to be controlled by law. They have no right to spend a dollar or make a contract for a dollar in excess of the appropriations allowed by law; and that is one reason why I think that as a Senate we have a right to complain of the conduct of affairs in the Indian Department.

I withdraw my motion.

Mr. WEST. The Senator from Kansas takes occasion, and not improperly in my judgment, to call into question the management of certain affairs in the Indian Department. The management of those affairs is being gradually and efficiently corrected and in such correction he and other members of the Senate are strongly co-operated with by the present Commissioner of Indian Affairs. But as an illustration of some of the abuses which have come to his notice he cites the fact that there was a large deficiency required last year to maintain these very Indians, and that the Department incurred those expenses unwarrantably, and that Congress is surprised by being requested to make an appropriation that had not heretofore been estimated for. The facts are these, and the occasion of that large deficiency is explained in this way: General Crook was at that time carrying on an active warfare with these Indians; he was endeavoring by persuasion and by constraint to place them upon these reservations; and he was succeeding gradually up to that time with a certain amount of success. The Commissioner estimated for a certain amount of money. General Crook's effort exceeded his most sanguine expectation, as we have heard another Department officer express it, and he got in more Indians than he had money; but it was good economy to give him the money; it is good economy to give the Commissioner the money. So in reference to that, there is the explanation of it. There will be no deficiency of that kind this year. Now we come to dealing absolutely with the fact, "how many Indians have we there," "how much does it cost to feed them," and once having satisfactorily conceded the policy of feeding before fighting, then we have, according to the statement of the Commissioner, nine thousand Apaches in New Mexico and Arizona, according to his main statement on page 1 of his report nine thousand and fifty-seven. Of those I figured—and the Senator's figures nearly agree with mine—seventy-eight hundred and twenty Indians upon these reservations. True they are to some extent self-sustaining; true they are making some progress in agricultural arts and the arts of peace; true we may expect from time to time that the expense devolving on the Government to support them

will diminish. But the question is to-day how many Indians have we there and how necessary is it to support them? We have seventy-eight hundred and twenty. I overstated the amount at twenty cents a ration, but the Commissioner estimates that for so much per diem he can keep them from starving. If you do not keep them from starving you are not keeping faith with them. You have put them in that locality and required them to stay there, and you have drawn a dead line around them, and if they go over it you shoot them. Consequently it is but right to feed them, and it is a mere question whether we have the absolute number there or not, and I plead the book in justification of the appropriation. There it is, so many Indians. I speak of it because at the very time this question was up in committee my attention was called to it, and I required the Senator having charge of the bill to justify the fact. He did it to our satisfaction and I think it is done to the satisfaction of the Senate, and I believe the appropriation will stand.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 206, to increase the appropriation for the Apaches of New Mexico from \$100,000 to \$125,000.

The amendment was agreed to.

The next amendment was in line 206, to increase the aggregate appropriation for the Apaches of Arizona and New Mexico from \$400,000 to \$500,000.

Mr. SARGENT. The words "in all" should be inserted before "\$500,000."

The PRESIDING OFFICER. That verbal correction of the amendment will be made.

The amendment, as amended, was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was in line 278, after the word "authorized" to strike out "and required;" so as to read:

That the Secretary of the Interior be authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States.

The amendment was agreed to.

The next amendment was from lines 321 to 333, inclusive, to strike out the appropriation for the Chippewas of Lake Superior in the following words:

For nineteenth of twenty installments, for the seventh smith and assistant, and support of shops, per second and fifth articles of treaty of September 30, 1854, \$1,060.

For support of smith and shop, during the pleasure of the President, as per seventh and twelfth articles of treaty of April 7, 1866, \$600.

For the support of two farmers, during the pleasure of the President, as per twelfth article of treaty of September 30, 1854, and seventh article of treaty of April 7, 1866, \$1,200.

And in lieu thereof to insert:

For this amount, or so much thereof as may be necessary, for the support and civilization of the Chippewas of Lake Superior, to be expended for agricultural and educational purposes; pay of clerk and necessary employés, purchase of goods and provisions, and for transporting the same; and for such other purposes as may be deemed for the best interests of said Indians, \$30,000.

That the Secretary of the Interior be, and he is hereby, authorized to issue to the Missionary Society of the Methodist Episcopal Church a patent for the southeast quarter of section 9, in township 14 north, of range 4 west, situate in the State of Michigan, as per fourth article of treaty of October 18, 1864.

Mr. BOGY. I should like to obtain some information in relation to the latter part of this amendment, which I will read:

That the Secretary of the Interior be, and he is hereby, authorized to issue to the Missionary Society of the Methodist Episcopal Church a patent for the southeast quarter of section 9, in township 14 north, of range 4 west, situate in the State of Michigan, as per fourth article of treaty of October 18, 1864.

I do not think this bill is the proper place for a provision of this kind. It has no business in an appropriation bill. It is to carry out a treaty obligation, as I presume. If so, it should come in a separate form and not as a part of an appropriation bill. It has nothing to do with the appropriation bill. The bill is for the appropriation of money for the Indian service, and here is authority to issue a patent for a piece of land which is said to be due under treaty stipulations. If that be so, let a bill be presented in the Senate in proper form and receive consideration in the proper way. It certainly should not be in this appropriation bill. I therefore move to amend the amendment by striking out that clause.

Mr. WINDOM. The clause to which the Senator refers is I think strictly germane to the bill. It provides for carrying out the provisions of a treaty. The treaty provides that under certain conditions this society should receive a quarter-section of land. This bill is to make appropriations for current and continued expenses, and "for fulfilling treaty stipulations." This is a treaty stipulation, and consequently I think it is entirely proper in this bill.

Mr. BOGY. This treaty was made upward of ten years ago, and I am at a loss to know how the thing has been permitted to lie over for ten years without the parties who claim this land having asked for a patent for it. I think the subject ought to come up in a different way, so that the Senate may be enlightened in regard to this claim. It may be altogether proper; I do not deny it; but I, as a member of the Committee on Indian Affairs, know nothing about it.

It is a subject that certainly ought to pass before the Indian Committee. If it is to carry out a treaty obligation, the Indian Committee ought to have it under consideration and report on the subject in a bill. It never has been submitted to that committee. The committee is entirely ignorant of the subject; and how is it that the matter has lain over for the last ten or twelve years?

Mr. WINDOM. I believe there were certain treaty stipulations as to certain conditions which have been substantially complied with by the society, and consequently they present their request to have the Government comply with its conditions. I believe that accounts for the delay.

Mr. BOGY. The Indian Committee is the proper committee to pass on a subject of this nature, and the Indian Committee have never had the matter referred to them. I therefore move to strike out this portion of the amendment—the latter clause.

Mr. FERRY, of Michigan. As this applies to the State of Michigan, I will state to the Senator from Missouri that the Methodist Episcopal Church were required to expend \$3,000 in the education of the Indians upon this reservation. Instead of \$3,000 they have expended \$10,000, and the amendment comes here with the consent and under the advisement of the Secretary of the Interior. I think there is a letter directly from him, or indirectly through the head of the Indian Bureau, now before the Committee on Appropriations. It is not at my hand now, but I have seen the letter and the committee have it, advising that this be done, that the Secretary of the Interior be authorized to issue the patent in conformity with the stipulations of the treaty. Certainly it is germane to the bill, for the bill provides for carrying out treaty stipulations, and it is carrying out one of the provisions of the treaty to authorize the Secretary of the Interior to issue the patent. Certainly I think there can be no objection to it.

Mr. BOGY. I ask the Senator from Michigan why has not the subject been referred to the Committee on Indian Affairs? That certainly is the proper committee to pass on a matter of this kind, and not the Committee on Appropriations, because this is not an appropriation. It is a matter of Indian legislation; it is not an appropriation.

I do not agree with the Senator that because the heading of the bill is that it is to carry out treaty stipulations this amendment is proper here. That means treaty stipulations requiring the payment of money, and not entire legislation on the subject of Indian affairs. Upon this bill you cannot lay out a reservation for Indians. You can only provide for that which sounds in money. It means to carry out treaty stipulations that are to be carried out by the appropriation of money; that is, if by treaty you stipulate to pay to an Indian tribe a given sum of money, it shall find a place in a bill of this character; but that you shall include in a bill of this character the entire system of Indian legislation is certainly not correct.

I repeat what I said before, that this is a matter particularly belonging to the Indian Committee; and I dare say, if the matter is well investigated, this proposition is wrong. Without knowing anything about it, but judging from my own experience, I say that when this matter is investigated it will be found that this patent should not be issued, and that these men are not entitled to it.

Mr. WINDOM. Upon that point let me say that this case has been investigated, and the chairman of the Committee on Public Lands can say what the result was.

Mr. SPRAGUE. The Committee on Public Lands had under consideration a bill granting this quarter section of land, and they ascertained the facts from the Commissioner of Indian Affairs, and I ask that his letter be read, if it is the desire of my friend from Missouri. I have before me a bill proposing to make this grant recommended by the Committee on Public Lands, and the information of the committee comes from the Commissioner of Indian Affairs.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 5, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from the Commissioner of the General Land-Office, of Senate bill No. 1146, providing for the issue of a patent for a quarter section of land in the State of Michigan to the Missionary Society of the Methodist Episcopal Church.

By reference to the fourth article of the treaty between the United States and the Chippewa Indians of Saginaw, Swan Creek, and Black River, concluded October 18, 1864, (14 United States Statutes, 657,) provision is made for the issue of a patent for the land described in said bill to said society upon a compliance on its part with certain requisites set forth in said article of said treaty.

The requirements relating to a school have not been complied with by the society nor has any money been paid by the Government to the society on that account, but the society has made valuable improvements on the land, and has furnished constant missionary service since the establishment of the reservation, by which such aid has been rendered to the Indians as has proved of great value in improving their condition in all respects. In return for this service the Indians desire that this society should have the land in question; and I therefore respectfully recommend the passage of said bill.

The bill is herewith returned.

Very respectfully, your obedient servant,

EDWIN P. SMITH,
Commissioner.

Hon. CHAIRMAN COMMITTEE PUBLIC LANDS,
United States Senate.

Mr. SPRAGUE. The treaty provides:

At the expiration of ten years after the establishment of said school, if said missionary society shall have conducted said school and farm in a manner acceptable to the board of visitors during said ten years, the United States will convey to said society the land before mentioned by patent in fee-simple.

I hope the amendment of the committee will prevail.

Mr. BOGY. I could not hear the reading of the letter very distinctly, but if I heard correctly the conditions imposed by the treaty have not been complied with. I guessed there was something of the kind. The treaty has not been complied with, and the subject should be investigated.

Mr. FERRY, of Michigan. I will answer the Senator. As the letter states, strictly the conditions have not been complied with, because the stipulation was that they should expend \$3,000 for educational purposes; they have expended, instead of \$3,000, \$10,000 as stated by the Indian agent. While I am speaking I hope the letter will reach us from the room of the Committee on Appropriations; it is directly from the Secretary of the Interior, I think, corroborative of the one which comes from the Commissioner of Indian Affairs, and the Secretary recommends it as carrying out the stipulation of the treaty.

The design of the Government was to erect a school building. The Indians themselves preferred erecting their own school buildings, and instead of one erected six. Therefore it was entirely useless to expend more money for school purposes, and they expended it in the erection of a church, the Indians inviting it, and the amount of \$10,000 was expended. The Indians join in the request to the Government that this be done, stating that this was a full compliance with the treaty so far as they are concerned; and as the Government is satisfied through its officers that there has been a compliance with the treaty, it is now asked that the treaty stipulation be carried out on the part of the Government.

Mr. BOGY. To use the language of my distinguished friend from Ohio, [Mr. THURMAN,] "this won't do." I said at the outset, without knowing anything about it, that there was something wrong in this, and the statement of the Senator from Michigan justifies my statement. The treaty has not been complied with. The school-houses have not been built; but these men have built a church for their own purposes and have not complied with the treaty stipulation. It will not do to say that the treaty has been complied with because they have expended \$10,000 and not \$3,000. The greater includes the less. If they expended \$10,000 for school purposes they complied with the treaty requiring \$3,000. But if the matter is investigated, I am prepared to say these men will not get this patent. It will not do. The statement of the Senator justifies my remark. The treaty has not been complied with. These men had no more right to build a church than a bake-house or anything else. They were required to put up buildings for a school. They may have built a very handsome church or other buildings; but the letter of the Commissioner of Indian Affairs says that the treaty has not been complied with, and that is sufficient for us. Let the matter be investigated.

Mr. FERRY, of Michigan. I do not know how the Senator can say that this has not been done for the benefit of the Indians, as would be implied by his remark.

Mr. BOGY. I do not say that. It may be for the benefit of the Indians. That is not the question. That is evading the question. The treaty says the money shall be expended for a school-house. It might have been for the benefit of the Indians to have fed and clothed them if it was a cold winter and they had no clothes and if they were hungry. That might have been better for them for the time being; but that is not the contract. The agreement was that the money should be expended for a school-house, and it has not been done.

Mr. FERRY, of Michigan. It is very well known that there are more ways than one to educate the Indians. The Senator's words as they fell upon my ear would imply that this is for individual interests. I stated I think in the hearing of the Senator that it was done at the request of the Indians. This expenditure was at the request of the Indians. The society were ready to put up a building worth \$3,000 for school purposes; but when the Indians themselves had built six buildings with all the capacity that was needed for their educational purposes, and then requested that this expenditure should be made in the erection of a church for religious education, was it not proper? It was for the benefit of the Indians entirely, upon the very tract of ground described in the treaty which was designed to be given by the Government to the Indians for educational purposes; and it was done upon the request of the Indians and not at the dictation or initiation of the society. It would seem as though this was a full compliance with the treaty in the judgment of the Secretary of the Interior and of the Commissioner of Indian Affairs and both the committees that have investigated the subject.

If this was given to an individual, if this was given to a society outside, if this was given in the interest of any but the Indians, I should accord with what has been stated by the Senator from Missouri; but as it is given for the sole purpose of benefiting the Indians and at their request—I am reminded by the President that my time has expired, and I will close my sentence by saying that inasmuch as it is given entirely for their interest and in compliance with the treaty in that respect, it seems as though the Senator from Missouri cannot object to the amendment.

Mr. BOGY. The Senator will pardon me. There is another mistake. This church has been built on what is said to be Indian land. The Indian has only a temporary possession there. He is bound to leave there, and leave there very soon; and when he does go he will not carry that church with him; but if he had been educated he might carry his education with him. He has no fee to the land there. He has only a temporary possessory right. He may be gone to-morrow; he may be gone already; and I would not be surprised if he

had already left. There may be no reservation there now; but if there be one he has no fee to it. It will not benefit him hereafter; it will only benefit the church. I have no objection to the church; but I want the treaty carried out; I want the agreement fulfilled, although this might have been greatly for the benefit of the Indian and might have been a great deal more valuable in this way than in his education. I dare say there would have been more benefit from it, because I know they could not have been educated in the school except in worldly wisdom; but that is neither here nor there. The contract was that the money should be spent for a certain purpose, and that purpose has not been complied with; and that is the reason the matter was not sent to the Committee on Indian Affairs. They were afraid that committee would report against it. Let the committee examine the matter, and if it is right they will report for it.

Mr. FERRY, of Michigan. The Senator from Missouri has moved to strike out the paragraph. I move to amend by striking out of the paragraph the words "township 14 north."

I know nothing of this matter except as revealed by the Indian agent, who is here, and by the Secretary of the Interior and the Commissioner of Indian Affairs. This money has been expended, not for the interest of the Methodist Episcopal Church, but for the interest of the Indians in their development and education. I repeat what I said before, that education can be religiously as well as otherwise, and this has been done at the instance of the Indians. When they had school capacity, school facilities sufficient to meet all their necessities, it does not seem to me as though they should be required, in order to fulfill this treaty stipulation, to expend more needlessly, against their protest. What the church has done in this case has been to furnish them teachers for their schools, strictly in the line of education, in the judgment of the Senator from Missouri, and also to erect a church and give them religious education. Furnishing teachers was a part of this expenditure and so was furnishing them church facilities and all the education that grows out of Christianity, which I think the Senator from Missouri's experience has taught him is in the line of the education and development of the Indian. This is upon a reservation that exists now in Michigan, and it was done at the request of the whole tribe, who ask that this title should be given to the society. This being so, it seems to me that the Senator from Missouri is pressing the objection very strongly and making a very nice point in order to throw them out of the title to this property which they certainly are entitled to. The \$3,000 could better have been expended than the \$10,000. The \$3,000 might have been expended in the erection of a school building; but there were six others, and the Indians asked that no more should be built upon the ground which they hoped to own. Certainly on the part of the society it was but a question of intelligent prudence that they should divert their expenditure toward the education of the Indians in the development of Christian influences and habits rather than in expending more money in educating them under the teachers that they then employed.

So far as the question put by the Senator from Missouri was rather an intimation that this could have come up on a separate bill, we know at this stage of proceedings in Congress it would be utterly futile to attempt to offer such a bill and pass it. It would simply pass this House and go to the other. The proposition receives the commendation and urgent appeal of the Secretary of the Interior and the Indian Department, and is relevant to the bill, inasmuch as it fulfills a treaty stipulation. It seems, then, to be properly before the Senate on this bill.

I withdraw my amendment.

Mr. INGALLS. I have listened with much interest to the explanation of this clause afforded by the statements of the Senator from Minnesota and the Senator from Michigan, and also by the reading of the letter of the Commissioner at the desk; but there appear to my mind to be two objections to the adoption of this clause as an amendment to this bill. The title of the act is "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes." This is in no sense an appropriation, and to that extent therefore it is not germane to the bill now under consideration.

In the second place, I have given what hasty examination was in my power to the various treaties between the United States and the Chippewa Indians and I am unable to find the treaty and the section of the treaty upon which this clause is ostensibly based. I therefore trust before we are called upon to vote, that the Senator having the bill in charge will report the section of the treaty so that we may be able to vote understandingly and ascertain whether this is to carry out treaty stipulations or not. But even if it is in accordance with the stipulations of the treaty, it is entirely inconsistent with the object and theory of this bill. It does not propose to appropriate money and it should have emanated either from the Committee on Public Lands or from the Committee on Indian Affairs.

I need not say that so far as a sectarian argument has been pressed here, I have no share in any such feeling. It is immaterial to me whether the patent is to issue to a Methodist Episcopal church, or a Mormon church, or a Catholic church. If either is entitled to it they ought to have it, and I can see no reason why a question of this character should be determined on an Indian appropriation bill.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The Senator from Michigan withdraws his amendment, and the question

is on the amendment proposed by the Senator from Missouri striking out the last paragraph of the amendment of the Committee on Appropriations.

Mr. THURMAN. Mr. President, I concur entirely in what has been stated by the Senator who last spoke, that this provision has no place on an appropriation bill, and I confess surprise that the Committee on Appropriations should introduce a matter of legislation in an appropriation bill. I thought that it always resisted all attempts made by outsiders to introduce any such matter into an appropriation bill; but the committee has itself set the example. It is very true this has some connection with Indians, because it is a matter provided for in a treaty with Indians, but that does not make it any the less a private claim which is provided for by legislation in this bill. I would like to know whether the gentlemen of the Committee on Appropriations intend to admit general legislation in their bills, nay, not only to admit it but to invite it; for this does look to me like an invitation. Do we intend to legislate on this bill, to make appropriation bills carry legislation, as was formerly sometimes done? I thought we had all condemned that practice so much that it was not likely to be resumed. If that is to be done let it be so understood, and any one who has a pet measure here and cannot get it through standing by itself can offer it to an appropriation bill. We once had a rule which prohibited that. That rule, I believe, was allowed to die with the session. Whether we are now to act upon the old plan of years ago and let an appropriation bill be loaded down with independent and general legislation that has nothing to do with the appropriations in the bill, it seems to me would be very well worthy the consideration of the Senate.

As to the merits of this particular thing, if I understood the Senator from Michigan, the school-houses had been built, all for which there is any necessity, and the Indians themselves preferred properly the use of the means of the society in the erection of a church. If that is the case I should not feel myself disposed to stick in the bark about the technical performance of the condition in the treaty if there has been a substantial performance, and even a more beneficial performance.

And here I wish to say a word in respect to a remark that fell from the Senator from Kansas. He said something about the sectarian argument. I must say I have heard nothing of the sort. I have heard no Senator object to this amendment on account of any sectarian feature in this society whatever. I think there is nothing of that kind. If there is, it has escaped my attention.

Mr. BOGY. I will read for the information of the Senator from the fourth article of the treaty with these Indians, which is as follows:

The United States agrees to expend the sum of \$30,000 for the support and maintenance of a manual-labor school upon said reservation: *Provided*, That the Missionary Society of the Methodist Episcopal Church shall, within three years after the ratification of this treaty, at its own expense, erect suitable buildings for school and boarding-house purposes, of a value of not less than \$3,000, upon the southeast quarter of section 9, township 14 north, of range 4 west, which is hereby set apart for that purpose.

At the expiration of ten years after the establishment of said school, if said missionary society shall have conducted said school and farm in a manner acceptable to the board of visitors during said ten years, the United States will convey to said society the land before mentioned by patent in fee-simple.

That is the treaty. That treaty has not been complied with in any one particular. The letter of the Commissioner of Indian Affairs says so in so many words.

Mr. FERRY, of Michigan. Will the Senator allow me a moment? He says the treaty has not been complied with in any one particular. I think I have stated that so far as the school-buildings are concerned the Indians erected them. So far as that is concerned, they did not comply with the letter of the stipulation; but, as stated, the same society have expended not only \$3,000 but \$10,000 upon the same property described in that paragraph of the treaty.

Mr. BOGY. The sum of \$20,000 doubtless was paid to them:

The United States agrees to expend the sum of \$20,000.

Doubtless they received the \$20,000; but it was stipulated that if they would erect a building at their own cost upon this land and maintain a school for ten years, at the expiration of ten years the land would be patented to them. The condition was that they should put up the building themselves at their own expense. They did not do it, and therefore they have no right to this land.

Mr. FERRY, of Michigan. Let me answer the Senator right there. He has made another point that they have not complied with the treaty in that respect. They have kept the school, as stated in the letter, for ten years.

Mr. BOGY. It may be that they have kept the school, but they have not expended the money required by this treaty, which was at their own expense to provide a building for a school-house upon that land.

Mr. FERRY, of Michigan. I think I have sufficiently answered that.

Mr. BOGY. The Senator has not done so. It may be true that these Indians have been taken care of, that these men are entirely worthy, that they may have received many advantages from their teaching and their care in their education; that may be all true, but the agreement was that if they should expend \$3,000 on this land, at the expiration of ten years it should belong to them. Now, the contract has not been complied with. What harm can there be in

striking out this clause? If this thing is all right, as my friend from Michigan contends it is, and it may be, why not refer this question to the Committee on Indian Affairs? It is true it is too late for this session, but it will be in time for next session. If these men claim this land according to the treaty stipulation, and if they have complied virtually although not technically with that treaty, the Senate and the House will have no hesitation in giving them the land, but I am perfectly satisfied enough has been elicited in this debate to show that these men are not entitled to this land at all. The more we talk about it the less they appear to be entitled to it.

Mr. WINDOM. The treaty just read provided that the United States should expend \$20,000 for the purposes named upon this land, and they have not done so. The buildings now upon the land were owned by the Indians. They removed upon the land, as I understand the case. But whether that be true or not, this society carried on the schools, furnished the teachers, and with the consent and at the request of the Indians put up a church and other buildings which they preferred and desired, not needing school buildings, and by the assistance this society has given the Indians \$20,000 has been saved by the Government. I think it makes a very strong case in equity that this land should be given to the society. I hope we may have a vote. It is a small matter. Let us vote it either up or down.

Mr. INGALLS. The section of the treaty which was read by the Senator from Missouri convinced me that this clause is entirely superfluous. As I understand it, a treaty is a contract of the very highest obligation. If the parties who are named in this clause as beneficiaries of this tract have complied with their obligations, the Secretary of the Interior is bound upon that fact appearing to issue to them the patent.

Mr. FERRY, of Michigan. I hope the Senator will allow me a word right there, inasmuch as my time is exhausted and I do not desire to resort to a *pro forma* method of occupying the attention of the Senate. The Secretary of the Interior does not feel himself justified in doing it; but he says the Indians have complied with all that was required, not in letter but in spirit, and he asks that he be authorized to carry out the stipulation of the treaty; and that is the purport of the letter.

Mr. INGALLS. Then, as I understand the Senator from Michigan to say, the reason why this legislation is necessary is because the treaty stipulations have not been complied with.

Mr. FERRY, of Michigan. I think I have explained that and the Senator has heard it. So far as expending the \$3,000 for a school building is concerned, that has not been complied with because there were other buildings erected. I think I have stated that two or three times. The Indians asked that the money which the society were to expend should not be expended in erecting more school buildings, but should be expended in erecting a church and in the payment of teachers. For the whole length of ten years this society has furnished the teachers, has erected a church building, and in these two methods, in these two channels of education, has certainly in spirit fulfilled the stipulation of the treaty, but in letter it has not erected a school building; and therefore the Secretary of the Interior, confined strictly to the treaty, does not feel authorized to issue the patent, but asks that he be authorized to carry it out inasmuch as the society have performed their part.

Mr. INGALLS. I do not wish to prolong this debate, and will content myself with saying that the clause has a very suspicious appearance. The fact that it has passed through the entire session without ever being reported from the Committee on Public Lands or the Committee on Indian Affairs, and now in the last days of this session appears as a rider to an appropriation bill, gives it an appearance that is not favorable. Regarding it as establishing a very dangerous precedent, and as being not entitled to consideration, I will content myself with saying that I hope it will not be adopted.

The PRESIDING OFFICER. (Mr. ALLISON in the chair.) The question is on the amendment of the Senator from Missouri [Mr. BOGY] to the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 6, noes 18; no quorum voting.

Mr. INGALLS. I hope the Senator from Missouri will withdraw his request for a division. This question can be just as well determined by reservation in the Senate.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his call for a division?

Mr. BOGY. I wish to make this point, and I give the Senate notice that it is perfectly idle to waste my time and the time of the Senate in making objections to any of these appropriations. If Senators will neither listen nor vote, I give notice now that I shall not waste time in making any such motion ever hereafter.

The PRESIDING OFFICER. Does the Senator withdraw his call for a division?

Mr. BOGY. No, sir; I want a division.

Mr. THURMAN. The last vote disclosing that there was no quorum, nothing can be done unless the President counts the Senate. I suggest that the Chair count the Senate.

Mr. WINDOM. Can we not divide again? That will show.

Mr. THURMAN. Either one or the other will show.

The PRESIDING OFFICER. On a count of the Senate more than a quorum is present. The Chair will again put the question.

Mr. THURMAN. In listening to this debate it seems to me that in equity this society could well have its patent, although it has not

literally complied with the conditions precedent to a grant of the land; but I shall vote for the amendment of the Senator from Missouri, because I think the provision has no place in an appropriation bill. As a separate and distinct bill I should vote for the provision.

The question being again put, the amendment to the amendment was rejected; there being on a division—ayes 15, noes 24.

The PRESIDING OFFICER. The question recurs on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in the appropriation for the Chippewa, Pillager, and Winnebagoish bands, in line 439, to increase the appropriation for purpose of education, per third article of treaty of February 22, 1855, and per third article of treaty of 1864, first of ten installments, from \$1,500 to \$2,500.

The amendment was agreed to.

The next amendment was in line 518, after the words "Choctaw Nation," in the appropriation for the Choctaws, to insert the following additional proviso:

Provided further, That from the amount hereby appropriated the sum of \$299.10, paid out of the civilization fund of the Indian Bureau for board and medical treatment of Louisa Haskins, a Choctaw Indian, at the Government Hospital for the Insane, near Washington, District of Columbia, and to defray the expenses of J. B. Jackson, a Choctaw Indian youth, en route to his home in the Indian Territory, shall be used to reimburse said civilization fund; and that the Secretary of the Interior be, and he is hereby, authorized to cause to be paid, out of Choctaw funds, the expenses incurred at said insane asylum for board and medical treatment of said Louisa Haskins so long as she shall remain in said asylum.

The amendment was agreed to.

The next amendment was in line 593, after "flannel" to strike out "shirt" and insert "skirt."

The amendment was agreed to.

The next amendment was after the word "dollars," in line 628, in the appropriation of \$100,000 to furnish flour and meat to the Creeks, to insert the following proviso:

Provided, That of this amount a sum not exceeding \$15,000 may be used for removal of the agency to a more suitable location within the reservation.

The amendment was agreed to.

The next amendment was in the items for the Dwamish and other allied tribes in Washington Territory, to reduce, in line 661, the appropriation for sixteenth of twenty installments, for the employment of a blacksmith, carpenter, farmer, and physician, per fourteenth article of treaty of January 22, 1855, from \$4,600 to \$4,200.

The amendment was agreed to.

Mr. THURMAN. I do not know whether the chairman of the committee wishes any interruption of the reading of this bill except to consider the amendments of the committee, but if he is willing that inquiries should be made as we go along, I should like to ask him or the chairman of the Committee on Indian Affairs whether any such schools as are mentioned in the provision on page 35, under the head of "Molels," are kept up or ever have been at all.

For pay of teachers and for manual-labor schools and for all necessary materials therefor, and for the subsistence of the pupils, per fourth article of treaty of December 21, 1855, \$3,000.

If the committee wish me to defer my inquiry until the amendments are through, I will do so.

Mr. WINDOM. I will furnish the information directly; it is not at hand at this moment.

Mr. THURMAN. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in lines 871 and 872, after the words "provided that," in the appropriation for the Navajoes, to strike out the words "this appropriation may be available upon the passage of this act, and that;" and in line 875, after the word "tribe" to insert "and may be available upon the passage of this act;" so that the proviso will read:

Provided, That with the consent of the tribe, \$25,000 of the same shall be expended in the purchase of stock, cattle, and sheep for the tribe, and may be available upon the passage of this act.

The amendment was agreed to.

Mr. WINDOM. With the permission of the Senate, I will recur to the question asked by the Senator from Ohio. The school is at the Grande Ronde agency in Oregon; the number of the Indians is eight hundred; the number of school buildings, one; the number of schools, two; number of teachers, three. There are twenty-one males and twenty-six females, according to the report of the Commissioner of Indian Affairs. It is represented as a very good school. It is under the charge of the Catholics. It is a well-conducted school, as I am informed by the Commissioner.

Mr. THURMAN. Those are the pupils.

Mr. WINDOM. Yes, sir; the pupils—twenty-one males and twenty-six females.

Mr. THURMAN. How long has that school been open?

Mr. WINDOM. I believe it was organized when the Senator from Missouri [Mr. BOGY] was Commissioner of Indian Affairs.

Mr. THURMAN. I certainly have no objection to an appropriation where a school actually exists such as has been described, for I think we cannot appropriate money much better than for that purpose.

The PRESIDING OFFICER. The reading of the bill will be continued.

The reading of the bill was proceeded with. The next amendment

of the Committee on Appropriations was in line 953, after the word "shall," in the appropriations for the Northern Cheyennes and Arapahoes, to insert the words "if required by the Secretary of the Interior;" so that the provision will read:

Provided, That said Northern Cheyennes and Arapahoes shall, if required by the Secretary of the Interior, remove to their reservation in the Indian Territory before the delivery of said supplies appropriated for by the foregoing clause.

The amendment was agreed to.

The next amendment was after line 995, in the appropriations for the Osages, to insert the following:

For this amount, to be paid to the Osage Indians in accordance with section 12 of the act approved July 15, 1870, being interest from November 1, 1874, to November 1, 1875, at 5 per cent. on \$775,543.50, the net avails of Osage trust and diminished-reserve lands sold by the United States prior to November 1, 1874, \$38,777.18.

The amendment was agreed to.

The next amendment was after line 1189, in the appropriations for the Seminoles, to insert the following:

That the Secretary of the Interior shall cause to be made an accurate computation of the area of that portion of the Creek reservation lying between the north fork of the Canadian River and the main Canadian River, and between the west boundary of the Creek reservation and a north and south line between said rivers that shall include the main improvements now occupied by the Seminoles; that the Secretary of the Interior be authorized to transfer from the moneys belonging to the Seminole Indians, now in the Treasury of the United States, the sum of \$150,000, or so much thereof as may be found necessary to pay for said tract of country at the rate of fifty cents an acre, to the credit of the Creek tribe of Indians; that the Secretary of the Interior be authorized to sell stocks belonging to the Creeks, equal in value to the amount of money required to purchase said tract of country, and to pay over the same, *per capita*, to the members of said Creek tribe of Indians; *Provided*, That this action shall be with the consent of both the Creek and the Seminole tribes of Indians.

Mr. WINDOM. In order to save time, as I understand the Committee on Indian Affairs have looked into this matter and express some doubts as to the expediency of adopting the amendment, I, with the consent of the Committee on Appropriations, will not press the amendment. I ask leave to withdraw it.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. MORRILL, of Maine. I move that the Senate take a recess from five o'clock until half past seven o'clock this evening.

Mr. ALLISON. I suggest to the chairman of the Committee on Appropriations that we go right on till half past six rather than take a recess. We can perhaps finish this bill by five or half past five o'clock.

Mr. MORRILL, of Maine. This is not the only bill we have got. We have two or three other bills.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine that at five o'clock to-day the Senate take a recess until half past seven.

Mr. HAMILTON, of Maryland. I am constitutionally opposed to night sessions. I appeal to the Senator from Maine whether it would not be better for us to go on and let us see what progress we make in half an hour or so. The consequence will be then, in my judgment—

Mr. MORRILL, of Maine. Debate is not in order.

The VICE-PRESIDENT. The question is not debatable.

Mr. HAMILTON, of Maryland. I fear that in the evening we shall be left without a quorum; there will be a division called, and we shall have to adjourn.

Mr. MORRILL, of Maine. Debate is not in order.

Mr. MORRILL, of Vermont. I suppose nothing else will be in order this evening but to finish this bill and other appropriation bills from the Committee on Appropriations.

Mr. MORRILL, of Maine. No; we will take up nothing else.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was in lines 1302, 1303, and 1304, in the appropriation for the Shoshones and Bannacks, to strike out the following words:

(Estimated at eighteen hundred persons) at ten dollars each, (estimated as six hundred persons engaged in agriculture,) at twenty dollars each.

And in lieu thereof to insert:

For Indians roaming and engaged in agriculture, as per ninth article of treaty of July 3, 1868.

So as to make the clause read:

For fifth of ten installments, for the purchase of such articles as may be considered proper by the Secretary of the Interior, for Indians roaming and engaged in agriculture, as per ninth article of treaty of July 3, 1868, \$25,000.

The next amendment was after line 1517, in the appropriations for the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes, to insert the following item:

For this amount, to be expended under the direction of the President in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes, as per twelfth article of same treaty, \$25,000.

For this amount, or so much thereof as may be necessary, for the removal of the Los Pinos agency, in Colorado, from its present location and for the erection of proper buildings and establishment of an agency for the Weeminuche, Muache, and Capote bands of Ute Indians at some suitable point to be hereafter selected on the southern part of the Ute reservation, as provided in the agreement made by Felix R. Brunot, commissioner on the part of the United States, with certain Ute Indians in Colorado, and ratified by act of Congress approved April 29, 1874, \$20,000.

The amendment was agreed to.

The next amendment was after line 1660, in the appropriation for the general incidental expenses of the Indian service in California, to insert the following item:

For this amount, or so much thereof as may be necessary, to supply a deficiency in the proceeds of the lands in the Round Valley Indian reservation, applicable for the payment of the improvements of settlers on said reservation, appraised in accordance with the act of March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes," and to liquidate such claims on said reservation as shall be found valid by virtue of pre-emption or homestead entry, \$30,000.

The amendment was agreed to.

The next amendment was in line 1721, to increase the appropriation for "the general incidental expenses of the Indian service in Oregon, including transportation of annuity goods and presents (where no special provision therefor is made by treaties) and for paying the expenses of the removal and subsistence of Indians in Oregon (not parties to any treaty) and for pay for necessary employees," from \$40,000 to \$50,000.

The amendment was agreed to.

The next amendment was in line 1751, before the word "transportation," to strike out the words "insurance and;" so as to read:

For transportation of annuities and the necessary expenses of the delivery of the annuities and provisions to the Indian tribes in Minnesota, Wisconsin, and Michigan, \$4,000.

The amendment was agreed to.

The next amendment was in line 1792, to increase the appropriation for the civilization and subsistence of Indians on the Malheur reservation from \$35,000 to \$40,000.

The amendment was agreed to.

The next amendment was in line 1811, to reduce the appropriation to defray the expenses of a general council of certain Indians in the Indian Territory from \$5,000 to \$3,000.

The amendment was agreed to.

The next amendment was in the appropriation for the third of ten installments to be paid under the direction of the President to the Flathead Indians removed from the Bitter Root Valley to the Jocko reservation, in the Territory of Montana, to strike out the words "paid to," in line 1841, and insert the words "expended for the benefit of;" so that the proviso will read:

Provided, That no part of said sum shall be expended for the benefit of any Indian of said tribe who shall not have settled upon the Jocko reservation.

The amendment was agreed to.

The next amendment was after line 1843 to insert:

For this amount, or so much thereof as may be necessary, to pay the expenses of the commission of citizens serving without compensation appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$15,000.

The amendment was agreed to.

The next amendment was in lines 1862 and 1863, in the clause appropriating \$5,000 for the construction of a hospital at Round Valley reservation, California, to strike out the following proviso:

Provided, That this amount shall be taken from the incidental fund of California.

The amendment was agreed to.

The next amendment was in section 2, line 3, after "Indians" to strike out "while" and insert "or;" before "band" to strike out "such" and insert "any;" and after "band," in line 4, to strike out "is" and insert "while;" so that the section will read:

SEC. 2. That none of the appropriations herein made, or of any appropriations made for the Indian service, shall be paid to any band of Indians or any portion of any band while at war with the United States or with the white citizens of any of the States or Territories.

The amendment was agreed to.

The next amendment was in section 3, line 2, before the words "provided that" to strike out "hereby;" and after the words "provided that" to insert "hereafter;" so as to read:

That for the purpose of inducing Indians to labor and become self-supporting, it is provided that hereafter, &c.

The amendment was agreed to.

The next amendment was in section 3, line 14, after the word "tribe" to insert the words "or portion of tribe;" so as to read:

Provided, That the Secretary of the Interior may, by written order, except any particular tribe, or portion of tribe, from the operation of this provision, &c.

The amendment was agreed to.

The next amendment was in section 4, line 1, after "that" to insert "hereafter;" so as to read:

That hereafter, for the purpose of properly distributing the supplies, &c.

The amendment was agreed to.

The next amendment was in section 5, line 1, after "that" to insert "hereafter;" so as to read:

That hereafter not more than \$6,000 shall be paid in any one year for salaries or compensation of employees at any one agency, &c.

The amendment was agreed to.

The next amendment was to add to section 5 the following words:

And the provisions of this section shall apply to the fiscal year ending June 30, 1875.

The amendment was agreed to.

Mr. SARGENT. I suggest that after the first word "that" of the sixth section the word "hereafter" should be inserted; so as to read:

That hereafter it shall be the duty of the Secretary of the Interior, &c.

Mr. WINDOM. That amendment should be made.

Mr. SARGENT. I move that amendment.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was in section 7, line 12, before "dollars" to strike out "hundred" and insert "thousand;" so as to read:

And that no purchase of goods, supplies, or farming implements, or any other article whatsoever, the cost of which shall exceed \$3,000, shall be paid for from the money appropriated by this act, unless the same shall have been previously advertised and contracted for as heretofore provided by law.

The amendment was agreed to.

The next amendment was in section 8, line 1, after "that" to insert "hereafter;" so as to read:

That hereafter the Secretary of the Interior cause to be prepared and delivered to the Public Printer, on or before the 1st day of November in each year, a tabular statement of the items paid out up to that date of the appropriations made for the Indian Department for the fiscal year previously ending, &c.

The amendment was agreed to.

The next amendment was in section 10, line 1, after "that" to insert "hereafter;" so as to read:

That hereafter the security or securities, upon the bond required by the act of February 27, 1851, to be given by each Indian agent before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior, &c.

The amendment was agreed to.

Mr. SARGENT. In section 7, after the first word "that," the word hereafter should be inserted; so as to read:

That hereafter all appropriations, &c.

I move that amendment.

The amendment was agreed to.

Mr. WINDOM. On line 53, after the word "employés," I move to insert the words "except teachers;" so as to make the clause read:

And no incidental expenses shall be allowed for this agency—Sac and Fox, of Iowa—and no employés except teachers.

There is a provision for teachers, and the clause at present would exclude them though provision was made.

The amendment was agreed to.

Mr. WINDOM. In the appropriation for the Navajoes I move to insert after the word "sheep," in line 875, the words "and to assist in putting in a crop of grain."

The amendment was agreed to.

Mr. WINDOM. In line 1800 I move to strike out the word "ten" and insert "thirty-five," making the appropriation \$35,000. The clause will then read:

For this amount, or so much thereof as may be necessary to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes and sustain themselves by the pursuits of civilized life, \$35,000.

I offer this amendment by the direction of the Committee on Appropriations. It was reserved for consideration when the committee reported the bill. The amount now is for schools in the central superintendency, \$10,000. They had \$40,000 last year and a larger amount in previous years. The committee recommend \$35,000 for this year, and that will not entirely cover it.

Mr. INGALLS. I believe that amendment was submitted to the Committee on Indian Affairs for their consideration; and if I violate none of the proprieties of that committee, I believe I am authorized to state it was unanimously rejected.

Mr. WINDOM. The Senator will allow me to say that these letters came up from that committee; but was it not the proposition to divert or disburse certain funds under treaty?

Mr. INGALLS. I think not.

Mr. WINDOM. I so understood.

Mr. INGALLS. My impression is that the amendment was submitted to that committee, increasing the appropriation for these purposes from the sum of \$10,000 to \$40,000. The objects of this appropriation are of a very indefinite and general character, consisting of "aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes and sustain themselves by the pursuits of civilized life."

It is my impression that the sum of \$10,000 is as large an amount as the country can well afford to pay for these miscellaneous purposes. I hope the amendment proposed by the Senator from Minnesota will not prevail.

Mr. WINDOM. It is recommended by the Department. I will not discuss it.

Mr. BOGY. If in order, I move to strike out from line 1793 down to line 1800, inclusive, and I will explain very briefly why I do so.

I think it can be shown to the satisfaction of the Senate that the appropriations included here under the head of "miscellaneous" ought not to be made at all. Each tribe has a specific appropriation in this bill, either under treaty stipulations or by a voluntary amount appropriated for each tribe within the limits of the United States. In addition to these appropriations for each tribe of Indians, which amount to millions, here is another appropriation of the loosest kind imaginable:

For this amount, or so much thereof as may be necessary—

And remember the full amount will be found to be necessary—to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, &c.

To aid in the arts of civilization! In addition to specific appropriations for each tribe of Indians, you put at the disposal of the officers of the Government this large sum of money without any definite application whatsoever.

Mr. MORRILL, of Vermont. Will the Senator from Missouri yield to me? I desire to make a motion before five o'clock.

Mr. BOGY. Certainly.

Mr. MORRILL, of Vermont. It is quite apparent, I think, that this bill may be finished in about half an hour, and it is also well understood that it is a very stormy day and we shall be quite unlikely to get a quorum here in the evening. I suggest therefore the propriety of rescinding the order by which a recess was ordered to be taken at five o'clock.

Mr. MORRILL, of Maine. There is not the slightest possibility that that can be done, and then we have other bills which we want to go on with.

Mr. SARGENT. We might postpone the recess until half past five and see if we can finish the bill by that time.

Mr. MORRILL, of Vermont. I will not insist on a motion if the chairman of the committee does not approve it.

Mr. MORRILL, of Maine. I hope the Senator will not press it.

Mr. MORRILL, of Vermont. Very well.

Mr. HAMILTON, of Maryland. Will the Senator from Missouri allow me one word?

Mr. BOGY. Of course.

Mr. HAMILTON, of Maryland. As I understood, it was the understanding of the Senate that after the recess we were to take up no other bill but this one.

Mr. MORRILL, of Maine. Appropriation bills.

Mr. HAMILTON, of Maryland. But no other appropriation bill.

Mr. MORRILL, of Maine. None but appropriation bills.

Mr. HAMILTON, of Maryland. I understood we were to take up no other appropriation bill but this one. That is the understanding of gentlemen who have gone out of the Chamber now.

Mr. MORRILL, of Maine. Is there any question before the Senate?

The VICE-PRESIDENT. The Senator from Missouri has the floor.

Mr. DAVIS. Will the Senator from Missouri give way to me a minute?

Mr. BOGY. Certainly.

Mr. DAVIS. I would like to have the attention of the Senator from Maine, the chairman of the committee. It is suggested by a number of Senators around me here that they are willing and desirous to keep the Senate in session until we finish this bill, if it takes till six o'clock or whatever the hour may be, and then adjourn until to-morrow at eleven o'clock. I hope that suggestion will meet the approbation of the chairman of the committee.

Mr. MORRILL, of Maine. There are certainly two other bills that might be passed without inconvenience to anybody if we get through with this bill. We ought to pass this bill and two other bills by all means. We can do it, but we cannot pass this bill before the hour for the recess or in any short time.

Mr. FRELINGHUYSEN. I hope we will all do just what the chairman of the Committee on Appropriations wants. That is the way to get through with these bills.

Mr. MORRILL, of Maine. I think we had better let the matter stand. There will be no disposition to press things unreasonably.

Mr. BOGY. I have moved to strike out the words in line 1793 down to line 1800, inclusive, because this appropriation is so vague, so indefinite, that the money cannot be judiciously applied. I would furthermore say that this practice of making a miscellaneous appropriation is of modern growth, as I understand. It will be remembered that there are specific appropriations for every tribe of Indians, as I said a moment ago, appropriations under treaty stipulation or as a gratuity by the Government. Each tribe has such appropriations. In addition to that, this clause would place in the hands of the Secretary of the Interior the sum of \$10,000, which I believe the Senator from Minnesota proposes to increase to a larger sum, to aid in civilizing Indians, providing clothing and food and lodging for the children attending school. Are we to clothe and to feed those Indians while they are attending school? Appropriations are made for school purposes, but it is not the intention of the Government to clothe the children.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. ALLISON. I desire to say a word in reference to the amendment.

Mr. BOGY. Mr. President—

The VICE-PRESIDENT. The Senator from Missouri has occupied his five minutes, including the time in which he was interrupted.

Mr. BOGY. I have occupied five minutes, counting in that way, but my friends have taken four out of my five minutes in replication. It has been five minutes since I got up.

The VICE-PRESIDENT. If there be no objection, the Senator from Missouri will be allowed to proceed.

Mr. BOGY. I move to strike out in line 1782 the word "civilization." I have no disposition to detain the Senate. My only object is to bring these views before the mind of the Senate. I am not hostile to the bill. I have no object to accomplish but one for the pub-

lie good, but I do know, I am perfectly satisfied, that this appropriation should not be made. It is not the intention of this Government to clothe and feed Indian children while they are attending school. There is no appropriation made for schools except under treaty stipulations, and the amount in every case is very large, much larger for Indian children than for white children. I therefore hope that this clause will be stricken out.

But not only is the money to be used in this way for children attending school, but also—

In caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes, &c.

The sum is too small by more than \$100,000. If you attempt to remove Indians from one place to another, you cannot do it for \$10,000. If you attempt to feed children where they attend school, you cannot do it with \$10,000, nor can you clothe them, and the whole thing is a perfect farce. I am opposed to any such measure.

Mr. ALLISON. I wish to prevent a misapprehension in reference to the action of the Committee on Indian Affairs with regard to this clause. The amount appropriated under this paragraph last year was nearly \$50,000, and the Commissioner of Indian Affairs and those having charge of the Indians in this superintendency desire the same sum this year. It was at first suggested that this sum should be taken out of the annuities of the Indians in this superintendency, and the Committee on Appropriations weighed the question whether that should be done unless with the sanction of the Committee on Indian Affairs. That question was referred to the Committee on Indian Affairs. In considering it, as a matter of course we had to consider the propriety of an additional appropriation, and, as suggested by the Senator from Kansas, the Committee on Indian Affairs I believe did decide that this sum ought not to be appropriated. But the Committee on Appropriations believe that this sum ought to be appropriated. It has been appropriated for several years. A number of schools are in existence in this superintendency and ought to be maintained. The whole business of taking care of Indians in this superintendency is under charge of the Society of Friends, which society I believe may be considered as especially friendly to the Indian tribes, and I have no doubt that whatever sum is appropriated here will be faithfully applied to the improvement of the Indians within that Territory to the amount of the appropriation.

Mr. CAMERON. Mr. President—

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. ALLISON. Yes, sir.

Mr. CAMERON. I ask the Senator to yield to me a moment to pass a little bill to put some head-stones in a soldiers' grave-yard. I ask the Senate to postpone this business for a moment until I present it. I have been trying a long while to do it. It is a bill of the House.

Mr. MORRILL, of Maine. Informally?

Mr. CAMERON. Informally.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read House bill No. 4631, in relation to a national cemetery at York, Pennsylvania.

Mr. EDMUNDS. I ask that may be read again for information.

Mr. CAMERON. I will tell the Senator what it is in a moment. The monument society at the town of York, in Pennsylvania, has built a house and made a fence around the graves of the soldiers of the United States there, and they ask only for the Government to put head-stones to each of these graves.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York;

A bill (H. R. No. 4385) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, and for other purposes;

A bill (H. R. No. 4813) to authorize the removal of the bronze fountain by Rhinehart from the lobby of the city post-office; and

A bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;

A bill (S. No. 836) granting a pension to William Ira Mayfield;

A bill (S. No. 862) granting a pension to Margaret S. Hastings;

A bill (S. No. 1070) granting a pension to Margaret C. Wells;

A bill (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;

A bill (S. No. 1154) granting a pension to William Williams;

A bill (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and

A bill (S. No. 1213) granting a pension to Nathan Upham.

The VICE-PRESIDENT. The hour of five having arrived, the Senate will, according to order, take a recess until half past seven o'clock.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4385) to regulate the issue of artificial limbs to disabled soldiers and others, and for other purposes—to the Committee on Military Affairs.

The bill (H. R. No. 4813) to authorize the removal of the bronze fountain by Rhinehart from the lobby of the city post-office—to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York—to the Committee on Finance.

The bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, and James M. Hawes, of Covington, Kentucky, of all political disabilities—to the Committee on the Judiciary.

The bill (H. R. No. 4753) removing the political disabilities of O. R. Singleton, of Mississippi—to the Committee on the Judiciary.

The joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic—to the Committee on Finance.

The bill (H. R. No. 4714) for the improvement of the mouth of the Mississippi River was read twice by its title.

Mr. WEST. That bill should go to the Committee on Transportation Routes.

Mr. EDMUNDS. The Committee on Commerce.

Mr. DAVIS. The Committee on Transportation Routes have that question under consideration.

Mr. WEST. There have been several bills, and there is one on the Calendar now, relating to the Mississippi River, all of which have been considered and acted upon by the Committee on Transportation. It seems to me that this bill ought to take that reference.

Mr. EDMUNDS. Then I think we had better wait until the chairman of the Committee on Commerce comes in.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The bill will be laid aside for the present.

Mr. WEST subsequently said: I ask to take up House bill No. 4714 for reference which was laid over a few minutes ago. I move its reference to the Committee on Transportation. That committee considered that subject elaborately and at large last winter, and it is the proper reference.

Mr. BOGY. I hope the bill will be referred to the Committee on Transportation Routes. It is known as the jettee bill, and it has been considered by a committee raised for that purpose since the last session of Congress.

The PRESIDING OFFICER. It is moved by the Senator from Louisiana that the bill be referred to the Select Committee on Transportation Routes to the Sea-board.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SPRAGUE presented the petition of Mrs. Eliza Potter, praying compensation for moneys expended by her during the late war in caring for sick and wounded soldiers of the United States Army confined in rebel prisons at Charleston and Columbia, South Carolina; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Indian Affairs, to whom were referred the bill (S. No. 829) for the relief of Henry Warren, of Texas, and the papers concerning the claim of Henry Warren for the loss of his property destroyed by the Comanche Indians, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

Under the requirements of section 6 of the "Act for the government of the District of Columbia, and for other purposes," approved June 30, 1874, I have the honor to submit herewith the report of the board of audit upon the amount equitably chargeable to the street-railroad companies, pursuant to the charters of said companies or the acts of Congress relating thereto, together with the reasons therefor.

U. S. GRANT.

EXECUTIVE MANSION. February 19, 1875.

Mr. EDMUNDS. I move that the message be referred to the Committee on the District of Columbia, and printed.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of the Interior, in answer to a resolution of the Senate of the 17th instant, transmitting a copy of the report of the Government directors of the Union Pacific Railroad Company for 1874; which was referred to the Committee on Railroads, and ordered to be printed.

He also laid before the Senate a communication from the commissioners of the District of Columbia, giving reasons why the bill (H. R. No. 4727) explanatory of the act of June 20, 1874, should not be

passed by the Senate; which was ordered to lie on the table and be printed.

BILLS INTRODUCED.

Mr. SPRAGUE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1332) for the relief of Mrs. Eliza Potter; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

FREE YOUNG MEN'S BENEVOLENT ASSOCIATION.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The business before the Senate is the Indian appropriation bill. The Clerk will report the pending amendment.

Mr. HITCHCOCK. I ask unanimous consent of the Senate that the pending bill may be laid aside informally that I may take up and secure the passage of a little bill reported by the Committee on the District of Columbia some time ago allowing the Young Men's Benevolent Association for colored people here to sell a portion of the lands belonging to them now used for sanitary purposes in order that they may devote the proceeds for the improvement of the new cemetery grounds they have bought. I think there will be no objection to passing the bill now.

Mr. WINDOM. I will not object to that, but I give notice that I will object to anything else except the bill of my friend from Virginia, [Mr. LEWIS,] as to which I promised last night that if he would not press it then, I would yield to him to-day; and in yielding to this I yield on condition that it will not lead to any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1222) to authorize the trustees of the Free Young Men's Benevolent Association to sell and convey square numbered 272, in the city of Washington.

Mr. HITCHCOCK. I desire to offer an amendment suggested by the Senator from Vermont, [Mr. EDMUNDS.] I move to insert at the end of the bill:

Provided, That nothing in this act shall be construed to create any claim against the United States.

Mr. EDMUNDS. To exclude any possible claim if the title does not turn out to be good.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNSETTLED ACCOUNTS IN THE DISTRICT OF COLUMBIA.

Mr. LEWIS. I move to take up House bill No. 4727, explanatory of the act passed June 20, 1874. The bill has passed the House, and it is a simple act of justice to a deserving man who has swept the streets here for twelve months and has not been paid. It is a bill explanatory of a previous law, and as it is simply an act of justice I suppose there can be no objection to it.

The PRESIDING OFFICER. The bill will be read subject to objection.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I do not object, if it is left liable to objection in any of its stages. It may be taken up subject to a call for the regular order at any time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4727) explanatory of the act passed June 20, 1874.

The bill declares that it was the true intent and meaning of the act passed June 20, 1874, for the government of the District of Columbia, that the sweeping, cleaning, and removing all refuse and filthy accumulations in the streets, alleys, and avenues of the cities of Washington and Georgetown, and the repairs and cleaning of the sewers, are necessary municipal objects, which belong to the current expenses of the same, to be paid for in money as other ordinary municipal expenses; and the proper District authorities are directed to pay the parties that have heretofore performed this class of work from the treasury of the District, out of any money not otherwise appropriated, the amount and value of the work done since the passage of the act, with legal interest from the time the same fell due under the contract, but not till after their accounts have been approved and audited as the law directs.

Mr. EDMUNDS. I move to amend the bill by striking out all before the word "the" in line 11, that part which refers to the meaning, and then I will state my reason for making the motion.

The CHIEF CLERK. It is proposed to strike out the following words:

That it was the true intent and meaning of the act passed June 20, 1874, for the government of the District of Columbia, that the sweeping, cleaning, and removing of all refuse and filthy accumulations in the streets, alleys, and avenues of the cities of Washington and Georgetown, and the repairs and cleaning of the sewers, are necessary municipal objects, which belong to the current expenses of the same, to be paid for in money as other ordinary municipal expenses, and.

So as to read:

The proper District authorities are hereby directed to pay the parties that have heretofore performed this class of work, from the treasury of said District, out of any money not otherwise appropriated, the amount and value of said work done since the passage of the act, with legal interest from the time the same fell due under the contract, but not till after their accounts have been approved and audited as the law directs.

Mr. EDMUNDS. That will need another amendment. My object in moving the amendment which is to strike out the recital of what is said to have been the true intent and meaning of the act appointing commissioners for the District of Columbia, that is, that it was the true intent and meaning of that act that all obligations for current work, as the bill calls it, were intended to have been paid in money and not to be scaled or consolidated into bonds. I am not by any means sure that that was the true intent and meaning of that act, but I am perfectly willing that these gentlemen who are now since the passage of that act performing current work shall be paid in cash of course. So that I wish to leave the bill simply directing that since the passage of that act they shall be paid in cash, and that is all the bill proposes to do. It is only striking out the recital. If that be agreed to, then I will move to change the other language, so as to make it read in proper harmony.

Mr. LEWIS. I have no objection in the world to striking out that part of the bill except that it necessitates its going back to the House, which I think will endanger at least the passage of the bill. This work has been performed faithfully by this gentleman. I have examined the subject; it has been before our committee. He has performed this work faithfully, and he has been paying 12 per cent. a month for money in order to carry out his contract and to save his property from being sold. I have no objection in the world to striking out that part of the bill if it can be passed through the House in time, but it is absolute ruin to this man not to pass this bill, and it should be passed in justice to him.

Mr. MORRILL, of Vermont. Will the chairman of the District Committee mention who the person is to whom this money is to be paid?

Mr. LEWIS. Mr. Wright.

Mr. MORRILL, of Vermont. I desire to ask the chairman of the committee if he has had any correspondence with the commissioners of this District in relation to this claim.

Mr. LEWIS. No, sir; I have not.

Mr. MORRILL, of Vermont. Then I hope the bill will remain on the table until the correspondence is communicated. I have had some correspondence which leads me to suppose that the chairman of the committee would not press this bill. I shall have that correspondence to-morrow. I hope, therefore, no action will be had upon it at present.

Mr. LEWIS. I will just say that this is a House bill; it was discussed there—

Mr. MORRILL, of Vermont. I understand it.

Mr. LEWIS. If the commissioners had any objection to it they ought to have made those objections known there. We have had it before our committee several times and several parties appeared before us in behalf of Mr. Wright, but no one of the commissioners, while they knew of it, was there. They have made no objection whatever, and I do not think it is an act of justice to Mr. Wright to lay the bill aside.

Mr. MORRILL, of Vermont. I hope the chairman of the District Committee will allow the bill to lie on the table until he has examined his files to see if there is not a communication from the commissioners of the District in relation to this claim.

Mr. LEWIS. There was no objection to it up to to-day, or up to a late hour this evening.

Mr. MORRILL, of Vermont. I understand there is a strong objection to the claim.

Mr. LEWIS. I have not heard it.

Mr. MORRILL, of Maine. This is going on simply by general consent.

Mr. FLANAGAN. I ask unanimous consent to take up the motion to reconsider Senate bill No. 736, to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same. I do not think it will take two minutes, and I am very desirous to have the motion to reconsider disposed of.

The PRESIDING OFFICER. There is a bill now pending.

Mr. LEWIS. I insist on a vote.

Mr. FLANAGAN. What bill; the appropriation bill?

The PRESIDING OFFICER. The bill now pending presented by the Senator from Virginia, on which the pending question is the amendment offered by the Senator from Vermont.

Mr. MORRILL, of Vermont. I call for the regular order. I do not know anything about this bill, but I am informed it ought not to pass, and I am sure it ought not until we hear the objection of the commissioners.

The PRESIDING OFFICER. The regular order being called for—

Mr. LEWIS. I do not wish to press this bill if I can have any assurance that I can get it up in the morning hour to-morrow or any other time. I do not want to embarrass the Senate; I do not want to press anything through the Senate without full investigation. We had this matter before us, and I investigated it thoroughly; and it is an outrage upon Mr. Wright that he has not been paid.

The PRESIDING OFFICER. Does the Senator from Virginia withdraw the bill?

Mr. LEWIS. I withdraw it.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3821) making appropriations for the cur-

rent and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes; the question being on the amendment of Mr. WINDOM, in line 1800, before the word "thousand," to strike out "ten" and insert "thirty-five;" so as to make the clause read:

For this amount, or so much thereof as may be necessary, to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes and sustain themselves by the pursuits of civilized life, \$35,000.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOGY] moved to strike out the clause from line 1793 to line 1800, inclusive. The first question will be on the amendment of the Senator from Minnesota to perfect the clause.

Mr. WINDOM. This amendment was under consideration in the committee, but was postponed for further investigation with the understanding that it should be reported to the Senate by the committee should it be found necessary in their judgment to do so. The Department of the Interior recommend \$50,000 for this purpose. It is a continuation of the provisions heretofore made for the central superintendency under the control and management of the Society of Friends. The schools have been conducted for several years very successfully, and the committee believe that it is important to continue them. The reports from them show evidences that they are doing a great deal of good. There are in that superintendency thirteen boarding-schools, containing six hundred and eighty-eight pupils, who are boarded, clothed, and cared for by the Society of Friends; and this is the only fund they have for that purpose. We appropriated in 1870 \$60,000; in 1871, \$40,000; in 1874, \$44,480; and I propose now in this bill to appropriate \$35,000—\$9,480 less than last year. The fund is not used for the Sacs and Foxes or Osage Indians, who have ample funds of their own to support their schools.

I believe that this matter is important; and having stated the main facts, I hope further time will not be consumed. It is recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior, and is urged strongly by the Society of Friends, who have the schools in charge.

Mr. INGALLS. To show the value of the statement made by the Senator from Minnesota as to the purposes for which these funds are to be employed, it is only necessary to say that the subject which he mentions is not even indirectly alluded to in the clause which provides for the appropriation of money. It declares that this money is for the purpose of—

Aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes and sustain themselves by the pursuits of civilized life.

If the purpose of this money is what the Senator from Minnesota states it to be why is the section worded as it is? Why are we left to suppose that the object for which this ten thousand or thirty-five thousand or forty thousand dollars is to be used is for sustaining a school system that is already in operation when that subject is not even mentioned in the section?

As another illustration of the remarkable character of this provision that is now sought for, I will state that two of the confidential employés of the central superintendency came to me just after the adjournment of the Senate this afternoon and told me the object of this appropriation was to provide subsistence for the destitute Indians in that superintendency, and they begged me to withhold my opposition, upon the ground that it was an act of pure benevolence to the Indians who were in danger of starvation. When these doctors disagree, who is to decide whether it is for the purpose of keeping up a system of schools or whether it is for the purpose of being expended in this incoherent and nebulous sentimentality that in my judgment characterizes too much of this Indian business?

I object to the appropriation because there is no reason shown for it, because the grounds upon which it is asked for are so conflicting and contradictory, and beyond that because it proposes to allow the money to be distributed at the unlimited discretion of the superintendent of Indian affairs without any control whatever on the part of Congress. He can devote this \$10,000 as the clause now stands, or this \$35,000 as the amendment is, to any object that he may see fit to expend it for—chromos, hoop-skirts, tooth-brushes, anything that in his judgment may be necessary to promote the advance of the Indians in the arts of civilization. It is very strange that this section should have come from the House of Representatives, having passed through the Committee on Appropriations in that body and then through the Committee on Appropriations in this body, left standing at the sum of \$10,000, and that some new light should suddenly have dawned upon the Committee on Appropriations that now requires it to be advanced to \$40,000. I trust the appropriation will not be enlarged.

Mr. WINDOM. After the very courteous and parliamentary language of the Senator from Kansas, I will say a word to show the value of the remarks he makes upon this subject. I will simply quote the fact that he says the schools are not mentioned at all.

Mr. INGALLS. I said the school system was not referred to.

Mr. WINDOM. And here stands distinctly in this sentence, "and lodging for the children attending school," &c. The Senator objects to the form of this proposition as it came from the House. It is precisely the form which was followed last year, and under that the fund of \$40,000 appropriated last year was devoted to schools. The statement I made when on the floor before was based upon a statement by the superintendent in charge of these schools, a gentleman of high character and standing. Unless the Senator from Kansas can be a little more careful in his statements, I think the remarks made by this superintendent are worth quite as much as those made by the honorable Senator. I have no feeling about this matter at all. I believe it is proper to continue these schools. I hope they may be continued, but if the Senate chooses to vote it down I have no sort of feeling about it.

Mr. BOGY. I hope the amendment will not be adopted. The expenses of the Indian Bureau have in the course of not a great many years increased from less than one and a half million dollars to upward of seven millions, and the number of Indians now is not one-fourth what it was when the expenditure was a million and a half of dollars or a little less. These appropriations have become so large simply owing to the wild and reckless manner of making the appropriations. The Senator from Minnesota says that the intention of this appropriation is that the money shall be applied to schools within the central superintendency. The bill itself says no such thing; and if they are not authorized to expend it for schools by the law, it would be a misappropriation. But according to his own statement there has been expended in that superintendency for the last two or three years upward of \$200,000 for educating Indians; and I venture to say that there is not one of these Indians to-day who can either write his name or spell "baker." And yet the sum of \$200,000 has been expended in the last two or three years, and in one year the large sum of \$60,000 was expended.

Mr. President, it is time that this wild, reckless mode of expending the money of this nation should be checked. I am not opposed to the system; I do not rise here from a spirit of opposition to it; I rise to make these remarks because I do know that this money is wasted and is not needed, and the very fact stated by the Senator from Minnesota shows it. This appropriation is to aid Indians in civilization and for food, clothing, and lodging for children's schools, and he says it is intended for the purpose of educating them. If that is the object, why does it not say so? In point of fact, the money appropriated to educate Indians within that superintendency is under different heads, already more than abundant; but as to the Cheyennes and Arapahoes, to speak of education is a misapplication of the term. Cheyennes and Arapahoes and Comanches and Kiowas and Indians of that character are in that superintendency; these are the Indians for whom we have spent \$200,000 in a few years; these are the Indians to be educated. If they could be educated, reclaimed from barbarism, and brought to civilization and religion, I would not object to any amount that might be necessary for that object; but I do know that this is not necessary. The whole law in this respect is wrong. There is no reason why an amount of money should be placed at the discretion of any of these parties, however good they may be, and I am not charging them with improper conduct. If you do not make the appropriations for Indian service specific, you will go on year after year spending millions and millions of money and effecting no good purpose whatever. The reason why to-day the Indians are cavorting and playing high, low, jack, and the game on the western frontier is because the appropriations made are too large. This fact has invited a horde of wild speculators, of bad men, of reckless men who have gone out there to make money off these Indian appropriations, and they are making it from day to day, and they are demoralizing the Indians, and the Indians themselves are prevented from being self-sustaining because you appropriate large sums of money to sustain them and encourage them in idleness. I say it would be the best thing for this nation if all these appropriations were stopped. If we went even to the extent of not voting one cent for the Indians it would be the best thing for the Indians.

I submit these remarks to the Senate as a test. If the Senate of the United States is prepared to vote for this amendment, it is perfectly idle to attempt to check the large amounts which are annually appropriated for the Indian service. It cannot be done.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WRIGHT. I wish to say just one word upon this amendment. As a rule I have been opposed and I am opposed yet to increasing the appropriations as recommended by committees, but I think there are several reasons in favor of this proposition. If the rule or the practice asserted by the Senator from Missouri be correct, then we should stop all appropriations looking to the civilization and education of the Indians. He says these appropriations only tend to their demoralization. If this is true to the extent stated, then we should not only withhold this appropriation but all appropriations looking in the same direction. It is proposed by the committee in this instance to increase this appropriation to \$35,000. I shall vote for it for several reasons.

In the first place it is not fair to state the proposition that the Committee on Appropriations failed to include this in their recommendations. I understand that this was withheld for the reason that they wanted to examine the subject further; and upon such subsequent examination they concluded to recommend it, and it is

now recommended by the committee. I shall vote for it because heretofore we have had an appropriation larger than this and I have heard no suggestion that it has been improperly expended. In the next place I shall vote for it because it is recommended by the committee. In the next place I shall vote for it because it is recommended by the superintendent of Indian affairs. I shall vote for it because it is recommended by the Secretary of the Interior. I shall vote for it because the Friends who have the superintendency in charge have perhaps been more faithful and more devoted to the work in connection with the education and civilization of the Indians than any other denomination that has had charge of Indians. From them I understand that this increase of appropriation is necessary and can be used to the interest and to the advantage of these Indians. I shall vote for it, as I already said, because I have heard no suggestion made that the appropriations heretofore have been improperly expended.

And now, Mr. President, if on the recommendation of the Superintendent of Indian Affairs, the Secretary of the Interior, the Committee on Appropriations, with no suggestion that larger appropriations have been improperly expended, a smaller appropriation is proposed, the Senate should hesitate because it is suggested by Senators that they fear there is something wrong about this matter, then we had just as well abandon the recommendations of the Department and the recommendations of the committee and take the suggestions of Senators that they think there is something wrong.

Mr. BOGY. I will say that according to that theory we might as well take the recommendation of the Secretary of the Interior and the Commissioner in bulk and say nothing more about it, but let them make the appropriations as they are really doing virtually in all these Indian matters. I do say that out of the money heretofore appropriated not an Indian has ever been educated or reclaimed from barbarism—not one—

The PRESIDING OFFICER. The Senate is aware that it is proceeding under the five-minute rule, and the time of the Senator from Missouri has expired.

Mr. WRIGHT. I only wish to suggest to my friend from Missouri, in answer to what he has said, that while according to his opinion all due weight, yet I am to determine whether I shall be influenced alone by his opinion that this is wrong or shall consult all the authorities I have on the subject whose recommendation is uniform.

Mr. MORRILL, of Maine. This opposition involves this question: whether we will abandon any attempt to aid these fugitive bands, these bands which we are gathering into the Indian country. That is really the point. Since 1867, having declared then that we would make no more treaties with the Indians, we have attempted to aid them in other ways. Having declared that we would make no more treaties with these Indians and having invaded their country at all points and driven them on to reservations, we have said and given the faith of the nation that if they would attempt to adopt the modes of civilization, we would aid them in it. This is one of the aids that we have promised. This is one of the things that we have been doing these last four years. The question is now, will you change that policy? Do we mean to stop right here? My honorable friend from Missouri says there never was an Indian educated. Is that so?

Mr. BOGY. Not a Comanche or Kiowa, or any of those Indians within that superintendency.

Mr. MORRILL, of Maine. How many educated Indians are there about us here soliciting one thing and another, influencing the legislation of this Chamber? How many men who would do credit to any of us appear before our committees and advocate their own rights and interests; accomplished men too? What an idea, that an Indian cannot be educated! It is too late in the day for that. And have we no duty in regard to this perishing race of men who once inhabited this continent and who, by our own theory, once held it in possession and whose possessory rights were sacred everywhere. Now that they are perishing and fast fading out, shall we deny to them all the appliances of civilization?

In this central superintendency there are some eight hundred scholars being taught. They are of fugitive bands. They are not civilized Indians living in the Indian Territory, but they are such Indians as we have been forcing into that limbo in the last twelve years, forcing out of Kansas to give civilization a free play. I am very sorry to hear my honorable friend from Kansas follow these poor Indians down into that Territory and deny them this boon. It is a very small thing that the nation can do for that people. The little we can do in this direction cannot be better done to any people than to those, and we owe it to them as we owe it to no other people on this continent in my judgment.

The Quakers or Friends have undertaken the care of this superintendency. They send their women, they send their men, they go and gather these children into schools, they clothe and feed and wash and attempt to educate them; and if they do nothing more than the former they are in the way of improvement, I submit to my honorable friend from Missouri.

Now, as enlightened as my honorable friend is in regard to the Indian policy in the main, I submit that this proposition of his is not quite worthy of him. This is not a new appropriation, I desire to have the Senate understand. It is simply a repetition of what we have been doing in the last four years, reduced to \$10,000 by the House of Representatives, and the only reason we ask you now to make this

amendment is that a question arose in the committee whether it was not worth while to charge this over against the annuities of these Indians. Upon examination it was found that was not the proper thing to do.

I hope, Mr. President, there will be no hesitation about this.

Mr. INGALLS. Mr. President—

The PRESIDING OFFICER. The Senator has already spoken five minutes.

Mr. INGALLS. What is the pending question?

The PRESIDING OFFICER. On the amendment of the Senator from Minnesota to strike out "ten" and insert "thirty-five."

Mr. INGALLS. Is an amendment to that in order?

The PRESIDING OFFICER. An amendment to that amendment is in order.

Mr. INGALLS. But I am not in order in speaking on that amendment itself?

The PRESIDING OFFICER. No, sir.

Mr. INGALLS. I move then an amendment to strike out after the word "on," in line 1794, the words down to "the," in the same line, and to insert the words "schools among."

The PRESIDING OFFICER. That amendment would not be in order now. The amendment of the Senator from Minnesota is to strike out "ten" and insert "thirty-five."

Mr. INGALLS. Would it be in order to move to commit this amendment to the Committee on Indian Affairs?

The PRESIDING OFFICER. That would not be in order.

Mr. INGALLS. Would it be in order to move to reduce the sum to \$25,000.

The PRESIDING OFFICER. That would be in order.

Mr. INGALLS. In that case I move to reduce the sum named by the Senator from Minnesota to \$25,000, and upon that amendment I desire to say to the distinguished Senator from Maine that if he is so very much attached to the Indians and is so very desirous of bestowing upon them the blessings and benefits of education and making them all bachelors of arts and doctors of laws, I wish he would be kind enough to take them down into his own State of Maine.

Mr. MORRILL, of Maine. We have got our portion; we never drove them out.

Mr. INGALLS. Let him locate them upon the waste places by the Androscoggin or by the Penobscot or at the foot of Mount Katahdin. He can take them all and welcome. So far as we of the West are concerned, we have no desire for their presence, and would very much prefer to have philanthropy exercised toward them in the home of their immediate and particular friends.

And in regard to my friend from Iowa who has alluded to the singular self-sacrifice and self-denial of the able and learned and wise teachers who are instructing these young barbarians and savages, I can say that I fully and cordially indorse all that he has said about these men because they all come from Iowa, and I know that every man who comes from Iowa is entitled to all the eulogy that can be pronounced upon him.

But seriously, sir, the Senator from Minnesota has stated that there are in that superintendency now in operation thirteen schools, having an aggregate of six hundred and eighty papooses. They ask as an appropriation to carry on this magnificent system of education the sum of \$35,000, which is an aggregate of nearly \$3,000 to each one of these schools. Now, as a matter of economy, as a matter of prudence, as a matter of good government, can any man who is familiar with the common-school system of New England or of this country generally say that that is not extravagant, that to pay \$3,000 for carrying on a school that has twenty-five or thirty pupils is a fair or reasonable appropriation? Certainly the very statement of the amount that is asked, taken in connection with the allegation made by the Senator from Minnesota in regard to the number of these schools, is sufficient to show the Senate that it is entirely outside of reason and of good sense. I trust that if the appropriation is to be made at all it will be reduced down to the sum which was reported from the Committee on Appropriations.

Mr. WINDOM. In reply, all I wish to say is that this sum feeds, clothes, and takes care of these pupils and keeps the buildings in repair, and I do not think it is a large sum. It only amounts to sixty dollars apiece for feeding, clothing, and boarding them, and teaching them throughout the year.

Mr. INGALLS. I withdraw my amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota to increase the appropriation from \$10,000 to \$35,000.

Mr. BOGY. As I wish to make a test of this matter, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. I would not have said a word if the yeas and nays had not been called for, but as they have been, I want to say that I shall vote against this proposition, not because I am not willing to appropriate \$35,000 to educate the children of those Indians down there; but if you are going to appropriate it for that purpose I want you to say so. This does not make any appropriation for any such purpose. The dedication of the money is so general as to allow the agents to do just what they please with it. If you want to educate children, give some money to educate them; but there is no specific purpose to which a dollar of this money is specifically dedicated.

The question being taken by yeas and nays, resulted—yeas 19, nays 22; as follows:

YEAS—Messrs. Allison, Boutwell, Conover, Cragin, Edmunds, Fenton, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Spencer, Washburn, West, Windom, and Wright—19.

NAYS—Messrs. Boggy, Chandler, Cooper, Dennis, Goldthwaite, Hager, Hitchcock, Howe, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Scott, Sprague, Stevenson, Stewart, Stockton, Thurman, and Tipton—22.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Boreman, Brownlow, Cameron, Carpenter, Clayton, Conkling, Davis, Dorsey, Eaton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Gordon, Hamilton of Maryland, Harvey, Jones, Logan, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Sherman, and Wadleigh—32.

So the amendment of Mr. WINDOM was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri [Mr. BOGGY] to strike out the entire paragraph.

Mr. THURMAN. We have had a statement that the reports show flourishing schools in this central superintendency. I have heard it said that these reports are not very reliable on the subject of schools among the Indians. I would be glad if some Senator representing a State in which Indians are found, in respect to whom there are educational reports, would say whether or not these reports are reliable according to his own information. I think that at a former session we had some statement made by the Senator from Nevada on my right [Mr. STEWART] in respect to his own State that was very different from the statements made in the reports, and I would be glad to know from him or any other Senator how much reliance is to be placed upon these reports.

Mr. STEWART. This is not in my State and I do not know the facts, but I shall have a word to say when it comes to Nevada about a report I have before me which I think is a pure fiction.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to strike out the paragraph.

Mr. INGALLS. I have no objection to a reasonable appropriation being made for educational purposes among these Indians, if I can be satisfied that the funds so appropriated will be devoted to that object. Upon the statement of the Senator from Minnesota as to the number of schools in operation there and the number of pupils in attendance, with the desire to confine the appropriation to educational purposes, I move to amend the paragraph so that it will read:

For this amount, or so much thereof as may be necessary to carry on schools among the Indians of the central superintendency, \$10,000.

Mr. BOGGY. There are already in this bill under different heads ample appropriations for educational purposes for all these tribes. These Indians are away down in the Indian country at Fort Sill. Each one of these tribes has ample appropriations for educational purposes. This is an addition to all other provisions for that purpose, and it is entirely unnecessary, so unnecessary for the purposes of education that the framers of the bill themselves did not put it down for that purpose. It is not intended to use it for the purposes of education. The words do not have that object; nor is the intention to use it for that purpose. The intention is to use it for purposes that are indefinable, to aid in civilizing Indians, providing clothing, food, and things of that kind to what extent you cannot tell; and who is to distribute the money? It is left to the discretion of these men to do as they please with the money of this Government. I repeat that there are already ample appropriations for education for each one of the tribes included within this superintendency.

Mr. WINDOM. As the best evidence I can give of my desire that it shall be used for that purpose, I hope the Senator will accept the amendment offered by the honorable Senator from Kansas. I think the clause means precisely the same thing as it is in the bill, but I will not object to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas, [Mr. INGALLS.]

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri to strike out the clause as amended.

Mr. WINDOM. I ask to make an amendment to perfect the clause before that is done. I move now to make the sum \$30,000 instead of \$10,000. That will amount to a little over forty dollars each for the children, as little as can be got along with, I think.

Mr. FRELINGHUYSEN. I hope that this amendment will prevail. These schools are established, and I understand the report shows that there was expended last year about fifty-one dollars a head for six hundred and eighty-eight children. This is about forty dollars a head for that number of children. We may call the Indians murderers and marauders, and we may have our prejudices excited against them; but the truth is, after we have said all that, we owe them a debt which will never be paid, and it becomes the Congress of this nation to provide for their civilization. We have their lands, we have their country; we have neither taught them how to live nor how to die; and it becomes this Congress to do what they can toward giving them civilization, and if it took ten dollars to make one dollar effectual, with all my heart I would vote for the effectuation of it.

Mr. SHERMAN. Do I understand the Senator from New Jersey to say that there are six hundred and eighty-eight of these Indians?

Mr. FRELINGHUYSEN. Six hundred and eighty-eight children.

Mr. SHERMAN. And you propose to appropriate \$40,000 to educate them?

Mr. FRELINGHUYSEN. Thirty thousand dollars.

Mr. SHERMAN. I would like to ask my friend from New Jersey to apply that to the white people of the United States and see how far in excess that would be of any appropriation made by the people of any State in this Union for the education of children. For instance in Ohio, where I believe we spend \$6,000,000 a year, and that is a very large sum, we have twelve hundred thousand children to educate. We have more than that number between the school ages. Now, if you apply this same rule of forty dollars a head to the children of all the Indian tribes, how much would it be, in the name of Heaven?

Mr. FRELINGHUYSEN. The Senator will allow me to ask him how much it would be if you fed and clothed your children at the same time?

Mr. SHERMAN. Let me go a little further—

Mr. FRELINGHUYSEN. I want to know of the Senator from Ohio whether his argument would not be just as good to say that if you make appropriations every year to support Indians, why should you not make appropriations to educate and support the people of Ohio?

Mr. SHERMAN. We have in this bill between five and six millions to support the Indians. Now, if we are to educate the Indian children at the rate of forty dollars a head, instead of five or six millions we ought to appropriate—there must be at least one hundred thousand Indians to be educated at forty dollars a head; the Senator can compute it—we ought to appropriate \$4,000,000 more. Now, there ought to be a limit even to expenditures by the Indian Department. I am willing to do everything that is reasonable, but at the same time the very amount stated by the Senator surprises me—forty dollars a head to be appropriated for the education of six hundred Indian children!

Mr. FRELINGHUYSEN. That was not the statement. It was forty dollars a head for the education, clothing, and support of these Indian children.

Mr. SHERMAN. Ah, but this whole bill is full of appropriations for the education, support, and maintenance of Indians. They have their annuities. They have ample provision made for their support and maintenance. Now, to add to that a school fund at the rate of forty dollars a head, it seems to me is going too far. I vote with pleasure for the \$10,000. I think we ought to appropriate enough for these schools to furnish them teachers; we ought to appropriate enough perhaps to supply the teachers with such reasonable facilities as you would give to teachers of white children, and that is as far as we ought to go. We cannot pay the children for going to school; we cannot feed them for going, and we cannot clothe them while going, unless they are supported, clothed, and maintained out of other appropriations contained in the bill.

Mr. FRELINGHUYSEN. The argument of the Senator from Ohio, if it is good for anything, dispenses with all provision for the support of Indians. The Senator says that abundant appropriation is made for the support of these six hundred and eighty-eight children; but if you take six hundred and eighty-eight children and separate them and place them at school, of course the expense is greater, and they do not come under the chapter of appropriations which is made for these Indians. This thing has been tried; it is a successful undertaking; these schools are prosperous. I understand it is about \$3,000 for each school with the appropriation at \$40,000. It is an appropriation at forty dollars a head for the education, clothing, and support of these children.

Mr. MORRILL, of Maine. There is one view that is taken of this appropriation bill every year by a portion of us which shocks, it seems to me, all common sense, not to say common honesty, and that is the language my honorable friend from Ohio employs about this bill, that here are five or six millions appropriated for the support of Indians. Was there ever any such statement as that, in view of all the facts in this case, made to go out to the world?

We are providing out of the Treasury five or six millions, it is said, for the support of the Indians. Five or six millions, the pittance these men have got for a continent. That is all there is of it. It is just as much a matter of good faith for the people of this country, for the Congress of the United States to make these appropriations to fulfil our treaties as to pay your bonds, and infinitely worse to deny it, because we have been dealing with an impotent people, a people within our power altogether, and we have said as solemnly as we can say by language, "If you will surrender and go further off out of our way and give us your lands, we will do so and so," and every year when this question comes up we carp, and we hesitate, and we insist that they are paupers; that they are living on our bounty, on our charity; that we may, if we choose, appropriate nothing. No such bad faith ever did exist anywhere under the sun that ever I heard of as exists in this nation according to this theory. Throughout this appropriation bill treaties are cited; and where there are not treaties the appropriations are for what? The support of these men. No; the merest pittance in the world for the lands and possessions which we forced them from. We forced them off from their hunting grounds, and forced them on to reservations of our own appointment, and if they go off they pass the dead line, and may be shot as outlaws. That is our treatment; and then when we come in here and talk about making appropriations we have to go over this whole policy again, and Senators talk as if we are under no obligation, as if there was no faith whatever; that it is a mere gratuity, a mere act of charity and

benevolence on our part that we appropriate anything at all, and we really make ourselves believe that we are a very charitable people if we do appropriate anything.

Mr. STEWART. If we are legally bound, if we owe the Indians what this continent is worth, that is a debt, and we ought to pay it. Let us pay it or give up the continent if that is the situation. If this is put on the ground of an obligation, we had better have the land we have taken from them appraised at once and settle our debt.

Mr. SHERMAN. With our improvements.

Mr. STEWART. Appraised with our improvements. It may be they would allow us a little for our betterments, but perhaps not. If we are under a debt and obligation to do something for them, all right, let us do it. Let us treat it in that light, settle this debt, and see if we have anything left. We shall not have anything left if we go on as we have been doing. If it is not debt, then what is our obligation? It is simply the obligation of humanity, the obligation to deal with them as a poor helpless class of people in a humane way for their own good and our good. I solemnly believe that we are committing a crime to humanity by almost every dollar we appropriate. I believe that we are multiplying thieves of white men by the demoralization of this service and the way it is conducted more rapidly than we are civilizing the Indians. I have no doubt of it. There is no means of determining what becomes of your money from any kind of a report that can be made here and the committees have no means of examining it. Any kind of a plausible story can be put. From my State the Indian agents seldom tell the truth; I do not know how it is in other States. There is not one grain of truth in a bushel of chaff, and has not been in the reports for a great number of years. I appeal to the people of my State and they will bear me out in saying that is the fact, and it is probably so elsewhere. Here we are appropriating millions. If it is competent for us to do this we should have checks and balances on these things and have some means of ascertaining what is done with the money. We should have more definite reports, and not so much indirection in this thing.

Senators talk about the obligation and the humanity of this system. Here in your midst and throughout the North there are hundreds of poor white people starving. You tax the washer-woman and give it to the Indian agent. All the Indian agents and contractors in the West are rich. You give it to them without making them account for it, and you pass on your streets here beggars at every crossing suffering. If, I say, it is a question of debt, let us mortgage everything and pay it. If it is a question of humanity and charity, then let us see who are suffering and who need help most and give it to those. I have heard it argued here on the ground of being cheaper than some other way; that it is cheaper to feed than to fight the Indians. I do not believe there is any necessity for feeding them or fighting them at all. I believe if the Indians were treated like men they would soon become accustomed to our laws and become industrious. If we treat them like paupers and feed them they will always be paupers, and we know from experience that these Indian appropriations must increase yearly as your Indian agents become more greedy and your paupers become more numerous.

Mr. MORRILL, of Maine. Does my honorable friend know that there are \$2,000,000 less appropriated on this very bill than there were four years ago under this policy?

Mr. STEWART. The other was under this policy, too.

Mr. MORRILL, of Maine. The other was not.

Mr. STEWART. Senators talk about the Indians becoming self-sustaining. I would like to know where under this policy they have become self-sustaining.

Mr. MORRILL, of Maine. I will tell the Senator. The Creeks, Choctaws, Chickasaws, and Seminoles were as prosperous communities at the breaking out of the war in 1860 as there were in this country. They had been isolated since 1835. They were herders, they were agriculturists, they had schools, academies, and colleges; they had educated men.

Mr. STEWART. But I can tell the Senator that that did not come under this policy.

Mr. MORRILL, of Maine. I admit it.

Mr. STEWART. Let us see some of the fruits of that policy. Those Indians lived and acquired those virtues before they were moved into an isolated position. Most of them were slave-holders, and an Indian is a pretty good hand at driving others about and making them work. A good many of them were half-breeds, and they learned these things in older States. Many of those we saw coming here as representatives were half-white people. They acquired their civilization among civilized men and not from Indian agents. They did not get it from the soup-bowls of Indian agents dealt out to them. They got it because they were brought in contact with white men in the South, and they acquired slaves and went out West. Most of them were slave-owners. That is the way they had their schools. They took their civilization from the whites from contact, and you will find some of them in the North partially civilized; but the idea of an Indian agent educating or civilizing anybody with his gang of common thieves is absurd; they do not do it. It is only where you have the influences of honest communities close at hand to overlook them that there is any civilization whatever. Civilization comes by contact with civilization, and not by contact with demoralization; it comes from contact with good communities; but

when the Indians are taken away from good communities and good influences and left the prey of speculators, they will never become civilized in the world. I have traveled over that country; I have seen the operation of it, and I tell you if you are to civilize Indians you must bring them in contact with civilized communities and put them under good influences. If you could appropriate this money and bring them back into the older States and put them on farms in a place where they could imitate white men, then they would have a chance. They have no chance here.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLISON. I desire to say only one word with reference to this appropriation bill. This is a very small sum compared with other things in this bill that have been passed over without a word of objection. This appropriation applies to all the Indians in the Indian Territory, and there is a large number of them, comprising various bands and tribes. They are under the control of the Society of Friends, which society, if I am correctly informed, appropriates from private charity large sums in addition to the appropriations made by the Government for the purpose of civilizing these Indians. If we propose to change this entire policy, let us do so; but here we have gathered together at these various agencies schools having from eighteen to sixty scholars, maintained and supported in part by the voluntary contributions of benevolent people in this country, maintained in part by annual appropriations under treaty stipulations made with these tribes, and now it is proposed to add this small sum to these appropriations for the purpose of maintaining these schools. This particular paragraph has been amended so that this sum shall apply solely to the education of these children.

Now, if this policy is wrong, if this money is improperly expended, let us call to account the people who are expending this money, but let us not withhold this small sum for the education of the children of these Indians who are gathered under this policy by the Society of Friends at various agencies, and are being educated by them.

Mr. THURMAN. Mr. President, I confess I was greatly shocked a moment ago by a remark that fell from the Senator from Nevada, [Mr. STEWART.] The Senator from Nevada is a leader of the republican party on this floor, and has been for a number of years, and yet he expressed the opinion, if I understood him correctly, a few minutes ago, that slavery among the Cherokees had been an instrument in their civilization. Mr. President, what are we coming to, when a great leader of the republican party openly in the Senate advocates slavery as an instrument of civilization?

Mr. STEWART rose.

Mr. MORRILL, of Maine, (to Mr. STEWART.) He has got you. [Laughter.]

Mr. STEWART. I do not think he has. I do not think he has got me at all. I do not want to get out of it at all. I am free to confess that there is no civilization so degraded as the pauper civilization created by a few hungry, thieving agents. There is nothing so demoralizing as that. Even slavery with all its degradations, with all its evil consequences, does produce and has produced better specimens of civilized men than Indian agents. We have before us some of the specimens that grew up under slavery, and I do think they are better educated and have a higher claim to civilization than the boss Indians who have been fed on food from Indian agencies and pretty nearly starved too. I think the products of slavery are better than the products of Indian agents, much as I am opposed to slavery; but it is an argument. My friend from Maine thinks that slavery is a very bad thing—

The PRESIDING OFFICER. The Chair must remind the Senator that he has spoken five minutes.

Mr. STEWART. I trust I may be allowed to finish my sentence. My friend from Maine thinks that slavery is a very bad thing; but if he will show me as good a specimen of an Indian educated under his system as I can in this room now of an Indian educated under the system of slavery, I will give it up that slavery is worse than Indian agents. I think that Indian agents are worse than slavery in any form.

Mr. THURMAN. Let the amendment be reported. Senators do not understand it.

The CHIEF CLERK. The amendment is on page 74, line 1800, to strike out "ten" and insert "thirty."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota. [Mr. WINDOM.]

Mr. FRELINGHUYSEN called for the yeas and nays; and they were ordered.

Mr. HOWE. Mr. President, I will vote "yea" when my name is called on this amendment; but I want to say to the Senate that when we come to another year and we are asked to make another appropriation for this purpose, I shall want to know then what has been done with this \$30,000. I shall want to know something more than is stated in any report I ever saw from an Indian agent yet, to wit, that the schools have been generally prosperous, and that the progress has been all that has been expected, or that there is a certain number of pupils enrolled. I shall want the agents of these different tribes to say what the attendance has been and what the progress has been; whether they have found any children who have learned their letters, or learned to read, and give us something by which we can measure the advance. I think I will approve this one appropriation and see what comes of it.

The question being taken by yeas and nays, resulted—yeas 22, nays 26; as follows:

YEAS—Messrs. Allison, Boreman, Clayton, Conover, Cragin, Davis, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Howe, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Scott, Washburn, West, Windom, and Wright—22.

NAYS—Messrs. Boggy, Chandler, Cooper, Dennis, Eaton, Fenton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Saulsbury, Sherman, Sprague, Stewart, Thurman, Tipton, and Wadleigh—26.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Ferry of Connecticut, Gilbert, Harvey, Jones, Logan, Morton, Ogelsby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Spencer, Stevenson, and Stockton—25.

So the amendment of Mr. WINDOM was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri [Mr. BOGGY] to strike out the entire paragraph as amended.

The question being put, a division was called for, and the yeas were 14, and the nays 24.

Mr. BOGGY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MERRIMON. I am very sure that I am anxious to do anything to benefit the Indians and to civilize them, but I desire that a system shall be established by law for disbursing the money appropriated for such purposes. Now, as I understand from the Senator from Missouri, there is no law regulating the manner of educating the Indians. The Indian agent is charged with a certain fund, and he establishes a school when he will and where he will and he appoints such teachers as he pleases, and the accounts are general for the fund. If that is the way the money is expended, I am not willing to vote it for any such purpose. I would inquire of the Senator from Missouri if I am correct in my understanding of the manner in which this money is disbursed?

Mr. BOGGY. In accordance with the law as it now stands, it is to be disbursed by persons who give no bond, who hold no real official position, who are mere appointees of the Bureau, and are not responsible in the way of bond. I do not know that they even take an oath.

Mr. MERRIMON. And the party furnished with money in this way appoints the teachers?

Mr. BOGGY. Yes, sir.

Mr. MERRIMON. With that understanding I am not willing to vote a single dollar.

Mr. DAVIS. I am inclined to think that the paragraph should stand as it is. It appropriates but \$10,000 as it now stands, and that is to be used expressly for school purposes. There are over six hundred Indians, as I understand, collected in these schools. This is the only fund that can be used or that they will have in any way for the education of those children.

Mr. MERRIMON. How is the money disbursed?

Mr. DAVIS. This particular fund is disbursed, as I understand, under the Society of Friends.

Mr. BOGGY. Look at the forty-eighth page and you will find a provision for the Sacs and Foxes belonging to this agency:

For the support of a school, as per fifth article of the treaty with said tribe of March 6, 1861, \$200.

Then in another part of the bill is an appropriation for the education of the Quapaws, of \$1,000, and an appropriation of \$1,800 for schools for the Pottawatomies. There is a specific appropriation for each one of these tribes independent of this appropriation. It was not intended for schools.

Mr. MERRIMON. Is there any law regulating the manner of disbursement?

Mr. DAVIS. That I am not able to answer, for I am not familiar with that subject; but I wish to say to the Senator from Missouri that this is what is known as the central superintendency, and children are collected there from the Indian country.

Mr. BOGGY. The central superintendency is located in the town of Lawrence, which is in Kansas. That is the location. These Indians, as I said a while ago, are the Comanches, the Kiowas, and the Wichitas, who are scattered all the way down as far south as the Texas line, and there are none at Lawrence in Kansas.

Mr. DAVIS. I may be mistaken, but I think I am right. I stated that this is for the support of what is known as the central superintendency, and the children from a number of tribes that have no school fund whatever. I appeal to the gentleman who has the bill in charge to know whether I am correct that a portion of these Indians whom this \$10,000 is intended to school have no educational fund whatever?

Mr. WINDOM. That is true, as I am informed.

Mr. BOGGY. Which tribe?

Mr. WINDOM. Quite a number of them.

Mr. BOGGY. We have treaty stipulations with the Quapaws, Cheyennes, Arapahoes, and all these Indians by which they get school moneys.

Mr. WINDOM. Quite a large number of Indians have been brought in from the plains of various tribes that are included. The Modocs are a portion of them.

Mr. BOGGY. The Modocs are not ready to receive any education and will not be for two years.

Mr. MERRIMON. I should like to ask the Senator from Minnesota

how this money is disbursed, who is charged with it, how the schools are managed, who conducts them, and who teaches the Indians?

Mr. WINDOM. Disbursed by United States Indian agents who give bond for that purpose, under the direction of the Society of Friends. I do not propose to resist this, there is so much opposition to educating the Indians; but if it is carried to the extent of putting into the penitentiary the Quakers for trying to educate the Indians, I will stand here all night to resist that.

Mr. MERRIMON. I want to educate the Indians and civilize them, but I do not want money put in such shape that it will be stolen.

Mr. DAVIS. I will say a word to my friend from North Carolina who feels anxious to do justice if he knows where the money is going. The gentleman who had charge who is a Quaker—I have forgotten his name—was before the committee, and he gave such an account of the progress at this particular station of the education of the Indians that I became convinced that there ought to be a larger amount than \$10,000 appropriated. I hope this small sum will be left in the bill and not stricken out.

Mr. HAGER. As I understand, the amendment as to schools was disagreed to.

Mr. FRELINGHUYSEN. No; the amendment increasing the appropriation was disagreed to.

The PRESIDING OFFICER. The paragraph was amended on motion of the Senator from Kansas so that it applies only for the maintenance of schools.

Mr. HAGER. If we strike out the whole paragraph we strike out the \$10,000.

The PRESIDING OFFICER. Yes, sir.

Mr. HAGER. The schools then go out.

The PRESIDING OFFICER. This provision is stricken out.

Mr. HAGER. In that case I shall vote in the affirmative.

Mr. DAVIS. I understand if this section is stricken out, this particular station of six hundred children will have no educational fund whatever.

Mr. MERRIMON. They had better not have a dollar than for us to put it in such a shape that it will be stolen by faithless agents. I am not in favor of having any agency where the agent, whether responsible or otherwise, is governed by his own will; he should be governed by the law. If we are trying to educate the Indians, let us have a common-school educational system for them. I am willing to vote for such a system, but I am not willing to vote to give A B so much money to establish a school where he pleases and when he pleases, to appoint any teacher he pleases, and send any folks to that school that he pleases. I am opposed to that. It seems to me a mockery and a waste of money.

Mr. HAGER. I stated that I would vote for striking out the paragraph; but if I thought this appropriation would be in any way beneficial to the Indians, I would be perfectly willing to have it stand. I have never yet heard or had any information satisfactory to me that the Indians have been improved by any education extended to them by the Government. I do not believe myself that this appropriation will be of any benefit to the Indians. If I thought that it would, I should have no objection to letting it stand. I know that in California the efforts to educate the Indians have been a failure entirely, even as to the old Mission Indians, as to whom it was kept up for years daily. The natives of that State did not improve under the facilities thus offered them for obtaining education, and I have yet to learn that it has succeeded anywhere, taking the tribes in their natural savage state. I think, therefore, it is useless for us to undertake to civilize them or educate them when we find them in the wilderness. If it is done at all it is to be done by bringing them in contact with civilization much nearer than they are brought now. There is an antipathy between the Indian race and the white race which does not bring them together. The old Mission Indians of California have all fled to the mountains, left the valleys where they were formerly congregated around the missions and gone back to their natural savage life. That has been the result so far as I know everywhere except in the Indian Territory, so called, which is now a reservation where the Indians for a number of years have been sent, and perhaps they may have there attained some civilization. I have no doubt that is true.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. BOGGY] to strike out the paragraph.

The question being taken by yeas and nays, resulted—yeas 12, nays 32; as follows:

YEAS—Messrs. Boggy, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, and Thurman—12.

NAYS—Messrs. Allison, Boreman, Chandler, Clayton, Conover, Cragin, Davis, Dorsey, Edmunds, Fenton, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Saulsbury, Scott, Sherman, Sprague, Stevenson, Tipton, Washburn, West, Windom, and Wright—32.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Boutwell, Brownlow, Cameron, Carpenter, Conkling, Cooper, Dennis, Eaton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Jones, Logan, Morton, Ogelsby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Spencer, Stewart, Stockton, and Wadleigh—29.

So the amendment was rejected.

Mr. WINDOM. In line 4, I am instructed by the Committee on Appropriations to move after the word "appropriated" to insert "for the fiscal year ending June 30, 1876." It is simply to limit the appropriations to the fiscal year.

The amendment was agreed to.

Mr. WINDOM. After the word "tribes," in line 7, I am instructed by the committee to move to insert:

And where the exigencies of the service require it, goods and supplies for the Indian service for the fiscal year ending June 30, 1876, may be purchased and transported during the current fiscal year.

Mr. BOGY. I do not understand that. What is the object of it?

Mr. WINDOM. The first amendment offered limited the use of the money appropriated by the bill to the fiscal year ending June 30, 1876. This simply permits the Department to anticipate that year in their purchase so as to be able to ship their goods before the 30th of June next to such point as could not be reached if they were purchased after the 30th of June.

Mr. BOGY. If goods were purchased in the spring of 1876 they would get there in time.

Mr. WINDOM. It is the spring of 1875.

Mr. BOGY. This is an appropriation expiring in June, 1876. We are now in the early part of 1875, and it will be ample time to buy the goods wanted next year in the spring of 1876.

Mr. WINDOM. For the year ending June 30, 1876, you can hardly buy them in the spring of 1876.

Mr. BOGY. It will be ample time in the spring of 1876 to purchase the goods for that year.

Mr. WINDOM. And commence using them six months before! I will state again to the Senator from Missouri that this amendment enables the Commissioner of Indian Affairs to purchase goods prior to the 30th of June, 1875, if he chooses to do so, in order that they may be shipped to points where they will be needed in July, 1875, and so on anticipating.

Mr. THURMAN. I should like to inquire from the Senator from Minnesota whether, then, it would not be necessary to make the appropriation applicable before the 30th of June, 1875, or otherwise he would have to purchase on credit.

Mr. EDMUNDS. That is the effect of this amendment so far as those particular goods go. It is the same clause that has been put into the bills limited to a few objects ever since we have resorted to the practice of preventing any money being used out of an appropriation after the year had expired. Inasmuch as the fiscal year begins on the 1st of July, it is found necessary in various of these bills to authorize the Departments who are to use the money to anticipate the beginning of the year by making their arrangements to carry on operations immediately after the year begins. That is this amendment, and I confess I do not see objection to it. It has been in the other bills and found to work.

Mr. THURMAN. This is an appropriation for the fiscal year beginning July 1, 1875, and ending June 30, 1876. Now the object of the amendment as I understand it is to enable the Secretary to make some of these purchases before June 30, 1875. Am I right in that?

Mr. WINDOM. Yes, sir.

Mr. THURMAN. Where is the money to come from to pay for them?

Mr. EDMUNDS. Out of this appropriation.

Mr. THURMAN. That is the very question I asked before. Is there anything in this bill that authorizes him to use this money before the 30th of June.

Mr. EDMUNDS. Unless it arises from this very clause which authorizes him to anticipate.

Mr. THURMAN. By implication simply.

Mr. EDMUNDS. Yes; by implication.

Mr. THURMAN. It seems to me it would be very doubtful if it were left in that way.

Mr. STEVENSON. I move to amend the amendment by adding:

And each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all the particulars of all contracts, together with the receipts of money from all sources, and have the books thus kept always open to inspection, and the said books to remain in the office at the respective reservations, and not to be removed from said reservations by said agents.

I have no doubt myself, from a service on the Indian Committee and the Committee on Appropriations, and from what I have heard, that great frauds are annually committed upon the Indians. I do not know that those frauds can always be prevented, but I offer this amendment in good faith as a preventive against the commission of frauds. These agents will then, at every reservation, be required to keep a book containing the itemized expenditure of every dollar, the particulars of every contract, how every dollar has been expended, how much has been received, and the Indians will have a right to look into that book, and it will be subject to public inspection. There can be no possible objection to it with honest men. I know some agents object to it. I know that some agents have not allowed such at any time to be inspected. I know that certain agents have taken the books away. There is therefore no mode by which the most outrageous frauds can be detected. I hope the Senator from Minnesota will accept the amendment I have offered.

Mr. WINDOM. I see no objection to it at present. The only objection is that this is hardly the proper place to put it. I think it had better come in another part of the bill.

Mr. ALLISON. I want to suggest to the Senator from Kentucky that I think if this amendment is made, which it is a very proper one to make, these books ought to be transmitted from one agent to another, so that there will be a record of each agency kept. I am told that it is the practice of Indian agents when they leave an agency

to carry away with them all their records. I think the records ought to be preserved at the agency.

Mr. STEVENSON. That is the intention, that they shall never be removed from the reservation.

Mr. HAMLIN. I want to make a suggestion to the Senator from Kentucky. I have read his amendment very carefully; it seems to me to be well drawn and proper, and I shall vote for it with great pleasure.

Mr. WINDOM. It ought to come at the end of section 10.

Mr. HAMLIN. The suggestion I want to make to the Senator from Kentucky is that his amendment should also contain a provision requiring copies of the charges and items entered upon that book to be transmitted to the Department here, so that we should see as well as others what have been the contracts and what have been the disbursements. We should not only provide that these books should be kept there, but that their contents should be sent here.

Mr. STEVENSON. I will withdraw the amendment for the present in order to offer it to come in hereafter at the end of section 10, where it will come in more properly. I will also add to the amendment that these books thus kept shall be handed over to the successor of each agent.

Mr. HAMLIN. The Senator, I think, has not listened to my suggestion.

Mr. STEVENSON. Yes, I heard you. I am perfectly willing to provide that transcripts of the books shall be sent to the Department here.

Mr. HAMLIN. Perfect transcripts of the accounts kept at the agency should be forwarded here quarterly.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. THURMAN. I suggest now whether we must not amend this further. Here is an appropriation bill for expenses from a given time to a given time; and certainly if there were nothing in the bill that authorized purchases to be made beforehand and the money to be paid beforehand, not a dollar of it could be drawn from the Treasury until the beginning of the fiscal year covered by the bill. It ought not to be left to implication whether that money can be drawn beforehand.

Mr. WINDOM. Will it cure the defect if we add the words "and paid for" after "purchased?"

Mr. THURMAN. Those words would do.

Mr. WINDOM. I move then to insert the words "and paid for out of the appropriation hereby made" in the amendment just adopted.

The amendment was agreed to.

Mr. THURMAN. If the committee have no further amendments, I have one that I wish to offer.

The PRESIDING OFFICER. The Committee on Indian Affairs have amendments. Does the Senator from Ohio yield to that committee?

Mr. THURMAN. Certainly, if the Committee on Indian Affairs have amendments to propose.

Mr. ALLISON. The Committee on Indian Affairs have instructed me to offer the following amendment to this bill:

On page 31, after line 736, insert:

For this amount, to pay the balance due the confederated tribes of the Kaskaskias, Peorias, Weas, and Piankeshaws, arising from the sale of trust lands by William Brindle, late receiver of public moneys at Leecompton, Kansas, \$1,209.88.

Mr. EDMUNDS. I should like to hear that explained.

Mr. ALLISON. I will say in explanation of the amendment that by treaty we are bound to pay these Indians for their lands sold by the United States and keep the proceeds in trust for them. One of the receivers of public moneys at Leecompton failed to turn over to the United States a portion of the proceeds of these sales; in other words, became a defaulter. This is to place in this trust fund the amount of the deficit.

Mr. EDMUNDS. Will the Senator kindly have the papers read which show the facts?

Mr. ALLISON. Yes, sir; I send up the papers.

The PRESIDING OFFICER. The papers sent up by the Senator from Iowa will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR.

Washington D. C., January 19, 1875.

SIR: I have the honor to inclose herewith for the favorable action of Congress copy of a communication, dated the 14th instant, from Hon. S. S. Burdett, Commissioner of the General Land Office, inclosing an estimate of appropriation required for the confederated tribes of the Kaskaskias, &c., in the State of Kansas.

Very respectfully,

B. R. COWEN,
Acting Secretary.

HON. WILLIAM A. BUCKINGHAM,

Chairman of Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, D. C., January 14, 1875.

SIR: In reply to your communication of the 26th instant, inclosing copy of letter addressed you by the Commissioner of Indian Affairs, bearing date December 22, 1874, requesting that I submit an estimate of appropriation for the sum of \$1,209.88, if this be the actual deficiency in the accounts of William Brindle, late receiver of public moneys at Leecompton, Kansas, on account of sales of trust lands belonging to the Kaskaskias, &c., under treaty of 1854, I have the honor to submit herewith the estimate for that amount in duplicate. It appears from the

records of this office that there is due the United States by William Brindle, late receiver, on account of sales of above-named lands, the sum of \$8,170.45 as exhibited per report to First Comptroller, No. 16382, dated April 8, 1861. It also appears from the records of the Indian Office that Receiver Brindle refunded to the United States Treasury September 3, 1861, the sum of \$142.27, which reduced the amount of deficiency to \$8,028.18. On the 3d March, 1865, Congress appropriated the sum of \$6,818.30, as held by said Brindle, from sale of those lands, and unaccounted for. (13 Statutes at large, 547.) From the above exhibit it seems that there still remains a deficiency of \$1,209.88 due the said Indians. This difference between the amount actually due at the time the appropriation by Congress was granted and the sum appropriated is accounted for by the refundment by the honorable Secretary of the Interior of balances of funds placed in his hands for investment for the benefit of the tribes, and subsequently accounted for in the Indian Office as proceeds from sales of the lands.

Very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

Estimate of appropriation required for the confederated tribes of the Kaskaskias, &c., in the State of Kansas.

For the amount of \$1,209.88, the balance still due the confederated tribes of the Kaskaskias, Peorias, Weas, and Piankeshaws, arising from the sale of "trust lands," by William Brindle, late receiver of public moneys at Leocompton, Kansas, \$1,209.88.

Mr. EDMUNDS. Has the Senator another amendment?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. I hope this will be passed by for a minute till I look into it.

The PRESIDING OFFICER. The amendment will be considered as withdrawn temporarily.

Mr. ALLISON. After line 1107 I move to insert:

Provided, That the sum of \$15,000, or so much thereof as may be necessary, of the amount now in the Treasury of the United States as proceeds of the sale of the Pottawatomie lands in Kansas to the Atchison, Topeka and Santa Fé Railroad, made under the direction of the Secretary of the Interior, be expended to relieve the immediate and pressing wants of the Prairie band of Pottawatomies; and the remainder of the said fund shall be invested by the Secretary of the Interior in United States bonds to be disposed of as may hereafter be provided by law.

I will explain briefly this amendment. The Pottawatomies were recently removed from the State of Kansas to the Indian Territory, and their lands were sold to the Atchison, Topeka and Santa Fé Railway. The proceeds of the sales are now in the hands of the Secretary of the Interior, amounting to \$118,000. The Pottawatomies are said to be in need of a portion of these funds. The committee have proposed out of them to allow \$15,000 for the support of the Pottawatomies, and direct that the remainder of their fund now in the hands of the Secretary of the Interior, not drawing interest, shall be invested in United States bonds and placed to their credit.

The amendment was agreed to.

Mr. ALLISON. The next amendment of the Committee on Indian Affairs is on page 76, after line 1867, to insert:

For educational purposes for the Creeks, \$2,810.

Mr. WINDOM. I think the treaty provides for \$1,000 for educational purposes. Does it not?

Mr. ALLISON. The treaty provides for \$1,000, but this covers more than a year and is very necessary.

The amendment was agreed to.

Mr. ALLISON. The next amendment is to insert after the amendment just adopted:

For this amount, or so much thereof as may be necessary, for the subsistence and support of the Arapaho, Cheyenne, Apache, Kiowa, Comanche, and Wichita Indians in the Indian Territory, \$50,000, to be available immediately.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment to come in at the same place:

For this amount, to indemnify the Pawnee Indians for four thousand and eight hundred acres of land, erroneously excluded from their reservation in Nebraska by the survey of the boundary line thereof, \$6,000.

The amendment was agreed to.

Mr. ALLISON. The Committee on Indian Affairs instruct me to offer the following amendment:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to reimburse the United States in the sum of \$24,000, by transfer from funds in the Treasury belonging to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians, now to their credit under the act of Congress approved July 12, 1862, said sum being the amount advanced by the act of April 10, 1863, in the payment for certain lands purchased from the Senecas and sold to the Kaskaskias.

The amendment was agreed to.

Mr. INGALLS. I am directed by the Committee on Indian Affairs to propose the following amendment as an additional section:

SEC. —. That the Secretary of the Interior be, and he is hereby, authorized and directed to convert into cash so much of the stocks held in trust for the Chickasaw tribe of Indians as shall when sold yield the sum of \$100,000, and to pay the proceeds thereof to the treasurer of the Chickasaw Nation, to be by him distributed to relieve the pressing necessities of the members of said tribes, to be available immediately: *Provided*, That the consent of the proper authorities of said Chickasaw Nation be first obtained to this disposition of their funds.

Mr. DAVIS. I should like to hear some explanation of the necessity for that transfer of funds.

Mr. INGALLS. The Senator misapprehends the meaning and purpose of the amendment. It makes no appropriation from the Treasury, but provides for a portion of the trust funds belonging to the Indians themselves being sold for the purpose of relieving the necessities they are now laboring under.

Mr. DAVIS. Is not that fund in the Treasury?

Mr. INGALLS. That fund is in the Treasury, but belongs to the Chickasaw Nation of Indians. They have been subjected during the past season to an unexampled series of calamities. Their crops were destroyed by the same invasion of insects that affected disastrously so large a portion of the West, and many of them at the present time are in a starving condition. The legislative council of the Chickasaw Nation have passed an act requesting that this disposition should be made of part of their funds, and the agent representing them is at the present time in the city for this purpose; and this is in accordance with the express desire of the nation, communicated to us in this manner.

Mr. DAVIS. Is it in bonds or in money in the Treasury?

Mr. BOGY. Bonds. This authorizes the bonds to be sold.

Mr. INGALLS. At the request of the Senator from Vermont [Mr. EDMUNDS] I send to the desk and ask to have read the act passed by the legislative council of the Chickasaw Nation.

Mr. FRELINGHUYSEN. Before that is done I should like to know the population of that tribe.

The Secretary read as follows:

An act for the relief of the destitute and starving Chickasaws.

Whereas in consequence of the unprecedented heat and long-continued drought of the two last summers there has been an almost total failure of corn and all other crops among the Chickasaws, and all the horrors of famine are pending over a great many of them; and whereas the only available funds in the hands of the Government of the United States subject to the control of the Chickasaw legislature, with the approbation and consent of the Government of the United States, being the Chickasaw national fund held in trust by the United States Treasury for the Chickasaws; and whereas it is earnestly requested by the Chickasaw people that Congress will make an early appropriation for the payment of all debts now due the Chickasaws as arrearages of interest or otherwise, but the same cannot be made available for the relief of the Chickasaw people from famine which is inevitable unless aided with means to purchase supplies before winter: Therefore,

Be it enacted by the legislature of the Chickasaw Nation, That the sum of \$100,000 be, and the same is hereby, withdrawn from the Chickasaw fund held in trust by the United States Treasury for the Chickasaws, and the President of the United States, is hereby requested to cause so much of said stocks as may be necessary to yield the sum of \$100,000 to be converted into cash, and the same paid over to the national treasurer of the Chickasaw Nation through a legal authorized United States agent for the Chickasaw Indians, the same to be distributed among the Chickasaw people by the directions and authority of the Chickasaw Legislature.

SEC. 2. *Be it further enacted*, That immediately after the passage of this act, the governor of the Chickasaw Nation be, and he is hereby, authorized and requested to furnish a copy of this act to the President of the United States, and communicate through his office with the President of the United States, stating in full the indispensable necessity of demanding immediate relief for the Chickasaws, as much so as the Southern States did in the overflow of last spring in the Mississippi River.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage. Approved October 5, 1874, by

B. F. OVERTON,
Governor.

I hereby certify that the above is a true and correct copy of an act passed at the Chickasaw Legislature on the 5th day of October, 1874.

CHARLES E. GOODING,
National Secretary.

Mr. INGALLS. In response to the inquiry made by the Senator from New Jersey, I would state to him that the number of the Chickasaws is about six thousand; that they reside in the southeastern portion of the Indian Territory, and they have stocks held in trust by the Secretary of the Interior to the amount of \$1,261,996.73.

The amendment was agreed to.

Mr. ALLISON. The first amendment I offered was passed over at the request of the Senator from Vermont. The Senator from Vermont, after examining the statute and the letter of the Commissioner of the General Land Office, seems to have some doubt as to the amendment, and for the purpose of solving that doubt I withdraw it, as it will probably keep until next year.

Mr. STEWART. I offer the following amendment: to strike out from line 1702 to 1707 inclusive, as follows:

For the general incidental expenses of the Indian service in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$15,000.

And in lieu thereof to insert the words which I send to the Chair.

The Chief Clerk read the words proposed to be inserted, as follows:

For the payment of debts contracted by G. W. Ingalls, agent on the Pi-Ute reservation, in Southeastern Nevada, as follows:

To Jennings & Moffatt.....	\$2,754 25
To Jacobs & Sutton.....	1,430 57
To A. Woods.....	224 00
To Frank Carey.....	95 00
To P. S. Johnson.....	115 00
To J. Bennett & Co.....	375 00
To William Knapp.....	75 00
To E. Brown & Co.....	24 80
To Papperson & Lassell.....	1,576 20
To William Hill.....	1,354 38
To J. R. McGarrigle.....	250 00
To A. Bishop.....	325 00
To A. Frye.....	732 75
To W. R. Hamilton & Co.....	592 38
To Belding & Co.....	487 17
To A. Nebeker.....	1,364 51
To A. Spillsburg.....	75 00
To William Hyndman.....	125 00

Mr. WINDOM. I raise the point of order on that amendment. There are sundry and divers private claims in it, and it has not been referred to any committee or examined by any committee.

Mr. STEWART. I want the amendment read anyhow. I am entitled to that. Let it be read.

The PRESIDING OFFICER. The amendment will be read through.

The Chief Clerk resumed and concluded the reading of the amendment, as follows:

In all \$11,876.01; which appropriation shall be available from the passage of this act.

For the general incidental expenses of the Pi-Ute reservation in Southeastern Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$20,000, \$10,000 of which amount shall be available from the passage of this act for the remainder of the fiscal year ending June 30, 1875; and the Pi-Ute reservation in Southeastern Nevada is hereby reduced to one thousand acres, to be selected by the agent, A. J. Barnes, in a compact body; and when such selection shall have been made he shall report the same to the Secretary of the Interior, and the remaining portion of said reservation, after said selection shall have been made, shall be and remain a part of the public domain, subject to the laws of the United States in the same manner as it would have been if no reservation had ever been made: *Provided*, That the claims of no settler shall be included in the reservation to be selected under the provisions of this act.

For the general incidental expenses of the Walker River and Pyramid Lake reservations in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$12,000.

Mr. WINDOM. I raise the point of order on the amendment. It provides for private claims, and there is no authority for it.

Mr. STEWART. Let me explain it. Withdraw the point of order so that I can explain.

Mr. WINDOM. I withdraw it to allow the Senator to explain.

The PRESIDING OFFICER. Does the Senator from Minnesota waive the point of order or insist on it?

Mr. WINDOM. I waive it for the moment.

Mr. STEWART. I wish the Senate to listen to me. In Eastern Nevada a reservation was declared by the Department which covered an area of country as large as many of the smaller States. That country has a very few peaceable Indians in it, and a few pieces of good agricultural land. It is principally a mining country. It included a large number of settlers, and there was an estimate here of some \$30,000 or \$40,000 to be paid to settlers. A man by the name of Ingalls had charge of it. There was an immense scheme recommended to the Department for a large appropriation and it threatened very soon to get up into the hundreds of thousands of dollars. I opposed it and opposed the appropriation because I did not want the State of Nevada scandalized by the thing that was then put up. They then wanted payment of the debts that had been contracted by Ingalls. They got an appropriation in the deficiency bill for a part of them, in gross. I was unwilling to make any appropriation in gross, and I opposed that, and I required that they should send the names of the parties with their accounts sworn to. I have the accounts here. I have looked them all over, and the amendment contains a list of the accounts I propose to pay, so that the agent can start on a square basis and pay the parties that were contracted with. I have tried to find out who the debts were owing to. I do not include all the claims, but all that come properly authenticated; and the amount is \$11,000. The debts were contracted by Mr. Ingalls without any authority of law. It is necessary, I say, to appropriate to pay them before he can go there on a square basis and do any business whatever. The people will not tolerate him if he goes there without paying these debts.

Then I provide \$20,000 for a start. He ought not to have after this more than \$10,000 a year. The first year I provide for \$20,000. The agent thought he ought to have about \$25,000, but I think that he has estimated the articles he wants to purchase too high. From my knowledge of the country I think a man can get along with \$20,000 and start the farm.

Mr. EDMUNDS. Is this recommended by the Department?

Mr. STEWART. My amendment is not recommended by the Department. They approve of the payment of these bills, but the amendment is not recommended by the Department. I do not know whether the Department would like to have it done this way or not, but the enormous reservation there I have cut down to a thousand acres. I do not propose to buy any land; there is enough public land there, and the agent informs me that he can select a thousand acres of good land. I know that is more than he can cultivate or will cultivate in the next ten years, but I am willing that he shall have a liberal amount. I do not want him to have a country as large as the State of Texas because we want to mine in that country.

Then as to the other two reservations I have reduced the amount from \$15,000 to \$12,000. I think \$12,000 will be enough for them, and \$20,000 will start this and after that \$10,000 a year will be ample in my opinion to do everything that can be done in that direction for the Indians. If any appropriation is to be made at all for Eastern Nevada to go on, it is necessary before the agent shall go there that he shall pay these debts. If the point of order is made and sustained and the debts cannot be paid, we do not want the amendment because there is no use of the agent going there. If he goes there after the promises that have been made without the means to pay these debts, the whole community will be against him and he will have no show at all. If he goes on a cash basis as an honest man and takes a reasonable farm for the Indians, he can do some good.

If the Senator having charge of this appropriation bill wants to make a technical objection to this amendment, let it go.

Mr. WINDOM. I raise the point of order that this provides for private claims.

The PRESIDING OFFICER. In the opinion of the Chair the point is well taken.

Mr. McCREERY. I offer an amendment, and I will remark that I have not had time to examine it very carefully myself but that my colleague two years ago was a member of the Committee on Indian Affairs and made a thorough investigation. The Indians are very much in need of the money at this time and I will thank my colleague to make a statement of the case.

The PRESIDING OFFICER. The amendment of the Senator from Kentucky will be read.

The SECRETARY. It is proposed to insert as an additional section:

SEC. —. That the Secretary of the Treasury is hereby authorized and required to pay to the Chickasaw tribe or nation of Indians the following arrears of interest due to said tribe or nation, to wit: Arrears of interest on \$90,000, Arkansas 6 per cent. bonds, from July 1, 1852, to July 1, 1866, \$75,600; arrears of interest on \$616,000, Tennessee 6 per cent. bonds, from January 1, 1861, to July 1, 1866, \$203,230; arrears of interest on \$66,666.66, Tennessee 5½ per cent. bonds, from January 25, 1861, to July 1, 1866, \$19,010.25; and that the same be paid to said tribe or nation of Indians in bonds of the United States of any issue authorized by law, and bearing 5 per cent. per annum: *Provided, however*, That said bonds shall not be delivered until the Legislature of the Chickasaw Nation shall, by law duly enacted, and certified to the Secretary of the Treasury, agree to accept said bonds in lieu of the several amounts due said nation in money as aforesaid on Arkansas and Tennessee bonds or stocks now held in trust by the Secretary of the Interior for said tribe or nation of Indians.

Mr. STEVENSON. Mr. President—

Mr. WINDOM. I will reserve the point of order that I wish to make until the Senator has the opportunity to make a statement, if he desires.

Mr. STEVENSON. If there is to be a point of order raised let it be now, before I speak. This is on an Indian bill. This claim is as just as one as the Government ever became liable for. When I was on the Indian Committee some years ago the Senator from New Jersey [Mr. FRELINGHUYSEN] and myself were a sub-committee to investigate this claim of the Chickasaws against the United States. We found the following state of facts to exist: By the treaty known as the Pontotoc treaty, between the United States and the Chickasaws, it was provided in the eleventh article—

The Chickasaw Nation have determined to create a perpetual fund, for the use of the nation forever, out of the proceeds of the country now ceded away. And for that purpose they propose to invest a large proportion of the money arising from the sale of the land in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone. It is therefore proposed by the Chickasaws, and agreed to, that the sum to be laid out in stocks as above mentioned, shall be left with the Government of the United States, until it can be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of, for the use and benefit of the Chickasaw Nation. The sum thus to be invested shall be equal to at least three-fourths of the whole net proceeds of the sales of the lands, and as much more as the nation may determine, if there shall be a surplus after supplying all the national wants.

The obligation of the United States arises under the eleventh article of this treaty. This money has never been paid. It is justly due. It has been estimated for by the Department. The United States took the proceeds of the lands of the Chickasaws and invested them in the State bonds of Tennessee and Arkansas. For many years those bonds were left in the Treasury of the United States, and the Treasury collected the interest on the bonds, but after some time the interest on the bonds was not paid. The United States then kept up the interest until the war or till a short time before the war. I read from a report of the Acting Secretary of the Interior, dated April 13, 1872:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 13, 1872.

SIR: I have the honor to submit herewith an estimate of appropriation required to pay the Chickasaw Nation of Indians the balance remaining due and unpaid on certain Arkansas and Tennessee State bonds held in trust by this Department for the benefit of said Indians, amounting in all to the sum of \$297,890.25.

The accompanying copies of the report of the Commissioner of Indian Affairs and other papers, it is believed, furnish full information upon the subject.

By the tenth article of the treaty concluded April 23, 1866, with the Choctaws and Chickasaws, (14 Statutes at Large, 769,) it appears that the United States reaffirmed "all obligations arising out of the treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations entered into prior to the late rebellion."

In my opinion the provisions of the above article cover this case, and I therefore respectfully request the favorable action of Congress upon the estimate.

I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

When the war came on these Indians, the Chickasaws, were involved in the rebellion, and they were deemed disloyal. Thereupon Congress passed an act in 1862, which will be found in the twelfth volume of the Statutes at Large, page 529, in which they declared—

That in cases where the tribal organization of any Indian tribe shall be in actual hostility to the United States, the President is hereby authorized, by proclamation, to declare all treaties with such tribe to be abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations.

That act was passed on July 5, 1862. The President, as it seems, was authorized to abrogate this treaty if he thought it was proper to do so. He never did think it was proper; he never took any action

pro or con in the abrogation of the treaty; but in 1866 the tenth article of the treaty then made with the Chickasaws—

Reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations entered into prior to the late rebellion and in force at that time not inconsistent herewith, and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation from and after the close of the fiscal year ending on the 30th of June in the year 1866.

This refers to payments which had been suspended by the rebellion. There was a reaffirmance and a solemn promise on the part of the United States to pay this trust debt; but even without that for the honor of the United States and in furtherance of well-recognized principles of law no act of war, unless a nation should choose to confiscate when peace was restored, would justify the confiscation of all trust funds.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCREERY. I will give my colleague five minutes of my time.

The PRESIDING OFFICER. The Senator from Kentucky yields to his colleague.

Mr. STEVENSON. I was going to say that these were trust funds, the United States being the naked holder of the title, with a solemn obligation to pay the interest on these bonds; and I say that without the treaty of 1866 the United States would have been in honor bound to pay it to these Indians. They have gone without that money.

Here is the recommendation of the Department. I attempted when I was on the Committee on Indian Affairs to put it upon a deficiency bill. I think it ought to have gone on that deficiency bill. I was then met toward the close of the session with the objection that I ought to put it on the Indian bill, that that was the appropriate place for it, and accordingly I support the suggestion of my colleague on this bill and say that this is a just debt which ought to be paid.

Mr. President, how can we ever expect to maintain the national faith with one set of nations if we disregard it to these poor red men who are our own wards? If the other contracting party had been Great Britain or any civilized nation, they would not have waited one year. They would have pointed to that treaty and said: "Here is your obligation; we demand its fulfillment;" and we would have been ready to cry out "No matter what the taxes are, let us support the national faith." These men, whose lands we bought and of the proceeds of which we agreed to become the trustees, confided in our honor, trusted to our faith, and asked us to invest this money due by the Government to them in a perpetual fund, the interest of which was to be paid to them. The United States did annually pay it up to the period of the war. With what face can the Congress of the United States say that this is a stale claim?

Mr. BAYARD. I would ask my friend from Kentucky to state the circumstances of what he calls a trust. At one time he has termed the fund a debt due to the Indians, and at another time he has said it was a mere trust fund in the hands of the United States for the use of the Indians.

Mr. STEVENSON. Let me explain to my friend. The United States bought from the Chickasaws a large quantity of lands at a specified price, amounting to so many hundred thousand dollars.

Mr. BAYARD. How much?

Mr. STEVENSON. I do not remember now, but I could turn to it. It is a large amount.

Mr. BAYARD. Does the amendment specify the amount?

Mr. STEVENSON. This is for interest. I was going on to tell my friend how this debt arose. The Chickasaws, not desiring this large amount of money, asked the United States to hold it in trust for them:

The Chickasaw Nation have determined to create a perpetual fund, for the use of the Nation forever, out of the proceeds of the land ceded to the United States—

Mr. BAYARD. From what does the Senator read?

Mr. STEVENSON. From the treaty, the eleventh article, which answers the question; and for that purpose they proposed to invest a large amount of the money received from the sale of the land—

in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone. It is therefore proposed by the Chickasaws, and agreed to, that the sum to be laid out in stocks, as above mentioned, shall be left with the Government of the United States until it can be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of, for the use and benefit of the Chickasaw Nation.

The United States, instead of paying them this money, agreed to take the position of trustee, the Government binding itself to invest the money in bonds and to pay the interest annually to the Indians.

Mr. THURMAN. Will my friend allow me to interrupt him a moment?

Mr. STEVENSON. Certainly.

Mr. THURMAN. What he has read shows that the Government undertook to pay interest itself until the President with the advice and consent of the Senate invested the fund; but when the Government invested, the doubt is whether anything in the treaty makes the Government responsible for the interest.

Mr. STEVENSON. Yes, sir.

Mr. THURMAN. That is what I want to know. Did the Government discharge its trust when in good faith it invested the fund in what it considered to be a safe and productive stock? Or did it

agree to guarantee that the interest should be paid on that stock?

Mr. STEVENSON. I was answering my friend from Delaware, and I had not got through so as to explain to him what this sum was for.

The PRESIDING OFFICER. The Chair must remind the Senator that his time has expired.

Mr. THURMAN. I wish to say that I feel very much interested in the remarks that are being made by my friend from Kentucky, and with one more question which I want him to answer, I will, according to the usage, yield the rest of my five minutes to him. I wish to know precisely the time for which this interest has not been paid by the Government, and whether the Government has paid it since the new treaty from 1866. Now I yield to him.

Mr. WINDOM. Is it in order to yield time in this way?

Mr. THURMAN. That has been the custom.

Mr. BAYARD. There is no doubt about that. I wish to be informed on this subject, because by the statement of the Senator from Kentucky, if it be true that there is a debt not simply of money but of honorable obligation, involving the creation of a trust to these poor people—

Mr. WINDOM. I raise a point of order that a Senator cannot yield his time in this way.

The PRESIDING OFFICER. The Chair is not aware that a ruling has been made in the Senate as to the right of a Senator to yield his time.

Mr. BAYARD. May I ask did I not obtain the floor regularly?

The PRESIDING OFFICER. The Senator from Ohio was on the floor and proposed to yield his time to the Senator from Kentucky, when the question was raised whether a Senator could yield his time under the five-minute rule.

Mr. BAYARD. That has been done so constantly that I took it for granted. The object was not to waste time by having a longer period than five minutes for debate; but if a Senator chooses to allow another to occupy that portion of the time allotted to him, it has been the custom to allow it, and it has been done ever since the rule was adopted.

Mr. THURMAN. The Senator from Kentucky [Mr. McCREERY] took the floor and he yielded his five minutes to his colleague.

The PRESIDING OFFICER. Very true, with the assent of the Chair, who recognized it; and unless corrected by the Senate the Chair will hold that it is admissible.

Mr. THURMAN. The only effect of my yielding my time to my friend is that I cannot speak on this amendment.

Mr. EDMUNDS. Let it be done by unanimous consent. I do not want such a precedent set.

Mr. WINDOM. I raise the point of order that the amendment provides for a private claim.

The PRESIDING OFFICER. In the opinion of the Chair the point is well taken.

Mr. STEVENSON. I shall appeal. Is the question of order debatable?

The PRESIDING OFFICER. An appeal is taken.

Mr. STEVENSON. Does the Chair say that a provision for the payment of a treaty stipulation is a private claim?

The PRESIDING OFFICER. The Chair rules that the amendment provides for a private claim. That is the opinion of the Chair. The Senator appeals from the decision of the Chair, and the question will be whether the opinion of the Chair shall stand as the judgment of the Senate. The appeal is debatable.

Mr. MORRILL, of Maine. If the Senator from Kentucky will allow me—

Mr. STEVENSON. I do not understand this one-sided legislation. The Senator from Minnesota puts in a private claim to pay a Methodist church for a land patent. Is not that a private claim?

Mr. WINDOM. It is under a treaty, as I understand.

Mr. STEVENSON. So is this under a treaty.

Mr. WINDOM. That was to carry out the provisions of a treaty.

Mr. STEVENSON. This is to carry out the provisions of a treaty.

Mr. WINDOM. I have not seen the treaty that this is to carry out.

Mr. STEVENSON. And it was recommended by a Department of the Government. If that is the ruling of the Chair, then we shall take exception to various items of this bill which were permitted to go on. If the Chair's ruling is to be sustained it will cut off half a dozen items.

Mr. WINDOM. Very well.

Mr. MORRILL, of Maine. Let me inquire whether this amendment comes from any committee?

Mr. STEVENSON. I did not offer the amendment; my colleague offered it. I understand it was offered from the Committee on Indian Affairs, but I do not know.

Mr. McCREERY. No. I understand that it passed the Committee on Indian Affairs at a previous session, before I became a member.

Mr. MORRILL, of Maine. It is not recommended by the committee now?

Mr. McCREERY. No, sir.

Mr. MORRILL, of Maine. Then it is not in order for that reason.

The PRESIDING OFFICER. If it does not come from the Committee on Indian Affairs or any other committee, it is out of order for that reason.

Mr. McCREERY. I call the attention of the chairman of the Committee on Appropriations to the fact that it was referred to his own committee some three or four days ago.

Mr. MORRILL, of Maine. That may be; but it must come from some committee and be recommended before it is referred. It must necessarily be recommended by some standing committee of the body in order to bring it within the rule.

Mr. BAYARD. Is that the rule?

The PRESIDING OFFICER. The Chair understands that to be the rule.

Mr. INGALLS. I hope the Chair will not pass on that question without further examination.

The PRESIDING OFFICER. The Chair is anxious for light on that matter.

Mr. INGALLS. A decision of that question in my judgment would be entirely outside of the terms of the rule. What is it?

No amendment proposing additional appropriations shall be received to any general appropriation bill unless it be made to carry out the provisions of some existing law or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments.

Those are all in the disjunctive, and any amendment may be offered under any one of these clauses which I have read. Therefore it seems to me that the Chair, in holding that no amendment can be offered unless reported from a standing or select committee, is certainly going far beyond the meaning and the purposes of the rule.

The PRESIDING OFFICER. The second branch of the rule reads:

All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall, one day before they are offered, be referred to the Committee on Appropriations, and all general appropriation bills shall be referred to the said committee; and in like manner notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.

Mr. BAYARD. These requirements have been met in the present case, and I would draw the attention of the Senate and of the Chair to the preceding section of that rule:

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

It seems to me very clear that under the Constitution treaties and laws are held in equal dignity, bearing their force entirely in accordance with the priority of duty. A preceding law is repealed by a subsequent treaty; a preceding treaty is repealed by a subsequent law. That is the rule in our courts. Here, when we are considering the rules of the Senate, it seems to me that the same reasoning must apply. This, therefore, is an amendment, according to the statement made by the Senator from Kentucky, to carry out the provisions of an existing treaty, and if there be a question whether the words "existing law" do not embrace that, it seems to me the defect is entirely cured by the subsequent portion of the paragraph—

Unless it be to carry out the provisions of existing law or a treaty stipulation.

The meaning is plain. If the argument of the Senator from Kentucky is to have weight, it must be that the amendment he proposes is to carry out a treaty stipulation pre-existing. Whether it does or does not is a question for the Senate to determine, and if it does it clearly to my mind is within the meaning of this rule.

I should like to have heard more before the technical point of order was raised in regard to this amendment. I should like to have the Senator from Kentucky clear up certain facts in regard to the matter to show that there was, if not a legal, an equitable claim upon the Government of the United States to execute a trust respecting moneys left in its hands by this tribe of Indians under treaty stipulation. I am well aware, and I am sorry to say, that Indian treaties have not been held quite so sacred and obligatory as treaties with those who are better able to defend themselves. If that has been heretofore the basis of legislation, it ought now to cease, because it is certainly not respectable, to say the least.

Therefore, Mr. President, it seems to me that the point of order is not well taken; that the rule entirely sustains the amendment which has been offered; and the only question is whether or not the amendment is within the language of the rule; whether this is an amendment which is carrying into effect the provisions of any existing treaty stipulation. If it does, it is perfectly plain and clear that it has a right to be on this bill, and then, being on the bill legitimately, the question will be whether the Senate will decide to pass it as they do any other measure proper for their consideration. I submit, then, that the point made by the honorable Senator from Minnesota is not well taken, and that the amendment offered by the honorable Senator from Kentucky is properly before the Senate.

The PRESIDING OFFICER. In order that the ruling of the Chair may be understood, he will remark that by the thirtieth rule there are four cases in which, and in which only, an amendment to an appropriation bill can be offered increasing the appropriation. One is "to carry out the provisions of some existing law." That that does not mean "existing treaty" is obvious from the last line of the first clause, where it is said that an amendment for a private claim shall not be received "unless it be to carry out the provisions of an existing law

or treaty stipulation." In the same paragraph there is a distinction drawn between an existing law and a treaty stipulation. Consequently where the words "existing law" first occur they do not mean a treaty stipulation.

The second case in which an amendment may be offered is where it is to carry out "some act or resolution previously passed by the Senate during that session." It is not a law because it may not have passed the House or received the approval of the President, but still an amendment is allowed to carry out such act or resolution.

The next case is, "or moved by direction of a standing or select committee."

The Chair does not understand that either of these three cases has happened. The fourth is, "or in pursuance of an estimate from the head of some of the Departments." If the amendment comes within either of these heads it is in order, but otherwise it is not. But the rule goes further and says "a private claim shall not even then be in order, unless it be to carry out the provisions of an existing law or treaty stipulation." Therefore the Chair rules this amendment out of order.

Mr. THURMAN. I beg leave to appeal from that decision, and I wish to say a word on this question of order.

Mr. INGALLS. Allow me one moment. I should like to call the attention of the Chair to one fact.

Mr. THURMAN. I wish the Senator would allow me to proceed; I will take but little time. In the first place, I do not agree that this is a private claim within the meaning of this rule. What is a private claim? This Chickasaw Nation is regarded by us as a distinct quasi nation, so far clothed with the attributes of nationality that it is competent to make a treaty with us. In that respect it stands precisely on as high a footing as would Great Britain or France. Now would an amendment offered to this bill providing for the payment of a debt due by us to Great Britain or to France be a private claim? Is that the meaning of the rule? Manifestly it is not. "Private claim" means the claim of some individual or corporation or body not clothed with the attributes of nationality. It cannot be that this term "private claim," in this rule, applies to a nation, applies to a claim made by Great Britain or France or by an Indian tribe capable of making treaties with us.

Mr. EDMUNDS. May I ask the Senator a question? Does he mean to say that the word "private" there, as distinct from "public," refers to the person who makes the claim instead of to the claim itself?

Mr. THURMAN. I do not take the distinction which the Senator seeks to draw. Why, sir, to provide for paying money which we owe by treaty to a foreign power is not a private claim. It cannot be made to be a private claim. But, again, what is the argument of the Senator from Kentucky and which we must hear before we can decide? The Senator insists that the payment of this money is necessary in order to carry out both the provisions of the existing law and a treaty stipulation. He insists that there are laws on the statute-book; he has them here on his desk ready to read to the Senate to show that under existing law we are bound to pay this money. Whether he will be able to maintain that, or not, I do not know; but that is what he has said and he is ready to show the treaty stipulation under which he claims that we are bound to pay the money. Then if you call it a private claim is it not a private claim which may be moved in order to carry out the provisions of an existing law which he is ready to cite to the Senate, or a treaty stipulation which he has cited? How can there be any doubt about that? Whether he will be able to maintain his proposition or not, I do not know; but we cannot decide that proposition on a question of order. We cannot cut off the very proof of that which would bring it within the rule, on a question of order. I submit, therefore, that this amendment is perfectly in order.

What is meant by "existing law?" It certainly is not meant an appropriation by existing law; for if there were an appropriation by existing law the amendment would be wholly unnecessary. It is only meant that the claim is ascertained by existing law to be a valid claim, that Congress has once passed on the validity of the claim, and all that remains is to pay it. That is the meaning of the term "existing law" here. And now the Senator professes his ability to show us that the claim is provided for by existing law, and that all we have to do is to pay it. Whether he will be able to do that or not I do not know.

Mr. INGALLS. Had the Senator from Ohio been willing to listen to the remark I desired to make, I presume he would have been spared the necessity for his argument. I hold in my hand a letter from the Secretary of the Treasury, transmitting estimates of appropriations required for the service of the fiscal year ending June 30, 1876, published as an executive document of House of Representatives, No. 5, and upon the ninety-eighth page of this volume, under the head of "estimates of appropriations for the Indian service," appear the three following items:

Arrears of interest on \$90,000 Arkansas 6 per cent. bonds, from July 1, 1852, to July 1, 1866, fourteen years.....	\$75,600 00
Arrears of interest on \$616,000 Tennessee 6 per cent. bonds, from January 1, 1861, to July 1, 1866, five and a half years.....	203,280 00
Arrears of interest on \$66,686.66½ Tennessee 5½ per cent. bonds, from January 25, 1861, to July 1, 1866, five years and one hundred and fifty-seven days.....	19,010 25
Total.....	313,030 25

So that this has been submitted as an estimate from the head of a Department and is plainly in order under the rule.

Mr. EDMUNDS. Not if it is a private claim. That is the very question.

Mr. SHERMAN. It seems to me perfectly clear, notwithstanding the statement of the Senator from Kansas, that this is a private claim and that it is not embraced in any treaty stipulation, and I think the treaty itself shows that as clearly as anything can. The fact that it is contained in the estimates of appropriations does not affect the question at all.

The only question is, is this a claim which we are required to pay by the terms of a treaty? The treaties to which we are referred do not provide for any such claim at all. They do not contemplate that such a claim can arise. On the contrary, the treaty now before me provides that this fund shall be invested by the United States in stocks, and it seems from the amendment itself that the United States did comply with this stipulation by investing this fund in stocks. That is all the stipulation contained in the treaty read by the Senator from Kentucky.

Mr. STEVENSON. I was cut off in my argument. I have investigated this thing from top to bottom. The Senator is only commenting on the first treaty, when there have been two.

Mr. EDMUNDS. The second treaty does not help the case a bit.

Mr. SHERMAN. I have to take the case as it is before us.

Mr. STEVENSON. I was stopped in my statement.

Mr. SHERMAN. Article 11 expressly provides that the United States shall invest this money for the benefit of the Indians in certain stocks. Recognizing this fund as the money of the Indians, the United States was simply to invest the fund in certain stocks, and those stocks are named in the amendment. There is nothing in the world in this treaty which requires us to pay the interest on these stocks or to make good the failure of the makers of these bonds; there is nothing that requires us to guarantee the bonds. There is nothing at all in the eleventh article of this treaty which can require us to pay the interest on these bonds. What we are bound to do under the treaty is to invest in the bonds with the consent of the Indians; and that, it seems, has been done. Then, after all, there is nothing in the treaty that has been read to us which requires us to pay this money. There may be other treaties; but if so, they are not before us.

At all events we ought not to put this amendment upon an appropriation bill until it has been examined carefully by a committee of this body. If we are bound to pay this money, if we are guarantors of this investment, we ought to pay it and ought not to hesitate to pay it; but the fact that so many years have elapsed since this interest accrued, very many years indeed, going back, I think, to 1853, and the fact that this money was not paid from 1853 to this time, is strong presumptive evidence at least that we are not bound to make good the interest of this fund. The fact that it was not paid from 1853 down to 1866 is sufficient evidence that there is enough in this case to prevent us from paying this large sum of money until we have a full and fair investigation and a separate bill on the subject and the report of a committee.

All I desire to say is that it is clear on the face of the treaty read to us that this is not a claim growing out of a treaty. If there is any claim at all it is a claim against the United States as a trustee for not taking due care in the administration of a trust. All the treaty required us to do was to invest that money. It may be that there are other treaties.

Mr. STEVENSON. On the question of order I wish to say a word. I have not said anything I believe upon it.

My colleague offered this amendment and asked me to make a statement in regard to it. I said if my friend from Minnesota was going to make a point of order, I would not speak. He got up then and said, "I waive my point of order and will hear the Senator."

Mr. WINDOM. I did, and under the rule of the Senate he had the right to speak five minutes. His colleague got the floor and yielded to him, and he spoke five minutes more. The indications were that the debate was going on all night, and I renewed the point of order which I had simply waived.

Mr. STEVENSON. I am not complaining, but it is most extraordinary when I told the Senator from Ohio that I was not half through the case that he should go off on one point. Let me tell him that this treaty was modified twice, and the United States solemnly pledged itself to invest in these bonds and to keep the interest at par annually, and that this Government has for a half dozen years yearly made appropriations to keep this fund up since 1866. Now, why does he talk about 1853? This estimate is only from 1866 back, and it was paid since that time subsequent to the war.

Now I will go on with my statement. I had only got to the eleventh article of the treaty of 1833. That was ratified by articles of convention and agreement entered into between the United States and the Chickasaws on the 24th of May, 1834, and ratified by the United States and the Indians on the 1st of July, 1834. (7 Statutes at Large, 450.)

The eleventh article of this treaty, after referring to the manner in which the lands shall be sold, provides that the Government of the United States, within six months after any public sale, shall advise the Chickasaws of the receipts and expenditures and of balances in their favor; and that at regular intervals of six months, after the

first report is made, the Chickasaws shall be informed of the proceeds of all entries and sales; and declares further, that—

The funds thence resulting, after the necessary expenses of surveying and selling, and other advances which may be made, are repaid to the United States, shall from time to time be invested in some secure stock, redeemable within a period of not more than twenty years; and the United States will cause the interest arising therefrom annually to be paid to the Chickasaws.

In view of the constitutional provision that no money shall be drawn from the United States Treasury without an appropriation therefor by act of Congress, the legislative department of the Government, by the act of April 20, 1835, (5 Statutes at Large, 10,) pointed out the means for carrying into effect the treaties with the Chickasaws. The first section of this act declares that moneys received by the United States for lands shall be paid into the United States Treasury; and the third section enacts that "all investments of stocks required by the said treaty shall be made under the direction of the President." Pursuant to the provisions of the third section of this act, the President directed that investments should be made by the Secretary of the Treasury.

The Chickasaws, reposing confidence in the wisdom and integrity of the Government of the United States, reaffirmed their trust and confidence in their treaty of June 22, 1852, (10 Statutes at Large, 974,) in article 5 of which treaty it is declared that—

The Chickasaws are desirous that the whole amount of their national fund shall remain with the United States in trust for the benefit of their people, and that the same shall on no account be diminished—

Now, will the Senator from Ohio listen?—

and it was therefore agreed that the United States shall continue to hold said fund in trust, as aforesaid, and shall constantly keep the same invested in safe and profitable stocks, the interest upon which shall be annually paid to the Chickasaw Nation.

There is the guarantee; there is the language of the treaty by which the United States became solemnly the guarantor of this fund, and this amendment offered by my colleague is to make that interest thus assumed and thus guaranteed good. The Government went on and paid it year by year for sometime; and when it became past due, F. A. Walker, Commissioner of Indian Affairs in 1872, wrote this letter:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 9, 1872.

SIR: Referring to office report of the 29th ultimo, in relation to appropriations made by Congress for arrears of interest on certain State stocks held in trust by the honorable Secretary of the Interior as a portion of the Chickasaw national fund; also, to a communication from the honorable Secretary of the Treasury, dated the 4th instant, in relation to the same subject, (copy herewith "A.") I have the honor to transmit a statement (inclosure "B") showing a balance found due and unpaid on account of arrears of interest on Arkansas and Tennessee State bonds, accruing while said bonds were held in trust by the Secretary of the Treasury, and from which it will appear that there is due and unpaid—

On \$90,000 6 per cent. bonds of the State of Arkansas from January 1, 1842, to July 1, 1866, the sum of.....	\$75,600 00
On \$616,000 6 per cent. bonds of the State of Tennessee from January 1, 1861, to July 1, 1866, the sum of.....	203,280 00
On \$66,666.66 5 1/2 per cent. bonds of the State of Tennessee from January 25, 1861, to July 1, 1866, the sum of.....	19,010 25
Amounting in the aggregate to.....	297,890 25

It will be seen by reference to the inclosed statement that the advances made by Congress for a portion of the arrears of interest on the \$90,000 Arkansas bonds, amounting to \$56,700, has been deducted from the amount of interest.

What does the Senator from Ohio say to that when he talks about stale claims? The chairman of the Finance Committee stands up to say that this is a stale claim, when treaty after treaty and act after act pledges the faith of the United States as a trustee to pay. Why, sir, it is because the Indians are poor red men? Would the Senator take that position if it were a foreign nation? No sir; it is not a stale claim. But I go on with Mr. Walker's letter:

I herewith inclose an estimate of appropriation required to pay the Chickasaw Indians the amount remaining due and unpaid on the Arkansas and Tennessee bonds held in trust for them as herein stated, and respectfully recommend that the matter be laid before Congress for its action.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

The PRESIDING OFFICER. The Chair must remind the Senator that his time has again expired.

Mr. STEVENSON. But this is a question of order. There is no time on that.

The PRESIDING OFFICER. In the opinion of the Chair the rule applies.

Mr. STEVENSON. I am very unfortunate. I have never been allowed to make a statement but I have been interrupted.

The PRESIDING OFFICER. The Chair regrets to interrupt the Senator, but is obliged to enforce the rules as he understands them.

Mr. EDMUNDS. I ask unanimous consent that the Senator from Kentucky may finish his remarks. I dare say he will not be long.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENSON. I will not go on.

Mr. BAYARD. Is it a violation of the rule?

Mr. STEVENSON. I do not believe it is.

The PRESIDING OFFICER. In the judgment of the Chair when the Senate is under the five-minute rule all debate is confined to the same limit.

Mr. WINDOM. In order to bring the Senate to a vote on this question, I move to lay the appeal on the table.

Mr. MERRIMON. It is now a quarter to eleven o'clock. The Senate is thin. It is manifest that we cannot get through with this bill to-night. I move that the Senate adjourn.

Mr. WINDOM. I hope not. We can soon finish this bill.

The Senate refused to adjourn; there being on a division—ayes 20 noes 22.

The PRESIDING OFFICER. The Senator from Minnesota moves that the appeal lie on the table.

The question being put, a division was called for, and the ayes were 20, and the noes 21.

Mr. MERRIMON. What is the appeal?

The PRESIDING OFFICER. The appeal is from the decision of the Chair ruling that the amendment offered by the Senator from Kentucky contained a private claim.

Mr. STEVENSON. I call for the yeas and nays. That will teach us something.

The yeas and nays were ordered.

Mr. THURMAN. I wish to make an inquiry before the vote is taken. Is it in order to move to lay an amendment on the table?

The PRESIDING OFFICER. It is in order.

Mr. THURMAN. Is it, under the rule, in order to move to lay an appeal on the table?

The PRESIDING OFFICER. The Chair so understands.

Mr. THURMAN. On a question of order?

Mr. EDMUNDS. Yes, sir.

Mr. THURMAN. Until the other day I never knew that it was.

The PRESIDING OFFICER. The question is on laying the appeal on the table.

Mr. BAYARD. Before that vote is taken I merely wish to say—

The PRESIDING OFFICER. The motion to lay on the table is not debatable.

The question being taken by yeas and nays, resulted—yeas 21, nays 19; as follows:

YEAS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Dorsey, Edmunds, Ferry of Michigan, Hitchcock, Howe, Lewis, Mitchell, Morrill of Maine, Morrill of Vermont, Sargent, Scott, Sherman, Stewart, West, Windom, and Wright—21.

NAYS—Messrs. Bayard, Bogy, Cooper, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Kelly, McCreery, Merrimon, Norwood, Saulsbury, Sprague, Stevenson, Stockton, and Thurman—19.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Davis, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hamlin, Harvey, Ingalls, Johnston, Jones, Logan, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Spencer, Tipton, Wadleigh, and Washburn—33.

So the appeal from the decision of the Chair was laid on the table.

Mr. STEWART. I move to strike out lines 1702 to 1707 inclusive, and insert the following:

For the general incidental expenses of the Pi-Uto reservation in Southeastern Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$20,000, of which amount shall be available from the passage of this act for the remainder of the fiscal year ending June 30, 1875; and the Pi-Uto reservation in Southeastern Nevada is hereby reduced to one thousand acres, to be selected by the agent, J. A. Barnes, in a compact body; and when such selection shall have been made he shall report the same to the Secretary of the Interior, and the remaining portion of said reservation, after said selection shall have been made, shall be and remain a part of the public domain, subject to the laws of the United States in the same manner as it would have been if no reservation had ever been made: *Provided*, That the claim of no settler shall be included in the reservation to be selected under the provisions of this act.

For the general incidental expenditures of the Walker River and Pyramid Lake reservations in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$15,000.

Mr. WINDOM. Is that amendment in order? I raise the point of order that it is not reported from any committee and has not been referred to the Committee on Appropriations.

Mr. STEWART. It is from the Committee on Indian Affairs, and they recommend the whole of it. I left a part of it out that was objectionable. The Committee on Indian Affairs are in favor of it.

Mr. WINDOM. When did they report it?

Mr. STEWART. They did not report it. They authorized me to report it.

The PRESIDING OFFICER. Is the amendment reported from any standing committee?

Mr. STEWART. It is by consent of the Committee on Indian Affairs.

The PRESIDING OFFICER. The point of order being raised, it is necessary for the Chair to understand the fact.

Mr. STEWART. I want to know whether the Committee on Indian Affairs has not agreed that I should offer it?

The PRESIDING OFFICER. The rule is that it shall come from a committee as an amendment to this bill, not that it shall be reported in some other form for the action of the Senate.

Mr. STEWART. I want to know if that point of order is going to be raised? If you leave the reservation as it is, it is not my fault. You cannot say it is my fault if there be no appropriation for this purpose. The chairman of the Committee on Indian Affairs spoke to my colleague and myself about it, and I told him I would go to work and try to get it in shape. The reservation is in a most disgraceful

situation. They get up debts to have them paid. The committee said it would have to be reported from a committee, and as I understood the committee were doing it. Now, if the committee do not want to do it and treat it fairly, very well.

Mr. ALLISON. I will say, in reply to the Senator from Nevada, that the Department estimated \$50,000, which was referred to the Committee on Indian Affairs, and the committee looked into it somewhat, but were not willing to make any report with reference to it without consulting the Senators from Nevada. Since the Senator has made the statement to me and other gentlemen of the committee we have had no meeting. Therefore of course as a committee we have not considered the particular amendment he now proposes. I do not object to it myself, and I presume other gentlemen of the committee would agree to it, but the committee as a committee have not. Justice to the committee requires that I should say that.

Mr. STEWART. Sixty thousand dollars has been recommended by the Department, and here is \$20,000 in place of it.

Mr. WINDOM. If the Committee on Indian Affairs have examined it so as to say they are in favor of it, I do not raise the technical point that they have not actually recommended it, if the chairman says they are in favor of it.

Mr. ALLISON. I can only speak for myself. I think the committee is in favor of the amendment and is willing it shall be adopted.

The PRESIDING OFFICER. If the point of order is not made on the amendment, of course it will not be made by the Chair.

Mr. STEWART. Fifteen thousand dollars is already in the bill. There was a recommendation, but it was not definitely stated why it should be so. There was a recommendation of \$60,000 for Eastern Nevada. Now we only ask \$20,000, leaving the rest to be used in the western end of the State. We do not want \$60,000 as recommended by the Department. If the Senate say we shall not have any, I shall not complain.

Mr. MORRILL, of Maine. The only thing that troubles me about that is that this changes the reservation entirely. I do not think that ought to be done by an amendment unless it has been examined by a committee and recommended. That is a pretty arbitrary sort of thing. How much does this propose to leave the Indians?

Mr. STEWART. A thousand acres.

Mr. MORRILL, of Maine. How many Indians are there?

Mr. STEWART. When they all get together there will be two or three hundred.

Mr. MORRILL, of Maine. That is pretty indefinite. I dislike—

Mr. STEWART. I hope the Senator will not object to this, for I know it is a decent thing to do.

Mr. MORRILL, of Maine. My honorable friend I dare say thinks he knows. I have the greatest possible confidence in my honorable friend, knowing that he is very enlightened, and I have great confidence in his judgment; but in Indian affairs I do not think he is quite sound.

Mr. STEWART. I know one thing about it. Nevada has not been stealing three or four hundred thousand dollars a year since I have been here.

Mr. FRELINGHUYSEN. How much is the amount asked?

Mr. STEWART. Twenty thousand dollars.

Mr. MORRILL, of Maine. The difficulty is about the reservation. I do not think it ought to be abolished here unless recommended by a committee. I do not understand that the committee have recommended it.

Mr. WINDOM. Let us have a vote.

Mr. STEWART. Yes, I want to vote.

Mr. MORRILL, of Maine. I raise the question that this amendment has not been recommended by a committee.

Mr. EDMUNDS. Legislation does not need to be recommended by a committee.

Mr. MORRILL, of Maine. But it has an appropriation connected with it.

Mr. STEWART. Let me say one word about it. It is a reservation that has not been confirmed by any law. It is a floating reservation, and covers a portion of Nevada nearly equal in size to the State of Connecticut. It is a mining country, and there is not one Indian to five thousand acres of ground in it.

Mr. EDMUNDS. What do you mean by "floating reservation"?

Mr. STEWART. It is a reservation made by the Department. I do not know how much it does cover. It has not been surveyed. It goes entirely by latitude and longitude, by rivers, and they have not been surveyed. We know generally from the maps that it is about as large as the State of Connecticut.

Mr. FRELINGHUYSEN. And a floating reservation?

Mr. STEWART. No matter about that. It is a reservation by description in the eastern part of Nevada, gotten up there for the purpose of excluding miners and settlers. It was a scheme to buy out the settlers—that the settlers should be bought out. Thus they drive them away from their homes and dedicate it to barbarism. There are only a few Indians there. They are comfortably situated. There is very little good land, but some very rich land on the Muddy. The Indian agent who went down there to examine it informed me that he could get a thousand acres of land which would be very suitable for the Indians. I know they will never need more than a hundred acres or so. It is necessary that the balance should be left open where men can live. It is necessary it should be left open. It is a

great region, and it will not do to spread that reservation over a country where there should be no reservation. If it is confined to a thousand acres, they can do some good for the Indians and some good for the people there.

I beg of you now to cut down that reservation. I am in earnest about it. It is important for peace and civilization. It is an outrage to dedicate that country to be a waste. Call it a reservation! Those mountains are only fit for mining purposes. Here and there is a little valley and a few peaceable Indians who like to have settlers come among them. To disturb that by an immense reservation is an outrage on my State. No one could come here to either House from Nevada if he did not protest against it. Every member of both Houses from Nevada and every decent citizen of Nevada protests against this outrage. My colleagues in both Houses, no matter what their politics, protest against this thing. The Legislature have been protesting against having this outrage, and all I ask is that you reduce it to a reasonable amount to cultivate, give the Indians this reserved land, and let them try the experiment of farming from \$20,000 if it can be done and not \$60,000, \$40,000, or \$50,000, to buy out the settlers, because those settlers are an advantage to the Indians; they live there in harmony with the Indians, and the Indians do not want the settlers to go away.

The PRESIDING OFFICER. Does the Senator from Maine insist on his point of order?

Mr. MORRILL, of Maine. I raise the point of order.

The PRESIDING OFFICER. The Chair has no other resource except to rule that the point of order is well taken.

Mr. STEWART. Then I will offer another amendment. I think, though, I had better appeal from the decision on that point of order. I do not see on what ground it was made.

Mr. EDMUNDS. Your amendment contained an appropriation.

The PRESIDING OFFICER. On the ground that it has not been referred to the Committee on Appropriations and does not come from any standing committee of the Senate. That is the ground on which the Chair rules. Does the Senator appeal?

Mr. STEWART. Let it be referred to the Committee on Appropriations. I ask that it be referred to the Committee on Appropriations, and I give notice that I will offer it to-morrow.

The PRESIDING OFFICER. Does the Senator desire to have it printed?

Mr. STEWART. No, sir, not printed.

The PRESIDING OFFICER. The amendment will be referred to the Committee on Appropriations. Does the Senator offer another amendment?

Mr. STEWART. I offer another amendment. After line 1707 I move to insert—

That the Pi-Ute reservation in Southeastern Nevada is hereby abolished.

Now, I want to know whether it is intended here that, contrary to all good government, contrary to all the interests of my State, the Senate will fool in that way to allow a reservation covering as large a portion of territory as the State of Connecticut to be dedicated to an Indian reservation. There are several hundred miners there engaged on this reservation; there are settlers there, and it is a scene of plunder, a scene of desolation that can do nobody any good. All my people protest against it. They are a unit against it, and everybody who comes from Nevada must forever be a unit against having a reservation of this kind in that State. Now I ask whether the Senate will abolish it?

Mr. ALLISON. I desire to say one word to the Senator from Nevada. I understand him to say that this reservation is not fixed by law.

Mr. STEWART. It is not fixed by law.

Mr. ALLISON. It is fixed by an executive order?

Mr. STEWART. It never could have been fixed by law.

Mr. ALLISON. I understand the Commissioner of Indian Affairs is not opposed to reducing this reservation even to the extent proposed by the Senator from Nevada. It seems to me if there is no objection we should agree to the amendment.

Mr. STEWART. I have protested to the Executive against it. No chance would ever have made this a law. No Congress would ever have given it the power. It is a great grievance on my State, and I want it abolished.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. HITCHCOCK. I offer the following amendment, to come in at the end of the bill:

To reimburse white settlers for losses and destruction of property by depredations of Indians \$4,700,179.39, said sum being the amount of such claims examined by the Secretary of the Interior and officially reported to Congress.

Mr. WINDOM. I raise a point of order on that amendment.

The PRESIDING OFFICER. The Senator from Minnesota raises a point of order.

Mr. HITCHCOCK. I would like to be heard before the Chair sustains it. What is the point of order?

The PRESIDING OFFICER. As the Chair understands, the point of order is made on the ground that this is a private claim, does not come from any committee, and has not been sent to the Committee on Appropriations.

Mr. HITCHCOCK. But it is in accordance with law.

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair?

Mr. HITCHCOCK. I appeal, and I will state the ground of my appeal.

The PRESIDING OFFICER. The Senator from Nebraska appeals, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SHERMAN. I rise to a privileged question.

Mr. LEWIS. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Virginia moves that the Senate adjourn.

Mr. WINDOM called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 23, nays 21; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Saulsbury, Stevenson, Stewart, Stockton, and Thurman—23.

NAYS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Howe, Ingalls, Morrill of Maine, Morrill of Vermont, Sargent, Scott, Sherman, Sprague, West, Windom, and Wright—21.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Hamlin, Hitchcock, Jones, Logan, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Spencer, Tipton, Wadleigh, and Washburn—29.

So the motion was agreed to; and (at eleven o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 19, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. DAWES. I move that the House resolve itself into the Committee of the Whole to resume the consideration of the tax and tariff bill.

The SPEAKER. There are several gentlemen who desire to submit requests for unanimous consent. If there be no objection, the Chair will entertain such requests.

PRIVATE LAND CLAIMS.

Mr. BARRERE, by unanimous consent, reported from the Committee on Private Land Claims a bill (H. R. No. 4808) to ascertain and settle private land claims in certain States and Territories; which was read a first and second time, ordered to be printed, and recommitted.

BRANCH MINT AT SAINT LOUIS.

Mr. WELLS, by unanimous consent, presented a resolution of the Legislature of the State of Missouri, in favor of the establishment of a branch mint at the city of Saint Louis; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JOHN RICE JONES, DECEASED.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 4809) supplemental to an act for the relief of the heirs and legal representatives of John Rice Jones, deceased; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LOUISIANA MEMBERS OF THE FORTY-FIRST CONGRESS.

Mr. SHELDON. I ask unanimous consent to introduce the following resolution.

Mr. HOLMAN. I hope members will take their seats, so we may know what is going on.

The SPEAKER. There is no mode of doing business so innocent as granting unanimous consent if members will give attention, but there is none so hazardous if they do not. The Clerk will read the resolution offered by the gentleman from Louisiana.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be directed to ascertain whether there is rightfully due to any member of the Forty-first Congress from Louisiana any part of his salary as such member; and, if so, it shall be in order for such committee to report as part of the deficiency appropriation bill such appropriation as shall be found due on such salaries.

Mr. SHELDON. This does not apply to me, and I hope there will be no objection to it.

Mr. HOLMAN. I do not propose to object to the introduction of the resolution, but merely to ask that it shall be so modified as to provide that amendments covering the subject-matter of the resolution only shall be in order for the consideration of the Committee of the Whole on the state of the Union.

The SPEAKER. There being no objection, the resolution, as modified, will be considered as adopted.

The resolution, as modified, was adopted.

SALE OF KANSAS INDIAN LANDS.

Mr. PHILLIPS, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 4810) providing for the sale of Kansas Indian lands in the State of Kansas to actual settlers, and for the disposition of the proceeds of the same; which was recommended and ordered to be printed.

NEW LAND DISTRICT OF WYOMING.

Mr. PHILLIPS also, by unanimous consent, from the same committee, reported back a bill (H. R. No. 3319) to establish a new land district in the Territory of Wyoming; which was recommended and ordered to be printed.

INDEFINITE LEAVE OF ABSENCE.

Mr. WHEELER. Mr. Speaker, my colleague, Mr. ROBERT S. HALE, is confined to his bed by illness and will not be able to be out during this session. I therefore ask that he be granted indefinite leave of absence.

There was no objection, and it was ordered accordingly.

TOBACCO ASSOCIATION OF RICHMOND, VIRGINIA.

Mr. SMITH, of Virginia, by unanimous consent, presented the memorial of the Tobacco Association of Richmond, Virginia; which was referred to the Committee on Ways and Means, and ordered to be printed.

INDIAN DEPREDACTIONS IN OREGON AND CALIFORNIA.

Mr. NESMITH, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 4811) to enable the Secretary of War to pay the expenses incurred by the State of Oregon and the citizens of California in suppressing Indian hostilities in the States of Oregon and California in the years 1872 and 1873; which was read a first and second time, recommended, and ordered to be printed.

Mr. RANDALL. The understanding is that it is not to be brought back by a motion to reconsider.

The SPEAKER. Of course.

LYDIA CRUGAR.

Mr. BURROWS. I ask unanimous consent to report from the Committee on Claims a bill for the relief of Lydia Crugar, executrix of Moses Shepard, deceased, and ask that it be put on its passage at this time.

Mr. HOLMAN. I reserve objection until the bill has been read.

The bill appropriates \$18,124.34 for the payment of judgment rendered in favor of Lydia Crugar, executrix of Moses Shepard, by the Court of Claims, on the 19th of November, 1860, to be paid to said Lydia Crugar or her legal representatives.

Mr. HOLMAN. This bill requires some explanation, and I object.

Mr. BURROWS. I can explain it.

Mr. HOLMAN. This is quite an old claim. I do not object to the gentleman's explanation.

Mr. BURROWS. It is simply to make appropriation for the payment of a judgment of the Court of Claims which has never yet been paid. Bills have heretofore passed the Senate and the House, and this is now reported unanimously from the Committee on Claims.

Mr. RANDALL. Is it in obedience to a judgment of the Court of Claims?

Mr. BURROWS. Yes, sir.

Mr. HOLMAN. This was before the reorganization of the Court of Claims, and it does not stand, therefore, upon the footing of a judgment of that court now stands.

Mr. BURROWS. There is no provision for interest on the amount of that judgment; but it simply provides for the payment of the face of the judgment of the Court of Claims.

Mr. HOLMAN. I object.

Mr. BURROWS. Then I withdraw the bill.

PAWNEE AND OTTOE LANDS.

Mr. CROUNSE, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 4812) to provide for the sale of the Pawnee and Otoe Indian lands; which was read a first and second time, recommended, and ordered to be printed.

RHINEHART'S BRONZE FOUNTAIN.

Mr. FRYE, by unanimous consent, from the Committee on the Library, reported as a substitute for the bill H. R. No. 4442, a bill (H. R. No. 4813) to authorize the removal of the bronze fountain by Rhinehart from the lobby of the city post-office; which was read a first and second time.

The bill was read. It authorizes and directs the Joint Committee on the Library to cause the removal of Rhinehart's bronze fountain from the lobby of the city post-office to the Corcoran Art Gallery or to such other place as they may think proper for safe-keeping and exhibition.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS PACIFIC RAILROAD.

Mr. HOUGHTON, by unanimous consent, from the Committee on the Pacific Railroad, reported back with the recommendation that it

do pass, with amendments, the bill (H. R. No. 4547) amendatory of and supplementary to an act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; and the same was ordered to be printed and recommended, not to be brought back on a motion to reconsider.

REMOVAL OF POLITICAL DISABILITIES.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 4814) to relieve Charles H. Smith, M. D., of Richmond, Virginia, of all political disabilities.

The bill was read.

Mr. BUTLER, of Massachusetts. There is a petition accompanying the bill, and its passage is unanimously recommended by the Committee on the Judiciary.

Mr. BECK. I desire to include another person in that bill, and move to amend by adding the name of James M. Hawes, of Covington, Kentucky.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds having voted in favor thereof.

CAPTURED AND ABANDONED PROPERTY.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 4815) to cover into the Treasury certain sums of captured and abandoned property found by adjudication to be the money of the United States; which was read a first and second time, ordered to be printed, and recommended, not to be brought back on a motion to reconsider.

BOUNDARY BETWEEN ARKANSAS AND INDIAN COUNTRY.

On motion of Mr. AVERILL, by unanimous consent, the bill (S. No. 679) to establish the boundary line between the State of Arkansas and the Indian country was taken from the Speaker's table, read a first and second time, and referred to the Committee on Indian Affairs.

LEMUEL D. EVANS.

Mr. NIBLACK. I ask unanimous consent to report back from the Committee on Ways and Means, that it may be now put upon its passage, the bill (S. No. 625) for the relief of Lemuel D. Evans, late a collector of internal revenue for the fourth district of Texas. There is an emergency, both personal and official, why there should be immediate action on this bill.

The bill was read. It authorizes the Secretary of the Treasury, in adjusting the accounts of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas, to credit him with the sum of \$2,753.18, that being the amount of money collected by his deputy, W. B. McIntyre, at and in the neighborhood of Athens, in said State, and of which he was robbed by highwaymen on the night of May 6, 1869, on his way from Athens to Marshall; provided that it shall appear to the satisfaction of said Secretary that said McIntyre was robbed without any collusion or privity on his part.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NIBLACK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AUBURN, NEW YORK, NATIONAL BANKS.

Mr. MAYNARD, by unanimous consent, from the Committee on Banking and Currency, reported a bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York; which was read a first and second time.

Mr. MAYNARD. I ask that the bill may now be put upon its passage.

Mr. HOLMAN. Does this bill come from the Committee on Banking and Currency?

The SPEAKER. It does.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. SAWYER, by unanimous consent, from the Committee on Commerce, reported as a substitute for the House bill No. 2409 a bill (H. R. No. 4817) to authorize the construction of the bridge across the Missouri River at or near Sioux City, Iowa; which was read a first and second time.

Mr. HOLMAN. After this is disposed of I shall call for the regular order.

The bill was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAWYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAWLEY, of Illinois. I now move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. DAWES. I move that the House resolve itself into Committee of the Whole on the state of the Union on the tariff bill.

Mr. HOLMAN. I will withdraw the demand for the regular order in order to enable some gentlemen to get in matters which they are anxious to bring before the House at this time.

AMERICAN SHIP-BUILDING.

Mr. SCHELL, by unanimous consent, presented the petition of the Board of Trade of New York City, in reference to the promotion of American ship-building; which was referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF EAST RIVER.

Mr. SCHELL also, by unanimous consent, presented joint resolutions of the Legislature of the State of New York, in relation to the improvement of the East River; which were referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF THE HARBOR OF ERIE, PENNSYLVANIA.

Mr. STORM, by unanimous consent, presented a joint resolution of the Legislature of Pennsylvania, relative to the improvement of the harbor of Erie, Pennsylvania, which was referred to the Committee on Commerce, ordered to be printed, and printed in the RECORD.

The joint resolution is as follows:

Resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met. That our Senators be instructed, and members of the House of Representatives in Congress be requested, to vote for and use all proper means of securing from Congress an appropriation for the improvement of the harbor of Erie, in this Commonwealth, and that the governor be requested to transmit copies of this resolution to our Senators and Members of Congress.

Attest:

ELBRIDGE MCCONKEY,
Resident Clerk of the House of Representatives.

THOMAS B. COCHRAN,
Journal Clerk of the Senate.

WILLIAM J. MARTIN.

Mr. YOUNG, of Georgia, by unanimous consent, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 4121) for the relief of William J. Martin, late paymaster in the United States Army; which was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

SOLDIERS OF THE MEXICAN WAR.

Mr. WILLIE, by unanimous consent, presented joint resolutions of the Legislature of the State of Texas, instructing and requesting the congressional delegation to urge upon Congress early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the Army and Navy of the United States in the late war with Mexico; which were referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. KILLINGER. I call for the regular order.

Mr. WILLARD, of Vermont. I move to reconsider the various votes taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. What is the regular order of business? Would it not be the morning hour, with the call of committees for reports of a private nature?

The SPEAKER. It would be the call of committees, but the gentleman from Massachusetts [Mr. DAWES] moves that the House resolve itself into Committee of the Whole on the state of the Union on the tariff bill, and the gentleman from Illinois [Mr. HAWLEY] moves that the House resolve itself into Committee of the Whole on the Private Calendar. This being Friday, the motion to go into Committee of the Whole on the Private Calendar takes precedence.

Mr. DAWES. I wish the question so stated that the House will understand that this is a test-vote between the two.

The SPEAKER. That is what the Chair was endeavoring to do. It is for the House to decide whether they will go into Committee of the Whole on the state of the Union on the tariff bill or into Committee of the Whole on the Private Calendar. This being Friday, it is the duty of the Chair to put the question first upon going into Committee of the Whole on the Private Calendar.

Mr. HOLMAN. If those motions fail will not the morning hour run, allowing reports to be made from the committees on private business?

The SPEAKER. If the House rejects both the pending motions, then the morning hour will intervene.

Mr. HAWLEY, of Illinois. There are more bills now upon the Private Calendar than could be disposed of in the next three months if the House should be so long in session, and it seems to me that it

would be a waste of time at this late period of the session for the House to put more bills upon the Private Calendar.

Mr. DAWES. If I can have one hour I will get the tariff bill out of the way.

Mr. HAWLEY, of Illinois. If we intend to consider the private bills at all again this session we ought to go into Committee of the Whole to-day and pass them.

Mr. GARFIELD. Let us go into Committee of the Whole on the Army appropriation bill.

The question was put on the motion of Mr. HAWLEY, of Illinois; and on a division there were—ayes 96, noes 69.

Mr. DAWES. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 116, not voting 52; as follows:

YEAS—Messrs. Adams, Arther, Ashe, Atkins, Banning, Barrere, Bell, Berry, Bland, Blount, Bowen, Bright, Buckner, Bundy, Benjamin F. Butler, Roderick R. Butler, Caldwell, Canfield, John B. Clark, jr., Freeman Clarke, Clymer, Cook, Crittenden, Crossland, Crutchfield, DeWitt, Donnan, Dunnell, Eames, Eldredge, Farwell, Field, Finck, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Havens, John B. Hawley, Gerry W. Hazelton, Hereford, Herndon, Howe, Hunton, Hynes, Kelley, Kellogg, Knapp, Lamar, Lamison, Lewis, Lofland, Lowe, Luttrell, Marshall, McKee, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Orth, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phillips, Pierce Pike, Read, Robbins, James C. Robinson, Henry B. Sayler, Milton Sayler, Schell, Isaac W. Scudder, Sherwood, Sloan, Sloss, Small, J. Ambler Smith, William A. Smith, Snyder, Southard, Standiford, Charles A. Stevens, St. John, Stone, Stowell, Strait, Taylor, Thompson, Todd, Tremain, Vance, Waddell, Wallace, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, John M. S. Williams, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—119.

NAYS—Messrs. Albert, Albright, Archer, Averill, Barber, Beck, Bogole, Biery, Bradley, Bromberg, Burlington, Burchard, Burleigh, Burrows, Cain, Cannon, Carpenter, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Cotton, Cox, Crooke, Danford, Dawes, Duell, Durham, Fort, Foster, Garfield, Gunkel, Eugene Hale, Harner, Harrison, Hatcher, Joseph R. Hawley, Hays, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Hubbell, Hunter, Huribut, Kasson, Killinger, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Packard, Packer, Page, Parsons, Poland, Potter, Rainey, Randall, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, Scofield, Sener, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Speer, Sprague, Stanard, Starkweather, Storm, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Tyner, Waldron, Walls, Marcus L. Ward, Wheeler, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, and James Wilson—116.

NOT VOTING—Messrs. Barnum, Barry, Bass, Brown, Cason, Chittenden, Clinton L. Cobb, Corwin, Creamer, Crouse, Curtis, Darrall, Davis, Dobbins, Eden, Freeman, Robert S. Hale, Hathorn, John W. Hazelton, Hendee, Hodges, Hyde, Kendall, Leach, Lowndes, Magee, McCrary, MacDougall, McLean, McNulta, Mitchell, Morey, Niles, Nunn, Pelham, Phelps, James H. Platt, jr., Thomas C. Platt, Pratt, Ransier, Rapier, William R. Roberts, Rusk, John G. Schumaker, Henry J. Scudder, Sessions, Alexander H. Stephens, Sypher, Charles R. Thomas, Townsend, Wilber, and Ephraim K. Wilson—52.

So the motion of Mr. HAWLEY, of Illinois, was agreed to.

PRIVATE CALENDAR.

The House accordingly resolved itself into Committee of the Whole, Mr. COX in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the Private Calendar. The Clerk will report the first bill.

RELIEF OF CONSTRUCTORS OF IRON-CLADS.

The first bill on the Private Calendar was the bill, with an amendment, reported from the Committee on War Claims by Mr. HAZELTON, of Wisconsin, being a bill (H. R. No. 217) for the relief of certain contractors for the construction of vessels of war and steam-machinery.

The bill provides that the claims for building vessels of war and constructing steam-machinery referred to and embraced in the act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam-machinery," approved March 2, 1867, shall be referred to the Court of Claims, which is vested with authority and jurisdiction to hear and determine the respective claims of the several parties upon the principles and rules laid down in said act; that all such claims shall be presented to said court within one year after the passage of this act and not afterward, and that any sums heretofore allowed to any of said claimants as additional compensation shall be deducted from any amount which may be found due to such claimants respectively.

The amendment was to add to the bill the following:

Provided, That this act shall not be construed to apply to the claims of Secor & Co.; Perine, Secor & Co.; Harrison Loving; Miles Greenwood; and George C. Bestor, who have already received specific relief by acts of Congress.

Mr. HOLMAN. I ask that the report accompanying this bill be read. There are two reports, a majority and a minority report. I ask that the minority report be read.

Mr. BUTLER, of Massachusetts. I object to the reading of the minority report.

Mr. HAZELTON, of Wisconsin. I object to the reading of either report at present.

Mr. HOLMAN. I have the floor, I believe.

The CHAIRMAN. The Chair has recognized the gentleman from Indiana, [Mr. HOLMAN.]

Mr. KELLOGG. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KELLOGG. My point of order is that neither the gentleman from Indiana [Mr. HOLMAN] nor any one else can ask as a right to have a minority report read. I have no objection to the reading of the minority report; but I insist that, when a member is asking for that which he has no right to insist upon, the majority report should at least be first read.

Mr. RANDALL. Let the majority report be read, and then if any objection is made to reading the minority report, some gentleman can have it read as a portion of his remarks.

The CHAIRMAN. The reading of the majority report is in order.

Mr. HOLMAN. I believe I have the floor, and I object to the reading of any document in my time for which I have not asked.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] can have the minority report read as a part of his speech. But the majority report should be first read.

Mr. HOLMAN. I have not asked for the reading of the majority report.

Mr. KELLOGG. Is the gentleman from Indiana [Mr. HOLMAN] first entitled to the floor rather than the gentleman from Wisconsin, [Mr. HAZELTON,] who reported the bill?

The CHAIRMAN. The gentleman from Indiana was the first to address the Chair after the bill was read.

Mr. HAZELTON, of Wisconsin. The Chair is mistaken. I was standing on the floor for some time, waiting for the reading of the bill to be concluded.

The CHAIRMAN. The Chair did not hear the gentleman address him.

Mr. HAZELTON, of Wisconsin. I addressed the Chair at least as soon as the gentleman from Indiana did.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. HAZELTON] in a moment.

Mr. HAZELTON, of Wisconsin. I represent the majority of the committee and the gentleman from Indiana the minority; I claim that I have the first right to be heard upon this bill.

The CHAIRMAN. As that seems to be the courtesy of the House, the gentleman from Indiana [Mr. HOLMAN] will suspend until the gentleman who represents the majority of the committee is heard.

Mr. HAZELTON, of Wisconsin. If it is the desire of the committee to hear the majority report read rather than to proceed with the discussion of the bill, I will not object to its reading.

Mr. HOLMAN. I do not object to the reading of the report of the majority.

Mr. HAZELTON, of Wisconsin. The report is somewhat lengthy, and if the majority and minority reports are both read, it will occupy an hour or an hour and a half. I will suggest that by common consent, instead of reading the reports, the committee proceed now to the discussion of the bill.

Mr. RANDALL. That requires unanimous consent.

The CHAIRMAN. It does.

Mr. HOLMAN. I ask for the reading of the reports.

Mr. SCOFIELD. I would ask the gentleman from Wisconsin [Mr. HAZELTON] why the reports were made, if they are not to be read for the information of the committee?

Mr. HAZELTON, of Wisconsin. They are in print, and can be obtained and read by any member. But I will not object to the report being read now.

The CHAIRMAN. The Clerk will proceed to read the report of the majority.

The Clerk read the report of the majority of the committee, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 217) for the relief of certain contractors for the construction of vessels of war and steam-machinery, having considered the same, submit the following report:

By an act of Congress, approved August 3, 1861, the Secretary of the Navy was authorized and directed "to appoint a board of three skillful naval officers to investigate the plans and specifications that may be submitted for the construction or completing of iron or steel clad steamships or steam-batteries, and, on their report, should it be favorable, the Secretary of the Navy will cause one or more armored or iron or steel clad steamships or floating steam-batteries to be built."

Under and pursuant to this law, a board was appointed, consisting of Commodore Joseph Smith, chief of the Bureau of Yards and Docks of the Navy Department; Commodore H. Paulding, then waiting orders; and Captain Charles H. Davis, superintendent of the Nautical Almanac, who entered upon the work assigned them, and subsequently made a report, a copy of the material parts of which is appended to and made a part of this report, and marked Appendix A.

Afterward, on the 13th day of February, A. D. 1862, the Secretary of the Navy was "authorized and empowered to cause to be constructed, by contract or otherwise as he shall deem best for the public interest, not exceeding twenty iron-clad steam gun-boats for the use of the Navy of the United States," and the sum of \$10,000,000 was appropriated to carry out the provisions of the act.

Under the authority thus conferred, the Secretary of the Navy entered into contracts with divers ship-builders in the different parts of the country for the construction of these vessels. Part of these contracts were made in 1862; others were made in 1863, and some as late as 1864.

The construction of this class of war-vessels was necessarily experimental, as nothing of the kind had ever been attempted or was known to naval warfare prior to the late war of the rebellion. The Government needed such vessels or boats for service on the coast and along the rivers, where the proximity of rebel batteries rendered wooden vessels of little or no value.

The Committee on the Conduct of the War refer to this fact in the following language:

"During the year 1862 the necessity for some light-draught armored vessels for operations on our western rivers and the shallow bays and sounds upon the Atlantic and Gulf coasts became so urgent that the Navy Department determined to provide some for that purpose, if possible.

"Application was made to Mr. John Ericsson, the inventor of the original monitor, for a plan of a light-draught monitor, to carry one turret, and to have a draught

of from six to six and a half feet. On the 9th of October, 1862, Mr. Ericsson submitted to the Department a plan which, to use his own words, was not intended as a working plan, yet it defined with clearness and precision the general principle and mode of building the vessel, engines, boilers, and mode of propelling them."

The preparation of calculations and working plans was confided to Chief Engineer Stimers, of the United States Navy. These completed, the Department advertised for proposals, and thereafter, to wit, in the months of March, April, and May, 1862, contracts for the construction of twenty light-draught monitors, upon the plan furnished by the Government, were entered into. The bidders were limited to those who had all the needed preparations for entering upon and prosecuting the work, and it was required that a time should be stated within which the bidders would agree to complete their contracts.

This statement of facts will apply substantially to all the contracts entered into by the Navy Department for the construction of iron-clad vessels, except that the later contracts contained a provision not in the earlier ones, to the effect following:

That the parties of the second part shall have the privilege of making alterations and additions to the plans and specifications at any time during the progress of the work, as they may deem necessary and proper, and if said alterations and additions shall cause extra expense to the parties of the first part, they will pay for the same at fair and reasonable rates, and should such changes cause less work and expense to the parties of the first part, a corresponding reduction to be made from the contract-price, and in each case the cost of the alterations to be determined when the changes are directed to be made.

It turned out that the plans and specifications of the Navy Department were in whole or in part worthless, in consequence of which it became necessary to make radical changes in the plans and method of construction.

Mr. Stimers himself says, in speaking of one of the contracts, "Acts, therefore, which I performed which affected Mr. Bestor, and affect his case, were to direct him to make a different vessel from the one we contracted to do."

What is true of this particular case is also true of all the cases covered by the aforesaid bill. The naval officers and engineers doubtless did the best they could. The simple truth is, they did not know, and could not know, what would be the result of their endeavors. The effort was, as we have said, an experiment—just as much an experiment as the trials made with the Dahlgren and Wiard guns, upon which vast sums of money were expended.

The parties making these contracts were not acting on plans and specifications of their own; they were essaying to carry out the plans of the Government, and this under the supervision of an engineer of the Navy Department. They did not, therefore, occupy the attitude of parties who had procured contracts from the Government on plans and propositions submitted by themselves upon the implied understanding that the work would prove a success.

The changes made by the Navy Department necessarily occasioned delay in the execution of the contracts, during which a large advance occurred in the cost of all or nearly all the materials used and in the value of labor required for the completion of the contracts.

Certain allowances were made to these contractors by the Navy Department, but it is claimed that these allowances were predicated in every instance on the scale of prices embraced in the several contracts, the Department not feeling authorized to go any further than that in affording relief; and that, in point of fact, no compensation has been made for losses growing out of the large advance in the cost of materials and labor and the fair rental value of the premises and machinery of the contractors, which remained idle and entirely unavailable while awaiting the orders of the Navy Department.

These constitute, as it is understood, the items on which these claims are predicated. The ground of these claims may be rendered plainer, perhaps, by statement in another form.

When the contracts were entered into iron was worth, say, \$65 per ton, and skilled labor, say, \$2.50 per day. Pending the delays caused by the officers of the Government, changing and rechanging the plans, iron advanced to \$220 per ton, and labor to \$4 per day.

It is claimed that the allowance made by the Department for additional iron and labor was limited to the scale of prices first mentioned, and that no allowance was made for increase in cost of materials and labor, or for the use of yards, shops, machinery, &c., while idle and unemployed.

If so, then it would seem clear that the parties have a just and meritorious claim upon the Government for relief; but it is not necessary to decide that.

The bill under consideration does not decide that. It only provides that these parties may go into the Court of Claims, a court eminently qualified to make the investigation, and to see that no wrong is practiced upon the Government, and have these matters judicially and fairly investigated and determined, subject to the right of appeal to the Supreme Court of the United States. There the evidence, *pro and con*, can be submitted, and the several claims left to abide the result. It seems to us the Government can do no less. If the parties have an honest and meritorious demand, they should have the right to show it; if not, let it be so adjudged, and the controversy ended.

We ought not, perhaps, to close this report without stating that some of this class of claimants have already received specific relief by act of Congress, and that the action of Congress and the committees of each branch of Congress has been uniformly and without exception favorable to the principles of this bill.

In this connection we may be pardoned for a brief statement on this behalf.

On the 9th of March, 1865, the Senate adopted the following resolution: "Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam-machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session; none but those that have given satisfaction to the Department to be considered."

Under the foregoing resolution the Secretary of the Navy organized a board of naval officers, known as the Selfridge board, which convened at the navy-yard in New York June 5, 1865, and thoroughly investigated the whole subject, concluding their examination, after a seven months' session, when they made report thereof to the Secretary of the Navy.

The Senate Committee on Naval Affairs of the Thirty-ninth Congress reported a bill which adopted in full the awards of the Selfridge board as a basis of relief. The Senate, after long discussion, adopted an amendment paying all contractors 12 per cent. over and above their contract price. The House Committee on Claims unanimously rejected this Senate bill, upon the ground that while certain of these contractors would receive less than the amount claimed and in some cases more, other contractors would receive less than the amount of their losses, and that consequently the Senate bill was not an equitable basis of relief.

It therefore reported a substitute for the Senate bill, and a conference committee finally agreed upon a bill which became the act of March 2, 1867.

That act directed the Secretary of the Navy to investigate the claims of all contractors for building vessels of war and steam-machinery under contracts made after May 1, 1861, and before January 1, 1864, upon the following basis:

He was to ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract; but no allowance for any advance in the price of labor or material was to be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Govern-

ment aforesaid, and then, only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, was to be deducted the sum previously paid each contractor for any reason, over and above the contract price.

Under that act the Secretary of the Navy convened the "Marchand board," which held its sessions in Washington. It reviewed the report and evidence before the "Selfridge board" without, however, permitting the contractors to be heard in their own behalf, or to rebut the adverse testimony or report of any Government official.

Had this Marchand board conducted such an inquiry as was in our judgment contemplated by that act and according to the well-settled and established principles of law governing such investigations, a settlement of this matter would doubtless have been reached equitable alike to the Government and these claimants, and Congress thereby relieved of the trouble and expense of subsequent investigations by various committees.

Pursuing the investigation in the manner which the Marchand board prescribed for itself, awards were made to but seven of the forty-nine claimants, and these were paid under the act of July 13, 1868.

A bill passed the Forty-first Congress for the relief of these claimants, which was properly vetoed by the President on the ground that it was a departure from the basis fixed by the act of March 2, 1867.

The bill reported by your committee, as amended, obviates the objections raised to that bill, and simply authorizes a judicial investigation upon the basis of the act of March 2, 1867.

In the Forty-second Congress these cases were again considered by committees of both Houses and received favorable action, the House Committee on Claims reporting upon each case separately, instead of making provision for all by a general bill.

Seven of these cases passed the House in the latter part of the third session, one only passing the Senate and becoming a law; and that case is now under investigation by the Court of Claims.

The last Congress also passed a bill to pay the heirs of George C. Bestor, of Illinois, the sum of \$125,000, "for extra work done, delays, and damages and expenses caused by such delays, on the part of the Navy Department, in the completion of his contract for the construction of an iron-clad steam-battery," (see 17 Statutes at Large, 733); and, as illustrating the narrow scope of investigation to which the Marchand board held it was restricted, it may be stated that it awarded Mr. Bestor, whose claim was before it, nothing.

The committee therefore report back the bill with the following amendment: *Provided*, That this act shall not be construed to apply to the claims of Secor & Co., Perrine, Secor & Co., Harrison Loring, Miles Greenwood, and George C. Bestor, who have already received specific relief by act of Congress; and as thus amended recommend its passage.

APPENDIX A.

Distrustful of our ability to discharge this duty, which the law requires should be performed by three skillful naval officers, we approach the subject with diffidence, having no experience and but scanty knowledge in this branch of naval architecture.

The plans submitted are so various, and in many respects so entirely dissimilar, that without a more thorough knowledge of this mode of construction and the resisting properties of iron than we possess, it is very likely that some of our conclusions may prove erroneous.

The construction of iron-clad steamships of war is now zealously claiming the attention of foreign naval powers. France led off; England followed, and is now (September 16, 1861) somewhat extensively engaged in the system; and other powers seem to emulate their example, though on a smaller scale. Opinions differ among naval and scientific men as to the policy of adopting the iron armature for ships of war. For coast and harbor defense they are undoubtedly formidable adjuncts to fortifications on land. As cruising vessels, however, we are skeptical as to their advantages and ultimate adoption. But, while other nations are endeavoring to perfect them, we must not remain idle. The enormous load of iron as so much additional weight to the vessel, the great breadth of beam necessary to give her stability, the short supply of coal she will be able to stow in bunkers, the greater power required to propel her, and the largely increased cost of construction, are objections to this class of vessels as cruisers which we believe it is difficult successfully to overcome. For river and harbor services we consider iron-clad vessels of light draught or floating batteries thus shielded as very important; and we feel at this moment the necessity of them on some of our rivers and inlets to enforce obedience to the laws. We, however, do not hesitate to express the opinion, notwithstanding all we have heard or seen written on the subject, that no ship or floating battery, however heavily she may be plated, can cope successfully with a properly constructed fortification of masonry. The one is fixed and immovable, and, though constructed of a material which may be shattered by shot, can be covered if need be by the same or much heavier armor than a floating vessel can bear, while the other is subject to disturbances by winds and waves, and to the powerful effects of tides and currents.

Armored ships or batteries may be employed advantageously to pass fortifications on land for ulterior objects of attack, to run a blockade, or to reduce temporary batteries on the shores of rivers and the approaches to our harbors.

Wooden ships may be said to be but coffins for their crews when brought in contact with iron-clad vessels; but the speed of the former, we take for granted, being greater than that of the latter, they can readily choose their position, and keep out of harm's way entirely.

It has been suggested that the most ready mode of obtaining an iron-clad ship of war would be to contract with responsible parties in England for its complete construction; and we are assured that parties there are ready to engage in such an enterprise on terms more reasonable, perhaps, than such vessels could be built in this country, having much greater experience and facilities than we possess. Indeed, we are informed there are no mills or machinery in this country capable of rolling iron four and a half inches thick, though plates might be hammered to that thickness in many of our workshops. As before observed, rolled iron is considered much the best, and the difficulty of rolling it increases rapidly with the increase of thickness. It has, however, occurred to us that a difficulty might arise with the British government in case we should undertake to construct ships of war in that country, which might complicate their delivery; and, moreover, we are of opinion that every people or nation who can maintain a navy should be capable of constructing it themselves.

Our immediate demands seem to require first, so far as practicable, vessels invulnerable to shot, of light draught of water, to penetrate our shoal harbors, rivers, and bays. We therefore favor the construction of this class of vessels before going into a more perfect system of large iron-clad sea-going vessels of war. We are here met with the difficulty of encumbering small vessels with armor which, from their size, they are unable to bear. We nevertheless recommend that contracts be made with responsible parties for the construction of one or more iron-clad vessels or batteries of as light a draught of water as practicable, consistent with their weight of armor. Meanwhile, availing of the experience thus obtained, and the improvements which we believe are yet to be made by other naval powers in building iron-clad ships, we would advise the construction in our own dock-yards of one or more of these vessels upon a large and more perfect scale when Congress shall see fit to authorize it. The amount now appropriated is not sufficient to build both classes of vessels to any great extent.

Mr. HAZELTON, of Wisconsin. If it is desired that the minority report be read, I suggest that it be read now, omitting the tables of figures, which would occupy a long time, and which, I suppose, it is not desired should be read. I ask the gentleman from Indiana whether he desires that those tables should be read?

Mr. HOLMAN. I do not know that I desire the reading of the entire report.

The CHAIRMAN. The Clerk will proceed to read the minority report, omitting the tables, if there be no objection.

Mr. HOLMAN. Does the reading of the minority report come out of my time?

Mr. HAZELTON, of Wisconsin. I do not understand that the gentleman has any time yet.

The CHAIRMAN. The Chair not having a Calendar before him, did not know who reported this bill. The gentleman from Wisconsin [Mr. HAZELTON] was entitled by courtesy to be first recognized. The Chair will assign the floor to the gentleman from Indiana when the gentleman from Wisconsin has yielded the floor.

Mr. HAZELTON, of Wisconsin. If the floor is assigned to me at the present time I will proceed with the discussion of the bill, unless the Committee of the Whole desire that the minority report, omitting the tables, be now read and that then the discussion proceed. I should be very glad to have that course taken, if I do not thereby lose the floor.

Mr. RANDALL. I suggest the minority report be now read, with the understanding that it does not come out of the gentleman's time.

Mr. HAZELTON, of Wisconsin. I think that would be entirely satisfactory.

The CHAIRMAN. If there be no objection, the minority report, omitting the tables, will now be read, and the time thus occupied will not be deducted from the time of any gentleman.

There being no objection, the Clerk proceeded to read the report; which is as follows:

MESSES. LAWRENCE, HOLMAN, JAMES WILSON, and A. HERR SMITH, from the Committee on War Claims, to whom was referred bill (H. R. No. 217) for the relief of certain contractors for the construction of vessels of war and steam-machinery, submit the following as the views of the minority:

The execution and completion of the several contracts for the construction of the vessels and machinery referred to in the pending bill covers a period extending from the 16th day of May, 1862, to the 3d day of February, 1865.

It appears that while the contracts in each case provided for the payment of a specific sum of money to the contractors by the United States, modifications were subsequently made of the plans of construction of the several works, which in some degree delayed the completion of the contracts and the cost of the work, and the duty devolved on the Government not only to pay the original sum stipulated for in each contract, but such additional sum as the contractors should be fairly entitled to in consequence of such modifications. These contracts were made under the laws by the Secretary of the Navy, were to be fulfilled under the supervision and inspection of the Navy Department, and upon that Department, from the nature of the contracts, the experience and the intimate knowledge of its officers in the details of the work, and their constant supervision of its execution, devolved the duty of adjusting the claims of these contractors upon the Government on the completion of their contracts.

The undersigned find that each of these contractors submitted to the Secretary of the Navy claims for extra compensation for the work done by them in fulfilling these contracts; that upon each contract an extra compensation was allowed by the Secretary of the Navy, less, however, than the amount claimed, and that the original sum stipulated for in each contract and the additional sum which the Secretary of the Navy decided each of the contractors entitled to was paid by the Department to the respective contractors and was received by them.

The aggregate sum contracted to be paid to these several parties for the vessels and machinery, the contracts for the construction of which are covered by the pending bill, is the sum of \$14,301,000, and the aggregate of the extra sums allowed by the Secretary of the Navy on these contracts is the sum of \$5,302,847.91.

These parties now ask the passage of an act to confer upon the Court of Claims jurisdiction to open up and readjust their respective claims for extra compensation under these contracts.

The undersigned believe that common justice to the whole people requires that the jurisdiction of a tribunal organized to determine questions of law or fact between citizens and their Government should be uniform and equally applicable to all; and that if exceptions should be allowed to this general rule, it should be to enable the citizen and the Government to obtain the legal interpretation of an ambiguous contract or the determination of questions of fact and of law where the subject-matter was not within the immediate supervision of either of the Departments of the Government. The contracts involved in this inquiry are clear and specific, and the facts connected with the execution of each contract your committee find were in detail before the Navy Department, when the claims for the extra allowances were considered by the Secretary of the Navy and the extra allowances made. Each contract was under the supervision of an agent of the Department, who made bi-weekly reports on the progress of the work to the Department.

The undersigned are impressed with the belief that under ordinary circumstances a Department of Government is the proper tribunal to adjust the claims of citizens growing out of contracts made through such Department in matters which by law are placed under its control, and for which its chief and his subordinates are held responsible. With this view and to aid in securing justice alike to the citizen and the Government, the Department of Justice is charged with the duty of advising the heads of the other Departments touching the law. In the determination of such matters a Department of the Government has the same motive for good faith and impartiality that should actuate a court of justice.

On account of the magnitude of these transactions, after the adjustment of these claims by the Navy Department, Congress thought proper to require a re-examination of them by the Secretary of the Navy, and passed the following act, which was approved on the 2d day of March, 1867:

An act for the relief of certain contractors for the construction of vessels of war and steam-machinery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam-machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864, and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not pro-

vided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price; and shall report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price: *Provided*, That the Secretary of the Navy, under the resolution, shall investigate the claim of W. H. Webb for constructing the steamer Dunderberg, applying the provisions of this resolution in such investigation, except that proper consideration shall be given to the increased cost incurred by said Webb by reason of any alteration in the plans and specifications for the Dunderberg made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price.

Approved March 2, 1867.

Tabular statement showing the result of the action of the board appointed July 6, 1867, by the honorable Secretary of the Navy, to "examine the claims of certain contractors for the construction of vessels of war and steam-machinery," under act of Congress approved March 2, 1867.

Name of contractor.	Description of work.	Contract price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract price. (Obtained from the Bureau.)
Secor & Co. and Perine, Secor & Co.	River and harbor monitors Manhattan, Tecumseh, and Mahopac	\$1,380,000 00	\$1,236,101 22	\$115,539 01	\$521,195 58
Alexander Swift & Co.	River and harbor monitors Oneota and Catawba	920,000 00	665,757 22		322,849 08
Snowden & Mason	River and harbor monitor Manayunk	460,000 00	339,025 00		166,582 24
Miles Greenwood	River and harbor monitor Tippecanoe	460,000 00	349,455 33		173,327 84
Harrison Loring	River and harbor monitor Canonie	460,000 00	267,709 40	38,513 00	102,963 22
J. B. & W. W. Cornell	Turrets, &c., Miantonomoh and Tonawanda	232,050 00	461,777 72		292,657 93
Atlantic Works, Boston	Turrets, &c., Monadnock and Agamenticus	265,000 00	427,323 64		280,322 18
Charles W. Whitney	Iron-clad Keokuk*				
Snowden & Mason	Light-draught monitor Umquac	395,000 00	346,457 46		166,582 24
Merrick & Sons	Light-draught monitor Yazoo	395,000 00	234,676 14		175,725 19
Wilcox & Whiting	Light-draught monitor Koka	386,000 00	305,425 21		165,638 53
Donald McKay	Light-draught monitor Nauset	386,000 00	314,768 93		192,110 98
William Perine	Light-draught monitor Naubac	395,000 00	287,470 93		127,440 00
A. & W. Denmead & Sons	Light-draught monitor Wamsaw	395,000 00	321,360 91		198,587 32
George C. Bestor	Light-draught monitor Shiloh	386,000 00	364,073 55		207,311 00
Atlantic Works, Boston	Light-draught monitor Casco	395,000 00	234,067 78	4,852 58	132,702 57
Curtis & Tilden	Light-draught monitor Shawnee	386,000 00	333,138 20		196,319 70
C. W. McCord	Light-draught monitor Etah	386,000 00	364,073 55		207,311 00
McKay & Aldus	Light-draught monitor Squando	395,000 00	337,329 46		194,535 70
George W. Lawrence	Light-draught monitor Wassuc	386,000 00	210,069 62		169,815 37
Aquilla Adams	Light-draught monitor Chimo	395,000 00	377,243 20	4,852 58	225,445 52
Alexander Swift & Co.	Light-draught monitors Klamath and Ruma	780,000 00	678,446 34		415,970 68
M. F. Merritt	Light-draught monitor Cohoes	395,000 00	318,735 99	4,852 58	201,968 28
J. O. Underhill	Light-draught monitor Modoc	395,000 00	214,435 72		127,669 35
Tomlinson, Hartapee & Co	River monitors Sandusky and Marietta	376,000 00	314,850 36	15,171 00	94,079 14
Donald McKay	Iron double-ender Ashuelot	275,000 00	81,447 50		22,415 92
T. F. Rowland	Iron double-ender Muscoota	275,000 00	71,505 21		21,642 83
Zeno Secor	Iron double-ender Mohongo	275,000 00	84,144 13		32,882 23
Harrison Loring	Iron double-ender Winnepeg	275,000 00	70,443 16		23,132 24
Paul Curtis	Wooden double-ender Chicopee	75,000 00	20,292 96		5,739 85
George W. Lawrence	Wooden double-enders Agawam and Pontoosuc	150,000 00	50,987 95		10,377 00
Larabee & Allen	Wooden double-ender Iosco	75,000 00	25,914 90		7,368 68
Edward Lupton	Wooden double-ender Lenape	75,000 00	70,493 94		5,923 48
Daniel S. Mershon, jr.	Wooden double-ender Mingo	75,000 00	31,593 34		
J. J. Abrahams	Wooden double-ender Etaw	\$75,000 00	\$17,412 66		\$200 00
Curtis & Tilden	Wooden double-ender Massasoit	75,000 00	17,398 82		4,918 41
Daniel S. Mershon, jr.	Wooden double-ender Cimarron*				
Thomas Stack	Wooden double-ender Port Royal	100,000 00	20,758 79		57 00
A. & G. T. Sampson	Wooden double-ender Mattabessett	75,000 00	20,377 49		3,723 30
Curtis & Tilden	Wooden double-ender Osceola	75,000 00	16,225 63		4,485 41
F. Z. Tucker	Wooden double-ender Mendota	75,000 00	25,398 71		4,631 53
Thomas Stack	Wooden double-ender Metacomet	75,000 00	27,769 80		4,081 27
J. Simonson	Wooden double-ender Chenango	75,000 00	19,969 98		3,523 17
Globe Works, Boston	Steam-machinery of ship Guerriero	400,000 00	30,508 02		14,149 27
William Perine	Iron tug Triana	128,000 00	47,773 22		5,142 22
William Perine	Iron tug Maria	80,000 00	31,049 88		
Poole & Hunt	Machinery of wooden double-ender Mackinaw	82,000 00	11,844 96	\$3,694 81	943 89
J. P. Morris, Towne & Co.	Machinery of wooden double-ender Tacony	82,000 00	27,518 57		8,494 57
Total		14,201,000 00	10,184,592 50	157,475 55	5,302,847 91

* Not considered as within the province of the board.

† Not considered as within the province of the board.

J. B. MARCHAND,
Commodore and President of Board.
J. W. KING,
Chief Engineer and Member of Board.
EDWARD FOSTER,
Paymaster and Member of Board.

NAVY DEPARTMENT, Washington, D. C., November 26, 1867.

Letter of the Secretary of the Navy, communicating report of the board appointed July 6, 1867, to "examine the claims of certain contractors for the construction of vessels of war and steam-machinery," under act of Congress approved March 2, 1867.—December 4, 1867. Read, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVY DEPARTMENT, December 4, 1867.

SIR: An act of Congress approved on the 2d of March last directs the Secretary of the Navy "to investigate the claims of all contractors for building vessels of war and steam-machinery for the same, under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864," and to "report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work

To carry this act into effect the Secretary of the Navy, on the 6th of July, 1867, appointed a board consisting of three officers of the Navy, including its chief engineer.

These claims were before the board in detail, as also such information as the records of the Department furnished, including correspondence and the reports made from time to time to the Department by its agent charged with the superintendence of each work of the progress of the same. One member of the board at least was personally familiar with the facts involved in these inquiries by reason of his official relations with the execution of the several contracts.

The important inquiry, being the same raised in the first instance and on which the extra allowances had been made, was "what was the increased cost of the vessel or machinery caused by the action of the Government?" This was clearly the proper inquiry. These parties were certainly entitled to demand and receive from the Government the contract price for their vessels and machinery; and any increase of the cost to them of the vessels or machinery occasioned by the action of the Government, the Government was bound to pay. This was the real inquiry which the act of March 2, 1867, directed the Secretary of the Navy to make. It furnished the basis on which the Secretary of the Navy had in the first instance allowed and paid the extra compensation to the amount of \$5,302,847.91.

This board made their report, which was transmitted to Congress by the Secretary of the Navy, and which is embodied in the following table:

over the contract price, and the amount of such increased cost caused by the delay and action of the Government aforesaid, and the amount already paid the contractor over and above the contract price."

To comply with the requirements of this act, it became necessary to convene a board of officers for the examination of the several claims presented. Commodore J. B. Marchand, Chief Engineer J. W. King, and Paymaster Edward Foster were assigned to this duty, and their report is herewith transmitted.

I have the honor to be, very respectfully,

GIDEON WELLS,
Secretary of the Navy.

Hon. BENJAMIN F. WADE,
President pro tempore of the Senate.

NAVY DEPARTMENT, November 26, 1867.

SIR: We have the honor to report that, in obedience to your order of July 6, 1867, we have carefully scrutinized each of the claims presented under the act of Congress approved March 2, 1867, "to investigate the claims of certain contractors for building vessels of war and steam-machinery," and respectfully beg leave to inclose herewith the tabular statement called for by said act of Congress.

Messrs. Harlan & Hollingsworth, of Wilmington, Delaware, did not present a statement of their claim for delays occasioned by the Government while constructing the harbor and river monitor Saugus and light-draught monitor Napa; but in a letter to you, under date of October 12, they claim to be entitled to the same sum for the Saugus that the board may award to the Tecumseh, and also to the same sum in case of the Napa that may be awarded to the Casco.

After examination, the board finds that Messrs. Harlan & Hollingsworth are entitled for the Saugus to the same sum that was awarded to Mr. Harrison Loring in case of the Canonieus, namely, \$38,513, but do not find anything due in case of the Napa.

We have the honor, sir, to be, very respectfully, your obedient servants,
J. B. MARCHAND,
Commodore and President.
J. W. KING,
Chief Engineer and Member.
EDWARD FOSTER,
Paymaster and Member.

Hon. GIDEON WELLES,
Secretary of the Navy.

It will be seen that this board found that there was no increase of the cost of constructing the vessels and machinery involved in this inquiry occasioned by the action of the Government, except in seven instances, and Congress in the passage of the act entitled "An act for the relief of certain Government contractors," approved July 13, 1868, (Statutes at Large, volume 15, page 379,) seems to have ratified the action of the board.

It is proper that the undersigned should bring, in this connection, to the attention of the House the fact that prior to the passage of the act of March 2, 1867, under which the said board was organized, the Senate had on the 9th of March, 1866, passed the following resolution, namely:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam-machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session; none but those that have given satisfaction to the Department to be considered.

Under this resolution of the Senate a board of three officers of the Navy, including its chief engineer, was appointed, whose action is embodied in the following tables submitted with their report, namely:

DECEMBER 23, 1865—10 o'clock a. m.

The board met pursuant to adjournment; all the members present.

The proceedings of yesterday were read over.

The board, after a critical examination of the bills of cost presented by the several contractors for vessels and steam-machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases, over and above the contract price and allowance for extra work, to be as follows:

DOUBLE-ENDERS, WOODEN HULLS.

Name of vessel.	Contractor.	Excess of cost determined by board.
Iosco.....	Larrabee & Allen.....	\$11,708 97
Agawam.....	G. W. Lawrence.....	8,610 77
Pontoosuc.....	G. W. Lawrence.....	8,610 77
Massasoit.....	Curtis & Tilden.....	4,128 29
Osceola.....	Curtis & Tilden.....	4,128 29
Chickopee.....	Paul Curtis.....	4,128 39
Mattabesett.....	A. & G. S. Sampson.....	4,015 38
Metacomet.....	Thomas Stack & Co.....	16,351 36
Chenango.....	J. Simonson.....	16,441 81
Lenapee.....	Ed. Lupton.....	18,576 52
Mendota.....	F. Z. Tucker.....	14,473 84
Mingoe.....	D. S. Mershon.....	11,500 00
Wyalusing.....	C. H. & W. M. Cramp.....	3,831 93
Eutaw.....	J. J. Abrahams.....	12,576 10
Pontiac.....	Hillman & Streaker.....	5,041 22
Total.....		144,123 84

WOODEN DOUBLE-ENDERS—MACHINERY.

Iosco.....	Globe Works.....	\$29,789 00
Massasoit.....	Globe Works.....	29,789 99
Agawam.....	Portland Locomotive Company.....	40,433 73
Pontoosuc.....	Portland Locomotive Company.....	40,433 73
Mattabesett.....	Allaire Works.....	25,119 07
Shamrock.....	Allaire Works.....	25,119 06
Chickopee.....	Neptune Works.....	20,331 81
Tallapoosa.....	Neptune Works.....	20,331 80
Ascutey.....	Morgan Works.....	25,826 34
Chenango.....	Morgan Works.....	25,826 33
Otsego.....	Fulton Works.....	22,366 61
Metacomet.....	South Brooklyn Works.....	30,617 75
Mendota.....	South Brooklyn Works.....	30,617 75
Lenapee.....	Washington Works.....	29,161 24
Mingoe.....	Posey, Jones & Co.....	5,817 36
Wyalusing.....	Posey, Jones & Co.....	5,817 37
Pontiac.....	Neale & Levy.....	22,434 50
Mackinaw.....	Poole & Hunt.....	44,015 84
Osceola.....	Atlantic Works.....	20,513 73
Massasoit.....	Atlantic Works.....	20,513 72
Pooria.....	Etna Works.....	61,732 51
Pawtuxet.....	Gardner & Lake.....	35,325 74
Total.....		614,974 91

IRON DOUBLE-ENDERS—HULL AND MACHINERY.

Name of vessel.	Contractor.	Excess of cost determined by board.
Suwanee.....	Reany, Son & Archbold.....	\$28,974 18
Waterloo.....	Reany, Son & Archbold.....	34,161 63
Shamokin.....	Reany, Son & Archbold.....	33,992 97
Muscoota.....	T. F. Rowland.....	82,460 95
Winnipeg.....	Harrison Loring.....	63,715 41
Mohongo.....	Zeno Secor & Co.....	113,543 78
Total.....		356,848 92

IRON-CLAD—MACHINERY.

Miantonomoh.....	Novelty Works.....	\$35,832 04
------------------	--------------------	-------------

IRON TUG-BOATS—HULL AND MACHINERY.

Pilgrim.....	Posey, Jones & Co.....	\$4,793 38
Triana.....	William Perine.....	52,472 81
Maria.....	William Perine.....	43,586 98
Total.....		100,853 17

IRON-CLAD PROPELLERS—HULL AND MACHINERY.

Milwaukee.....	James B. Eads.....	\$30,438 24
Winnebago.....	James B. Eads.....	29,174 20
Total.....		59,613 04

IRON-CLAD—HULL AND MACHINERY.

Onondaga.....	G. W. Quintard.....	\$85,203 91
---------------	---------------------	-------------

HARBOR AND RIVER MONITORS—HULL AND MACHINERY.

Tecumseh.....	Z. & F. Secor.....	\$119,020 57
Mahopac.....	Z. & F. Secor.....	119,020 57
Manhattan.....	W. Perine, Z. F. Secor.....	119,020 57
Catawba.....	Alex. Swift & Co.....	114,069 94
Oneota.....	Alex. Swift & Co.....	114,069 94
Manayunk.....	Snowden & Mason.....	71,569 42
Total.....		656,651 01

LIGHT-DRAUGHT MONITOR—HULL AND MACHINERY.

Naubuck.....	William Perine.....	\$36,533 44
--------------	---------------------	-------------

Comanche.—Donahue, Ryan & Secor, \$179,993.80.

In the case of the Comanche there is an additional sum of \$96,550 now in the courts, which the contractors consider as a part of the cost of the vessel, but which the board have not embraced in their award.

All of which is respectfully submitted.

THOS. O. SELFIDGE,
Commodore and President of Board.
MONTGOMERY FLETCHER,
Chief Engineer.
CHAS. H. ELDREDGE,
Paymaster.

Hon. GIDEON WELLES,
Secretary of the Navy.

It will be observed that this resolution, under which this board was organized, required the board "to inquire into and determine how much the vessels of war and steam-machinery cost the contractors over and above the contract price and allowances for extra work."

The undersigned submit that the information and conclusions furnished on this basis were of no practical value; and that for that reason the true and just basis of adjustment was laid down by the act of March 2, 1867, namely, "the increased cost occasioned by the action of the Government."

To indicate the nature of the inquiry under the Senate resolution, the committee submit all the testimony taken by this board, as reported by them, touching certain of these claims, namely:

"Appeared before the board Gustavus Rieker, resident of Cincinnati, Ohio, and authorized agent of Alexander Swift & Co. and the Niles Works, on the part of said firm and works, contractors for the harbor and river monitors Catawba and Oneota. Under oath states that the contracts for these vessels were dated by the Navy Department respectively September 15, 1862, and October 13, 1862, in which they were allowed six months from the date of contract to complete and deliver them to the Government; but they were not so completed and delivered until on or about the 1st of June, 1865. This delay was caused by alterations being made by order of the Department and the scarcity of labor. The excess of cost is accounted for in being obliged to raise the vessels eighteen inches, extensive alterations in turrets, and increased size of boilers over stipulations of contract; that the total cost, including bill for extra work paid in full by the Government, namely, \$322,849, was \$1,470,865.88; that the contract price paid for both vessels was \$920,000; received for extra work, \$332,849; total received, \$1,242,849—leaving a balance, the excess of cost to them over and above the contract price, of \$228,019.88; that there is no charge in the bill (annexed to this record, marked No. 26) for any condemned material or faulty workmanship, and that it shows the actual cost of labor and material.

"Appeared before the board Zeno Secor, one of the firm of Secor & Company, and Perine, Secor & Company, contractors for the iron-clads Mahopac, Tecumseh, and Manhattan; and also appeared James F. Secor, employé of said firms. Under oath

they state that the contracts for these vessels were dated by the Navy Department September 1, 1862, in which they were allowed six months, or until March 1, 1863, to complete and deliver them to the Government, but the *Tecumseh* was not so completed and delivered until March 28, 1864; the *Manhattan* until May 23, 1864, and the *Mahopac* until August 20, 1864. The cause of this delay was owing to alterations and additions to original specifications required by the Department; that the total cost of hull and machinery, including bills of extra work, was \$2,270,447.63; received from the Department on contract price, \$1,371,836.55; reserved by Government on contract, for patent fees, \$8,163.45; received for extra work, \$516,218.41; total amount received, \$1,888,054.96—leaving a balance, excess of cost to them over and above contract price, of \$382,392.67. That the excess of cost over and above contract price is mainly due to alterations and additions made, and the rise in price of material and labor; that there is no charge in the bills annexed to this record, marked No. 33, for any condemned material or faulty workmanship, and that it shows the actual cost of labor and material."

The undersigned have not deemed it necessary to inquire whether on the one hand these contracts, as finally executed and fulfilled, were of value to the Government, or on the other whether, independent of the action of the Government, the contracts resulted in loss to the contractors. While it is to be regretted that any enterprise involving the industry of the country, whether entered upon under contract with the Government or otherwise, should result in loss, the undersigned are of the opinion that the Government, like other contracting parties, should only be expected to carry out its contracts in good faith; and your committee submit that this rule is imperatively demanded by a sound public policy. They further submit that while to enforce contracts against itself it was clearly the part of a wise and just government to open to its citizens a tribunal of justice, at the same time a law of limitation of actions—a statute of repose, such as would be deemed reasonable as between citizens—should for obvious reasons be applied in behalf of the Government.

Among the reasons, therefore, against these claims are the following:

1. These claimants have already been heard, their demands investigated again and again by the officers authorized by law, in the mode prescribed when their claims originated, and since, in pursuance of a special act of Congress in their favor, in the mode which they accepted.

The awards made in their favor cannot be disregarded and new demands sanctioned without impeaching the intelligence, fidelity, or justice of the officers who have already passed on these claims.

2. These contractors and claimants are men of more than ordinary intelligence and business capacity. They had a right by law to sue in the Court of Claims when all the facts could be readily ascertained. They did not do so. Now, Government officers who may be presumed to have had full knowledge of the facts, have in part died, or gone out of office, or are no longer accessible, or have forgotten many facts which may be material to protect the Government. Where this is the case there is much more reason and justice for saying claims barred by the statute of limitations should remain barred, than in actions between living individual persons, whose interests will more certainly secure the memory and evidence of material facts better than in the case of a Government whose officers are too frequently changing. And it cannot be denied that there is a vigilance in watching private interests which is rarely ever secured for the Government.

These claims are barred by the statute of limitations, and now to open them up to a suit will put the Government at a great disadvantage and give the claimants a great advantage.

3. These intelligent claimants, with a full knowledge of their rights, not only declined to sue the United States when they had a right to do so, but they actually settled all disputed matters with the proper officers and gave a receipt in full to the United States of all the claims which they now seek to recover.

Congress should be just, but it has no right to surrender the rights of the United States, violate the limitation laws made for the protection of the people and to secure the ends of justice, and tax the whole public to pay stale claims, the payment of which no law sanctions, and full satisfaction of which has already been acknowledged.

4. If a special privilege is now given to these claimants to sue the United States, it will invite a multitude of other claims, and great injustice may and doubtless will be done to the Government. There should be an end to all demands of this kind. Claims should not be immortal while men are only mortal in this sphere of action.

5. In the case of *Choteau vs. The United States*, decided in the Court of Claims, involving a claim in one of the so-called "iron-clad claims," the court has already decided against the claimant.

There are other considerations against some of the claims which may be worthy of consideration, but it seems to us enough has already been said to show that the claimants have no rightful demand on the Government.

The undersigned, therefore, after a very careful examination of all the facts, are of the opinion that the bill should not pass, and recommend its indefinite postponement.

Respectfully submitted.

WM. LAWRENCE.
WM. S. HOLMAN.
JAMES WILSON.

Mr. HAZELTON, of Wisconsin. Mr. Chairman, if I can have the attention of the committee for a little while, I desire to submit some considerations which seem to me worthy of the attention of the committee in support of this bill; and it is not my purpose to occupy any great amount of time myself in this discussion.

The reports of the majority and the minority of the Committee on War Claims have been read in the hearing of the committee; and I presume the discussion will follow substantially in the line of those reports. So far as I am personally concerned, I desire to say that none of these claimants reside in my district; I have little or no acquaintance with any of them; and in what I may say in support of this bill and in urging its passage upon this committee and upon the House, I do not appear as the advocate or champion of these claimants in any sense whatever.

The other day when I undertook to procure a suspension of the rules for the passage of the Senate bill on this same subject my friend from Pennsylvania inquired as to the amount of money this bill would take from the Treasury; and I suggested in answer to his interrogatory that in my judgment it would save the Treasury a very considerable amount of money. It is with that view and upon that theory that I advocate the passage of this bill.

The proposition is not to allow a dollar to these claimants; it is not to indorse by action of Congress their claim for one dollar; it is, in a word, to do this: to take these cases out of Congress, where they cannot be judicially investigated, and send them to a court where they may be judicially investigated, and where the rights and interests of the Government may be protected.

I have not had as much experience in this House as many who hear me; but I have had enough to warrant me in saying that this is the worst tribunal in the world for investigating a claim. There are no facilities provided to the committees of Congress for making an investigation of claims against the Government. The testimony upon which committees act is in its very nature *ex parte*. It is utterly impossible, as every gentleman who ever had any experience on any of the claim committees of the House will testify, to give to claims that consideration or investigation which is absolutely necessary to protect the interests of the Government. I undertake to say that no matter how vigilant your committees may be, no matter how vigilant Congress itself may be in considering cases of this class, it is absolutely impossible to protect the Government and the Treasury from fraud and imposition. It is upon this theory and no other that I say this class of cases ought to be taken out of Congress and sent to the Court of Claims, where they can be judicially investigated, where evidence *pro and con* can be submitted, and where the rights of the Government as well as the interests of the claimants may have some show of being protected. I do not know that a dollar is due to a single one of these claimants.

Mr. SCOFIELD. What is the round sum claimed?

Mr. HAZELTON, of Wisconsin. It is impossible for me to say what the round sum of the claim is, but I will intimate in the course of my remarks what was found as the aggregate sum by the Selfridge board. That is all I can say.

Mr. SCOFIELD. How much do the claimants themselves ask?

Mr. HAZELTON, of Wisconsin. It is impossible to say, but it is a considerable sum.

Mr. SCOFIELD. One million or five millions?

Mr. HAZELTON, of Wisconsin. More than one and probably more than two million dollars. But I will state what I have to say in regard to that in the progress of my remarks.

I was going on to say, Mr. Chairman, that I do not know a dollar is due to any one of these claimants. I hope it may turn out upon investigation that not a dollar is due; but I do assert that it is in the interest of economy, in the interest of protecting the Treasury against imposition, that these cases shall be taken out of these halls and sent into a court where they may be examined into.

I may be pardoned for briefly alluding to the history of these claims. Enough may have been gathered from the reading of the report to put the committee in possession of the essential facts which are the groundwork of these claims. They grow out of the fact that these claimants contracted for certain vessels of war known as iron-clad or iron-armored vessels during the war of the rebellion for the Government. These vessels were constructed under a contract made with the Navy Department of the Government, and it so happened that this class of work was in its very nature an experiment, about which neither the contractor nor the officers of the Government had any definite information. Indeed, the officers of the Government were as ignorant as the contractors themselves; and in the progress of this work under the contracts which were entered into by the proper officer of the Government changes had to be made from time to time. The officers of the Government were acquiring information from time to time, under which and in view of which they were constrained to vary the specifications of the contracts which had been entered into by these parties, and, as a consequence resulting from these facts, delays were occasioned and the character of the vessels to be constructed essentially changed; and pending these delays all the labor and materials entering into them had advanced in price very considerably. The skilled mechanical labor requisite in their contracts had advanced very materially. So at the completion of the work it was found by these contractors they had been subjected to great loss and damage, in many cases to ruinous losses, in consequence of these changes made in the manner I have indicated.

Under these circumstances, in March, 1865, these parties came to Congress for relief, and on presentation of their cases the Senate appointed a board, known as the Selfridge board, to examine into them. That board organized and cited these claimants to appear before them, and they did appear. Seven months were given to the investigation, and an award was made by that board in favor of a large number of these claimants; not all of them, but nearly all of them. That report was submitted to the Senate in the closing days of the session, and after some discussion a proposition was made by Senator Grimes to pay these parties in gross 12 per cent. upon the contract price for constructing these vessels. That proposition passed the Senate. It came to this House and was referred to the Committee on Claims, but it was so obviously unjust to some of the claimants, while it paid others in excess of their claims, that it was unanimously rejected both by the Committee on Claims and by the House. Consequently another board was organized to make a similar investigation, known as the Marchand board, and it prosecuted its work of investigation; but, as is claimed by these parties, they were refused the privilege of making their proofs and presenting to the board the grounds upon which they asked for relief. But seven of all these contractors were awarded any relief by the Marchand board. Then the cases were thrown again into Congress, and were considered by the committee of the Senate and subsequently by the committee of the House. I state what I believe to be true, that no committee of the Senate, no committee of the House has ever decided or reported adversely upon these claims. On the contrary, they have been indorsed over and

over again by the committees of the Senate and the committees of this House having these cases in charge.

Now, I desire to submit here in this connection remarks made by Senator Hendricks, of Indiana, and by Senator Sumner, of Massachusetts, in support of some legislation in behalf of these claims when these cases were under consideration in the Senate some time ago.

Mr. SPEER. What year was that?

Mr. HAZELTON, of Wisconsin. This was in April, 1866.

Senator Hendricks, after a full investigation of this subject, said:

I am of the opinion that these sums ought to be paid as a matter of justice and right by the Government to these contractors. Each case of course has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government he ought not to be allowed to be a large loser, and in some cases, as will be the result here, to be broken up by the contract he may have made, and especially in the case of contracts made at such a time as these were made and for such a work as they were made. I mean, of course, where he acts in good faith.

These contracts, it will be observed, were made pending the war. I submit to all Senators whether it was possible for a party making a contract with the Government in the months of August and September, 1862, to anticipate the enormous rise in labor and materials? For work that must of necessity run through a number of months, was it possible for a contractor to anticipate in the making of his contract with the Government the enormous advance in materials?

Referring to the same subject Senator Sumner said:

And now again I ask, are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed nor the national creditor who has taken your stock. Will you allow the mechanic to be sacrificed? There are many of them who without your help must suffer. One of the most enterprising and faithful in the whole country is a constituent of my own, who during the last year has been obliged to go into bankruptcy from his inability to meet liabilities growing out of the war, and at this moment he finds no chance of relief except in what a just Government may return to him. My friend on my right [Mr. Nye] asked you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by.

Now, then, Mr. Chairman, these are the sentiments which were held by these distinguished Senators upon the full and careful consideration of these cases. I read them because in my judgment they are entitled to weight in the consideration and disposition of the question now pending before this committee. Nobody can claim that these gentlemen could have been under any circumstances induced to advocate a "job." Nobody believes that they could have been deceived upon a proposition which was submitted to them. And therefore, I repeat, their views are entitled to great weight.

Now, Mr. Chairman, referring to the very matters which are touched upon in these remarks, I beg to say that I hold in my hand a list of the names of twenty-nine of the forty-nine contractors who entered into contracts with this Government to construct some of these vessels. Of the whole number of forty-nine contractors twenty-nine failed and were financially ruined in consequence of their losses—the losses they sustained by the taking of these contracts to undertake to do this work for the Government. It is unnecessary for me to repeat these names, but I state upon assurances upon which I can rely that three-fifths, more than three-fifths of all the contractors who engaged in this class of work failed in consequence thereof, and were financially ruined.

Now, then, it will be seen that there is a basis upon which these parties ask for relief. There is a basis upon which they come to Congress and ask that they may be allowed to go into the Court of Claims to have an investigation as to whether anything be actually due them or not. If it shall be found upon such investigation that they have been paid in full; if it shall be found that they have no claim against the Government, then let it be so adjudicated, and let this matter be ended in that way. But if it shall be found that something is due these parties upon a judicial investigation, then in conscience and in equity they are entitled to that. It does not become Congress, it does not become us as men of honor seeking to do justice between claimants and the Government to say that if these parties can demonstrate by competent proof in the courts of the country that they have a just claim against the Government for something, we will plead the statute of limitations upon them or we will refuse them arbitrarily, simply because we have the power, the right, and privilege of going into the courts of the country.

Now, then, the conditions under which these parties may present their claims to the court are defined by law and they are limited to a very narrow range. They appear in the act of March 2, 1867. This act is in these terms; it provides that the Secretary of the Navy—

Shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract.

Is not that a fair proposition? Can any gentleman on this floor say that there is aught unjust to the Government in that proposition? Is it not the familiar principle which is applied in every court of justice in the land in passing upon cognate questions?

This act goes further and provides by way of additional protection to the Government that—

No allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost—

Mark the language—

to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore and above the contract price.

Now, I understand, Mr. Chairman, very well that those who antagonize the passage of this bill claim that certain extra allowances were made to these claimants by the Navy Department, and that is true to a certain extent and as to some of these claimants; but I have proof before me to substantiate the statement that all these allowances were made upon the basis of the scale of prices embraced in the original contract or prevailing at that time, and that they did not contemplate, they did not take into account the advance in the price of both material and labor, and especially skilled labor, which occurred pending the delay occasioned by the Government.

Mr. WILLARD, of Vermont. Will the gentleman allow me to ask him a question?

Mr. HAZELTON, of Wisconsin. I cannot be interrupted now. The gentleman will have his own time, in which he can answer me.

Mr. WILLARD, of Vermont. I only wished to ask whether the information of the gentleman is official?

Mr. HAZELTON, of Wisconsin. My information is official, and I have the statement of the Secretary of the Navy on this subject which I will not take time to read, but will append to my remarks. It is official information from the Navy Department.

Now then I say, Mr. Chairman, that the theory of these claims proceeds upon this basis: that the allowances, the special allowances that were made, were limited to a scale of prices which existed at the time the contracts were entered into, and therefore it will be readily seen that they do not embrace the claims of these parties against the Government for the advance in the scale of prices of material and labor between the execution of the contracts and the completion of the work.

Sir, these advances were very large. I hold in my hand a Senate report from which I quote:

From August, 1863, till July, 1864, a period of eleven months, best flange iron rose from \$4 to 10½ per pound; common iron from \$80 to \$205 per ton; American iron from \$34 to \$75 per ton; copper, in sheets, from 38 to 70; laborers from 14 to 22 cents per hour; smiths from 23 to 31 cents per hour; molders from 25 to 31 cents per hour; turners from 23 to 30 cents per hour; carpenters from 24 to 27; and boiler men from 23 to 32 cents per hour.

These are the advances in price stated in one of the official reports of the Senate, and I dare say will not be controverted by any gentleman on this floor.

Perhaps I have said enough in regard to the basis upon which these parties ask relief. I do not say, I do not undertake to claim, that a single dollar is due to these parties by the Government at all; but I do undertake to say that there is such a substantial groundwork for a claim against the Government as to entitle these parties to go into the Court of Claims for the purpose of having the question judicially investigated and settled, and that is all I do say in that regard. It was intimated the other day, as I see by the RECORD, by my friend the learned chairman of the Committee on War Claims, [Mr. LAWRENCE,] when a motion was made to suspend the rules and pass this bill—although I did not hear my friend say anything of the kind on the floor—I find on looking at the RECORD that he did say this: That this bill would take from three to five million dollars from the Treasury. That is his first point. Second, that the Government holds receipts in full for these claims. Third, that the Court of Claims has already decided against these claimants. So that you have here summarized the defense as stated by the chairman of the Committee on War Claims as the position occupied by those who oppose this bill.

Mr. KELLOGG. Has my friend ever found any member on this floor who heard the chairman of the Committee on War Claims say anything of that kind? The bill was up under a suspension of the rules, and no debate was in order.

Mr. HAZELTON, of Wisconsin. I infer that the chairman of the Committee on War Claims did make those statements from the fact that I see them in the RECORD, and I presume he must have made them, although I did not hear him.

But I want to call attention to the position taken by my learned friend in opposition to this bill. If I comprehend his argument, it seems to me that it is the old case of the kettle over again, with which every gentleman on this floor is familiar. In the first place it will take a large sum of money out of the Treasury, in the second place the Government holds receipts in full, and in the third place the Court of Claims has already decided against the claimants; therefore he thinks that there is an immense job in this bill in proposing to send it to the Court of Claims, an adverse decision having already been made in the case. As a friend at my right suggests, he is afraid the Court of Claims, notwithstanding the receipts of these parties, notwithstanding the decisions of the court, will take from three to five million dollars out of the Treasury for the benefit of these claims.

I was inquired of a few moments ago by my friend from Pennsylvania [Mr. SCOFIELD] as to the amount of money really involved in these claims. I cannot state the precise amount. I know that the Selfridge board, to which I have already alluded, upon an investigation of the case, made an award of about \$1,750,000. My honest belief is that if these cases can go to the Court of Claims and be there investigated, not more than from 30 to 50 per cent. of that amount will ever be allowed these parties.

I will state further, with the same sincerity of conviction, that unless these cases are taken out of Congress and sent to the court,

and the lobby behind these claims taken out of these halls, in the end these claims will take out of the Treasury more than \$1,750,000. I might say more than twice that amount. It is idle to suppose that you settle anything when you reject this bill. It is idle, it is childish to suppose that you have ended these claims, that you have put a quietus upon them when you have rejected this bill. By so doing you will only send these claims to the next Congress, and if they fail there, to another Congress. From my observation here as a member of Congress, and from my understanding of the status of these claims, indorsed as they have been over and over and over again by committees of both branches of Congress and by the most distinguished members of both Houses of Congress, I undertake to say that at some time, sooner or later, unless these cases are sent into court to be investigated and disposed of, they will be passed through Congress either together or singly, and will take from the Treasury three or four times what will ever be allowed them upon a fair and thorough judicial investigation.

Mr. WILSON, of Indiana. I desire to ask a question for information, as I would like also to hear what my colleague [Mr. HOLMAN] has to say about the matter when he gets the floor. I find in a tabular statement contained in the report of the minority of the committee a column setting forth the amounts already paid to the contractors over and above the contract prices obtained from the Bureaus. I would like to know whether these amounts were estimated for additional work performed at the original contract prices.

Mr. HAZELTON, of Wisconsin. I so understand.

Mr. WILSON, of Indiana. Or whether anything was taken into consideration for the advanced cost of labor and material. I do not find in the report any information on that subject.

Mr. HAZELTON, of Wisconsin. I understand that that report was made upon the schedule of prices adopted at the time the contracts were entered into. Indeed, according to my recollection (and if I am not correct some gentleman of the committee will correct me) one member of that board, Mr. King, so stated before our committee last winter.

Mr. WILSON, of Indiana. Another question in that same connection. This other board made their report on the 26th of November, 1867. On the 23d of December, 1865, I believe the other report was made. Upon what basis was that report made?

Mr. HAZELTON, of Wisconsin. That was made upon an investigation of the whole case; but that report was never acted upon. It simply fell to the ground. Had that report been acted upon by Congress, I have no doubt all of these cases would have been disposed of under the award made by that board. But it never was acted upon at all. As I said before, the Senate, upon the motion of Senator Grimes, added 12 per cent. in gross to all the contracts. That was so obviously unjust and indefensible that it was unanimously rejected by the Committee on Claims of this House, and nothing was ever done in pursuance of it. It is unnecessary therefore to inquire further in regard to the action of that board.

I have simply outlined in a general way the ground upon which these parties base their claims against the Government and the arguments upon which it seems to me this committee ought to conclude to send these cases to the Court of Claims for investigation. If it shall be thought that the interests of the Government require, if the officers charged with the duty of prosecuting these cases in that court shall desire, under the law an appeal can be taken to the Supreme Court of the United States, where an investigation of the whole field may be had, where the proceedings of the Court of Claims may be reviewed by the highest court of the country. It seems to me there is not the least ground for apprehending that all the rights and all the interests of the Government will not be thoroughly cared for and looked after by the Court of Claims.

One thing further, and then I will yield to my friend from Connecticut, [Mr. KELLOGG.] It must not be understood that these gentlemen who are making these claims are to be prejudiced by the fact that they entered into contract with the Government to do this work. They do not come within the class of contractors who may perhaps be regarded as somewhat odious in the country; men who took advantage of their contracts to supply our Army with provisions, clothing, &c., and failed to perform those contracts in the spirit in which they were made. These men are mechanics of the country, many of whom were controlling and running ship-yards, doing a large and prosperous business, having no desire to take this work, but undertaking it at the instance of the officers of the Government, the work in many cases being pressed upon them, and they consenting to turn over their ship-yards and give their employes and machinery to the construction of these vessels, and to throw themselves upon the justice of Congress, upon the justice of the Government to protect them against serious loss.

Now, it seems to me they are entitled to some consideration; that at least they occupy such a relation to the Government that we cannot in honor refuse to give them a hearing; that we cannot in honor decline to allow them to go into the courts of the country to settle the question whether they have or have not any just claim against the Government.

I now yield the remainder of my time to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. BIERY. Before the gentleman from Wisconsin takes his seat I would like to put a question to him. The allegation is made that

there was an award in behalf of these parties. I want to know whether they accepted the money that was so awarded.

Mr. HAZELTON, of Wisconsin. What award does the gentleman refer to?

Mr. BIERY. The award for their claim.

Mr. HAZELTON, of Wisconsin. What board?

Mr. BIERY. The allegation is made in the report of the minority that these parties accepted the award that was made and gave a receipt in satisfaction of their claim.

Mr. HAZELTON, of Wisconsin. I do not know what award the gentleman refers to; but if he refers to the award made by the Selfridge board, I will say that the claimants never had any opportunity to accept the award of this board. If the gentleman refers to the allowances made by the Navy Department, I have already explained that when those allowances were made the Department considered itself limited by the scale of prices in existence at the time the contracts were entered into; and these parties doubtless gave receipts as required by that Department, and as they were compelled to do in order to receive the allowance. That is all.

I now yield my remaining fifteen minutes to the gentleman from Connecticut, [Mr. KELLOGG.]

[The following documents were referred to by Mr. HAZELTON in the course of his remarks:]

UNITED STATES NAVY DEPARTMENT,
February 16, 1875.

I hereby certify that the annexed is a true copy of Bureau of Construction and Repair to Nathaniel McKay, dated February 16, 1874, and of Bureau of Construction and Repair to Department, dated February 18, 1874, as appears by the records of the Department.

JNO. W. HOGG,
Chief Clerk.

Be it known that John W. Hogg, whose name is signed to the above certificate, is now, and was at the time of so signing, chief clerk in the Navy Department, and that full faith and credit are due to all his official attestations as such.

In testimony whereof I have hereunto subscribed my name, and caused the seal of the Navy Department of the United States to be affixed, at the city of Washington, this 16th day of February, in the year of our Lord 1875, and of the Independence of the United States the ninety-ninth.

[L. s.]

GEO. M. ROBESON,
Secretary of the Navy.

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
February 16, 1874.

SIR: In reply to your letter of this date to the honorable Secretary of the Navy, referred to the Bureau, you are informed that from the summary of the accounts of the Squando on file in this office, (a copy of which is inclosed herewith,) it appears that no payments were made on that vessel for rise in labor and material caused by the acts of the Government.

Respectfully, your obedient servant,

J. HANSCOM,
Chief of Bureau.

NATHL. MCKAY, Esq.,
Washington, D. C.

Summary of accounts of the Squando.

Dr.		
Contract price of vessel.....	\$395,000 00	
Bills of extras to contract.....	101,135 70	
Raising vessel 22 inches.....	90,000 00	\$586,135 70
Cr.		
By amount paid on contract.....	296,250 00	
By amount paid on reservation.....	98,750 00	
By amount paid on account of extras.....	72,847 52	
By amount paid on account of raising vessel 22 inches.....	90,000 00	
By machinery, &c., built for Chimo and turned over to Squando.....	14,220 09	
By frames of two gun-carriages from Modoc.....	182 40	
By fitting magazines at Boston navy-yard.....	153 92	
By equipments furnished by Boston navy-yard.....	304 82	
	572,708 75	
Balance due contractor.....		13,426 95

1865.
July 13. Bills forwarded on account of extras for balance. \$13,426 95 (Paid.)
Approved:

F. H. GREGORY,
Rear-Admiral.

No. 9.]

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
February 18, 1874.

SIR: In reply to the letter of the Committee on War Claims of the House of Representatives of the 16th instant, to the Department, referred to this Bureau, I have the honor to state that there is nothing on the records of this Bureau which shows the payment "to any contractor for building iron-clad vessels of war any sum or sums on account of the rise or advance in the prices of labor or material during the period of delay caused by the action of the Navy Department."

It appears, however, by the report of a board of officers appointed by the Secretary of the Navy under authority of the act of Congress approved March 2, 1867, (Executive Document No. 3, Senate, second session Fortieth Congress,) that the following sums were allowed to the contractors for building the vessels below named as the portion of "increased cost caused by the delay and action of the Government," namely:

To Secor & Co. and Perine, Secor & Co., on the Mahopae, Tecumseh, and Manhattan, river and harbor monitors, \$115,539.01; to Harrison Loring, on the river and harbor monitor Canonicus, \$38,513; to Atlantic Works, on the light-draught monitor Casco, \$4,852.58; to Aquila Adams, on the light-draught monitor Chimo, \$4,852.58; to M. F. Merrill, on the light-draught monitor Cohoes, \$4,852.58; to Tomlinson, Hartup & Co., on the river monitors Sandusky and Marietta, \$15,171, and to Poole & Hunt, on machinery of wooden double-ender Mackinaw, \$3,694.81.

These sums, under the act of Congress approved July 13, 1866, (15 Statutes at Large, 379-380,) were paid by the Secretary of the Treasury.

The sum of \$38,513 also seems to have been allowed and paid to Harlan & Hollingsworth on the river and harbor monitor Sanguis. Mention is made of this in the report of the board above referred to, but it does not appear in the tabular statement accompanying it.

I am, sir, very respectfully, your obedient servant,

J. HANSCOM,
Chief of Bureau.

Hon. GEO. M. ROBESON,
Secretary of the Navy.

UNITED STATES NAVY DEPARTMENT,
February 17, 1875.

I hereby certify that the annexed is a true copy of the following papers on file in this Department: Telegram of William W. Wood to McKay & Aldus, dated June 23, 1864; letter of same to same, dated June 23, 1864; letter of F. H. Gregory to McKay & Aldus, dated September 16, 1864.

JNO. W. HOGG,
Chief Clerk.

Be it known that John W. Hogg, whose name is signed to the above certificate, is now, and was at the time of so signing, chief clerk in the Navy Department, and that full faith and credit are due to all his official attestations as such.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Navy Department of the United States to be affixed, at the city of Washington, this 17th day of February, in the year of our Lord 1875, and of the Independence of the United States the ninety-ninth.

[L. S.]

GEO. M. ROBESON,
Secretary of the Navy.

[Telegram.]

NEW YORK, June 23, 1864.

McKAY & ALDUS,
East Boston, Massachusetts:

Suspend work on Squando until further orders, which you will receive in a very short time.

WM. W. W. WOOD,
For the admiral general superintendent.

GENERAL INSPECTOR'S OFFICE,
New York, June 23, 1864.

GENTLEMEN: By order of the rear admiral superintending, I forwarded you the following instructions by telegram this day:

Suspend work on Squando until further orders, which you will receive in a very short time.

I am, respectfully,

WM. W. W. WOOD,
General Inspector of Steam-machinery for the Navy.

Messrs. McKAY & ALDUS,
East Boston, Massachusetts.

NEW YORK, September 16, 1864.

GENTLEMEN: Your letter of acceptance of the 14th instant, to make the changes proposed in the light-draught monitor Squando, namely, to raise that vessel twenty-two inches and place in cross-floors, stiffening plates in water compartments, and raise the boilers, in conformity to the plans and specifications submitted by Chief Engineer Wood, and work incidental thereto, for the sum of \$90,000, has been received. The sum named is satisfactory, and you are hereby authorized to proceed with the work, and to hurry the same to the earliest possible completion. The payments for this work will be made as it is completed, certificates being forwarded by the local inspector to the general inspector certifying as to the amount done.

I am, respectfully,

F. H. GREGORY,
Rear-Admiral, Superintending.

Messrs. McKAY & ALDUS,
East Boston, Massachusetts.

Mr. KELLOGG. Mr. Chairman and gentlemen of the committee, this question has been so thoroughly discussed by my friend from Wisconsin, [Mr. HAZELTON,] who has charge of this bill, that I do not expect to occupy the whole of the fifteen minutes allowed me.

As the report shows, a majority of the Committee on War Claims, comprising all but three members of that committee, (and this is about as near as you can ever expect to approach a unanimous report from that committee,) have reported in favor of this bill, sending all these claimants to the Court of Claims, with a right on the part of the Government as well as the claimants to appeal to the Supreme Court of the United States to settle by due legal proceedings whether these gentlemen have any just claim against the Government or not. The committee thought this a fair way to try the question; and with that view they reported the bill.

I find an impression prevailing in some parts of this House that there have been two awards made by boards appointed by the Navy Department in favor of these claims, and that they have been settled in that way. The very year the war closed it was conceded on the part of the Government itself that these contractors would not receive anything like adequate compensation at the contract prices, owing to changes in construction ordered by the Navy Department. The whole matter of iron-clads was an experiment at the outset. The Navy Department made these contracts in pursuance of acts of Congress, and required the contractors to do just as they were instructed. The Department drew up the plans and specifications, and directed just how everything should be done. The attempt was to make a light-draught iron-clad vessel. They did the best they could, but they did not know how such a vessel should be successfully constructed for the purposes for which they were designed; and the very first vessel of that kind that was launched went down so near the water's edge that all of them had to be built over again. Congress was then appealed to for relief. The Selfridge board, as it was called, was organized, and that board made an award, which I presume would have satisfied some of these parties, though it was an *ex parte* board; but when the award came before the Senate that body rejected it, and re-

fused to make provision for paying what this board, organized by the Navy Department itself, said these parties were entitled to receive, and the Senate proposed to pay all of them 12 per cent. advance, without regard to whether their claims were just for more or less than that. In other words, if you consider this board as a court, the Government of the United States organized a court to consider these cases, and after that court had made a decision the Government itself refused to abide by that decision, and ordered a new board, called the Marchand board. That board was well characterized by my friend from Maine, who made a report on this subject in the last Congress, as simply a star-chamber board, taking such evidence as the Secretary of the Navy laid before them, and only a part of the evidence that had been laid before the Selfridge board, without any provision, authority, or power on the part of the contractors to file any new evidence or to be heard before the board. The board never heard the parties at all.

Mr. WILSON, of Indiana. I would like to ask the gentleman whether these contractors were allowed to be heard by testimony before that board?

Mr. KELLOGG. If the gentleman means the second board, I answer not at all, except as they took such evidence as was laid before them by the Navy Department and not by the parties. Chief Engineer King, one of the members of the Marchand board, and one of the most competent men there probably, appeared before our committee and testified that the board had before them nothing except the old papers which had been on file in the Navy Department. They had no chance to consider new evidence or a part of the old evidence. I may state further that Chief Engineer King testified before our committee that, as a member of the board, he was satisfied that these parties were entitled to more than they had received under the award of that Marchand board; but that under the instructions and provisions of the act of March 2, 1867, directing the claims to be submitted, and the regulations of the Navy Department under that act, the board could not award more than they did—

Mr. WILSON, of Indiana. Were those instructions laid before the committee?

Mr. KELLOGG. I will tell the gentleman about that. The act under which the Marchand board was convened is found on page 4 of the report:

Under that act the Secretary of the Navy convened the Marchand board, which held its sessions in Washington. It reviewed the report and evidence before the Selfridge board, without however permitting the contractors to be heard in their own behalf or to rebut the adverse testimony or report of any Government official.

Now, what has been the action of Congress upon these claims? Since the matter has been brought before Congress, every committee in each branch that has examined the subject has reported in favor of such a measure as this or of paying the claims. In the Forty-first Congress, when Mr. WASHBURN, of Massachusetts, now a Senator, was chairman of the Committee on Claims, they reported a general bill sending these parties to the Court of Claims. That bill passed the House January 30, 1871, under a suspension of the rules, the vote being yeas 140, nays 52; and among those voting in the affirmative I find even the chairman of the Committee on War Claims of this House, [Mr. LAWRENCE,] who was a member of the Forty-first Congress. That bill was vetoed by the President, because there was no limitation or restriction in it to prevent payment for increased price of labor and materials when the contractors were in default, because of the contractor's own negligence. Such limitation ought to have been included in the bill, and it was properly vetoed by the President on the ground that it was a departure from the basis fixed by the act of March 2, 1867. In the last Congress the Committee on Claims, of which Mr. Blair, of Michigan, was chairman, undertook to report all of these cases in separate bills. They reported bills for some eight or ten of these parties. Three of them passed this House separately and were sent to the Senate. However, one only of the number went through the Senate. A Senate bill in favor of Mr. Bestor was passed also, appropriating \$125,000, and he died at your very doors before he got his money, although he had been waiting for ten years or more from the execution of his contract and died in waiting for his Government to do him justice. The other was in the case of Miles Greenwood, of Cincinnati. Now, what we propose to do is simply this: to send these parties to the Court of Claims where you have sent Miles Greenwood; and I will send up an amendment upon which I will claim to be heard very briefly when the question comes up to be voted on, to substitute it for the pending proposition. It is the bill which was passed by the Senate without opposition, and is the same proposition upon which we voted on last Monday, the vote being 133 in the affirmative to 99 in the negative. That bill which I will offer as a substitute not only guards against the objection because of which the President vetoed the bill in the Forty-first Congress, but in my judgment guards against every possible objection. If Secor & Co. or anybody else has got more than his pay upon the claims heretofore made—and I do not think they ever got more than they were entitled to, and the report to this House last Congress proves this—it is provided by my amendment that the United States may recover judgment against such parties for the amount of the excess paid them over their claims.

Mr. FRYE. I wish to ask the gentleman from Connecticut this question: The inquiry has been made by several members why these parties have not gone to the Court of Claims to press their cases?

Mr. KELLOGG. I am glad that the gentleman from Maine has asked me the question. It has been alleged against these claimants, I know, that they did not go to the Court of Claims to press their claims and present their proofs to the judgment of that court before the statute of limitations barred them there. The truth of the matter is that they did go there; but when these cases were referred to the Committee on Claims they were required by the chairman of that committee to withdraw their claims, which had been presented to the Court of Claims, before they could get a hearing from that committee. They did withdraw their claims in obedience to that requirement of the committee, and now, the time having expired, they cannot again present their claims to that Court under the law unless we pass this bill; and it is charged against them in the minority report that they should have gone there in time.

Mr. FRYE. Did not the chairman of the committee, Mr. WASHBURN, of Massachusetts, tell them that the committee would not consider any of these claims unless they had the whole of them before that committee?

Mr. KELLOGG. That is the fact, and it was because of that demand on the part of the committee that these claims were taken out of the Court of Claims. The chairman of that committee required it to be done, and the time has expired for presentation of their cases in the Court of Claims, and they cannot go there at all unless we pass this bill.

I do not know whether we owe these claimants anything or not. I do say, however, that this is the very last place in which to settle the amounts due, if any, these claimants. If they are honest claimants, in my judgment they should be sent into the Court of Claims for settlement. They cannot go into the Court of Claims for reasons I have stated, and therefore the majority of the members of the committee have reported in favor of sending them there. I have known but little about the matter until it was investigated before the committee of which I am a member. I am in favor of sending all these parties and all their proofs to the Court of Claims. Let them there establish their claims if they have any valid claims against the Government of the United States; and if they have not, then let the matter be settled once for all and let us not leave it as a legacy to future Congresses.

I move the text of the Senate bill, which was voted on last Monday, as a substitute for the pending proposition reported from the committee. I ask the Clerk to read it.

The Clerk read as follows:

Provided, however, That the investigation of said claims shall be upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractors for the building of said vessels of war and in the construction of steam-machinery, in the completion of the same by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further,* That the compensation fixed by the contracts between the contractors and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further,* That all moneys paid to said contractors by the Government, over and above the original contract price for the building of said vessels and the construction of said machinery shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated; and if the amounts so to be deducted in any case shall exceed the amount allowed by said court, judgment shall be entered for the excess against such claimant in favor of the United States; and said court is directed to certify such judgment and record to the circuit court of the circuit where such claimant resides, and said circuit court is hereby vested with authority to issue execution and to enforce its collection the same as if said judgment had originally been rendered therein: *And provided further,* That if any of such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding reduction shall be made from the contract price, and the amounts thereof be deducted from any allowance to be made by said court to said claimants: *And provided further,* That all claims under the provisions of this act shall be presented within one year from the passage thereof and not afterward; and the claimants in their petitions shall stipulate and agree to accept and abide by all the provisions of this act.

Mr. HAZELTON, of Wisconsin. How much time have I left of my hour?

The CHAIRMAN. The gentleman has five minutes.

Mr. KELLOGG. I do not wish to take up any further time, but by and by, when the question comes up on my substitute, I will ask to be heard not more than five minutes.

Mr. WHITTHORNE. I ask the gentleman from Wisconsin to yield to me whatever time he has remaining.

Mr. HAZELTON, of Wisconsin. I yield the gentleman from Tennessee the five minutes I have remaining.

Mr. WHITTHORNE. I offer the following amendment to the amendment of the gentleman from Connecticut, [Mr. KELLOGG.]

The Clerk read as follows:

And provided further, That said court may hear and determine the question whether the action of the board organized by the Secretary of the Navy in ascertaining and allowing the amounts to which said contractors were respectively entitled for any failure upon the part of the Government or other cause, and the action of said contractors in accepting the award of said boards and the legislation of Congress thereon, does not estop and conclude said contractors from now demanding any further or other compensation from the Government.

Mr. WHITTHORNE. Mr. Chairman, I would be very glad if I could consistently yield my support to this bill or to the amendment offered by the gentleman from Connecticut, [Mr. KELLOGG.] But my

examination of these claims has convinced me that there ought to come a time at which the Government in justice to itself and to its citizens should say "halt." These claims were first presented to the Secretary of the Navy, and were passed upon by the officers of the Department. Then these contractors came before Congress, and in 1865 the Senate of the United States passed a resolution under which the Selfridge board was organized; and if I now understand the gentleman from Connecticut [Mr. KELLOGG] correctly, these contractors would have accepted the award made by the Selfridge board.

Mr. KELLOGG. Some of them would have been glad to do so.

Mr. WHITTHORNE. Mr. Chairman, put a point in there, if you please. Under the Selfridge board about a million and a half of dollars were allowed, and I assume that was the amount then demanded by these contractors as the loss to which they had been subjected by reason of the misconduct or delay of the Government.

Now, mark you, the original contracts summed up \$10,000,000. Then the Selfridge board allowed one and a half million dollars, making eleven and a half millions.

Again, sir, let us take a step forward and see the demand made by these contractors upon which the Marchand board was organized. These same men presented claims amounting to \$14,000,000 instead of eleven and a half millions; and it appears that under the Marchand board over \$5,000,000 were allowed these contractors, which sum of five millions they have accepted and given the Government receipts for it. Now, I hold and maintain, Mr. Chairman, that if this were a case between individuals they would be estopped and concluded by this action. And if they would be estopped and concluded as between individuals, much more so should they be when the case is between individuals and the Government, especially when we look into the character of these demands and when, as I am informed—I say it from hearsay—the most important witnesses on behalf of the Government have become superannuated and enfeebled in memory, and are unable to testify on behalf of the Government.

Mr. KELLOGG. The Chief Engineer of the United States Navy Department is a great deal smarter than the gentleman from Tennessee or myself, and knows a great deal more about it than the rest of the board that had to do with these claims. The Selfridge board was a one-sided board as well as the other. And those millions which the gentleman talks of have not been paid on account of the claims now presented nor under the award of the Marchand board at all, but for changes made by the Navy Department in the vessels for which the Department paid, and with which these claims have nothing to do. The gentleman is all in a fog about it. If he would look at the table in the minority report, he would see that the Marchand board allowed just \$157,475.55, and no more—but a little over \$150,000. The five millions the gentleman talks about is what the Department paid for changes made in the iron-clads; and the board had nothing to do with it. If the gentleman had examined the tables in the case, he would have made no such statement.

Mr. WHITTHORNE. Mr. King, no doubt, is smarter than myself or the gentleman from Connecticut. But Mr. King was not in the Contract Bureau of the Navy Department, and was not acquainted with the facts in regard to the contracts. He was simply a member of the Marchand board. That was all he was; and he was then, if you please, "King" as one of the judges of that commission, and as such I put him against "King" a witness before the committee. The award made under oath precludes him from taking a different position now, and I do not think it becomes the gentleman from Connecticut to put him in that false position. There is such a thing as justice to the Government. These people were paid \$10,000,000, and have been allowed and paid about 50 per cent. over and beyond their contracts; and now if any gentleman on this floor proposes to limit the amount to 8 or 10 per cent. more on the amount found by the Marchand board he will encounter the opposition of these contractors. And if no limit is given, there is no telling how much the Government may have ultimately to pay. This much I felt it due to myself to say.

Mr. HOLMAN, having obtained the floor, said: I yield to the gentleman from New York [Mr. WHEELER] to move that the committee rise, in order that in the House he may move to go into Committee of the Whole on the Army appropriation bill.

Mr. WHEELER. I move that the committee rise.

Mr. HOLMAN. As it is of the highest possible importance that the appropriation bills should be passed, I yield the gentleman the floor for that motion.

The question being taken on the motion that the committee rise, there were—yeas 73, nays 62.

Mr. KELLOGG called for tellers.

Tellers were ordered; and Mr. WHEELER, and Mr. HAZELTON of Wisconsin, were appointed.

The committee again divided; and the tellers reported—ayes 72, nays 66.

Mr. O'BRIEN. A quorum has not voted.

The CHAIRMAN. It is not necessary to have a quorum on the motion that the committee rise.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole had had under consideration the Private Calendar, and especially the bill (H. R. No. 217) for the relief of certain contractors for the con-

struction of vessels of war and steam-machinery, and had come to no conclusion thereon.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 135) appointing managers of the National Home for Disabled Volunteer Soldiers.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I move that the rules be suspended and that the House resolve itself into Committee of the Whole to resume the consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. WILSON, of Iowa, in the chair,) and resumed the consideration of the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. General debate on the pending bill has been closed. The bill has been read through for information, and the Clerk will now read it by paragraphs for amendments.

The Clerk proceeded with the reading of the bill, and read as follows:

For expenses of recruiting and transportation of recruits, \$105,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards. Nothing, however, in this act shall be construed to diminish the Signal Service, which shall hereafter be maintained as now organized, under the authority of the Secretary of War.

Mr. WHEELER. I desire to offer an amendment to that paragraph of the bill for the purpose of fixing the exact legal status of the Signal Service. I therefore submit the amendment which I send to the Clerk's desk.

Mr. COX. I beg leave to say just here that when the committee last rose I had the floor.

The CHAIRMAN. The Chair will give the floor to the gentleman from New York whenever he desires it.

The Clerk read the amendment offered by Mr. WHEELER, as follows:

In line 13 strike out the words "Nothing, however, in this act shall be construed to diminish the Signal Service, which shall hereafter be maintained as now organized, under the authority of the Secretary of War," and insert in lieu thereof the following:

Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained as now organized and with the line of enlisted men now provided by law.

Mr. WHEELER. That defines the legal status of this corps.

The amendment was agreed to.

Mr. HOLMAN. I desire to amend that clause by striking out in line 12 the words "twenty-five" and inserting in lieu thereof the words "twenty-two."

I make this motion, basing it upon the fact brought to the attention of the House during the last session of Congress as to the extent to which our Army is employed on the frontier and stationed in the various sections of the country east of the Mississippi River. It will be remembered that the report which came to the House from the Committee on Military Affairs demonstrated very clearly that quite a large portion of the Army is stationed at various northern points, in the city of New York and at various other military posts, while a portion of the Army only is employed on the frontier service. The argument in favor of an increase of the Army beyond the proper peace establishment at sixteen thousand men was based upon the extent of the frontier which was to be protected by the military forces from Indian depredations, and the argument in favor of granting lands to railroads west of the Mississippi River was based upon the advantage accruing to the Government from the facilities for the rapid transportation of the Army from one point to another. The advantages which these artificial channels have furnished for the transportation of troops, coupled with the facts to which I have already referred, seem to me to justify fully a reduction of the Army. The present Army under existing law consists of twenty-five thousand men. It is against the spirit and genius of our institutions to maintain any considerable standing Army. It can be scarcely possible that in this period of profound peace the Army can be employed for any other purpose than that of keeping up the military organization and protecting the frontier settlements from predatory attacks from savages. The reduction of the Army to the lowest possible number is a result which the people of the country desire. There is an instinctive dread of a military power in all free governments, and the experience of the last few years has demonstrated the ability of our people, with that martial spirit which is inspired by free institutions, to organize at once on the spur of the moment the necessary military force to protect the Government. It seems to me impossible that any contingency could arise when the people would not be prepared to meet the emergency by that voluntary service which is in harmony with the genius of a government like ours.

[Here the hammer fell.]

Mr. WHEELER. I wish to say simply, in answer to the remarks of the gentleman from Indiana, [Mr. HOLMAN,] that the maximum legal standard of the Army is now fixed at thirty thousand men.

Mr. HOLMAN. Thirty-one thousand.

Mr. WHEELER. No; thirty thousand. The proposition made by the Committee on Appropriations at the last session and adopted by Congress has been very severely commented upon by the public press in certain localities and by the Army, and in some parts of the country by the people.

The Committee on Appropriations are satisfied that an Army of twenty-five thousand men is equal to all the legitimate demands of the country, and that the country with its widely extended frontier cannot get along with a man less.

There is no concealing the fact that during the present fiscal year the Army has been very hard worked.

If we are to reduce the enlisted force to a lower standard than twenty-five thousand men, it must of necessity break up company organizations. I want to say in justice to myself and the Committee on Appropriations that there has been no disposition whatever to interfere with the organization of the Army. We believe that when the Government invites men into its service and trains them for that service it is bound in good faith to sustain and support them, whether it gives them large or small commands. If we are to reduce the enlisted force of the Army below the standard of twenty-five thousand men, we must of course leave some officers without a command. And in the judgment of the Committee on Appropriations the enlisted force of the Army could not with safety be reduced below the standard fixed in this bill or the standard fixed at the last session of Congress.

Mr. HOLMAN. The Army cannot be maintained for the purpose of furnishing commands for the officers of the Army. Certainly some mode can be devised by the Military Committee or by the Committee on Appropriations by which this supernumerary body of officers, the largest known to any nation in proportion to the number of the rank and file, can be reduced to some reasonable limit.

I do not think the Government should act harshly toward men who have been educated for the military service, or for any other special duty, and who desire to remain in the service of the Government. But I do think the industries of no people should be the subject of taxation simply to maintain a body of sinecures on any possible pretense. No man has a right to be a burden upon the industries of the people of any country, unless his services are required in the public service.

I have very little hope that my amendment will be adopted at this time. But I feel very confident that the demand of the people of this country is to-day first, that the Army shall be reduced down to the peace standard, which cannot reasonably exceed the number of men in the military service prior to 1861; and second, that the country will insist that some reasonable principle shall be adopted, doing no injustice to any one, by which the supernumerary officers of the Army shall be reduced, and that men performing no duties shall receive no compensation, rendering no service to the Government, and also relieving those men themselves from the unpleasant attitude of receiving year after year handsome salaries from the Treasury without any return whatever to the people upon whose industries those salaries are charged.

Mr. COX. I move to amend the paragraph just read by adding to it the following:

Provided, That the Army of the United States shall not be used to subvert the rights and liberties or interfere with the Legislatures of the States of this Union; and that no sum shall be paid out of the Treasury of the United States until the United States troops now in the State of Louisiana shall be withdrawn from that State.

Mr. SMITH, of Ohio. Where will you send them?

Mr. COX. I do not offer this amendment with a view to speak on the merits of the Louisiana question. I hope that has been determined in the Senate in some way; though I am not advised. I refer to the Pinchback vote. May I not, however, call attention of gentlemen who are parliamentarians to the precedents showing the propriety of this amendment? In the session of 1855-'56, on the 29th of July, 1856, when the House had under consideration the bill making appropriations for the support of the Army for the fiscal year ending June 30, 1857, the first amendment offered was one repudiating the so-called territorial laws of Kansas, disavowing their authority and enforcement, and declaring that no part of the military force of the United States should be used for carrying out those laws. The proviso to that bill further asserts that no citizen of Kansas shall act as the *posse comitatus* for any marshal or sheriff, and that the laws "are null and void." (Journal 1855-'56, page 1302.) Perhaps gentlemen there are, now and here present, who will remember that that amendment in substance was offered again and again to the Army bill. It was advocated by republicans. In the Journal, page 1303, a more stringent amendment was offered and passed—91 to 86—on a party vote. It came back on a conference, (page 1531.) Again it was offered in another shape on the 30th of August, 1856, (page 1622,) and passed. I do not say that the merits of that proviso or my own should be discussed and decided on now. I only quote it now as a precedent for republicans to consider; for was it not made by themselves?

There are other similar precedents during that and other sessions. But at the end of that session a long proviso, on the motion of Lewis D. Campbell, of Ohio, was attached to this Army bill. That bill failed between the two Houses by reason of those provisos in respect to liberty and unauthorized legislation in Kansas. It may be known to

the House that President Pierce by proclamation called Congress back. It met August 23, 1856. He proclaimed that such legislation "deprived the Executive of the power to perform his duty with respect to the common defense and welfare. That Congress finally passed the Army appropriation bill.

That bill at first failed. This bill will pass if my amendment is adopted, and the money goes to the Army, if just administration prevails.

As my amendment does not destroy the Army bill, but only says that until the liberties of the States of the Union, and the State of Louisiana especially, shall have immunity from Army outrages, no harm can come to the Army and much good to public interests and liberty. So long as the President insists upon putting the bayonet into Louisiana, so long shall this appropriation remain unused. The moment the President withdraws the Army, as the House will see, all these appropriations can be used. So that gentlemen need not be embarrassed if they act right.

I hope that I am speaking in a very proper spirit on this amendment. I speak for parliamentary law and against oppression.

This is not the only reason for the proviso I offer. I am glad my friend from Kansas [Mr. Kasson] is listening—

Mr. KASSON. Iowa.

Mr. COX. Or from Iowa; he is so near the line that I did not know but he had got over it; the gentleman once in a while almost gets into our party.

Again, gentlemen know very well that in 1865, at the end of that exciting session when the Army bill came up, one of the most eminent and eloquent men on that side of the House, Henry Winter Davis, of Maryland, offered an amendment to that bill. It forbade any application of the arbitrary processes of the administration as against men who had been arrested under war powers—arrested and imprisoned illegally. Our prisons were full of such men. The writ of *habeas corpus* was denied them. Men were arrested for civil crimes under military authority. Courts-martial and military commissions were at work in spite of law and liberty. Mr. Davis proposed to append to the Army bill a proviso, which I ask the Clerk to read. It required the discharge or delivery of those thus held. It came up on the 2d of March, 1865. (Globe, 1323.) That proposition was fought gallantly here some twenty days under the leadership of the most gallant republican then in this House. We fought, to be sure, in vain. After making his points for liberty and law against more money bills, he cried out against the frequent intrusion of military power and the high-handed disregard of *habeas corpus*. This was in the time of war, too. All I do now is to quote the precedent for my proviso, not to argue. I hope therefore that no point of order will be made, and that a vote may be taken on my amendment.

Mr. WHEELER. Mr. Chairman, I want to say a word, not that I regard it as necessary but in compliment to my colleague, [Mr. Cox.] I have been greatly surprised at his fiery zeal in this matter of the use of the Army.

Mr. COX. I never was so cool in my life.

Mr. WHEELER. That zeal was manifested a few weeks since when he introduced a resolution which I ask the Clerk to read.

Mr. COX. I hope the Clerk will first read the amendment of Henry Winter Davis which I have sent up. I presume my colleague [Mr. WHEELER] does not object.

The Clerk read as follows:

Mr. Cox, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on the Judiciary, and ordered to be printed:

Whereas on the 4th of January instant officers and soldiers of the Army of the United States have interfered with and controlled the organization of the General Assembly of the State of Louisiana, and certain persons claiming seats in one branch thereof have been prevented from holding the same by said military force, which acts of military intervention and control resulted in dispersing the State Legislature and have received the sanction of the Chief Executive of the United States: Therefore,

Resolved, That in the deliberate judgment of this House such intervention and control were in violation of the Federal Constitution, inasmuch as said force was not used for the purposes defined by law, and could not be legally used except for purposes thus specifically defined; that such intervention and control were subversive of the principles upon which our system of government is founded, and have no precedent in our own history or the history of free government; that said intervention and control are defiant breaches of parliamentary privileges, and illegal and revolutionary infractions of legal government, chartered liberty, and solemn treaty obligations, and therefore are not only unjustifiable outrages upon the State of Louisiana and a menace to the liberties, rights, and dignity of every other State, tending to general demoralization and disorder by the overthrow of civil liberty by arbitrary power: We, therefore, in the name of the people of the United States, whose Representatives we are, demand the restoration of tranquillity, order, and civil discipline in said State by the immediate withdrawal of the military force of the United States from said State and the condign punishment of those guilty of this reckless usurpation.

Mr. WHEELER. Now, Mr. Chairman, my colleague tells us in that resolution that there is no precedent in the history of this country or in the history of civil liberty for armed interference in the organization of Legislative bodies. I want to draw a little on his failing memory, and to ask him whether he remembers the early history of the Territory of Kansas? Does he remember that a Missouri mob entered that Territory and usurped its Legislature? Does he remember that Colonel Sumner, an officer of the United States Army, under the direction of Jefferson Davis, then Secretary of War, came down upon that Legislature with his dragoons and drove it out? I now ask my colleague whether he did then or does now approve of that proceeding?

Mr. COX. Does the gentleman want an answer now?

Mr. WHEELER. I do.

Mr. COX. I did not at the time, and I always spoke against it.

Mr. WHEELER. You did not at the time?

Mr. COX. I took Judge Douglas's ground on that subject, and voted—

Mr. WHEELER. You say you did not approve it?

Mr. COX. I did not, sir.

Mr. WHEELER. Now, Mr. Chairman, I ask the Clerk to read what I have marked in the Congressional Globe.

Mr. COX. The gentleman puts his question to me in this way—whether I ever approved. [Cries of "Read!"] I think I know very well what the Clerk is going to read.

Mr. WHEELER. I ask the Clerk to read remarks made by my colleague [Mr. Cox] on the 24th of July, 1856, when there was pending in this House an amendment offered by some gentleman from the West to the Army appropriation bill—an amendment almost identical with the one which my colleague has offered to-day—forbidding the use of the Army in carrying out what was alleged to be the unlawful legislation of the Territory of Kansas. These remarks of my colleague were made after Colonel Sumner had dispersed the Legislature of Kansas, which was in peaceable session.

Mr. COX. The difference between that case and this is—

Many MEMBERS. Read! Read!

Mr. COX. Why this is a mob; you will have to bring the military in here.

The Clerk read as follows:

Mr. BARBOUR. The gentleman misapprehends the object of the amendment. It is to declare void the laws of the Legislature of Kansas and all of the laws of the United States in force—

Mr. COX. That may be the avowed object here, but the effect of it will be to deny to the President the power of keeping the forces of the Government there until the laws are repealed by Congress. There are now two parties there—one declaring that the laws of the Territory are void, and that they will not obey them; and the other claiming that the laws of the Territory are valid and shall be obeyed. If you leave the Territory unprotected by the arms of the Federal Government, these parties will come into hostile collision, as they have done heretofore. There are men pouring in there from the different sections of the country—some from the North and some from the South—participating in this controversy; and the consequence will be, that by the increased numbers of participants in the strife, the flame of civil discord will be spread over the whole land.

I am in favor of encouraging the heart and of strengthening the arm of the executive power of the Government—

Mr. COX, (interrupting the reading.) What is the date of that?

Many MEMBERS, (to the Clerk.) Go on!

Mr. COX. I rise to a point of order.

Many MEMBERS. Read! Read!

Mr. COX. I know what I am about. I want the date of that speech, to know whether I made it or not.

The Clerk read the date—July 24, 1856.

Mr. COX. Well, sir, that is a speech of a Mr. Cox, of Kentucky—Leander M. Cox. Now, (turning to Mr. WHEELER,) are you not ashamed of yourself?

Mr. HAZELTON, of Wisconsin. At any rate, he was a democrat. He belonged to the same party with the gentleman.

Mr. COX. I was not a member of Congress then. Captain Leander M. Cox, of Kentucky, was not a democrat.

Mr. HAZELTON, of Wisconsin. He was a member of your party.

Many MEMBERS. Read! Read!

Mr. COX, (taking the book from the Clerk.) Now, Mr. Speaker—Mr. WHEELER. Is it parliamentary for my colleague to take the book from the Clerk before the latter has finished reading what I sent up to be read?

Mr. COX. I want to say to my friend—

Mr. WHEELER. The gentleman can make his disclaimer when he gets the floor.

Mr. COX. I never made or heard that speech. It was made here by Leander M. Cox, a whig know-nothing member from Kentucky. I was not a member then. I know my colleague did not mean to be fool the House with such a trick. I will not attribute this to a fraud.

Mr. WHEELER. I was told that the gentleman made that speech.

Mr. COX. I did not.

Mr. WHEELER. If the gentleman had said he was not a member of the House at that time—

Mr. COX. Why, you would not give me an opportunity to say it. You howled me down.

Mr. WHEELER. Does my colleague say now that he was not a member of the House at that time?

Mr. COX. The record shows that that speech was made by Leander M. Cox, of Kentucky. I did not serve with my namesake.

Mr. WHEELER. Do you say you were not a member of the House at that time?

Mr. COX. In 1856?

Mr. WHEELER. Yes, in 1856.

Mr. COX. I was elected in 1856 and took my seat in December, 1857.

Mr. WHEELER. Then you were not in the session of Congress during July, 1856?

Mr. COX. No, sir; I was not. Do you require more information? Here is the Journal of that Congress.

Mr. WHEELER. Very well; then I withdraw it.

Mr. NIBLACK. The laugh is on our side of the House now.

Several MEMBERS. Read! Read!

Mr. KASSON. Has debate been exhausted on this amendment?

Several MEMBERS. Read! Read!

Mr. COX. Would it not be in order to censure the gentleman from New York?

Mr. KASSON. I rise to move to amend the amendment so that we may have an explanation of all this.

Mr. WHEELER. The book was handed to me. I did not go into any examination when the gentleman from New York stated he had voted and spoken against it. I did not think it was necessary to look further.

Mr. COX. That was during the Douglas era, when we wanted a free State in Kansas.

Mr. WHEELER. I was misled.

Mr. COX. I do not wish to find fault with my colleague.

Mr. WHEELER. The gentleman from New York knows very well I would not do him intentional injustice.

Mr. COX. The fault was on your side of the House. I do not know just what you meant. I hope well. There was so much noise and uproar and so much chuckling and tittering going on at my temporary expense, that I was not allowed any opportunity, at any one moment, to correct the gentleman. O! would that I could have saved my colleague from this mortification.

Mr. WHEELER. If I have done injustice to my colleague I now make the *amende*.

Mr. COX. My colleague has always been courteous and kind to me. There is no member on his side with whom I like better to serve or confer, legislatively or socially. He has only one fault, and I did not suspect that before. Sir, a member in charge of an appropriation bill covering \$40,000,000 ought to be better informed on current history.

Mr. WHEELER. Then my friend ought to know better than to say that he spoke and voted against a measure of which he now says he knows nothing and with which he had no legislative connection.

Mr. COX. My reference was to what came up afterward in the next Congress on the Lecompton constitution.

Mr. WHEELER. But the gentleman was not in that Congress.

Mr. COX. We will not talk about it further.

Mr. WHEELER. I have done.

Mr. COX. And I am satisfied.

Mr. NIBLACK. I desire to ask a question before the vote is taken: whether the gentleman from New York himself indorses the action which the executive took at the time the Lecompton convention was dispersed?

Mr. WHEELER. Not at all; or on any other occasion.

Mr. NIBLACK. I am glad to hear the gentleman say so.

Mr. WHEELER. Did anybody on the democratic side approve of it? Did the gentleman from Indiana himself approve of it?

Mr. NIBLACK. I was not in Congress at the time.

Mr. WHEELER. Does the gentleman know any one who was in Congress at that time?

Mr. NIBLACK. Yes; my honorable friend here from Illinois [Mr. MARSHALL] was in Congress at that time.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. Cox's amendment was rejected.

The Clerk read as follows:

For expenses of the Signal Service of the Army, purchase, equipment, and repair of electric field telegraphs and signal equipments, \$12,500.

Mr. YOUNG, of Georgia. I move to amend by adding the following.

The Clerk read as follows:

And for extension of the Signal Service for the southern coast, \$10,000.

Mr. YOUNG, of Georgia. Mr. Chairman, I think this an important branch of the public service.

Mr. GARFIELD. I make the point of order on the amendment that it is new legislation. Provision for the Signal Service, excepting only for the force which is kept here at the center, is made in the sundry civil appropriation bill. No part comes in here. The passage here relates simply to officers of the Army employed in this city, and not to the general expenses for keeping up the service. The gentleman will see that his amendment belongs to another bill.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of the Army, and for allowances to officers of the Army for transportation of themselves and their baggage when traveling on duty without troops, escorts, or supplies, and for compensation of witnesses while on court-martial service; for traveling expenses of paymasters' clerks; for payment of postage on letters and packages, and cost of telegrams received and sent by officers of the Army on public business, \$11,400,000: *Provided*, That hereafter only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals of the United States, and their deputies, and all allowances for mileage and transportation in excess of the amount actually paid, except as above excepted, are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision.

Mr. TODD. I move to amend by adding the following.

The Clerk read as follows:

And *provided further*, That hereafter the instructors of the artillery service at Fortress Monroe, Virginia, shall be placed, in regard to pay, on the same footing with the assistant professors at West Point, to wit, mounted pay.

Mr. WHEELER. I make the point of order this is new legislation and not in order to this bill.

The CHAIRMAN. The Chair sustains the point of order that it is not germane to this paragraph and is besides new legislation.

Mr. TODD. I want to say a word on that subject. I shall have liberty, I suppose, to state the purport of my amendment before it is ruled out on the point of order. I regard this as not making a new appropriation, but simply as a distribution of the amount provided in this section.

Mr. WHEELER. Has not the Chair decided the point of order? This is new legislation.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania on the point of order.

Mr. TODD. It is for the committee to determine whether this is new legislation, and not for the gentleman from New York. I contend this is not new legislation. This section provides that a certain amount of money shall be appropriated for specific purposes, among other things to pay the officers of the Army. Now, my proposition is that a grade of officers stationed at Fortress Monroe, performing specific duties, shall be paid a certain rate in accordance with the amount paid to officers who perform similar duties elsewhere. This does not ask for any increase in the appropriation, but simply for a distribution of the amount provided for in this bill. And under that view it strikes me that it is not new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk continued the reading of the bill, and read as follows:

For transportation of the Army, including baggage of the troops when moving either by land or water; of clothing and camp and garrison equipment from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters, transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as from their situation require it to be brought from a distance; and for clearing roads, and for removing obstructions from roads, harbors, and rivers to the extent which may be required for the actual operations of the troops in the field, \$4,000,000: *Provided*, That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which, in whole or in part, was constructed by the aid of a grant of public land on the condition that such railroad should be "a public highway for the use of the Government of the United States free from toll or other charge," or upon any other conditions for the use of such road, for such transportation; nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same, if found entitled thereto by virtue of the laws in force prior to the passage of this act.

Mr. WHEELER. I desire to offer an amendment to come in after the paragraph which has just been read, and I call the attention of my friend from Indiana [Mr. HOLMAN] to it.

The Clerk read as follows:

Add after line 138 these words:

Provided further, That the foregoing restrictions shall not apply for the current and next fiscal years to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with.

Mr. HOLMAN. It does not strike me from the hasty reading of the amendment that this proposition is wrong. On the contrary, it seems to be right. But I would suggest to the gentleman from New York that the difficulty arises from the words inserted in the appropriation bill of last year by the Senate, "or upon any other conditions for the use of such roads." Those words are repeated in this bill, and I think if they were stricken out the whole proviso taken together would be much less ambiguous.

Mr. WHEELER. Would not that defeat the very object which the gentleman from Indiana has in view? We have made permanent in this bill the proviso of last year. But the Solicitor-General has decided that where a road received a grant under any condition, no matter what, compensation for transportation must be withheld. Now, take the case of the Northern Pacific Railroad, where the only condition of the grant was that the company should charge the Government no more than it charged individuals for like services. Under that opinion of the Solicitor-General the Quartermaster-General or the Secretary of the Treasury is withholding compensation for transportation.

Mr. HOLMAN. Is not that the result of this language used in the bill as it passed last session? The words are:

Or upon any other conditions for the use of such road.

That language was not in the bill as it passed the House, but was inserted in the Senate, and it is under that provision that the difficulty the gentleman from New York refers to has arisen. All that is necessary to accomplish the purpose is to strike out those words.

Mr. WHEELER. But that will not meet the emergency for the current fiscal year. This bill only takes effect on the 1st day of July next; but for the current fiscal year the language in the law of last session applies and governs.

Mr. HOLMAN. The latter consideration perhaps ought to govern;

and in that view I see no reason why the amendment should not be adopted.

Mr. BROMBERG. I offer the following amendment.

The Clerk read as follows:

After line 138 add these words:

And provided further, That no portions of the Army shall be used or detailed as posses of United States marshals, except to aid in executing the decrees of courts of the United States or the national revenue laws.

Mr. WHEELER. I raise the point of order on that amendment. The law now defines when troops may be used. This seeks to change it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BROMBERG. Before the Chair decides the point of order I would like to ask if any law allows the Attorney-General to command the Army of the United States.

Mr. WHEELER. I suggest to the gentleman that he examine the statutes to ascertain that. I have not time to read from them now. I refer the gentleman to the Revised Statutes.

Mr. BROMBERG. I do not think that this amendment changes the law.

Mr. WHEELER. If it be the law now, then the gentleman's amendment is not necessary.

Mr. BROMBERG. I would like to ask the gentleman from New York how large a portion of the expense of transporting troops has arisen from spreading them over so many points—in my own State thirty different points. This involves an enormous expense for the transportation by land and water.

Mr. WHEELER. I cannot inform the gentleman on that point. This bill appropriates a certain sum of money and puts this expenditure in the hands of the Secretary of War.

Mr. BROMBERG. Does the gentleman not know that this disposition of troops is made by the Attorney-General, and not by the Secretary of War?

Mr. WHEELER. I do not.

Mr. HAYS. I will answer my colleague, [Mr. BROMBERG.] It is for the purpose of maintaining and preserving the peace and good order of the State.

Mr. BROMBERG. I want to know how much of these expenses of the Army are legitimate and how much for electioneering purposes.

Mr. COBURN. I offer the following amendment. It is an amendment which costs the Government nothing, and is for the benefit of a very meritorious class of citizens. It is as follows:

And provided further, That hereafter when troops or officers change stations the officers' families shall receive transportation over land-grant and subsidy railroads which shall receive no pay from the United States.

Mr. HOLMAN. I think the amendment is subject to the point of order.

The CHAIRMAN. It is too late to raise the point of order now.

Mr. WHEELER. I desire to inquire of the chairman of the Committee on Military Affairs if this amendment has ever been recommended by his committee?

Mr. COBURN. Yes; it is recommended by the committee and by the Quartermaster-General, and also by General Ord. The Government does not lose a cent by it, and it is a benefit to these men.

Mr. ALBRIGHT. I desire to know if this amendment covers the families of soldiers as entitled to transportation in changing quarters?

Mr. COBURN. They are already carried without expense.

Mr. HOLMAN. It seems to me that my colleague should amend his amendment. If it be proper to say that the subsidized railroad companies shall transport the families of officers free of charge, it is upon the ground that upon the terms and conditions of the grant they were to transport troops and munitions of war. Now, if it is necessary to insert this provision, and if that includes the wives and families of officers, it is also necessary to insert some provision as to the families of soldiers, so as to relieve the Government from charge for their transportation. I therefore suggest to him, in order to relieve the Government from this charge for transportation, that he amend his amendment so as to insert a provision providing for the transportation of the wives and families of the rank and file.

Mr. COBURN. They go along with the soldiers without charge.

Mr. HOLMAN. This change is made upon the ground that soldiers and the families of soldiers are entitled to transportation over these roads as well as Army supplies and munitions of war, and I suggest to my colleague that he modify the language of his amendment so as to include the families of the rank and file.

Mr. COBURN. I have no objection to that.

Mr. BUCKNER. I move to amend the amendment by striking out "officers" and inserting "soldiers."

The committee will understand the object of this amendment. If these roads are under any obligation to carry these parties free of charge, as the gentleman says they are, upon what principle is it?

Mr. YOUNG, of Georgia. They do it under the grant.

Mr. BUCKNER. If it is in the grant, then we do not need any legislation on the subject. If it is not in the grant, then I take it that this legislation will have no effect at all. If under the grant officers and their families are entitled to transportation, they can get it now; but if that is not in the grant, then this is mere *brutum fulmen*, and amounts to nothing.

Mr. WHEELER. I think that the gentleman who last addressed the House is correct, that this was a specific contract between the Government and the railroad companies to carry a specific class of persons, and I do not think that either the families of the officers or the soldiers are included.

Mr. HOLMAN. The language of the law is "army supplies and troops," and that language would apply to all persons who properly pertain to the military organization.

Mr. WHEELER. When an army is in motion it is seldom accompanied by the wives and children of the soldiers.

Mr. COBURN. This covers everything. The clerks in the Quartermaster's Department and all persons connected with the Army are carried free over these roads. No railroad company ever thought of making a distinction between the civil and the military employes of the War Department. They all go together.

The question was put on the amendment offered by Mr. COBURN; and on a division there were—ayes 13, noes 29.

Mr. COBURN. I call for tellers.

MESSAGE FROM THE PRESIDENT.

Here the committee rose informally; and Mr. TYNER having taken the chair as Speaker *pro tempore*,

A message from the President, by Mr. O. E. BABCOCK, his Private Secretary, announced that the President had approved and signed bills and joint resolutions of the House of the following titles:

A bill (H. R. No. 4546) to correct errors and to supply omissions in the Revised Statutes of the United States;

A bill (H. R. No. 1317) to enable Ann Jennette Hathaway, executrix of the last will and testament of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for the extension of letters-patent for improved device for converting reciprocating into rotary motion;

A bill (H. R. No. 1799) granting a pension to Angelica Hammond;

A bill (H. R. No. 2103) giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad and to regulate its construction and operation;

A bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans;

A bill (H. R. No. 4335) authorizing John Hazeltine to make application to the Commissioner of Patents for the extension of his patent for a new and useful water-wheel;

A bill (H. R. No. 3911) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1876, and for other purposes;

A bill (H. R. No. 4535) providing for the distribution of the Revised Statutes of the United States;

A bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky;

A bill (H. R. No. 3050) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations; and to confirm existing leases;

A bill (H. R. No. 3825) to amend section 5240 of the Revised Statutes of the United States in relation to the compensation of national-bank examiners;

A bill (H. R. No. 4126) authorizing the Citizens' National Bank of Sanbornton, New Hampshire, to change its name;

A bill (H. R. No. 3915) to authorize the Secretary of War to give permission to extend the Hygeia Hotel at Fortress Monroe, Virginia;

A bill (H. R. No. 3658) for the relief of William J. Coite;

A bill (H. R. No. 4563) to make an appropriation to the contingent fund of the House of Representatives; and

Joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session and proceeded with the consideration of the Army appropriation bill.

The CHAIRMAN. The question is upon the amendment of the gentleman from Indiana, [Mr. COBURN,] upon which no quorum voted.

Tellers were ordered; and Mr. WHEELER and Mr. COBURN were appointed.

The tellers took their places; but before completing and announcing the count,

Mr. WHEELER said: I will not insist upon a further count, but am willing to permit the amendment to be adopted.

The amendment was accordingly agreed to.

Mr. SYPHER. I move to amend the pending paragraph by adding that which I send to the Clerk's desk.

The Clerk read as follows:

That the New Orleans, Opelousas and Great Western Railroad Company, a body corporate under the laws of the State of Louisiana, and now known as Morgan's Louisiana and Texas Railroad, is hereby authorized to relinquish all right, title, and interest to any lands granted, conveyed, or acquired by said company under "An act making a grant of lands to the State of Louisiana to aid in the construction of railroads in said State," approved June 3, 1856, except so much of said grant as said railroad company may have appropriated and occupied and may require for their right of way, road-bed, side-tracks, turn-outs, water stations and depots, not to exceed three hundred feet on each side of their road: *Provided*, That whenever said Morgan's Louisiana and Texas Railroad shall have made the relinquishment as aforesaid then said railroad shall be exempt and relieved from all conditions and obligations under existing law requiring said railroad to transport without compensation and free of charge any property or troops of the United States.

Mr. WHEELER. I raise the point of order that that amendment involves new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SYPHER. I desire to be heard upon that point before the decision is made.

The CHAIRMAN. The Chair has already decided that the amendment is out of order.

Mr. SYPHER. I desire to be heard a moment, if the Chair will permit me.

The CHAIRMAN. The Chair will hear the gentleman very briefly.

Mr. SYPHER. The paragraph of this bill now under consideration, as will be seen, relates to railroads that are declared under land-grant acts to be public highways for the use of the Government of the United States upon which to transport troops and property of the United States free of toll or charge. This amendment of mine is directly with reference to that point of transporting Government property and troops free of charge. My amendment relates to a railroad that is denominated a land-grant road; but it has received no benefits of the land grant owing to a discrepancy in the General Land Office. The Secretary of War has referred the subject to the House of Representatives in Miscellaneous Document No. 194 for its consideration. The case is this—

Mr. WHEELER. I must object to arguing the merits of this case upon a point of order. I did not object to this amendment upon the ground of irrelevancy, but because it involved new legislation.

Mr. SYPHER. It is directly in accord with the paragraph we are considering—the transportation of troops and property of the United States over all railroads that have received land grants.

The CHAIRMAN. The Chair is clearly of opinion that the amendment involves new legislation, and is not in order.

The Clerk resumed the reading of the bill, and read the following:

For purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department, \$1,450,000.

Mr. RANDALL. I move to amend the paragraph just read by adding the following:

Provided, That no part of this sum shall be paid for the use of any patented process for the preservation of clothing from moth or mildew.

Mr. WHEELER. That is right.

The amendment was agreed to.

The Clerk read the following:

For engineer depot at Willet's Point, New York, namely, remodeling portions of bridge equipage, and for the current expenses of the depot, purchase of engineering materials for use in instruction of engineer battalion, and purchase and repair of instruments for general service of the Corps of Engineers, \$9,000.

Mr. WHEELER. I send to the Clerk's desk an amendment to come in after the paragraph just read.

The Clerk read as follows:

For torpedo experiments in their application to harbor and land defense, and for instruction of engineer battalion in their preparation and application, \$10,000.

Mr. WHEELER. The estimate for the usual annual appropriation for the manufacture of torpedoes was this year inadvertently omitted. I offer this amendment at the request of the Engineer Bureau.

Mr. HOLMAN. Why is it necessary to appropriate this sum of money in addition to the \$150,000 which we have appropriated for a similar purpose in the naval appropriation bill that has already passed the House? I think that was the sum appropriated in the naval appropriation bill. After appropriating that large amount for this purpose, why is it necessary to appropriate this small sum in addition to be used by the Army?

Mr. WHEELER. The gentleman from Indiana [Mr. HOLMAN] I presume knows that a series of experiments in the use of torpedoes are being made at Willet's Point, and at other points. I am assured by the Chief of Engineers that this amount is necessary for that purpose. In my own judgment these experiments relate more particularly to Army operations, and I think that it will now be assumed that we must hereafter rely more upon torpedoes for harbor defenses than upon our forts.

Mr. HOLMAN. We all seem to agree that the Army and the Navy are the proper departments of the Government to try these experiments, and I do not think there is any objection to the appropriation of a large sum for this purpose. It does not seem, however, that it is necessary to make appropriations to enable both departments of the service to perform the same experiments.

Mr. WHEELER. In the Navy they call for torpedo-vessels. As I have said, there is a series of experiments; and I will say frankly that for myself I would cheerfully approve a much larger appropriation than what has been asked for these torpedo experiments, because I really believe that in the future we must depend more upon the torpedo system than upon anything else as a means of harbor defense.

Mr. GARFIELD. My colleague on the committee [Mr. WHEELER] will allow me to say that the Committee on Appropriations have only been able to cut down the fortification appropriations to the low point to which they have been carried this year and last in view of the fact that they believe the torpedo experiments both in the Navy and the Army (being separate and distinct systems, yet working well together) will very largely supersede the necessity for the great annual outlay which we have hitherto been making for fortifications.

The Navy has a system of torpedo-boats and matters of that sort to attack vessels coming in, while the Army has a system of locating torpedoes at the bottom of harbors, so that by means of telegraphic wires they can be exploded under vessels. We think that this appropriation is perhaps the wisest of all our appropriations for coast defense.

Mr. HOLMAN. Whatever may be the need of a torpedo system for defensive purposes, it does not seem to me to require this everlasting duplication of appropriations.

Mr. GARFIELD. There is no duplication at all. One system is wholly under the control of the Navy, and relates to attacking vessels coming in by sending out torpedo-boats to meet them and exploding torpedoes against them. The other is a system of harbor defense by sinking torpedoes at the bottom of our harbors.

The amendment was agreed to.

Mr. FORT. I offer the following amendment:

For preparing, printing, and binding five thousand additional copies of the Medical and Surgical History of the War of the Rebellion, \$50,000.

Mr. GARFIELD. An appropriation of that kind has been reported in the sundry civil bill now upon our tables.

Mr. FORT. Then I withdraw the amendment.

The Clerk resumed and concluded the reading of the bill; the last paragraph being as follows:

For manufacture, at national armories, of the new model breech-loading musket and carbine adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, \$100,000: *Provided, That hereafter no money shall be expended at said armories in the perfection of patentable inventions in the manufacture of arms by officers of the Army otherwise compensated for their services to the United States.*

Mr. DAWES. Mr. Chairman, there has been an oversight in the estimates with reference to the expenditures at the Springfield armory; and while the chairman of the Committee on Appropriations [Mr. GARFIELD] is preparing an amendment to correct that oversight I will explain the matter.

There has been expended every year at that armory about \$500,000. The appropriation in the bill of last year was only \$100,000; and that appropriation was followed in the preparation of this bill. But there was expended \$400,000 from another source which is not available this year. All that can be available this year, if the bill should pass in this form, would keep in employ only half the number of men now employed in that armory. The rest would have to be discharged. The Committee on Appropriations had no intention to produce that result. Following the language of the bill of last year and not bearing in mind the fact that the Department was authorized to draw for this purpose upon the fund for arming the militia of the different States, the committee have fallen into this mistake. A provision now being prepared by the gentleman from Ohio will remedy the oversight. I have a communication from the Ordnance Department setting forth all the facts.

I now offer as an amendment the following proviso, which will meet the case, and to which I presume the gentleman in charge of the bill will not object:

Provided, That from the proceeds of sales of ordnance and ordnance stores now authorized by law an additional amount may be used in said manufacture; the whole amount to be used not to exceed the amount available for this purpose during the current fiscal year.

Mr. WILLARD, of Vermont. How much does that make available?

Mr. DAWES. In all about \$500,000, the amount available for this purpose under the act of last year.

Mr. CONGER. I think we have a law which requires that all money received from sales of public property shall be covered into the Treasury. That is a law of the land which the gentleman from Massachusetts [Mr. DAWES] himself has been very efficient in enforcing when it applied to anything else than Springfield armory. I make the point of order that this amendment contains new legislation.

The CHAIRMAN. As the Chair understands, the gentleman raises the point that this amendment proposes to change the law requiring all balances to be covered into the Treasury.

Mr. CONGER. The law now requires that all moneys received from sales of public property shall be covered into the Treasury to be reappropriated if required for any purpose. This amendment is certainly a very general way of appropriating all that might be received from sales of ordnance and ordnance stores.

Mr. DAWES. The amount is limited.

Mr. RANDALL. The law which this proviso proposes to contravene was designed to reach just such cases.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARFIELD. I desire to state that I had not my attention called to it, or time to consult with the Committee on Appropriations, but one thing appears in reference to the Ordnance Department which I desire the House to understand. Last year there was available from funds on hand, balance available for this purpose, a sum of money which did not need to appear in the appropriation bill, and which made for that year as much more in addition to what the annual appropriation called for. We have followed the same plan this year in taking no account of unexpended balances. I do not know enough of the case to say how we should cover the unexpended balance into the Treasury, but the House should understand we are cutting down the appropriation for the manufacture of arms more than \$200,000 from what was appropriated last year. There is hardly

time in this hurried way to adjust it, so it may be best to let it go to the Senate as it is.

Mr. WHEELER. What is the question before the House?

Mr. ALBRIGHT. What becomes of my amendment?

Mr. DAWES. The gentleman from Pennsylvania I hope will withhold his amendment for the present, while I move to strike out "100" and insert "325," so it will then read:

For manufacture, at national armories, of the new model breech-loading musket and carbine, adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, \$325,000.

I will now read what the Ordnance Department says on this subject:

(Memoranda.)

After a careful examination of the amount of money that will be available for the manufacture of arms at the Springfield armory during the next fiscal year I find that we will have from—

Arming and equipping the militia, from past appropriations still remaining on hand June 30, 1875.....	\$75,000
Appropriation for 1876, for arming and equipping militia, one-half only available, the remainder needed for other ordnance stores for militia.....	100,000
Amount to be appropriated as per Army appropriation bill 1876.....	100,000

Total for 1876..... 275,000

During the present fiscal year the amount allotted to the armory has been as follows:

Appropriated for arms.....	\$100,000
From arming and equipping militia.....	400,000

Total for 1875..... 500,000

This shows that unless the appropriation for the manufacture of arms is increased the work at the armory must be reduced one-half and about two hundred and fifty workmen discharged on the 1st of July next.

If Congress will not appropriate additional money it may authorize the Department to use an additional amount from "the proceeds of sales of ordnance stores," for instance, provided that the proceeds of sales of ordnance and ordnance stores may be used to replace the same by purchase or manufacture.

ARMAMENT FOR FORTIFICATIONS.

The President in his message recommended the appropriation of \$250,000 for converting cannon into rifles, and \$250,000 for experiments and tests of heavy guns, &c.

The House Military Committee have recommended \$250,000 for converting guns and only \$100,000 for experiments, &c.

The latter sum should be increased to \$250,000. These experiments and tests are very costly, and there will be eight experimental guns ready for trial this summer, and it is absolutely necessary that the experiments be conducted without delay. The accompanying papers give all the details. To fully test our cast-iron lined with steel or wrought iron, one 10-inch and one 12-inch rifle should be manufactured at once; their total cost will be \$40,000 and the cost of testing these two guns will more than double this amount.

To enable this Department to make all these tests \$250,000 is the least that should be appropriated. Other nations have spent many millions in such experiments, and are spending large sums annually in the same direction. The Ordnance Department is held responsible for the proper armament for sea-coast defense, and the responsibility will be a heavy one if a war should find our harbors defenseless; and yet Congress fails to listen to our annual appeals in this regard.

Experimental guns that are to be tried under act of 1872: One 9-inch Sattelle breech-loading cannon and carriage; one 12-inch Thompson breech-loading cannon and carriage; one 9-inch Woodbridge cannon and carriage; one 9-inch Hitchcock wrought-iron cannon and carriage; one 9-inch converted with steel tube; one 8-inch converted with steel tube; one 9-inch converted with wrought-iron tube; one 8-inch converted with wrought-iron tube, (already tried.)

By adding \$225,000 to the \$100,000 already appropriated in this bill you will then have the amount appropriated last year, and the men employed at this Springfield armory will not be discharged. If you discharge these men you will break up the establishment; that is all.

Mr. WHEELER. Mr. Chairman, my friend from Massachusetts has put this thing now upon its naked merits. It has not been covered up by reference to other laws. I hoped he would be able inasmuch as in another capacity he is pressing upon the House taxation for the purpose of meeting the ordinary expenses of the Government—I hoped, I say, he would be able to show the absolute necessity of this appropriation for the manufacture of more small-arms. Sir, I deny there is any such necessity. This Government has already an accumulation of 118,687 breech-loaders. It has of muzzle-loaders an accumulation of 584,494. There is no necessity for it whatever.

My friend from Massachusetts says if you do not increase this appropriation a portion of the workmen at the Springfield armory must be discharged. What claim have the workmen at Springfield on the tax-payers of the country over and above any other locality?

But we are told the Ordnance Department asks it. What do they not ask? Like the daughters of the horse-leech, that Department is constantly crying, Give! give!

Let the committee look at the inventory of the useless ordnance stores on hand. Every page of the book is filled up with accumulation of useless ordnance stores on hand. Our armories are groaning to-day with accumulated arms.

We are called on every year, and this bill contains the appropriation, for from thirty to forty thousand dollars for cleaning, repairing, and keeping in order accumulated ordnance stores for which there is no earthly use whatever.

If I made a proposition I should say that with the eight-hour system of labor and with the endless round of superintendents on the part of the Government arms could be made by private establishments much cheaper. But, sir, as I said last year in the discussion of the Army appropriation bill, I would keep up this armory; I would keep up a small band of trained and skilled artisans there. Beyond that I would not go.

We give \$100,000 for the next year for the manufacture of arms not needed and for the purpose of keeping up that armory, so that in the event of war it may prevent a monopoly on the part of private manufacturers. That is the only reason why in my judgment any appropriation should be made for the Springfield armory. I trust my friend will not urge, in the present condition of the Treasury and with this accumulated supply of ordnance stores, we should vote another dollar to this or any other armory.

Mr. DAWES. I am asked why I do not show the necessity of manufacturing the arms at the Springfield armory. I have nothing to do with that branch of the public service. I have nothing to do with that matter. That belongs to the gentlemen who have the Army appropriation bill in charge; and unless they see the necessity of this, it is not for me to urge it. I only want it to be distinctly understood that you are to discharge these men because you do not want more arms.

I believe it is good policy to take the arms we now have in the hands of the several States, which are not worth a copper in their present condition, because they are old-fashioned arms that cannot be used. I believe it is better to take them to the armory and replace them with an arm available for service; but let us not keep those arms idle in the several States. That is what this armory has been doing for a number of years. If there is no occasion to do that, then let it not be done. I am not asking the House to vote \$500,000 to keep up an armory because it happens to be at Springfield, in my district. If it be a good policy to stop work at the armory, and to leave the arms in that condition in the hands of the several States, not worth anything because they are old-fashioned arms, then it is all right to stop your armory; but I submit that you ought to have a policy that is well understood and well defined.

My friend from New York [Mr. WHEELER] happens to be of the opinion that private armories can better manufacture the arms and arm the militia of this country than the Government can at these public armories, where it has spent so much money in the plans, in the establishment, and in the machinery. The gentleman acts according to his sense of duty when he proposes to starve out the armory at Springfield and give this over to private institutions. That is his conviction of the best way to do it. But hitherto up to this hour it has been the policy of the Government to manufacture their own arms, and they have just as much as they can do now at that work.

I do not care whether you vote one dollar to the Springfield armory or not. The Springfield armory is not essential to the happiness of the city of Springfield or the eleventh district of Massachusetts. I have merely called the attention of the committee to the fact that, while you have appropriated up to this year \$500,000 to manufacture these arms and replace those in the hands of the several States, you propose this year to appropriate only \$100,000.

Mr. WHEELER. With a permanent standing appropriation of \$200,000, which gives this armory \$300,000 for the next year.

Mr. DAWES. But that can only be made available in part; what I have read shows to what extent.

Mr. CONGER. Does the gentleman mean to say that Springfield has had this armory maintained at so great an expense for so many years, and still is not happy?

Mr. DAWES. Springfield did not have it at all. It was the Government of the United States that had it. Springfield is entirely happy, whether the armory goes up or goes down.

Mr. MERRIAM. There is one fact which ought to have some consideration when the committee votes upon this question.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. MERRIAM. Then I move to amend by striking out "\$325,000" and inserting "\$200,000."

I was about to say to the committee that there was one fact which ought to have some consideration when voting upon this question. It is well known that there is not a day passes and scarcely an hour that there are not inventions and improvements made in our arms, making those which were made yesterday comparatively obsolete and worthless compared with those that are made to-day. And when we manufacture at the Springfield armory tens of thousands of arms which we do not require in times of peace like the present, and which we will never use, there is no possible advantage in it that I can see. It is almost a waste of money, and this, too, at a time when all our people dread increased taxation.

Mr. Chairman, my colleague who reports this bill has told us that we are now spending \$25,000 a year for cleaning hundreds of thousands of unused arms and keeping off rust. Now you propose to expend \$325,000 to manufacture and pile away many thousands more of them when we have no use for them, and increase the \$25,000 perhaps to \$35,000 for preserving them from destruction by rust.

And there is another point to be considered here. The Government in this matter of manufacturing does not do the work as well or as cheaply as it can be done by private enterprise. We can to-day produce a better arm at a private establishment for a less price than it is produced at the Springfield armory.

Then, again, if the time ever comes when we have use suddenly for a large quantity of arms, if by our large annual appropriations we shut out encouragement to establish new armories by filling the country with a larger overstock of arms all made at one place, and that a Government armory, there will be no new private armories

established. Hence, when the time comes, if it ever does, that the country must enter the market to contract for large quantities of arms, there will not be the competition which would be if manufacturers were not now forced out of business or to idleness by Government doing this work—that is, these armories depending upon home Government work, and then you will find the Government left at the mercy of half a dozen manufacturers and forced to pay their own prices.

Mr. CONGER. What private armories would the gentleman encourage?

Mr. MERRIAM. All American armories outside of this one.

Mr. DAWES. What would be the price of arms at your private armories in case of war?

Mr. MERRIAM. Let me tell the gentleman from Massachusetts that during the war our private armories went to work and manufactured arms cheaper and better than they could be produced at the Government armory or purchased in other countries.

Mr. DAWES. That was because at the Springfield armory they turned out a thousand muskets a day to keep your private armories in check as to their prices.

Mr. MERRIAM. The gentleman forgets that one private armory at Iliou, New York, then turned out sixteen hundred breech-loading rifles every twenty-four hours, and but for the energy of the Remingtons greater delay would have followed the arming of our regiments, and I never heard that the Government complained of their prices for arms.

[Here the hammer fell.]

The question was upon the amendment of Mr. MERRIAM to the amendment of Mr. DAWES, so as to reduce the amount proposed from \$325,000 to \$200,000; and being taken, it was not agreed to; upon a division ayes 3, noes not counted.

The question was upon the amendment of Mr. DAWES to strike out "\$100,000" and to insert in lieu "\$325,000."

Mr. DAWES. I will modify my amendment so as to make the sum \$225,000.

The amendment was not agreed to.

Mr. ALBRIGHT. I move to amend the bill by adding to it the following:

That there be, and is hereby, appropriated, from any money in the Treasury of the United States not otherwise appropriated, the sum of \$40,000, to be used under the direction of the Secretary of War in the construction of such walls or other works as may be necessary for the protection of the banks of the Colorado River at Yuma military depot, Arizona.

Mr. WHEELER. I must raise the point of order that this is an appropriation not authorized by existing law.

Mr. ALBRIGHT. Hear me a moment.

Mr. WHEELER. That appropriation, if made at all, should be in the river and harbor bill, not in the Army appropriation bill.

Mr. ALBRIGHT. It is not intended for the improvement of a river or a harbor, but to protect the principal military post we have in the Territory of Arizona.

Mr. WHEELER. Then let it come in as an amendment to the sundry civil appropriation bill.

Mr. ALBRIGHT. I was instructed by the Committee on Military Affairs to move the amendment to this bill, because it is intended to protect and preserve quartermaster's stores. If it should be offered to the other bill, I presume it will be objected that it does not properly belong to that bill.

The Secretary of War, the Quartermaster-General, and all the officers who have examined this matter say that unless this appropriation is made and means taken to protect this property, the Government will lose these buildings. These buildings, when first erected, were at some distance from the river. Since then the current of the river has changed; the river has washed out the banks where these buildings are; and unless something is done to check the further encroachment of the river, these buildings will soon be destroyed. There is no other Government building there in which these quartermaster stores can be placed and preserved. It is our principal military depot there. I have here communications from the Secretary of War, the Quartermaster-General, and the subordinate military officers now in that country, certifying to the necessity of this appropriation.

The CHAIRMAN. It is not necessary that the gentleman shall debate the merits of the proposition on a mere point of order. The Chair is clearly of the opinion that the point of order is well taken.

Mr. ALBRIGHT. I do not understand that the gentleman from New York [Mr. WHEELER] insists upon his point of order.

Mr. WHEELER. I do insist upon my point of order that this is new legislation; that the law requires that no appropriation of this kind shall be made until a survey has been made; and it is not pretended here that any survey of this work has ever been made or any estimate made.

Mr. ALBRIGHT. I have it here.

Mr. WHEELER. By the Engineer Department?

Mr. ALBRIGHT. By the Quartermaster's Department.

Mr. WHEELER. Ah!

Mr. HAWLEY, of Connecticut. It must come in some bill, and why is it not appropriate to the Army appropriation bill?

Mr. CONGER. I want to make a remark on the point of order.

The CHAIRMAN. The Chair has already decided the point of order.

Mr. CONGER. It may still be open to remark.

The CHAIRMAN. Is there objection to the gentleman from Michigan [Mr. CONGER] speaking promiscuously? [After a pause.] The Chair hears none, and the gentleman will proceed.

Mr. CONGER. This proposition was sent to the Committee on Commerce, as if it were connected in some way with the improvement of rivers. The Committee on Commerce thought that the sole object of the proposed appropriation was to protect a military building and the stores therein, and they reported it back and asked to have it referred to the Committee on Military Affairs. The Committee on Military Affairs now ask that for the purpose of protecting a military building and military stores by preventing the encroachment of the river on its banks. I think it properly belongs to this bill, or else you might leave all the military stores and military buildings unprotected. If there is anything that the appropriations made by the Army appropriation bill can properly be used for, it is to protect the military buildings and military stores that are paid for out of those appropriations. I make these remarks and ask the Chairman to review his decision.

Mr. WHEELER. I move that the committee now rise and report this bill to the House.

Mr. HAWLEY, of Connecticut. Has the point of order been finally decided?

The CHAIRMAN. The Chair adheres to his ruling on the point of order.

Mr. HAWLEY, of Connecticut. I would like to say a word on the point of order, not upon the merits of the amendment itself.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. HAWLEY, of Connecticut. It strikes me that this amendment is just as much in order on this bill as if an amendment was offered in relation to renewing or mending the machinery in a Government armory, or providing new underpinning necessary to preserve Army property. It seems to me that the point of order could be made against it everywhere except on this one bill.

Mr. WHEELER. Can the gentleman give a solitary precedent for an appropriation of this kind where there has been no prior estimate?

Mr. MCCORMICK. This is not a proposition to make a river or harbor improvement, but simply to protect certain military storehouses which it is estimated have cost the Government over \$200,000. They were erected at some distance from the Colorado River, but that great stream, which has been denominated "the Mississippi of the Pacific coast," has a changing current and channel, and within two or three years has worn away the banks at Yuma so as to make requisite protecting walls. The citizens of the town of Yuma, adjoining the military depot, were authorized by the Legislature of Arizona to raise a special tax to build such walls in front of the town and the Government is only asked to protect its own valuable property.

The amendment now proposed I introduced at the last session of Congress as a distinct bill and it is now on the Calendar of the House, having been favorably reported in January last by the Committee on Military Affairs. The Secretary of War has twice called the attention of the House to the necessity of this appropriation, and if it is not now made and the buildings and their contents should suffer from the encroachments of the river, the responsibility will not rest upon the War Department, the Committee on Military Affairs, or the representative of the people of Arizona. The estimated cost is based upon the figures of the Quartermaster's Department sent to the House and printed in Executive Documents No. 154 and No. 261 of last session.

Mr. WHEELER. There seems to be an estimate made by the Quartermaster-General's Department. I told the Delegate from the Territory of Arizona [Mr. MCCORMICK] two months ago that this should be estimated for regularly and if that was done I would be willing to admit it. The estimate ought to come from the Engineer Department of the Army.

Mr. HAWLEY, of Connecticut. We do not require an estimate every year for every quartermaster's shed that is built in the country, or whenever you put in a new sill or new underpinning under one already built.

The CHAIRMAN. The Chair adheres to his ruling that the proposed amendment is not in order.

Mr. SHERWOOD. I offer the following amendment, which was made in order under a suspension of the rules:

Add to the bill the following:

In all contracts for material for any public improvement the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States.

The amendment was agreed to.

Mr. LOWNDES. I offer the following as a new section:

SEC. — That the Quartermaster-General of the United States Army be, and he is hereby, authorized and directed to examine and report on all claims now on file in his office for the use and occupation of private buildings and lands of loyal claimants that were held, used, and occupied by the military forces of the United States, and refer the same to the Third Auditor of the United States Treasury.

Mr. WHEELER. I make the point of order that this amendment involves new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHEELER. I move that the committee rise and report the bill.

Mr. CONGER. I move to amend by striking out the proviso of the last section of the printed bill.

Mr. HOLMAN. Is that motion in order? We have passed that section and considered other propositions.

The CHAIRMAN. That section has been passed.

Mr. CONGER. Then I move to amend the bill (we have not passed the bill) by striking out from the middle of line 214 to the end of line 218.

Mr. WHEELER. We have passed that.

Mr. CONGER. Does the gentleman from New York [Mr. WHEELER] pretend that before the committee rises to report the bill it is not in order to go back and amend the last paragraph of the printed bill?

Mr. RANDALL. That section has been passed and new sections added.

Mr. WHEELER. The gentleman can propose to add a new section, but he cannot go back.

The CHAIRMAN. The gentleman from Michigan can move an addition to the bill, if he desires to do so.

Mr. GARFIELD. If it were in order for the gentleman to go back to that paragraph, he could go back to the first paragraph.

The CHAIRMAN. Certainly.

Mr. CONGER. Mr. Chairman, I assert that the last paragraph of this bill has not been passed. It must be still under consideration.

Mr. WHEELER. I call attention to the fact that the committee has considered new matter, new propositions, since that paragraph was under consideration.

The CHAIRMAN. The committee has voted on a proposition to add a new section.

Mr. SMITH, of Ohio. What is the question, Mr. Chairman?

The CHAIRMAN. The gentleman from New York [Mr. WHEELER] moves that the committee rise and report the bill to the House.

Mr. CONGER. I insist on my right to offer my amendment. I desire to state that there was added to this section not a new section but an amendment by way of addition to the last printed paragraph. Now I propose still further to amend that paragraph. The Chair cannot recognize all gentlemen at once; and I am one of that unfortunate class that is generally not first recognized.

The CHAIRMAN. The Chair has ruled that the gentleman can add to the section, but he has not proposed to do so.

Mr. CONGER. I propose to amend the section, because we have not passed from it. The other amendments have been amendments to it. There has been no new section added.

Mr. SAYLER, of Indiana. The section requiring materials of American manufacture to be used in public works has been adopted.

The CHAIRMAN. The Chair holds that the gentleman from Michigan may move an addition to the bill. A motion has been made to add a new section, but it has been voted down. The gentleman from Michigan has moved to strike out the proviso in the printed bill; and the Chair holds that motion not in order. Does the gentleman from Michigan propose a new section?

Mr. CONGER. Yes, sir.

The CHAIRMAN. Then the gentleman will please send it up.

Mr. CONGER. I will state it now and afterward reduce it to writing. I move to add as a new section the following:

Sec. 3. The proviso on page 10, line 214, shall not take effect until January 1, 1879.

Mr. RANDALL. I desire to make a point of order on that.

The CHAIRMAN. The amendment must first be reduced to writing.

Mr. RANDALL. I make the point that the amendment nullifies what the committee have already adopted.

The Clerk read the amendment, as follows:

Sec. 3. That the proviso in this bill, being the last proviso of section 1 of the bill, shall not take effect till January 1, 1879.

Mr. CONGER. Mr. Chairman, I wish to occupy the attention of the committee for a moment. I will not speak about the inaccuracies in the language of the proviso I have moved to strike out, because it is probably not expected that every committee in its reports to this House should use good grammar. But here is a proviso which restricts any experiments upon any inventions in regard to fire-arms that may possibly be patented—in regard to which there is a possibility of their being patented! It confines experiments in arms to the old kinds of arms—those that have either been patented heretofore or that are not worth patenting. Why should it be proposed that in an organization like the Army, where the perfection of our arms is desirable, and in regard to which we make large appropriations for experiments, there should be no experiments upon new inventions which might possibly be patentable?

Mr. WHEELER. Point out the grammatical inaccuracy.

Mr. CONGER. I will let the grammarians and the scholars of the House attend to that. I ask why we should prevent experiments or inventions simply because they may hereafter or now be patentable?

Mr. WHEELER. I will turn my friend from Michigan over to my friend from Massachusetts.

Mr. CONGER. He has already told the House that he has nothing at all to do with these things, and that it is the duty of the Committee on Appropriations to attend to them. I regard the whole committee has been misled by the influence of the gentleman from Massachusetts, Senator-elect.

Mr. WHEELER. I wish to say to my friend from Michigan, having due regard for the modesty of my friend from Massachusetts, I suppose the intent of the proviso was that whenever the Government compensated the officer fully for his service it was entitled to all his skill in perfecting these patentable articles.

Mr. DAWES. That was not it.

Mr. CONGER. It is as I have said, gentlemen have been misled on this whole subject by the gentleman from Massachusetts.

Mr. DAWES. I will state the object of the proviso if I can have the floor.

Mr. CONGER. I hope this will not come out of my time. After I am done the gentleman from Massachusetts can explain.

The CHAIRMAN. The gentleman from Michigan has one minute left.

Mr. CONGER. That is plenty for my purpose. This proviso says no money shall be expended in the perfection of inventions of arms or in the perfection of patentable inventions in the manufacture of arms by officers of the Army—that is the grammatical part of it to which I have referred—otherwise compensated for their service to the United States. Why should not experiments be made on all inventions? Why should the officers of the United States, whose whole lives have been devoted to the perfection of arms, be precluded from such experiments? Why should any experiments be denied which might possibly lead to the perfecting of patentable inventions of arms? Why should they be denied to the skill and genius of the officers of the Army more than any other citizens of the United States.

I have only suggested these things. It seems to me to be the most ridiculous proviso ever inserted in any appropriation bill, and I call upon gentlemen to say why experiments should not be made or inventions whether patentable or not?

Mr. DAWES. Mr. Chairman, it is correct that this was in the Army appropriation bill last year, and I will tell the House how it came to be put in there. Army officers are apt to devote their time to making inventions in fire-arms. It is natural they should, and they make useful ones. Hence, when an Army officer gets to work on an invention on fire arms, he is in the habit of having himself detailed to one of our armories where he can carry on his experiments at the expense of the United States.

A MEMBER. For the benefit of the United States.

Mr. DAWES. No; not for the benefit of the Government of the United States, for when he gets it perfected he steps outside, and the Government of the United States cannot have the use of it unless it pays him. It came to the knowledge of the House last year that one or two Army officers had got detailed to armories for the purpose of using the machinery of the armories and their tools and their men to perfect their inventions. They had applied for patents at the Patent Office, so that when they got their patents they were independent of everybody, the United States as well as anybody else. It was supposed that if an Army officer made an invention he should not have an advantage over a citizen making one, that is, that the United States should not furnish him with the materials, the machinery, and the time of its men to perfect an invention of which he was to have the sole benefit when it was perfected. This proviso therefore was put into the Army appropriation bill. Several officers were at once relieved from detail and sent back to their regiments who were at the armories having the benefits of their appliances and to that extent an advantage over all other citizens.

The gentleman from Michigan does not understand it if he understands it deprives the officers of the United States of the privilege of making experiments or trying to improve their inventions. The object was not to give an Army officer any advantage over anybody else in making experiments by furnishing him with machinery and tools and employes of the Government, when after it was done he was to have the entire control of it. That was the purpose of it. [Here the hammer fell.]

Mr. MERRIAM. I move to strike out the last word, and yield my five minutes to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I wish to say a word or two more. The gentleman from Massachusetts knows there is in this House and has been for a long number of years a disposition to refuse to any inventor of fire-arms or anything else which was for the benefit of the Government, made by an employe of the Government, any compensation whatever.

I say there has been a disposition to refuse to a skilled officer of the Army, who made inventions that if made in other walks of life would have been worth thousands and hundreds of thousands of dollars to the inventor but are only useful in the Army and Navy—there has been a disposition to refuse him any compensation whatever. The Government has seized the brain labor of its officers without any compensation to the value of millions of dollars. It has refused them all compensation whatever for their genius and invention and their skill in bringing their inventions to perfection. And this would prevent them from even experimenting in the armory where they are stationed. Now, it seems to me that from whatever source an invention of this kind may come, the armory is the very place to experiment, the very place to perfect it, and the only place to perfect it. It seems to me that is what the armory is for, and to say that the officer's invention shall not have the same rights with the citizen's invention seems to me a reflection upon their skill, upon their knowledge, upon their experience, and deprives the Government of their service. In my judgment that proviso will prevent benefits to the United States in the manufacture of

new inventions in fire-arms and ordnance far beyond the value of the time taken in trying to experiment upon these inventions. It is for that reason I oppose that proviso, and I hope it may be stricken out.

Mr. SAYLER, of Indiana. This subject has received more or less discussion by gentlemen of the House during the present session, not perhaps on the floor, but in the proper forum.

I take it that this proviso does not amount to a prohibition of experimenting on new inventions. I do not understand that, by any construction of the proviso, the experimenting on new inventions is in the least prohibited or affected. But it is for the purpose of taking from these officers the special opportunities that they have for invention in giving to them the materials, the skilled labor, and the capital of the country for their own special benefit to make an invention at the public expense and then reap the whole reward.

Mr. O'BRIEN. I desire to ask the gentleman a question. How is it that an officer of the Army, unless he is allowed to go to one of these armories to perfect his invention, can obtain the necessary tools and machinery for his purpose? A civilian might obtain them in private shops, but an officer of the Army cannot go outside the line of his duty. And in consequence of this prohibition the Government cannot derive the benefit of his skill and invention.

Mr. SAYLER, of Indiana. That is not the question. The question is whether we shall give to these men a special privilege which we give to nobody else; whether we shall have a class here to whom we shall give privileges that shall not be enjoyed by any others. Because a man has been educated at the public expense, because he has been commissioned by the Government of the United States, because he is paid a salary for life—this does not give to him the extraordinary consideration that he shall have the whole power of the Government, of its revenues, of its skilled labor, of its materials, to gather to himself a reward that no other man can enjoy in any way whatever.

Mr. MAYNARD. Will the gentleman allow me to suggest there—

Mr. SAYLER, of Indiana. I decline to be interrupted at this point. Now, whenever a man is educated by the General Government, whenever he is commissioned by the General Government, whenever he is given a life office by the General Government, and want is thereby kept from him and his family, I take it that he enters into an obligation that the very best services of which he is capable shall be rendered for the benefit of the Government and not his own benefit. If this proviso were of such a character as to apply to all classes of citizens and that any other person could have like facilities, like privileges, and like opportunities, there could be no objection to it. But it goes further than any provision that I know of that has yet been seriously proposed in the legislation of this country; it goes further than the patent-right laws; it says to this man "We absolve you from your obligation to the Government by your education; we absolve you from your obligation to the Government as an officer, and we give you in addition to this absolution these remarkable and exclusive privileges." These are privileges that no man on this floor enjoys. The greatest inventor of the age is cut out by this. The greatest inventor of fire-arms cannot for a moment come in competition with this man, who has all of these revenues, all of this skilled labor, all of this material at his own disposal, at his own free will.

I take it, sir, that we ought to limit this power and say to these men that when they receive an education at the cost of the Government and when they receive their commissions from the Government they agree in honor that they will give the highest possible fruits of their genius to the public. I say we ought not to give to them this extraordinary privilege—this privilege unheard of anywhere else.

Let me call attention to another point. By actual and specific legislation we have prohibited the employes of the Patent Office from applying for a patent during their employment in that office. And why is it, sir, that we do this? It is because they have there peculiar facilities which nobody else enjoys.

Now, why should we prohibit our examiners in the Patent Office and the clerks in the Patent Office from applying for patents, and still leave to the officers of the Army a greater privilege and right, for there can be no greater privilege than that of experimenting in patents at the expense of the Government.

[Here the hammer fell.]

The question was taken on the amendment, and it was not agreed to.

Mr. MAYNARD. I move to strike out the last word.

Many MEMBERS. Vote! Vote!

The CHAIRMAN. The Chair supposes that the motion of the gentleman is to strike out the last word of the bill.

Mr. MAYNARD. I move to strike out the last word in the proviso, and I do it for the purpose of saying this: that it seems to me that as the amendment is drawn it does not accomplish what gentlemen seem to desire.

Mr. FORT. As the Chair has held that a motion to strike out the whole proviso is not in order, I submit that it is not in order to strike out a part of it.

The CHAIRMAN. This is merely a *pro forma* motion.

Mr. MAYNARD. I do not wish to discuss the question if it has been decided, but I understand that the subject is still under consideration. Then I offer the following amendment as an additional section of the bill:

Sec. —. That the several sums by this act appropriated shall be and remain available for the several objects of appropriation until the same are exhausted, and no part thereof shall be covered into the Treasury.

Mr. WHEELER. I make the point of order that that changes the act of 1872.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

Mr. MAYNARD. It occurs to me that this amendment does not come within the purview of the rule. This amendment is merely applicable to the present appropriation. It merely provides that the appropriation now made shall be available for specific purposes, and shall not be covered into the Treasury.

Mr. WHEELER. The act of 1872 provided that not one dollar of the appropriation should be expended except during the current fiscal year.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHEELER. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. WILSON, of Iowa, reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that the amendments be agreed to and the bill passed.

Mr. WHEELER. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The amendments reported from the Committee of the Whole on the state of the Union were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. RANDALL. I ask the gentleman to modify that motion so as to allow me to move that the Committee on the District of Columbia shall have an evening session on Monday next instead of this evening.

Mr. HOLMAN. I will do so.

Mr. BUTLER, of Massachusetts. Has not the Committee on the District of Columbia a right to a session for to-night?

The SPEAKER. The Chair understands that they desire to have the evening of Monday next instead of this evening. Is there objection to the change?

Mr. MERRIAM. I object.

Mr. O'BRIEN. I object because I want them to have this evening.

The SPEAKER. The Chair understands that they want Monday evening instead of this evening.

Mr. GARFIELD. We have been here nearly every night for a long time, and I think that the proposition is a reasonable one.

Mr. MYERS. I have no objection if the House will allow the Committee on Naval Affairs to have Tuesday evening.

LEAVE TO PRINT.

Mr. BOWEN asked, and by unanimous consent obtained, leave to print in the CONGRESSIONAL RECORD some remarks upon current affairs. (See Appendix.)

ORDER OF BUSINESS.

Mr. SHANKS. I wish to give notice of a resolution which I shall offer on Monday next.

Mr. ELDREDGE. I understand that the gentleman from New York [Mr. MERRIAM] is willing to withdraw his objection to the change proposed according to the Committee on the District of Columbia Monday evening instead of this evening.

Mr. MERRIAM. I withdraw my objection, because I understand that one of the members of the Committee on the District of Columbia is sick.

The SPEAKER. On account of the illness of one of the members of the Committee on the District of Columbia and the inclemency of the weather, that committee ask that in place of this evening they be allowed an evening session on Monday next. Is there objection?

Mr. MERRIAM. It was for the reason stated by the Chair that I withdrew my objection.

No objection was made.

AFFAIRS IN ARKANSAS.

Mr. POLAND. I desire to report a resolution from the Select Committee on Affairs in Arkansas, that it may be printed and recommended. The committee recommend to the House the adoption of the following resolution:

Resolved, That the report of the Select Committee on the Condition of Affairs in the State of Arkansas be accepted, and that in the judgment of this House no interference with the existing government in that State by any Department of the Government of the United States is advisable.

Mr. BUTLER, of Massachusetts. I object to the reception of that resolution.

Mr. POLAND. I merely desire that the resolution shall be printed in the RECORD.

Mr. BUTLER, of Massachusetts. I do not desire it printed anywhere.

Mr. POLAND. You cannot help yourself, for it will be in the RECORD now.

The SPEAKER. On what ground does the gentleman object?

Mr. BUTLER, of Massachusetts. I believe I have a right to object to the reception of the resolution. I believe that under the rules of the House a resolution even for printing cannot be reported except by unanimous consent.

The SPEAKER. But the gentleman from Vermont had a right to report at any time.

Mr. BUTLER, of Massachusetts. Is there not a question of higher privilege pending, the motion of the gentleman from Indiana [Mr. HOLMAN] to adjourn?

The SPEAKER. The Chair does not so understand. The Chair thinks that that motion was withdrawn.

Mr. BUTLER, of Massachusetts. The gentleman made his report some days ago.

Mr. GARFIELD. That did not exhaust his right to report.

The SPEAKER. The Chair understands that this resolution is only reported for printing and recommitment.

Mr. POLAND. I ask that it be printed in the RECORD.

The SPEAKER. It will be printed in the RECORD, having been read as a part of the proceedings of the House.

Mr. POLAND. I now desire to say that at as early a day next week as is consistent with the public business I shall bring up the report, with this resolution, for the consideration of the House.

Mr. HYNES. Is this the report of the whole committee? Is there no minority report?

The SPEAKER. The form in which a minority report would come up would be in the nature of a substitute for the report of the majority. That would be the parliamentary action in such a case.

The resolution was recommitted to the committee and ordered to be printed.

Mr. POLAND. I have entered a motion to reconsider the vote by which the report was recommitted.

Mr. TREMAIN. I desire to ask if the discussion on the Arkansas question will rise on the motion to reconsider?

The SPEAKER. The motion to reconsider opens the whole question, and gives entire latitude for discussion if the House so chooses.

Mr. BUTLER, of Massachusetts. Why did the gentleman from Vermont enter a motion to reconsider, if he had the right to report at any time?

The SPEAKER. He entered it in order to "make assurance double sure."

LEVI W. POND AND EAU CLAIRE LUMBER COMPANY.

Mr. CONGER, by unanimous consent, from the Committee on Patents, reported a bill (H. R. No. 4818) to amend an act entitled "An act extending a patent to Levi W. Pond and Eau Claire Lumber Company," approved June 10, 1872; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Patents.

Mr. RANDALL. Not to be brought back by a motion to reconsider.

Mr. CONGER. I will consent to that.

POST-OFFICE BUILDING IN BALTIMORE.

Mr. SWANN, from the Committee on Appropriations, submitted a report in relation to the erection of a new post-office in the city of Baltimore; which was ordered to be printed and recommitted.

STREET RAILWAY COMPANIES OF THE DISTRICT.

The SPEAKER laid before the House the following communication from the President of the United States:

To the Senate and House of Representatives:

Under the requirements of section 6 of the act for the government of the District of Columbia, and for other purposes, approved June 20, 1874, I have the honor to submit herewith a report of the board of audit upon the amount equitably chargeable to the street railroad companies, pursuant to the charters of said companies or the acts of Congress relative thereto, together with the reasons therefor.

U. S. GRANT.

EXECUTIVE MANSION, February 19, 1875.

The message, with accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the Senate of the following titles; when the Speaker signed the same:

- An act (S. No. 625) for the relief of Lemuel D. Evans, late collector of internal revenue for the fourth district of Texas;
- An act (S. No. 836) granting a pension to William Ira Mayfield;
- An act (S. No. 862) granting a pension to Margaret S. Hastings;
- An act (S. No. 1070) granting a pension to Margaret C. Wells;
- An act (S. No. 1080) granting a pension to J. W. Caldwell, of Marshall County, Indiana;
- An act (S. No. 1154) granting a pension to William Williams;
- An act (S. No. 1205) restoring to the pension-roll the name of Lydia A. Church, minor daughter of Nathaniel G. Church; and
- An act (S. No. 1213) granting a pension to Nathan Upham.

ORDER OF BUSINESS.

Mr. MAYNARD. I move that the House now take a recess until half past seven o'clock p. m.

Mr. HOLMAN. I move that the House now adjourn.

Mr. MYERS. I ask unanimous consent that the session of Tuesday evening next be set apart for the consideration of reports from the Committee on Naval Affairs.

Many members objected.

Mr. MAYNARD. Before the question is put upon the motion to adjourn, I desire to make a suggestion to the House. The impression prevails that there are several gentlemen who desire to address the House upon general subjects. I understand that there is no business assigned for to-night, and as this will probably be the only opportunity members will have to be heard, I propose that we have a session to-night for debate only, no business whatever to be transacted.

Mr. HOLMAN. I will withdraw my amendment to adjourn for the purpose suggested.

The SPEAKER. It requires unanimous consent.

Mr. HAGANS. I object.

Mr. BUTLER, of Massachusetts. I renew the motion that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARMSTRONG: The petition of citizens of Sioux City, that the Black Hills in Dakota be opened to settlement, to the Committee on Indian Affairs.

By Mr. BLAINE: Resolutions of the Legislature of Kansas, in relation to the appraisement of the Cherokee lands, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, asking Congress to establish and create a United States district court for the Indian Territory, to the Committee on the Judiciary.

By Mr. BURROWS: The petition of citizens of Michigan, for the improvement of the harbor at New Buffalo, to the Committee on Commerce.

By Mr. CASON: Papers relating to the application of George A. Arnes for restoration to his former rank in the Army, to the Committee on Military Affairs.

By Mr. CLARKE, of New York: The petition of citizens of Albion, New York, in favor of Government aid to the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. COTTON: The petition of tax-payers in the District of Columbia outside of the cities, asking that the tax on property in the country be placed at seventy-five cents on the \$100, and for other relief, to the Committee on the District of Columbia.

By Mr. COX: Memorial of the Legislature of New York, in relation to the improvement of the East River, to the Committee on Commerce.

By Mr. GUNTER: The petition of settlers upon the Hot Springs reservation in Arkansas, for relief, to the Committee on the Public Lands.

By Mr. LAWRENCE: The petition of L. Boyd, Daniel Wissenger, and others, of Clarke County, Ohio, for the abolition of official oaths, to the Committee on the Judiciary.

By Mr. LOWNDES: The petition of citizens of Washington County, Maryland, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee, to the Committee on Ways and Means.

By Mr. SAYLER, of Ohio: The petition of David Quinn, of Cincinnati, Ohio, relating to a machine invented by him for deepening the channels of rivers, to the Committee on Commerce.

By Mr. SMITH, of Virginia: Memorial of the Tobacco Association of Richmond, Virginia, in relation to the proposed increase of tax upon tobacco, to the Committee on Ways and Means.

By Mr. —: The petition of citizens of Jewell County, Kansas, for relief, to the Committee on Agriculture.

IN SENATE.

SATURDAY, February 20, 1875.

The Senate met at eleven o'clock a. m.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. ANTHONY. I move that the further reading of the Journal be dispensed with.

Mr. HAMILTON, of Maryland, and Mr. LEWIS. I object.

Mr. MCCREERY. I would like to hear the Journal read this morning.

The Secretary resumed and continued the reading of the Journal of yesterday, and it was approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Hon. Andrew Johnson, chosen by the Legislature of Tennessee a Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of members of the Legislature of Arkansas, in favor of the establishment of a mail-route from Marshall, in Searcy County, to Harrison, in Boone County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions of the Legislature of Kansas, in favor of the establishment of a United States circuit court for the Indian Territory; which were referred to the Committee on the Judiciary.

He also presented a resolution of the Legislature of Kansas, in favor of the passage of a law authorizing the Secretary of the Interior to appoint a commission to appraise the lands of the Cherokee Nation, as provided by the treaty of 1866; which was referred to the Committee on Indian Affairs.

Mr. CRAGIN presented a memorial of physicians of New Hampshire, praying for such legislation as will the better promote the efficiency of the Medical Corps of the Army; which was referred to the Committee on Military Affairs.

Mr. BOUTWELL presented the petition of the heirs of Walter Hunt, deceased, praying the extension of his patent for an improvement in the manufacture of a cotton fabric used for making paper collars; which was referred to the Committee on Patents.

Mr. WRIGHT presented the petition of George Williams, of Iowa, in relation to the bill for the improvement of the Mississippi River, and asking that provision be made for letting the work to the lowest bidder and expressing his readiness if the contract is thus let to bid upon the same; which was referred to the Select Committee on Transportation Routes to the Sea-board.

Mr. CAMERON presented a memorial of merchants of Philadelphia, remonstrating against the annulling of the contract with the Pacific Mail Steamship Company for the transportation of the mails between San Francisco, Japan, and China; which was referred to the Committee on Appropriations.

Mr. HAMILTON, of Maryland, presented a memorial of merchants of Baltimore, Maryland, remonstrating against the annulling of the contract with the Pacific Mail Steamship Company for the transportation of the mails between San Francisco, Japan, and China; which was referred to the Committee on Appropriations.

Mr. INGALLS presented several petitions of citizens of Jackson County, Kansas, praying the passage of the bill (S. No. 456) for the sale of the Black Bob Indian lands in the State of Kansas; which were referred to the Committee on Indian Affairs.

Mr. FENTON presented a resolution of the common council of Long Island City, New York, asking an appropriation for the improvement of the channel of the East River and the removal of obstructions to navigation at Hell Gate; which was referred to the Committee on Commerce.

Mr. LEWIS presented a memorial of late soldiers of the United States volunteers, residents of Portsmouth, Virginia, praying that bounty be allowed to disabled soldiers; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. RAMSEY. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 4734) to establish certain post-roads, to report it with amendments. I suggest that time will be saved by passing this bill at once.

The VICE-PRESIDENT. The Senator from Minnesota asks for the present consideration of the bill.

Mr. EDMUNDS. I object.

The VICE-PRESIDENT. Objection is made.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4668) for the relief of John W. Douglass, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. No. 1112) for the relief of B. P. Patterson, reported it without amendment.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the bill (H. R. No. 2689) for the relief of Emille Lapage, surviving partner of the firm of Lapage Brothers, reported it without amendment.

BILLS INTRODUCED.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1333) referring the claim of Jonathan L. Jones to the Court of Claims; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1334) to allow pre-emptors to pre-empt an additional amount to aggregate one hundred and sixty acres of public, ceded, or Indian trust land; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1335) for the relief of property-owners on

squares Nos. 728, 729, and 731, in the city of Washington; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1336) authorizing the appointment of a commission to proceed to the Territory of Alaska after the adjournment of the present Congress to inquire into the number of fur-seals killed on the islands of Saint Paul and Saint George and if an increased number could be killed without jeopardizing the perpetuity of the fisheries, and for other purposes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1337) to disapprove of an act of the territorial Legislature of the Territory of Dakota entitled "An act making the conveyance of homesteads not valid unless the wife joins in the said conveyance," approved January 14, 1875; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1338) for the relief of the overflowed districts of the Mississippi River; which was read twice by its title, and ordered to lie on the table and be printed.

COMMITTEE TO VISIT INDIAN TERRITORY.

Mr. INGALLS. I offer the following resolution:

Resolved, That a committee, consisting of five members of the Senate, be appointed to visit the Indian Territory during the recess of Congress, with authority to inquire into the condition of affairs in that country, the necessities of the various Indian nations and tribes there located, and to report at the next session of the Senate the results of their inquiry, and what legislation, if any, is needed to protect the interests and promote the welfare of the Indians of that Territory.

Mr. SHERMAN. I think that had better lie over.

The VICE-PRESIDENT. Objection is made, and the resolution will lie over.

REORGANIZATION OF THE DEPARTMENTS.

Mr. WRIGHT. This morning was assigned to the Committee on Civil Service and Retrenchment by unanimous consent on Wednesday last.

The VICE-PRESIDENT. The Chair is informed that that special assignment was made. If no further resolutions be offered, that committee is entitled to the residue of the morning hour.

Mr. WRIGHT. Yesterday morning I reported, from the Committee on Civil Service and Retrenchment, a resolution, and gave notice at that time that I should call it up this morning. I ask that the resolution may be read by the Secretary.

The VICE-PRESIDENT. The resolution will be read, being regarded as before the Senate.

The Chief Clerk read as follows:

Resolved, That a committee of five members of the Senate be appointed, whose duty it shall be to examine and thoroughly investigate the several branches of the civil service with a view to the reorganization of the several Departments thereof, the reduction of expenditures, and to promote the efficiency of such service, and to report thereon at the next session of Congress by bill or otherwise.

Mr. WEST. I have no objection to the object contemplated by this resolution; but I rise to inquire of the Senator whether such duties would not more properly devolve upon the committee of which he is chairman, and could they not be exercised by that committee during the coming recess, or after the adjournment of the present Congress, just as well as by a committee specially appointed by the Chair?

Mr. WRIGHT. The Senator of course knows that our committees fall with this session. There will be none of the present committees existing after the session closes; and it is deemed better by our committee that there be a special committee of five who shall have this subject specially in charge.

Mr. WEST. It may be very proper, and I shall not interpose any further objection, merely calling the attention of the Senator to the fact that the body is to be convened in extra session and will have the power to recreate its committees. Still it may be better to reach it in this way.

The resolution was agreed to.

By unanimous consent, the Chair was authorized to appoint the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4817) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa; and

A bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

CIVIL SERVICE EXAMINATION.

Mr. WRIGHT. I ask that the Senate proceed to the consideration of the House joint resolution No. 51, reported on the 15th of May by the Senator from Ohio, [Mr. SHERMAN.]

The joint resolution (H. R. No. 51) in relation to civil service examinations was considered as in Committee of the Whole. It provides that in all cases under the civil service examinations for positions under the Government, when a disabled United States soldier, his wife, or the widow of a deceased soldier dying of wounds or diseases

contracted in the line of duty as such soldier, or his orphan child, shall pass such examination at the standard fixed by these rules, such person shall have precedence for appointment to any existing vacancy, anything in the rules of civil service to the contrary notwithstanding.

Mr. BAYARD. Is this resolution sought now to be put on its passage?

The VICE-PRESIDENT. The resolution is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. BAYARD. Mr. President, it always seems an ungracious thing to stand in the way of any act of intended beneficence; but at the same time in legislation it strikes me that the first duty is broad and impartial justice. The fact that a man has been disabled in the service of his country, whether he be a soldier or a sailor or a civilian, undoubtedly makes him an object of gratitude and arouses in the breast of every patriot a desire to assist and succor him; but I do respectfully submit to the sense of the Senate that we ought not to choose any one class, any single profession from the ranks of our fellow-citizens and say that it shall, in the way of obtaining governmental positions, have precedence over any other class.

It is difficult to imagine a service more deserving of reward than that of him who has in any way brought himself into a condition of permanent disability by serving the whole public. But, Mr. President, there are men who fall before the scythe of death doing their duty in civil posts as distinctly and certainly as those who fall upon the field of battle or who are crippled from wounds received in battle. There are hearts that have longed as earnestly, there are brains that have toiled as painfully, there are frames that have suffered as much in the service of the public who are not described in this class as any who are described. Being indeed not a mere professed but a sincere friend of all these persons who have given us protection by their courage and devotion, I do not think that I could serve them by picking them out and selecting them from their fellows as the especial and preceding class to be rewarded. It is not just to others, Mr. President.

If in those who have the appointing or the electing power in this country there shall exist that feeling of justice, all things being considered—the fitness of the applicant, his title to public thanks and private thanks for his services—then the parties referred to by this resolution will not be neglected, their claims will not be derided, but they will be recognized, and their full share of public patronage and support in the way of official power will be given to them.

I do not think that a proper consideration for these disabled soldiers or their widows or their orphans would dictate such a measure as this. I am sure there is a feeling—I have it, and I believe every Senator in the Chamber has it—a feeling of tenderness and compassion already existing toward a crippled man or toward the child of a man who has fallen in defense of his country in any branch of the public service that would induce us to favor their applications, to say the least.

The public service of the country ought not to be conducted solely with a view of individual reward. That theory is not sound. It is public service that is needed. The office is created for the benefit of the public; the work to be fulfilled is to be public work; and those who have the trust of public power committed to their hands have no right to consider aught but the public good in filling the appointments. I do not believe in this theory of claims for office. An office is simply a position to which duties are attached for the performance of which an adequate salary is supposed in theory to be awarded. If the person fulfills his duty, then he owes the country nothing; and the country again having remunerated him, compensation having passed from those who receive the benefit of his labors, the account is squared. I say nothing of public opinion; I say nothing of that respect of our fellow-men which is one of the most wholesome and the strongest incentives to proper action, that will follow an honest life and honest service in whatever capacity a man may be found acting. But I think it is an evil for the country that the offices, the public duties of which have to be performed by somebody, should be regarded as rewards or considered in the light of patronage.

I submit to those who desire to pass this resolution these very candid remarks. I think that they would create toward this especial and selected class of meritorious fellow-citizens of ours a jealousy which may interfere with a proper appreciation of their services. If, as I said, the feeling should exist which I believe does exist, which every man feels and which we see constantly recognized, there will be no necessity for a resolution of this kind that shall compel every other class of citizens to stand back until the prior claims of an especial class, a select class, a preferred class, have been passed upon before them. This strikes me as being a very defective principle. We are forbidden by the Constitution of the United States to hold titles; we are forbidden to have ranks. It is our pride and glory that under our form of government we stand equal before the law. Now here is a case of preference. It is proposed to be given to a class for whom I most unaffectedly proclaim my personal sympathy; but I consider the precedent a bad one. I consider the principle of this resolution an utterly unsound one. The popular choice regulates itself. That you cannot pretend to control by a resolution of this kind; but you are here attempting to control the discretion and the sound sense of duty of your Cabinet officers and what you may term your superior officers in civil service; and I do respectfully submit that the principle of

this resolution is unsound, and it will in the end provoke a feeling of opposition to the very class that you design to favor and protect. That I do not wish to see. I prefer to allow them to retain the hold they have upon the kind feeling and sympathy of their fellow-men, and not to disturb them by an arbitrary law or a resolution which shall say they are to be preferred over any and all others. It is perfectly easy for any man to imagine not one case but a thousand in which the sense of justice of the country, the sympathies of the best hearts of the country, would be demanded just as positively for some one not within the class referred to in this resolution as for any within the class referred to.

Therefore, sir, I trust that this, no doubt well-intended resolution, may not receive the assent of the Senate. The parties for whose benefit it is suggested will not fail to receive all proper and due consideration; but it is not a wise thing or a just thing, or in my opinion according to the spirit of our Constitution, to select a class and give them precedence for appointment to any class of office whatever. Let them stand, each upon individual fitness, upon individual merit, and let the first thing to be considered be capacity for public service.

Mr. SHERMAN. Mr. President, Congress since the close of the war has by several votes declared that it is the duty of the executive officers to give a preference, all other things being equal, to soldiers who suffered by wounds in the civil war, their widows, and their orphans. These resolutions have passed generally by the unanimous assent of both Houses. Similar resolutions in terms have been passed by the political parties all over the country. This joint resolution is but a simple effort upon the part of the House of Representatives to give some point to that common resolution. This joint resolution I am informed passed the House of Representatives by a unanimous vote and has been sent here and reported back and stands upon our Calendar. It is not subject to the objections made by the Senator from Delaware. These wounded soldiers, their widows and their orphans, are not selected as a favorite class to be benefited. They are not selected as the only class from whom appointments should be made. They are given no advantage whatever except in a slight degree, and that is only where they are equal in all other respects to the requirements made both by the law and the rules of examination. This resolution does not single out these wounded soldiers, their widows and their orphans, as alone the proper subjects of executive favor. Far from it. On the contrary it subjects them to what are called the civil-service rules. No person under this resolution could have any claim to the preference granted by it unless he had complied with in every respect and come up to the standard prescribed by the civil-service regulations. Where a wounded soldier, his widow, or his orphan, has passed the requisite examination and comes up fully to the standard prescribed by law and the regulations of the civil service—in such cases only the person's wound or the loss of a father or the loss of a husband shall turn the table in the choice between that person and some civilian.

Mr. BAYARD. Will the Senator allow the resolution to be read?

Mr. SHERMAN. I may have it read before I am through. If we mean anything at all by the resolutions which have been passed from time to time in favor of the soldier, his widow, and his orphan, we cannot make that manifest in a less degree than by this proposition. Here the soldier, the widow, or the orphan subjects him or herself to a rigid examination. He or she must come up to the full standard of merit, to the full standard of qualification; and if he or she does, it seems to me it is saying but little that he or she shall have the choice as against some other equally meritorious person probably, but who has not suffered so much.

There is another thing to be considered, and the reason for this proposition is this: Most of these soldiers while in the service entered it in the younger years of their life; by their service they were deprived of the opportunities of education which would have been open to them probably if they had not entered the service. Where a wife lost her husband, probably she was thus left exposed to poverty and the misfortunes of life, her husband having died in the service of his country. These orphan children might have been deprived by the loss of a parent of the opportunities of an education, the means by which they could compete in all respects with more favored persons in private life. But if they have been able to overcome all these difficulties growing out of the service of the soldier, and if under all these circumstances they are able to pass the examination provided by your laws and the civil-service regulations, why should not their loss by the service of the parent or the husband or their own inability, occasioned probably by reason of this service, to obtain the full elements of an education, be counted if they are able to show by their examination that they have the substantial qualifications requisite to fulfill the duties of the proposed office?

Now, Mr. President, I hope this resolution will pass. My friend from Delaware I hope will assent to its passage. It can do no possible harm. It is a legal recognition of that obligation which we have so often complained in general terms has not been attended to. It will not interfere with the public service, but will give these people who have sacrificed husband or parent to the public service a positive recognition, more than a general stump resolution. I hope the resolution will pass by general consent.

Mr. BAYARD. Mr. President, I do not suppose the honorable Senator from Ohio intended it, but it seems to me it was scarcely just to appeal to me not to stand in the way of the passage of this resolu-

tion when he has based his only ground for it upon our human sympathy. Sir, I think I feel for these unfortunates quite as keenly as does any Senator in this body. I never have in passing through our public Departments here seen men with empty sleeves but that I felt rejoiced that they should at least have the means of procuring an easy livelihood. Nay, sir, I wish to say that I do not think there has been one-half enough of that. Where you find one of your fellow-citizens incapacitated to perform the ordinary avocations of life, why should not he have precedence for office requiring nothing in the world but honesty, integrity, and sobriety? I speak of the various messengers throughout our Departments, and I say to-day I wish they all were filled by men who wore upon their persons marks of duty to their country. It has not been done so to one-fourth of the extent that I would wish to see it done. I never have seen a man whose disability was the result of his patriotic action rewarded by a place which may be called a sinecure—and there are not a few of them—where my heart did not give a ready assent to it, and I rather envied the power that placed it in the hands of others so to reward deserving men.

But, Mr. President, the honorable Senator is mistaken when he says that this is not a selection of one class of citizens to the prejudice of another. Whatever this "civil service" is, and I admit it is rather a myth to my mind, I have never seen much practical operation of it, but on the contrary I have seen it derided over and over again since it has been talked of in the last few years; there is now a standard, they say, of examination. All can approach it; all must submit to it; and after that has been done, and after the child of any citizen, however deserving, has passed it, here is a rule that there shall be an especial class that shall have precedence over the other class. My friend stated he would read this resolution. He forgot to do so. Let me read it now:

That in all cases under the civil-service examinations for positions under the Government, when a disabled United States soldier, his wife, or the widow of a deceased soldier dying of wounds or diseases contracted in the line of duty as such soldier, or his orphan child, shall pass such examination at the standard fixed by the said rules, such person shall have precedence for appointment to any existing vacancy, anything in the rules of civil service to the contrary notwithstanding.

There is no getting over the effect of it. I only wish the Senate to understand that in my opinion it is legislating under sympathy just, honorable, natural, humane, but it is basing your legislation upon sympathy and not upon the broad rules of general and exact justice. Depend upon it that justice, the rarest of all human attributes, requires us constantly to watch our sympathies; and God knows here in the city of Washington there are enough of appeals to them. I know this, obscure as is my position in this body, unimportant as it is in all the circles where power prevails to make appointments to office, that even at my residence there are applications of widows, of gentlewomen who have known better days, the saddest of all sad classes, who come there asking for recommendation that they may be permitted in any way to earn their bread at public employment. They tell me, widowed women, of families of little children dependent upon them and their needles for support. Why, Mr. President, these cases which I speak of are not peculiar to me; I know there is not the heart of a Senator in this body that has not been appealed to and distressed by the repetition of such cases. Now, in view of this terrible misery and the amount of it prevailing in the community, I do submit that you have no right to select a class and say it shall have precedence. I make no empty professions. It strikes me as being unworthy to be professing extreme tenderness for any particular class. I can only say that it would be disgraceful not to have this sympathy; but I do say that your law should be founded upon a sense of broad and equal justice. If it be based upon mere sympathetic emotion, depend upon it, Senators, you have chosen a wrong precedent for your action. I shall not deny the kindness of your intent; I shall utterly deny the soundness of your basis of legislation.

Mr. MORTON. Mr. President, this resolution simply proposes that the disabled soldier, his widow or his orphan where he has died of disease contracted in the service, if they can stand the examination under the civil-service rules, shall have the preference in the appointment over any other person who was not a soldier or the widow or orphan of a soldier. Now is that based on mere sympathetic emotion, as described by the Senator from Delaware? If we regard the disabled soldier or his family as having any claims upon the public gratitude for wounds incurred in the service or for a husband or father lost in the service, if they have any claims that we are willing to recognize, I should like to know how we can vote against the resolution.

Mr. WRIGHT. Mr. President, I trust we shall have a vote upon the resolution. I only desire to say one thing: If it be founded on sympathy alone, I am for it; but it stands upon a higher and better plane than that even, because it is the clearest justice. Both because it appeals to our sympathies, if you stand upon that ground, and because it is pre-eminently just, I trust the resolution will pass.

Mr. ALCORN. Mr. President, I shall vote against this resolution, and I desire to give the reasons why. To express the sympathy that I have for the soldiers who suffered during the period of the revolution I scarcely deem it necessary. I think that they are entitled to the thanks and the consideration of the nation, and that upon all proper occasions they should be preferred for positions which are to be occupied in the discharge of duties belonging to those who trans-

act the affairs of the Government of the United States. But I propose to leave this matter precisely where at present it belongs: with the executive and administrative departments of this Government. I propose not to suggest to officers of the Government of the United States in this general way whom they shall take into their offices. They are responsible to the people for the discharge of the duties of their several offices; to them belongs the responsibility; and it is not for Congress to suggest to any public officer who has the responsibility of the discharge of duties upon him as to whom he shall take into his employment.

But, sir, there is another view of this case. This resolution practically excludes the Southern States from any participation in the offices of this Government. But, sir, statesmanship demands that all the people of this nation shall be recognized; that none shall be by law excluded; and however contemptuously Senators may treat this suggestion, I say that the highest duties of statesmanship demand that the southern people who participated in the rebellion, but who stand to-day ready to go forward under the Constitution, under the laws, and under the demands of that patriotic duty which they owe to the Government, should be recognized, and that they should be permitted to share in the offices of the nation. Up to this time they have been almost totally excluded, and the effects of that exclusion are to-day apparent in the land. If you leave this patronage precisely where it now is, with the Executive and the subordinate Departments of the Government, there is no question but that they will discriminate sufficiently for all practical purposes, sufficiently for all the demands of humanity, in favor of the widows of the soldiers of the late revolution. I propose to leave there the discrimination. There can be no question but that the Union soldiers, their widows and orphans, will be awarded with a liberal hand, as they should be, their proper share of the public offices. Those who suffered most and did most to protect and defend the life of the nation should not nor will they be overlooked. I trust I shall not be wanting in my duty in this respect.

I do not propose to vote for any law, nor do I propose to support any resolution in this or any other Congress whereby the people of my State shall be excluded from the Departments at Washington. Practically they are now excluded, but I do not propose to dignify the wrong by giving it the indorsement of the Congress of the United States. If the principle of the resolution is good here, it applies as well to the State governments. Carry the suggestion out in its comprehensive scope, and you must give the governments, State and Federal, to Union soldiers only, and let others stand aside.

Mr. FENTON. Mr. President, I shall vote for the resolution, though I have no idea that the appointing power or the party that would disregard the superior claims of the soldiers in the spirit of the resolution without law would pay much regard to the superior claims of law. I have no idea that it will be of much value; still I shall vote for it because I think it is a discrimination, if it can be made, in the right direction.

The joint resolution was reported to the Senate, ordered to a third reading, and was read the third time.

Mr. EDMUNDS and Mr. WRIGHT called for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 8; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Chandler, Conover, Dorsey, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Gordon, Hamlin, Hitchcock, Howe, Ingalls, Jones, Merrimon, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Sherman, Spencer, Stewart, Wadleigh, Washburn, Windom, and Wright—36.

NAYS—Messrs. Alcorn, Cooper, Dennis, Hager, Hamilton of Maryland, McCreery, Saulsbury, and Sprague—8.

ABSENT—Messrs. Bayard, Boggs, Boreman, Brownlow, Cameron, Carpenter, Clayton, Conkling, Cragin, Davis, Eaton, Ferry of Connecticut, Goldthwaite, Ham, Ilton of Texas, Harvey, Johnston, Kelly, Lewis, Logan, Morrill of Maine, Norwood, Ransom, Sargent, Schurz, Stevenson, Stockton, Thurman, Tipton, and West—29.

So the joint resolution was passed.

The VICE-PRESIDENT. The morning hour having expired, the Chair calls up the unfinished business of yesterday, being the Indian appropriation bill.

Mr. WRIGHT. I desire to say before that business is taken up that the morning hour has been consumed in the passage of two matters reported from the committee of which I am chairman. There are two or three other matters of great importance which I do not propose now to antagonize with the appropriation bill, and will not at any time; but there are two or three matters to which I shall ask the consideration of the Senate when I do not antagonize the appropriation bills.

Mr. WINDOM. I call for the regular order.

HOUSE BILL REFERRED.

The bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes; was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. FRELINGHUYSEN submitted an amendment intended to be proposed by him to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

HOOR OF MEETING OF THE SENATE.

Mr. EDMUNDS. I ask leave to offer the following order; which may lie over until Monday:

Ordered, That the daily hour of meeting of the Senate shall be ten o'clock in the forenoon until otherwise ordered.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes, the pending question being on the amendment of Mr. HITCHCOCK to add to the first section of the bill the following item:

To reimburse white settlers for losses and destruction of property by depredations of Indians \$4,700,179.30, said sum being the amount of such claims examined by the Secretary of the Interior and officially reported to Congress.

Mr. WINDOM. There was a point of order made upon this amendment last night and the Chair ruled that the point of order was well taken, and upon that the Senator from Nebraska appealed from the decision of the Chair. I move to lay the appeal on the table.

Mr. HITCHCOCK. I hope the Senator will not insist upon that motion.

Mr. WINDOM. I think the Senator from Nebraska was justly entitled in the condition of things last night to his five minutes. So I waive the motion to lay on the table for that time and will ask the Chair to recognize me to renew it when the Senator concludes.

Mr. HITCHCOCK. Mr. President, I have no desire to consume the time of the Senate in discussing at any length either the merits of the amendment which I offered last night or the point of order which was raised. I offered the amendment, however, in perfect good faith. The Senator from Minnesota seemed to assume that I was joking and raised the point of order that this was a private claim and had not been submitted to any committee and reported by the Committee on Appropriations and was therefore out of order. I insist that this is not a private claim nor an aggregation of private claims in the sense in which the Senator used the term and in the sense which would rule the amendment out of order, and I insist that it is in order in accordance with the rules, being an appropriation to be made in accordance with the provisions of law; and to sustain that point I desire to read section 7 of the act approved May 29, 1872, which is as follows:

SEC. 7. That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress, at each session thereof, the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claim shall be made without a specific appropriation therefor by Congress.

In accordance with that provision the Secretary of the Interior has reported a list of claims amounting in the aggregate to \$4,700,179.30, and to carry out his recommendation and in accordance with his action and in conformity to law I offer this amendment, and I insist that it is in order and cannot be ruled out of order.

I do not expect of course that such an amendment will be adopted now. I do not expect that an aggregate of nearly \$5,000,000 will be appropriated for this purpose at this time; but I desire that it shall go upon record. I desire that the Senate and the country shall understand that there is another side to this Indian question which is very rarely heard on this floor. We have had the usual annual appropriations for the benefit of the Indians; we have had the usual annual eulogies upon the character of the Indians, the usual annual wail over Indian wrongs and sorrows and sufferings, and the usual annual denunciations of the outrages of the savage white man who has penetrated to the sylvan retreats and disturbed the peace and beautiful life of those noble red men. I desire it to go at the same time upon the record that there are to-day \$5,000,000 of claims for the destruction and loss of white men's property which this committee did not report upon, but which they were bound to report and consider in accordance with the provisions of law.

Mr. WINDOM. After listening to the reading of the statute by the Senator from Nebraska I withdraw my point of order.

The VICE-PRESIDENT. The point of order is withdrawn.

Mr. WINDOM. I now move to lay the amendment on the table, and I make this motion based upon the statement of the Senator from Nebraska himself that he does not expect the amendment to prevail; and if so we had better not spend any more time in discussing it.

The VICE-PRESIDENT. It is moved that the amendment lie on the table.

The motion was agreed to.

Mr. STEVENSON. I now offer this amendment, to come in at the end of section 10:

And each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources, and the books thus kept shall always be open to inspection, and the said books to remain in the office at the respective reservations, and not to be removed from said reservations by said agents, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said book shall be

forwarded quarterly by said agent to the Commissioner of Indian Affairs: *Provided*, That should any agent make any false entry in said book or in the transcript directed to be forwarded to the Commissioner of Indian Affairs, or shall fail to keep a perfect entry in said book as herein prescribed, he shall be deemed guilty of a misdemeanor, and on conviction before any United States court having jurisdiction of such offense shall be fined in a sum not less than \$500 nor more than \$1,000, at the discretion of the jury, and shall be rendered incompetent to hold said office of Indian agent after a conviction under this act.

Mr. EDMUNDS. I move to amend the amendment by inserting the word "knowingly" before the word "make."

Mr. STEVENSON. I accept the amendment.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. EDMUNDS. And also to insert the word "knowingly" after the word "shall," because otherwise the person might be punished for making an innocent false entry.

Mr. STEVENSON. I think that is very proper, and accept the modification.

The VICE-PRESIDENT. The amendment will be so modified.

The amendment was agreed to.

Mr. BOGY. I offer an amendment recommended by the Commissioner of Indian Affairs. It is after the word "dollars," in line 1898, to insert—

To enable the said Kaskaskias, Weas, Peorias, and Piankeshaws to buy seed and grain for farming purposes, the Secretary of the Interior is hereby authorized to withdraw from their invested funds the sum of \$10,000, and pay the same to them as a *per capita* payment.

This is not an appropriation. It takes \$10,000 of the funds now belonging to those Indians, they having in the Treasury a large fund, to enable them to farm this year. They have suffered exactly as the people of Kansas have and are in the same condition—perfectly destitute. Their crops are destroyed there by grasshoppers or by drought. Now, they want to use \$10,000 of their own money, and it is recommended by the Committee on Indian Affairs.

Mr. WINDOM. Is the amendment reported by the Committee on Indian Affairs?

Mr. BOGY. Yes, sir.

Mr. WINDOM. I make no objection to it then.

The amendment was agreed to.

Mr. BOGY. On page 33, in relation to the Miami Indians, I have an amendment of the same nature. I move to strike out from line 802 down to line 820 and insert what I will read. I will state that the Miami Indians have now in the Treasury something like \$160,000. They are in a destitute condition, owing to the same reason which I gave in regard to the other Indians. Their crops were either destroyed by grasshoppers or prevented by drought. Under the treaty of the 5th of June, 1854, they are entitled this year to \$11,500, and the bill provides that it shall be paid for a miller and other purposes which are specified. They need neither a miller nor a gunsmith. The object of the amendment is to pay the money *per capita*, so that they shall be enabled to buy grain and seeds for this year. In lieu of the words I propose to strike out I move to insert:

That the sum of \$11,500, due the Miami Indians under the treaty of the 5th of June, 1854, be paid to said tribe of Indians *per capita*, so as to enable them to pay for seeds and grain for farming purposes.

This is recommended by the Committee on Indian Affairs. It is a necessity, a matter of charity. It is not an appropriation of Government money; it is their own money which they desire to have applied in this manner so as to enable them to buy grain and seeds for this year.

Mr. EDMUNDS. I should like to hear the recommendation of the Commissioner of Indian Affairs read.

Mr. BOGY. I have not the recommendation with me, but it is in the room of the Committee on Indian Affairs.

Mr. EDMUNDS. Then let me suggest to the Senator that striking out these items leaves the treaty obligation still in force, and some friends of the Indians next year may come forward and say, "To be sure, you gave us that, but we are still entitled to what the treaty calls for," and so we may be obliged to pay double.

Mr. BOGY. I have in my hand the request of the Indian chief himself who is in the city.

Mr. EDMUNDS. But the Indian chief cannot waive the rights of his nation in the Senate. He must communicate with the executive head of the Government, who would communicate to us whether the terms on which we have engaged by this treaty to act are to be varied or not. We cannot bind the Indian nation by any direct arrangements with them here. I submit that we do not know in this way the authenticity of the authority which may be produced. We ought to have it in the regular way.

Mr. BOGY. I will state that it has been customary to make appropriations for a miller, but in point of fact there is not a miller among those Indians. The tribe consists of only one hundred and ten or one hundred and fifteen Indians. There is not a miller or a gunsmith with them; and this money is not needed for education, because they have a sufficient fund without it for that purpose.

Mr. ALLISON. I ask my friend from Missouri not to press the amendment. I think it ought to have fuller consideration. I do not know what the treaty stipulations are with these Indians. The proposition has not received that consideration which I think it ought to receive before being placed in this bill.

Mr. INGALLS. If I understood the Senator from Missouri correctly, he said that this amendment and the one previously offered

by him had received consideration by the Committee on Indian Affairs and been acted upon favorably by them. It must have been during my absence from the committee, for I am not aware that either of these amendments has been acted on by the committee.

Mr. BOGY. The Senator is correct; he was not there. The Senator from Iowa, [Mr. ALLISON,] the Senator from Kentucky, [Mr. McCREERY,] and myself were there.

Mr. INGALLS. At the same time it is my judgment that the interest of these Indians would be subserved by the adoption of these amendments; and inasmuch as they do not provide for any additional appropriation to the bill, they are not liable, as it seems to me, to the point of order, and I trust the Senate will consent to their adoption.

Mr. HARVEY. I appeal to my colleague that these amendments are truly for the good of the Indians; and inasmuch as they make no additional appropriation, I hope the Senate will adopt them.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Missouri.

The amendment was rejected.

Mr. INGALLS. Upon the 17th of this month I submitted an amendment to the bill which was referred to the Committee on Appropriations. I now offer it and ask that it be read.

The amendment was read, as follows:

SEC. —. That the Secretary of the Interior be, and he is hereby, authorized and required to pay to the treasurer of the Cherokee Nation of Indians, at his earliest convenience, the sum of \$300,000, from the trust funds held by the United States, belonging to said nation of Indians, arising from the sales of the Cherokee lands lying south of Kansas and west of the ninety-sixth meridian of west longitude, (disposed of to the Osage Indians;) said amount to be used by said nation in purchasing breadstuffs for said Cherokee Indians, rendered necessary to keep them from suffering in consequence of the destruction of their crops during the past season by the drought, grasshoppers, and chinch-bugs; and that said amount shall be distributed among said Cherokee Indians as provided by an act of the Cherokee national council approved November 19, 1874.

SEC. —. That said amount shall not be paid to the said treasurer of the Cherokee Nation until the Secretary of the Interior shall have received in his office a duly certified copy of the said act of the national council of the Cherokee Nation, approved by the principal chief of said nation.

Mr. WINDOM. I ask the Senator if that has been considered by the Committee on Indian Affairs and received its approval?

Mr. INGALLS. It has not been before the Committee on Indian Affairs, but was referred to the Committee on Appropriations.

Mr. WINDOM. I do not like to make a point of order on a proposition of that sort.

Mr. INGALLS. I can hardly conceive that the amendment is amenable to a point of order. It does not provide any additional appropriation in the bill, and therefore is not open to an objection that the Senator from Minnesota might presume. It is simply to transfer a certain portion of the funds belonging to the nations themselves, in accordance with the request of their own legislature, the proceeds to be disposed of in accordance with the terms of the amendment.

In this connection I will send to the Clerk's desk and ask to have read a communication from the Commissioner of Indian Affairs, dated the 30th December, 1874, a communication from B. H. Ross, W. P. Adair, and J. H. Scales, of the Cherokee Nation, addressed on the 24th of December, 1874, to the Commissioner of Indian Affairs, and also a certified copy of an act passed by the legislative council of the Cherokee Nation on the 19th of November, 1874, in relation to the subject mentioned in this amendment.

The PRESIDING OFFICER. (Mr. FERRY, of Michigan, in the chair.) The Chair understands that the proposed amendment does not increase the appropriation and that one day's notice of it has been given. It is therefore in order.

Mr. INGALLS. It was referred to the committee, and makes no additional appropriation.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. WINDOM. If that amendment is to be adopted, it seems to me the amount ought to be stated.

Mr. INGALLS. The amendment is entirely well guarded, as it seems to me, by requiring the money to be expended under the direction of the Secretary of the Interior. I will ask, however, that the amendment may be so modified as to render the appropriation immediately available.

The PRESIDING OFFICER. The Chair hears no objection, and that modification will be made.

The amendment was agreed to.

Mr. THURMAN. I have an amendment to offer to this bill, to which I very earnestly invite the attention of the Senate, because it seems to me to be a matter of very great importance. I move to strike out all of the seventh section from the beginning down to and including the word "provision," in the ninth line. I ask that it may be reported.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. It is proposed to strike out all after the word "that," in the first line of section 7, down to and including the words "and that" in the ninth line, in the following words:

All appropriations made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons employed in the Indian service, and for various articles provided for by treaty stipulations, may be diverted to other uses for the benefit of various Indian tribes, within the discretion of the President, and with

the consent of said tribes expressed in the usual manner, and that he cause report to be made to Congress, at the next session thereafter, of his action under this provision; and that.

So that it will read—

Mr. THURMAN. That is sufficient. The provision which I move to strike out puts it within the power of the President of the United States, with the consent of the Indian tribes respectively, expressed in the usual manner, whatever that may be, to divert all the appropriations for the purposes named in this provision, from the uses declared by the treaties with the Indians and apply them to such other uses as the President and the tribes, respectively, may agree.

Now, how much is covered by this provision? This bill in its aggregate appropriates about five million one hundred and some odd thousand dollars, and of those \$5,100,000 nearly the entire amount is covered by this provision. This provision covers, I am safe in saying, not less than four millions and three-quarters if not \$5,000,000 of the \$5,100,000 in the bill. Thus it is proposed to allow treaties made with the Indians by the President, by and with the advice and consent of the Senate, to be wholly set aside, so far as the use of these \$5,000,000 is concerned, by agreements made, not by the President in person, for he cannot make them, but by the various Indian agents and the Indian tribes, they giving "their consent," as it is said, "in the usual manner." What that "usual manner" is we do not know, but we may infer that it is simply such assent as the Indian agents can obtain from them and report to the President. Thus the Senate is to be ousted of all its jurisdiction in this matter, the treaties made by and with the advice and consent of the Senate are to be set aside by bargains made by Indian agents thousands of miles from here, with the tribes or such members of the tribes as they may represent as giving the consent of the tribe in the usual manner.

Mr. President, I am aware that something of a similar character has been in Indian appropriation bills before; I remember opposing just such a provision on a former occasion; but I do say that it is monstrous that we should legislate in this manner. In the first place, it is monstrous to put at the absolute discretion of the President the distribution of these \$5,000,000. Even if he could exercise his own discretion it would be altogether wrong, and in my judgment unconstitutional, too, for a reason which I will state in a moment. But when we come to consider that the President cannot act of his own knowledge, that it will be simply the action of the various Indian agents, the idea of dispensing with the provisions of treaties or allowing money, or provisions, or goods or the like, which the treaties require shall be furnished to the Indians, to be disregarded and set aside and other provisions, or money, or the like to be given them instead, is to me entirely shocking.

Let me call the attention of the Senate to this provision of the Constitution:

No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Is it a compliance with that provision in its true spirit and essence to make an appropriation for the fulfillment of treaty stipulations and then put it in the power of the President utterly to disregard every one of those treaty stipulations and expend that money precisely as he may see fit to expend it with only the limitation that an Indian agent shall obtain what he calls the usual consent of the Indian tribes? I say that it is a clear violation of the spirit of the Constitution. The Constitution means that our appropriations shall be specific, so that the money shall be expended for the purpose for which we appropriate it. When we appropriate money to carry out the purposes of a treaty, the requirements of the treaty, the Constitution means that that money shall be thus expended; and it does not mean that you shall appropriate \$5,000,000 at a time to be expended according to the discretion of any man whatever.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMAN. I hope that this amendment of mine will not be resisted.

Mr. HAMLIN. I do not know what has been the practice in this body in relation to the appropriation bills heretofore; I have not looked to see whether they have contained an appropriation similar to this or not.

Mr. WINDOM. The bill last year did.

Mr. HAMLIN. I am told by the Senator from Minnesota that the bill last year did contain a provision like this. I have only to say that I think the statement made by the Senator from Ohio is one which ought to commend itself to the judgment of this body. I do think that this clause in the bill is pernicious to the last degree. Look at it. We have certain treaty stipulations with the Indian tribes, under which we are obliged to provide them with certain specified things, and it is for those provisions and to furnish the precise articles called for by the treaties that we are called upon to make the appropriations. When you depart from that you may as well incorporate in a bill a provision that you will appropriate a given amount of money in gross, without specifying the objects and purposes for which it shall be used, and then say the President shall have control of it. Everybody here knows as well as he knows anything that neither the President himself nor the Secretary of the Interior, nor any one who might be responsible, would be the party to control it. It would be controlled by some other individual and that other individuals in connection with the tribe of Indians. I take it that none of these tribes, however advanced in civilization, are remarkable for

their economy or their use of means placed in their hands, and I apprehend that it would not be difficult to find chiefs of tribes who would divert this money from useful purposes and expend it for purposes that would not be useful.

Mr. MORRILL, of Vermont. May I ask the Senator from Maine a question?

Mr. HAMLIN. Certainly.

Mr. MORRILL, of Vermont. Does not the Senator also think that if any of these appropriations were applied to a different purpose from that agreed upon in the treaties the Government of the United States would be liable to be called upon to reimburse the amount?

Mr. HAMLIN. If the Senator had not asked me the question and had waited one single moment longer, I should have come to that precise point, for it was distinctly in my mind, that under these treaties, if we divert the appropriations which we are obliged to make, if we spend the money in a different way, they may come at least with an equitable claim, and ask us to fulfill hereafter stipulations which we have failed to fulfill by diverting the appropriations to another purpose than that provided for in the treaties. I think that is a very pernicious clause.

I will not refer to the constitutional argument which the Senator from Ohio makes, but I think there is at least much force in it. Taking it, however, upon a simple economical view, I think the Senate ought to strike out this clause in the bill.

Mr. WINDOM. I do not wish to debate this question or to make any resistance to the motion of the Senator from Ohio. All I want to do is to state what the object of this provision originally was as it came from the House either one or two years ago; I am sure it was in the bill of last year. There are in all the various treaties provisions for the employment of blacksmiths, carpenters, and other employes, and for the purchase of useful articles for the Indians which they may need. The design originally was, as we were bound to supply a certain amount under the treaty, to give it in such a way as would really benefit the Indians. If there be any serious objection suggested by gentlemen, I will not resist the amendment; I will only say that the clause was in the bill of last year, and I know of no difficulties having arisen from it. It is to be regretted that we are compelled to appropriate under treaty for the purposes of Indians, nor can we by the adoption of this amendment avoid that. I am not certain but that there are dangers connected with it which should justify us in amending it. I make no resistance to the proposition, but submit the question to the Senate.

Mr. BAYARD. I would ask the attention of the honorable Senator who has charge of this bill. May I ask from him the amount of the appropriations referred to in section 7?

Mr. WINDOM. I have not footed them and cannot tell. I think the Senator from Ohio has overestimated the amount to be covered by this provision very largely.

Mr. THURMAN. I state that amount on consultation with the chairman of the Committee on Appropriations. He gave me the figures.

Mr. WINDOM. There is a very large amount of money here appropriated for fulfilling treaties to be paid in money. The clause certainly would not cover that amount, which is more than \$100,000. It may not be a very large amount.

Mr. THURMAN. It is over four millions and a half anyhow.

Mr. BAYARD. Mr. President, I think the Senate and the country are indebted to the Senator from Ohio for the suggestion that he has made upon this question, and I am glad to find his views indorsed by so experienced and able a Senator as the Senator from Maine. It strikes me very fairly and very forcibly that this is really an appropriation so utterly indefinite, so vague as to its object, that as a matter of law it fails. You have made appropriations for teachers, millers, blacksmiths, engineers, carpenters, physicians, and others employed in the Indian service. These are all well-defined occupations. Under treaty stipulations with these Indians you are obliged to supply them; but after having made this appropriation to them, which is perfectly correct and no doubt made with due examination as to the propriety of the amounts, you change the whole appropriation, you take the very heart out of the law, which is in its definition and distinctness, and declare that all this money may in the discretion of another branch of the Government be diverted to other uses.

Mr. President, such a charity would be incapable of execution in law if made in a man's will; it would be declared void. The very essence of law, especially under a limited government, is that it should be certain and it should be limited. Now, here there are appropriations to a very large amount, an amount of itself so important as to make us pause; but an amount also accompanied by a principle which I think is fatal to a law, and that is one of definition. I do not believe it is within the power of Congress, under the meaning and intent of the clause of the Constitution referred to by the honorable Senator from Ohio, [Mr. THURMAN,] to appropriate money to an indefinite end. Otherwise you may divert this fund to other uses in the discretion of any one. I care not how virtuous or high or large the individual is, I consider that you have departed from that certainty of limitation which is the measure of your power in a republic. We should in all these cases consider the principle upon which we act in legislation. I think the Senator from Ohio has rendered important service in pointing this out, and I am very glad to find that his proposition meets with the assent of the honorable Senator from Maine. I trust that his amendment, therefore, may be made, and that

the committee in making their appropriations will define the objects for which they are made, and that the money will be so appropriated that it shall not be capable of diversion to any other purpose.

Mr. WINDOM. I have no doubt that the money appropriated in many cases will be used much more advantageously for the Indians with the provision as it now is in the bill, because there are, as I said a moment ago, a great many cases under the treaties in which the money is not really needed for the purposes specified in the treaty, and yet we are bound to pay it. This provision simply leaves a discretion, not with the President of the United States but with the President and the Indians, expressed in the usual way. That usual way I suppose would be by treaty with them for the purpose of diverting their funds. I know of no other way, and the same sanctity exactly that has been given originally to the treaties would extend to these arrangements.

Mr. THURMAN. That cannot be contemplated, because a treaty requires confirmation by the Senate.

Mr. WINDOM. Perhaps I should not call it a treaty but an agreement with the Indians.

Mr. THURMAN. The Senator must also be aware of the fact that really under this provision we appropriate beyond the requirements of our existing treaties. For instance, the existing treaty requires us to keep up a blacksmith-shop at Chicago. That is a treaty obligation to-day; at least it was when the last Indian appropriation bill was under consideration. Now we cannot do that specifically, but we make an appropriation for keeping up a blacksmith-shop in Chicago and then allow an Indian agent to commute that for what sum he wishes, and of course the Indians will be glad to get the money.

Mr. WINDOM. What suggestion has the Senator to make about that?

Mr. THURMAN. Not to appropriate for a blacksmith-shop at Chicago.

Mr. WINDOM. Although the treaty may require it?

Mr. THURMAN. Because the use has become extinct. That is only one instance out of many.

Mr. BAYARD. Does the honorable Senator think that it is competent for Congress to make appropriations to the extent of treaties that do not now exist?

Mr. WINDOM. To be expended as may be agreed upon with the Indians, the persons who are to receive the benefit.

Mr. BAYARD. I apprehend that our present laws are made to carry out our present treaty stipulations. The honorable Senator says that appropriations may be diverted to totally different uses, in the discretion of the President and with the consent of the tribes expressed in the usual way, and that consent is to be expressed by treaty hereafter to be made. It seems to me if that be the case we must wait until those treaties have been made before we can appropriate money under them. This is an appropriation bill to carry out existing treaty stipulations, and I submit that the point is very well taken by the Senator from Ohio in opposition to this view.

Mr. WINDOM. I will move, if it be in order, to perfect the section before it is stricken out, by striking out in lines 3 and 4 the words—

And for various articles provided by treaty stipulations.

That will leave but a small amount, so that it will obviate to a great extent the objection of the Senator from Ohio. It will leave but a small amount to be diverted in that way, and will really be for the benefit of the Indians. I submit it to the Senate.

Mr. THURMAN. It is very true that would reduce the amount, but it would leave the wrong principle and the wrong precedent, and the constitutional objection would remain just as before. It would have the further effect of which I spoke, that several of these appropriations, not a few of them, are for uses which have become obsolete and extinct and which we are therefore not bound by the treaty to provide for at all, as in the case I put, and in the case of certain schools to be kept at places where there are now no Indians at all, the Indians having been removed west of the Mississippi. Under cover of fulfilling those treaty stipulations, which are incapable of fulfillment, have become utterly obsolete and nugatory, it appropriates in effect a gross sum of money to be used as the Indian agents may see fit to use it.

I did not say before, for the reason that I had not time, what I now say, that I am assured that provisions of this kind, which allow a commutation, so to speak, or change of the uses declared in the bill, are one of the most fruitful sources of the frauds which are perpetrated by agents. We make an appropriation for a specific purpose. An agent is authorized to make a treaty between himself, in the name of the President of the United States, and the Indians, not a treaty such as the Constitution knows, not a treaty to be confirmed by the Senate, but a bargain, made a thousand or fifteen hundred or two thousand miles from here, that that money which we have appropriated for a specific purpose shall not be used for that purpose, but shall be used for the purpose that he and the head-men of the tribe may agree upon. I am assured by those who ought to know, by those who live where the Indians are, that this provision is one of the most fruitful sources of fraud and imposition by these agents. I hope that the whole will be stricken out. Of course I am in favor of striking out what the Senator from Minnesota moves to strike out, but I hope the Senate, if it carry that, will proceed further and strike out all that I have moved to strike out.

Mr. SPRAGUE. As one of the members of the Committee on Ap-

propositions, I desire to express my gratitude to the Senator from Maine and the Senator from Ohio for proposing thus publicly the amendment which is now before the Senate. It has occurred to me in that committee frequently that the latitude conveyed in this provision is of such a character as to put the whole Indian appropriations at very loose disposal, and undoubtedly frauds committed under it can be increased indefinitely. I trust that the amendment of the Senator from Ohio will prevail.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota to strike out the words "and for various articles provided for by treaty stipulations."

Mr. MORRILL, of Maine. That is to limit the exercise of discretion in regard to the treaties. I am inclined to think that ought to be done.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Ohio to strike out section 7 from the word "that" to the word "provision," in line 9, inclusive.

Mr. THURMAN. I hope that will be adopted.

Mr. BAYARD. Let the clause, as amended, which is proposed to be stricken out, be read.

The Chief Clerk read as follows:

That hereafter all appropriations made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons employed in the Indian service may be diverted to other uses for the benefit of various Indian tribes, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner, and that he cause report to be made to Congress at the next session thereafter of his action under this provision.

The PRESIDING OFFICER. The amendment is to strike out these words.

Mr. BOGY. It seems to me that the entire provision in the first line down to "law" in the fifteenth line should be stricken out.

Mr. THURMAN. The best way is to let the question be taken on my motion, and then the Senator can move to strike out the rest.

Mr. BOGY. The part to which I specially refer is in regard to contracts for goods and supplies.

Mr. THURMAN. Allow me to say to my friend that from the end of what I move to strike out in line 9 down to and including the word "law," in the fifteenth line, is a distinct matter from that which I move to strike out; it is on a distinct question; and I pray him not to confound the two together. Let the vote be taken on my motion, which I hope will prevail, and then the Senator can move to strike out further.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. BAYARD. The first fifteen lines of section 7 are, in fact, a repeal of the whole bill, or nearly the whole bill. What is the bill for? It is a bill appropriating moneys for teachers, millers, blacksmiths, engineers, carpenters, &c., and other persons employed in the Indian service. That is just what the appropriation bill is for; and all these preceding eighty-odd pages, with their infinite variety of sections, are for this very purpose, which by lines 4 and 5 of section 7 are virtually repealed. After providing that these vast sums for all these various purposes shall be and are hereby appropriated, you then say that they may be diverted from these to some other uses not provided for or stated by law.

Mr. MORRILL, of Maine. Allow me to say one word in explanation?

Mr. BAYARD. Certainly.

Mr. MORRILL, of Maine. It must be remembered that this bill covers treaties dating back almost to the origin of the Government. It covers all the treaties for a period of seventy-five years. In almost all these treaties we have provided for this class or service, and the bill appropriates specifically for this service without any regard to the changed circumstances of the tribes. Some of these tribes have changed their relations so far as occupation is concerned, changed in their habits, changed in their position. Although we are obliged to appropriate for the purposes named in the treaties, it is found that a prudent discretion would require a different use of the money. We appropriate for so many blacksmiths, for so many employes, according to the language of the treaties, and we are bound to do it. Now, with the consent of the Indians, we provide that that money may be expended for other objects for their benefit. If it could be relied upon that that would be judiciously done, I think my honorable friend will see that it would be proper.

Mr. BAYARD. I can understand that practically this is the administration of a trust fund, and there is more or less of discretion required in the trustee. I recognize that to be the truth. I believe that a great deal of the injustice and trouble which have occurred in the course of this whole Indian business has arisen from the fact that we have been compelled to trust to the discretion of agents who have been selfish oftentimes; who have been warped by various causes from their duty to the Indians. But it does seem to me very plainly, and I submit it to my honorable friend, that this bill is contained in the seventh section, and all you want is a statement that so much money is to be appropriated for the benefit of the various Indian tribes to be expended within the discretion of the President and with the consent of the tribes, expressed in the usual manner, and that he cause report to be made to Congress at the next session of his action under this provision. If you pass that clause, it is enough; that is the substance of the bill as it is now. The controlling principle of this bill is found in that short language, and my honorable

friend will see that we might just as well pass that short act as resort to this long bill of eighty-three pages of print. By the first fifteen lines of section 7 you provide a general appropriation of four or five million dollars to be spent in the discretion of the various Indian agents. If they have the power at any time to divert these moneys as they have under this section, it seems to me useless to go through the trouble of passing this large bill. I think that is substantially the result.

Mr. MORRILL, of Maine. That remark is unanswerable in a certain sense, but it would apply to all the public service. It is rather in the nature of the budget of the British ministry.

Mr. BAYARD. My honorable friend does not mean to say that the budget, that is the sum total of the scheme of expenditure, is placed at the discretion of the officers charged with the disbursement?

Mr. MORRILL, of Maine. It is appropriated according to the specific estimates, which are vastly more detailed than ours.

Mr. BAYARD. But here the President appoints the officers who make the expenditures.

Mr. MORRILL, of Maine. Of course he does.

Mr. BAYARD. And the appropriations can be diverted to any other purpose in his discretion.

Mr. MORRILL, of Maine. That is to say we allow it in this instance. We adopt the other method. In our method of appropriations we require estimates, and in addition to that we prescribe specifically what shall be the disposition of the money.

Mr. BAYARD. That is the passage of a law and leaving it discretionary with your agents whether they will carry it into effect or not.

Mr. MORRILL, of Maine. That is true to a certain extent. We say that we make these appropriations specifically for this particular service, but if on taking into consideration the condition of that service it shall be found more advantageous to the Indians to receive the service which is due them in some other shape, we allow the exercise of that discretion in that particular instance. That is all there is of it.

Mr. HAMLIN. That being all there is of it, it is just so much too much in my judgment. You make a treaty with Indians and you have provided in that treaty that you will do certain things. Those things are enumerated. They are stated in this bill. You provide for teachers, for millers, for blacksmiths, for engineers, for carpenters, for physicians. Now we are told in the progress of time the tribes arrive at that point when they do not want a miller, when they do not need a blacksmith, and consequently the money which is not needed by the tribe for either of these purposes or any other may be better diverted to another object and will be more useful to the tribe in that way. Well, I concede all that; but when you divert it from the specific article named in the treaty to another purpose, the bill and the bill only should state that purpose, and it should not be left to the discretion of the President nominally, but actually of a person, whom my colleague and nobody else will know, who will do that work; and that money may be every dollar of it used at a hunting frolic or a war-dance.

Therefore the latitude of that section is unsafe. The very moment you divert the money from any specific purpose named in the treaty to any other, that other purpose not being required by treaty, you should state specifically in your bill what is to be done with it and leave it to the discretion of no one. That is safe legislation according to my judgment; the other is unsafe and wrong in principle, not to say that it is unconstitutional. For that reason I think this clause ought to go out.

We appropriate money under a treaty for blacksmiths. They are not wanted; they are not needed; it will do no good if it is appropriated to that purpose. Very well; still are we not obliged to appropriate that amount of money, having agreed to it in the original treaty? If so, then if it becomes wise to divert it to another purpose, state it and state it specifically, and let it be for schools or for some purpose that we shall know and that the law will define.

There has been a great deal said about the looseness of the expenditure of Indian appropriations. I do not know very much about it; but I do know enough to believe that we may not exercise too great care here in placing safeguards around the manner in which these appropriations shall be expended; and it does seem to me that this latitude is an unsafe one, and one which Congress ought not to justify under any state of circumstances.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio, [Mr. THURMAN.]

The amendment was agreed to.

Mr. BOGY. I now move to strike out of section 7 all down to line 15 including the word "law."

The section as it is now reads:

That all appropriations made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons employed in the Indian service.

That includes these appropriations entirely amounting to millions of dollars.

The PRESIDING OFFICER. The Chair will observe to the Senator from Missouri that the last motion which was agreed to has stricken out of section 7 all down to line 9. The section now reads:

That hereafter no purchase of goods, supplies, &c.

The Senator will bear in mind that there is nothing in the section now from line 1 to line 9.

Mr. THURMAN. I hope the Senator will explain his amendment, because I really do not see objection to the clause from line 9 to 15.

Mr. BOGY. I move to strike out these words:

That no purchase of goods, supplies, or farming implements, or any other article whatsoever, the cost of which shall exceed \$3,000, shall be paid for from the money appropriated by this act, unless the same shall have been previously advertised and contracted for as heretofore provided by law.

I cannot see any diverting of money there, and yet I can very well see that it is nearly impossible to comply with the law. If the law can be complied with, the appropriation might lapse, and that would suit me very well. I therefore will not raise any objection to that claim.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. BOGY. Yes; I withdraw it.

The PRESIDING OFFICER. If no further amendment be offered—

Mr. BOGY. On pages 33 and 34 I offered an amendment awhile ago, which was not adopted, in relation to the Miami Indians of Kansas. The bill as it now stands appropriates for various purposes for these Indians \$11,500. It was objected to awhile ago by the Senator from Vermont, because he thought it would be a violation of treaty obligations, and at his request I have drawn an amendment which removes the objection. I now move to strike out from line 802 to line 820, and to insert in lieu thereof the following:

So as to enable the Miami tribe of Indians to buy seeds and grain for farming purposes this year, the President of the United States may, with the consent of said Indians, use the sum of \$11,500, being the amount due them by treaty of 5th June, 1854, for this purpose, and this shall be taken as a compliance with the terms of said treaty.

It is carrying out the treaty as to the amount, but diverting the sum because the Indians are in a destitute condition, and this is at their own request. The appropriation cannot be made in this way unless it is done by the action of the President after obtaining the consent of the Indians. I submit the amendment.

As I said before, this is a matter of great importance to these Indians. They are in the condition of the people of Kansas; their crop has been entirely destroyed either by drought or by grasshoppers; and as we know that large sums are being raised all over this country for the relief of the citizens of Kansas, why should not these poor Indians who have money in the Treasury obtain this small sum? It is theirs, and they have asked for it. The provision is guarded sufficiently, so that there can be no trouble hereafter that the treaty stipulations were not carried out. I therefore hope the amendment will meet with no opposition. It is proper and just.

Mr. WINDOM. I would ask the Senator from Missouri if this amendment has been submitted to the Committee on Indian Affairs and received their approval?

Mr. BOGY. I will state to the Senator that an amendment differently worded was submitted to the committee and met their approval; but this has been submitted to the individual members of the committee now in the Senate and meets their entire approbation.

Mr. WINDOM. As this is a question of policy, and the Committee on Indian Affairs has indorsed it, I shall make no opposition to the amendment. I desire, however, to say to my friend from Ohio, and also to my friend from Delaware, that I think the Constitution is in danger again. This is precisely the same principle that alarmed our friends a few moments ago, as I understand.

Mr. THURMAN. I beg to correct my friend. If I understand the amendment of the Senator from Missouri, it makes a specific appropriation. It specifies the object. It does not leave it to anybody's discretion.

Mr. WINDOM. It specifies the object, but the diversion is to be made, as I understand the amendment, with the consent of the Indians, and the money is to be applied under a new agreement to be made hereafter. That was one objection urged by the Senator from Delaware; I do not know that it was by the Senator from Ohio.

One word further before I sit down. I think that our friends on the other side are a little confused about the Constitution, because the clause that we have just stricken out, if I may be allowed to refer to action elsewhere, is a pet amendment of a good democratic gentleman from Kentucky. It seems our friends are a little confused on constitutional questions, and do not quite agree among themselves. I have no objection to this amendment, however.

Mr. INGALLS. I heartily concur with the amendment offered by the Senator from Missouri. While it has not been formally acted upon by the Committee on Indian Affairs, I may say that it receives the sanction and approval of every member of the committee. I am also authorized to say informally that the subject has been referred to the Commissioner of Indian Affairs and that he also approves of it. I trust there may be no further delay in its adoption.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment, to come in after line 1723:

That the Secretary of the Interior be, and hereby is, authorized to remove all bands of Indians now located upon the Alsea and Siletz Indian reservation, set apart for them by Executive order dated November 9, 1855, and restored to the public domain by Executive order of December 21, 1865, and to locate said Indians upon the following described tract of country, namely: Beginning at a point two miles south of the Siletz agency; thence west to the Pacific Ocean; thence north, along said ocean, to the mouth of Salmon River; thence due east to the western boundary of the eighth range of townships west of the Willamette meridian; thence south

with said boundary to a point due east of the place of beginning; thence west to the place of beginning; which is hereby set apart as a permanent reservation for the Indians now occupying the same, and to be hereafter located thereon. And all the balance of said Alsea and Siletz reservations is hereby thrown open to settlement under the land laws of the United States.

Mr. SHERMAN. I want to know if this comes from any committee. It is just by such amendments as this that the Indian appropriation bill has been made what it is—a mass of undigested legislation. I raise the point of order, if the chairman of the committee does not do it.

The PRESIDING OFFICER. What is the point of order?

Mr. SHERMAN. Whether this amendment comes from a committee.

The PRESIDING OFFICER. There is no appropriation in the amendment, as the Chair understands.

Mr. SHERMAN. This makes a new commencement of expenditure—the removal of Indians from reservations.

Mr. MITCHELL. Not at all. I will explain to the Senator and to the Senate the object of this amendment in a very few words.

Mr. INGALLS. Are there any white settlers on the tract proposed to be set apart as a reservation?

Mr. MITCHELL. There are not. In 1855 a treaty was made with these Indians that never was ratified by the Senate. Consequently that failed. In November, 1855, by Executive order a reservation was set apart for these confederated bands of Indians. That reservation extended for a distance of ninety miles along the Pacific Ocean, extending from Cape Lookout down the coast that distance, and extending out in an easterly direction twenty miles, creating a reservation of eighteen hundred square miles. In 1865, by another Executive order, twenty miles in width in the center of this reservation which under the former Executive order was designated as the Coast Range reservation, was relieved from the former Executive order and thrown open to settlement, thus creating two reservations, the one called the Siletz on the north, the other the Alsea on the south. Heretofore and at the present time we have and have had two agents, one in charge of the Siletz Indians and one in charge of the Alsea Indians. On the Alsea reservation there are about two hundred Indians. On the Siletz reservation there are about twelve hundred Indians. There is no necessity whatever for the Government paying two agents, as it is now doing. The Secretary of the Interior and the Commissioner of Indian Affairs are very anxious to have the authority to transfer the two hundred Indians of the Alsea reservation to the Siletz reservation and have a permanent reservation declared, and throw the rest of the country open to settlement. That is all there is in the amendment. Instead of taking anything out of the Treasury, it simply saves the amount that the Government is now paying in keeping up the Alsea Indian reservation.

I will say further that this measure is strongly recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior, by letters which I have here, and also by a telegram which I have received this morning from the Secretary of the Interior, urging that this be done even though no appropriation be made. He thinks there ought to be an appropriation, but I am advised not to ask any appropriation.

Mr. THURMAN. I ask the Senator whether his proposition has been considered by any committee?

Mr. MITCHELL. I will state that it was submitted to the Committee on Appropriations about the time this bill was reported, and since that time I think I am justified in saying that I have had the consent of a majority of the Committee on Appropriations and also a majority of the Committee on Indian Affairs to offer this amendment.

Mr. ALLISON. The Committee on Indian Affairs considered this matter very fully and first objected to it simply because there was an appropriation asked of \$25,000. Afterward the Committee on Appropriations inserted for the benefit of this tribe \$15,000 with the understanding that these two reservations should be consolidated into one. There is no law authorizing it, but the Commissioner of Indian Affairs stated distinctly to us that no additional appropriation would be required if these reservations were consolidated. I think they ought to be consolidated.

Mr. SHERMAN. I desire to say a few words in regard to the character of this legislation. I can give the Senate some examples where this kind of legislation has brought us into trouble. Here is a proposition compulsory in its character without consulting the Indians to remove two hundred from one reservation to another, and the reason given for it is to save the expense of an Indian agency. That is a very small matter. The expense of removing these Indians according to the estimate of the Department is \$25,000. That is too much to pay to stop one agency.

Mr. MITCHELL. That is an entire mistake on the part of the Senator from Ohio.

Mr. ALLISON. If the Senator will allow me—

Mr. SHERMAN. If I have the floor I want my five minutes; I do not wish to be interrupted. The Senator from Oregon himself said that the Secretary of the Interior had estimated for this service \$25,000, but finding he could not get the appropriation or that there was doubt about it, in order to get a mandatory clause in the law for the removal of the Indians he was willing to do it without an appropriation. It was just such an amendment as this to an Indian appropriation bill that caused the Modoc war that cost us \$8,000,000.

A mandatory provision was made in an appropriation bill to compel the removal of a little band of Indians not two hundred in number. This is a serious matter.

Mr. THURMAN. Can my colleague tell us how much the Modoc war cost?

Mr. SHERMAN. Between eight and nine millions, I think, according to the War Department; but I am not certain. It was a great sum of money, and many men were killed in that war. The famous Choctaw claim arose under a resolution offered by a Senator from Arkansas, Mr. Sebastian, which was debated just about ten minutes. An objection was made to it, but Mr. Sebastian turned it off with a few words; and upon that award as it was said to be, a mere resolution of the Senate, was founded the famous Choctaw claim which was defeated in the House of Representatives only a few days ago and which held this very Indian bill for two or three days. The famous award upon which that Choctaw claim rests was made in ten minutes in the Senate and on the motion of a single Senator presenting the report of the Committee on Indian Affairs.

If we are to consider this question of removing Indians from one reservation to another, it ought to be treated as a serious matter, which it may at any time become. It seems to me that it is sufficient answer to this proposition that it is not reported by the Committee on Indian Affairs, it is not accompanied with the necessary appropriation to carry it into execution, which of itself is a suspicious circumstance; and the reasons for it are not given in a written report. It is manifestly the purpose to disturb this Indian reservation in order to extend the white settlements over a portion of this reservation, a part of it having already been taken, and this mandatory provision requiring the removal of these two or three hundred Indians is to be carried out by money paid out of an appropriation made nominally for some other purpose, perhaps made for the education and support of these very Indians, which will be used in removing them forcibly against their will to some other portion of this same reservation. That is the way it appears to me. I think provisions of this kind ought to be made after examination and upon the responsibility of a written report made from the Committee on Indian Affairs. Then I would not object.

Mr. ALLISON. These Indians are on this reservation wholly by executive order. They are not there under any treaty stipulation. They can be removed at any time by executive order without legislation; but as I understand the amendment proposed by the Senator from Oregon, it is to fix by law a reservation for these Indians. It is very easy to propose an amendment as suggested by the Senator from Ohio that these Indians shall not be removed without their consent being first obtained, and I think that would be a very proper amendment. Therefore, if he will allow me, I will offer such a proviso.

Mr. SHERMAN. I think the proposition ought to come in due form from the Committee on Indian Affairs, and they ought to take the responsibility of it. I am not prepared to frame an amendment.

Mr. ALLISON. I care nothing about the amendment itself here; I only make a suggestion in reference to it. I move to insert at the end of the amendment this proviso:

Provided, That these Indians shall not be removed until their consent has been obtained.

Mr. MITCHELL. I desire to say in answer to the honorable Senator from Ohio that he assumes that this whole proceeding, this recommendation of the Commissioner of Indian Affairs and of the Secretary of the Interior has been without any investigation of the matter on the ground, without any reference to whether or not the consent of the Indians has been obtained. I will state for the benefit of the Senate that this matter has been investigated not only by the agents of the two reservations but by two Indian inspectors, and their reports are on file in the Indian Department, and upon them the Secretary of the Interior and the Commissioner based their recommendation.

As the honorable chairman of the Committee on Indian Affairs states, that committee have considered this matter, and the only objection they found was the fact that the original proposition referred to the Committee on Indian Affairs asked for an appropriation of \$25,000, not for the purpose of removing these Indians, but for the purpose of providing for them after they should be removed, mainly for the purpose of constructing grist and saw mills on the Siletz reservation. That is what the Commissioner of Indian Affairs wanted \$25,000 for, but the Committee on Appropriations in this bill have provided for that. Consequently there is no necessity for an appropriation in this amendment.

Again, I call the attention of the Senate to this provision in this bill already agreed to:

For the general incidental expenses of the Indian service in Oregon, including transportation of annuity goods and presents, (where no special provision therefor is made by treaties) and for paying the expenses of the removal and subsistence of Indians in Oregon, (not parties to any treaty,) and for pay for necessary employés, \$50,000.

So that a general appropriation is already made by the provisions of this bill, a part of which may be applied to the removal of the Indians; and the cost of removing two hundred Indians twenty miles certainly cannot be very much.

Now, I hope the amendment will be adopted, inasmuch as the chairman of the Committee on Indian Affairs says it has been considered and that the only objection raised by that committee has been obviated by the withdrawal of any demand for an appropriation.

Mr. INGALLS. When this amendment was before the Committee on Indian Affairs my objections were based upon the fact that it involved an appropriation for purposes which I believed to be unnecessary. The Senator from Oregon has endeavored to make the amendment palatable to the Senate by striking out the clause which provides for an appropriation. Upon turning to page 70 of the bill, under the head of incidental expenses of the State of Oregon, to which the Senator from Oregon has just called our attention, I find that the amount of \$40,000 originally passed by the House has been raised by the Committee on Appropriations of the Senate to \$50,000. If the object is to induce the Senate to adopt this amendment by striking out the appropriation, concealing the fact that the appropriation has been placed in another portion of this bill, I for one am unwilling to be a party to any such transaction. If the Committee on Appropriations have raised the sum for incidental expenses in Oregon from \$40,000 to \$50,000 to enable this amendment to be put into effect and at the same time to appear to be without expense to the Government, I think it is not exactly a fair transaction. I should like to hear from the committee whether that is the fact or not.

Mr. MITCHELL. In the absence of any answer from any member of the committee, I will state that I know that had no reference whatever to any contemplated amendment of this kind. The amount was raised on the recommendation of the Department, because the amount inserted in the House bill was wholly insufficient to meet the expenses.

Mr. INGALLS. Can I have the attention of the Senator from Minnesota for a moment?

Mr. WINDOM. Yes, sir.

Mr. INGALLS. I wish to inquire upon what ground the Committee on Appropriations raised the sum for general incidental expenses in Oregon from \$40,000 to \$50,000.

Mr. WINDOM. I understand it was for the purpose of removal and general purposes of the Indian service there. The amount appropriated was not enough.

Mr. INGALLS. Did it involve the expense of the contemplated consolidation of the Alsea and Siletz reservations?

Mr. WINDOM. I think it did not. We had a request from the Secretary of the Interior for a larger amount in addition to that, and the amount estimated was much larger than the amount appropriated for the Indian service in Oregon.

Mr. ALLISON. As I understand the matter, the Commissioner of Indian Affairs did state that if this amount was raised to \$50,000 it would cover the expenses of removal; and if it is not intended to remove these Indians and consolidate them, I think the amendment enlarging the appropriation ought not to be agreed to.

Mr. MITCHELL. This is a matter which will come up again in the Senate, I suppose.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from Oregon.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Oregon as amended.

The amendment, as amended, was agreed to.

Mr. MITCHELL. If it is in order, I would move to reconsider the vote by which the Senate, as in Committee of the Whole, yesterday agreed to the amendment proposed by the Committee on Appropriations in line 1792, on page 73.

The PRESIDING OFFICER. The Chair would suggest that the Senator can arrive at his object by reserving in the Senate the question of concurring in that amendment.

Mr. MITCHELL. Very well.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. DAVIS. I wish to reserve the amendment which adds one to the number of agencies.

The PRESIDING OFFICER. The question will be on concurring in the amendments made as in Committee of the Whole. They will be acted on in gross except those reserved. The Senator from West Virginia reserves one.

Mr. MITCHELL. I reserve the one I just now indicated.

Mr. INGALLS. I reserve the amendments on page 9 in reference to the Apaches of Arizona and New Mexico.

The PRESIDING OFFICER. Is there any other reservation?

Mr. INGALLS. I reserve also the amendment on page 68 under the head of general incidental expenses of the Indian service in California, and the amendment on page 70 in relation to the general incidental expenses of the Indian service in Oregon. I want a further examination on that point.

The PRESIDING OFFICER. The Chair will put the question on concurring in the amendments made as in Committee of the Whole except those which have been reserved for a separate vote.

The unreserved amendments were concurred in.

Mr. DAVIS. In line 10 on page 1, sixty-nine special agencies were provided for in the House bill. The amendment is to make it seventy. I understand that there is a change of two from one section to another. I was not present in committee when this particular subject was passed upon. The committee proposed to add one agency in gross, effected by changing two as I understand and

dropping one. Adding an agency or changing an agency costs a good deal more than the \$1,500 paid as compensation to the agent. Where an agency is changed or an agent added there is not only added the salary of the agent but \$10,000 for expenses of that agency may be expended. Then there are buildings such as mills, blacksmith-shops, and houses, &c. The changing of agencies, unless there be great necessity for it, is very expensive. The necessity for adding an agency I do not understand at all. I am of the opinion that the change ought not to take place and that one ought not to be added. However I will wait to hear from the Senator who has the bill in charge.

The PRESIDING OFFICER. The question is on concurring in the amendment striking out "sixty-nine" and inserting "seventy."

Mr. DAVIS. What explanation has the Senator to make?

Mr. WINDOM. The explanation is that two agencies were added in Dakota, and one reduced in the Indian Territory. That makes an addition of one agency in the aggregate, and hence the change from sixty-nine to seventy. The two added in Dakota are for the Black Hills and White River agencies. The authority upon which that was done was a very urgent recommendation from Bishop Hare of the Episcopal Church. He has charge of the Indians so far as under church arrangements any one but an agent can have charge in that region. Bishop Hare has devoted several years to that service, and the church which he represents has taken so much interest in the Indians there that its members have expended of their own money as I am informed about \$40,000 for the civilization and benefit of the Indians. Bishop Hare is very anxious for the establishment of these agencies and believes that it will be conducive to the best interests of the Indians. The Secretary of the Interior and the Commissioner of Indian Affairs concur with him, and the Committee on Appropriations, acting upon the best information they had on the subject, have recommended it. Bishop Hare was present in the city, as I am informed, and went before the Committee on Indian Affairs of the House of Representatives and the Committee on Appropriations of that House and personally urged it. The Senate committee have left it precisely as it came from the House so far as these two agencies are concerned, except that we have changed the name of the Brulé to White River agency—a mere verbal change.

Mr. DAVIS. So far as the change of agencies is concerned the Senator has spoken, but as to the addition of an agency I do not recollect that he said a word.

Mr. WINDOM. I stated that there were two added in Dakota and one dropped in the Indian Territory. I have not gone over the footings, but there is one agent added to the original number, and, as I am informed, the aggregate increase is made up in that way.

Mr. DAVIS. My understanding is that there are two changes and one addition, and in that I think I am right; but I may not be. These changes always are expensive, and unless there is a necessity for them they should not be made. The addition of one agency will cost the Government for the first year perhaps thirty or forty thousand dollars and afterward eight or ten or twelve thousand dollars annually. I hope the amendment changing sixty-nine to seventy will be non-concurred in.

The PRESIDING OFFICER. The question is on concurring in the amendment.

The question being put, there were on a division—ayes 15, noes 16; no quorum voting.

Mr. WINDOM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WINDOM. At the risk of repeating the very brief statement I made a moment ago, I will say again that I think the Senate does not consider or has not well considered the authority upon which this amendment was made. The Episcopal Church has taken a great deal of interest in this question. One of their bishops is on the ground and I think really, if we will stop for a moment to consider, may be supposed to understand as well as we can here in our places what is for the best interests of these Indians. He made the journey from Montana here, largely for the purpose of impressing upon Congress the necessity of doing this thing. If that church organization relied wholly upon the Government to spend the money to take care of these Indians they would not come to us with as strong arguments as they now do; but the fact is as I stated a moment ago, that they have spent \$40,000 of their own money and more a great deal than they would ask the Government to appropriate for this agency, and I think are entitled to some consideration.

I will not multiply words on the subject.

Mr. DAVIS. I object to increasing the number of agencies, not only on account of the salary of \$1,500, but it is well known that buildings have to go up wherever there is an agency established, such as a blacksmith-shop, a mill, and other buildings, and \$10,000 is allowed each agency for the expenses of the agency for labor, &c. Whenever there is an additional agency authorized anywhere, it remains. That has been our history; and instead of lessening hereafter, it will always keep up to the full number.

The question being taken by yeas and nays, resulted—yeas 26, nays 22; as follows:

YEAS—Messrs. Allison, Boreman, Boutwell, Clayton, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Hamilton of Texas, Hamlin, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Sargent, Stewart, Wadleigh, Washburn, West, Windom, and Wright—28.

NAYS—Messrs. Alcorn, Bayard, Boggy, Cameron, Davis, Dennis, Eaton, Gilbert,

Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Robertson, Saulsbury, Sprague, Stevenson, Stockton, and Thurman—22.
ABSENT—Messrs. Anthony, Brownlow, Carpenter, Chandler, Conkling, Conover, Cooper, Fenton, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Harvey, Hitchcock, Howe, Jones, Lewis, Logan, Morton, Patterson, Ransom, Schurz, Scott, Sherman, Spencer, and Tipton—25.

So the amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be read.

The SECRETARY. On page 9, in lines 204 and 205, the appropriation was increased from \$300,000 to \$375,000; in line 206, from \$100,000 to \$125,000; in line 206, from \$400,000 to \$500,000; so as to make the clause read:

For this amount, to subsist and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico and Arizona, namely, for those in Arizona, \$375,000; and for those in New Mexico, \$125,000; in all, \$500,000.

Mr. INGALLS. I discharged a duty yesterday that I believed I owed to the Senate and to the country in calling attention to the reckless and extravagant, and, as I believe, unwarrantable expenditures in this branch of the Indian service. I alluded to the fact that during the last fiscal year an original and deficiency appropriation amounting to nearly \$1,000,000 had been made for the subsistence of these Indians alone; that during the same time two regiments of infantry and two of cavalry had been maintained in those two Territories for the express purpose of keeping this tribe of Indians in subordination, at an additional expense of nearly \$4,000,000. I referred also to the further fact that there were no accurate estimates upon which this approximation was based; that the number of Indians assumed to be upon reservations and requiring subsistence had been grossly exaggerated; that the entire number in both Territories did not exceed seventy-seven hundred; and that assuming that even were all upon reservations, that they were all entitled to subsistence, that the price of an adult soldier's ration was fifteen cents per day, even at that sum computing these all to be adults, the sum that is demanded was largely in excess of the actual amount required for that purpose.

Nor, sir, did I fail to refer to the additional fact that there had been in connection with the administration of the Indian Department in these Territories a habitual disregard of the requirements of law; that in every year since I have been here they had exceeded the appropriations made and had evinced a total disregard of the requirements of legislation upon that subject; that they had expended whatever sums they saw fit to expend, and applied the ensuing year for a deficiency appropriation in the full confidence that whatever sum they asked for would be granted. I also stated that the sum of \$400,000 had been agreed upon in the lower House; that it came here as it came last year with a much lower sum than is now asked, and that it was very extraordinary that we should be called upon here in the Senate to increase this appropriation from \$400,000 to half a million without any testimony whatever being submitted.

I do not desire to go further into this subject, but shall content myself with calling for the yeas and nays upon concurring in the amendment, for the purpose of letting the country know who is in favor of voting these appropriations without any satisfactory estimate.

Mr. SARGENT. Mr. President, I remember the great length which the Senator took to elaborate the assertions which he has made this morning, assertions entirely unfounded, as was shown in the debate of yesterday, in every particular that he assumed on this matter. As was shown by the chairman of the Committee on Indian Affairs, as was shown by the Senator in charge of this bill, and by myself and others who spoke on this matter, his statements were entire misapprehensions of the subject. And in the statement which he has made this morning as to soldiers' rations and the basis of the number of Indians in these Territories, he does not come within a quarter of a million dollars of arriving at the correct facts.

The fact is it costs about fifteen cents a day to feed each Indian, and that is cheap at that distance. The fact further is that these Indians are gathered on reservations and there is not a ration issued to them except on a ticket presented by the Indian which is given to the individual and separate Indian. The further fact was stated here yesterday that these Indians were employed in labor, useful to themselves and the Government, in building irrigating ditches and thereby enabling themselves to become partially self-supporting. The further fact which the Senator entirely ignores is that two or three years ago there was a condition of war and desolation all through the Territory of Arizona, when, as was said here yesterday—but it did not seem to reach the dull ear of the Senator, or if it did it made no impression on his mind—there was an average of two men and women murdered in the Territory each day for the three hundred and sixty-five days of the year, and that has ceased entirely, so that there has come peace and security.

The statement further was made in his hearing, but of no value to him, that whereas the papers of the Territory formerly came up with one prolonged shriek over the conditions to which they were subjected, they now come up day after day stating that a condition of profound peace has been secured in the Territory; that the people are secure in their lives when they go upon the roads; that a man can cultivate his farm without danger of losing his life, and leave his family at his home without returning to a smoking ruin; and that this happy result has been wrought during the time that these appropriations have been made, and commenced with them.

The Senator speaks of the deficiency appropriations made last year. Those deficiency appropriations were for expenditures extending over three years, and were not deficiency appropriations for that year simply. There was a settlement of old accounts up to that date, and it was so stated on the floor of the Senate, and the appropriations made in the bill have year by year decreased. Last year, where there was an appropriation for that year and the current year, it was stated that there would necessarily be some deficiency. Next year the Commissioner says he can get along without any deficiency at all. But, as I said yesterday, it is worth \$500,000 per annum to have the present condition of things in that Territory. How much may you estimate the life of an American citizen at? Is it worth one dollar or \$500,000? At how much do you estimate the life of an American woman living in that country? How much do you estimate the life of one each day in the three hundred and sixty-five days? It is shown by the memorial of the territorial Legislature that over seven hundred were killed in one year. Is there any price that could be set on this thing? Senators sitting here in their comfortable arm-chairs, coming from States that have driven the Indians out into other regions and seized upon their lands, where they are no longer troubled with them, can ignore this terrible condition of things on the frontiers which is brought about by failing in this peace policy of the Government. I know it does not touch them. Their "withers are unwrung." So far as the people of Arizona are concerned, three-fourths of them go from my State, and I know they are good men. They do not want anything from Government except to be protected, and there is an obligation on the part of the Government to protect them in the peaceable pursuits of life there. There is a rich territory abounding in mineral wealth, although of limited agricultural capacity, held out as a reward for enterprising pioneering. These pioneers go there and make themselves homes; they themselves and their families reside there; children are born there. An incipient State is started, and by and by it grows up and becomes a State of the Union. But if you allow them to be the prey of the most ferocious savages when by the expenditure of the amount named in this bill you can maintain profound peace, then I say you are guilty of a crime against the civilization of the age.

If this were a mere experiment, if the last two or three years' experience had not demonstrated that I am entirely correct, then Senators might doubt and hesitate; but when I stand here and appeal to the experience of the past two or three years in that Territory and compare it with the bloody history of the dark battle-grounds there the years previous and for twenty years previous, then I say there is warrant enough in the history of the Territory itself for Congress to persevere in the beneficent course which it has up to this time adopted.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEST. The Senator from Kansas pointedly called the attention of the Senate that it was about to put itself upon record on a clause of this bill which he characterized as reckless, extravagant, and unwarrantable expenditure; and he then branched off into a general charge of mismanagement of the Indian Bureau with a view, I presume, of getting supporters on his list of yeas and nays. In that view he makes a broad statement here that the appropriation hitherto made for these Indians was in one particular year something like a million dollars. The first time that these Indians ever were appropriated for, for the purpose of maintaining them in a peaceful condition, was in the fiscal year ending June 30, 1874. The amount given on that occasion was \$250,000. During the progress of establishing these Indians upon these reservations General Crook, as I mentioned yesterday, found that he was getting more Indians than he had money; that the appropriation of \$250,000 was not adequate for their support. Consequently he called upon Congress, or the Indian Bureau did, for \$350,000 more, which was granted in the deficiency bill of the spring of 1874. Therefore we have \$600,000 used the first year for the support of these Indians. Then the next year we had \$500,000, and this year we have again \$500,000 upon an estimate of \$750,000 by the Indian Department and the Secretary of the Interior.

Now, Mr. President, what are these Indians doing? What is done with this money? How is it distributed or disbursed recklessly, extravagantly, or unwarrantably? I will read from what General Crook says. First as to the general effects of this pacific policy he says that he is "making important reduction in the expenses of the Department." He says furthermore:

If the present peace with the Apaches remains unbroken, there will be a great reduction in the price of all kinds of meats furnished the troops in the future.

Again, the governor of the Territory says:

At no period in the history of Arizona have our Indian affairs been in so satisfactory condition. Comparative peace now reigns throughout the Territory, with almost a certainty that no general Indian war will ever occur again. General Crook, in the subjugation of the Apaches, has sustained his former well-earned military reputation, and deserves the lasting gratitude of our people. The agencies are generally in the hands of men who seem to be faithfully discharging their duties, and by harmony and concert of action between the branches of the Government having Indians in charge they can before very long be made nearly if not wholly self-sustaining, and sufficiently tamed and civilized to preclude the possibility of again becoming hostile.

The surveyor-general of the Territory corroborates that, and says:

With few exceptions the past year has been one of peace with the Apaches, and the beneficial influence thereof is exhibited in several ways. For this peace we are especially indebted to the energy and wisdom of General George Crook, commanding the Military Department of Arizona.

General Crook goes on to specify how this money, or the provisions purchased by this money, are distributed to the Indians. And remember the distribution of these supplies is not left to the Indian agent, it is done by the officers of the Army. General Crook says:

Each warrior is numbered and carries with him, day and night, his metal check, with the number and designation of his tribe stamped thereon. A corresponding record of each, the number of members in his family, and his own personal description is also kept by the officer in charge; and as issues are made on these checks, the Indians themselves are careful not to lose them and to be well known to the officer as No.—.

Then again:

If the Indians on these reservations are properly managed, kept at work, furnished with seeds and implements, and their present interest in raising stock and making themselves homes encouraged, there will be no further trouble with them and they will gradually become self-supporting.

In no instance within the experience of the management of the Indian Bureau has there been so satisfactory a result for the same amount of money attained as in this present case, and it is palpable according to the report made by the Commissioner of Indian Affairs that to the number of Indians there—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEST. I move to amend by striking out the word "five" to conclude what I want to say, that to the number of Indians there the officers of the Army dole out these provisions to them by agents in such a way that there can be no possible fraud, and furthermore that the amount of fifteen cents a ration which the Senator speaks of as adequate for an adult soldier he is mistaken about. The amount is twenty-two cents per ration without transportation. This appropriation of \$500,000 is to feed that number of Indians and to pay for transportation besides. If we do not do that, it would not be at all adequate. The amount has been estimated at \$750,000 and the Senate have granted \$500,000.

Mr. INGALLS. The Senator from California has seemed directly to refer to me. He has taken occasion to refer to what he calls the dullness of my ears. I shall not be pressed to put in any comparison as to the longitude of his, because I think that would be entirely unnecessary.

Mr. SARGENT. The Senator might suffer by the comparison.

Mr. INGALLS. I said it would be unfavorable to the Senator from California.

But I desire to say that in the statement yesterday made by the Senator from Minnesota [Mr. WINDOM] as to the necessity for the amount that is here asked for he did state, and his remarks will be found on page 40 of to-day's RECORD, that it was based upon a soldier's ration at \$15.48 per hundred for seventy-two hundred and seventy-six Indians, the entire amount of which would be \$411,108.55, exclusive of transportation. Every Senator on this floor who is familiar with Indian affairs knows that a very large proportion consists of beef, and that beef transports itself. It is driven there by the contractors and furnished to the posts where the supplies are distributed. The remainder of the ration, as is shown by the report of the Commissioner of Indian Affairs, consists of bran and shorts, so that this estimate even is very largely in excess of the actual amount that is necessary to be expended for the subsistence of these Indians.

But I went on further to show, and I am substantiated by the report of the Commissioner, that the entire number of Apache Indians in these two Territories is about seventy-eight hundred; that not more than one-half are on these reservations; and that a very large percentage of that number even consists of women and children, who of course do not require an adult ration. So I think that, instead of being defeated or instead of being overthrown in my position, I am entirely substantiated by the facts in this case, and that there is no proof whatever upon which the Senate can base an intelligent vote for this enormous appropriation.

One thing further, since the Senator from California has seen fit to refer to the previous administration of affairs in that Territory and the deficiency appropriations that have been called for in previous years. Last year the amount that was solicited and reported by the Committee on Appropriation was \$450,000, but I am informed and I believe that there is to-day a deficiency appropriation due for the expenditures of 1873 that has not been paid; that the sum expended in those Territories was so enormously in excess of the appropriations which have been made that the parties entitled to receive it did not dare to make the matter known to the committees of Congress; that there is to-day a deficiency of more than \$100,000 in the expenditures of 1873 which we shall yet be called upon to appropriate. I make this statement upon information communicated to me by the Delegate from one of those Territories, and I think it is necessary to know if that can be substantiated. I say, therefore, before we are called upon to vote additional appropriations in excess of those reported by the committee, the Senate is at least entitled to more accurate and definite information than has yet been furnished.

Mr. SARGENT. The Senator from Kansas is very well aware that last year when a deficiency was asked for, on account of his strenuous opposition, he fighting it as if it were a rattlesnake, the deficiency appropriations were cut down. There was no shrinking on the part of the Department in stating the true condition of affairs. It was well known that the inauguration of this peace policy cost a great deal of money. The exact figures were stated. It was debated here in the Senate, and debated with great heat by the Senator from Kansas, as if there were something urging him to that action more

than appeared on the floor of the Senate. I do not suppose, however, that that was so, or that he had any information more than he disclosed. I do not think so. But I remember that with very great heat indeed he assailed those appropriations, undervalued the work done there by the military, and undervalued the work being done under the peace policy. He insisted that the old condition of things should continue, and that the Government should not pay the debt which had been created by means of this beneficent policy. He and some others helping him in the other House of Congress succeeded in cutting down the deficiency appropriations, against our protest and against our showing that the amount allowed would not be sufficient to pay the bills which had been honestly incurred, from \$70,000 to a hundred thousand. But there was no concealment by the Department, by myself, or any one else, as he seems to intimate. We insisted that that cutting down would leave the deficiency he refers to now. The same argument, I have no doubt, will be brought forward again against the inevitable deficiency for the current year. Large amounts are paid for the expenses in this Territory, but the real fact is year by year the expense has been decreased, because the system of peace has been cheaper than war, and there has been an opportunity to get supplies more cheaply, both for the Indians and that portion of the Army kept there until they can be safely removed. There is now no necessity of transporting so much wheat and flour from long distances as before. Peace has enabled the people to raise many articles, and they are raising more and more each year. They have been able to become herdsmen and raise cattle without having their herds driven off by marauding Indians or the herders slain. Under this condition of things the appropriation of \$450,000 for this present fiscal year, though not adequate, has come nearer to paying expenses.

But a deficiency comparatively small has occurred, which Congress must appropriate at this session, or there will be no provision whatever for the balance of the year. The Commissioner of Indian Affairs says a deficiency of probably fifty or seventy-five thousand dollars—I have not the exact figures—for the rest of this fiscal year. However, for next year, appropriating this \$500,000, the Commissioner and Secretary of the Interior are of the opinion that they can bring the service within the amount of the appropriation.

All I want is that these Indians shall not be let loose upon the people of Arizona. I beg that we treat the people mercifully. If we do not, the result will be most disastrous to affairs in that Territory and most expensive to the United States Government, as well as cruel to its citizens. Instead of two regiments, you will have to go back to the old number and furnish four regiments, and at a cost of \$5,000,000; instead of two companies of cavalry, you will have to double the number, at a cost of—I do not know how much, but it would be very large. In other words, it is very much cheaper to make this meager appropriation for these tribes in Arizona without the expense of war than to be compelled to turn loose those Indians on the arid plains and among the fastnesses of that Territory, from which they will sally out on ungarded emigrants and citizens and take their lives.

Mr. EDMUNDS. If I were to measure my duty in voting for or against this measure by the rules which seem to influence my honorable friend from California when he says that the Senator from Kansas at some other session of Congress spoke warmly about Indian appropriations, &c., I should be certainly compelled to vote against the recommendation of the Senator from California, for I think we have found as a general rule that the side of safety is the side of saying "no" about Indian appropriation bills. While I do not intend to interfere in defense of my friend from Kansas from any inference that might be raised from what the Senator from California has said, (because the Senator from Kansas is quite able to take care of himself,) I do think that it is not quite the just thing for the Senator from California, as an argument in favor of this appropriation, to hint that at some former session, or at this session, the Senator from Kansas has been particularly warm against Indian appropriations.

Mr. SARGENT. Will the Senator allow me a remark?

Mr. EDMUNDS. Certainly.

Mr. SARGENT. The Senator usually understands that which is said in his presence. The Senator from Kansas said there was some concealment in all this, or that the parties did not dare to bring forward estimates and make known their claims. In reply to that I cited the fact that the exact figures were brought forward by the Department and advocated by myself; that there was no concealment; and the figures were cut down by the opposition made in the two Houses of Congress. I question no man's right to oppose an appropriation. I was repelling a charge of concealment.

Mr. EDMUNDS. I did not understand the Senator to say that precise thing.

Mr. SARGENT. That is what the RECORD will show.

Mr. EDMUNDS. If that is what the Senator from California said, and that was all, then of course the observation I made is quite out of place; but I confess if I correctly understood the remark what I said I think was just, which implies no reflection upon him except that in the warmth of this debate he has perhaps forgotten all that is due to other men's motives as well as his own.

Now, Mr. President, to come to the merit of this thing, it does seem to me that, with the information we have, it is much better to keep this appropriation where it stood in the House bill and not to increase it. If it turns out when we get to the deficiency bill that the appro-

priations for this current year, which still run on to the 1st of July, are insufficient to keep peace and justice and all that in respect to these Indians, then we can provide for it; but to undertake to say in advance, for the period of twelve months from the 1st of July next, that there is to be required this increased appropriation, ought to warn us to insist, as the Senator from Kansas has said, upon the clearest proof of a pre-eminent necessity. I do not see that proof, and therefore having had some observation, not experience, in reference to Indian appropriations in the last ten years, I shall vote in favor of sticking to the House bill. That has gone far enough. There will be time enough to provide for what the Senator from California fears when we come to the deficiency bill this year, if there is any trouble until the 1st of July, and otherwise there will be time enough next December if any necessity then exist to provide for it.

Mr. SARGENT. Will the Senator allow me to call his attention to section 6? I would like to make one observation.

Mr. EDMUNDS. Certainly.

Mr. SARGENT. Section 6 provides:

That it shall be the duty of the Secretary of the Interior, and the officers charged by law with the distribution of supplies to the Indians, under appropriations made by law, to distribute them and pay them out to the Indians entitled to them in such proper proportions as that the amount of appropriation made for the current year shall not be expended before the end of such current year, so as to prevent deficiencies; and no expenditure shall be made or liability incurred on the part of the Government on account of the Indian service for any fiscal year (unless in compliance with existing law) beyond the amount of money previously appropriated for said service during such year.

Now, my criticism is this. If we appropriate the smaller amount, it being, under the sixth section, divided by twelve, we have a lingering starvation extended over twelve months, which we cannot expect the Indians to submit to. By this sixth section you cannot use up the appropriation in the first six months and then come in for a deficiency. You must pinch every month in the year. With this section in the bill the necessity becomes greater for an adequate appropriation, so that the monthly parts may each be adequate. So I think the Senator's reasoning fails.

Mr. EDMUNDS. I have no doubt the Senator so thinks, but he will give me leave to differ with him on this paragraph. If you divide this appropriation by twelve, then you have one-twelfth for each of the months of July, August, September, October, and November, in the year 1875. Now, if there is any period of the twelve months when the Indians could require less to induce them to be peaceable, it seems to me it is these very months, when a benign nature (as benign as they have it in that region) is smiling on everybody, when all the fruits of the earth, if there are, are ready for you, when the bitterness of cold is away, and when every means for people in every country that I know of getting on at the cheapest rate exists; so that if you divide it by twelve you will get a larger proportion than is necessary in the very months before we are required to meet again in December, than you will at any time in the year—

Mr. SARGENT. Will the Senator allow me a remark?

Mr. EDMUNDS. If the Senator will pardon me until I finish my observation—so that the pinch will come, if it be any pinch at all, after the 1st day of December, 1875.

Then we shall be here, those of us who remain and shall live until that time. Congress will be here, whatever may become of persons, and Congress it must be assumed will be ready to do what the public good and humanity require. Now I will hear my friend from California.

Mr. SARGENT. The Senator with his familiarity with appropriations knows that the deficiency bill is the last bill that Congress acts upon. It has not even yet been reported in the other House at this session, and here we are away along in February. The next will be the long session. At the last session it was in June before the deficiency bill passed. It was the last bill we passed. They will be through the severe months of the year without this relief and the Indians will be starving there, and any mischiefs from inadequate appropriations will already have happened.

Mr. EDMUNDS. Very good. I am very glad the Senator has made that observation because to my mind it is so easy to answer. Then it appears we are remitted by this implied combination and force to next December before this supposed necessity is to arise. Very well; now the Senator says the deficiency bill does not get forward until the end of the session. Grant it; but if the public service and humanity require us in December to provide \$200,000 or \$500,000 for the Indians, does the Senator suppose that he cannot bring in a bill in December for a special appropriation, and does he suppose that Congress will not be ready to meet it in the spirit in which it is made?

Mr. SARGENT. I will say that, judging by the debate on this matter, I think not.

Mr. EDMUNDS. The Senator thinks not. Very well, then the Senator thinks or believes that Congress will not do what the public good and the interests of humanity require. If the Senator has that opinion of Congress, I think he ought to take some measures to try to reform it, and in some other way than this. If you cannot trust the Congress of December, then the Senator is perhaps quite right in supposing that he cannot trust the Congress of February, if this is February, and he had better give up this amendment.

Mr. WINDOM. I do not rise to continue the debate, but to ask that the five-minute rule may be enforced.

Mr. HAMLIN. Let us vote and stop talking.

Mr. WEST. I only wish to say one word with reference to the statement made by the Senator from Kansas that there were less than the number of Indians stated here to be on these reservations as reported by the Commissioner of Indian Affairs. The Commissioner in his report, page 1, says there are nine thousand Indians, and on a subsequent page, page 106, he says there are seventy-eight hundred and twenty on the reservations. Then, with reference to the price of cattle there, let me tell my friend that the cattle there are all driven from Texas and are higher there a great deal than they are in Kansas. There is no place in the United States or any of the Territories of the United States where cattle are as high as they are in Arizona.

As for the proposition of the Senator from Vermont that the Indians will not be compelled by stress of weather to be fed in the fall of the year, let me tell him that there are no seasons down there affecting their subsistence at all. It is one uniform summer the whole twelve months round. His remarks originated perhaps from the cold climate of Vermont.

Mr. EDMUNDS. You are in quite a different climate. It is a universal summer in your country.

Mr. INGALLS. I wish to make one observation to the Senator from California. Like himself, I am here in the discharge of a sworn duty; and if upon any subject I speak with heat, it is because I feel indignation. I am not certain whether or not I understood him to say that he judged or supposed that the heat of my remarks on a former occasion might have been actuated by some other motive than a sense of duty. I trust before I sit down I shall hear him disclaim any such imputation.

Mr. SARGENT. I expressly stated that I did not make any such imputation, and the Senator will find it so recorded in my remarks.

Mr. INGALLS. I am very glad to hear the Senator say so.

Mr. HAGER. As I stated yesterday, I will vote against this increase of the appropriation to maintain the Indians on the reservations in Arizona and New Mexico. As I understand, that country is a barren waste of itself. It will not support the Indians, and, as a gentleman remarked to me, it would not support a duck, because it has neither grass nor water. These Indians have been in the habit of dwelling or living in the mountain fastnesses. They are now put upon this arid plain, and they are there confined by the soldiers of the United States. Necessarily they must be fed by the Government; but, as I understand, with all the appropriation that was made last year, they were not properly fed, and of course they break out from the reservations to obtain the necessities of life, and the result is that they are slaughtered, as I understand, by the soldiers.

Now as to the policy of having these reservations I am not disposed to discuss it. It is an experiment as I understand. I doubt myself whether it will be successful; but what I do complain of most is the manner in which this fund is managed and manipulated. It is intended for the benefit of the Indians. As I said yesterday, I rely upon the information that I obtained from one of the honorary commissioners, who are gentlemen above reproach, who were acting without salary as an advisory board. When they ascertained that it was impossible, as one of them told me, to effect any reform or to correct any existing abuses with regard to the administration of this Indian Department through the ramifications of agents over the country, they concluded that it was their duty to resign, inasmuch as they had nothing to do. In office they were *functus officio*, and in ability to do anything they became *functus officio* in fact.

With these facts before me I am not disposed to increase this fund beyond what is contained in the bill as it came to us from the House. I doubt myself whether the experiment will be a success. While I am as much disposed to go as far on humanitarian grounds as any one, I must be better satisfied than I am now that it is even a matter of humanity to vote this appropriation or rather to increase it, and for that reason I shall vote against the increase; but I am not disposed to disturb the amount that stands in the bill as it came to us from the House.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Louisiana, [Mr. WEST.]

Mr. THURMAN. The Senator from Louisiana moved that amendment simply for the purpose of speaking.

Mr. WEST. That was all.

The VICE-PRESIDENT. Does the Senator withdraw his amendment?

Mr. WEST. I withdraw it.

Mr. THURMAN. Mr. President, the question under consideration has given me some little trouble. I have been accustomed to vote in such wise as to cut down appropriations to the lowest possible amount that I thought would suffice. I have very seldom voted for an increase of an appropriation, my belief being that the proper policy of the Government is to reduce expenditures instead of increasing taxation. It would require, therefore, very strong reasons to make me vote for an increase of an appropriation which has been made after full consideration by the House of Representatives. Then, on the other hand, I read in the remarks of the Senator of Minnesota [Mr. WINDOM] on this subject that the Department recommends an appropriation of \$750,000, and that "our committee believed that \$500,000 was the very smallest amount with which the Department could possi-

bly get along and carry out this policy"—what is called the peace policy.

Now, when the Department asks for \$750,000, and our committee declare their opinion that half a million is the least possible amount with which the Government can get along without abandoning a policy that it does not propose to abandon, a Senator has some trouble in voting against the proposed increase, and the more so because we all know that these Indians are the most warlike and unruly upon this continent; that they have given us more trouble than any other Indians; and that Arizona especially has suffered more from Indian depredations and Indian murders than any other one of the Territories of the United States within the last five or six years. I remember the list sent us by the territorial Legislature, apparently compiled with care, of the murders committed by Indians in that Territory for two or three years, and I confess I was shocked at the length of the list. I cannot help remembering, too, that at the last session we made an appropriation to supply deficiencies of somewhere about \$700,000. In other words, in order to preserve the peace, in order to feed these Indians who had been chastised by General Crook with great efficiency and compelled to go upon the reservations, the officers of the Government assumed the prodigious responsibility of involving the Government in a debt of \$700,000. I do not like to encourage officers to do any such thing as that. I do not like to encourage officers to assume so great a responsibility as that of contracting debts on the part of the United States to an amount so prodigious. Therefore I am inclined to believe that experience will prove that the committee did right in saying that not less than half a million will suffice. But, on the other hand, it is possible that a less sum may do. I think there is great weight in the suggestion made by the Senator from Vermont, that if this sum shall prove to be insufficient the defect can be supplied by Congress in December next, that this sum will be sufficient for the time being. Experience will show us, and show us in ample time to correct any mistake we might make, whether a larger sum will be necessary. Under these circumstances I am inclined to believe that the committee is right in saying that this much will be needed. Yet as we can correct any mistake we may make at an early part of the next session of Congress, I, for one, shall vote against concurring in the amendment.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. INGALLS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 28; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Carpenter, Chandler, Cragin, Davis, Dorsey, Ferry of Michigan, Flanagan, Hamilton of Texas, Hamlin, Howe, Jones, Kelly, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Pease, Ramsey, Sargent, Scott, Sprague, Stewart, West, and Windom—29.

NAYS—Messrs. Bayard, Boggs, Cooper, Dennis, Eaton, Edmunds, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hitchcock, Ingalls, Johnston, McCreery, Merrimon, Norwood, Oglesby, Patterson, Pratt, Robertson, Saulsbury, Schurz, Stevenson, Stockton, Thurman, Wadleigh, Washburn, and Wright—28.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Clayton, Conkling, Conover, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Harvey, Lewis, Ransom, Sherman, Spencer, and Tipton—16.

So the amendment was concurred in.

The VICE-PRESIDENT. The next reserved amendment will be read.

The SECRETARY. On page 73, line 1792, the Senate, as in Committee of the Whole, struck out "\$35,000" and inserted "\$40,000" as the appropriation for the civilization and subsistence of Indians on the Malheur reservation.

Mr. MITCHELL. I offer the following amendment to the amendment of the Committee: Strike out "\$40,000" and insert "\$60,000."

I will state that the estimate of the Department for this appropriation is \$83,483. An appropriation has been made heretofore of about \$35,000, and the deficiency is some \$25,000. I propose to compromise by my amendment by inserting \$60,000, which is not enough in the opinion of the Department by some \$20,000. I hope the amendment will be adopted. The amendment was submitted, and referred to the Committee on Appropriations.

Mr. DAVIS. I understand that the estimate of the Department was \$40,000, and the committee gave the full amount of the estimate at the time they were considering the bill. There is a subsequent letter, however, from the Secretary of the Interior, which recommends an increase, but my impression is that the committee was of the opinion that \$40,000 ought to supply the demands on us. I doubt very much whether it ought to be raised.

Mr. MITCHELL. I will simply say that every reason which has been alleged for an increase in the appropriation in respect to the Apaches exists in this case. This is the Malheur reservation, on which are gathered the Snakes and Bannacks and other hostile Indians who were kept at bay for some year or two by General Crook, and by the Government were finally collected together and placed upon this reservation. They are wild bands of Indians, hostile Indians, savages, and unless they are fed the result will be very disastrous to the people of that country.

I will state that last year, by reason of the appropriation running out and by reason of a failure on the part of the agents of the Government to provide them with food and clothing which they expected at the hands of the Government, there was an insurrection on the res-

ervation, the agent was run off, and it was expected for some time that there would be a general massacre of the Government officers.

Now I hope that this amendment, which is as I say not within \$33,000 of the amount recommended by the Department, will be allowed to be inserted.

Mr. DAVIS. There appears to be an error about the recommendation of the Department. I said that the estimate of the Department was \$40,000. The Senator from Oregon has said that it was eighty-odd thousand dollars.

Mr. MITCHELL. I say that the original estimate, based of course upon the estimate first made when this reservation was established, was \$40,000. But after investigation of the matter the Department has reconsidered that estimate and addressed a letter to the Speaker of the House of Representatives recommending that \$35,000, the amount inserted by the Committee on Appropriations of the House, be stricken out and that the sum of \$83,483 be inserted. The Commissioner uses this language:

Being satisfied that the amount embraced in the present Indian appropriation bill, as reported to the House, for the purpose above referred to will prove insufficient, I respectfully recommend that Congress be asked to amend the said bill as follows, namely: Strike out after the word "improvement," in line 1655, the words "thirty-five thousand" and insert in lieu thereof "eighty-three thousand four hundred and eighty-three."

Mr. DAVIS. I want to save my friend the trouble of reading that. I think if a portion of the letter is read it ought all to be read, so that the Senate may know why there is any change.

Mr. MITCHELL. Let it all be read, if the Senator desires. I send it to the desk to be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 11, 1875.

SIR: I have the honor to transmit herewith a copy of a report, dated the 9th instant, of the Commissioner of Indian Affairs, recommending that the Indian appropriation bill now pending before the House of Representatives be amended by striking out after the word "improvement," in line 1655, the words "thirty-five thousand" and inserting in lieu thereof the words "eighty-three thousand four hundred and eighty-three." This appropriation is needed for the civilization and subsistence of Indians on the Malheur reservation, Oregon.

A copy of a communication from Agent Parrish to Hon. J. H. MITCHELL, United States Senate, and of a letter of Senator MITCHELL, dated the 27th ultimo, together with the estimate of the agent therein referred to, are also herewith inclosed.

The recommendation of the Commissioner of Indian Affairs in the premises is approved, and the favorable consideration of the subject by Congress is respectfully requested.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

The SPEAKER of the House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 9, 1875.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of a letter from Hon. J. H. MITCHELL, United States Senator, dated the 27th ultimo, in which he states that the amount (\$40,000) embraced in the general estimate of appropriations for the Indian service during the fiscal year ending June 30, 1876, for civilization and subsistence of Indians on the Malheur reservation, Oregon, is in his judgment and in the judgment of Mr. Parrish, the agent in charge, wholly inadequate to meet the wants of that agency for the period indicated, and that the result of an insufficient appropriation can but result in a heavy deficiency at the end of the year. He also transmits a communication from Agent Parrish, dated December 6, 1874, including a copy of an estimate heretofore submitted to this office, calling for the sum of \$83,483 for the civilization and subsistence of Indians collected on the said reservation during the fiscal year ending June 30, 1876,

and, with the remark that the appropriations heretofore made have been entirely inadequate, earnestly urges that a new estimate be submitted to Congress for said agency in accordance with the estimate above referred to and submitted by the said agent.

Adopting the views of Senator MITCHELL in the premises, and being satisfied that the amount embraced in the present Indian appropriation bill, as reported to the House, for the purpose above referred to, will prove insufficient, I respectfully recommend that Congress be asked to amend the said bill as follows, namely: Strike out, after the word "improvement," in line 1655, the words "thirty-five thousand," and insert in lieu thereof "eighty-three thousand four hundred and eighty-three."

The papers in the case are herewith returned, with advice that the deficiencies referred to in the Senator's letter have already been estimated for.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. SECRETARY OF THE INTERIOR.

UNITED STATES SENATE CHAMBER,
Washington, December 27, 1874.

DEAR SIR: The Department estimate heretofore made for the Malheur Indians (\$40,000) is, in my judgment and in the judgment of Mr. Parrish, the agent in charge, wholly inadequate to meet the wants of that agency for the next fiscal year, and the result of an insufficient appropriation can but result in a heavy deficiency at the end of the year, which is of course undesirable to the Department, the agent, and all concerned. I am just in receipt of a copy of estimates submitted by Mr. Parrish, which I herewith inclose, amounting in all for the next fiscal year to \$88,483. The appropriations heretofore made for this agency have been entirely inadequate. I therefore earnestly urge that a new estimate be submitted to Congress for this agency, in accordance with the estimates submitted by Mr. Parrish, who is on the ground and is fully advised as to the necessities of the case. I also inclose Mr. Parrish's communication to me. I would be pleased to have all papers herewith submitted returned to me, with the answer of Department separately in reference to estimates for next fiscal year and to deficiencies for the past. An early answer is desirable.

Respectfully,

J. H. MITCHELL.

Hon. C. DELANO,
Secretary of the Interior.

MALHEUR INDIAN AGENCY, OREGON,
December 7, 1874.

SIR: I have this day mailed to the honorable Commissioner of Indian Affairs an estimate of funds required for the Indian service at this agency for the fiscal year ending June 30, 1876, and also a list of outstanding debts against this agency, with the request that the amount be included in the deficiency bill.

I take the liberty of sending you a copy of the estimate, also list of outstanding debts, most respectfully soliciting your influence toward securing the amount estimated for, as well as having the amount of liabilities recognized and provided for.

This is a new agency; consequently our necessities are numerous. I have not estimated for one dollar more than is really needed to put us on a sound basis. The amounts carried out for the various articles have been calculated from extremely low figures in currency, and if I can secure this amount the coming year I shall be able to get things in good running order.

The Indians under my charge are wholly unused to labor of any description, and it will require a great amount of patience on my part to induce them to undertake any manual labor.

I hope that before another year shall have passed to be able to make a report of the condition of affairs at this agency which will be more than satisfactory to the Department.

My earnest desire to get this agency free from debt and to carry out the desires and expectations of the Department with regard to these Indians is my excuse for trespassing upon your valuable time.

Hoping that you will use your best endeavors toward accomplishing this result,

I am, sir, your obedient servant,

SAM. B. PARRISH.

Hon. J. H. MITCHELL,
Washington, District of Columbia.

Estimate of funds required for the Indian service at Malheur agency for the fiscal year ending June 30, 1876, by Sam. B. Parrish, United States Indian agent.

Objects for which funds are required.	Amount of estimate.	Objects for which funds on hand will be needed.	Currency.
<i>For civilization and subsistence of Indians collected on Malheur Indian reservation, Oregon, for year ending June 30, 1876.</i>		<i>For eight hundred Indians.</i>	
<i>Miscellaneous.</i>		Flour for one year, 288,000 pounds, at 5 cents per pound	\$14,400 00
For the purchase of goods, subsistence stores, &c., for the Indians collected on the Malheur reservation, Oregon, for instructing said Indians in agricultural and mechanical pursuits, providing employes, educating children, procuring medicines and medical attendance, and for such general beneficial objects as the condition and necessities of the Indians may demand	\$83,483 00	Beef for one year, 360,000 pounds, at 7½ cents per pound	27,000 00
<i>For pay of agent.</i>		Sugar, tea, rice, beans, &c.	1,500 00
Pay of agent for one year, at \$1,500 per annum	1,500 00	Medicines	500 00
<i>For pay of interpreter.</i>		Pay of the following employes, namely:	
Pay of interpreter for one year, at \$500 per annum	500 00	Commissary	1,200 00
<i>For general incidental expenses.</i>		Physician	1,200 00
Pay of traveling expenses of the agent and general incidental expenses of the agency for one year	3,000 00	Teacher	1,000 00
	88,483 00	Mail-carrier	1,200 00
		Carpenter	1,200 00
		Blacksmith	1,200 00
		Superintendent of farming	1,200 00
		Farmer	1,000 00
		For purchase of blankets and clothing	8,870 00
		For purchase of plows, horses, and oxen	880 00
		For the erection of a grist-mill	6,000 00
		For the purchase of lumber for houses, barn, fencing, &c., and shingles	10,133 00
		For miscellaneous purchases, such as hardware, paints, stationery, and all other necessary articles	5,000 00
			83,483 00

SAM. B. PARRISH,
United States Indian Agent.

Mr. DAVIS. It will be seen that the original estimate from the Department was \$40,000 as I stated, and upon a letter written by the Senator from Oregon to the Department that estimate has been changed. Now, I think all the original information of the office must have been obtained when the agency called for but \$40,000; and the parties submitting the increased estimates ought to inform us of all the facts as to the cost of supporting these Indians. I understand that probably this money is to be used for collecting or bringing together Indians or changing them in some way, which may not meet with the approbation of the Indians, and may lead to a much greater expense than the \$80,000 now asked for. I believe it is a fact that some of the Indians are to be changed against their will, and we know from past experience how expensive such things can be in the future.

Mr. MITCHELL. Mr. President—

The VICE-PRESIDENT. The Senator from Oregon has spoken all the time allowed him.

Mr. MITCHELL. I move to amend by making the amount \$70,000 instead of \$60,000.

The Senator from West Virginia says that the original estimate in this case was \$40,000 and that that estimate was changed upon a letter written by the Senator from Oregon, leading the Senate to infer that the Senator from Oregon of his own motion had undertaken to advise the Department of the Interior in reference to this matter and to suggest that there ought to be an increase. If the Senator had listened to the reading of the letter from the Commissioner of Indian Affairs to the Secretary of the Interior, he would have found that my letter to the Department was simply referring to the Department a letter addressed to me by the agent in charge of these Indians. That is all there is of that.

Now, it is true that the original estimate was \$40,000, but it is equally true that while the appropriation last year was \$35,000, there was a deficiency of about \$25,000; and when the attention of the Department was called to these facts and to the cost of keeping these Indians on the reservation, and the cost of beef, the cost of clothing, the cost of transportation to that reservation, situated as it is far out in the wilderness, a revision of the estimate was made and now they say that that sum is insufficient. Therefore the fact that the original estimate was \$40,000 ought not to weigh, it appears to me, against the better judgment of the Department after they have been advised in the matter, after they have had all the facts laid before them.

The honorable Senator said that perhaps part of this \$60,000 is intended for the removal of Indians, or something of that kind. Not a bit of it. The estimates of the agent are given *seriatim*. The items are given; the amounts are given. There is not a dollar of it to be applied in the removal of Indians. It is all to be applied for the civilization and subsistence of Indians collected on the Malheur Indian reservation, Oregon, for the year ending June 30, 1876.

Then it goes on to state the number of pounds of beef necessary to feed these Indians and the cost of getting beef at that reservation. It goes on to state the number of pounds of sugar and tea and rice and beans and medicines, the pay of the employes on that reservation, the purchase of blankets in order to clothe these Indians. This is the character of the subsistence that is to be furnished to these Indians.

Again, how many Indians are on this reservation? Between eight hundred and a thousand wild savage Indians, and as I said before, unless they are provided for, the result inevitably will be the massacre of the agents at that place and a general outbreak in Eastern Oregon, as we had year after year until these Indians were collected on this particular reservation. I hope, inasmuch as the amendment does not propose by \$23,000 to appropriate the amount recommended by the Department, that at least this much will be allowed. I do not wish to take up the time of the Senate.

Mr. DAVIS. I do not want to take any time, but I think the committee recommended all that they thought was necessary. They had the letter before them of the Department and they reported \$40,000.

Mr. MITCHELL. I withdraw the last amendment I offered, and stand on the amendment increasing the amount to \$60,000.

The VICE-PRESIDENT. The Senator from Oregon moves to amend the amendment made as in Committee of the Whole by substituting \$60,000 for the amount there proposed.

The amendment to the amendment was rejected, ayes 7, noes not counted.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole in line 1792, striking out \$35,000 and inserting \$40,000 for the civilization and subsistence of Indians on the Malheur reservation.

The amendment was concurred in.

The VICE-PRESIDENT. The next reserved amendment will be read.

The SECRETARY. The next reserved amendment is on page 68. The Senate inserted, as in Committee of the Whole, the following clause:

For this amount, or so much thereof as may be necessary, to supply a deficiency in the proceeds of the lands in the Round Valley Indian reservation, applicable for the payment of the improvements of settlers on said reservation, appraised in accordance with the act of March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes," and to liquidate such claims on said reservation as shall be found valid by virtue of pre-emption or homestead entry, \$30,000.

Mr. EDMUNDS. This Round Valley question has been before the Senate nearly every year since I can remember this body, and so far I believe it has not been very successful. I should be glad to have the Senator in charge of this bill state to the Senate the precise grounds upon which we are asked to vote in favor of this amendment. If he will be good enough to give the Senate a condensed history of the Round Valley question, and why we are called upon to do such a thing as this, I shall be very much obliged to him.

Mr. WINDOM. With the consent of the Senator from Vermont I will yield to the Senator from California, who is familiar with this matter.

Mr. SARGENT. I send to the desk and ask to have read letters of the Secretary of the Interior and Commissioner of Indian Affairs on this subject.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 18, 1875.

SIR: I have the honor to transmit herewith a copy of a report, dated the 16th instant, from the Commissioner of Indian Affairs, together with an estimate of appropriation required for the Indian service in California in the sum of \$30,000, or so much thereof as may be necessary, to supply a deficiency in the proceeds of the sale of lands in the Round Valley Indian reservation, in California, applicable to the payment of settlers for improvements on said reservation, appraised in accordance with the act of March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes," and to liquidate such claims on said reservation as shall be found valid by virtue of pre-emption or homestead entry.

The favorable consideration of Congress is respectfully invited to this subject.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The SPEAKER of the House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 16, 1875.

SIR: I have the honor to invite your attention to the following, namely:

By the act of Congress approved March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes," (17 Statutes at Large, 633,) provision is made for the sale of the lands restored at not less than \$1.25 per acre, cash, and that the proceeds, or so much thereof as may be necessary, shall be used to pay for the improvements and claims of settlers residing within the limits of the new reservation created by said act and for improvements of Indians on the lands thereby restored to the public lands, after such improvements shall have been appraised and the appraisal approved. It is also provided that the Secretary of the Interior shall appoint three commissioners to make such appraisal, and that he "shall cause the same to be paid to such settlers or Indians out of the money hereinbefore reserved for such purpose," and further, that the settlers shall be required to remove from the new reservation "as soon as they shall be paid for or tendered the amount of the appraised value of their improvements."

The report and appraisal of the commissioners appointed under the provisions of the act in question were approved by the honorable Secretary of the Interior, under date of the 4th August last, and show the total amount awarded settlers to be \$32,669.78. No report in regard to Indian improvements, as provided by the act, accompanies the appraisal, nor is it shown that any notice was taken of such improvements, or that any such improvements existed.

In addition to the sum of \$32,669.78 due settlers for improvements, it is stated by the commissioners that the sum of \$20,000 will be required to settle claims to the lands themselves which have been acquired by pre-emption, homestead, and purchase, making a total of \$52,669.78. The amount now on the books of this office, realized from the sale of the restored lands and applicable to the payment of the awards made to settlers, is \$15,920.33, and it is estimated that the total amount to be realized will not exceed \$27,000, thus leaving a deficiency of \$25,669.78 to be appropriated by Congress. In order to meet this deficiency, it was suggested by the commissioners of appraisal, consisting of Hon. J. P. C. SHANKS, Hon. B. R. COWEN, and Charles Marsh, that an appraisal be authorized of the lands restored to market, which were considered very valuable, and estimated by them to be worth \$54,400.

In accordance with their recommendation a draught of a bill to so amend the act of March 3, 1873, as to authorize such appraisal, was submitted to the Department for the action of Congress January 7, 1874, but no favorable action appears to have been taken by that body.

In view of the foregoing, and in order that the settlers hereinbefore referred to may be paid the appraised value of their improvements and be required to remove from the reservation, I respectfully recommend that Congress be requested to appropriate the sum of \$30,000, which amount, with so much of the proceeds of the sale of the lands herein referred to as may be necessary for the purpose, shall be used to pay for such improvements and the value of such claims as shall be found valid by virtue of pre-emption or homestead entry, as aforesaid.

An estimate of said appropriation is herewith submitted.

Very respectfully, your obedient servant,

EDWARD P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

Estimate of appropriation required for the Indian service in California.

For this amount, or so much thereof as may be necessary to supply a deficiency in the proceeds of the lands in the Round Valley Indian reservation, applicable for the payment of the improvements of settlers on said reservation, appraised in accordance with the act of March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation, in California, to the public lands, and for other purposes," and to liquidate such claims on said reservation as shall be found valid by virtue of pre-emption or homestead entry, \$30,000.

Mr. EDMUNDS. I should be glad to hear the Senator from California explain this, as the gentleman in charge of the bill turns it over to him.

Mr. SARGENT. It is fully explained in this report, and more tersely than I can do it. This subject has been before Congress for a number of years. Prior to the last Congress there were unsettled boundaries as to reservation; there were difficulties between the Government and settlers which interfered with the usefulness of the reservation. Congress passed a law authorizing the appointment of three commissioners to go out and settle the boundaries of the reservation. In settling those boundaries, which they did according to their own

judgment, one of them being the Assistant Secretary of the Interior, another a gentleman from this city, they cut off one end of the reservation and added on to the other end, thinking that by thus locating it it was better for the Indian service. I presume that it was; I am not familiar with the tract. But simply on the faith of their action, assuming that it was cut off, the land at one end was sold to settlers and they have paid the money to the Government. On the other end, where the Government took land, it was to pay the settlers for it out of the money thus received. The fund derived from the sale of the lands to the settlers on the one end is not sufficient to pay the money for the land which was taken from settlers on the other end, and this is to make up the deficiency.

Mr. EDMUNDS. I should like to ask my friend from California where these settlers who were found to be within the boundaries of the reservation got their title?

Mr. SARGENT. I do not say they were within the boundaries of the reservation. I think that is a matter of extreme doubt.

Mr. EDMUNDS. Where did they get their title, whether they were inside or outside the boundaries of the reservation?

Mr. SARGENT. Under the pre-emption laws and by twenty years' residence and cultivation.

Mr. EDMUNDS. Does the Senator mean to say that these settlers were pre-emption settlers?

Mr. SARGENT. I mean to say they were pre-emption settlers.

Mr. EDMUNDS. The Senator states what the report does not.

Mr. SARGENT. I state that they were pre-emption settlers.

Mr. EDMUNDS. How does the Senator know it?

Mr. SARGENT. By the facts laid before Congress and considered when the former bill was passed.

Mr. EDMUNDS. Can the Senator give us any reference to where that appears?

Mr. SARGENT. The report does say so, and the amendment refers to pre-emption settlers:

And to liquidate such claims on said reservation as shall be found valid by virtue of pre-emption or homestead entry.

The legislation of the last Congress, however, provided that to the extent that settlers had *possessio pedis*, where they had improved and cultivated and inclosed, should be taken as the measure of their boundaries, not to exceed a certain amount, which I think was more than one hundred and sixty acres. In that sense only, and for those persons limited by that description, it was strictly under the homestead and pre-emption laws.

Mr. EDMUNDS. I understand the fact to be, but I may be mistaken, and I shall be glad to have the documents to convince me of it if I am, that these settlers were not pre-emption settlers; that they were not homestead settlers; that they were squatters in the very strongest sense of the term.

Mr. SARGENT. The Senator will allow me to say that I do not know the distinction in my State between a settler and a squatter. A man who goes upon unsurveyed public lands, by the laws of the United States is a pre-emption settler, but his right of course is inchoate until after the land is subdivided. We know nothing about squatters in my State, and the Senator will have to use language that we understand. I understand the policy of the law to be to encourage settlers to go on the public domain, surveyed and unsurveyed; and so far as my State is concerned we have nothing applying to that class of people which would make an opprobrious term proper in reference to them.

Mr. EDMUNDS. I do not know that "squatter" is an opprobrious term. If it is I withdraw it, because I do not wish in this Chamber to use any opprobrious terms to anybody. Not using it in an opprobrious sense, I repeat that, according to the information I have on examining these statutes, &c., these people were settled upon that land without any lawful authority, and the United States had an absolute right under many decisions of the Supreme Court to make an Indian reservation there wherever they liked, and these settlers went upon the land knowing that law.

When the Senator speaks of the policy of the law as distinguished from the law itself, I must say that he uses language which, if I am not able to say I do not understand it, I say as far as I do understand it is altogether inadmissible. If there is any value in having a Government at all, that value is in having a law instead of a policy floating about outside of the law. The question really comes down to this, if I am correctly informed about the statement of the law and these reports, and if I am not I shall be very glad to be corrected by the documents, because I do not wish to do anybody an injustice: These settlers, as they are called, were people who had no right to resist the authority of the United States in laying down the boundaries of this Indian reservation; they had no claim upon the United States if they were expelled from it; and when they went there and settled they took their chances of that event. Then it comes to this: We are to pay out of the Treasury of the United States people who are intruders upon the public lands which turn out by a settlement of the boundary to be within the proper limits of an Indian reservation. If you once adopt that policy, if I may borrow a phrase from my distinguished friend, the amount of taxes you will have to impose will be altogether more considerable than those with which we are now threatened.

Now let us see exactly what this case is. Here is the statute of 1873, which provides for this Round Valley reservation. In order to

do generous acts toward the people who were upon it the act provided:

That the improvements owned by persons on the lands hereby restored before the passage of this act shall be the sole property of such persons, who shall have priority of right to purchase not exceeding three hundred and twenty acres of land in adjacent quarter-sections, containing and adjoining said improvements; and all said lands shall be sold and disposed of for cash only, the same to be done through the local land office within the jurisdiction of which these lands are situated: And provided further, That the proceeds of the sale of the lands hereby restored—

And lest I should be unable to read this through before my time is out I move to postpone the bill indefinitely.

Mr. HAGER. The bill?

Mr. EDMUNDS. Yes, sir.

Mr. HAGER. The whole bill?

Mr. EDMUNDS. I move to postpone the bill indefinitely.

That the proceeds of the sale of the lands hereby restored, or so much thereof as may be necessary, shall be used to pay for the improvements and claims of settlers now residing within the limits of the new reservation created under this act, and for improvements of Indians on lands hereby restored to the public lands, after such improvements shall have been appraised and the appraisal approved, as hereinafter provided.

Now what is hereinafter mentioned?

And the Secretary of the Interior is hereby authorized and directed to appoint three commissioners, who shall proceed to make an examination of the country in that locality and report their views in regard to where the northern line of this reservation should be located; they shall also make an appraisal of all improvements of white persons north of said southern boundary of the reservation—

Which they were not authorized to locate in respect of changing it, but only to find out where it was—

as established by this section of this act, within the limits proposed by them for a reservation, and of all Indians south of said line, and report the same to the Secretary of the Interior, who shall cause the same to be paid to such settlers or Indians out of the money hereinbefore reserved for such purpose.

That is to say, as far as one hand could be made to wash the other, these intruders upon the public lands should have the benefit of it. There was no undertaking on the part of Congress to pay intruders upon these lands who happened to be moved by the settlement of this reservation beyond what the amount of money to be derived from the performance would amount to that should be given to them. Now, we have the bald and naked proposition that the Treasury of the United States is to be saddled, as of right, as a demand which we are bound to meet, with the payment of the claims of squatters upon an Indian reservation, because when you settled the boundaries it turned out that it had no right to be there. If the Senate is ready to go into that species of appropriation, very well. If it is not, then it ought to vote against this amendment. I withdraw the motion to indefinitely postpone.

Mr. SARGENT. The act which the Senator cites refers to the boundaries of the new reservation to be established; the new reservation implied something different from the old reservation; and that new reservation was moved upon land which was occupied by the homes of people who had lived there for twenty years. The spirit of the law of the last Congress was perfectly just, more just than the Senator's comment upon it. So far as this proposition is concerned, I do not care for it one straw. The people upon one end of the reservation have bought their lands from the Government and have paid for them, and have received or will receive their patents. I am satisfied with that. Upon the other end of the new reservation the people are in possession and are equitably entitled to possession, because they never did enter upon a Government reservation; but when the Government thought it could get a better chance by sliding over on to that, it has done so. They are in possession of their lands, and by the very act which the Senator has cited it is provided that until the money is paid to them or tendered to them they shall remain in possession. The fund which was contemplated by that statute is not sufficient to pay them or make this tender.

It is a matter of perfect indifference to them, and I must say it is of perfect indifference to me, except so far as the interests of the Government are concerned, whether the money is paid or tendered to them or not. If not, they remain in the homes, which are very pleasant to them, which they did not desire to leave, but which the Congress of the United States declared should be taken away from them, provided a certain amount, which was entirely inadequate to the value of their possessions, was paid or tendered to them. So I do not care, as I said before, whether the amendment is adopted or not, but in the interest of the Government believing that this would be a better reservation, that it was better for the Indian service that this small amount of \$30,000 had better be appropriated in order to settle this claim, extinguish the rights of these persons, and give the Government more elbow room in dealing with the Indians on that reservation.

I did not even care to press for the yeas and nays on the proposition.

If the Senator from Vermont insists that this shall not be done and is satisfied with his reasoning, I shall take no further issue with him for the reason I have stated.

Mr. HAGER. This reservation is in the northern part of the State of California, and I must confess that I am not very familiar with it or with the question that is before the Senate upon this amendment. All I know is that the Representative from that section of the State in the other end of the Capitol, who resides there, has told me that the provision ought not to pass, he being familiar with it. I am in-

clined to rely upon his representations. He told me that he would send some documents, if he could get hold of them—they were at his room—that I might offer here in the Senate. I do not undertake to express any opinion of my own, but from what he said to me I was impressed, and will try to follow his recommendation and vote against the appropriation, though perhaps I may do injustice by doing so. From the best information I can obtain I am inclined to vote that way. I am satisfied that there is something wrong in that section of the State in regard to this reservation. The Representative says that it is a wrong on the part of the officers of the Government. If what he states be true, the local officer there is using it as a sheep ranch for his own benefit; but how that is I would not undertake to state. I merely give it as information obtained from the Representative from that section who resides there. I would not state it upon my own information to the Senate.

Mr. SARGENT. The representations of Mr. LUTTRELL, I think, spring from the fact that the settlers to whom this money is to be paid do not want to leave this place. They desire to remain there. They, I presume, do not want any appropriation made. I think it is the interest of the Government that it should be made. The sheep-ranch proposition to which my colleague refers was rejected by the Committee on Indian Affairs. It was embraced in another bill, which was indefinitely postponed a month ago on my recommendation that that should be done. This is not the sheep-ranch proposition, but that was another bill entirely, and I was opposed to it. I think I understand this Round Valley matter. I think I understand that it is the interest of the Government that this appropriation should be made, and for that reason I have urged it; but as I said before the settlers there do not want to receive this money. They prefer to keep the land, and they are licensed by the law of the last Congress to keep the land until this money is paid to them or tendered, and as to remain will be satisfactory to them, if serious objection is made, I will not insist on pressing the amendment.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) The question is on concurring in the amendment.

The amendment was non-concurred in.

The PRESIDING OFFICER. All the reserved amendments have been acted on.

Mr. STEWART. I offer the following amendment: On page 70 strike out lines 1702 to 1707 and insert:

For the general incidental expenses of the Pi-Ute reservation in Southeastern Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$20,000, \$10,000 of which amount shall be available from the passage of this act for the remainder of the fiscal year ending June 30, 1875; and the Pi-Ute reservation in Southeastern Nevada is hereby reduced to one thousand acres, to be selected by the agent, A. J. Barnes, in a compact body; and when such selection shall have been made he shall report the same to the Secretary of the Interior, and the remaining portion of said reservation, after said selection shall have been made, shall be and remain a part of the public domain, subject to the laws of the United States in the same manner as it would have been if no reservation had ever been made: *Provided*, That the claim of no settler shall be included in the reservation to be selected under the provisions of this act.

For the general incidental expenditures of the Walker River and Pyramid Lake reservations in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to sustain themselves in permanent abodes by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$15,000.

Mr. WINDOM. I ask the Senator from Nevada if that has been considered by the Committee on Indian Affairs and recommended by them?

Mr. STEWART. I do not know to what extent they have considered it. I believe they are for it.

Mr. WINDOM. I did not ask that question to interpose a technical objection; but if they have not examined it I want to raise the point of order. If they have examined it, although they may not have formally recommended it, I do not.

Mr. STEWART. I cannot speak for them. I wish they would speak for themselves.

The PRESIDING OFFICER. Does the Senator from Minnesota raise any point of order?

Mr. WINDOM. I rose to ask the question first before making the point.

Mr. STEWART. I believe the committee are in favor of it.

Mr. ALLISON. I think a majority of the Committee on Indian Affairs believe this proposition ought to pass.

Mr. BOUTWELL. I should like to make one inquiry. I observe that the amendment proposes to limit a certain reservation to a thousand acres. What is the present reservation in size?

Mr. STEWART. It is seventy miles by fifty. If the Senate will indulge me for five minutes I will make a statement.

Mr. WINDOM. I shall insist on the rule being complied with, the debate is running so long, but I will not make the point now.

Mr. BOUTWELL. The right to object is reserved.

Mr. STEWART. Three years ago the Department made an order withdrawing the southern part of the State of Nevada as a reservation. It included several mining districts and several little towns, and it was a portion of Nevada that extended down to the Colorado River. It is not very much inhabited now, but there is a large amount of property within the reservation. There are on it, as in various places in Nevada, a few Indians; probably five or six hundred Indians living by the springs of water and little streams.

Mr. BOUTWELL. Allow me to inquire whether this reservation is by treaty?

Mr. STEWART. No; by an order of the Department simply, and I will give the exact history of it. After this occurred the agent suggested that there could be a great enterprise of getting emigration to carry on mining and benefit that country very much. I told Mr. Ingalls that if that was the object, if anything could be done for these poor peaceable Indians who are inclined to work if they have the opportunity, I would help to take measures to secure a farm. I inferred that he wanted only a farm for them, and that would be sufficient. Mr. Ingalls differed with me. I went to the Department and found they differed, relying on Mr. Ingalls's report. I then came to the Senate and offered an amendment which finally became a law providing for inspectors with a view of getting a report from them. My testimony was not good; the testimony of the people of Nevada was not good. They were represented as being desirous of killing Indians, &c.; but there is no people as kind to the Indians, I undertake to say, as the people of Nevada, and there is no place where the Indians have made as much progress as they have there. Our people employ them, and they are really making some progress in learning to live and take care of themselves. Notwithstanding all that, I had no influence in the matter.

After that provision became a law I called on the President and told him I was very anxious to have the matter investigated. He assured me it should be investigated and he would appoint men who would attend to it. He made the appointment, and I came here last winter supposing we should have some facts in regard to the reservation. I found a report confirming Mr. Ingalls's view right through and through. I was very much astonished at this report, the person making it being a sensible man. I inquired and found that the man who was the inspector and had made the report had never been there. He had started across on the railroad and stopped at Salt Lake, saw Mr. Ingalls there, and he and Mr. Ingalls made up the report without having seen the reservation.

Mr. EDMUNDS. Is this amendment recommended by the Department of the Interior?

Mr. STEWART. I think they are now in favor of it.

Mr. EDMUNDS. Have we any evidence that it is recommended?

Mr. STEWART. I will tell the whole story, and the Senate can judge. All I know about this transaction I will state. I offered a resolution to inquire whether this man had been there, and they reported that he had not been there. In the mean time I was receiving, and so was my colleague, letters from the people there complaining of the whole proceeding, complaining of this immense reservation taking in mines, &c., complaining of being compelled to sell out their homes. On the other hand it was proposed by the Department to make an appropriation to buy off the inhabitants; \$40,000 was proposed, but it would have taken several hundred thousand dollars, as I was well aware, to compensate the people before you could drive them off. They were protesting against this, but it was being pressed. My colleague and myself opposed an appropriation on this grand scale for such a purpose. I called on the President and told him about it. His language was, "You have sore grievances, and we will try to redress them." He said he would have the thing investigated. I told him what I wanted was to investigate whether this was a reasonable proposition, and he said it should be done. The Secretary of the Interior then invited my colleague and myself to a conference about the matter, and we told him that all we wanted was to have somebody go there who would make an investigation and see if the southern part of the State ought to be set apart for this purpose, or whether we should take the sensible course, as we believed, of having a farm set apart with a reasonable appropriation and try to do some good for the Indians, and let the matter go on without this agitation. He said most certainly he would do it. Said he, "I will appoint men of undoubted character." Said he, "Mr. Vandever, of Iowa, is a good man. He belongs to one denomination, Mr. O'Conner, of New York, belongs to another, and you can ask the delegation from these States whether they will be satisfactory."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEWART. I ask for a few minutes more.

The PRESIDING OFFICER. It can be given by unanimous consent only. The Chair hears no objection.

Mr. STEWART. I spoke to the delegation, and they were certainly most highly recommended. Those gentlemen called on me and had a talk about it. Then by appointment we met the Secretary of the Interior and said he, "I want you to state the instructions you want, the facts you want to get by this investigation." My colleague and myself stated what we wanted to ascertain by the investigation. That was taken down and the instructions prepared. I wrote, and I think my colleague and myself wrote jointly, to the people there that this matter was to be investigated, that sensible men, men of the world, who had nothing to do with reservation schemes themselves, were going to go there and inquire into the particulars, and that the Department would take special pains to have the facts laid before Congress at the next session, and then the whole matter could be adjusted and the debts that had been contracted by Ingalls could be paid up and the thing would start upon a reasonable basis, such as would be satisfactory to sensible men.

I wrote a great many of those letters. When I came back here a few days ago I had a large number of letters from there stating that

nobody had been there to make the investigation and that the original appropriation was still being urged. I found out that there was nobody who had made any investigation. All we had was the report of Mr. Ingalls, the same Indian agent, and on inquiry he had not been there at all himself. He had been removed on the representation of my colleague and myself because of some very crooked transactions of his, and he had been promoted to another place, but he had not been out there to Nevada at all, and yet here comes a report stating how things were going on there by a man who was here in the city. No other facts were laid before the committee. The chairman of the committee spoke to my colleague and myself and asked us to arrange the matter if we could. There was a new agent; my colleague said he knew where he was, and if I would call at his house we would send for him and see if anything could be done. I called there and the agent, Mr. Barnes, came; he appears to be a very sensible man.

The PRESIDING OFFICER. The Senator's extension of time has expired.

Mr. STEWART. I am almost done.

Mr. WINDOM. Does the Senator—

The PRESIDING OFFICER. Is there objection to the Senator from Nevada proceeding? The Chair hears none.

Mr. STEWART. I only want to state how this amendment came. I told him in order that he might go there on a safe basis first to ascertain the indebtedness and get at the vouchers. I had written to those people that they must bring affidavits with their claims and have them in detail before I would consent to pay them. We did look them up and spent a day or two getting up these vouchers of indebtedness so that he could go there with safety without going there owing everybody. I had him then make an estimate of what it would take to support a farm. He made the estimate \$24,000 and cut it down to \$20,000. I think \$20,000 this year and \$10,000 hereafter will be all that is necessary.

Then we discussed the quantity of land. I asked him how much land he could get there and not take any off settlers and how much had been cultivated. Three or four hundred acres had been cultivated, he said. I then asked how much could be cultivated by all the Indians with a reasonable appropriation. He thought it would be doing pretty well to cultivate five or six hundred acres. I asked him if he could select a farm of a thousand acres and not take in any settlers. He thought he could. He thought that would be sufficient, and so I thought. So we limited the amount to a thousand acres, and provided for \$20,000 to start the farm. We have nothing to start it with yet—nothing there but debts. That is the only legacy he will have. After the first year I think \$10,000 will carry it on.

Then the other branch of the amendment is \$15,000 for the western part of the State, two reservations there, or \$7,500 each for these reservations. I think these reservations will be all that Nevada will require. I hope the amendment will be adopted.

Mr. WINDOM. I think this amendment was clearly subject to a point of order; but I did not make it, because I desired that the Senator from Nevada should have an opportunity briefly to state his case to the Senate. As he has stated it, it seems to me very clearly that it is a case which ought to be investigated by a committee; that the open Senate is no place to investigate it. Now, having given the Senator a full opportunity to explain it and not attempting to answer at all or to express any opinion whatever in reference to its merits, I move to lay it on the table in order to bring the Senate to a test-vote on the question.

Mr. STEWART. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to reserve any points of order about this amendment subject to this vote.

The question being taken by yeas and nays, resulted—yeas 23, nays 24; as follows:

YEAS—Messrs. Boreman, Boutwell, Cameron, Clayton, Cragin, Dorsey, Edmunds, Ferry of Michigan, Gilbert, Hamilton of Texas, Hamlin, Ingalls, Morrill of Maine, Morrill of Vermont, Pease, Pratt, Ramsey, Robertson, Sherman, Sprague, Washburn, Windom, and Wright—23.

NAYS—Messrs. Bayard, Bogz, Cooper, Davis, Dennis, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Johnston, Jones, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Oglesby, Sargent, Stevenson, Stewart, Stockton, and Tipton—24.

ABSENT—Messrs. Alcorn, Allison, Anthony, Brownlow, Carpenter, Chandler, Conkling, Conover, Eaton, Fenton, Ferry of Connecticut, Flanagan, Hager, Harvey, Howe, Logan, Morton, Patterson, Ransom, Saulsbury, Schurz, Scott, Spencer, Thurman, Wadleigh, and West—26.

So the amendment was not laid on the table.

Mr. WINDOM. If the vote can be taken without any more debate I will not raise the point of order, but if it gives rise to debate I shall.

Mr. EDMUNDS. I raise the point of order if the Senator in charge of the bill does not.

The VICE-PRESIDENT. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. I make the point of order that this is a violation of the thirtieth rule, in that it proposes new items of appropriation not reported from any committee and not recommended by any head of a Department.

Mr. STEWART. I beg pardon; that is not the fact. It is recommended by the Department.

Mr. EDMUNDS. I ask to have the recommendation read. Let us hear what it is.

Mr. STEWART. I have not got it at hand. The chairman of the Committee on Indian Affairs has it.

Mr. EDMUNDS. Let us have it produced.

Mr. STEWART. I state the fact.

Mr. EDMUNDS. We will take the paper, not the fact. We must have the evidence.

Mr. STEWART. I undertake to state that it is the fact that \$50,000 is recommended. I ask any member of the Committee on Indian Affairs who are here if that is not the case? I now have the recommendation. The Clerk can read the recommendation.

The Secretary read as follows from the Book of Estimates:

Incidental expenses of Indian service in Nevada:

General incidental expenses of the Indian service in Nevada: Presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and to sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$50,000.

Mr. STEWART. There are two agencies in Nevada and the appropriations have been made for the two agencies in gross. This is one agency, and there is another agency with two reservations in the western part of the State.

Mr. EDMUNDS. Now I ask the Secretary to read this amendment that we may see what it has to do with this estimate.

The Secretary read the amendment.

Mr. EDMUNDS. I have made the point of order which I ask the Chair to decide, that this amendment proposed by the Senator from Nevada is not in pursuance of any estimate of a head of a Department and that the estimate he has read has nothing to do with it either by name or in any other way, and that it is not reported from any committee.

The VICE-PRESIDENT. The Senator from Vermont raises a point of order. The Chair is of the opinion that the point of order is well taken.

Mr. STEWART. I should like to call on some member of the Committee on Indian Affairs to ask him a question or two about this thing.

Mr. SPRAGUE. It is decided against you.

Mr. STEWART. Is it decided against me? Then I appeal from the decision. Is there a member of the Committee on Indian Affairs in the Senate?

The VICE-PRESIDENT. The question is on ordering the amendments to be engrossed and the bill to be read a third time.

Mr. STEWART. I beg pardon; I have appealed from the decision of the Chair.

The VICE-PRESIDENT. The Senator from Nevada appeals from the decision of the Chair.

Mr. WINDOM. I move to lay the appeal on the table.

Mr. STEWART. You have not got the floor to do that.

The VICE-PRESIDENT. The motion is not debatable. It is moved that the appeal lie on the table.

Mr. STEWART. I should like to inquire of the chairman of the Committee on Indian Affairs if this recommendation of \$50,000 by the Department for the Indian service in Nevada does not include this agency as well as the other?

Mr. ALLISON. It covered the whole Indian service in Nevada, including this agency.

Mr. STEWART. Then as I understand the chairman there was a recommendation for an appropriation for this agency.

Mr. ALLISON. There was a recommendation for the general Indian service in Nevada, which of course included this agency.

Mr. STEWART. There were two agencies in it. I submit that that comes within the rule, that it is recommended by a Department, so far as the appropriation goes.

The VICE-PRESIDENT. Does the Senator from Minnesota insist on his motion to lay on the table?

Mr. WINDOM. I do.

The VICE-PRESIDENT. The Senator from Minnesota moves that the appeal lie on the table.

Mr. STEWART. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MERRIMON. I beg to inquire what was the ruling of the Chair from which the Senator from Nevada appealed?

The VICE-PRESIDENT. The ruling of the Chair was that the amendment was not in order. The motion is to lay the appeal from that decision on the table.

Mr. ALCORN. To sustain the Chair is to vote "yea," as I understand.

The VICE-PRESIDENT. To lay the appeal on the table.

The yeas and nays were taken; and resulted—yeas 42, nays 3; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogz, Boutwell, Cameron, Chandler, Clayton, Conover, Cooper, Cragin, Eaton, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Ingalls, Johnston, Kelly, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Pease, Pratt, Ramsey, Ransom, Robertson, Schurz, Sherman, Sprague, Stevenson, Washburn, West, Windom, and Wright—42.

NAYS—Messrs. Allison, Sargent, and Stewart—3.

ABSENT—Messrs. Alcorn, Boreman, Brownlow, Carpenter, Conkling, Davis, Dennis, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Harvey, Hitchcock, Howe, Jones, Lewis, Logan, Morton, Norwood, Oglesby, Patterson, Saulsbury, Scott, Spencer, Stockton, Thurman, Tipton, and Wadleigh—28.

So the motion was agreed to.

[Two messages were received from the House of Representatives, by Mr. McPHERSON, its Clerk, communicating to the Senate extracts from the Journal of the House.]

Mr. BOGY. I have some amendments to offer to the bill which were not considered as in Committee of the Whole.

Mr. MORRILL, of Maine. Is there any amendment pending?

The VICE-PRESIDENT. The Senator from Missouri proposes to offer an amendment.

Mr. MORRILL, of Maine. If there is no amendment pending, I hope we shall have the question on the third reading.

Mr. BOGY. I move to strike out the appropriation for three Indian inspectors from line 146 to line 152. I do not offer this amendment because I am captious, but I offer it because I think these inspectors are not at all necessary. They are of modern growth. I never could see any utility in these inspectors.

Mr. MORRILL, of Maine. Let the amendment be reported from the desk.

The SECRETARY. It is proposed to strike out line 146 to line 152, as follows:

For pay of three Indian inspectors, at \$3,000 each, \$9,000: *Provided*, That after the commencement of the next fiscal year there shall be but three inspectors; and the provision of law requiring that each agency shall be visited and examined by one or more of the inspectors at least twice in each year is hereby repealed.

Mr. BOGY. I hold that these inspectors are entirely useless, that this is an unnecessary expense. There are six inspectors, and why only three should be mentioned in this bill and three others not provided for I do not know, but I do know that no good results from this inspection. It is a very expensive undertaking. These inspectors travel from one end of the country to the other and obtain mileage. They go into every State and Territory where there are Indians—to California, to Oregon, and to Washington Territory, as I know some did last summer. I should like any Senator to inform me what good has ever resulted from this inspection. We are providing for a large number of officers, from the Secretary of the Interior and the Commissioner of Indian Affairs down to agents and sub-agents to look after the Indians. I hold that these inspectors are worse than useless; they are an injury; they do no sort of benefit whatever. I therefore move that the appropriation for three inspectors be stricken out. It is my intention if this motion should prevail to offer at an early day a separate bill to do away with the other three inspectors. We have, in addition to three inspectors, peace commissioners, whose duties are very much the same as those of inspectors. It is a multiplication of officers without any benefit whatever. I therefore hope that my motion will prevail.

Mr. MORRILL, of Maine. There is no end whatever to an appropriation bill if every Senator feels at liberty to indulge his whims or fancies in regard to what the public service ought to be. This is a branch of the public service and it is here provided for. That is all we have done. There is no end to this sort of thing if the Senate indulge in it. I move to lay the amendment of the Senator from Missouri on the table.

Mr. BOGY. I say there is an end—

Mr. MORRILL, of Maine. I will not give way. My motion is to lay the amendment on the table.

The VICE-PRESIDENT. It is moved to lay the amendment on the table.

Mr. BOGY. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 21; as follows:

YEAS—Messrs. Alcorn, Allison, Boutwell, Cameron, Chandler, Conover, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamilton of Texas, Harvey, Jones, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Pease, Ramsey, Sargent, Sherman, Sprague, Washburn, West, Windom, and Wright—28.

NAYS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hitchcock, Kelly, Lewis, McCreery, Merriam, Norwood, Robertson, Stevenson, Stewart, Stockton, and Tipton—21.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Carpenter, Clayton, Conkling, Cragin, Fenton, Ferry of Connecticut, Hamlin, Howe, Ingalls, Johnston, Morton, Oglesby, Patterson, Pratt, Ransom, Sausbury, Schurz, Scott, Spencer, Thurman, and Wadleigh—24.

So the motion was agreed to.

DEATH OF HON. SAMUEL F. HERSEY.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, communicated to the Senate intelligence of the death of Hon. SAMUEL F. HERSEY, late a member of the House of Representatives from the State of Maine, and transmitted the resolutions of the House thereon.

Mr. HAMLIN. I rise for the purpose of asking the Senate to consider the resolutions just communicated from the House of Representatives.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read the resolutions of the House of Representatives, as follows:

Resolved, That this House has heard with deep regret of the death of Hon. SAMUEL F. HERSEY, late a member of this House from the State of Maine.

Resolved, That as a testimony of respect for the memory of the deceased, the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Mr. HAMLIN. Mr. President, the resolutions which have just been read, informing the Senate of the decease of my colleague in the House, furnish another admonition to us all of the frailty of human existence. Another seat has been made vacant in the Halls of Congress. Its warning may, as it should, subserve a useful purpose. The event, though not unexpected, brings to myself a sorrow that I cannot express. The deceased was my friend. In all the relations and vicissitudes of life, in all its changing scenes, from youth to manhood, from manhood to mature age, and for more than half the period of life allotted to man, we were knit together in an unceasing and unbroken friendship. He was a friend who could "bear a friend's infirmities." How impressively am I reminded, as it becomes my sad duty to pay an earnest and truthful tribute to his memory and his worth, that under the decrees of an inscrutable Providence he might well have been spared to perform a like service to mine.

General HERSEY came to this city at the commencement of the present Congress to discharge the duties which had been imposed upon him by a generous and confiding constituency. He was then in feeble health; but having been possessed of great physical power, it was the hope and belief of himself and friends that a more genial climate than his home afforded would restore him to health.

In that hope all have been disappointed. Failing health, however, compelled him, much against his will, to withdraw from active participation in his official duties, and to seek the best medical advice that could be afforded in a neighboring city. From thence he repaired to his own home in an apparently improved and improving condition, giving to his friends a renewed hope of his permanent recovery. This hope was strengthened by his own faith, which impressed itself upon all around him, giving assurance even to the despondent. Indeed, his own belief in his final and full recovery was marvelous, and he held it with unsubdued courage to the last. He endured his sufferings and sickness with remarkable fortitude and cheerfulness. From their commencement to their close he murmured not. When absent from home all that kindness and attention could do to alleviate his condition was done. But to me, and I may say to all my colleagues, it is a matter of consolation to know that friends and home and wife and children all contributed to cheer and mitigate his pain and sufferings in the last days and hours of his life. There is no place to those who suffer like home; no hand to minister, no voice to cheer like that of an affectionate wife. Stricken with a disease which baffled all medical skill and defied the affectionate care of wife and friends, on the 3d of the present month, without a struggle, his spirit took its flight to "the better land;" and all of him that was mortal reposes to-day in the soil of his native State.

"Virtue alone has majesty in death."

General HERSEY was a native of the State of Maine, to the manor born. He was born in the town of Sumner, county of Oxford, in the month of April, 1812. At his decease he was nearly sixty-three years of age. His early years, like those of most young men of that time, were devoted to agricultural pursuits upon his father's farm, where those habits of industry were established which marked his future life and to which he was indebted for his great success. He was studious in his habits, and availed himself of the common school and academy, in which he acquired a good, substantial English education. Ambitious for a broader field than the farm afforded, and at a time near his majority, he entered the counting-room to prepare and fit himself for mercantile and business pursuits, in which he subsequently became distinguished. Several years of his life were devoted to merchandising; and afterward extending his business to the manufacture and sale of lumber in his own and some of the Northwestern States, he became one of the most extensive and successful lumbermen of the country.

He was a republican in principle, understanding fully the wants of the country and the duties of the hour. He was no bigot, but conceded to others the rights of opinion which he so firmly maintained for himself. From the formation of the republican party until the time of his death he gave to its support a mature judgment and an energy of purpose and personal efforts which made him a power in that organization. He loved his whole country, and through all the dark and trying hours of the war, when it trembled in the balance, he contributed to it his earnest and efficient support, and his eldest son did gallant service in the Army.

He has been prominent in the administration of the affairs of the State; and he was an honor to his State, as his State had honored him.

In the years 1842, 1857, and 1858 he was a member of the house of representatives of the State; and in the years 1867 and 1869 he served in the State senate. In 1852 and 1853 he was a member of the executive council. In 1870 he was induced by his friends to be a candidate for the republican nomination for governor and came within a very few votes of receiving the nomination. In 1872 he was nominated for Congress in the fourth district and elected by over five thousand majority; and was re-elected to the Forty-fourth Congress at the annual election in September last. Besides these he held other important political and public trusts. The duties devolved upon him in all these varied positions were discharged with ability, fidelity, and integrity. That speaks his own best eulogy.

General HERSEY was an honest man—"God's noblest work." He

was a man of unsullied and spotless integrity; peerless in his purity. In the counting-room or on the public mart his word was the equivalent of his bond. He was a man of public enterprise, and entered with zeal into every measure which would elevate the character of his State or city or promote the welfare of the people however humble. He was benevolent and charitable, as the poor who were the recipients of his bounty can attest. While his contributions to all of our charitable institutions were of a generous character, many were the charities he bestowed unseen and unknown by the public. He was an earnest friend of the cause of education; has contributed liberally to institutions of learning, and has left large bequests for its future aid and support. He was an earnest worker in the church of which he was a member. How much he contributed, how invaluable were his services, how constant he was in the discharge of all his varied duties, the church itself can best know. But that his services were invaluable, that his duties were well performed, and that his contributions were of the most liberal character, even those not closely associated with him are well informed. How he will be missed and mourned within that circle!

He was a Christian gentleman, and his daily life adorned his profession. He was best loved by those who knew him best. His loss will be sincerely felt and mourned by all classes of the community in which he lived, from the highest to the most humble. I mourn the loss of a sincere friend. The State is bereft of one of her distinguished sons; his constituents are deprived of the valuable and efficient services of an able Representative. In the home circle, as husband and father, he was genial, kind, and affectionate. He strove to make and did make home what it should be—the most endearing spot on earth. A widowed wife and children weep in a home made desolate for the irreparable loss of a kind husband and an affectionate father; but into that mourning circle it is not my province to enter. Time, "with healing in its wings," will assuage their grief, and their reliance must be on "Him who doeth all things well."

The House has paid a tribute to his worth and have manifested their appreciation of the man in their resolutions which have been communicated to the Senate. I ask the Senate to join with the House in an expression of respect for the deceased and of sympathy for the surviving relatives by adopting the resolutions which I now send to the Chair.

The Secretary read the resolutions, as follows:

Resolved, That the Senate receives with sincere regret the announcement of the death of Hon. SAMUEL F. HERSEY, late a member of the House of Representatives from the State of Maine, and tenders to the relatives of the deceased the assurance of their sympathy with them under the bereavement they have been called to sustain.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. HERSEY a certified copy of the foregoing resolution.

Mr. MORRILL, of Maine. Mr. President, the bereavement which arrests the proceedings of the Senate touches so many hearts with tenderest sorrow in the State that honors me with its confidence, and withal sunders ties of friendly and official relations, that I trust to be indulged in adding a few words to what has already been so feelingly and appropriately said.

The claims of Mr. HERSEY upon our respect spring from an unsullied character, from his personal virtues and public services. By the inherent energies and fidelity of his nature, unaided by adventitious supports, he had acquired affluence in private affairs, had often been associated in the councils of his State, and had at length entered those of the nation, alas! unhappily, soon to fall under the heavy hand of disease, which ere long was to remove him hence.

His was an active and useful life in the departments of practical duty and endeavor, whereby society is advanced through a community of interests, the general welfare, the highest good of the greatest number.

He was ever the sagacious, upright, eminently successful man of business, of generous impulses, of a truly catholic spirit, charitable, liberal, and humane, whose daily life was without reproach, and was an example to all. He has sprung from among the people in the common walks of life, was by the simplicity of his tastes, the habits formed in pursuits intimately connected with their interests, and by his truly democratic intentions always in deepest sympathy with them, and was therefore fitly and not infrequently their trusted Representative.

The memory of Mr. HERSEY will be cherished by the people of Maine as among the public men who had rendered valuable public service in its councils, who in private life was faithful to every duty, to the obligations of friendship, and the claims of good neighborhood.

Mr. President, I second the resolutions offered by my colleague.

The resolutions were adopted unanimously.

DEATH OF HON. JOHN B. RICE.

Mr. OGLESBY. I ask for the reading of the House resolutions announcing the death of Hon. JOHN B. RICE, which I believe are on the table, having been received from the House a few minutes ago.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 20, 1875.

Resolved, That this House has heard with deep regret of the death of Hon. JOHN B. RICE, late a member of this House from the State of Illinois.

Resolved, That as a testimony of respect to his memory the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Mr. OGLESBY. Mr. President, the solemn duty of announcing in this body the death of our honorable colleague of the other House would have fallen naturally and more appropriately upon my colleague, the senior Senator from Illinois. A short time ago, however, he advised me that he would have to forego his purpose of addressing the Senate upon this occasion in consequence of severe and painful sickness. I regret that my colleague is deprived of the sad privilege of performing the solemn duty of addressing the Senate at this hour. He was more familiarly acquainted with the dead member. I, however, knew him long enough and well enough to honor and love him. There was something more in his death than a loss to his family. There was a loss in some sense to the whole country. He had acted upon two stages in life—upon that common stage to which we are all dedicated and upon that other one which has done so much to enlighten and elevate mankind. He was fond of the drama. He had studied all the great dramatists of ancient and modern times. He was fond of works of fiction, and loved to study the human character as portrayed by the best authors who had written upon it.

He was born in the midst of slavery, at some little village in the State of Maryland, in 1803, and learned the trade of his father, that of a shoemaker. For years, I think, he followed this obscure but honorable calling. A strange circumstance changed his career. Possessed of an unusually sweet voice, that gave expression to the tender feelings of a sweet soul, he arrested the common ear as day by day he was toiling at his quiet seat. Upon one such occasion an artist in music, passing by the door of his shop, stopped to listen. He at once called upon the stranger, and from that hour Mr. RICE's occupation in life was changed. For the future he was dedicated to the theater. He went through the whole course of theatrical education and became a manager of large establishments successively in Philadelphia, in Buffalo, in Milwaukee, and finally in Chicago. He was the companion of such men as Forrest, the elder Booth, and that incomparably superior American genius, Charlotte Cushman. Some of her earliest performances were star engagements under the management of Mr. JOHN B. RICE in Buffalo and in Chicago.

I will not stop to follow his career in detail. In many respects it is the career of all men. He had his troubles, his misfortunes, his delays, in marching forward through the race of life; but it is enough to say that he became distinguished in his profession. He was absolutely honored and more than respected; he was loved by all admirers of that art. Finally he abandoned it in 1857 and retired, as he supposed, to private life, upon an entire competency.

Mr. RICE had one son and five daughters. The only son he had he gave to his country; a brilliant and promising young man, the pride of a fond mother and proud father. Under the solicitation and encouragement of that father, the son enlisted as a private in the late war, soon became a captain, and on the 19th day of September, 1863, fell in leading his company forward into the battle of Chickamauga.

Mr. RICE was an intense patriot. Born, it is true, in Maryland and in his youth habituated to the southern cast and shade of politics, he had, strange as it may seem from his peculiar associations, separated a long way from the masses of the people, from the common thoughts of that locality, and imbibed the spirit of anti-slavery. He became an active worker in the republican party at its very origin, and though mingling most of the time with associates not of his mode of thinking politically, he yet adhered steadfastly to his political faith up to the very hour of his death.

In 1865 the people of Chicago, who had great respect for him, insisted upon his running for mayor of that city. He consented, and was elected by a very large majority as the union republican candidate, and served two years. The people of that city insisted that he should again serve them in that capacity. He consented, and the second time was elected over a very strong opponent by a decided majority. At the end of his second term, which was again two years, he was for the third time urged by the people of that city to run once more for the office of mayor; but he declined and insisted upon retiring to private life. He did substantially retire to private life; but in 1872 the republican party in the city of Chicago, in the district where my colleague resides, insisted upon honoring him with their nomination for Congress. He had not sought it; he did not desire it. He had but little taste for politics; his tastes were almost exclusively literary. He consented, and over a very formidable antagonist was elected by an overwhelming majority. He entered the other House of Congress a stranger to most of the people of his own State, intimately acquainted with but very few of the members; a modest and retiring man, with great personal courage, great purity of purpose, great kindness of heart, great fidelity to what he believed to be right. He took his stand upon the republican side and said:

I will support my party and its principles when it and its principles are right; but if I shall ever come conscientiously to doubt that its policies are correct, I will not follow them. I come to the halls of legislation to represent my people, and my chiefest object and my great purpose shall be that right and only right shall prevail in legislation.

He took no active or leading part. He was very industrious and very faithful to his constituents, discharged all the ordinary duties that fall upon members of either House of Congress cheerfully and faithfully; occasionally spoke, and when he did speak in that House was listened to. He was a gentleman of fine presence, of captivating and alluring voice, fine taste in the use of language, and eloquent in all respects as a public speaker.

He was no scholar, Mr. President, in the proper and high sense of

that term. He was a scholar in perhaps the too common American sense. His education was based upon experience; it was the result of a long line of observation, purely and almost entirely practical. He knew nothing of the greater and deeper sciences; he had not gone down to the very bottom of education; he had not fathomed the deepest and purest sources of thought. He was not, in that sense, either a philosopher or a student; but he was a man of eminent practical learning, practical wisdom, and had happily blended in him those qualities that arrested the attention of the learned and the rich, the lowly and the poor. All classes met upon his plateau. He was happily adapted by nature to all the various phases and changes of society—one of those few men who are ever at home with the highest and purest, ever at home with the lowest and poorest. Such a character, Mr. President, is an enviable one.

Mr. RICE did not live long enough to leave a reputation behind him as a representative of the people. He began to fail in health, and in the hope of being restored traveled largely last summer. Finally he went to Norfolk, Virginia, and although past the meridian of life was apparently in the midst of his usefulness; still vigorous, and but for the sudden attack which seized him had the promise of many years. He fell, however, and has gone down to the earth. He has passed away from life. But there was enough in that life to arrest deliberation in this great body, to arrest deliberation in that other great body at the other end of the Capitol. A nation stops for an hour to pass a brief, poor eulogy upon his character. How many there are who pass away unthought of, unremembered, and unnoticed! It was his happy lot to have earned the love, the respect, and confidence of all women and men who knew him and to have arrested public attention in the halls of national legislation.

Farewell to the memory of JOHN B. RICE! Farewell to all the good acts and graces of his life! I join with my associates here in dropping a tear to his worthy name.

I ask, Mr. President, the adoption of the resolutions which I send to the desk.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has received with profound sensibility the announcement of the death of Hon. JOHN B. RICE, late a member of the House of Representatives from the State of Illinois.

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect to the memory of Mr. RICE, will wear the usual badge of mourning for the space of thirty days.

Resolved, That the sympathies of the members of the Senate be tendered to the family of Mr. RICE in their bereavement, and that the Secretary of the Senate transmit to them a copy of these resolutions.

Mr. LOGAN. I rise merely to say that I sincerely regret that the condition of my health is such as to prevent me, as the senior Senator from Illinois, paying a proper tribute of respect to the memory of my deceased colleague in the other House. Mr. RICE was my friend and neighbor, and it would have been a source of sad satisfaction to me to have done him the honor that his life and character deserve.

Mr. President, I second the resolutions offered by my colleague.

The resolutions were adopted unanimously.

DEATH OF HON. ALVAH CROCKER.

Mr. WASHBURN. I rise to ask for the reading of the resolutions from the House of Representatives in regard to my late colleague, Hon. ALVAH CROCKER, which I believe are on the table.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES.

February 20, 1875.

Resolved, That this House has heard with deep regret of the death of Hon. ALVAH CROCKER, late a member of this House from the State of Massachusetts.

Resolved, That as a testimony of respect to the memory of the deceased, the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Mr. WASHBURN. I have presented the resolutions which have been read with feelings of peculiar sadness. Never before has our State, never before has any State since the formation of the Government been called to mourn the loss of so large a percentage of its delegation during a given Congress. Four during the term, three in the past year, nearly one-third of our delegation have fallen in the ranks. Death came so sudden and unexpected upon each one that their most intimate friends hardly realized that they had withdrawn from their daily official labors. Surely the reaper has thrust his sickle into our ranks with no sparing hand.

During the last session Mr. CROCKER being confined to his room for a long time by severe sickness, none of us would have been surprised at the news of his death at any moment. But soon after his return home in the summer he began to improve and recovered his usual strength and vigor, so that when he returned to his official duties at the commencement of the present session he had the appearance of a strong, healthy man. A few days previous to our late recess he left for home to spend the holidays with the members of his family and near relatives of his own house. When he reached home he had a slight cold, but not sufficient to cause the least alarm. He applied himself from day to day to the inspection of his business affairs till Christmas, when he found himself too unwell to participate in the festivities of the day. It was not, however, until Saturday evening that he felt the necessity of medical attendance. His family physi-

cian was summoned and upon examination pronounced the disease to be congestion of the lungs, not of such a nature, however, as to cause alarm. But he gradually failed during the day, and finally at eleven o'clock in the evening died while sitting in his chair. Thus he passed over the river before many beyond his own family circle knew of his sickness.

Mr. CROCKER was born in Leominster, Massachusetts, October 14, 1801, and consequently was seventy-three years of age at the time of his death. His father, a hard-working, energetic man, was a paper manufacturer. He placed his son Alvah in the mill to learn the trade when but eight years of age. The boy was anxious to secure for himself better educational advantages than could be obtained at that time in our public schools. By practicing the most rigid economy he was enabled to acquire an academical education.

When twenty-two years of age he moved to the neighboring town of Fitchburgh and commenced the manufacture of paper for himself. Beginning with nothing but an inheritance of poverty and toil, he struggled long against untold difficulties and with varied success. With means so very limited he was obliged to commence in a small way, but gradually extended his business as he was able until he became the important proprietor of six or eight large establishments, and one of the most extensive and most successful paper manufacturers in the country.

But his time and energies were by no means confined to the prosecution of his own business. He was a man of liberal views and large public spirit; he took special interest in the prosperity and growth of the town in which he lived. He did more than any other inhabitant to develop its resources; he devoted not only his time but most liberally his means to this end. From a small town of some two thousand inhabitants when he commenced business it has grown to be one of the most beautiful, thrifty cities in the State, with a population of over fifteen thousand. The variety of its industries, the busy hum of its machinery, its railroad facilities quickening into renewed intensity the exchanges of business and the intercourse of men, all combine to make it one of the most attractive municipalities in the State. Mr. CROCKER desired to develop and utilize every waterfall in the town. To this end he secured new and unexpected means of transportation to, and communication with, every section of the State. Not that his vision was narrowed and circumscribed within the limits of his own town.

When the system of railroads had hardly been commenced, when but few miles had been built in the county, when most business men refused to risk their capital in such visionary enterprises, Mr. CROCKER conceived the idea of constructing a railroad from his town to Boston, in order that the northern part of the State might have free and easy access to the sea-board. He labored long and earnestly to secure a charter for this road. He met with considerable opposition not only from many of the most influential men in the eastern part of the State but also from those who resided along the line of the route. It was thought the scheme would end in utter failure. But Mr. CROCKER knew no defeat, but when rejected by one Legislature applied to another, until he obtained his charter. Then, with unexampled energy and faith, he pushed forward the enterprise to a most speedy completion. In March, 1845, he rode in triumph into Fitchburgh upon the first locomotive that ever entered the town.

But this was but the commencement of the great work he had in mind. His plan embraced a complete and extended railway system for the northern part of the State. Hence he proceeded at once to secure a charter for the Vermont and Massachusetts Railroad which would extend the line from Fitchburgh to the western part of the State, thence into the State of Vermont. He was more largely instrumental in the construction of this road, also, than any other person. But he well knew that these roads would be of little benefit to any except to those who resided in their immediate vicinity unless a connection could be made with the West. Hence his next step was to secure a charter for a road from the Vermont and Massachusetts road through the Hoosac Mountain. This was no ordinary task. The road would be very expensive and most difficult to construct. It required the construction of a tunnel through the mountains five miles in length. Such were the difficulties to be overcome, so great the expenditures to be made, that few men had faith to believe that the undertaking would ever be successful. But from first to last Mr. CROCKER never hesitated or doubted. He lived to see his predictions for twenty-five years verified, and the tunnel the object of his dreams by night and of his toil by day completed.

Some ten years ago his attention was called to the most extensive water-power in the State, at Turner's Falls on the Connecticut River, which had never been improved. He concluded to devote his energies and means to its development. A company was organized, of which he was the president and the leading spirit. The power and the territory adjacent was purchased, a dam and canal constructed, machine-shops, paper-mills, and extensive factories erected, and the region which yesterday was a desolate, barren waste has to-day become a beautiful, flourishing town with its thousands of inhabitants. The beautiful churches, school-houses, and public and private structures of every variety attract the attention and call forth the admiration of the beholder. A national bank of discount and a savings institution each bear his name, and he was the president of each. Turner's Falls stands to-day with its wonderful improvements as a monument to the energy and foresight of Mr. CROCKER.

Mr. CROCKER served three terms in the lower and two in the upper house of the Massachusetts Legislature with credit to himself and honor to his constituents. In 1871 he visited Europe on account of the sickness of his wife, and during his absence was elected to the Forty-second Congress, to fill the vacancy caused by my resignation. He was re-elected to the Forty-third Congress by 14,919 votes against 4,588 for the democratic candidate. He declined to be a candidate at the last election. When he entered upon his duties here he was over seventy years of age, and much of the time his health was so impaired that it was with difficulty that he attended to his official duties. In public as in private life he was strictly honest. He discharged all his duties in a most conscientious manner. No jobbery or corruption was ever traced to his door; but his entire record stands above suspicion.

Of his private life, of his genial and liberal hospitality, of the strength and warmth of his friendship, there is no time or need of reference on this occasion. Beyond the immediate circle of his friends, he will be especially mourned by the large company of his business associates among whom the greater part of his daily life has been passed, by the thousands of employes who were more or less dependent upon him for their daily sustenance, and by that untold number who have been the recipients for many long years of his charities.

Mr. CROCKER was not without his faults. Like most men he made his mistakes and had his weaknesses. But on such an occasion as this we may well forget these. If we estimate his worth by what he has accomplished for the community in which he lived, for the section of State in which he resided, few men will bear comparison with him. May it be ours to gather up and cherish the memory of his many virtues.

Mr. President, I send to the desk resolutions which I offer for the consideration of the Senate.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read as follows:

Resolved, That the Senate has received with deep sensibility the announcement of the death of Hon. ALVAH CROCKER, late a member of the House of Representatives from the State of Massachusetts.

Resolved, That as a mark of respect for the memory of Mr. CROCKER the members of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be transmitted by the Secretary of the Senate to the family of the deceased.

Mr. WADLEIGH. Mr. President, a residence of some years near the home of ALVAH CROCKER and a knowledge of his reputation there lead me to pay a brief tribute to his memory.

His reputation was not won in political warfare nor in public life. Five years in the Massachusetts Legislature and two in the national House of Representatives after the age of three-score and ten were not sufficient for that. Yet he always manifested good sense, sincerity, praiseworthy fidelity to the interests of his constituents, and enlarged patriotism.

But his reputation was won in the course of a long and successful business career. Beginning life in obscurity and poverty, at the early age of eight years he was a factory operative. But his energy and ability conquered adverse circumstances. He secured an education which furnished a foundation for business success, and achieved a large fortune. That fortune was not used mainly for his personal advantage; it was used to forward and complete enterprises which have largely contributed to the growth and prosperity of Northern Massachusetts. The people whose welfare he had promoted manifested their respect for him by sending him to represent them in Congress when at the advanced age of seventy-one years by an overwhelming majority.

What can be said of him in these Halls will do comparatively little to perpetuate his memory. He has a nobler and more enduring monument than speech can rear. In Worcester County, upon the rocky banks of a flashing river hurrying swiftly to the sea, stands one of the most beautiful and thriving cities of New England, which within a few years has been created and which owes very much of what it is to the business ability and public spirit of ALVAH CROCKER. Till that city perishes will his memory be preserved as one of its founders.

The resolutions were adopted unanimously.

DEATH OF HON. SAMUEL HOOPER.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed resolutions as a mark of respect for the memory of Hon. SAMUEL HOOPER, late a member of the House of Representatives from the State of Massachusetts.

The resolutions were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 20, 1875.

Resolved, That this House has heard with deep regret the announcement of the death of SAMUEL HOOPER, late a member of this House from the State of Massachusetts.

Resolved, That as a testimony of respect for the memory of the deceased the members and officers of the House wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Resolved, As a further mark of respect that the House do now adjourn.

Mr. BOUTWELL. Mr. President, the death and the circumstances of the death of Mr. HOOPER are fresh in the memories of Senators. Mr. HOOPER had three claims of a high character to the considera-

tion of his fellow-men while living, and there remain three special grounds for enlogy now that he has passed away.

In the relations of life that may be called personal he bore himself not only without reproach, but in a manner to command the respect of all who enjoyed his friendship or acquaintance.

He was charitable to the poor in the largest sense of that term; helpful to those who needed assistance either by advice or the use of capital for business purposes; considerate of the wishes, wants, and trials of the humble, and to his friends and associates he tendered an unostentatious hospitality, which literally was without limits.

As a merchant, he was trained, careful, enterprising, and successful. He was one of the oldest and one of the best of the business men of Boston. As an importer, dealing with countries most remote from his own country, he based his undertakings upon a knowledge of the products and the demand for the products of those distant lands. He had knowledge of the systems of finance and currency of other nations, and he was thoroughly instructed in the financial system of the United States; and this knowledge contributed alike to his success in business and to his success as a representative of business men.

His honorable career as a member of the House of Representatives for nearly fourteen years is known to the Senate and to the country. For many years he was a member of the Committee on Ways and Means, and at different times he was chairman of the Committee on Coinage, Weights, and Measures, and of the Committee on Banking and Currency.

In these various places he brought to the service of the country an amount of knowledge, historical, practical, and theoretical, not surpassed by that of any of his associates. His powers for debate were limited, but his judgment was so highly respected that his influence with the House was but slightly impaired by this circumstance.

As a man, a merchant, and a Representative he should be remembered with affection by his associates in life, and with gratitude by the people of the State that he so long and faithfully served.

I submit for the consideration of the Senate the resolutions which I send to the desk of the Secretary.

The Secretary read the resolutions, as follows:

Resolved, That as a mark of respect for the memory of Hon. SAMUEL HOOPER, late a member of the House of Representatives from the State of Massachusetts, the members and officers of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That the sympathies of the members of the Senate be tendered to the family of Mr. HOOPER in this bereavement, and that the Secretary of the Senate transmit to them a copy of these resolutions.

Mr. MORRILL, of Vermont. Mr. President, my acquaintance with Mr. HOOPER began in 1862, when he succeeded Mr. Appleton, of Boston, on the Committee on Ways and Means in the House of Representatives. Mr. Appleton had been a thoroughly trained, high-toned merchant, with considerable experience in public affairs, and his counsel upon financial subjects at the called session of 1861, although he was then in very feeble health, had great weight with the committee as well as with the public; but he did not live to aid the measures of the next regular session of Congress.

Mr. HOOPER, taking the place thus made vacant, brought similar qualifications to those of his predecessor for his new field of duties, and brought in addition health and that robust frame which enabled him then to bear the heavy strain of continuous labor upon a committee most heavily charged with the business of the House. At home his known sagacity for the conduct of important business affairs had secured to him from a large corporation a salary quite equal to that then allowed to the office of the President of the United States. His knowledge of trade, especially that known as the East India and China trade, was extensive and accurate. With the subjects of banking, coinage, and currency he was practically familiar, and all measures in relation thereto commanded his careful study. In the workshop of the committee—the crucible which daily tests the merits of every legislator—Mr. HOOPER was ranked as a man of high value. If he did not shine greatly as an advocate or debater of measures, there were few who had more good sense in their proper preparation, few who could more clearly put propositions in writing, and he was ever listened to with respectful attention.

Close association with Mr. HOOPER month after month, year after year, every morning bringing news of some battle lost or won, and most generally in accord with him as to particular measures, it was natural that he should have won a large share of my confidence and esteem.

The city of Boston has often bestowed upon her eminent merchants the honor of choosing them as Representatives in Congress, and no one longer retained the confidence of his constituents than Mr. HOOPER, and no one could have been more diligent in looking after their interests, whether public or local.

At the Treasury Department his advice was fully appreciated and frequently sought after. Everywhere he bore the character of a cool, deliberate, and wise man.

In the field of charity he was liberal and constant, but never sought to be conspicuous. With abundant means, to him it seemed a pleasure to do good without proclaiming it upon the house-tops. He will be missed and mourned not only by a large circle among the cultured and wealthy, but by the humble poor and by colored people who needed his liberal-handed assistance. He was their friend.

The elegant but modest hospitality of his home in Washington,

where visitors to the city and distinguished men were often invited, has been so long enjoyed here that it might almost be called one of the attractions of Washington society. Here learned men, statesmen, jurists, and diplomats were from time to time brought together, and bore their parts in conversations often brilliant and never devoid of some peculiar interest. All guests were at their ease, none had to be thawed out, and the host, far from monopolizing too much time, set the example of a good listener.

He was not an extreme partisan, though a consistent republican, and as devotedly attached to all the doctrines touching human freedom as he was to his personal friends.

So lately in our daily sight, his death strikes us with awe by coming so swiftly, but now that his career is ended, if he is not crowned by the splendor of any work of one great day, his memory should be more precious because he made himself useful to the world and faithfully discharged the duty of an honorable man all the days of his life.

The resolutions were unanimously agreed to.

Mr. HAMLIN. Mr. President, now, as a further mark of respect to the deceased, I move that the Senate adjourn.

The motion was unanimously agreed to, and (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 20, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. DURHAM. I call for the regular order.

Mr. COBURN. I rise to make a privileged report.

Mr. DAWES. I move to suspend the rule which gives the gentleman that privilege, in order to go into Committee of the Whole upon the tax and tariff bill.

The SPEAKER. The gentleman from Kentucky [Mr. DURHAM] who has charge of the Freedman's Savings and Trust Company bill, which is in the morning hour, desires that the House shall now proceed with the consideration of that bill.

Mr. DURHAM. I ask to have read by the Clerk a letter from the commissioners of the Freedman's Savings and Trust Company to the chairman of the Committee on Banking and Currency showing the absolute necessity of our considering the bill which is in the morning hour in my charge, but I was taken from the floor some three weeks ago, and have not been able to obtain it since for that purpose.

Mr. COBURN. I must object to any interference with the morning hour.

Mr. DURHAM. I am entitled to the morning hour upon this bill.

Mr. DAWES. Let us hear the letter read.

The Clerk read the letter, as follows:

OFFICE OF THE COMMISSIONERS OF THE
FREEDMAN'S SAVINGS AND TRUST COMPANY,
Washington, D. C., February 18, 1875.

SIR: Conscious of the increased sufferings which a protracted delay in the payment of a dividend will entail upon many of the depositors of the Freedman's Savings and Trust Company, we feel constrained once more to call upon you as chairman of the committee to which the matter has been intrusted, and through you upon Congress, to secure for us the additional legislation recommended in our late report, as well as the purchase by the Government of the company's banking property, before the close of the present session.

There are many of the assets of this company the collection of which ought to be attended to without further delay, but as it is impossible to realize their full amount, they will prove a total loss unless we are authorized by way of compromise to effect speedy settlements upon partial payments.

So also do we deem the additional legislation concerning the purchase and sale of property and the assignment of depositors' accounts absolutely necessary to a successful prosecution of our duties.

With regard to the purchase of the company's banking property we feel there ought to be but one opinion, and if half of the distress and suffering which the failure of this company has produced among its thousands of depositors and their families were known there would be but one.

The property is worth more than we ask for it, the Government needs it, and is now paying a heavy rental for a portion of it.

Upon its sale depends the immediate payment of a 20 per cent. dividend, and the relief of the suffering depositors. It is in their name and in their behalf that we plead for this assistance.

If Congress fails to make provision for the purchase of this property by the Government and we are left to our ordinary collections, another year at least will elapse before we can hope to pay a dividend.

We have the honor to be, your obedient servants,

JNO. A. J. CRESWELL,
ROBT. PURVIS,
R. H. T. LEIPOLD,
Of the Commissioners.

Hon. HORACE MAYNARD,
Chairman Committee Banking and Currency, House of Representatives.

Mr. DURHAM. I will say to the chairman of the Committee of Ways and Means that if I can get next Wednesday morning assigned for the consideration of this subject I shall be satisfied.

Mr. DAWES I hope that will be accorded to the gentleman, as we can probably dispose of the revenue bill before that time.

Mr. RANDALL. I suggest that it is not necessary to make this assignment. At any time the majority of the House can determine to have a morning hour, and the bill of the gentleman from Kentucky [Mr. DURHAM] will then come up.

Mr. DURHAM. I prefer that a day should be set apart for the bill.

The SPEAKER. The gentleman's bill will be in a somewhat safer position if a day be set apart for it.

Mr. MAYNARD. I hope the House will not fail to appreciate the importance of legislation in regard to this institution—the Freedman's Bank. There are some seventy thousand depositors whose means are tied up at present, and for whose relief some legislation is necessary.

Mr. DAWES. I think that the suggestion of the gentleman from Kentucky is a good one; that it had better be understood that next Wednesday shall be set apart for the consideration of this bill.

Mr. G. F. HOAR. I object.

Mr. DAWES. Then I must insist on my motion.

Mr. MAYNARD. I hope, then, the House will take up this Freedman's Bank bill now and get it out of the way. I do not wish to antagonize the gentleman from Massachusetts, [Mr. DAWES.] He knows that I have stood shoulder to shoulder with him in many a hard fight.

Mr. DAWES. I very much regret to be obliged to press this revenue bill now; but it seems absolutely necessary to get it over to the Senate as soon as possible.

The question being taken on the motion of Mr. DAWES, there were ayes 66, noes not counted.

Mr. MAYNARD. I will not ask a further division; but I take this opportunity to give my friend [Mr. DAWES] notice that from this time I shall on every occasion, in season and out of season, unite with my associate from Kentucky [Mr. DURHAM] in trying to get the House to consider the interests of the people whose means have been put into this institution.

Mr. DAWES. And I will unite with the gentleman as soon as I can get this bill out of the way.

Mr. DURHAM. I hope we shall have next Wednesday morning for our bill.

Mr. COBURN. I demand a further count upon the motion of the gentleman from Massachusetts.

The negative vote being counted, there were noes 17.

The SPEAKER. If no further count be demanded, the motion is carried.

Mr. DURHAM. Now I again make the appeal to the House to give us next Wednesday morning for our bill.

The SPEAKER. The gentleman from Kentucky [Mr. DURHAM] asks unanimous consent that one hour next Wednesday, immediately after the reading of the Journal, be assigned for the consideration of the Freedman's Bank bill.

Mr. BROMBERG. I shall object unless I understand how much time is to be given to the discussion of the bill.

The SPEAKER. No conditional objection can be entertained. The gentleman from Alabama [Mr. BROMBERG] objects. The House resolves itself into Committee of the Whole on the tax and tariff bill. The gentleman from Maine [Mr. HALE] will resume the chair.

Mr. DURHAM. I understand that the gentleman from Alabama withdraws his objection.

Mr. BROMBERG. I withdraw my objection unconditionally.

The SPEAKER. It is too late.

TAX AND TARIFF BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. HALE, of Maine, in the chair,) and resumed the consideration of the bill (H. R. No. 4680) to protect the sinking fund and provide for the exigencies of the Government.

The CHAIRMAN. The pending question is on the motion of the gentleman from Illinois [Mr. BURCHARD] to strike out the fifth section of the bill.

Mr. CLYMER. I rise to oppose the motion, for the reason that in my judgment, if there is any merit in this bill, it is contained in this fifth section, which restores the duty of 10 per cent. on iron, steel, cotton, and woolen goods, glass, and other articles, which was removed by the act of June 6, 1872. If we are threatened with bankruptcy; if there is disaster about to happen to the credit of the Government; if there is to be a large deficiency, as is stated by the chairman of the Committee on Ways and Means, which I believe is generally conceded by every one on this floor, I do not think it would be difficult to discover the cause for this condition of affairs. I believe it comes from mismanagement, from extravagance, and from general misrule. Yet the fact exists. I do not doubt that all these difficulties could be obviated by a return to the economy of former days, by reducing the executive and legislative expenses of the Government, by cutting down the overgrown expenditures of the Army and Navy, by postponing to a more convenient and prosperous season the large appropriations made for the improvement of our rivers and harbors, by suspending partially the work upon the great public buildings in this capital and many other cities. By this means the people would be shielded from increased and oppressive taxation at this time, when by reason of the general stagnation in business they are little able to bear it.

But, sir, no such just and equitable mode is proposed by those in the majority here. The preceding sections of this bill provide for largely increased taxation upon whisky, tobacco, and sugar. How onerous and oppressive this would be has been clearly shown by those who more immediately represent those great interests. They are from congressional districts in every State, and on this question their political differences are laid aside and forgotten. They are united by a common interest to resist if possible what they know to be a common wrong. I would gladly aid them could I do so without defeating the fifth section, which, as I have already said, is in my judgment the only redeeming feature in the bill. It restores duties which the republican party reduced in 1872. At that time, sir, those engaged in the manufacture of iron, steel, woolen, cotton, glass, and other articles which my brief time will not permit me to enumerate fully felt that a grievous blow had been struck at their prosperity, and there was little consolation in the reflection that it came from those who have professed to be their special friends. Their anticipations of evil have been fully realized. In my own district and in the great State which I have the honor in part to represent there is general, indeed almost universal stagnation in business, and from our mines, mills, furnaces, and factories the prayer of tens of thousands comes to us that we shall repeal the act of 1872 which reduced the duties 10 per cent. on the articles I have mentioned.

On this question touching their material interests I shall to-day, and I trust always hereafter when acting in a representative capacity, represent my own people. They are dearer and nearer to me than any other people, and for them I propose to stand here and now. For them and in obedience to their wishes I shall vote for the section. If it be stricken out I shall vote against the bill; if it is retained and my vote is needed to pass the bill, it shall receive it, objectionable as I consider its other provisions to be.

Mr. CHITTENDEN and Mr. SCOFIELD rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SCOFIELD] is recognized.

Mr. SCOFIELD. Mr. Chairman, a revenue bill is necessarily a compromise bill; it always has been so, and always will be so. No one section of the country, no one interest, no one Representative can have their way in such a bill. The Committee on Ways and Means is perhaps as prudent a committee as there is in this House. I have sometimes criticised them for being too slow, too patient and careful. They represent all sections of the country, and most of them have had great experience in originating bills of this kind. The chairman of the committee particularly knows how difficult it is to frame any revenue bill that will secure a majority of the whole House in its support. After careful consideration of the interests of all sections of the country, they have at last reported a bill which promises both to replenish the Treasury and aid in the revival of business. It is not entirely satisfactory to me nor to many others who still support it, but I believe it is the only bill that can pass. If we lose this none will be agreed to, and we will be left with an empty Treasury. But the moment it is reported the complainants and fault-finders attack it. It is easy to complain, easy to criticize, but it is not easy to frame a revenue bill that everybody will assent to. The gentleman from New York [Mr. CHITTENDEN] does not like this bill. He has been all his life an importer, and tariffs are offensive to him. He comes down upon this bill with a wonderful flow of adjectives, the accumulation of long years of interested free-trade advocacy.

Mr. CHITTENDEN. If the gentleman will only give me an opportunity I will supply him with twenty facts for every adjective, and a hundred if he wants them. But it would seem that nobody in this House wants any facts on that subject.

Mr. SCOFIELD. I do not object to facts, but denunciation is not convincing. A man who speaks with such immense and disproportionate emphasis and with such an excess of adjectives is almost always in the wrong.

You do "protest too much."

Then my friend from Illinois, [Mr. BURCHARD,] who has sat all winter upon this bill, occasionally giving a little attention to Pacific Mail operations, when the bill is brought in immediately turns around and arraigns his colleagues on the committee because it is not better.

Then there is my colleague from the fourth district of Pennsylvania, [Mr. KELLEY,] He is unhappy because there is a little tax placed upon whisky. He cares nothing about whisky as a beverage—nobody does—but it is used, he informs us, in the manufacture of drugs, and he wants cheap whisky for medicine. If this tax is left in the bill, he announces his intention to oppose the whole—fifth section, 10 per cent. protection, pig-iron, and all. Everything must be sacrificed to untaxed whisky for drugs. Free physic he will have though the whole tariff falls and though it kills two where it saves one.

And so criticism goes on. Every man has his little complaint. Now, Mr. Chairman, I believe if you strike out the fifth section, which, as my colleague from Pennsylvania who has just spoken from the democratic side [Mr. CLYMER] has most justly said, is about all we care for in our State, and I believe all they care for in some other States, as Michigan and perhaps Ohio—if you strike that out either to please the free-trade sentiments of my friend from New York [Mr. CHITTENDEN] or to gratify the views of my colleague [Mr. KELLEY] in regard to the whisky-drug question, or to gratify my friend from Illinois—although I do not know exactly what his objections to it are—you lose the whole bill. We had better take it as it is.

Mr. KELLEY. I would like to ask my colleague whether I support or am opposed to the fifth section? His argument implies that I oppose it.

Mr. SCOFIELD. O; most certainly he supports it; but he says that if it be adopted he will still vote against the whole bill because of the tax on whisky.

Mr. KELLEY. Not because of the tax on whisky; but because the measure as a whole is fraught with danger to the public revenues and oppression to the people.

Mr. DANFORD. I do not propose in the five minutes allotted to me to attempt to discuss the policy of protection. I have sought the floor only for the purpose of correcting, as well as I may, an impression that seems to prevail that a tariff looking to the protection of American industry is wholly for the benefit of New England and Pennsylvania. I believe that no truer words have been uttered upon the floor of this House during the present Congress than those that were uttered by the gentleman from Connecticut [Mr. HAWLEY] at the last session, when he told us that the West and South were more interested in this policy of protection than New England.

If you will examine the industries of our country during the last twelve years you will find that the manufacturing industries have not only doubled but quadrupled in the West and South, while in New England the increase is comparatively small. Those industries are not yet firmly fixed and established in the West and South as they are in New England and Pennsylvania, and if the capital and labor now engaged in manufacturing in Ohio, Indiana, Illinois, and Missouri are given to understand that it is the policy of the country to abandon the idea of protection, you will strike down the manufacturing industries of the West and South at a single blow.

There is one other idea I wish to present, and that is the suggestion that by a policy of protection you are taxing the people of this country inordinately in an increase of the price of the commodity protected. Now I have personal knowledge of one of the leading interests of the West. The manufacture of nails in the city of Wheeling and in the district that I represent has become one of the leading industries of that section. There are manufactured now in the city of Wheeling and in my district, which is on the opposite side of the river, the finest nails manufactured in the world. They command the highest price in the market, and under this policy of protection that industry has grown to be enormous, and it is a fact that the establishments engaged in this industry are now running barely upon profit enough to pay for their labor, and that you can now buy the finest nails manufactured in the world at a less price than they could be purchased before we entered on the policy of protection, notwithstanding the premium on gold. I believe that by encouraging the industry, ingenuity, skill, and enterprise of the people of this country we will secure home competition and give us cheaper commodities than we can get from abroad under a system of free trade, and at the same time protect the labor engaged in manufacturing enterprise. I hope the House will restore the law as it was prior to the 10 per cent. reduction.

[Here the hammer fell.]

Mr. SMITH, of Pennsylvania. Mr. Chairman, in harmony with what has just been so well said by the gentleman from Ohio, [Mr. DANFORD,] I read a single line from Alexander Hamilton:

The encouragement of manufactures is the interest of all parts of the Union.

This was written by that great financier in 1791, and is still the true American policy. Our fathers adhered to it and the country prospered. Let not their descendants in an evil hour be misled by free-trade visionaries. Some of our western friends I fear have been indoctrinated with this financial heresy. In a burst of wild indignation they denounce every manufacturer as a common robber. Incidental protection, in their judgment, is legalized swindling. In their blind zeal they wholly ignore what is painfully obvious to all others, that in breaking down the American manufacturer they play into the hands of English monopolists. New England and Pennsylvania have fully realized that there is no conflict between the farming and manufacturing interest. Let the West profit by their example and utilize the great advantages of soil, water, iron, and coal found either separately or combined in almost every locality. What it needs most is a home market.

Let a familiar illustration point the moral. Said a farmer recently to me, as he sat down in my office, "I do not visit your city as often as formerly." "Why not," I replied. "I take," said he, "my products to the factory store in the village and get in return for the same either cash or its equivalent." I commend this homely practical argument to my free-trade theorist, who must needs travel to Canada or cross the ocean to buy his fabrics. In a word, the whole occult science is in a nutshell; let the producer and consumer join hands. Such proximity must secure community of interest.

But, Mr. Chairman, the five-minute rule affords no opportunity to discuss the tariff. I rose simply to urge the restoration of the 10 per cent. reduction of duty made by the act of 1872. That confessedly unwise legislation caused a loss to the Government annually of six or eight millions dollars and did great injury to both capital and labor. No possible good came by that change. Harm, and harm only, was the result. In 1873 the importation of iron and steel and their manufactures amounted to \$45,000,000, and this large addition to the stock in hand greatly tended, by glutting the market, to aggravate the

severities of the panic. Hence the cry for repeal. The following table will show the amount of duty likely to be collected by the repeal of the act of June 6, 1872:

Importations of fiscal year 1874.

Articles.	Value.	Duty.	10 per cent.
Wool and manufactures of wool.....	\$55,030,279	\$30,046,002	\$3,004,600
Cotton manufactures.....	28,183,178	9,846,196	984,619
Iron and steel manufactures.....	33,713,455	10,619,738	1,061,974
Glass and glassware.....	6,257,958	2,878,670	287,867
Metals, &c.....	4,781,041	1,482,122	148,212
Paper and manufactures of paper.....	4,132,279	1,055,630	105,563
Other manufactures.....	3,703,347	1,185,071	118,507
Total.....	135,909,707	57,113,431	5,711,343

In 1872-'73 the same classes of imports furnished a much larger sum; yielding over \$80,000,000 in duties and over \$8,000,000 on the 10 per cent.

But while this restoration of the 10 per cent. duty will benefit the whole nation, it will be hailed with unbounded joy by the industrial classes of Pennsylvania. They, more than all others, have suffered by this unasked-for legislation. Relief should have come last session, but Congress will err irretrievably if it fails now to respond to these urgent appeals.

Without protective duties the American cannot compete with the European manufacturer. Here the laborer is not a mere hewer of wood and drawer of water. Here he is pre-eminently a man with all that appertains to elevated manhood. His children must be fed and clothed and educated and duly prepared to discharge the full duties of intelligent citizens. Pauper wages have been justly again and again repudiated by the American people.

Statistics show that on the 1st July, 1874, there were 673 furnaces in the United States. Of this number there were on the 1st November, 1874, in blast 382, and out of blast 295. There were made in the United States in 1872 2,854,558 tons of pig-iron, in 1873 2,868,278, in 1874 1,900,000. Pennsylvania in 1872 made 1,401,497 tons of pig-iron, and in 1873 1,389,573 tons; making nearly one-half of the entire product made in the United States.

Iron and coal have made Pennsylvania the great workshop of the Union, and in protecting her industrial interests the Government is engaged in no sectional work. What benefits this State cannot injure the nation.

Prostrate though he lies foes cannot crush our infant giant, for his ribs are made of iron and steel; nor can they fetter and manacle his sinewy limbs, though they bind him with seven green withies that were never dried, and if he is to fall into the hands of the Philistines, I pray Heaven it may not be through the dalliance of his republican friends.

The bill as reported will receive my support. Revenue is needed to carry into effect the laws of 1862 and 1864. These do not become obsolete because, as is alleged, high officials failed to carry them into effect. The President has reminded Congress of its duty, and the Secretary is ready to execute the law. We must furnish him with the necessary funds. How are these to be raised? For one, I am opposed to a tax on tea or coffee. Tax the luxuries, not the necessities of life.

[Here the hammer fell.]

The CHAIRMAN. All debate on the pending amendment has closed. Mr. SMITH, of Ohio. I move to strike out the last word.

The CHAIRMAN. That is the pending amendment.

Mr. SMITH, of Ohio. Then I move to strike out the last two words.

The Pennsylvania heart seems to have been fired up this morning, and there have been two rather remarkable things said on this floor by Representatives from that State. The gentleman on my right, [Mr. SCOFIELD,] from whom I always expect to hear good reasons stated in good nature, indulges in a five-minute general scold of everybody who is not in favor of this bill just exactly as it comes from the Committee on Ways and Means; and the gentleman on my left [Mr. CLYMER] acknowledges that in voting for this bill he is voting for the benefit of his constituents. He puts his support of this bill on the ground that he believes it will benefit his own individual constituents. Pure selfishness for his constituents is the reason which he offers for supporting this bill.

I wish to call attention to the general character of this bill. What is it? It is an attempt to increase the price of nearly all the articles that the people of this country consume. The gentlemen from Pennsylvania tell us that it is to raise the price of whisky and to crush out the present manufacturing interests of that article. It raises the price of tobacco; it raises the price of sugar; and it increases by 10 per cent. the present duty on all the imported goods already brought into this country, because if you do not raise the price of goods already imported and upon the market, you do not get any increase of the revenue by this bill. If there are \$100,000,000 worth, and I have no doubt there are, of goods already imported in this country and held by the merchants of this country, you will by this bill put an expense of \$10,000,000 on the people of this country and into the pockets of those merchants.

Not only that, but you raise the price of all goods of like character manufactured in the country and in the hands of merchants and manufacturers. We cannot tell how many goods there are of that character, probably \$200,000,000 worth of American manufactured goods, the price of which is to be raised 10 per cent. by the operation of this bill, or you will get no revenue from it. Therefore every consumer in this country, East, West, North, South, is to be taxed for the benefit of manufacturers and merchants to the tune of not less than thirty, forty, or fifty millions. That is the way you are proposing to tax the interests of the laboring people of this country. You commence by putting into the pockets of the favored classes of this country an enormous sum of money.

The gentleman near me from Pennsylvania [Mr. SMITH] says that this bill is not in the interests of Pennsylvania. I undertake to say that three-fourths of the manufactured goods in this country, whether made in the United States or made abroad, the price of which is to be raised by this bill, are east of the Alleghenies and north of the Potomac, which portion of the country contains not more than one-quarter of our entire population.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. SMITH, of Ohio. I would like to have five minutes more.

Mr. PARKER, of New Hampshire. I move that the gentleman have five minutes more.

Mr. BECK. You cannot do that.

The CHAIRMAN. It requires unanimous consent.

Mr. HAZELTON, of New Jersey. I object.

Mr. BUNDY. I rise to oppose the amendment, and will ask the Clerk to read a petition sent to me by workmen, including farmers and mechanics and everybody else, for the purpose of showing what great fools they are as compared with the workmen in this House. After the Clerk has read it, if I have any time left, I will yield it to my colleague, [Mr. SMITH, of Ohio.]

The Clerk read as follows:

Resolutions of a mass meeting of workmen held at Ironton, Ohio.

Whereas the people of the United States have been most positively assured by their highest financial officer, the Secretary of the Treasury, that the revenue derived from all levies made by the Government, including those to be derived from what is commonly called the "little tariff bill" which has just been enacted, are inadequate to meet the necessary expenses of the Government and enable it to make provision for the gradual redemption of its indebtedness; whereas we believe the credit of our Government is as solemn an obligation resting upon the people as their individual indebtedness, and should be as faithfully provided for and maintained: Therefore,

Resolved, That the workmen of the city of Ironton, in council assembled, do most cordially approve and heartily indorse the recommendation of the Committee on Ways and Means to restore the tariff on all foreign manufactures; the removal of which has in no small degree added to the financial embarrassment of the country for the past year and a half, and paralyzed all our American industries.

Resolved, That we recognize just and wise statesmanship in exempting from importation duties tea, coffee, and all other necessities of life not produced in this country, regardless of all the charges of the press that it is political demagoguery come from whatever quarter that it may.

Resolved, That we regret the policy of the past, (in removing protection to American industry), which has been for months driving from our shores thousands and tens of thousands of the honest and industrious sons of toil from almost every nation of the earth, whose services, had they found profitable employment with us, would have contributed largely to the development of our unlimited resources and made a profitable home market for the corn, wheat, and other produce of our farmers, thus adding to our national wealth from our own resources and enabling us to attain the financial position we should occupy among the nations of the earth, which should be second to none.

Resolved, That we believe it the imperative duty of every workman, whether he be a mechanic or farmer, to stand by the men in Congress, regardless of political parties, who vote and work for the fullest protection to American industries.

Mr. BUNDY. These resolutions were unanimously adopted by a large meeting of workmen in Ironton, Ohio, three hundred and twenty of whom affixed their names to the same on the spot. These resolutions utter the voice of the workmen and producers of the country, without regard to the nature of their avocations respectively—

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BECK. If the gentleman from Ohio [Mr. SMITH] will withdraw his amendment, I will renew it.

Mr. SMITH, of Ohio. I withdraw my amendment.

Mr. BECK. I renew it. I desire to say but a few words. The House seems to have forgotten the object of this bill. It was brought before us, it was said, because the revenues of the country were deficient and the Secretary of the Treasury needed money to pay the sinking fund, and that money must be brought into the Treasury now during this present fiscal year in order to enable him to comply with the requirements of the law in regard to that fund. That was the avowed object of the bill. It seems, however, now to have taken a turn in favor of protection, which means to exclude revenue for the purpose of aiding manufacturers and others to make more money. The original object of the bill is lost sight of. Why do I say so? Because the more you protect the less you import, the more it costs the consumer for what he has to buy, and the more it enriches the home manufacturer who pays no revenue. Where is revenue to come from if protection is the idea? No, gentlemen, the 10 per cent. that is added by this section and all other per cents that are added simply cut off the revenues of the country.

The "little tariff bill" has been alluded to in a petition which has

been read—a petition purporting to come from “workingmen”—a petition written I suppose by their employers and signed by the employés under threat of discharge.

Mr. PARKER, of New Hampshire. A petition coming from “Iron-ton?”

Mr. BECK. Yes; from Ironton at that. The “little tariff bill” was passed the other day; and let me use some of its provisions as an illustration. It was said on this floor by the members of the Committee on Ways and Means, it was said by everybody, the gentleman from Connecticut [Mr. HAWLEY] making a short speech on the question, that the object of the bill, so far as silks were concerned, was to prevent fraud. It was alleged that a few cotton strands were put into silk ribbons and thus they were imported under the 50 per cent. duty and the revenue defrauded. The House allowed an amendment to be inserted which is now a part of the law, providing that there must be 25 per cent. of such material to make the goods mixed goods. The bill went to the Senate, and that body, upon the demand of the silk manufacturers, struck out the words “in material” and inserted the words “in value.” What is the result? While goods made wholly of cotton are taxed 35 per cent., every particle of silk-mixed goods that does not contain 75 per cent. of cotton is now taxed 60 per cent. From those silk-mixed goods we heretofore derived, as the statistics show, \$5,000,000 of annual revenue. Under that “little tariff bill” it will be impossible to import one dollar’s worth of mixed-silk goods, because, with a tariff on cotton at 35 and silk at 60, when a pound of cotton costs 29 cents and a pound of raw silk \$5.75 per cent. of the goods must be cotton or they cannot come in otherwise than at 60 per cent. duty. Thus the manufacturers of silk goods will pocket the \$5,000,000 which the Government received last year as revenue and the Government will get nothing. Yet that is called “a revenue bill.” The article of silk furnishes as good an illustration as anything else of the effect of high tariffs. Let me show how. We are consuming in this country \$70,000,000 worth—I think \$80,000,000 worth.

[Here the hammer fell.]

Mr. BECK. I will try and finish this statement hereafter.

Mr. MAYNARD. I rise simply to assign the reasons why I shall vote against striking out this section. I am about to retire from my connection with the legislation of the country. Ever since I have been honored with a seat in this House my every vote, my every speech, has been directed to what I regarded as the material interests and prosperity of that portion of the country from which I came. I have from the beginning considered this the weak point of the South, (if I may use that expression without offense,) that she manufactured so little and imported so much; that she did not work up her own abounding raw material into forms suitable for her own use and for sending abroad to other portions of the world. Gentlemen here sometimes seem to suppose that Pennsylvania is the home of iron and coal. It is true that there more than anywhere else have iron and coal been developed; but the home, the great depository of iron and coal in this country, lies south of what is known as Mason and Dixon’s line. If production there is properly encouraged and properly engaged in, that will be the great producing center for the iron of the world.

Our cotton, of which we hold practically a monopoly as regards all the rest of the world, we have been in the habit of sending all over the globe to be manufactured before it was fit to be used, instead of manufacturing it there where we have every facility for doing so, not merely in a climate more especially adapted to it, (being the climate where the staple is grown,) but also in respect to water-power, cheap agricultural products for furnishing food and clothing to laborers, and every other facility for economical manufacture. Until we adopt this policy of home manufacture we shall remain practically the fetchers and carriers for mankind, toiling in our fields to raise cotton and sending it thousands of miles to be manufactured that a mere modicum may be brought back for our own use and wear.

I trust, therefore, that the policy which we have been taught from our infancy in that part of the country to believe has developed New England in her barrenness and sterility, and Pennsylvania in her mountain inaccessibility, will, if adopted by us, develop our far greater resources and make us wealthy, great, and powerful, beyond the wealth and prosperity or power either of Pennsylvania or of New England.

I wish we could eliminate from our political discussions these questions affecting simply our material interests; that we could meet together and, without any of the embarrassments of political platforms or party associations or records, discuss them. I consider that this policy which is sometimes spoken of disparagingly, sometimes otherwise, as the protective policy—that is to say, a policy which discriminates between American labor and the labor of other lands—might be laid hold of and applied to our own section of the country. If I could secure that I should retire from political life better satisfied than with any other one thing except the maintenance of the American Union.

One word more. It has been said this will not bring revenue into the Treasury. Why, sir, I submit if \$9, to use figures by way of illustration, are paid for 1 ton of iron imported, whether if we had \$10 it would not be an additional dollar into the Treasury. But who pays the additional dollar? Not the American consumer, but the capital and the labor abroad that were engaged in producing it. It is easy to see whom the tariff affects. Where does the clamor come from?

It comes from the workshops of England and from the store-houses of men who are importing foreign fabrics.

[Here the hammer fell.]

Mr. TODD. Mr. Chairman, I have no confidence in my ability to throw light upon this subject, especially in the short period allotted to me; but I desire to call attention to what I regard as the singular and inconsistent argument indulged in by the opponents of this bill. With an empty Treasury staring them in the face, they deny the fact and refuse the means of replenishing it. Knowing that the good name and plighted faith of the Government are menaced by dishonor, they will not give it adequate protection or ward off the impending shame and disgrace. In asserting that no increase of revenue can be derived from the imposition of increased tax on distilled spirits and tobacco, they calumniate their own constituents and characterize them as liars and thieves who by fraud and perjury will evade the law. Protesting earnest solicitude for the welfare of the poor, they are eager to impose upon them onerous and odious taxes, and at the same time deprive them of the opportunity of earning an honest day’s wages by an honest day’s work. Knowing that the horizontal reduction of 10 per cent. is a failure and a blunder, they still, with a fatuity born of unreasoning obstinacy, stagger on toward the commission of other greater and more criminal blunders that will aggravate and perpetuate the suffering and the poverty and the ruin which they have already accomplished by their unwise and pernicious legislation.

Sir, I am too humble a man to lay any claims to the character of a statesman; but I cannot but believe that the era of true statesmanship has fled and gone, and has been succeeded by one of mediocre empiricism where the actors are bewildered and lost in the fog of their own crude ideas and aimless purposes.

What is the spectacle exhibited here from day to day? One side of this House, actuated by a blind antagonism that has grown chronic by habitual use, opposes and attacks every measure proposed, regardless of its merit or demerit. The other side, torn and divided into factions, and destroyed by conflicting interests and contending ambitions, submit projects which they have neither the courage nor the fidelity to carry to completion, but on the contrary surrender and betray in their hour of peril.

Sir, how long is this state of things to endure? How long will the independent and intelligent people of this country silently stand by and see its rich resources, its unbounded capacities, wasted and deadened by the misconduct and blunders of its rulers? Let the history of past parties answer the question and point out the lesson.

I say to this House and to both sides of it that the only way to retrieve the blunders and errors of the past is to retrace their steps. There is but one path to pursue, one policy to adopt, one grand idea to be clearly conceived, faithfully adhered to, and manfully carried out, and that is to encourage, stimulate, and protect the right of the people to work, to live, and to prosper.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

The question being taken on the amendment to strike out the last two words, it was not agreed to.

Mr. ELLIS H. ROBERTS. I move to amend by striking out the last three words.

Mr. LOUGHRIDGE. I rise to a question of order. I submit that no gentleman has a right to speak till Pennsylvania has been all heard from. I believe there are Pennsylvanians who have not yet been heard from on this subject.

Mr. FORT. I rise to another point of order.

The CHAIRMAN. The Chair has just recognized a gentleman who is pretty well known to be from New York.

Mr. FORT. I raise the point of order that no gentleman has a right to speak twice until an opportunity has been given to others who desire to speak.

The CHAIRMAN. Has the gentleman from New York [Mr. ELLIS H. ROBERTS] spoken on this section?

Mr. ELLIS H. ROBERTS. I have not.

Mr. FORT. He spoke in the general debate, and had an hour.

The CHAIRMAN. The gentleman from New York will proceed.

Mr. ELLIS H. ROBERTS. Mr. Chairman, I am not willing that the discussion of this section should turn altogether upon considerations of theory. This section was put into the bill for the purpose of raising money for the Treasury. I ask gentlemen to look at it as a measure of revenue. Experience has shown that the taking off 10 per cent. did not result, as theorists upon this floor are in the habit of saying, in increased importation.

The figures which have been submitted show that of the class of articles included under the 10 per cent. reduction, the importations fell off during the first year after that reduction, and fell off in the succeeding year, and have continued to fall off steadily up to this time. It is illogical, then, to say that the restoration of the duty will produce a contrary effect from that which the committee anticipated, to wit, increase of revenue. The committee believe, as experience demonstrates, that the duty is only one of the many elements which go to determine the amount of importation. The committee believe that with the reviving business all classes of importations will increase, and until then that the 10 per cent. restoration will bring back to the Treasury very nearly 10 per cent. additional upon a class of goods to which it applies.

Now, my friend from Ohio [Mr. SMITH] has brought up the old fallacy again that the amount of duties determines the price of manufactured goods. The truth is that the supply and demand are large elements in determining the price. When supply exceeds the demand, the price must be weak; and only when the demand holds a strong ratio to the supply can the price be raised. The market is overloaded with the articles included in the 10 per cent. reduction. Riding in the cars the other day I saw acres covered with pig-iron. Woolen factories have in many cases been piling up their products.

Mr. LOUGHBRIDGE. Will the gentleman allow me to ask a question?

Mr. ELLIS H. ROBERTS. Not now; I would be glad to answer, but I have only five minutes. I know cotton factories which have made few sales in many months, and have been compelled to stock up all their fabrics. With such supplies of goods on hand the gentleman from Ohio [Mr. SMITH] need not fear that the price of domestic fabrics can be much increased if the pending section be retained. The holders of the goods dare not attempt to raise the price of these goods, but must accept the market.

Let gentlemen on this side who appreciate the needs of the Treasury consider also that this section adds great strength to the bill. Probably it is the crucial point. Strike out the section and you defeat the bill. Keep it in and you supply the deficiencies of the Treasury. The gentleman from Kentucky on the Committee of Ways and Means [Mr. BECK] opposes the section logically, for he is against passing any revenue bill. But those who see the needs of the Government and recognize the duty of meeting them must not be led away by any theory.

[Here the hammer fell.]

Mr. FORT. Mr. Chairman, this question of tariff is one upon which those who have the ability to do so may make a very good speech on either side. It is a sword that cuts both ways. Ever since I can remember I have heard this question discussed *pro* and *con*. I had supposed that the people had settled down in the belief that tariff should be levied for revenue only, and not for protection.

We have heard gentlemen here to-day claim that this section of the bill ought to be adopted for the reason that it would revive the industries of the people whom they represented who are engaged in manufacturing; that it would benefit and give protection to their constituents; and I am therefore inclined to believe that they have some selfish motive, honorable though it may be, in urging the increase of the present tariff; and again we hear other gentlemen representing the great cities whose people are engaged in importing the commodities of other countries, which they wish us to buy and pay them for. They urge upon us the adoption of the principle of free trade, in order that they may buy and sell more goods and amass more gigantic fortunes. I am constrained to believe that they too have some selfish interest, honorable though it may be, in the settlement of this question.

And so it seems that the representative of each locality and business sees his own interest and the interest of the constituents. The protectionist represents the interest of the manufacturer, and the free-trader represents the importing merchant. In either case the consumer is forgotten. There are some people in this country who are neither engaged in manufacturing nor in importing merchandise from foreign countries.

Let us remember the people, a portion of whom I represent, are compelled to purchase from the manufacturer or importer, and in either case they are compelled to pay too much. We should not be compelled to pay anything for protection. What we pay should be only such as is indispensable for revenue to the Government, administered upon the most rigid principles of economy.

There is another thing which has always appeared strange to me. We have to-day upon this floor heard a distinguished gentleman who belongs to the opposite party [Mr. CLYMER] address the House in favor of the adoption of this section, for the reason that it would afford protection to his constituents and protection to home production generally. I supposed that especially the party to which he belongs had long since abandoned the principle of protection. It always did seem strange to me that that party, which was in undisturbed power in this country for twenty-five years, and during all that time professing to be in favor of free trade, never adopted it or took a single step in that direction.

Now, sir, it is not the first time that I have learned that they taught free trade at home, yet when they come here they favor protection. Sir, we have nearly \$300,000,000 of revenue to raise to support the Government, economize as we ought, and still we cannot reduce our expenses very much below that amount, and there are nearly three hundred congressional districts in the United States. If we adopt absolute free trade, each congressional district, therefore, would have to pay \$1,000,000 as its share of the revenue. If we repeal all the tariff law and allow my friend from New York [Mr. CHITTENDEN] and other princely merchants to import goods free of duty without limit, they may grow rich while we will have to pay their enormous profits. My friend by my side [Mr. CHITTENDEN] informs me that he is not now engaged in the importing business.

Sir, our tariff should be levied for the purpose of raising revenue, and not for protection. At least these are the views entertained by many of the western people.

The tariff is now high enough in my judgment. We should decrease

it instead of raising it. Put tax on other things. Tax whisky and champagne wines and tax incomes to raise a part of the revenue needed. This will relieve the poor of a part of their taxation, and will put some of the burdens of the Government upon the rich manufacturers and bondholders, and will compel these merchant princes, such as my friend here, and the Stewarts, Dodges, &c., to contribute a portion of their enormous profits to the support of the Government. Yes, Mr. Chairman, by an income tax we could compel some of the monster corporations to contribute a part of their immense profits for the support of that Government that gives them protection.

My friend from New York [Mr. CHITTENDEN] informs me that he is not engaged in importing. He does not own a dollar's worth of merchandise here or abroad; and I cheerfully withdraw my reference to him.

Mr. SCOFIELD. I think the truth of the matter is that the gentleman from New York [Mr. CHITTENDEN] divides it up in this way: He leaves his business with his boys, and comes here to run the politics of the country.

Mr. CHITTENDEN. I protest that that is not the case.

Mr. FORT. Instead of levying additional import duties, I am in favor of internal taxation—taxing the intoxicating whisky and wine; taxing whisky on hand as well as that which is to be made hereafter. Tax it a dollar a gallon if you please. Tax high salaries. Tax our salaries. Tax large incomes, and put no more burden upon articles used by those who are unable to pay any more than they now do.

[Here the hammer fell.]

Mr. SPEER obtained the floor.

Mr. DAWES. I would like to have some time indicated when debate on this section may close.

Mr. KELLOGG. We have had very little debate on this section.

Mr. DAWES. If it can be generally understood that in twenty minutes' time all debate on this section will close, I will not move that the committee rise to obtain an order from the House to close debate.

The CHAIRMAN. That requires unanimous consent.

Mr. LOUGHBRIDGE and many others objected.

Mr. DAWES. I will ask the majority of the House to determine that question.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SPEER] is entitled to the floor.

Mr. SPEER. The democratic convention which met in Baltimore in 1872 declared what I believe to be the true doctrine upon the question of tariff, in these words:

We demand a system of Federal taxation which shall not unnecessarily interfere with the industry of the people, and which shall provide the means necessary to pay the expenses of the Government, economically administered, the pensions, the interest on the public debt, and a moderate reduction annually of the principal thereof; and recognizing that there are in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people in their congressional districts, and to the decision of the Congress thereon, wholly free from executive interference or dictation.

Whether this bill be called a revenue bill or a tariff bill, it is wrong upon our part to attempt to make it a political measure. The question is, is the passage of this bill in this form, or in any other in which it may be put, essential to carry on the Government? If it is, we all should support it; if it is not, we should not support it.

I am not satisfied that under existing duties we will not have enough revenue. What we need most is not additional taxation but an honest and economical administration of the Government. The general paralysis of business for the last eighteen months has caused a reduction in the national revenue; but the bill now pending, if passed, cannot produce immediate results. I believe with honesty and economy we need no additional taxation; yet if I be in error in this, I feel sure that with the revival of business the coming summer our receipts will be ample to meet our necessary expenses.

This bill increases the tax on tobacco, whisky, sugar, and molasses, and proposes to repeal the act of 1872, which reduced the duty on iron and other articles 10 per cent. The section of the bill repealing the tax on matches, which I heartily approved, has been struck out; and the motion now is to strike out the fifth section, increasing the duty on iron and other articles 10 per cent. To this I am opposed; for if we need additional revenue at all it should be raised by levying duties on those productions and manufactures which give employment and reward to labor.

I am inclined to vote against the bill as a whole in its present form, because I do not believe its passage is demanded by the necessities of the Government; but if it is to pass, I hope the fifth section will not be struck out. In my judgment the fourth section, increasing the duties on molasses and sugar, should be defeated, as it is unnecessary in any just view that can be taken of the public needs.

We require from two hundred and fifty to three hundred million dollars annually to carry on the Government and pay the interest on our debt. How shall it be raised? By direct levies upon the States or by impost duties? It has been the practice of this Government from its foundation to raise its revenues mainly by imposts. When we admit the correctness of this policy, then the only remaining question is upon what articles shall this duty be laid and at what rates?

When we come to that, we strike local interests and sections. New England wants this article protected; Pennsylvania wants that article protected, Michigan another, and Kentucky another. So it becomes a grab game, every State and every section for itself, and the result

is a compromise bill, protecting to some extent at least the interests of the whole country. When I hear gentlemen from New York and other places sneeringly say of Pennsylvania that her Representatives are faithful to her interests, I cannot but reply that if they were faithful to the interests of their people instead of the interests of British importers, it would be better for our State and national prosperity.

Take my district, for instance, rich in mineral wealth. Its fields are gardens; its hills mines of wealth. It is not a pauper on the Government. From year to year it gets no appropriations for local improvements. In peace and war, in sunshine and storm, it stands faithful to the Government, and takes not a dollar by direct appropriation out of the Treasury. Yet we make appropriations here for Hell Gate, New York; for the rivers and harbors of Michigan, Wisconsin, and for the mouth of the Mississippi River to the extent of millions and millions of dollars that are silently paid into the Treasury, their respective shares being paid by my constituents and not a word said by them, without turning to the Representatives of those districts and saying you are paupers on Pennsylvania. But when the toiling millions of my own State who live by the labor of their hands ask that our factories, iron mills, and furnaces may be started that they may earn the bread to feed their families, we hear the cry of "pig-iron," "protection." Is not Pennsylvania a part of the country, and should not every Representative here take a just pride in her greatness and prosperity? Born upon her soil, I trust the day shall never come when I shall be found recreant to her interests; but while a Pennsylvanian, proud of the history and position of my State, I am an American, prouder still of the history of my country, her matchless march to power, and her manifest destiny.

[Here the hammer fell.]

The CHAIRMAN. Debate upon the pending amendment is exhausted. The question is upon the motion to strike out the last three words of this section.

The motion was not agreed to.

Mr. FIELD. I renew the amendment.

Mr. DAWES. Move to strike out the last four words; the committee has just decided not to strike out the last three words.

Mr. FIELD. I move to strike out the last four words. My chief objection to this section is that it does not raise the duties high enough. I am opposed to the policy of taxing domestic productions, because such taxation oppresses the people; but, Mr. Chairman, I favor the policy of taxing foreign productions, and taking the revenue which our Government requires out of the pockets of foreign manufacturers and foreign monopolists. Let us provide the required revenue by imposing the increase of taxation on foreign productions as proposed in the pending section, and in this way we shall take more money out of the pockets of foreign producers, and at the same time secure for our countrymen at home a larger amount of labor.

Mr. Chairman, this is a laboring-man's country. More than nineteen-twentieths of our population are laboring people; and it is patent to the understanding of every man that the more labor and employment we reserve for the country the more our laboring population will prosper and become independent. Therefore I favor this policy of taxing foreign producers when they wish to come into our markets to sell their productions.

If we adopt the section now under consideration, it will yield to the Treasury at least \$10,000,000 of revenue per annum. The section of the act of June 6, 1872, which made a 10 per cent. reduction of duties, caused a heavy reduction in revenue, as shown by the report from the Bureau of Statistics.

The varied productions necessary to supply the demands of civilized life are the results of labor; and if we allow the people of other countries to do one-half of the work required in furnishing these productions, then our own people can do only the other half. That is a plain proposition and can be understood by all. Our working people all over the country are beginning to see that when our home markets are supplied by foreign producers they are robbed of their own labor, are denied the occupations to which they are accustomed.

European labor has been supplying our market altogether too much with those manufactures and commodities which our people would be glad to produce and thus enlarge and diversify domestic employments. We have the raw material here; we have the artisans and the workmen who can do all the labor required in the country, and if foreigners wish to work for our markets let us require them to "step up to the captain's office," that is the custom-house, and pay the tolls which a protective tariff requires. I favor this policy; it is the policy of the West; it is the policy that our farmers indorse, and not the policy which the gentleman from Connecticut [Mr. KELLOGG] advocated the other day. He said he wanted wool to come in free. Sir, our farmers ask the adoption of this section because they want a tariff upon wool which will help our wool-growers and make the country more prosperous. Our western farmers can supply the manufacturers of the East with all the wool they require.

[Here the hammer fell.]

Mr. LOUGHRIDGE obtained the floor.

Mr. FIELD. The gentleman from Iowa [Mr. LOUGHRIDGE] yields to me for three minutes.

Mr. LOUGHRIDGE. No, I believe not. I will yield one minute to the gentleman.

Mr. FIELD. I am very much obliged to the gentleman.

Now, Mr. Chairman, I understand that some gentlemen on this floor from New England are not very favorable to this section of the bill. The manufacturers of New England have been prosperous; they have been doing very well under those laws which have given to them the markets of our country; and they are more willing today to compete with foreign monopolists and foreign manufacturers than to compete with the rising manufacturers in the West. They know that very soon the Western States will do their own manufacturing; and then they will not have those markets to enjoy as they have had in the past. Now, Mr. Chairman, in my judgment we ought to increase the tariff on all foreign manufactures 10 per cent. every quarter until the price of gold falls to the par of greenbacks; and then instead of draining the country of our gold every year, instead of shipping \$100,000,000 in gold every year as we have been doing for the past fifteen years to pay for the productions of foreign labor imported, we should do our manufacturing at home and thus keep our laborers employed and keep the gold produced from our rich mines.

[Here the hammer fell.]

Mr. LOUGHRIDGE. Mr. Chairman, I have taken no part in this discussion thus far, and I rise now simply to state in a very few words the reasons why I shall vote in favor of striking out this section. I do not believe that the section is in the interest of revenue. I believe that it involves nothing more nor less than a tax upon the producers, the farmers, the laboring classes of this great country, and nine-tenths of this tax will go into the pockets of the iron-masters of Pennsylvania. I do not wonder, sir, that when this section is under consideration all the Pennsylvanians on this floor (democrats and republicans alike) rise to their feet to advocate it. I see democrats on the other side of the House—standing, I suppose, within the ranks of their party upon every other question—rising here and advocating the imposition of 10 per cent. additional upon a heavily taxed people in a tariff which is now almost prohibitory in its operation, the duty being upon some articles 40 and 50 per cent.; upon different articles of iron averaging about 30 per cent. Upon the article of carpets the duty is 45 per cent., and yet gentlemen on this floor—democrats, too—rise here and demand that an additional 10 per cent. shall be taken out of the pockets of the laboring people of this country. And this is not to be added to the revenues of the Government.

I now ask the gentleman from New York, [Mr. ELLIS H. ROBERTS,] who declined to answer before, to explain if he can how this is in the interest of revenue. I understood him to say that he had recently seen acres upon acres of pig-iron awaiting a market, piled up ready for sale, and no purchasers. I would like to ask him how this additional duty will enable the owners of that iron to sell it? How will it make a market for that iron? In what way will this additional duty so operate and give relief to the owners?

Mr. ELLIS H. ROBERTS. The statement I made was that the price of the manufactured article would not be increased by the additional duty, because the supply is so great.

Mr. LOUGHRIDGE. Then how will they be able to sell that iron, and how will its owners be relieved?

Mr. ELLIS H. ROBERTS. I did not say that they would be able to sell it.

Mr. LOUGHRIDGE. Then I cannot see the point of the gentleman's argument.

Mr. ELLIS H. ROBERTS. I say the supply is so great that the enhanced duty will not increase the price.

Mr. LOUGHRIDGE. I tell the gentleman that they will get an additional amount for their iron equal to the increase of the duty; that much will be added to the price of the iron to be paid by the consumers; that much more will be added to the price of the iron made in this country as well as the iron imported. This must be so; otherwise the iron interests of Pennsylvania will derive no benefit from this duty, and they certainly expect some special benefit as evidenced by the zeal with which their Representatives support the section on this floor.

They believe—what is the fact—that the amount of this additional duty will be added not only to the price of the iron imported, but to the price of every pound and ounce of iron now manufactured or to be manufactured in this country, and to all ironwares and all manufactures of iron, and the people will pay \$100,000 to get \$8,000,000 into the Treasury.

Now, sir, I say again I oppose this imposition of 10 per cent. on an already heavily taxed people, affecting especially as it will my constituents in the West. The gentleman from Pennsylvania [Mr. SCOFFIELD] says this is a compromise and gives advantages to every interest. What interest have the farmers of the country in this tariff section, the effect of which will be simply that they will have to pay that much more out of their pockets than they otherwise would have done? And not one-tenth of the addition they pay will go into the Treasury.

Sir, I protest against this section, as an injustice and an outrage upon the masses of the people.

[Here the hammer fell.]

Mr. SCUDDER, of New Jersey. The principal objection to this bill, so far as I can discover from this debate, is that it imposes a tax on whisky and also a tax on tobacco without being attended with corresponding benefits to the parties taxed. Now, the only justifica-

tion for such a tax is the necessity of the Government. If the necessity of the Government be sufficient to authorize it, then we should acquiesce; and not otherwise. The restoration of the 10 per cent. is thrown in with the view of benefiting the manufacturing interest. I take it that the sense of this House is to restore that 10 per cent. which was heretofore taken off.

Then it comes back to the proposition, shall we tax spirits and tobacco? There is only one good reason for it and that is the importance of maintaining the honor and credit of the Government, to keep up its sinking fund and to keep the Government in a proper condition in the management of its affairs. That is the only justification for this measure.

Looking at it in that light, taxation is not oppression. We draw from the people and we give back to the people. The sun which draws water up to the heavens and sheds it in copious showers upon hill and valley while it takes it restores; and in an important sense such is the operation of taxation in our own country and in every country. You must maintain the credit of your Government. No great people, no rich people, no powerful people has a poor government. A government that is poor represents a poverty-stricken people as a rule. Therefore if you pay taxes enough and keep the affairs of the Government in a sound condition, you raise the credit of the nation and you necessarily to some extent, even though you may seem for a time to oppress industry, raise and sustain industry. That is the natural and inevitable result according to all the well-established principles of political economy relating to that subject.

And, further, you will be able to fund your public debt cheaper; you will prevent bonds from being sent here from Europe to be sold; you will keep off panics, distress, and disaster. Moreover, you will nerve the arm of the soldier in his duty, and enable the sailor to bear mast-head the glorious flag of his country. You will produce confidence all over the country and raise our credit abroad, and that confidence itself is a great part of success and prosperity, without which beneficial results cannot be accomplished.

For these reasons and upon these grounds alone I am constrained to support this bill.

[Here the hammer fell.]

Mr. PARKER, of Missouri. I desire to submit a few remarks as reasons why I propose to vote for this fifth section. It strikes me that many gentlemen in the House when discussing this question of tariff and taxation are constrained to localize their views, and if they conceive that Pennsylvania or New England is likely to derive any immediate benefits from the passage of a law of this kind they at once indulge in eloquent tirades against the passage of any such proposition.

My friend from Iowa [Mr. LOUGHRIDGE] sees proper to oppose this section because he believes it will benefit the iron-masters of Pennsylvania. According to my view when legislating upon a question of this kind we should, if possible, look to the general interest of the whole country. Now, my observation has been that when the iron-masters of Pennsylvania were prosperous, generally speaking the whole country was prosperous. When the blaze of the iron furnaces in Pennsylvania could be seen in almost every valley and at the foot of almost every iron-mountain in that State we beheld prosperity over the whole nation. But when those furnaces from necessity and from the terrible effects of the panic were compelled to go out, we find every industry in the land, the agricultural in the West and the manufacturing in New England, stricken down as well as the industries of Pennsylvania.

This is not a local question. It is a question which pertains to the whole nation. I believe that the prosperity of this nation is to be restored by the development of our internal commerce rather than by dependence upon our external commerce. Therefore whatever has a tendency to develop that internal commerce meets my approval. While my friend from Iowa, [Mr. LOUGHRIDGE], situated as he is, may see proper to oppose this, I believe he is making a mistake.

I believe that the true solution of this question of getting the full value for the products of the farmer depends in the end not so much upon the capacity of Congress to fix this question of transportation, but in placing the farmer side by side with the consumer. Let me say to the gentleman from Iowa that immediately south of his State there will be found one of the States of this Union known as Missouri, that has in it iron, lead, and tin, and all of the mineral resources of which are yet to be developed, and which in the future will place thousands, yea millions of consumers of the products of his State side by side with the farmers of Iowa—the men who raise corn, wheat, and pork, to be fed to these mechanics and laborers in the mines, factories, and mills of Missouri in the future.

Now, sir, if there is ever any change in this question of the tariff that change will be this: that the States lying upon the sea-board of this Union will in the end look to foreign commerce, and the great States in the interior, like Pennsylvania, Virginia, West Virginia, Ohio, Indiana, Illinois, Missouri, Arkansas, Kentucky, Texas, Tennessee, Alabama, and Georgia will be the great manufacturing districts of this country.

[Here the hammer fell.]

Mr. COX. I have only five minutes to speak. In that time I propose to answer three gentlemen. That will be one minute and forty seconds to each. These gentlemen are my friend from Michigan, [Mr. FIELD,] the gentleman from Pennsylvania, [Mr. SPEER,] and

the gentleman from Pennsylvania who spoke the other day, [Mr. KELLEY.]

I will begin with the gentleman from Pennsylvania, [Mr. KELLEY,] for he seems to be singularly situated. He is opposed to this bill. He is a republican and opposes this administration measure, and yet we find democrats from Pennsylvania favoring its worst features. We have Pennsylvania democrats willing to vote all its worst features—the 10 per cent. raise—for local and selfish reasons, and to vote against it if these bad lineaments are not preserved. What is singular is that democratic gentlemen from Pennsylvania plead these local claims. They shriek for their districts, while the gentleman from Pennsylvania [Mr. KELLEY] on the republican side votes against this bill on a higher plane, even if it be much lower than that of others of our side.

The gentleman from Pennsylvania [Mr. KELLEY] the other day made an unfortunate reference to localities. He referred to myself in that connection. He said that the farmers of Ohio drove me out of the State and that I was now ignobly representing the "importers." He intimated that I had made the same speech here on this topic for fourteen years.

Sir, I have made speeches upon this question for fourteen years. But they are all imbued with same generous and liberal band, and have that variety in unity which springs from the various circumstances of our remarkable situations before, during, and since the war. Those relations connected with the currency, and pertinent to war tariffs, are new thoughts, though founded on immutable principles. His reproach to me for consistency does me honor. His allusions to my scholarship are hardly deserved.

But, I congratulate the gentleman from Pennsylvania that he is opposed to this bill. It indicates progress. His people will be rejoiced to learn that after many fitful fights and fevers, he denounces such measures and votes against them. In this, he is in strange contrast with his democratic colleagues. But he has said, to counteract my efforts here for the farmers, that I was driven from my home in Ohio by that class. Sir, I was gerrymandered out of my district by a republican Legislature. But there are two democratic members here representing my old district. Let them speak as to my friends there. My object in going to New York, after my service here, is no one's business; but I volunteer to say, it was not ambitious or partisan or political. I settled, without knowing it, in a republican district, from which I was twice elected. I represent another district now scarcely without competition. It is a district of workingmen. If, however, I speak for the "importers," I may say that they never asked anything in bounty from Congress.

My friend from Pennsylvania [Mr. SPEER] who sits near me, so meekly, let the cat out of the bag when he said that we of the Atlantic States and Western States get appropriations for rivers and harbors, while they who live in the Middle States get nothing, because they are in the interior. He wanted bounties inland, to make up for the taxes on the rivers and coasts. Bounties for what? For his iron and coal mines. "You thus get direct taxes from the people," he would exclaim; "and we want indirect taxes to help our interests by tariff." He thus admits the whole fallacy of protection. I say this irrespective of platforms or previous condition of parties.

Now for the gentleman from Michigan, [Mr. FIELD.] I love to hear him. He reminds me of Nature: "Sweet fields arrayed in living green, and rivers of delight." He manufactures cloth; compare my clothes with his own. I bought these clothes in Canada for \$21.

Mr. DAWES. And smuggled them in.

Mr. FIELD. I get an American tailor to do my work.

Mr. COX. The gentleman says he gets an American tailor to do his work.

Mr. FIELD. And a Michigan one, sir.

Mr. COX. I get my clothes to suit me, by the laws of liberty and sense. Now keep still or I will take your clothes off you.

I refer to this fact as illustrative of the tariff and its protection. While we can buy such clothes in Canada for \$21, a suit of the same kind of clothes costs the people in this country \$50. How much of that is revenue, how much protection? I do not care who makes the cloth. Cloth and clothes do not make patriots by the place of manufacture! Only about \$10 or \$20 of that amount goes into the Treasury. Where does the rest of the \$50 go? It goes into the fob of manufacturers. They take the money from the needy and laborious farmers and mechanics of the country whose interests are in cheap clothes for themselves and families.

I have now answered three members in five minutes; and I am happy.

[Here the hammer fell.]

Mr. KELLOGG. The gentleman who goes to Canada and buys his clothes and smuggles them in over the lines, instead of patronizing his own constituents, has been very well answered by the gentleman from Michigan, [Mr. FIELD.] But I want to call the attention of the gentleman from New York [Mr. COX] to the speech which I have heard him make here for six years right straight along in this connection. It is this; the lower you put your duties on our manufactures the more revenue you get, because you increase the importations. Now the tables from the Treasury Department, as found in the speech of the gentleman from Illinois [Mr. BURCHARD] who moves to strike out this section, show that the actual importations after the 10 per cent. reduction went into force was more than

\$55,000,000 less the year ending June 30, 1874, than in the year ending June 30, 1873; and there was an actual loss to the Treasury, as another report of the Secretary shows, for nine months immediately following the going into operation of that bill and before the panic came in the fall of 1873, showing that we not only imported a less amount of goods from abroad, but obtained of course a less amount of revenue upon our importations of the articles embraced in the 10 per cent.

reduction of last Congress. You cannot lay it to the panic of 1873, for the falling off in imports of these articles commenced from the very day the 10 per cent. reduction took effect, and nine or ten months before the panic. A report to this House made last session shows this. I will give the tables as contained in the speech of the gentleman from Illinois [Mr. BURCHARD] to sustain my position and statements:

IMPORTS.

Statement of the value of imports subject to the reduction of 10 per cent. of the rate of duty under act of June 6, 1872, imported into the United States during the fiscal years ended June 30, 1873, and 1874, with estimated rate and duty on the same.

Articles.	Fiscal year ended June 30—		Decrease of 1874 from 1873.	Estimated—	
	1873.	1874.		Average rate of duty.	Amount of duty for 1874.
	<i>Value.</i>	<i>Value.</i>		<i>Per cent.</i>	
Cotton and manufactures of.....	\$35,201,324	\$28,183,878	\$7,017,446	36	\$9,846,196 08
Glass and manufactures of.....	7,420,044	6,257,978	1,162,066	46	2,872,669 88
Iron and steel and manufactures of.....	59,309,452	33,713,455	25,595,997	31½	10,619,738 33
Metal, metal composition, and manufactures of, not otherwise provided.....	9,114,221	4,781,041	4,333,180	31	1,482,122 71
Paper and manufactures of, including books.....	4,928,963	4,130,729	789,234	25½	1,055,630 90
Wool and manufactures of.....	71,509,400	55,130,279	16,379,121	54½	30,046,002 05
All other articles.....	4,340,340	3,703,347	636,993	32	1,185,071 04
Total.....	191,823,744	135,909,707	55,914,037	41.02	57,113,430 99

Now, if you have a good business here, if your men get two dollars or two dollars and a half a day, their wives and daughters will buy foreign goods. I believe in paying good wages for American labor, and you can do it if business is good. But strike down your own industries, throw your men out of employment and they will not only be unable to buy foreign goods, but will find it difficult to keep the wolf from the door. Make business good, and you have more importations from abroad, and you will have an increased revenue. My friend from Kentucky [Mr. BECK] never fails to go for all the duty he can have on hemp, and yet he takes the same ground as my friend from New York [Mr. COX] when you come to New England manufactures.

I shall sustain this section, but not for the protection of any industry whatever. As I said the other day, New England is not constantly asking for us to disturb the tariff for the sake of protection. She prefers a stable, settled policy, and not these constant changes of tariff. I will not vote a dollar in the bill for the sake of protection only, but I will vote for all that may be necessary in my judgment for the revenues of the country. As I said to the gentleman from Michigan, who would like to have wool protected still more, that I was not in favor of it for the reason that it is now protected with a duty of 54 per cent., while most other articles that were embraced in the 10 per cent. reduction have a protection of but 31 or 35 per cent., I think it is better to leave it with its 54 per cent. protection as it is now, than to make any change in it; and I think our woolen manufactures would revive if they could get their foreign wools, which they are obliged to use for certain kinds of goods, at a lower rate of duty; and they would make an increased demand and a better market for your domestic wools if you would make the burdens on the raw material less, and increase and diversify our own manufactures.

The other day one gentleman from Ohio [Mr. GUNCKEL] who seems to have his brain affected about Connecticut tobacco, and to be afraid our tobacco will get some advantage over his, said that we in Connecticut asked to have this tax on tobacco increased for our benefit. Not at all; we would be glad to be rid of all the increased tax on tobacco. And let me tell my friend from Ohio, when he talks about Connecticut, that Ohio is but one of the children of Connecticut; a splendid, great, overgrown child, it is true. We sold the better part of your great State of Ohio once for \$1,200,000, and waited five years without interest before we got our first installment at that price. I will repeat one word in regard to the wool interest, that if you increase the duty it would rather be a burden than a benefit to our manufacturers and no benefit to the wool-growing interest. It has already 54 per cent. protection; about 20 per cent. higher than most other classes of articles embraced in the 10 per cent. reduction. I would like to see the section adopted with that exception; but if it cannot be done I shall vote for the section as it now stands, for the purpose of increasing the revenues of the Government.

[Here the hammer fell.]

Mr. BIERY. I want to say a few words on this section. I am against the motion to strike it out, not because I am from Pennsylvania, not because I represent a district interested in pig-iron and rolling-mills, but because of the principle which I hold, that protection to American industry is essential to our prosperity. It seems to me that the arguments which are arrayed here against this section strike not against Pennsylvania or New York, or any other manufacturing State, but against the general interests of manufacturing industry the country over.

If Illinois chooses to array itself against the development and manufacture of raw material, let it be so. If Iowa, if some parts of the South, think it is better to array themselves against those States that develop and turn into manufactures the raw material,

let it be so. I will say, however, that in order to perpetuate the prosperity of the country in all its various interests we must look to the protection of American industry.

Can it be possible that one State can have an interest in this country which does not affect the interest of every other State? Can it be possible that the large manufacturing interests located in my native State can be against the interests of Iowa or Illinois? My county has as rich a soil as there is upon God's footstool; yet we do not produce grain enough to feed our operatives. Illinois feeds a great part of my people living in Lehigh County. We go to the great market of Chicago, in Illinois, and bring wheat to our doors, and grind it to feed our operatives. Iowa sends her pork there for them to eat. We get from the South her cotton and spin it into yarns and make cloth of it, and our operatives wear it. We feed our operatives with the rice that South Carolina produces. The sugar of Louisiana comes into our markets and we consume it.

Is it possible that this is a sectional interest? Listening to the arguments of gentlemen on this floor a man would suppose that Pennsylvania had grown to be an immense monopoly that seeks to swallow up every other interest in this country. I was surprised to hear my friend from Ohio [Mr. SMITH] declaiming against this section of the bill. Sir, he told me last year that the only manufactory he had in his district was a little establishment engaged in making agricultural implements. I am not surprised, therefore, at the gentleman's wisdom in regard to protection.

Mr. SMITH, of Ohio. The gentleman is mistaken. Mine is one of the largest manufacturing districts in Ohio.

Mr. BIERY. Then I am very sorry that the statement made by the gentleman last year should have become so indistinct in my memory.

Mr. SMITH, of Ohio. The gentleman is mistaken.

Mr. BIERY. If I am, I beg the gentleman's pardon. But if the gentleman represents here a manufacturing district, then it is much more to his discredit for him to seek to strike down that which makes us a great people. What are we without the development of our interests and resources? What is Pennsylvania, for instance, with all her immense coal and iron deposits, unless those deposits be developed? Of what good is your raw material if you do not work it up at your own doors? Ship your raw materials to England, let her manufacture them and bring them back with her profits charged upon them, and she makes you pay whatever she pleases for the manufactured article, while she fixes the price for the raw material. Thus a fatal blow is struck at your prosperity.

[Here the hammer fell.]

Mr. DAWES. I do not desire to be stringent in reference to debate; but it seems to me desirable that some limit should be fixed. I therefore rise for the purpose—

Mr. POLAND. I desire to say a word, and I hope the gentleman will yield to me before he makes his motion that the committee rise.

Mr. DAWES. I yield to the gentleman from Vermont, [Mr. POLAND,] and then I will move that the committee rise.

Mr. MERRIAM. I want to give notice that I have an amendment.

Mr. SHANKS. I object to the gentleman from Massachusetts [Mr. DAWES] yielding conditionally to the gentleman from Vermont.

The CHAIRMAN. The Chair does not understand that there is any condition whatever. The gentleman from Massachusetts by yielding has lost his right to make his motion.

Mr. DAWES rose, and moved that the committee rise for the purpose of closing debate on the pending section, but yielded to

Mr. POLAND. Mr. Chairman, I have asked the chairman of the Committee on Ways and Means to yield to me to say a few words, not particularly about anything there is in this bill, but about a matter that has been brought into the debate upon it.

The gentleman from New York, a member of the committee, [Mr. Wood,] made a speech during the general debate on the bill, in which he went out of his way to make an attack upon the recent provisions of the statutes, a work which had been carried through Congress by a committee of which I have the honor to be chairman, and for the correctness of which I acknowledge myself to be properly to a considerable extent responsible. The gentleman in his speech said:

The Revised Statutes, so called, materially increased the tariff duties * * * This result is the product of both the clumsiness of the statutes, as revised, and the mischievous construction of the Treasury Department.

Attached to the gentleman's speech he has had printed in the RECORD a long letter on the subject signed by himself and purporting to be written by him. In that letter, after saying that he acquits the committee having it in charge of any willful design to change the rate of duties on imports, he goes on to say:

Whether any one else inspired changes with such an intent is not so certain. There is certainly much method in some of the alterations. Nor do I impute any blame to the present Secretary of the Treasury, although I am free to say that in my view the person who is referred to by Mr. POLAND as assisting the committee in behalf of the Treasury should not have afterward been selected to put the law in operation and interpret the interpretation. It is estimated that this increase will add \$5,000,000 annually to the customs receipts.

Upon a former occasion I stated to the House the source of all these attacks upon that portion of the revision which concerns the tariff.

The papers in New York City and some others during the summer and fall were full of articles attacking the revision of the tariff, and long lists of articles were paraded upon which it was alleged that duties had been raised by reasons of changes of the law made by the revision. They went before the country, uncontradicted, of course, because neither the officers of the Government nor those concerned in making the revision could properly enter into a newspaper war with a New York customs broker. The person to whom I refer even went so far as to get up petitions to the President, asking him to suspend the operation of that part of the Revised Statutes by proclamation. His views of the power of the President were about as correct as his knowledge of the tariff revision. But these incessant attacks upon the revision circulated through the press and unanswered did have the effect to make many people believe that some great fault had been committed either by design or carelessness. So general was this belief that in a debate in the Senate a few days since an eminent Senator, who is himself a most excellent lawyer and a man who would not knowingly do injustice to anything or anybody, said, in speaking of the revision:

The Senator is aware of the very trenchant criticism which has been bestowed, and in many cases most justly, upon the revised code as presented. Alterations which were neither authorized nor intended by Congress have appeared in the new code. Changes of duties upon imports have appeared there, and have *sub rosa* been incorporated into law by the adoption of these Revised Statutes.

It is perfectly evident from all that the Senator said that he spoke from no knowledge derived from any examination made by himself of the law, but had taken it for granted that all the newspaper charges which had gone uncontradicted must be true. No man I know will be more pleased to know than that eminent gentleman that the accusations against the revision are utterly false; and I doubt not he will take pleasure in declaring his confidence in the revision as publicly as he did his want of it. The knowledge that the gentleman from New York has on the subject is evidently just the same and no more. He has never given the matter the slightest attention in any such way as to know whether the revision is correct or not. He has read the newspaper articles, and possibly he may have had the pleasure of personal communication with the author of them, as they reside in the same city. Indeed, there is a very striking and suspicious similarity between the letter purporting to be written by and signed by the gentleman and these newspaper writings. The substance is the same and the language wonderfully like.

It has long been said that great minds are apt to think alike; and I do not know but the same moving cause might not produce similarity in language, either spoken or written. I am sorry the gentleman from New York is not at this moment in his seat that I might ask him if he knows who made the revision of the chapters relating to the tariff. I do not believe he knows, even after writing so learned a letter on the subject.

Gentlemen who have given any attention to the history of the revision know that the work was done by three commissioners appointed by the President. The work of the tariff part was done by Mr. Abbott, an eminent lawyer of the gentleman's own city, a man specially eminent for his knowledge of the statutes of the United States, having made a digest of them years ago, besides being the author of other legal works. The gentleman from New York will hardly claim that Mr. Abbott was not a competent person to do the work well, or that he would be likely to have any special hostility to that much-abused class of persons, the merchants of New York. When the revision came before Congress for action, it was referred of course to the committee which had charge of that subject. It was of course parceled out to the different members to make careful scrutiny of all parts to see whether the law had been accurately stated. The portion relating to the tariff and for the collection of tariff duties was not assigned to myself at first.

Great anxiety was felt by many persons in Congress and out of it as to that part of the revision. Everybody knew, who had any knowledge of the subject, the disgraceful condition of the statutes

relating to the tariff and the almost impossibility of ascertaining what the law was. But it was regarded as a most ticklish subject. It was said that by the wrong use of a comma the Government had been really cheated out of several hundred thousand dollars of duties. One gentleman in Congress told me he proposed to offer a resolution to leave all relating to the tariff out of the revision because of the great danger that by some such mischance we might strike down some of the great industries of the country. But I was unwilling to have it said that the law on any subject had become so disordered that it could not be translated correctly and placed in an intelligible form.

Before that portion of the work was entered upon, the member of my committee to whom it had been assigned was called home by sickness in his family, and I was obliged to take his portion of the work. At the request of the Committee on Ways and Means Mr. Lorin Blodgett, one of the general appraisers at Philadelphia, was employed to aid me in going over the tariff revision. He was represented to me by the chairman of that committee as having great experience and knowledge of the tariff laws, and as a man of perfect integrity of character.

The work of going over the entire legislation on the subject since the beginning of the Government was very great. The work, as left by the commissioners, was very well done, considering the mass of disjointed and incongruous matter it had to be made out of. We found an occasional error and more omissions, but these were not generally in the rates of duty, and very few indeed were altered from the report of the commissioners. The effort in all cases was to exactly state the existing law.

In the attacks on the tariff part of the revision by this New York gentleman, Mr. Blodgett has been brought in largely; indeed, he has been charged as the principal in the mischief, and myself rather as the subordinate.

I have before publicly borne testimony to the value of the services of Mr. Blodgett. I take pleasure in again doing so. He was possessed of very great and very accurate knowledge of the tariff laws, and it has never been my fortune to be associated with any gentleman whose action evinced more sincere desire to do perfect and exact justice. Our labor on the tariff revision extended over several weeks, and that portion of the work undoubtedly received a much larger and more thorough examination than any other part of the work.

Every change in the work of the Commissioners was reported to and explained to the full committee, and none adopted unless sanctioned by them.

Now, Mr. Chairman, I have to say that the tariff part of the revision is undoubtedly the most perfect of any part of the entire work. Members of Congress know well how difficult it must be in the multitude of duties which devolve on us all here to find time for so laborious work as this. I think I know that the faithfulness and diligence of the committee in this work of the revision is known and appreciated by every member of this House; and the confidence they gave the committee has never been paralleled. I feel confident no one of you will ever complain that that confidence was abused.

But, sir, I was saying that the tariff part of this revision was nearer perfect than any other part of it.

It is known to the House that during this session the Committee of Revision have been carefully over the whole volume to correct all errors that could be discovered in the work. I have had the list of articles on which it is said duties have been raised carefully gone over by Judge James and Mr. Durant, who were employed by the Secretary of State to prepare the work for publication. They say there has been no change of law made. I have carefully examined them, and I say there has been no change made. The Secretary of the Treasury says he has examined it and had it examined by experienced experts in the Department, and he says there has been no change.

I have one more authority. I went to the gentleman from New York [Mr. Wood] and told him the committee were going carefully over the work to correct all errors, and if he could point out any we should be glad to have him do so, that we could correct them. He replied that he could not point out any.

But they say higher duties have been collected since the revision than before. How can this be if the law was not changed? The Secretary of the Treasury explained all this in his letter in answer to the resolution of the gentleman from New York, [Mr. Wood.] He says the laws were so mixed and doubtful it was often nice and difficult to decide what the duty was. The greatest pressure was always on to get duties down; the subordinates in custom-houses and Departments were not supported by advice, counsel, and argument, and primary decisions were always most strongly against the Government. Obsolete and superseded laws were relied on, and often really made to repeal a later one. The revision wiped all this out and left the essence of all the existing statutes crystallized into a single plain statute, which no ingenuity could warp out of its true intent and meaning. But the gentleman from New York complains of the Secretary for enforcing the law. He should have enforced the old mistaken and erroneous rulings. The Secretary is a gentleman quite competent to take care of himself, and I certainly shall not become his champion until some charge more dangerous than this is brought against him.

But great wrong has been done the merchants of New York? "The merchants of New York" is ever on the tongue of the gentleman from

that city, [Mr. WOOD.] He repeats it and accents it, as if they were a higher and better class of men than any others; and he will insist that great wrong has been done them by the Secretary. Why? Because he requires them to pay duties on their imports, such as the law requires. But they had not been required to pay so much, and purchased cargoes, relying upon paying the old rates. This could hardly happen but once, and I hardly believe they failed to add the increased duty to the price to the customers.

I know a few merchants in New York, and I suppose they are pretty much like the rest of the men in the world, neither better nor worse as a class. They have always tried to get the lowest rate of duty on their goods. I do not know that this is different from what other men would have done in like case.

The gentleman from New York says that it is estimated the annual increase of duties by the revision will be \$5,000,000 a year. I had always high hopes and great expectations of the value of the revision of the statutes; but I never looked upon it as a great financial measure. But according to the gentleman, it has proved so; and if true, and I think it is to a degree, I have and so has the country another cause of rejoicing in the completion of the work.

The gentleman from New York argues as if this \$5,000,000 was wrongfully exacted from the merchants.

Now, there is a good deal in the way of putting things. Another and far more correct way of putting this is that for years the importing merchants have been defrauding the Government out of \$5,000,000 every year. The hardship is that they cannot do it any longer, and the Revised Statutes must bear the blame. If this be true, the people of the country will not think the less of the revision.

I desire to say, in conclusion, that in my judgment not only the bench and bar of the country, but the whole people owe a debt of gratitude to the gentlemen who made the revision for placing the laws of the nation not only within reach but within reason. The perhaps still more difficult task of perfecting it and carrying it through to adoption, which was done by myself and colleagues, is sufficiently rewarded by seeing the work completed.

Mr. SHANKS. Mr. Chairman, if I believed this increase of revenue was necessary to carry on the Government I should vote for it. I am always willing to take the responsibility of adding to the burdens of the people wherever such an increase is necessary for properly administering the operations of the Government; but I am not willing to vote any more than that. And when I learn on this floor that it is not necessary to meet the expenses of the Government, then I think it is not necessary to have it passed, and I shall oppose this measure. I shall vote against the increase of 10 per cent., because it is not necessary in order to provide for the expenses of the Government.

That is what I wished to say and all I wished to say. I yield the balance of my time to the gentleman from New Jersey, [Mr. DOBBINS,] and hope he will have his own five minutes besides.

Mr. DOBBINS. I am very much obliged to my friend from Indiana for his kindness. I am sorry to differ from my friend in opinion. I am a practical farmer from New Jersey. My friend from New York [Mr. COX] remarked on Thursday that he would he had a trumpet's voice, by which he might talk to the farmers of the country. I have been a practical man, sir, for the last forty years. A certain writer has said—

'Twere wise to talk to our past hours,
And ask them what report they bore,
And how they might have borne more welcome news.

I have been an observer, sir, as well as a practical man, and I have invariably found that under a low tariff or the free-trade system the practical bearing of it was general devastation and want. The business interests of the country have generally suffered and suffered materially. And, sir, I believe that our interests are mutual; that when the great manufacturing interests of the country are prosperous, then all are prosperous.

Who are the great consumers of the country? Five-sixths of them are the workingmen of the country, and if they have nothing to do and no money to pay for their produce, the result is that the farmer has no market.

I put away a few thousand bushels of potatoes in my cellar last fall. And why? Simply because I could not sell them as I usually did. But I was informed by my good wife when I was at home the other day that the very best thing that I could do would be to hire another man to help to carry them out to give them to the people who were idle in the country. If our factories were in active operation, and these people were employed, I could have sold my potatoes last fall for liberal prices and been benefited by the money. Thus as a farmer I should have been advantaged.

My learned friend from New York imparted this piece of information, that the plow of the farmer was at least in part made of iron, and that his mowing-machine was in part made of iron, and that his wagon was in part made of iron, and that this tariff would tend to increase the price of those articles in the market, and consequently the farmer would have to pay more for them. Well, sir, what does the farmer care for all that so long as he has a good home market, when the very first load of perishable produce he takes to his neighbors and sells would remunerate him enough to pay all the advance in price on his implements. And then, sir, his plow and his reaping-machine and his wagon would last him for years to come, and he could use them without any increased cost.

Upon philosophical principles, sir, water will find its level; and if

there is any protection to the working men of our country, as a necessary consequence they must be reduced in their wages to a par with the wages paid the paupers of Europe. This protection, this 10 per cent., acts as a dam between the two ponds. We are not ready to indorse the idea that our workingmen shall come down to a shilling a day.

I would like to tell an amusing anecdote, if it is admissible, which is just in point. A son of the Emerald Isle called on me to buy a bushel of potatoes. He asked me my price. I told him \$1 a bushel. That was when we had a tariff for protecting our business. "Out upon ye," said he; "in the old country I could buy them for a shilling." "Could you, Pat," said I; "then why didn't you stay there and buy them?" "Ah, Mr. DOBBINS," said he, "that's the devil of it, where to get the shilling from; that was the trouble."

[Here the hammer fell.]

Mr. STORM. I am opposed to this section of the bill, and I shall not vote for the bill at all. It will be remembered that the only response which the Forty-second Congress made to the demand of the country in 1872 for a modification of the revenue system and a reduction of taxation was this very slight reduction of 10 per cent. And now, that being all that was accomplished by that Congress in that direction, you propose to undo it by this last section of the bill under consideration.

I am opposed to the former sections of the bill, which provide for a tax of \$1 per gallon on distilled spirits. I think that it is too high. The chairman of the Committee on Ways and Means has argued that the rates should be determined by the amount which could be honestly collected. I say there is another consideration which must enter into that question—the consideration of diminished production; because if you diminish production by the increase of taxation, as a matter of revenue you gain nothing by it.

In my opinion the duty both on distilled spirits and tobacco is too high and will diminish the production of those articles and thereby diminish the revenue. I believe that 70 cents per gallon is a high enough duty, and that 20 cents per pound is a high enough duty on tobacco; but I would have been willing to have gone as high as 80 cents on whisky, leaving tobacco where it is.

Sir, I am opposed to the restoration of the 10 per cent. upon principle. My distinguished colleague [Mr. SPEER] believes that this whole question of protection and free trade is based on no principle, and that each of the congressional districts of the United States should settle that question for itself. I believe that this question of protection and free trade is a question of principle, and I cannot see how what is right in one congressional district can be wrong in another. I would no more leave this question to the congressional districts, so far as principle is concerned, than I would leave it to be settled by the congressional districts whether robbery is right or wrong.

Mr. ALBRIGHT. Is my colleague in favor of free trade?

Mr. STORM. I am in favor of free trade if a tariff for revenue alone is "free trade," and have always been so, and I believe that the curse to-day of Pennsylvania is that her members of Congress are here in the character of mendicants begging favors at the hands of the national Government. And the ruin that now prevails in Pennsylvania is owing to the high tariff by which you have overstimulated production, until pig iron and railroad iron are piled up mountain high, and for which there is no market. I indorse the doctrine of Mr. David A. Wells, that after all a high tariff defeats itself; and it makes no difference how high you lay it, a higher duty will soon be required.

Mr. ALBRIGHT. Does not my colleague know that the rise of 10 per cent. will increase protection in his State; and that the 10 per cent. reduction did not make iron any cheaper, but gave the foreign manufacturer the advantage of the difference, which was about \$12 a ton? Competition reduces prices.

Mr. STORM. I know that you can go to all the large iron manufacturing factories of Pennsylvania—and it has been so for more than a year past—and find an immense amount of iron on hand for which there is no market. I will say to my colleague [Mr. ALBRIGHT] that the difficulty is not the want of a tariff but of a market. There has been an overproduction in pig and railroad iron, and no amount of protection beyond that already enjoyed will make a market. Truly, if Pennsylvania is not now satisfied, then indeed "protection does not protect." I yield the rest of my time to the gentleman from Ohio, [Mr. SMITH.]

Mr. SMITH, of Ohio. I thank God that there is one Representative of Pennsylvania on this floor who looks to something besides the particular interests of his State. I was trying to say when the hammer fell upon me before that the Committee on Ways and Means had introduced a bill which was intended and the purpose of which was to raise the price of all articles consumed by the people of the country. Now, I want gentlemen from the West and the South to go home, if they please, and to go home if they dare and tell their people that they have voted to raise the price of all the articles necessary to their industries.

[Here the hammer fell.]

Mr. DAWES. I move that the committee rise for the purpose of closing debate.

The question was taken; and on a division there were—ayes 70, noes 56.

Mr. WARD, of Illinois. I call for tellers.

Tellers were ordered; and Mr. DAWES and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported—ayes 91, noes 90. So the motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HALE, of Maine, reported that the Committee of the Whole had, according to order, had under consideration the bill (H. R. No. 4680) to protect the sinking fund and provide for the exigencies of the Government, and had come to no resolution thereon.

Mr. DAWES. I move that the House resolve itself into Committee of the Whole on the state of the Union on the tariff bill, and pending that motion I move that all debate on the section now pending in the committee be closed in thirty minutes.

Mr. THOMPSON. I move to amend that motion by striking out "thirty minutes" and inserting "one hour," and I do so for the reason—

The SPEAKER. A motion to close debate is not debatable.

The question was taken on the amendment, and on a division there were—ayes 74, noes 72.

So the amendment was agreed to.

The question recurred on the motion of Mr. DAWES to close debate, as amended, and being put, it was agreed to.

The question was then put on the motion of Mr. DAWES that the House resolve itself into Committee of the Whole on the state of the Union; and being put, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HALE, of Maine, in the chair,) and resumed the consideration of the bill (H. R. No. 4680) to protect the sinking fund and provide for the exigencies of the Government.

Mr. HUBBELL obtained the floor and yielded to Mr. KELLEY.

Mr. KELLEY. I thank the gentleman from Michigan for his courtesy, as I desire in justice to my friend from New York [Mr. COX] to say that when on Thursday I referred to the fact that the farmers of Ohio had driven him out as an indignity, I did not mean to imply, as it appears some understood me, that they had actually driven him out by physical force. I mean that they had done it constructively; that as a seat in Congress is essential to his existence, they forced him to leave that State when they refused to elect him, and compelled him to go to one in which he could be elected. This is shown by his experience in New York. In his brief career in that city he has represented three districts, and would, had he received votes enough, have represented the State as member at large. They gerrymandered him out of a district there as he says they did in Ohio; but by some means or other a gentleman who had been elected in a district in which he could be elected suddenly died, and here by the aid of death he turns up again.

He would, I apprehend, like to go to Canada to get cheap clothing. He may even now be negotiating for a seat in the parliament of the Dominion, because he cannot live unless he is in a representative body, though he might get his clothes more cheaply. As a gentleman behind me says, he is a peripatetic philosopher and statesman, but he must be a representative or he feels that he is not.

As regards the allusion to his speech having been frequently made, did he not read it from a yellow-covered copy of the ninth edition, which was laid upon the desks of members while he was making it the last time he made it preceding yesterday? Every gentleman had a nice "yaller-kivered" copy laid on his desk, which I hope he will lay aside in lavender and keep for years. If he does so and keeps the successors he will in a few years have a large volume of that speech; for if my friend does not come back from New York he will carpet-bag—I mean he will take his carpet-bag and trunk, too, and go somewhere else where he can find a constituency who love free trade and drollery.

Now I beg leave to say that there is no statesmanship in piling thousands per cent. of taxes on our domestic products, in burdening our own people with taxation, when by adjusting tariff duties we can make the foreign manufacturers pay the expenses of our Government for the privilege of enjoying our market—the best market in the world. Yet the theory of the gentleman is, let the foreigner enter and control our market free of restraint, and reduce the wages of our laborers, reduce the profits on the products of the farm. That is his philosophy, and that will be the effect of this bill. It will so reduce the farmer's net result from his wheat and corn that is distilled, it will so reduce the planter's net result from his tobacco, that they cannot as freely as they now do consume imported and dutiable goods. It brings the burdens of the Government all home to our own people and lays them upon the fields tilled by the sweat of our farmers and planters. I do not wonder that he goes to Canada for his clothes. His whole policy is that our labor should be degraded to the level of that of other lands.

[Here the hammer fell.]

Mr. BECK. When I had the floor last I was endeavoring to show the pernicious effect of a high tariff, especially on silks and silk-mixed goods, on the revenue. Before I resume that subject I desire again to call attention to the charge made over and over again by gentlemen on the other side, which is really untrue, that those who oppose this bill are endeavoring to repudiate the obligations of the Government by refusing to furnish the necessary revenues. I showed the other day, and no man can deny it, that we have reduced our public debt since 1865 over \$600,000,000, nearly one-fourth of the whole war debt, and we have spent all the proceeds of the immense war material we had on hand, and all the proceeds of the sales of our ships, and everything else, if honestly expended, in paying off our floating

indebtedness. No people ever before paid so much of such a debt in the same length of time, and no creditors ever had such security as ours. So much for the charge of repudiation and want of good faith which has been so freely made, without a shadow of foundation therefor.

This bill is urged upon us on the pretense that the Administration needs money; it was not brought forward as a measure of protection but to put money at this time into the Treasury. I assert that every feature of the bill is a failure in that regard. The increased tax on whisky, as the Secretary and all other well-informed men tell us, and as all past experience proves, will diminish the revenue from five to ten million of dollars annually, instead of adding to it. It will enable public officials to combine with producers and defraud the Government as they did in 1868, both in regard to whisky and tobacco, and the revenue will be diminished instead of increased. A few men may make money out of stocks on hand, but honest dealers will suffer in their regular business.

One thing seems to be admitted in this debate which I am very glad to hear, which is that the consumers of products pay the increased price caused by additional taxation. If they do so in regard to goods taxed by internal revenue, why not in those things that are reached by the tariff? I say they do so in both cases. The only excuse now made for the increased tax on tobacco and whisky is that the consumers all over the country pay it. Do not the consumers pay the tax as well on all tariff-taxed articles? Of course they do. I believe in fostering the industries of the country, but I believe in fostering legitimate industries in a legitimate way. I do not believe in creating artificial industries and taxing all the people to sustain them. I would not limit our orange market to New Hampshire. I am not a free-trader in one sense of the word. I am in favor of a revenue tariff, where the money collected from the people shall go into the Treasury of the United States and not go to enrich a few at the expense of the whole. I admit that we must keep up a revenue system by taxing imports.

I do not believe we can collect our revenues otherwise until the Constitution of the United States is changed. If we undertake to collect them by direct taxation, it must be done now according to population. Under such a system the impoverished States of the South and the comparatively poor States of the West would pay five or six times as much in proportion to their means as the wealthy people of New York and New England. I hope the Constitution will be changed some day by striking out "population" and inserting "wealth;" and then we can collect direct taxes according to the basis of wealth instead of population, for it is certainly true that the property of a country and not its poverty should bear its burdens.

But waiving that, I was about to show when the hammer fell, the effect on the revenue of some of the provisions of the "little tariff bill" passed the other day in regard to silk goods. I have an amendment to it which I hope to make part of this bill, and therefore take this occasion to call attention to it. We consume annually about \$70,000,000 worth of silk goods in this country. The consumption would be the same whether the goods were manufactured here or abroad. And the price to the consumer would remain the same, as we do not manufacture enough to affect in the slightest degree their price in the markets of the world. If all silks used in this country were manufactured abroad they would yield a revenue of \$42,000,000 annually at the present tariff rates. But Congress has undertaken to foster what is falsely called an American industry. There are a few silk manufacturers in New Jersey and elsewhere. You have given them their raw material free, which is on the average half the value of the manufactured products, and you have imposed a duty of 60 per cent. in gold upon the importation of the manufactured articles. Thus you have given a few home manufacturers who pay no revenue a protection equal to 120 per cent. in gold. The result is that the Government, instead of getting \$42,000,000 of revenue which the amount of silk used in this country would produce, is getting about \$17,000,000 by this system which gentlemen on this floor laud so highly. Over \$30,000,000 is collected from the consumers, rich and poor alike, and goes into the pockets of a few people who have less than \$15,000,000 invested in their business and who employ less than two thousand heads of families.

As I said before, I repeat, when the people have to pay high prices for what they use the Government ought to get the benefit of the increased cost. The benefit should not go to enrich a few favored individuals. We could afford to pay to the silk manufacturers all the capital they have invested, to pension all their hands, and still have a surplus of several millions during the present year, and \$42,000,000 instead of \$17,000,000 every year hereafter. That is the way your protective tariff works.

[Here the hammer fell.]

Mr. MYERS. The great want of the Government at the present time is revenue. The need of the people at all times is protection to life, property, and business.

During the war money and men were offered without stint in order to save the country. When the war ceased we lifted the heaviest burdens of taxation from the people who had borne them so willingly, but foolishly boasting that we would pay off the national debt, all our surplus receipts were devoted to that purpose until now we find an almost empty exchequer. How shall it be replenished; how shall the necessary expenses of the Government be met? Internal taxation is unpopular. You cannot tax the necessities of life

without great complaint. Internal taxes must be chiefly raised upon luxuries. What source of revenue then remains? Only the duties on imports.

This tariff question a few years ago divided the two great parties of the country. The whigs favored a tariff for protection with revenue as an incident. The democrats said they wished a tariff for revenue, the protection being incidental. And now, for the first time in many years during a period of peace, there is a chance of testing the sincerity of the democratic party.

The bill before us is for the purpose of raising revenue; yet a large majority of the democratic members here—not all of them—like the gentleman from New York, [Mr. COX,] are bitterly fighting the bill because it affords incidental protection. Pennsylvania manufacturers, with what he terms their legalized robbery, troubled his distorted vision, and a few so-called revenue reformers, like the gentleman from Illinois [Mr. BURCHARD] and the gentleman from Ohio, [Mr. J. Q. SMITH,] I am sorry to say, join in his cry of distress. I am sick of this sectional folly. Sir, there is no American industry in this country antagonistic to another. There is not one which, duly protected, does not give a healthier growth to many others.

We cannot build up our commerce on either ocean by striking a blow at American ship-builders or purchasing our vessels on the Clyde. We cannot aid our farmers to sell their grain by paralyzing every trade and mechanic art. We cannot bring prosperity to the land by arresting the progress of manufactures and driving the people of the cities into want. Yet all these mistakes the gentleman from New York proposes to make, as he often has done before. His theories are in favor of the laborer, but not the American laborer, not the American ship-builder or mechanic or worker in the arts. I do not object that his suit of clothes was, as he boasts, purchased in Canada for thirty dollars, but I do protest against his objection that a like suit in this country would cost fifty dollars. If so, the twenty dollars' difference goes to the American wool-grower, to the working people at home—such as those who in my own district made the suit which I have on; to the American tailors and sewing-women, to whom I am glad to pay better wages than they can earn in other lands. O, no! This is the old siren song, "Buy at the cheapest market," where pauper labor produces, and close the workshops at home.

Did I say close them? That is half done already. There are a million working-people in the land unemployed looking to Congress for relief, and when we are absolutely driven to extremities for revenue, do not let us begrudge the means which will at the same time lift them into employment and comfort. Start the wheels of trade in the iron, cotton, woolen, and other branches of manufactures to be affected by this section, and every industry of the nation will take new life from it. The blow aimed at them by the reduction of this duty of 10 per cent. two years ago was struck without a note of warning. Until the financial crisis came it was not so severely felt, but to-day over three hundred of the largest woolen and cotton mills lie idle, half the furnaces in the country are out of blast, and many forges quenched. The factories are on half time, or with less than half their usual employés, and the ship-yards almost vacant. No wonder the farmers complain, when so many thousands find it difficult to buy the necessities of life. The land is as rich as ever. I believe prosperity will soon be restored; but when we need increased revenue and can incidentally start into new life a hundred American industries, the friends of the importers of foreign goods plead for the cheap products of pauper labor abroad, and standing in the gate-way of trade refuse the entrance of a fair competition to our own artisans and sons of toil.

Against this wrong I protest in the name of all the American people.

Mr. WILLIAMS, of Michigan, obtained the floor but yielded to Mr. FIELD.

Mr. FIELD. I have one word to say to the Committee of the Whole with reference to prices. The duties we impose upon foreign productions imported do not affect the prices of the articles here. The duties which we levy upon those products come out of the pocket of the foreigner.

Mr. LOUGHRIDGE. I rise to a point of order. I understand that the Chair ruled that no gentleman should speak twice on the same section as long as there were other gentlemen who desired to speak.

The CHAIRMAN. The gentleman from Michigan [Mr. WILLIAMS] having been recognized by the Chair had a right to yield his time to his colleague. The gentleman from Michigan [Mr. FIELD] will proceed.

Mr. FIELD. Now, Mr. Chairman, I wish to have the committee understand clearly that the duties we impose on these foreign productions come out of the pockets of the foreigners. They are not paid by our people at all, and do not affect prices here.

These commodities mentioned in the section now under consideration are more largely produced in this country, and as prices are fixed by the law of supply and demand, the European producer takes the American market price for his products, and when he goes home he goes home with those prices less the duty he has been required to pay. Let this be understood plainly, that the foreigner does not fix prices in this country. He takes the American market price for the products, and when duties are imposed the amount comes out of his pocket. During the last fiscal year over a million bushels of wheat were imported, and on that quantity of wheat the Canadian farmers have paid into the Treasury the duties, amounting to over \$250,000 in gold. Every one

knows that the American consumers do not pay the duty. It was paid by the Canadian farmers, and the money has gone into the Treasury of the Government. The duty is 20 cents per bushel. And has this duty increased the price of wheat all over our country 20 cents a bushel? I should be glad to have it so operate. It would be a happy thing for our farmers if by raising the duties on wheat we could raise the price of our wheat in this country. But such is not the case.

And here is the duty on corn of 10 per cent. a bushel. Does that duty raise the price of corn 10 cents a bushel? Why, sir, when I traveled on the western prairies I found the price of corn was only 8 cents a bushel; therefore, on the theory advanced by the gentleman from Iowa, [Mr. COTTON,] the farmer out there would have to pay 2 cents a bushel to have his corn taken off his hands.

[Here the hammer fell.]

Mr. COTTON. I claim that in opposing this increase of duties on manufactured articles we are consulting both the interests of the manufacturer and the interests of the farmer. The manufacturer, in consequence of the high rate of duties, has obtained upon manufactured articles such an artificial price that he has destroyed the foreign market for his productions. I desire to call attention to the fact that while we have a duty of from 50 to 100 per cent. on woolen goods, our exports of that class of goods for the last fiscal year amounted to but \$196,000, while of the farmers' produce there was exported to the amount of \$101,000,000 of wheat alone. High duties have destroyed the foreign market for the manufacturer. He is limited to his own territory. Foreign trade for him is entirely cut off. These high duties therefore have proved an obstruction to the increase and extension of his business and trade. They even have the effect, by increasing the cost of production, to disable him from retaining his own home market, and foreign goods continue to come in however high the duties may be placed. It is evident that under this sort of tariff nursing we will never be able to stand alone, as was promised years ago we could soon do if only protected for a season while manufactures were in their infancy.

On the other hand, the farmer must take for the produce he has to sell the prices of a foreign market. He is compelled to compete with the so-called pauper labor so much talked of on this floor, and he is the only producer in this country who is compelled to compete with that labor. A large portion of what he has for sale must find a market abroad, and whether the products of the farmer are sold in Europe or in this country, the Liverpool prices control the prices he must accept. Those prices determine the prices in New York, the latter those in Chicago, and finally the prices in the local markets in Iowa at which a farmer of that State makes his sales are gauged according to the Chicago market; and hence the farmer, while compelled to pay the manufacturer of this country, sheltered and protected by high duties, prices much in excess of what the same articles could be purchased for in the foreign market, must take for his products the prices of that foreign market, and he can have no more than is paid for grain raised in Europe by what is called pauper labor. He is compelled under these high-tariff duties to pay the manufacturers of this country a bonus above what he could purchase the same goods for in the European market that regulates the prices of what he sells, and moreover the cost of transportation is largely increased by the additional cost of railroads and of operating them caused by high tariffs. Manufacturers have debarred themselves of the power to export. There is exported no more of cotton goods, woolen goods, iron, and manufactures of iron than was exported ten years ago, and the amount exported of these articles is but a trifle in comparison to the exports of farm products.

Why, sir, the export of all the iron and manufactures of iron, cotton goods, and woolen goods, does not amount to as much as the export of the single article of cheese, nor to one-half of the value of the lard that is exported.

I shall incorporate with my remarks a table taken from the report of October, 1874, of the Chief of the Bureau of Statistics, for the purpose of showing how little is exported of manufactured goods and what do constitute the exports, from which it will appear that they consist in great part of bread and breadstuffs, provisions, cotton, tobacco, petroleum, and gold and silver.

Those who favor adding this 10 per cent. to the duties say establish manufactures at the West, and thus make a home market for the farmers of that part of the country. Why, sir, this cannot be done, because by the high-tariff duties there has been destroyed the foreign market for manufactured goods. They have been made to cost so much that they cannot be sold except in this country. There would be no place to sell the additional articles which it is proposed should be made by factories to be established in the West. High tariffs have brought this nation to the unfortunate condition of being compelled to wear out in this country all the goods that are made here, as the manufacturers have destroyed their power to compete in foreign markets. They complain that they cannot find a market for what is now being produced, and insist on more tariff and more protection. So there is no room for building up manufactures in the West. The farmers must continue to find a market in other countries for much of their produce, and will be under the necessity of taking prices controlled by the foreign market; and while this is the case, it is unequal and unjust that they should be made to pay extra prices to the manufacturers.

The following is the table referred to by Mr. COTTON:

Table showing the values of certain domestic exports from the United States for each of the twelve fiscal years (ending June 30) from 1863 to 1874, inclusive.

Articles.	1863.	1864.	1865.	1866.	1867.	1868.
Bread and breadstuffs:						
Bread and biscuits.....	\$582,268	\$600,324	\$797,775	\$701,603	\$626,061	\$649,493
Indian corn.....	10,592,704	2,404,398	3,849,758	11,070,395	14,871,092	13,094,036
Indian corn meal.....	1,013,372	1,349,765	1,450,928	1,139,481	1,555,585	2,008,430
Rye flour.....	38,067	37,991	34,370	68,144	112,414	60,958
Rye, oats, and other grain and pulse.....	1,833,757	957,394	883,742	2,039,993	3,497,392	1,942,651
Wheat.....	46,754,195	31,432,133	19,398,028	7,842,749	7,892,555	30,247,632
Wheat flour.....	28,366,069	25,588,249	27,507,084	18,396,686	12,803,775	20,887,708
Cotton, unmanufactured	6,652,405	9,895,854	6,836,400	281,385,223	201,470,423	152,820,733
Manufactures of.....	2,906,411	1,456,901	3,451,561	1,780,175	4,608,235	4,871,054
Gold and silver coin.....	44,608,529					
Gold bullion and coin.....		97,134,624	56,552,706	70,127,466	26,329,676	68,231,153
Silver bullion and coin.....		3,338,938	8,059,418	12,515,908	18,746,580	15,514,817
Iron, and manufactures of.....	6,054,518	2,960,371	3,646,730	3,979,649	3,650,755	2,976,487
Locomotives, fire-engines, and other machinery.....	9,706	2,315,112	3,510,192	38,373	2,316,542	2,597,809
Nails.....	411,655	484,113	947,658	330,902	321,716	368,650
Lumber: Shingles and timber, shooks, staves, headings, and hoops.....	8,123,773	9,929,130	14,696,340	11,544,163	12,856,171	13,060,943
Household furniture.....	1,282,002	1,359,302	2,170,703	1,132,104	1,052,249	1,199,160
Other manufactures of wood.....	2,549,036	1,041,411	1,484,521	730,025	930,154	888,994
Oil: Coal, and petroleum.....	27,839	10,722,689	16,563,413	24,830,887	24,407,642	21,810,676
Provisions:						
Bacon and hams.....	18,658,280	12,323,327	10,536,608	6,263,796	3,291,176	5,476,998
Beef.....	2,185,921	3,024,018	3,308,730	2,768,451	1,727,350	2,696,011
Butter.....	6,733,743	6,140,031	7,292,715	1,267,851	1,184,367	552,745
Cheese.....	4,216,804	5,638,067	11,697,746	6,036,822	7,893,535	7,010,424
Fish.....	1,350,447	1,506,029	1,759,255	1,286,099	1,003,361	992,372
Lard.....	15,755,570	11,260,728	9,134,858	5,970,651	6,634,556	9,427,831
Meats, preserved.....		936,884	142,683	58,220	146,926	75,226
Pork.....	4,334,775	5,829,030	6,850,808	4,788,484	3,597,690	3,267,652
Potatoes and other vegetables.....	536,003	671,844	1,120,953	791,257	772,772	748,994
Tallow.....	6,738,486	6,215,260	5,015,955	2,488,587	2,747,618	2,540,227
Tobacco, manufactures of.....	3,398,177	3,647,883	3,682,707	1,982,416	2,951,753	3,179,164
Leaf, unmanufactured.....	19,752,076	22,845,936	41,625,226	29,456,145	19,620,159	22,898,823
Wool, and manufactures of.....	178,434	148,301	394,349	403,860	225,555	397,998

Articles.	1869.	1870.	1871.	1872.	1873.	1874.
Bread and breadstuffs:						
Bread and biscuits.....	\$623,506	\$581,046	\$760,637	\$629,841	\$690,832	\$676,197
Indian corn.....	6,820,719	1,287,575	7,458,997	23,924,365	23,794,694	24,709,951
Indian corn meal.....	1,656,273	935,676	951,830	1,214,999	1,474,827	1,529,399
Rye flour.....	52,249	38,458	34,135	34,401	46,129	388,313
Rye, oats, and other grain and pulse.....	408,925	1,067,356	686,276	1,851,923	1,902,751	3,155,451
Wheat.....	24,383,259	47,171,229	45,143,424	38,915,060	51,452,254	101,421,459
Wheat flour.....	18,813,865	21,169,593	24,093,184	17,955,684	19,381,664	29,258,094
Cotton, unmanufactured	162,633,032	227,027,624	218,327,109	180,684,595	227,243,069	211,223,580
Manufactures of.....	5,874,222	3,787,282	3,558,136	2,304,330	2,947,528	3,095,840
Gold and silver coin.....	28,442,776	28,580,609	64,581,678	48,377,520	44,472,038	32,645,486
Gold bullion and coin.....	14,473,190	15,303,193	19,821,681	24,420,738	29,433,508	27,054,200
Iron, and manufactures of.....	2,100,969	2,472,305	3,909,219	2,730,671	3,957,815	4,459,828
Locomotives, fire-engines, and other machinery.....	2,948,165	2,350,892	687,023	3,850,283	4,430,380	4,727,868
Nails.....	290,380	265,951	259,324	241,429	356,990	410,850
Lumber: Shingles and timber, shooks, staves, headings, and hoops.....	12,501,174	11,398,407	10,808,356	12,542,989	15,911,991	17,938,894
Household furniture.....	1,202,486	1,245,886	1,110,091	1,493,679	1,727,764	1,882,767
Other manufactures of wood.....	1,422,799	1,090,545	1,023,834	1,204,204	1,480,047	1,532,060
Oil: Coal, and petroleum.....	30,625,446	32,101,485	36,857,380	34,058,390	42,050,756	41,245,815
Provisions:						
Bacon and hams.....	7,482,060	6,123,113	8,126,683	21,126,592	35,022,137	33,383,908
Beef.....	2,430,357	1,939,778	3,826,666	1,870,826	2,447,481	2,956,676
Butter.....	484,094	592,229	853,096	1,498,812	952,919	1,092,381
Cheese.....	6,437,866	8,881,934	8,752,990	7,752,918	10,498,010	11,898,995
Fish.....	925,571	1,245,793	1,467,484	1,500,636	1,420,100	2,023,812
Lard.....	7,443,948	5,933,397	10,563,020	20,177,619	21,245,815	19,308,019
Meats, preserved.....	181,140	213,757	208,362	697,067	575,407	845,246
Pork.....	3,422,928	3,253,137	4,302,320	4,122,308	5,007,035	5,808,713
Potatoes and other vegetables.....	672,013	601,501	436,689	667,449	674,363	679,467
Tallow.....	2,362,630	3,814,861	3,025,035	6,973,189	7,068,471	8,135,320
Tobacco, manufactures of.....	2,794,776	1,604,805	2,087,160	2,523,755	2,642,811	2,569,347
Leaf, unmanufactured.....	20,552,943	21,100,420	19,903,797	24,136,166	22,689,135	30,399,181
Wool, and manufactures of.....	315,881	179,087	247,167	249,103	227,521	196,268

Mr. WARD, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the fifth section these words:
Provided, That emery ore shall, from the passage hereof, be subject to no duty or tax whatever.

Mr. DAWES. I rise to a question of order on the amendment.

The CHAIRMAN. Does the 10 per cent. tax apply to emery?

Mr. DAWES. Not at all.

The CHAIRMAN. Then the Chair sustains the point of order.

Mr. WARD, of Illinois. I move to strike out the last word for the purpose of calling attention to what was contained in that amendment. The gentleman from Massachusetts [Mr. DAWES] had something to say yesterday about there being no dividing lines. I am not particularly instructed or informed upon this matter, but there is a tradition here which I have heard circulated around the Hall that up to within a recent period emery ore was free, but that recently there has been discovered in a certain district of Massachusetts emery mines, and the influence of my respected friend from Massachusetts enabled a duty to be placed on it at three or four dollars a ton for the benefit of citizens of a particular district. Now, sir, I am not scared about the question of protection of free trade, but I should be glad to see my amendment adopted. It is an article which is equally used all over

the country, and I call upon you men from Pennsylvania, Ohio, and the West to see that this tax is not levied for the benefit of men in one little locality. I look upon it as unjust that these taxes should be imposed upon the farmers and mechanics of the country for such purposes; and I trust the gentleman, enlarged as he is by broad views, not limited by the lines of any district, will see that this tax is not levied for the benefit of his constituents at the expense of men all over the country.

[Here the hammer fell.]

Mr. DAWES. I desire, Mr. Chairman, to express my admiration of that breadth of statesmanship, that sublime consideration of the subject, irrespective of persons, which has so distinguished the brief career of the gentleman from Illinois in this House. It only amazes me it should not have impressed itself more on his admiring constituents. If there ever was anything like ingratitude, it must come home to the gentleman from Illinois, that his constituents are of all other men the most ungrateful; for if my memory serves me, the gentleman has devoted a career which commenced and will terminate with the present Congress to the personalities of discussion.

He seems to have discovered something now about emery ore. I wish to tell him that if he had studied facts more than prejudice he would not have made that speech, as there is no foundation of facts on which to make it. He found it, or it had its birth in the New York Sun;

and if any gentleman wants to find anything that is not the truth, I commend him to that interesting paper.

Now, to begin with, I never moved in my life anything pertaining to emery in the world. The House of Representatives, not I, moved by the fact that citizens in the States of North Carolina and Virginia, within a few years, had discovered the finest bed of emery in the known world, and another one in the State of Maine, thought it quite an object to emancipate the United States from the Rothschilds, who owned all the emery outside of the United States; and for that purpose they put back the duty to what it had been, \$3 a ton. After it had been put back folks in New York thought that on a piece of land which they owned in my district there was some emery. They tried to work it, and they could not do it; that is all there is about it. The New York Sun and my distinguished friend from Illinois may have the benefit of all that they can find; there is no track of mine in it; and while I welcome my friend in the highest sphere, I only importune his constituents not to let this brilliant light go out in the night of a single Congress.

[Here the hammer fell.]

Mr. O'NEILL. Mr. Chairman, in the limited time allowed for debate, I first desire to call the attention of the committee to the views of a member from Pennsylvania upon the subject of the tariff. I refer to the remarks of my democratic friend from the eleventh district [Mr. STORM] made awhile ago. I believe, with but one exception in the House of Representatives of the United States during the last ten years, he is the only member from Pennsylvania who has had the boldness to avow free-trade doctrines upon this floor.

I have seen many democrats before election in the State of Pennsylvania who were terribly in favor of a judicious tariff. I have seen such democrats all over our State when running for Congress shielding themselves under the term of a judicious tariff, and some such were elected in November last. But I never until now, save with the one exception, heard a Pennsylvania Representative here declare himself to be a free-trader.

The idea of the gentleman as to the reason for the immense numbers of tons of pig-iron lying around the country unsold is very remarkable. Does he not know that the general depression of business has caused a depression in that business? Does he not know that the iron business of Pennsylvania and elsewhere in this country has been depressed just as other kinds of business in the country have been depressed?

Mr. Chairman, the State of Pennsylvania has as usual in a tariff debate been referred to as desiring in this respect selfish legislation. The question of a tariff is not a question for a mere locality or for a congressional district or State. It is a national question; and if perchance one State seems to prosper more than another, it is only so comparatively. Prosperity in Pennsylvania is prosperity in Ohio, in Illinois, in Iowa. Material progress and development in the State I in part have the honor to represent means advancement in all other States. The thousands of miles of railroads in this country, especially in the West and the Northwest, were built while the country was prosperous. The five thousand miles of iron roadway in Pennsylvania, nearly the same number of miles in each of the States of Ohio and Illinois, and the railroad system of Iowa, were constructed and developed when the business of the country was stimulated and encouraged by protection, when capital thereby was invested in abundance, and no man's hands were idle who desired employment. It is easily to be seen in looking back but a few years that when a tariff for protection was upon our statute-book every industry flourished, and that all public improvements were in rapid progress of completion. Thus it was always just in proportion as we protected our own industries and manufactures that the poor man became richer and the man of capital did not hesitate to invest his means in every channel of business.

In reference to the section under discussion, the restoration of the 10 per cent. duty, I believe its adoption now would stimulate business and give confidence to both capital and labor all over our land. I have no doubt but that its reduction a few years ago was one of the causes of the stagnation in trade, the failure of countless firms, the impoverishment of those depending upon the labor of their hands. The manufactured products of Pennsylvania, as I said before, remain unsold because of the depression of business generally. The fearful crisis of September, 1873, brought ruin and destruction everywhere, and millions of made-up materials are to-day in the market without purchasers. Certainly a protective tariff is not responsible for this condition of things. The financial difficulties of the times are responsible. There is no demand for goods, foreign or domestic. Millions upon millions of importations to-day remain in bond, the importers and merchants from the meagerness of trade being obliged to let their goods be held in the bonded warehouses. I hope sincerely that we will vote for the restoration of the 10 per cent. Its adoption will create confidence, lead to the employment of thousands of people, and assure the country that congressional action will be in the interest of our own industries and not for the benefit of foreign producers.

Mr. Chairman, I am for a protective tariff at all times. I am not for a merely revenue tariff. I favor the imposition of duties upon all imported articles, saving only a most judicious free list to apply only to such raw material as we cannot possibly produce in our own country. I am not an individual tariff man. I am not for a tariff

merely in its application to a certain line of industry or to circumscribed limits. My tariff views are for protection to American industry in the abstract, in its broadest sense, and being so I know the products of Pennsylvania will be fully protected and her great resources will continue so to be developed as to mark her out on the map of States and nations as the spot for the thrifty and industrious.

Mr. ATKINS. I have but a word or two to say upon this question. It seems that many gentlemen speak here for their own particular districts. I do not desire to speak particularly for my district, but for the principle. I cannot understand why gentlemen should be in favor of the doctrine of protection. The idea that one portion of the people are to be protected at the expense of another portion of the people is to me altogether wrong. But I cannot discuss the general question in five minutes.

I have risen for the purpose of protesting against the increase of the tax on tobacco. It is believed by those who have studied this question that a tax of 10 cents a pound upon tobacco would produce more revenue than any other rate of taxation.

I also desire to protest against the idea of the Government breaking faith with the men who are interested in the manufacture and sale of whisky, those who have made their purchases and have their stocks on hand. I protest against the idea that they should now have to pay an additional tax of 15 cents a gallon. That to my mind is founded in injustice. I hope that the Government will keep faith with the people. It is strange that the Committee on Ways and Means would advocate a measure that would be founded upon the principle that the Government itself is to break faith with the people.

I desire also to reply briefly to an argument made by my colleague who represents the State at large upon this floor, [Mr. MAYNARD.] He argued for the doctrine of protection; he said that if the mines of coal and iron of Tennessee were protected by a high protective tariff they would be developed. Have we not for the last twelve years had a high protective tariff, and what has been the effect on those mines? The manufacturing interests of Tennessee to-day are at as low an ebb as they ever were in the history of this country. I hold the doctrine that protection would only build up a few individuals even in Tennessee; that if it were applied to the people of Tennessee, it would only be for the benefit of a few individuals at the expense of the great masses of the people. So far as Tennessee is concerned, I ask nothing for Tennessee; I have no sectional feeling; I have no sentiments that confine my patriotism to the State of Tennessee. I want the same principles applied to Tennessee that are applied to the people of this whole Union. We ask no protection; we only ask equality; we only ask justice.

[Here the hammer fell.]

Mr. ALBRIGHT. I yield to my colleague [Mr. SPEER] for the purpose of having an extract read, and then I will resume the floor.

Mr. SPEER. In view of the remarkable speech made to-day by my colleague, [Mr. STORM,] I ask to have read an extract from a carefully prepared speech of his on the tariff bill, to be found in the Congressional Globe, of May 2, 1872.

The Clerk read as follows:

Pennsylvania has been sneered at because her Representatives, like the Representatives from other States, have looked after her interests. As the able Representatives of Illinois and Indiana adhere to the most objectionable and questionable income tax; as the Representatives of New York watch with proper care the commercial interests of that State, so do the Representatives of Pennsylvania endeavor to care for her interests on this floor. And if we can in the future as we have in the past induce a sufficient number of gentlemen of this House to vote with us, it will either prove that we are right or that our powers of persuasion are greater than those of our opponents.

No State will be so much affected by a change of tariff duties as Pennsylvania. Her vast coal-fields furnish the fuel for the nation. Her oil wells supply it with light. Her furnaces, rolling-mills, foundries, machine-shops supply the farmer with his implements of husbandry, the artisan and mechanic with his tools, the railway with its track and rolling-stock, the ship-builder with the materials out of which he constructs his vessel.

A State so affected by tariff legislation has a right as a member of the Federal Union to see that her interests are not sacrificed. * * * And I further believe that, having entered upon such a course of legislation for the encouragement of manufactures, Congress should have persisted in a uniform system of legislation until the object was attained.

The instant our manufactures and workshops closed the price would advance, and we would be compelled to pay to British what we now pay to American manufacturers.

I wish to do right; I will not be swerved from it by taunts or considerations of selfishness. I will vote and act as a member of the American Congress, not as a Pennsylvania man.

Mr. ALBRIGHT. Mr. Chairman, I propose to say that I do not advocate the restoration of the 10 per cent. duty as a Pennsylvanian simply; I am interested in the prosperity of the whole country. I want to call the attention of the gentlemen on the other side of this Chamber to the fact that last year there were built 61 new furnaces, 26 of them in the Southern States. There are in all those States 88 furnaces. The resources of the South and the West, the great mineral wealth, the coal and iron in their soil, need protection as much and more than do the coal-fields and the iron-beds and manufactories of Pennsylvania. The production of iron during the last year in the Southern States was 383,308 tons; the value of that production was \$15,332,320. Most of this money represents labor. Now, when the South and the West employ men in their coal-beds and their furnaces and their iron mines, they are furnishing a market for the farmer's grain and pork and beef. The more men you can employ in furnaces

and workshops and manufacturing establishments in the East, South, or West, the more men there will be to buy the productions of the farmers, and the greater the prosperity of the country will be.

Now I understand that some men in this House are in favor of taxing American productions, while they are ready to admit duty free the fabrics and goods of the foreigner. I hear men talk of the taxes on whisky and tobacco, and nearly everybody agrees that articles of luxury should be taxed, but tobacco and whisky are the productions of American labor; when you talk of taxing the manufactured goods, however, of the foreigner, it is said the tariff must be reduced. I do not believe in any doctrine like that. I believe that when the God of nature put into our mountains, hills, and valleys the great mineral resources that made them rich, He meant that they should become an element of strength to the American people who thereby should become independent of the products of foreign labor. This tariff is proposed not only for revenue but for protecting incidentally the workshops of our country.

I should not have risen at this time to say a word had not my colleague, [Mr. STORM,] who represents the district in which I reside, declared himself in favor of free trade unconditionally. Sir, my friend represents one of the largest manufacturing districts in Pennsylvania; and it needs protection. There are thousands of men who are now out of employment and who have been knocking at the doors of Congress for protection that will revive their prostrate industries; they have been sending through my colleague petitions that we shall vote for a restoration of these 10 per cent. duties.

Mr. STORM rose.

Mr. ALBRIGHT. I cannot yield to the gentleman at this time. I want to say that his constituents do not agree with him in advocating the doctrine of free trade and no employment for idle labor.

[Here the hammer fell.]

Mr. BURCHARD obtained the floor.

Mr. STORM. I hope I shall have an opportunity to reply to my colleague, [Mr. ALBRIGHT.]

Mr. BURCHARD. Mr. Chairman, when I made the motion to strike out the pending section I called the attention of the committee to the amount that would be raised by the bill as it stood with the amendments of the Committee of the Whole and to the amount that would be brought into the Treasury by the repeal of the 10 per cent. reduction, adopting last year's importation as a basis. No one has controverted the statement I made that the bill with the amendments will give within \$1,000,000 of the amount originally proposed by the committee. I then stated, and I repeat, that the wants of the Treasury as presented by the Secretary of the Treasury require for the next fiscal year only \$10,000,000. But say that even \$20,000,000 will be required, I still insist that the bill as amended and with the fifth section stricken out will give more than the amount needed, and if the section remains will raise over \$40,000,000, or double the amount required.

But this debate has taken a wide scope. Gentlemen here on one side and the other have brought in the subject of protection, revenue, and free trade. I do not wish now, I did not wish then, to discuss those questions. But gentlemen having referred to me and some remarks which I have made, I wish to say a word in reply.

They tell us in protection circulars and speeches that a reduction of the rate of duties will flood the country with foreign commodities. And yet the gentleman from Connecticut quotes some Treasury statistics that I presented, and shows that even that 10 per cent. reduction did not flood the country with foreign commodities; but on the contrary, after the reduction the importation of those commodities fell off. The total importations, it is true, fell off in 1874 from the amount in 1873, but they did not fall off as much on other dutiable imports as they did upon those to which the 10 per cent. reduction applied. And why? Because the duties on the latter articles are higher. The average rate of duties on all the dutiable imports entering into consumption in the United States in 1874 was 38.5 per cent., while the average rate of duty on the articles to which the 10 per cent. reduction applied remained after the reduction 42 per cent. In consequence, while there was a falling off of \$81,000,000 in 1874 from the \$497,000,000 of total dutiable imports of 1873, the greater part of the decrease was in the falling off of the importations of the articles embraced in the 10 per cent. reduction. The Bureau of Statistics shows that the importations of all dutiable articles were in—

1873.....	\$497,320,326
1874.....	415,924,580
Decrease.....	81,395,746

The Bureau gives the importations of articles embraced in the 10 per cent. reduction for the fiscal years—

1873.....	\$202,000,000
1874.....	141,000,000
Decrease.....	61,000,000

The importation of all dutiable articles in 1874, compared with 1873, fell off 16 per cent., while the importation of the articles upon which the duty is sought by this section to be increased fell off 30 per cent.

The 10 per cent. reduction does not seem to have flooded the country with foreign goods of the same kind. The domestic producers under the reduction not only hold their own, but crowd out the foreign productions of the same kind.

Then, again, I want to ask the gentlemen who are so clamorous for the increase of these duties, and who represent manufacturing and mining States and portions of the Union, why do you insist upon the increased duty? You either expect it will raise prices, and so help you, or that it will shut out foreign goods. If it shuts out foreign goods it will reduce the revenues, and it is as a revenue measure we are asked to support this bill. If it will raise prices you do it for the interest of less than half a million workers in these industries at the expense of over twelve million workers in all the other industries of the country. And I say it is not fair to single out a few classes, scarcely 3 per cent. of the workers of the country, and assess the benefits upon the other classes.

You come here and say it is in the interest of labor. You ask it as if there were no laborers in the country except those engaged in the manufacturing industry; as if the farmers who work under the broiling summer's sun, often from early dawn till late at night, are not laborers and have not interests to be looked to.

[Here the hammer fell.]

Mr. DAWES. Gentlemen have debated this measure as if it were a demand to put more money into the Treasury of the United States. That is a mistake. From no quarter, executive or legislative, does there come up a demand to put more money into the Treasury. It is to supply a deficiency, not to produce more money for the Treasury. Those having the responsibility of the carrying on of the Government do not ask more money, but are content with less than they had before. But they do ask, inasmuch as the revenues are falling short and there does not come into the Treasury as much as heretofore or enough to meet the obligations of the Government, that new sources of revenue shall be sought out. It is not because they want more, but because the necessities of the Government, not greater to-day than before, are nevertheless such that the Government must have more revenue than is now yielded; and as industries change, as revenues change, as more comes from one source, less from another, in the varying and ever-shifting of pursuits all over this country, the taxes and the duties must shift like them. Hence this bill.

Now, sir, the debate, which seems strongly to have taken a sectional turn, is answered, the whole of it, by the history of this very 10 per cent. reduction. The East are charged with an attempt to restore the 10 per cent. reduction. In their interest I am arraigned here. Why, sir? How came this 10 per cent. reduction about? Did not the gentleman from Pennsylvania [Mr. KELLEY] tell you here yesterday that I was responsible for it. If, therefore, the restoration of it is in the interest of the East, the reduction of it two years ago, when at that time we did not need a revenue, came from the East.

Just look at this in another view. Suppose it to be true and admitted, as gentlemen contend, that this 10 per cent. restoration is a tax; still it is a tax of more equal distribution than any other. It enters into the consumption of the whole country alike. It rests upon one portion just as much as it does upon the other, and if you need this \$8,000,000 to meet the obligations of the Government, what more just, what more equitable tax can be devised than that which is distributed all over the country? Everybody that consumes any portion of these articles contributes just to the extent of his consumption. But to those who believe, as I do, that this 10 per cent. restoration brings eight millions into the Treasury without a tax and at the same time revives industry, that is an argument in favor of it.

Why, sir, I have a table here which I produced two years ago, which shows that New England has lost her prestige in manufacturing; that in the last ten years the manufacturers have gone to the West and to the Southwest; and while in 1860 New England had two-thirds of them all, in 1870 two-thirds of them all, according to the census, had gone there.

[Here the hammer fell.]

Mr. KASSON obtained the floor and yielded his time to Mr. DAWES.

Mr. DAWES. Now, I want to say further that it is true that New England does not desire this restoration. It is true that New England manufactures, better than any others in the United States, can stand without its restoration; because New England—and that is the secret of her prosperity—adapts herself quicker and with more efficiency in the existing state of things than any other portion of the country. In the year 1824 she was a commercial country; engaged almost entirely in commerce. The policy of this country then changed to that of a protective tariff, destroying her commerce and depriving her of her pursuit of commerce, and she turned herself immediately to the new order of things, and under that policy which encourages manufactures all over the country she has become a manufacturing region. It is true to-day that the cotton manufacture of New England can compete with the cotton manufactures of the world. I ask gentlemen, then, not to vote for or against this bill because New England desires it. New England would be better pleased if it fails, but New England believes that \$8,000,000 will be brought into the Treasury in this way easier than by a tax on whisky and tobacco or any other tax in the world, and therefore New England yields, as she always has done in every one of the many changes upon this subject, to the existing state of things and the necessities of the country.

Now, sir, here is a source of revenue which as any one will see is an equal tax. Here is a means of bringing to the Treasury \$8,000,000 and at the same time building up the languishing industries of the country and giving employment to the hungry, starving laborers of

the land, satisfying the public press of the country and strengthening the courage of those who toil at the anvil and the loom, and giving to capital confidence and building up the industries of the country. That is why two years ago I did what I did, as the gentleman from Pennsylvania has said, to bring about this reduction, and why now I am for this restoration. I am for it, first, because the demands of the Treasury require it; second, because of all sources of revenue that can be devised this more equally than any other distributes itself over the entire land, applying to every industry affected by it, to every man who consumes its products, to every man who furnishes supplies for the comfort of those engaged in it, to every school-house that is built in the villages of those that congregate around these establishments, to every church to which they go on the Sabbath day to thank God for the daily bread upon their table.

[Here the hammer fell.]

The CHAIRMAN. By order of the House all debate upon section 5 is closed.

Mr. EAMES. I move to amend the text of the bill by inserting the following:

And so much of section 3437 of the Revised Statutes as imposes a stamp tax on the articles mentioned in Schedule A of said section, be, and the same is hereby, repealed, to take effect on and after the 1st day of July, 1875.

Mr. DAWES. I raise a point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DAWES. My point of order is that the amendment is not germane to the section.

The CHAIRMAN. The Chair sustains the point of order.

The question was upon the amendment offered by Mr. BURCHARD, to strike out the fifth section of the bill; and being put, there were, on a division—ayes 71, noes 81.

Tellers were ordered; and Mr. DAWES and Mr. BURCHARD were appointed.

The House divided; and the tellers reported—ayes 95, noes 103.

So the amendment was not agreed to.

Mr. KELLOGG. I rise to offer an amendment to the fifth section of the bill. I move to insert in the fourth line of the fifth section, after the word "enumerated," the words "except wool and woolen goods."

Mr. FIELD. That is an amendment against the farmers of the West, and we cannot vote for it.

Mr. KELLOGG. No sir; not at all.

The question was taken on the amendment; and it was not agreed to.

Mr. BECK. I offer the following amendment to come in at the close of the section:

That the first section of the act approved February 8, 1875, entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," be amended by striking out of the proviso at the end of said section the words "on the value" and inserting in lieu thereof the words "on the quantity." And provided further, That said section shall not be so construed as to impose duties on bolting cloths, which are hereby restored to the free list.

Mr. DAWES. I raise the point of order that the amendment is not germane to this section.

The CHAIRMAN. Does it relate to any subject-matter affected by the 10 per cent. reduction?

Mr. DAWES. Not at all; it relates to the little tariff bill.

Mr. BECK. It relates to dutiable articles, not particularly enumerated in this section perhaps.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. EAMES. I move to add to section 5 these words:

Provided, That the provisions of this section shall not apply to wools imported from foreign countries.

The amendment was not agreed to.

The Clerk read the sixth and last section of the bill, as follows:

SEC. 6. That the increase of duties provided by this act shall not apply to any goods, wares, or merchandise actually on shipboard and bound to the United States on the 10th day of February, 1875, nor on any such goods, wares, or merchandise on deposit in warehouses or public stores at the date of the passage of this act.

Mr. FORT. I move to strike out the section which has just been read. I wish to say that by the provisions of that portion of the bill which have already been adopted we propose to tax whisky on hand, which I supported and still think was right. I can see no reason in the world why we should exempt from the increased taxation imposed by this bill goods that have not yet entered the ports of this country. Upon the same principle which we have adopted in reference to whisky, we should tax the goods that have been received into the country and remaining in store and not yet distributed. And in order to be consistent we should at least make the provisions of this act apply to goods not yet actually imported; but it is here proposed in this section to exempt goods and let them enter free of this increased taxation, all goods which have been shipped or are in store for shipment to this country.

I cannot understand the philosophy of the Committee on Ways and Means when they come in here and propose to tax whisky upon which a tax has already been levied and collected. The bill as it is provides that any persons who have been to Europe, to every foreign port on the globe, and purchased goods, may hereafter import them free of this increased tax. They say that they will not tax anything that has been purchased for the purpose of shipment to this country; and

why not, I ask, if they are consistent? My friend by my side here says that whisky is the only exception. Where is the principle upon which that should be made an exception? If we tax whisky on hand, whisky in store, whisky that has already been taxed, we certainly ought to tax the goods which have not yet arrived in this country. Will not this merchandise be enhanced in value on arrival in our ports to the same extent and in the same proportion that whisky will be enhanced by this increased taxation?

Mr. DAWES. Whisky can bear almost any load.

Mr. FORT. Yes, I know that whisky can bear almost any load, and I am willing to go as far as the gentleman in taxing whisky. Tax it a dollar a gallon, tax the whisky on hand, and tax that which is yet to be made, if you please. So far as I am concerned individually, you may tax it out of existence. I do not use any of it myself as a beverage, nor do I use tobacco either. So you cannot frighten me individually. In my judgment, a dollar a gallon on whisky is about all you can collect; and I believe you ought not to raise the tax on tobacco at all. But, Mr. Chairman, I am speaking now with reference to the principle which the committee wish to apply by this bill. Why do they go away to all the ports in the world and exempt from additional taxation all the goods that may be imported into this country for the next six months, and by the same bill go to the extent of taxing another article which is now on hand here in the country, and which has already paid all the tax that was imposed by the law in force at the time it was manufactured? Can any of the gentlemen tell me?

When those goods arrive in this country, as I have already said, their value will be increased by reason of this increased taxation if that provision becomes a law, just as much as the value of any other goods, just as much as whisky is increased in value by this additional taxation; just as much as the value of the goods bought the next day afterward. If you have bought a cargo of goods which has been shipped to-day or placed on shipboard to be transported to this country, why should you be preferred to the merchant who buys his goods to-morrow and puts them on shipboard the next day? Can some gentleman tell us any good reason why this principle should be applied to imported merchandise when the directly opposite principle is applied to whisky and other articles manufactured in this country? If the committee will give any good and sufficient reason for this apparent inconsistency I will vote for this section of the bill. But I am opposed to any increase of the tariff; yet if we are to increase taxation I want it to begin at once as upon other articles. I want no favoritism, so I move that it be stricken out.

[Here the hammer fell.]

Mr. PARKER, of New Hampshire. I take the floor and yield my time to the gentleman from Pennsylvania, [Mr. STORM.]

Mr. STORM. Mr. Chairman, I sought the floor some time ago in order to express my views upon this bill. I endeavored to express myself, and I think I did, decorously. But it seems that, notwithstanding my endeavors to be courteous to my colleagues, I brought down upon myself to a certain extent their combined wrath. Because I saw fit conscientiously and candidly to express my views upon this important question, my colleague [Mr. SPEER]—I will not say unkindly—sent up to the Clerk's desk and had read a few remarks which I made here three or four years ago upon another bill. I see nothing in those remarks now contradictory to my position to-day; nothing whatever. For if my colleagues will read those remarks they will find they were intended as an apology for just such conduct as we have witnessed here to-day on the part of some few Pennsylvania members. They always do some ridiculous things when the tariff is under discussion that need some apology.

I do not think it is necessary for me to get up here to-day and reply to anything which has been said, at least so far as my colleague now nearest me [Mr. SPEER] is concerned. Gentlemen will remember that a few days ago he got up here and confessed that he had some years since given a cowardly vote. Now, I never in my life gave a cowardly vote on this floor. Some years ago my colleague voted for the repeal of the franking privilege, a great and notorious abuse. For some reason or other he now advocates the restoration of the franking privilege, and confesses to the House that he was a coward in voting some three or four years ago for its repeal. Now, I have no such confession as that to make before this committee. I expressed my candid opinion upon this subject. My colleague would have you believe that this tariff is in the interest of the laboring classes of my district, in which my colleague at large [Mr. ALBRIGHT] happens to reside. I believed myself years ago that such was the operation of a tariff law. But I have since learned that the laboring men have only been made a pack-horse in Congress for the purpose of getting through protective tariffs for the benefit of a few manufacturers. My observation of the results of tariff legislation in Pennsylvania has been that it makes a few men rich at the expense of the laboring people. Go to those regions of Pennsylvania where the iron and coal interests flourish best, and you find a few men living in palaces; and at the same time thousands of laboring men are living in shanties and are starving.

It is a notorious fact that the iron manufacturers of Pennsylvania control to a great extent the coal interests of that State. They employ men during the summer season, but the moment cold weather sets in the iron manufacturers and the coal dealers, who entirely control these interests of Pennsylvania, combine to put down wages.

The result is that these men have their wages cut down to starvation point; they must either starve or strike. There are thirty thousand people to-day in the anthracite-coal regions of Pennsylvania out of employment and are suffering from hunger and cold, while these lordly manufacturers who have been benefited by high tariffs are living in luxury and faring sumptuously every day.

If I believed we could enact a tariff law the benefit of which would be shared by the laboring men, I would go as far as he who goes farthest and swiftest to help enact such a law. But it is a notorious fact that the laboring men have never reaped one dollar of benefit from a protective tariff. Our tariff laws have been passed only for the purpose of enriching a few men. That has been the entire result. There are thousands of men out of employment to-day, denied work by these coal and iron companies while they have coal piled up at the port of Elizabeth mountain high in order that they may advance the price of the same two dollars a ton. They first compel their men to strike as winter sets in, then raise the price of coal, and then have the meanness to throw the blame on the laboring man. To-day, when men ought to be employed—when these companies could afford to employ them—they are turned out in midwinter to starve. Yet those wealthy coal and iron men come here to-day and say they want a higher tariff passed for the benefit of laboring men! The laboring man never gets one dollar of benefit from these laws!

Mr. ALBRIGHT. The men that work in the coal mines get the highest rate of wages that the business justifies; and they refuse to work because they do not want employment at these rates, while many of the men at the factories, foundries, furnaces, rolling-mills, ore-beds, and so on, are idle, although they would be glad for employment at reduced wages.

Mr. STORM. It is a well known fact that the coal and iron companies always reduce wages just as cold weather sets in, putting them down to starvation point, and thus force the men to strike or work for nothing.

Mr. HARRIS, of Virginia. I move to amend by adding to the last section the following:

Provided, That it shall be shown, by testimony under oath, to the satisfaction of the Secretary of the Treasury that such goods, wares, and merchandise were by contract sold to be delivered in future, at a fixed price, which contract was in writing prior to the 10th day of February, 1875.

Mr. Chairman, my object in offering this amendment is to carry out the views expressed by my friend from Illinois, [Mr. FORT,] who has but declared the conviction which I previously entertained, and in accordance with which I had already prepared an amendment. The design of the amendment is to make this section harmonious with the proviso in regard to whisky and tobacco. The bill as reported from the committee taxed all tobacco and whisky on hand. But when the committee saw the injustice which would thus be inflicted upon a very large class of persons who had made contracts for the future delivery of whisky or tobacco, they adopted a proviso in each case that the tax should not apply where by contract the tobacco or whisky was sold to be delivered in the future, the contract being made in writing at a specified price.

Now, why should not a provision of that kind be attached to this section, which exempts from the increased duty all goods on shipboard?

Mr. FORT. Not only that, but it covers all goods in warehouses; they may be all over Europe; no one can tell how many goods may be stored away there.

Mr. HARRIS, of Virginia. Under the operation of this section, unless some such proviso as that which I offer be adopted, the country will be flooded with goods that will escape this increased duty. My amendment is for the purpose of meeting such a case.

Mr. DAWES. As to those "warehouses all over Europe," I will let my friend from Illinois [Mr. FORT] take care of them. Now, I will say that there never was a tariff bill passed that did not contain a provision similar to that of this section. It generally has applied to all goods on shipboard at the time of the passage of the act; so that between the reporting of the bill and its passage there was an interval of which merchants availed themselves to hurry in goods for the purpose of escaping the increased duty. Hence the committee thought it best to limit the provision in this bill to all goods on shipboard when the bill was reported.

Mr. HARRIS, of Virginia. Why do you want to protect men who have bought goods in Europe and have them on shipboard, unless they have contracted to resell them at a certain price? Why should they not pay the increased tariff just as much as men having tobacco and whisky on hand should pay the increased tax? What is the reason for especially protecting them?

Mr. DAWES. Take the case of a man who bought his stock of whisky or his stock of tobacco before the tax is put on, to be delivered to some purchaser hereafter under a contract. Here is a man who buys in a foreign market and puts the ocean between him and the man he bought of, so he cannot take it back; and it does not apply to the man who sold it to be delivered in the future. He has got to take care of himself, and do the best he can with regard to changes in the tariff as all have to do in regard to the contingencies that happen to every one. But as regards the man who buys in a foreign market before ever you suggest an alteration in the duty, under the existing duty, and gets his goods on shipboard bound to the United States, or has brought them to the United States and put

them into a warehouse in the United States and given a bond to pay the duty which the law then required, if you alter the law and make him pay more when he cannot restore his goods, you do him an injustice which we have provided against in the case of whisky and of tobacco; because we have provided that the man who has purchased to deliver in the future may deliver by paying the tax that was the law when he sold, but that the man who buys of him shall pay the additional tax.

Mr. BANNING. Do not you alter the law and make the distiller pay more for the whisky that is in the bonded warehouse than the bond called for?

Mr. DAWES. So far as whisky on hand is concerned, we do. There can be no question about it.

Mr. BANNING. And why should the importer be treated any better than the distiller?

[Here the hammer fell.]

Mr. WARD, of Illinois. I move to amend by striking out the last word.

Mr. KASSON. Are not two amendments now pending?

The CHAIRMAN. There is an amendment pending to strike out the section. And there is a motion to perfect the section which it is proposed to strike out. The amendment of the gentleman from Illinois [Mr. WARD] is in order.

Mr. WARD, of Illinois. I have but a word to say in relation to this peculiar legislation, and I wish I could make every republican, at least on this side of the House, understand what I say and appreciate some of these things as I see them. It is not because I am sectional or desire to make a personal attack on anybody.

Mr. SPEER. I ask the Chair to restore order, that we on this side of the House may hear what the gentleman is saying.

Mr. WARD, of Illinois. I want the republicans to hear what I am saying without the democrats hearing it, because I do not want them to know what this bill does.

Mr. BANNING. We want information over here.

Mr. WARD, of Illinois. And I do not want you to have it.

The CHAIRMAN. The committee will come to order before the gentleman from Illinois proceeds.

Mr. WARD, of Illinois. It is to be expected that every industry to be taxed will of course resist the taxation. I do not propose to discuss the principles of this bill further than I have already discussed them. If it were proposed to tax the codfish of Massachusetts, the clams of Connecticut, or the oysters of Baltimore, there would be an outcry against it in those sections. But it would be just as easy for me to say, when you resist that, that a tax of that kind would be paid by the consumers in the West as for gentlemen representing New England to say that all the taxes on high-wines manufactured in the West are paid in the East.

Now I say, as I have said before, that the principle on which you base taxation should be general, universal, and just. And I say here, and to the republicans I especially appeal, you are preparing a tax bill which creates a discrimination against the West, and I characterize it as an injustice and an outrage. I do not care how much tax you put on, but I insist that it shall operate fairly. Now, the republicans on this side of the House are well aware that they have a law in many of the Western States, as the result of that sort of fanaticism which some people carry into legislation on the subject of whisky. This is a re-enactment by the Congress of the United States of a declaration that men who are engaged in this enterprise are outlaws and not entitled to be put on the same footing as others who are engaged in other pursuits.

Take the article of tobacco; it is an article of less use than the manufactured article of alcohol. It enters into no useful art. It is a nuisance everywhere, although I use it more myself than I do whisky, as do many others. But I insist that when you come to apply taxation you shall apply it equitably, so that the men who are engaged in this great industry shall not be declared outlaws and placed beyond the pale of reasonable legislation. By this bill you do that, and I for one protest against it; not because I desire to protect one industry against another; not because I desire to put one tax on or to take another tax off; but because I insist that this great industry to which this bill is so unjust shall be treated as an industry in the country entitled to just recognition at the hands of those who make the laws.

And let me say in conclusion that this article on which you discriminate 50 per cent. is manufactured in the West, enters into all the useful arts, is used in paints, in oils, in drug-stores, everywhere, while tobacco enters into no useful art; and I again protest against your treating those engaged in this industry as though they were outlaws and entitled to no consideration.

Mr. KASSON. Mr. Chairman, I ask the attention of the committee only to a single observation, not upon the principles involved in this bill, for of them I have nothing more to say. I have no desire to discuss further the general policy of the bill. This proposition of the gentleman from Illinois applies, as it is claimed, the same principle to these importations as that applied to whisky and tobacco. I ask the attention of the committee in all candor to an error in this proposition. It is not the same as that applied to the tax on tobacco. That is to be applied only to future manufactures. We tax nothing that is now manufactured. Additional taxes are to be paid only upon the articles subsequently manufactured. So, too, in regard to

distilled spirits. We do not levy the whole increase of the duty or tax on that which is on hand. On the contrary, you will remember that there is interest and insurance which increases the cost of the whisky on hand until it can find a market. In view of that fact the committee only put the duty on spirits on hand to half the amount of the increased tax, in order that a market might be had by the holders of whisky on hand before a new manufacture could be put in the market at the same price without the loss of interest and insurance; otherwise it would force a dead loss upon the holders of existing stocks.

Now, then, as to these articles to be imported the case is entirely different. There is an immense amount of these importations on hand and in transit to meet the coming spring trade. We therefore said that it was due to them so far as orders have been issued prior to the notice of the increase of duty that they should come in upon the basis of the existing law. Without this the ordered goods would be put in warehouse until present stock was exhausted, while home prices would be largely increased without this competition. To put the entire increase of duties upon those importations would violate every equitable provision of law as applied to whisky and tobacco, and would be extreme injustice to those who are engaged in the foreign trade and who must meet liabilities by prompt sales.

Mr. DAWES. At this hour it was arranged that other duties should occupy the attention of the House, and therefore I move that the committee do now rise.

Mr. GARFIELD. I hope the committee will not rise.

Mr. DAWES. I insist on my motion.

Mr. COBURN. Is the motion debatable?

The CHAIRMAN. No; it is not.

Mr. LOUGHRIDGE. I would like to ask the Chair, if we rise now, when this bill will come up again?

The CHAIRMAN. The bill would come up again whenever the House goes into Committee of the Whole on the state of the Union at the same stage in which it is now left.

The motion of Mr. DAWES was agreed to; there being on a division—ayes 87, noes 60.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HALE, of Maine, reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration a bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government, and had come to no resolution thereon.

GEORGE F. BROTT.

Mr. SHELDON, by unanimous consent, introduced a joint resolution (H. R. No. 158) for the relief of George F. Brott; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS THE RIO GRANDE.

Mr. GIDDINGS, by unanimous consent, introduced a bill (H. R. No. 4819) to authorize the construction of a bridge across the Rio Grande River at or near Brownsville, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PRINTING OF A REPORT.

Mr. LOWE, by unanimous consent, from the Committee on Indian Affairs, reported back a letter from the Secretary of the Interior to the Commissioner of Indian Affairs, in relation to Indian matters; which was recommitted to the Committee on Indian Affairs, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. CRUTCHFIELD, by unanimous consent, presented a memorial from the National Grange, asking Congress to pass a bill in aid of the Texas Pacific Railroad Company to construct its road; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

INDIAN APPROPRIATIONS.

On motion of Mr. LOWE, by unanimous consent, the Committee on Indian Affairs was discharged from the further consideration of Executive Document No. 91, being the recommendation of the Secretary of the Interior for appropriations of \$50,000 for the subsistence of the Cheyennes, Arapahoes, Apaches, Kiowas, Comanches, and Wicahitaw Indians, in the Indian Territory; and the same was referred to the Committee on Appropriations.

TEXAS PACIFIC RAILROAD.

Mr. RAINEY, by unanimous consent, presented joint resolutions of the Legislature of the State of South Carolina, in regard to the Texas Pacific Railroad; which were referred to the Committee on the Pacific Railroad, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the House had passed without amendment the joint resolution (H. R. No. 51) in relation to civil-service examinations.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 1222) to authorize the trustees of the Free Young

Men's Benevolent Association to sell and convey square numbered 272, in the city of Washington.

The message further announced that the Senate had insisted upon its disagreement to the amendments of the House to the bill (H. R. No. 376) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. STEWART, Mr. HOWE, and Mr. HAGER.

ADVERSE REPORTS.

Mr. WILLIAMS, of Wisconsin, by unanimous consent, from the Committee on Foreign Affairs, reported adversely upon the following; which were laid on the table, and the reports accompanying the same ordered to be printed:

A bill (H. R. No. 543) to reimburse Charles Daugherty for his expenses to the consulate of Londonderry; and

The petition of Mrs. Melinda Leipsker, of the city of New York, widow of Joseph Leipsker, for redress for the wrongs sustained at the hands of the authorities of Peru, and claiming the restoration of her late husband's property, &c.

MARCUS RADICH.

Mr. WILLIAMS, of Wisconsin. I am also instructed by the Committee on Foreign Affairs to report a joint resolution referring the claim of Marcus Radich to the Court of Claims.

The SPEAKER. The joint resolution will be read, after which objections will be in order.

The preamble to the resolution states that Marcus Radich, a subject of Turkey, claims to have been domiciled in the State of Texas in 1865 and to have been the owner of one hundred and sixty reams of writing paper, which he alleges was taken from him during that year by the civil and military authorities of the United States in the State of Texas.

The joint resolution gives the said Marcus Radich leave to file his claim in the Court of Claims, and vests that court with jurisdiction to hear and determine the validity of the said claim and to render judgment thereon for such amount as may be found to be due; provided that said Radich shall have the right to appeal from the Court of Claims to the Supreme Court of the United States.

Mr. RANDALL. Does the gentleman say that this has been considered by the Committee on Foreign Affairs.

Mr. WILLIAMS, of Wisconsin. It has been, and I have been instructed to report it.

Mr. LAWRENCE. Both parties should have the right to appeal to the Supreme Court of the United States.

Mr. WILLARD, of Vermont. I suggest to the gentleman to change it so that either party can appeal.

Mr. WILLIAMS, of Wisconsin. Certainly; I modify the joint resolution accordingly.

There being no objection, the joint resolution (H. R. No. 159) was received, read three times, and passed.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAJOR J. W. NICHOLS.

Mr. PARKER, of Missouri. Some time since the Committee on Military Affairs reported favorably Senate bill No 769, for the relief of Major J. W. Nichols, paymaster of the United States Army, and which was referred to the Committee of the Whole and placed on the Private Calendar. I now ask that the Committee of the Whole be discharged from its further consideration, and that the bill be passed.

The SPEAKER. The bill will be read.

The bill provides that there shall be paid to Major J. W. Nichols, paymaster of the United States Army, the sum of \$4,500 erroneously charged to and paid by him in the settlement of his accounts.

No objection was made, and the Committee of the Whole was discharged from the further consideration of the bill, and it was read a third time, and passed.

Mr. PARKER, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. LAWRENCE, from the Committee on War Claims, by unanimous consent, submitted adverse reports in the following cases; and they were laid on the table, and ordered to be printed:

A bill (H. R. No. 2492) for the relief of Thomas Plant;

A bill (H. R. No. 3954) for the relief of Messrs. J. W. and C. Rowland, of Norfolk, Virginia;

A bill (H. R. No. 4376) for the relief of Jacob Kaufmann, of Hardin County, Kentucky, for goods taken and destroyed during the late war by Federal soldiers;

A bill (H. R. No. 3953) for the relief of George C. Wedderburn, of Richmond, Virginia; and

The petition of Harper P. Hunt, of Vicksburg, Mississippi, for payment of rent of house in Vicksburg.

Mr. WILLARD, of Vermont, from the Committee on Foreign Affairs, submitted adverse reports in the following cases; which were laid on the table, and ordered to be printed:

A bill (H. R. No. 4146) providing for the exclusion of Chinese from the benefits of the naturalization laws of the United States;

A bill (H. R. No. 4512) for the relief of Henry P. Ryder, late consul at Chemnitz; and

The petition of Mary Louise Perrin and Trautmann Perrin, for compensation for destruction of their property by the bombardment of Greytown, Central America.

WISCONSIN CENTRAL RAILROAD COMPANY.

Mr. ORR, by unanimous consent, from the Committee on Public Lands, reported as a substitute for House bill 4716 a bill (H. R. No. 4820) authorizing the Wisconsin Central Railroad Company to straighten the line of their road; which was read a first and second time, ordered to be printed, and recommended to the Committee on Public Lands, not to be brought back on a motion to reconsider.

DEATH OF HON. JOHN B. RICE.

The SPEAKER. The hour of three o'clock having arrived, the gentleman from Illinois [Mr. WARD] is entitled to the floor.

Mr. WARD, of Illinois. Mr. Speaker, I arise to pay a last tribute of respect to the memory of my late colleague, Hon. JOHN B. RICE. He died at the house of his daughter, in Norfolk, Virginia, on the 17th day of December, 1874. He left at the close of the last session with his health somewhat impaired. During the recess of Congress he sought rest at resorts, and at times he improved so that he and his friends hoped and believed he would soon be fully restored. But this was not to be so, and he did not take his seat at the commencement of the present session, and gradually failing, died as I have stated.

But recently he whom we now mourn was among us in robust health, giving promise of many years of usefulness. His great heart has ceased to beat, and he sleeps the sleep that knows no waking.

We stand above his honored grave and recall the graces and grand qualities of his life.

A good man has gone to rest and the world is poorer for his loss, though richer and better because he once lived.

To those who knew him as he was known here, no word of mine can add anything to the incense which envelops his memory or increase the respect which in life his high character challenged from all who came in contact with him.

Without pretension, he was industrious, earnest, and able; without obstinacy, he was firm; without self-righteousness, he was scrupulously honest and conscientious in all things; faithful to his friends, yet just to his opponents; true to his convictions, yet ever ready to receive suggestions and advice. Scorning deceit, he diligently sought for truth; fearless in action and in the expression of his own opinions, yet attentive and respectful to those with whom he differed; public spirited as a citizen, charitable to the needy, sympathetic with the suffering. A gentle, loving, and indulgent father, genial as an associate, he was a man to be honored and loved as he was in life, and sincerely mourned as he is in death.

His early life was not spent under the most auspicious circumstances, and his eminence in his profession, in the social world, and in politics was achieved by his own strong will and sturdy efforts.

JOHN BLAKE RICE was born in the village of Easton, Talbot County, Maryland, in 1809. His father was a shoemaker, and he learned that trade. It is not known how long he worked at this humble calling, nor is it certain that he might not have continued at it many years longer and the whole current of his life have run in a different channel but for an accidental circumstance something in this wise: The manager of a Baltimore theater, while strolling along one of the streets of the Maryland metropolis one day, overheard a rich musical voice troling out a song inside a shop. He stopped and listened for a moment and then passed on, but the voice impressed him as unusually fine, and he made it convenient soon after to drop in at that shop and find out the possessor of the fine baritone. After a brief negotiation, the young mechanic was engaged as a chorister in Clemens's Theater, and it was there the stage life of JOHN B. RICE began. This was in 1833. The following year found him a member of the company of the Walnut Street Theater, Philadelphia, where he was engaged for "singing parts," and occasionally was on for a song between acts. While in Philadelphia he married Miss Mary Ann Warren, daughter of the old manager and actor, William Warren, long since deceased. Miss Warren was then playing *soubrette* parts at the Walnut Street Theater. Mr. RICE subsequently went to Albany, New York, where he opened the National Amphitheater. That undertaking, however, proved a failure, and he became associated with the proprietor of the Albany Museum. He remained there four or five years as manager, and thence went to Buffalo, where he joined the company of the Eagle Street Theater. He became manager. It was at the Eagle Street Theater in Buffalo, and under Mr. RICE's management, that Dan Marble made his first great hit as a comedian; and it was also here that Charlotte Cushman, then a young lady of twenty-one or twenty-two, played one of her very first star engagements. The Eagle street enterprise succeeded but moderately in a financial way, and the manager concluded to give it up and go west.

Early in 1847 he went to Milwaukee and there managed a theater for a time. He ascertained that a canal convention—that was an age of canals—was to be held at Chicago in July of that year, 1847. It occurred to Manager RICE to seize the occasion and turn it to account, and with such capital and credit as he could command he went to Chicago and put up a wooden theater on Randolph street, between Dearborn and State streets. He had calculated rightly; the canal convention brought a large number of strangers to the city, and the theater made money rapidly until it burned down.

The first "star" introduced to the Chicago public under his management was Edwin Forrest, who appeared as Jack Cade, June 15, 1847.

Two months after the destruction of the wooden theater on Randolph street Mr. RICE purchased a lot on Dearborn street, the present site of Rice's Block, and in the month following (September 16) the foundation for a new theater was laid. It was opened February 3, 1851. This theater was prosperous, and in the subsequent years "stars" of the first magnitude played within its walls. Charlotte Cushman was the most prominent.

In February, 1857, Mr. RICE, having accumulated considerable wealth, decided to retire from the business. His management practically ended November 27, 1857, when the season closed. He determined to utilize his property by turning it into business places. This was done, and was occupied as stores and offices until 1871, when it was destroyed in the great fire. A substantial structure was erected on the site the following year, and is known as "Rice's Block," a monument of his enterprise and faith in the future of his loved city.

After abandoning the theater Mr. RICE devoted himself to the improvement of his real estate, of which he had acquired considerable. During all the time he managed a stage there was never allowed anything which would tinge the cheek of the most refined with a blush.

Although a prominent and active citizen almost from the day of his arrival in Chicago, and a warm republican from the day of the organization of that party, Mr. RICE took no great part in political life until 1865, when he was nominated as the candidate of the "Union party" for mayor, and elected by a large majority. In 1867 he was renominated by acclamation, and again elected by a large majority. When his term of office expired in the fall of 1869, he refused to be a candidate for re-election. His two administrations were singularly fortunate. There were no jobs in the council and no complaints of indifference on the part of the mayor. As presiding officer of the council he was in all respects the best that body has ever had. He took an active part in every detail of the city affairs and was thoroughly conversant with all its necessities.

From 1869 to 1872 he took no active part in politics; but in the fall of the latter year, when the republicans of the new first congressional district wanted a candidate, he was unanimously selected as the representative of his party. He was chosen by an immense majority, swollen by his own personal strength, and went to Washington to discharge his new duties, bearing with him the same conscientious determination to fulfill the high functions of his office that he had displayed in other and less important positions. His record in Congress is well known. A new member, busied in learning details, he had few opportunities of displaying the real ability which was in him; but when he spoke and acted, it was always wisely and well. By his associates he was loved and respected.

By his death, which occurred in almost the prime of his life, the first congressional district has lost its first Representative, the city and county one of its best citizens, and his family a kind and affectionate father.

Mr. RICE's family consisted of one son and five daughters. His son enlisted early in the war, and was killed at Chickamauga, Tennessee, September 19, 1863, while in command of Company A of the Eighty-ninth Illinois Volunteers. His daughters all are living; and they, and his wife, who also survives him, mourn him as only such can mourn for such a husband and father.

In the city where he lived, and over which he had so long, so acceptably, and so justly ruled, and where he was so well and widely known, he was most appreciated and loved. The announcement of his death carried sorrow to every household there; few men ever had or ever will win as he had won the hearts of all—the high and low, the rich and poor alike of that city. And we shall be fortunate indeed if when our work is done it has been as good and our lives as pure as that of him of whom we take the last good-by to-day.

I submit the following resolutions:

Resolved, That this House has heard with deep regret of the death of Hon. JOHN B. RICE, a member of this House from the State of Illinois.

Resolved, That, as a testimony of respect to his memory, the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Mr. CORWIN. Mr. Speaker, after listening to the eloquent remarks of my colleague [Mr. WARD] I do not rise to pronounce a formal eulogy upon the late JOHN B. RICE, but simply to add my tribute of respect to the memory of one who was my esteemed friend.

Although I had on one or two occasions prior to the assembling of this Congress met Hon. JOHN B. RICE, my acquaintance with him only commenced when we met in this Hall in December, 1873. In the selection of seats at the commencement of this Congress it so

happened that we were placed at adjoining desks, and continued to occupy contiguous seats during the long, protracted session of seven months. Sitting side by side and representing districts almost adjoining in the same State very naturally led to frequent conversations and an interchange of opinions upon the various questions that came before the House. As our acquaintance improved this interchange of thought and opinion became more and more frank and unreserved, until, long before the close of the session, our conversations were characterized by the fullest confidence and all the freedom of warm friendship. It was in this unreserved intercourse, in the expression of his matured opinions as well as in his impromptu suggestions, I had the amplest opportunities to discover the more striking characteristics of the deceased, and learned to respect his many noble qualities both of mind and heart.

As we have been informed by the gentleman who preceded me, Mr. RICE, with but limited advantages for the acquisition of an education and contending with the embarrassments of poverty, commenced the stern battle of life, but with his vigorous intellect, his strong will, his unswerving honesty and integrity and his generous heart, he fought the battle bravely and successfully. And while he secured a competency as to fortune, he also secured that which was of far more value, the esteem and confidence of all with whom he was brought in contact; and on many occasions he received the strongest evidence of the high estimation in which he was held by his fellow-citizens, by being intrusted by their suffrages with high and important public duties.

As a man, Mr. RICE was distinguished for a strong, comprehensive, and vigorous intellect, quickened and trained by a long and active participation in the stirring scenes of active business, in which he acquired a large fund of practical and varied information. In manners he was affable, social, courteous, and dignified; in conversation, entertaining and instructive; and in all the relations of life, generous and magnanimous.

As a Representative in this Hall, where you all knew him, I need say but little of my late colleague. In the discharge of his public duties, the first and paramount question with him was, what is right? and when he had settled that question, he firmly adhered to his convictions, permitting no considerations of policy or expediency to swerve him from the right. He was unremitting in his attention to the business and wants of his constituents, prompt in his attendance upon and indefatigable in the performance of his duties in committee, regular and constant in his attendance upon the sessions of the House, and ever devoted himself industriously and conscientiously to the discharge of his whole duty to his constituents and to the country. He did discharge his duties nobly, faithfully, and well, and filled to the full the Jeffersonian standard of qualifications for public service. He was immovably honest, he was thoroughly capable, and he was diligently faithful. In a word, I repeat, Mr. Speaker, what I have said, that in his private as well as in his public life he was eminently distinguished for his immovable, unyielding, unflinching honesty and integrity. He earned and was justly entitled to that highest reward of the faithful public officer, "Well done, good and faithful servant." "Peace to his ashes."

Mr. FORT. Mr. Speaker, it was painful duty on a former occasion to announce to this House that death had been among the delegation from Illinois and had stricken down Hon. JOHN B. RICE, Representative from the first district; and it is with tender sadness that I break silence here to-day to record my humble tribute of respect to the memory of my departed colleague.

I had known him before, but had formed no intimate acquaintance with him until our service began here together at the opening of this Congress. Our acquaintance soon became very agreeable to me. I soon discovered in him noble qualities and boundless generosity; I soon found that he was not only approachable but genial. It seemed to me that his manner and his bearing were not merely acquired, but that they sprang from native politeness and were founded upon broad benevolence and good-will toward all mankind. About him I never discovered anything low or vulgar; but to me his conversation always appeared elevating and his purposes honorable. To him I was indebted for information to me valuable, and which I still cherish with his memory.

The influence of his society was refining, and his companionship profitable. He desired that all mankind should be free and happy. He would always rather please than affront. Nature as well as culture had endowed and formed and fitted him to entertain his fellows. His service here was not all his public life. With other theaters he was more familiar where he merited and received the popular favor. He was a loved and cherished companion, and a dear and indulgent father. He blessed his home and his fireside. The blow that removed him thence crushed and stunned the family circle.

When first we met here he seemed the most robust of all the delegation from our State. His sturdy and rugged form appeared able to wrestle with the labors and exposures of life for many years to come, and little did we think that he would be the first of us from Illinois to fall.

In his service here he worked hard and incessantly, and it is more than probable that his close application to his public duties during the long session, and his deep anxiety that all matters with which

his country was concerned should go well, so wore upon him and sapped away his strength as to cause his premature end.

He loved his country more than he loved himself. He was true to the party with which he acted. All his political action was governed by principle, born of sincere conviction of what to him seemed right. For his political adversary he had no words of abuse. To his opponents he accorded the same freedom of opinion he claimed for himself, and to them he was always temperate and respectful. Like his great political leader, of whom he was a devoted follower, he had "charity for all and malice toward none."

But, Mr. Speaker, it is with no vain hope that I could fitly pronounce his eulogy that I do speak. I can at best but recognize the solemnity of the hour.

Death has been busy with us here on this floor. To his dread call no dilatory motions avail. There is no postponement to another day. The hammer falls and the victim is down forever. One after another our fellows fall around us and we inquire one of another, who will be the next? But this no one can tell. One by one our comrades are called; and they depart at once for that other country, and we seem to hear their spirits say, "Be ye also ready."

It is fitting, Mr. Speaker, that we should thus pause and hush the hum of our busy sessions and recognize the presence of death, that stalks unseen among us and treads unheard upon this floor. Unbidden and unwelcome have been its visits.

We shall never see the portly, manly form of my colleague stride up and down these aisles again; we shall hear the silvery tones of his commanding voice no more. When he fell some of us were appointed to attend his remains to the tomb. We followed them to his home in Chicago, of which city he had long been a resident and had been its chief magistrate. There the citizens, both prominent and humble, and there his friends and neighbors gathered sorrowfully around his bier to pay their last tribute—there to gaze for the last time upon that form once so full of life and action; but it was cold and motionless. His once familiar voice, which had so often swayed them and moved them to applause, was silenced forever; his eye that had so often beamed upon them was rayless and closed. And as they gazed there started many a tear from eyes unused to weep. Sadly we bore his remains to the grave in Rose Hill Cemetery, near his resident city, and silently and softly we laid them down to sleep until the morning of the resurrection, and peace be to his ashes was our prayer.

Our colleague has gone, gone on to that other city over on that beautiful shore.

Hail, brother; hail and farewell.

The resolutions offered by Mr. WARD, of Illinois, were then adopted unanimously.

DEATH OF HON. ALVAH CROCKER.

Mr. DAWES. Mr. Speaker, I desire to interrupt the ordinary current of business in this House that the attention of its members may be directed for a few moments to an event full of admonition and one which awaits us all. It becomes my painful duty to announce to the House the death of one of its members, Hon. ALVAH CROCKER, a Representative from the tenth congressional district of Massachusetts, who died at his home in Fitchburgh, in that State, after a brief illness, on Saturday, the 26th day of December last. He separated from his colleagues and associates here at the commencement of the holiday recess in unusual health and spirits, speaking frequently of a vigor and freedom from illness not enjoyed for many years. His journey northward to his home in the rigor of December brought upon him a severe cold and afterward congestion of the lungs, which confined him to his house on Friday and terminated fatally on Saturday evening. He sank rapidly in the last few hours of his illness, and passed quietly away at eleven o'clock in the hope of a glorious immortality.

Mr. CROCKER was born in Leominster, in our State, on the 14th day of October, 1801, and had therefore at the time of his death just entered the seventy-fourth year of his age. His parents were poor, and without the means of rendering him any assistance in preparation for after life, and hardly more than a maintenance from his earliest years, and he became a factory operative when only eight years of age. The first and almost the only fifty dollars expended on his education was earned by him in night work in the factory at four cents an hour, and while it lasted he was a pupil at Groton Academy. Whatever he could earn in this way was devoted by him to fitting himself for a broad and practical usefulness in after life. In fact, almost his entire education was acquired in that broader field of practical life where necessity is the teacher and experience the guide.

In his early manhood he entered as a partner with others into a responsible business connection as a manufacturer of paper, in which pursuit he continued with marked and unbroken success till his death. Though largely and devotedly engaged in this the special calling of his life, he found time to undertake and carry out to successful results other enterprises, some of them of vast public concern, and all of them of great usefulness and influence in promoting the healthy and permanent growth of the community in which he lived, bringing to himself at the same time large returns and ultimately great wealth.

Embarking with characteristic zeal and energy in the earliest railroad enterprise in Northern Massachusetts, if not himself its pro-

jector, at a time when railroads were as yet an untested experiment, he lived to see that line traverse the entire State and connect its tide-waters with the Hudson and the western lakes by one of the most marvelous works of internal improvements in modern times, and all pushed to completion by an energy and forecast inspired by him more than by any other. Under the same influences his own town has grown from an unimportant village of a few hundred inhabitants to a flourishing and prosperous city of large and increasing wealth and importance in the Commonwealth. It to-day mourns the loss of a citizen constantly contributing by a ceaseless activity singularly well directed to its improvement and prosperity, to the comfort and character and growth of its people.

Nor were these characteristics of Mr. CROCKER's life confined in their results to the city of his residence, but were felt in stimulating the development of a great variety of industrial interests and the consequent increase of prosperity and wealth in other parts of the State. A beautiful manufacturing town has sprung up within a few years on the banks of the Connecticut, increasing rapidly in population and wealth, and destined soon to rank among our cities, which owes its very existence to the indomitable energy and tireless efforts of Mr. CROCKER.

The implicit confidence of his fellow-citizens in his spotless integrity as well as sound judgment and unusual forecast called him most frequently to positions of very delicate trust and of great responsibility, which he held from his earliest manhood to the day of his death. His decease has made vacant positions in the board of direction of institutions and associations for purposes of business and public and private trusts as well as for objects of benevolent and religious work greater in number and importance than would be caused by the death of almost any other citizen of the Commonwealth.

Mr. CROCKER was three times a member of the house and twice a senator in the Massachusetts Legislature. On the 2d day of January, 1872, he was elected to the Forty-second Congress to fill a vacancy caused by the resignation of Governor Washburn. His election took place while he was absent from the country with Mrs. Crocker, whose failing health had taken him abroad many months previous to the existence of the vacancy. He had no knowledge of either nomination or election till his return after both had occurred. Mrs. Crocker's protracted sickness and death detained him for some time from his seat. He was re-elected to the Forty-third Congress by a large majority, but declined a re-election to the Forty-fourth.

Mr. CROCKER was in politics a whig, and after that party a republican. Bringing to the discharge of every political duty growing out of those relations the same enthusiastic zeal which characterized his every undertaking, he was nevertheless no partisan, and always followed his convictions rather than his party. He came into Congress late in life, and was not permitted to remain long enough in his work here to leave that personal and permanent impression upon the administrative policy or legislation of the country which experience often brings to the share of others. But he was not idle here. Indeed, he could not be idle anywhere. In the committee-room, as well as upon the floor of the House, and always in consultation, his practical knowledge and wise counsel were invaluable, while his genial disposition and flow of conversation made him a general favorite. It was truthfully said of him that "he went directly at a thing in Congress as he would in his own business affairs, and in an earnest, homely way they were little accustomed to witness."

Mr. CROCKER was a remarkable man in all the variety of pursuits in life into which his tireless spirit and iron will led him to embark. A larger measure of success and a more wide-spread influence and abiding impression were attendant upon his career in life than mark the path of most of his contemporaries. The tendency of his whole life work was for good. He was a generous giver and especially delighted in aiding young men of limited means. The needy never turned empty from his door. No portion of that vast concourse of people who crowded the funeral procession testified their bereavement more sincerely than the humble and dependent who had been recipients of his bounty. He was a religious man, and died in the faith of the Protestant Episcopal Church, of which he was an officer at the time of his death.

Mr. CROCKER had been married three times, and left two children and a widow stricken by this bereavement, yet sustained by that faith which assures them that their loss is his gain.

Mr. Speaker, the shafts are falling thick and fast among us. Massachusetts is called upon by this dispensation, for the third time during this Congress, to mourn the loss of one from the number of those she has commissioned for the public service in these Halls. And even now, before these ceremonies are concluded, a fourth is added to the list of her dead. The funeral procession has but just borne another of her delegation from the scenes of his labor here. Our Commonwealth is most sensible of how great is that loss. She bows her head in submission and testifies her grief at the tomb of her faithful public servants.

I offer the following resolutions:

Resolved, That this House has heard with deep regret the death of Hon. ALVAH CROCKER, late a member of this House from the State of Massachusetts.

Resolved, That as a testimony of respect to the memory of the deceased the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Mr. BUTLER, of Massachusetts. Mr. Speaker, the most gracious boon conferred by a merciful Providence upon any man is that he may not know the hour or manner of his death. When it comes to him in the full vigor of activity, especially after long, long years of a well-spent life, as a relief from all sorrow and care, with a humble Christian hope of a future and better life to come, such a departure calls neither for tears nor mourning in his behalf whose life has been so blessed by its ending. Yet it is well to pause amid the contests of life, its struggles and business, to give thought to the conduct and example of the departed, to contemplate all that is beautiful and good in his character, and to pay some tribute to his virtues, and thus aid to keep green his memory.

By the death of ALVAH CROCKER, a member from Massachusetts in this House of Representatives, our Commonwealth has been called a second time to mourn for one of her chosen men; and while he had not, from long services in the councils of the nation, high attributes of eloquence and learning, attained that exalted place in the affection and reverence of his countrymen that was held by the great statesman of our State whose death has within a twelvemonth called for our deepest sorrow, yet in another and perhaps no less useful sphere Mr. CROCKER has so well performed his part in life, and has left for the contemplation and imitation of the youth of the country a career no less honorable, and in its results to mankind quite as practical and beneficent.

From humble life, without the advantages of that early training and cultivation which the universities may give, brought up by the rugged hand of poverty, he early distinguished himself as a thorough man of affairs, whose foresight in planning, whose skill and energy in executing many most important undertakings for the welfare of his fellow-citizens and the prosperity of his State early gave him an enviable reputation in a community where all the faculties of mind were taxed to the utmost in the most active and complicated duties of life.

Mr. CROCKER's character and success in life were indeed the very outgrowth of the industrial pursuits of the people of Massachusetts. At an almost infantile age an operative in a manufacturing establishment, thence steadily rising step by step, overseer, superintendent, owner, acquitting himself so well in all that each step was but the round of the ladder by which he climbed from honorable penury to competence and the like honorable wealth. Among the very first of the far-seeing men of his State, with business sagacity that never faltered, he foresaw the effect which the then young system of railroading must have upon the prosperity of his native State, and allied himself very early in one of the most considerable railroad enterprises by which Boston was ultimately to be connected with the western part of New England, the provinces, the Canadas, and the great lakes. His sagacity and business qualities were at once recognized by his associates in the enterprise, so that he was early made president of the Fitchburgh Railroad, planned in the beginning to connect his native town and the town of his adoption with Boston, but afterward to be extended so as to become a portion of the railroad system that connects the tide-waters of Boston Harbor with the great lakes and the granaries of the West.

Mr. CROCKER early saw, almost as by intuition, what came to others only by slow teachings of experience, the impossibility of profitably and effectively carrying on very extensive mercantile traffic over railroads encumbered by curves and heavy gradients, and therefore nearly a quarter of a century ago became the ardent advocate and untiring promoter of the most splendid engineering achievement of the age, the opening of a railroad track through Hoosac Mountain by a tunnel sufficient for a double-track road of quite five miles in extent, of which work the State gave him charge as its commissioner, and which he lived only long enough to see completed.

While possessing qualities of the most positive character, yet his nature was so kindly, his disposition so courteous, his mind so fair, and his conscience so just, that he had fewer collisions in the many and diverse kinds of business in which he took most active part than fall to the lot of the most favored few. With such attributes, sustained by the most sturdy and vigorous physical health, which enabled him to carry forward with the greatest vigor all that he undertook, it was not singular that he early commanded the attention of his fellow-citizens as one well fitted for public service, and was by them chosen to represent their interests in public affairs; so that nearly forty years ago he was elected the representative of what is now the city of Fitchburgh to the Legislature of Massachusetts, which he filled during several terms, and was afterward later in life elected to the senate of the State for two successive periods; in all which service he gained an enviable distinction and influence, never failing to command the suffrages of his fellow-citizens where he was offered as a candidate for their votes; so that he was elected twice to his seat in this House in the Forty-second and Forty-third Congresses, in which last we now turn aside from public affairs to mourn his loss as a fellow-member but yesterday acting with us in the business of the hour.

An ardent, patriotic friend of the Union, on the breaking out of the war Mr. CROCKER took the most active and intense interest in all measures for the suppression of the rebellion. Too far advanced in years to take part in arms, he exerted himself to send forward troops, and while the war was raging he made a voyage to England and spent very considerable time in impressing upon the manufacturers

of England the condition of our country and the necessity that there should be a community of interest and thought and mutual fellowship between those classes in both countries that represent the industries of the people. When the war was over, not unmindful of those who had gone forth at his solicitation to battle for the country and laid down their lives in its service on the battle-field, he exerted himself with his accustomed power and vigor, contributing thereto largely of his own means to provide that the fallen heroes of his city should have one of the most elaborate and costly of the many monuments erected to the memory of those who fell in battle in that war, and fortunately lived long enough to see it completed, having made the address at its dedication but a few months before his decease.

ALVAH CROCKER died at the age of upward of seventy-three years, but was possessed of such a strong and powerful frame and constitution of body, that it seemed probable but for the accidental contracting of the disease from which he died, he might have seen many more years of useful service to his country and his kind.

Such is the faint outline of the record of a life not so brilliant indeed as some that flash their light across the age in which they live, but so useful, so practical, so devoted to everything that could aid, prosper, and foster all the best interests of the community in which he lived, that it is more than doubted whether any better model of a life well spent and duty well done can be held up for the closest imitation of those who may come after him.

The resolutions submitted by Mr. DAWES were then unanimously adopted.

DEATH OF HON. SAMUEL F. HERSEY.

Mr. HALE, of Maine. Mr. Speaker, we are but five in all in this House from the State of Maine when all are present, and one of our number has been taken away by death. HON. SAMUEL FREEMAN HERSEY, who represented the fourth district of Maine in this Congress, died at his home in Bangor on the 3d day of this month. The fatal disease that at last ended in death fastened upon him many months ago and broke down the physical strength which had been marked in his previous life. It interfered seriously with his duties in the last session of this Congress, driving him from the Capitol in the late winter months after he had resolutely fought its approaches, turned his home during the summer and fall into a house of sickness, and inexorably forbade any attempt to share in the labors and duties of the present session. The resolute will of my late colleague and friend was so noticeable a feature in his character that I shall be well borne out by those who knew him best in saying that nothing less than the painful disease under which he suffered could have kept him away from the post to which a trusting people had called him. As I remember him and recall an acquaintance of many years, there arises before me no instance when he shrank from a duty laid upon him.

General HERSEY was born in Sumner, in the county of Oxford, and State of Maine, on the 22d of April, 1812. He came from revolutionary stock, his maternal grandfather having been an officer in the war for Independence; and he was reared in that best school for early boyhood which the New England fireside, hillside, and school-house furnish. When at the age of twenty-one he entered upon mercantile business for himself; he had secured the good education that the district school and the county academy afforded, and was wellfitted to enter into the conflict of active life. In business he almost always prospered, increasing his ventures and his gains from year to year, and latterly extending his operations into Minnesota, Wisconsin, and other northwestern States. He was prompt and energetic in affairs; honest and conscientious in his dealings; and as his fortune increased gave liberally of his store.

He was always trusted by the people among whom he lived, representing the town of Milford in the lower house of the Maine Legislature in 1842; the city of Bangor, to which he afterward removed, in one branch or the other of the State Legislature in 1857, 1865, 1867, and 1869; besides serving for some years as a member of the executive council. After filling other important State offices, he was first elected to this House in September, 1872, and was re-elected in 1874. From participation in what promised to be the stirring scenes of the Forty-fourth Congress, he has been cut off. Had he lived, his position must always have been clearly defined. His was never a halting or doubtful course. His religious and political beliefs were a part of his life; and he accepted the consequences of those beliefs boldly.

This positiveness of character led him not to fear antagonism; but his kindness of heart raised up friends and prevented life-long enmities.

Mr. Speaker, our deceased colleague will be greatly missed in our own State, where he has been for years a prominent citizen; to his neighbors and friends the loss will come nearer; to his family it can never be repaired. On this floor those who knew him during the brief weeks that he was in attendance know that this House has lost an honest, useful member.

But awful as is the coming of death, and sobering as must be its contemplation, the way along which a human life is sometimes led to it is so beset with suffering and agony that to our limited vision the final summons must then seem more like a relief than a doom.

General HERSEY's disease was severe and protracted. It never broke down his mind or his spirit, but it wasted his body and racked him with pain such as few men fortunately are ever called to en-

dure. It was incurable; and at last he sank under it. But he died in his own house, with his wife and children about him, and loving hands smoothed his winter shroud. Thinking of how vexed had been his last days and how peaceful was his death, who will not ask with Spenser—

Is not short pain well borne that brings long ease
And lays the soul to rest in quiet grave?
Sleep after toil, port after stormy seas,
Peace after war, death after life doth sometimes greatly please.

Mr. Speaker, I move the following resolutions:

Resolved, That this House has heard with deep regret the death of HON. SAMUEL F. HERSEY, a member of this House from the State of Maine.

Resolved, That as a testimonial of respect to the memory of the deceased the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Mr. FRYE. The ordinary labors of this legislative Hall are suspended, its confusion hushed, and a new spirit holds supremacy here now. A remarkable event induces silence and solemnity, admonishing us that—

Art is long and time is fleeting,
And our hearts, though stout and brave,
Still like muffled drums are beating
Funeral marches to the grave—

admonishes us that life is uncertain and death certain; admonishes us that what we have to do we ought to do quickly and well.

Sir, death is making a terrible havoc in our ranks. Within less than one year six members of the New England delegation in Congress have died, each one of whom in his chosen business or walk in life was a pre-eminently successful man. Statesmanship, law, commerce, and manufactures have made monumental contributions to the city of the dead. To-day the death of three of them has been announced on this floor; two, men full of years and full of honors, each of whom had reached nearly if not quite that allotment to man's life of three-score years and ten; each of them like a ripe shock of corn gathered to his fathers, leaving a legacy behind him of a well-rounded and perfect life.

Our colleague, General HERSEY, was cut down in the very prime and vigor of life. To the casual observer his work, though well done, was only half done; his life a partial failure, his battle not fought out, and the broken shaft would be a fitting monument to his memory, the emblem of life incomplete. But to us who knew him well and for years have known him well he had finished his fight and won the victory, he had run the race and reached the goal. Were we to build his monument, its base would be broad, strong, deep laid, where no frost could heave and no tempest move; and its shaft should be beautiful, white, perfect.

To his business career General HERSEY brought earnestness of purpose, strict integrity, economy, habits of industry, and an indomitable will. His hope was so bright and buoyant that no defeat ever made him despondent; his courage was so strong and sure that no lion in his path ever turned him aside; his integrity so strict and steadfast that no shadow of suspicion ever darkened his fair name. I remember, when he with others was surety on a defaulting State treasurer's bonds, he interposed no legal technicality, not even an equitable defense, but promptly paid every dollar not only that the law could demand, but all a quickened and sensitive conscience could suggest. Such was his sagacity that his plans never miscarried.

The city he lived in and his State poured wealth into his coffers; and, as my colleague has well said, the States of the great West, too, were compelled to contribute, until when he died he was one of the wealthiest, if not the wealthiest, man in Maine. Then, sir, as a business man stainless, owing no man, neither defrauding nor dealing hardly with any man; indulging in no rash and reckless speculations; prosperous, successful in every endeavor; rich beyond his most ardent hopes—do I not say well, his life was complete?

But, sir, could I say nothing more than this it would seem to me but the cold praise exacted by strict justice. My heart would give no response. My affection pay no tribute. A man's life lived for self alone is a failure. General HERSEY lived another, a higher, a purer, a nobler life than this of amassing wealth. The stream which turns the wheel of the mill and drives the spindle and the loom does its duty; but never this alone. All along its course, from its source to its mouth, it continually makes green the grass, waters the flowers, gives life to the tree. So General HERSEY all through his long, active, business career never for one moment when overtaking and passing by his less fortunate fellow-man forgot him, but stretched out to him a helping hand, gave him words of good cheer. And I know of many a man to-day in my own State and some here, living now in comfort, who owe all that they have to his kind words and liberal deeds.

For his bounty
There was no winter in't; an autumn 'twas,
That grew the more by reaping.

In social life General HERSEY was the gayest among the gay, his presence always joyfully received, and his absence always felt with grief. To the poor, the feeble, and the dependent his face always brought with it healing, strength, and hope. His hearty, cheerful manner was like the sunbeam breaking through the prison bars, making for the whiles the gloom of the cell brightness.

The cause of education lost one of its best and most beneficent friends when he died. Institutions of learning in my own State and in others to-day mourn for the loss of a liberal, bountiful benefactor. In politics he was always welcome to the party whose policy he espoused, for he was one of the most zealous, earnest men I ever saw, giving new strength and courage to his party.

His people loved him; and there never was an office in their gift he could not command; yet his modesty led him to accept but few. The devotion of his constituents was well illustrated in the fact, as my colleague has stated, that here in this House for this term of Congress he has been nearly the whole time unable to perform any of the ordinary duties of a member, yet before the last election, though most understood or feared at least that he was upon his dying bed, he was renominated by acclamation and re-elected by an increased majority.

It may be and it may seem to many gentlemen a little thing, but I cannot help mentioning it in filling out this life of my colleague, that if you walked with him through the streets of his native city you would see little children greeting him and he them all along your way.

Sir, I tell you the man who loves children and whom children love is not and cannot be a bad man. The children of his Sunday-school, to whom he had again and again given words of wisdom and counsel, met the other day in his native city and passed resolutions indicative of sorrows at their irreparable loss.

The Church mourns General HERSEY as one of its pillars broken. His memory will be fresh and green always. He was no sectarian; he was no bigot; but he loved with his whole heart the church of his choice. I remember Webster once said "religion is a necessary and indispensable element in any great human character." My late colleague was a religious man. His religion can be summed up in two commandments, "To love God and to love one's neighbor." We who knew him knew that he could pray; for—

He prayeth best who loveth best
All things both great and small;
For the dear God who loveth us
He made and loveth all.

Sir, did I not say well, then, that his life was well rounded and perfect too?

Our sympathies, sir, go out to his bereaved family. They have suffered a loss for which now they can see no compensation whatever. To the widow and to the fatherless children we can only say, "Death is the crown of such a life."

Mr. DUNNELL. Mr. Speaker: In the winter of 1854, at Augusta, the capital of Maine, I formed the acquaintance of the late SAMUEL F. HERSEY. He was at that time in the full strength of middle life, and was among the foremost of the leading business men of Eastern Maine. That rank he held till continued ill-health, commencing soon after his election to this Congress, compelled his retirement.

Mr. HERSEY had his birth at Sumner, in the county of Oxford, in 1812. At his majority, or soon after, he sought his home and theater of labor in the city of Bangor, the then central point of the large lumbering interests of Maine. At this period in the history of the State, his adopted home was especially noted for the enterprise and ability of its professional and business men. Its prosperity and promise had drawn to it from the neighboring counties, and indeed from the neighboring States, not a few men who since then have honored the State in every department of life. This comparatively new city at that time welcomed every bold comer. Mr. HERSEY, at the very start of his business life, was as bold in purpose as in form were the hills of his native county. He entered the race to reach the goal. Success in honorable business was the end he sought. That end he attained by wise foresight, just means, unflagging endeavor, and unimpeachable character.

His large acquisitions, the manner, time, and place of his investments, attest a superior order of judgment. The steady increase in the rewards to his industry indicate the possession of a mind which could and did grasp all the conditions of success. His eminent prosperity was not a result of chance. He had it because he deserved it; because his plans and courses of action by an inevitable law gave it to him.

As time passed and his means increased, his operations were largely diversified. He was a merchant, banker, and lumberman. He invested in timber lands, both East and West, in mining, insurance, banking, and railroads. Maine has not alone witnessed his achievements. In 1854 he commenced the purchase of timber lands in Minnesota and Wisconsin, and with others erected a mill for the manufacture of lumber at Stillwater, in the State of Minnesota. Since that time he has had large interests at that point and elsewhere in the State. His money has aided in the construction of at least two of the railroads in our State. He owned at the time of his death not less than seventy-five thousand acres of timber lands in Minnesota and Wisconsin, and no inconsiderable amount in Michigan and Maine.

Minnesota, therefore, Mr. Speaker, unites with Maine in expressions of profound sorrow at the death of a citizen so eminently deserving the honors conferred upon him in his native State and the respect paid him wherever known. As sincere mourners dwell on the banks of the Saint Croix and the Mississippi as of the Penobscot. So large were his investments in the State and so early did he participate in

her development that we almost deemed him an addition to our own delegation to this House. While he had his home in the East, he was deeply in love with the West. He appreciated the extent and character of her needs and her capacities. He fully realized her immense possibilities, and was ready to favor measures which, to the more conservative, seemed little less than visionary.

Mr. HERSEY was thrice married. Four sons were the fruit of the second marriage. Two of these sons are residents of Maine and two of Minnesota.

Prior to 1854 the deceased was a member of the democratic party. Up to that year he followed the fortunes of this party with the same enthusiasm and devotion with which he afterward, and till his death, sustained those of the republican. He was five times a member of the Maine house of representatives and twice a member of the executive council. In addition to other honors, he was elected to this and the Forty-fourth Congress. In politics, he was sincere and earnest. His convictions found expression in bold and straight-forward action. His position on pending questions was never left to conjecture. He was sufficiently radical to be secure against the temptations of a timid and therefore dangerous conservatism. His patriotism was too ardent to lend its ear to the voice of mere policy. He was a most valuable member of the republican party, for he was in it from conviction and was unswerving and unceasing in labor and counsel to keep alive that aggressive spirit which leads to party achievement. He did not falter, though others fell behind.

Among innumerable false, unmoved,
Unshaken, unswerving, unterrified,
His loyalty he kept, his love, his zeal;
Nor number, or example with him wrought,
To swerve from truth or change his constant mind,
Though single.

Mr. HERSEY was not well known to the members of this House. He came here a sick man and therefore was not himself. His sickness affected his mind and spirit as well as body. When in health his mind was intensely active and his spirits always buoyant. He was happy in every place and amid all labors; he was free and genial; his manners made him friends, and his open kindness gave him influence.

His donations to institutions of learning and to churches were very considerable. Many a locality will long cherish his memory. His accumulations of wealth did not make him deaf to the calls of the poor or forgetful of the teachings of religion. Our friend died at home. Death approached him in slow, yet certain steps. He saw the enemy at a distance and watched his advance. He had months in which to review life's work and bring to his lips, "Thy will be done." His faith in the world's Redeemer took away every fear of the grave. He had wrought life's work with a fervent heart; his duties had been well performed and his days well spent.

O, what a glory doth this world put on
For him who, with fervent heart, goes forth
Under the bright and glorious sky, and looks
On duties well performed, and days well spent!
For him the wind, ay, and the yellow leaves,
Shall have a voice and give him eloquent teachings.
He shall so hear the solemn hymn, that Death
Has lifted up for all, that he shall go
To his long resting-place without a tear.

The question was taken on the resolutions, and they were unanimously agreed to.

DEATH OF HON. SAMUEL HOOPER.

Mr. E. R. HOAR. In the death of SAMUEL HOOPER, the last of our associates who has been summoned from the scenes of his earthly labors, we have been called to part with a member of this body one of the oldest of our number, one of the longest in continuous service, and one of the most generally esteemed and respected.

He was born in Marblehead, on the 3d of February, 1808. His father and grandfather were merchants, and he came of that sturdy race of men who for two centuries have peopled the shores of Massachusetts Bay, making it the nursery of seamen, the home of ship-masters, and the birthplace of so large a proportion of those whose enterprise and sagacity have whitened every sea with the sails of American commerce; the men of courage, endurance, clear heads, and large hearts, who have gathered wealth in every field of commercial adventure to pour it out freely in response to any call of patriotism, of public spirit, of religion, education, learning, or public or private charity.

His father was the president of the old Marblehead Bank, one of the solid moneyed institutions of an elder generation. He was thus by birth and training fitted for the employment to which most of his life was devoted, that of a merchant and financier, in which he achieved such eminent distinction and success. In his early life he went as supercargo in his father's vessels to Cuba and Russia and Spain. He married a daughter of William Sturgis, and thereupon became a partner in the house of Bryant & Sturgis, and engaged in the trade with China and the northwest coast. On the dissolution of that firm he became a partner of William Appleton, his predecessor in Congress, continuing the large and varied business of the house, after the death of Mr. Appleton, under the name of Samuel Hooper & Co. By inheritance and marriage he had a considerable property, which he increased to the dimensions of a large fortune.

His wife, two daughters, and several grandchildren survive him, but he had borne the heavy sorrow of the loss of his only son.

His public life consisted of three years' service in the Massachusetts house of representatives, a single term in the State senate, and the fourteen years in which he has represented one of the Boston districts in Congress.

Mr. HOOPER first attracted notice in connection with public affairs by the vigor with which, when a member of the whig party, he addressed himself to the defense of the doctrine of hard money and the stringent regulation of whatever substitute therefor might be devised, which brought him for a time somewhat in affiliation with the democrats. He became early a member of the republican party, and during his whole term of service in Congress represented that party upon this floor.

To most of those of us who are members of Congress for the first time Mr. HOOPER's position and strength in this House are very much matters of tradition. But with his large experience, with his native shrewdness, with his clearness of mind and uprightness of purpose, he brought to the public service here when he first entered upon it qualities of conspicuous value. As a member of the Committee on Ways and Means and as a member and chairman of the Committee on Banking and Currency he has exerted a most important influence upon the legislation of the country.

He was the trusted adviser and friend of Chase and Fessenden and BOUTWELL. He was a friend and confidant of Stanton and Sumner and Lincoln. And, Mr. Speaker, I may say that his friendships and his valuable influence extended far beyond the region of his party associations. He was a friendly man; he was a thoughtful and considerate man.

He could clearly perceive and could clearly express what he thought. He had none of the graces of oratory, but in the time of his strength he was combative, forcible, energetic in the maintenance of the views which he believed sound.

But, Mr. Speaker, it is as we remember him so recently among us rather than as the man of business or the politician that I desire to speak of him to-day. His modest and simple nature would have shrunk from anything like public eulogy; but his affectionate heart would have rejoiced in everything that spoke of kind and friendly remembrance. I think that we all of us have felt as we have looked upon that silvered head that whoever else might bear the title by courtesy, Mr. HOOPER after all must be considered as the father of this House.

Possessed of large wealth which enabled him to gratify his friendly tastes, he was the most hospitable of men; hospitable not only in the sense in which many who are men of wealth may exhibit that quality, by costly and frequent entertainments, but by a hospitality and flowing courtesy toward all men. He attracted to his house and to his society men among the ablest and the best which our country furnishes, and with them men of less note and even sometimes men whom it would require a large charity to reckon of that number.

He had firm convictions; he adhered to his own opinions. But he had no animosity, and his willingness to receive and treat with fairness the differing opinions of others had nothing in it of the condescension of toleration. He recognized human differences, and he had a large catholic spirit which could embrace relations with men of all classes of opinion. Men of fame, men distinguished in science and in letters, have been his friends and associates. And he extended to the poor and the lowly a free and generous liberality which should bring a benediction upon his memory.

When the ear heard him, then it blessed him; and when the eye saw him, it gave witness to him because he delivered the poor that cried, and the fatherless, and him that had none to help him.

His private charities were limited only by his knowledge of the wants of those about him. And in addition to those which he bestowed, and so quietly that except by comparison of the knowledge accidentally obtained, one person with another, few could have any idea of their extent, he employed an almoner to seek out cases of want, whose distribution to the poor of this city has reached to thousands of dollars. He was liberal to public objects, and founded a school of mines in Harvard College with an ample endowment.

I think, Mr. Speaker, he has left in this House no enemies; all of us who knew him were his friends. He has gone from us; and we turn to our public duties more sadly because we miss him from among us.

It has been touching to note during the present session what a change gradually came over him, with his failing strength and increasing years. Formerly taking his full part in social intercourse, exhibiting a ready and genial humor, a promptness to argue any proposition, I noticed that during this session he became gradually more silent, his conversation partaking more and more of reminiscences, and that he became what in the clamor for a hearing so often prevailing in this assembly we have all learned to value, a good listener. He will be long affectionately remembered by those of us who have known him; and he deserves to be honorably remembered for his great public service. His family—wife, children, grandchildren—were all in a foreign land at the time of his death. But there were affectionate and tender friends and relatives about his dying bed; and those who followed him to the grave felt that their presence recognized not only a public loss, but a deep and general private sorrow.

Mr. Speaker, I submit the following resolutions:

Resolved, That this House has heard with deep regret the announcement of the death of SAMUEL HOOPER, late a member of this House from the State of Massachusetts.

Resolved, That as a testimony of respect for the memory of the deceased, the members and officers of the House wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Resolved, As a further mark of respect, that the House do now adjourn.

Mr. PIERCE. Mr. Speaker, I rise to second the resolutions which have just been offered, and to add a few words to what has been said so well by my distinguished colleague [Mr. E. R. HOAR] who preceded me.

Representing in part upon this floor the city of Boston, I regard it to be my duty, as it is my desire, to give expression to the sense of the loss which she has sustained by the death of Mr. HOOPER, who for fourteen years was her faithful and trusted Representative. A son of Massachusetts, Boston had been his home for nearly fifty years, and he was thoroughly identified with her people and her interests. He contributed his full share toward the development of her resources and the promotion of her prosperity and growth. As her Representative in Congress he sought and succeeded in winning for her the good opinion of his associates from other parts of the country, and did much, I think, to dissipate the prejudices which unhappily too often prevail among our people and color their action.

Few men in public life can point to a longer or more honorable service than fell to the lot of Mr. HOOPER.

In the State Legislature he was distinguished for his independence and for the progressive measures he espoused, which were much in advance of the sentiment of the party to which he belonged. His seven terms in Congress covered the most eventful period of our history as a nation. During that time a social and political revolution was accomplished, all the powers conferred upon Congress by the Constitution were brought into exercise, and measures affecting the most precious rights of individuals and States were daily pressed for action. In the determination of these questions Mr. HOOPER acted worthily and ably. The possession of wealth enabled him to extend to others a generous hospitality, and he could count among his friends the most distinguished citizens of our own and foreign countries. From this wide and liberal association he derived a store of varied knowledge of affairs that became of inestimable value in the discharge of his duties in this House, upon which his associates could always depend and from which they freely drew. His judgment had been strengthened and enlightened by long attention to important questions affecting the State and free intercourse with those who made them a study. We can all join, sir, in recalling his familiarity with questions of finance and commerce, and the readiness with which he imparted information concerning them.

Mr. HOOPER closed his career as a legislator in the ripeness of age. Declining to engage anew in the cares and labors of congressional life, he passed away when those cares and labors were for him shading unto their end. The records of this House attest his usefulness, but by none but those who personally knew him can his generosity and kindness be properly appreciated.

Mr. NIBLACK. Mr. Speaker, there is no time when it is so difficult to find language to express the real emotions of the heart as on an occasion like this. This is due in part doubtless to the confused and stricken condition of the mind which naturally follows the death of one whom we have been accustomed to honor and esteem. The sad reflections which overshadow us are not relieved by the utterance of any words, however fitly chosen. Reverential silence seems to be more appropriate.

I cannot speak of Mr. HOOPER as those who have preceded me; it was not my fortune to know him so long and so intimately as they knew him. My acquaintance with him commenced with the assembling of the Thirty-ninth Congress, in December, 1865. Before I had the honor of meeting him here I had learned to regard him as one of the most esteemed and trusted members of this House, who had entered Congress during the eventful period of the war, and whose opinions had deservedly great weight with those who were charged with the administration of the Government. A brief acquaintance with him served to confirm those very favorable impressions which I had already received as to his great worth as a man and his fidelity as a public officer.

Two years later, on the organization of this House in the Fortieth Congress, I became a member of the Committee on Ways and Means, of which Mr. HOOPER was then, as he had previously been, one of the leading members. That brought me into more intimate relationship with him than I had previously enjoyed. My two years' service with him on that committee gave me many opportunities to witness something of his daily life and to judge of the ability and fidelity which he brought with him to the discharge of his public duties.

It was not to be expected that I would always agree with him in measures of public policy. We approached questions here very frequently from different stand-points, and represented constituencies often not in accord in their theories of government. I trust, however, I am none the less able on this account to do ample justice to his character.

While faithful to what he considered the peculiar interests of those he represented, I never found him apparently governed by any narrow or sectional views. Impressing me from the first as a just, discreet, and fair-minded man of broad and liberal sentiments, I came soon to regard him as a model representative of that class of solid and progressive men to which he pre-eminently belonged. So I have continued to regard him.

Kind, genial, benevolent, faithful, industrious, and vigilant, he pursued the right as it was given him to see it with unfaltering steps and unruffled temper. The petty storms which occasionally sweep over this House burst harmlessly over his head without disturbing that quiet dignity of deportment which always attended him as a member of this body.

While true to his friendships and earnest in his convictions he carried with him that conciliatory disposition which disarmed all personal antagonism, and if he had a personal enemy among all the members of this House I am quite unaware of it.

It was my good fortune, Mr. Speaker, to have received at the hands of Mr. HOOPER many attentions and courtesies, which have made a lasting impression upon me and which I shall always kindly remember. Indeed, such were the kindly personal relations existing between us for several years past, that I have been accustomed to regard myself as one of his personal friends, and as such I have reason to believe he regarded me. I unite therefore with affectionate earnestness in doing every suitable honor to his memory.

Mr. BUTLER, of Massachusetts. Mr. Speaker, all that the usage or custom of the House of Representatives requires upon such a solemn occasion as this has been done, and well done; and perhaps it were best that here these funeral ceremonies should close. But to me this occasion is not one of mere ceremony. Almost a quarter of a century ago I was drawn into the closest relations with Mr. HOOPER in the representative assembly of our Commonwealth; and from that hour he has been to me a friend so faithful, so just, so wise, and so true that I cannot let this last hour of mournful farewell to pass without bearing testimony to those great, noble, and generous qualities of mind and heart which distinguished him quite beyond any man I ever knew. I need not—indeed, I cannot—add a word of eulogium. It is not my purpose to eulogize my deceased friend and fellow-member, with whom I have served here for eight years in closest harmony and closest friendship. I pray your pardon, Mr. Speaker, and that of the House, in thus possibly contrary to usage giving my heartfelt testimony to the kindest heart and the noblest mind in all the relations of life, that filled with all the best attributes of social intercourse, and which overflowed with charity to all men and the truest loyalty to friendship.

The resolutions submitted by Mr. E. R. HOAR were then adopted unanimously; and in accordance therewith (at five o'clock p.m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUNDY: The petition of 320 workmen of Ironton, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. COBB, of Kansas: Resolutions of the Legislature of Kansas, asking Congress to create and establish a United States district court for the Indian Territory, to the Committee on the Judiciary.

Also, resolutions of the Legislature of Kansas, in relation to the appraisement of the Cherokee lands, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, in favor of deepening the mouth of the Mississippi River, to the Committee on Commerce.

By Mr. COMINGO: Resolutions of the General Assembly of the State of Missouri, memorializing Congress for the improvement of the navigation of the White River, to the same committee.

By Mr. DANFORD: The petition of Robert S. Lacey, for relief, to the Committee on Appropriations.

By Mr. EAMES: The petition of Thomas W. Phillips and others, of Rhode Island, for the passage of the bill to aid the completion of the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. GARFIELD: The petition of 65 members of the Woman's National Temperance Union, for restrictive legislation in relation to intoxicating liquors in the District of Columbia and the Territories, to the Committee on the Judiciary.

By Mr. HARRIS, of Virginia: The petition of Watson McGill & Co., of Petersburg, Virginia, to be compensated for tobacco seized by the United States, to the Committee on War Claims.

Also, the petition of Virginia Taylor, executrix of Joseph Taylor, to be compensated for tobacco seized by the United States, to the same committee.

Also, the petition of David B. Tennant, to be compensated for tobacco seized by the United States, to the same committee.

By Mr. KELLEY: The petition of citizens and corporations of Philadelphia, artisans, manufacturers, and workers in iron and coal, representing several millions of capital, praying extension of the

national credit to the completion of a great southern railroad line to the Pacific, to the Committee on the Pacific Railroad.

By Mr. MACDOUGALL: Papers relating to the application of Captain W. M. Maynadier to be restored to the service, to the Committee on Military Affairs.

By Mr. MAGEE: The petition of citizens of Perry County, Pennsylvania, for Government aid to the Northern Pacific Railroad, to the same committee.

By Mr. MYERS: Petitions of workmen in Baeder, Adamson & Co.'s glue factory, Philadelphia, and of employers and employees of Henry Diston & Son's saw-works, Philadelphia, for the repeal of the 10 per cent. reduction of duties on foreign goods and against the restoration of duties on tea and coffee, to the Committee on Ways and Means.

By Mr. PHILLIPS: Resolutions of the Legislature of Kansas asking Congress to create and establish a United States district court for the Indian Territory, to the Committee on the Judiciary.

Also, resolutions of the Legislature of Kansas, in favor of deepening the mouth of the Mississippi River, to the Committee on Commerce.

By Mr. ELLIS H. ROBERTS: The petition of citizens of Utica, New York, for Government aid to the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. SCUDDER, of New Jersey: Papers to accompany House bill No. 2266, to the Committee on the Judiciary.

By Mr. STANARD: Memorial of members of the Woman's Christian Temperance Union in Missouri, for restrictive legislation in regard to alcoholic liquors, to the same committee.

By Mr. STONE: Resolutions of the General Assembly of the State of Missouri, memorializing Congress for the improvement of the navigation of White River, to the Committee on Commerce.

By Mr. STRAWBRIDGE: The petition of citizens of Danville, Montour County, Pennsylvania, for Government aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

Also, two other petitions of citizens of Danville, Pennsylvania, of similar import, to the same committee.

By Mr. VANCE: Resolutions of citizens of Macon County, North Carolina, in favor of a survey of the Tennessee River, to the Committee on Commerce.

By Mr. WARD, of Illinois: The petition of John A. Fitch, of Cook County, Illinois, for relief, to the Committee on Claims.

Also, the petition of Margaret Pattison, for a pension, to the Committee on Invalid Pensions.

Also, the petition of members of the Chicago bar, asking increased compensation for the judge of the northern district of Illinois, to the Committee on the Judiciary.

Also, resolutions of workmen of Chicago, Illinois, against changing the law making eight hours a legal day's work, to the same committee.

Also, the petition of Arthur Thompson and others, of Washington, District of Columbia, in support of the bill to reduce the number of hours of labor for street-car conductors, to the same committee.

By Mr. WELLS: Resolutions of the General Assembly of the State of Missouri, memorializing Congress for the improvement of the navigation of White River, to the Committee on Commerce.

By Mr. WHITTHORNE: The petition of Dr. Paul F. Eve, of Nashville, Tennessee, for the restoration of property confiscated under act of July 17, 1862, to the Committee on the Judiciary.

By Mr. WILSON, of Indiana: The petition of members of the Woman's National Temperance Union, for restrictive legislation in relation to intoxicating liquors in the District of Columbia and the Territories, to the same committee.

By Mr. YOUNG, of Georgia: Resolutions of the Legislature of Georgia, relative to the recent interference by the Federal Government in the affairs of the State of Louisiana, to the select committee on that portion of the President's message relating to the condition of the South.

IN SENATE.

MONDAY, February 22, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 4817) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa, was read twice by its title, and referred to the Committee on Commerce.

REPORT ON FISH AND FISHERIES.

The VICE-PRESIDENT laid before the Senate a letter of the Commissioner of Fish and Fisheries, transmitting, in compliance with law, his report for 1874-75, embracing, first, the result of inquiries into the causes of the decrease of the food-fishes of the sea-coast and lakes of the United States; and, secondly, the history of the measures taken for the propagation of food-fishes by stocking the rivers and lakes with shad, salmon, and other valuable species; which was ordered to lie on the table.

Mr. ANTHONY. I move that the report be printed; and I move also that three thousand additional copies be printed, the latter motion to go to the Committee on Printing.

The motion to print was agreed to; and the motion to print extra copies was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of bankers and merchants of the city of New York, and a memorial of the Board of Trade of the city of New York, remonstrating against the annulling of the contract with the Pacific Mail Steamship Company for the transportation of the mails between San Francisco, Japan, and China; which were referred to the Committee on Appropriations.

The VICE-PRESIDENT presented a resolution of the Legislature of Kansas, returning thanks for the appropriation to relieve the destitute people of the western frontier; which was ordered to lie on the table and be printed.

Mr. FERRY, of Connecticut, presented the petition of James A. Weston, praying the extension of a patent for what is known as the differential pulley; which was referred to the Committee on Patents.

Mr. RAMSEY presented a resolution of the Legislature of Minnesota, in favor of an appropriation for improving the navigation of the Mississippi River at Saint Paul; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CHANDLER presented a memorial of citizens of Clinton, Michigan, asking Congress to pass an act giving each Union soldier and sailor of the late war one hundred and sixty acres of land; which was referred to the Committee on Military Affairs.

He also presented a memorial of citizens of Bay City, Bay County, Michigan, protesting against the ratification of the so-called reciprocity treaty with Canada; which was ordered to lie on the table.

Mr. SCOTT presented three petitions of citizens of Philadelphia, Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which were referred to the Committee on Railroads.

Mr. WRIGHT presented a memorial of citizens of Winneshiek County, Iowa, remonstrating against the restoration of duties on tea and coffee and praying the repeal of the 10 per cent. reduction of duties on foreign goods made by the act of 1872; which was referred to the Committee on Finance.

Mr. INGALLS presented a petition of a large number of citizens of Kansas, praying the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of James Seip, a resident of Atchison, Kansas, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BOGY presented concurrent resolutions of the Legislature of Missouri, in favor of an appropriation for the improvement of White River; which were referred to the Committee on Commerce.

He also presented a memorial of the Board of Trade of Saint Louis, Missouri, in favor of an appropriation for the improvement of the Southwest Pass of the mouth of the Mississippi River according to the plan proposed by J. B. Eads; which was referred to the Select Committee on Transportation Routes to the Sea-board.

He also presented a resolution of the Board of Trade of Saint Louis, Missouri, in favor of the establishment of a branch mint at Saint Louis; which was referred to the Committee on Finance, and ordered to be printed.

Mr. JOHNSTON presented a joint resolution of the Legislature of Virginia, protesting against any increase of the tax on manufactured tobacco; which was referred to the Committee on Finance.

Mr. HOWE presented a joint resolution of the Legislature of Wisconsin, asking assent to a change of line of the land-grant road between Portage City and Lake Superior; which was referred to the Committee on Public Lands, and ordered to be printed.

He also presented a resolution passed by the Wisconsin State Grange of the Patrons of Husbandry, in favor of a uniform law to regulate the rate of interest; which was referred to the Committee on Finance.

Mr. MORTON presented a petition of numerous citizens of Indiana, alleging that the Ohio River for its entire length of a thousand miles is for five months of the year too low for navigation, and praying that an appropriation be made for its improvement according to the report of the Engineer Corps of the United States on that subject; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Frankfort, Kentucky, asking for the passage of the civil-rights bill; which was ordered to lie on the table.

He also presented a memorial of citizens of Evansville, Indiana, dealers in and rectifiers of whisky, remonstrating against an increase of the tax on whisky; which was referred to the Committee on Finance.

Mr. MORTON. I present a memorial of numerous colored people of the State of Georgia, asking that the pending civil-rights bill shall be passed, and further declaring that they cannot receive justice in the State courts, and asking that provision be made for the transfer of cases in which colored people are interested to the courts of the United States in order that justice may be done and protection rendered to person and property.

The memorial was ordered to lie on the table.

Mr. MORTON presented a petition of numerous citizens of Dakota Territory, asking that the territory known as the Black Hills be opened for settlement; which was referred to the Committee on Territories.

Mr. LOGAN presented memorials of citizens of Joliet and Peoria, Illinois, remonstrating against the restoration of duties on tea and coffee or any revival of internal-revenue taxes and praying for the repeal of the 10 per cent. reduction of the duties upon certain foreign goods made by the act of 1872; which were referred to the Committee on Finance.

He also presented resolutions of the Grand Army of the Republic, Department of Illinois, praying for the passage of act equalizing bounties; which was ordered to lie on the table.

He also presented resolutions passed at a meeting of ex-soldiers at Saint Louis, Missouri, who fought for the Union, requesting the Senate to concur in the bill passed by the House, commonly known as the Gunckel bill, for the equalization of bounties to soldiers and sailors who enlisted in the late war; which were referred to the Committee on Military Affairs.

Mr. FERRY, of Michigan, presented the petition of W. H. Wyman and 24 other citizens of Van Buren County, Michigan, praying Congress to give to each Union soldier \$200 in legal-tender notes instead of one hundred and sixty acres of land; which was referred to the Committee on Finance.

Mr. HARVEY presented resolutions of the Legislature of Kansas, expressing gratitude for the prompt action of Congress in providing for the relief of the destitute people of the western frontier; which was ordered to lie on the table and be printed.

Mr. INGALLS. I ask that the resolutions of the Legislature of Kansas, sent to the desk by my colleague, be read, so that they may be printed in the RECORD.

The Secretary read the resolutions, as follows:

[Senate concurrent resolution No. 27.]

Whereas the Congress of the United States, responsive to the pulsations of the great public heart, has appropriated \$150,000 to be applied in relieving the immediate necessities of the destitute people of the western frontier; and whereas the early and prompt action of Congress in the appropriation aforesaid was due in a large measure to the timely and patriotic efforts of the Kansas Senators and Representatives: Therefore,

Be it resolved by the senate and house of representatives of the State of Kansas, That in the name of the good people we have the honor to represent we hereby tender their gratitude to the Congress of the United States for its unselfish and prompt assistance in behalf of our suffering people.

Resolved, That the Senators and Representatives of Kansas in the national Congress, for their earnest and active efforts in calling the attention of Congress to our condition and in securing the appropriation of so large a fund for our relief, are entitled to the lasting gratitude of our people and have by this manly act won for themselves new and undying honors.

Resolved, That these resolutions be spread upon the journals of both houses and a copy thereof be forwarded by the secretary of state to the President of the United States Senate, one to the Speaker of the House of Representatives of the United States, and one to each member of the Kansas delegation in Congress.

Adopted by the senate February 12, 1875.

JOHN H. FOLKS,
Secretary.

Concurred in by the House February 13, 1875.

HENRY BOOTH,
Chief Clerk.

I, Thomas H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of the State. Done at Topeka this — day of February, A. D. 1875.

TOM H. CAVANAUGH,
Secretary of State.

Mr. SCHURZ presented a resolution of the Legislature of Missouri, in favor of the jetty plan of improving the mouth of the Mississippi River, as proposed by Captain Eads; which was ordered to lie on the table.

Mr. HAMILTON, of Maryland, presented the petition of H. G. S. Key and others, of Charles County, Maryland, asking for an appropriation for removing obstructions in Brittan's Bay; which was referred to the Committee on Commerce.

Mr. GORDON presented the petition of Beverly Kennon, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. THURMAN presented a memorial of the Chamber of Commerce of Cincinnati, Ohio, remonstrating against any increase of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. DAVIS presented a statement furnished to him by the Engineer Bureau of the War Department showing the amounts appropriated each year from 1866 to 1874, inclusive, for river and harbor improvements for the Ohio and Mississippi Rivers, for river and harbor improvements in Michigan, Minnesota, Wisconsin, and south of the Potomac and Ohio Rivers, &c.; which was ordered to lie on the table and be printed.

REPORTS OF COMMITTEES.

Mr. CHANDLER. I am directed by the Committee on Commerce to report a bill (S. No. 1339) to abolish the consulate at Amoor River, and establish a consulate at Vladivostock, Russia, and for other purposes; and I ask its immediate consideration, if there is no objection. It is very short. It will not occupy five minutes.

Mr. EDMUNDS. There is no use for the Senator to try to pass it now, several of us meaning to stand by the regular order.

The VICE-PRESIDENT. Objection is made.

The bill was read and passed to the second reading.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (S. No. 1152) to authorize the construction of a bridge across the Mississippi River at or near the Grand Chain, reported it with an amendment.

Mr. PEASE, from the Committee on Claims, to whom was referred the petition of Dialogue & Wood, ship-builders, of Camden, New Jersey, praying payment for materials furnished and labor performed by them in the construction of the United States Coast Survey steamer Hassler, submitted a report thereon, accompanied by a bill (S. No. 1343) to refer the claim of Dialogue & Wood, ship-builders, of Camden, New Jersey, to the Court of Claims.

The bill was read and passed to the second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. FERRY, of Connecticut, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1340) for the extension of patent of Thomas A. Weston; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1341) for the relief of Edward Corselius and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1342) for the relief of the legal representatives of John B. Collins, deceased; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

REPORTING DEBATES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution submitted on the 3d of February, relative to the continuation of the contract for reporting the debates of the Senate, have instructed me to report the resolution, with an amendment, striking out all after the word "Resolved," and inserting:

That D. F. Murphy is hereby continued as Official Reporter from the expiration of his present contract for reporting the proceedings and debates of the Senate until the further order of the Senate, subject to all the duties and obligations of said contract and to the supervision and control of the Committee on Printing on behalf of the Senate in all the respects therein provided, and to receive payment for such service according to law.

This continues the existing contract with the Reporter, which I believe has given satisfaction to the Senate.

Mr. SARGENT. That is right.

Mr. ANTHONY. It continues it until it may be the pleasure of the Senate to change it.

The resolution was considered by unanimous consent, and agreed to *nem. con.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 769) for the relief of Major J. W. Nichols, paymaster of the United States Army.

The message also announced that the House had disagreed to the amendment of the Senate to the resolution of the House for the printing of the report of R. W. Raymond on mining statistics, with accompanying engravings, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM G. DONNAN of Iowa, Mr. A. M. WADDELL of North Carolina, and Mr. CHARLES CLAYTON of California managers at the same on its part.

The message further announced that the House had passed a joint resolution (H. R. No. 159) referring the claim of Marcus Radich to the Court of Claims; in which it requested the concurrence of the Senate.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. ANTHONY. I move to proceed to the consideration of Senate bill No. 1210.

The motion was agreed to; and the bill (S. No. 1210) to provide for the distribution of the regular official editions of certain public documents and of the CONGRESSIONAL RECORD was considered as in Committee of the Whole.

The bill was read.

Mr. ANTHONY. Mr. President, this is a bill which was presented at the last session of Congress, but it was complicated with the franking privilege and various other questions, and we withdrew it or allowed it to drop. We have eliminated from the bill everything that was objected to, I believe, and have prepared a new plan for the distribution of documents that are already required by law to be printed. There is no new printing ordered in this bill, but there is considerable cutting down from the printing that is now ordered to be made by law or by regulation; and in the process of years there has come to be a great deal of abuse, extravagance, and waste in the distribution of our regular reports and documents, and this bill is intended to remedy that.

The VICE-PRESIDENT. There are amendments reported by the Committee on Printing which have not yet been read.

Mr. SHERMAN. I should like to ask the Senator from Rhode Island whether this bill increases the number of regular documents to be distributed?

Mr. ANTHONY. It does not. There may be in some few cases a few additional copies; for instance, we give to the judges of the Supreme Court certain documents, and some copies to the reporters of the RECORD; but it is in the aggregate a considerable reduction.

Mr. SHERMAN. I ask the Senator whether the bill provides anything as to the publication of duplicate documents ordered by the Senate and House; whether it guards against the publication of duplicates of the same document when ordered by the House and Senate?

Mr. ANTHONY. There is no additional guard put in beyond what there is already. Duplicate documents are not printed.

Mr. SHERMAN. They were formerly. The House and Senate sometimes printed the same document.

Mr. ANTHONY. That was when the printing was done by contract and each House had its own printer, or each House had the same printer, but he charged for printing two documents when he printed only one. Since we have had the printing done at the Congressional Printing Office, we do not duplicate documents.

Mr. SHERMAN. I know it was formerly the case that we got two copies of the Patent Office report, one printed for the House and one for the Senate. Many volumes have accumulated to me since I have been a member of Congress, and they are so numerous that I do not know where to put them or what to do with them. There are many documents of no earthly value whatever. I am willing to trust the Senator from Rhode Island in this matter; but if he would stop the duplication of documents and make it unlawful, I would be very glad.

Mr. SCOTT. I should like for information on this point to call the attention of the Senator from Rhode Island to what I know was the fact in reference to documents ordered by both the Senate and the House, so far as furnishing the committee-rooms with copies was concerned. So late as 1873, when the report of the committee on the condition of the late insurrectionary States was printed, that being a joint committee, two copies of that report in thirteen volumes were furnished each committee-room, one printed and bound by the Senate and the other by the House. Unless there has been legislation which has prevented such a state of things as that since 1872 or 1873, it is something that ought to be guarded against, for I know that now in the committee-rooms duplicate copies of such reports are furnished.

Mr. ANTHONY. That was a joint committee and the committee reported in each House. If the committee had reported only in one House there would have been but one copy printed, and at any rate the type was only set once. It was merely a duplicate distribution to the committee-rooms, which ought not to have been, but being an exceptional report, it did not attract the attention of those who had charge of the matter, I suppose.

Mr. SHERMAN. The President often sends to each House of Congress at the same time certain documents and each House orders the printing, and I am quite sure, unless it has been changed in the last few years, we get copies of the same document printed by each House.

Mr. ANTHONY. The type is only set once.

Mr. SHERMAN. I know that; but what is the use of duplicating copies? What is the use of loading down our shelves with duplicate copies of the same document, one printed by the Senate and the other by the House?

Mr. ANTHONY. If that is done, it is only accidental. This bill does not touch that abuse at all; it neither sanctions it nor remedies it; but we can very easily prevent that by an order of the committee. It does not require any legislation.

Mr. SHERMAN. I suggest to the Senator that as we know that has been done, it ought to be prevented by this bill by inserting a provision that where a document is ordered to be printed by both Houses it shall only be distributed as a document of the House which first orders the printing, so that we shall not have duplicate copies. Some provision of that kind should be made to save expense.

Mr. ANTHONY. I have no objection to that. But under this bill the distribution of the entire set of reserved documents to each committee-room is abolished. A considerable number are to be placed in the Senate Library, and the idea is that each committee shall have such reports and documents as it may require and there will be enough for each member of the committee, and then they will all bear the mark of the Senate Library upon them and there will be somebody to take charge of that. Now they are lumbering up the shelves of the committee-rooms and nine-tenths of them are of a character which the committees do not require. If the Senator from Ohio will reduce his amendment to writing, I will accept it.

The VICE-PRESIDENT. The amendments reported by the Committee on Printing will be read.

The first amendment reported by the Committee on Printing was in section 3, making a distribution of reports of the Supreme Court, to strike out in line 11 "six" and insert "twenty" before "copies;" and after the word "copies" to strike out "four of which shall be for the law library;" so as to read:

To the Library of Congress twenty copies.

The amendment was agreed to.

The next amendment was in the same section line 25, to strike out "Department of the Interior" and insert "Library of Congress;" so as to read:

The remainder shall be deposited in the Library of Congress to supply deficiencies and officers newly created.

The amendment was agreed to.

The next amendment was in section 7, line 6, to insert the words "committee-rooms of the;" so as to read:

Sec. 7. That it shall be the duty of the Congressional Printer to print and bind fifty sets of the Congressional Record for each session of Congress for the use of the Library of the Senate, from which the committee-rooms of the Senate shall be supplied; one hundred sets for the use of the Library of the House of Representatives, from which the committee-rooms of the House shall be supplied.

The amendment was agreed to.

The next amendment was in the same section, line 12, to strike out "ten" and insert "sixty;" and after the word "Congress," in the same line, to insert "ten sets of which shall be for the Library and fifty sets shall be for exchange with foreign governments under the direction of the Joint Committee on the Library;" so as to read:

And one set for each official reporter of the House of Representatives; and sixty sets for the Library of Congress, ten sets of which shall be for the Library and fifty sets shall be for exchange with foreign governments under the direction of the Joint Committee on the Library.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SHERMAN. I offer the following amendment as an additional section:

That when a document is ordered to be printed by each House of Congress separately, the copy printed for the House first ordering it shall be distributed, and no duplicate shall be distributed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PATENT OFFICE GAZETTE.

Mr. ANTHONY. I move to proceed to the consideration of Senate bill No. 1297.

The motion was agreed to; and the bill (S. No. 1297) to provide for the republication of the first volume of the Patent-Office Gazette was read the second time, and considered as in Committee of the Whole.

Mr. ANTHONY. The first volume of the Official Gazette of the Patent Office is out of print. There is constant demand for it for sale and for the use of the Government, and the Commissioner desires to reprint the first volume, the plates of which are already in our possession, and it will be merely the cost of the letter-press, which is small, and will be nearly paid for by the sale according to law. It is not for distribution at all.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF MAJOR POWELL'S EXPEDITION.

Mr. ANTHONY. I move to take up the resolution to print the report of Major Powell in quarto form. I believe the Senator from California who objected to it before is satisfied that it is correct.

Mr. SARGENT. I withdraw the objection I made.

Mr. SHERMAN. How many volumes will this work consist of?

Mr. ANTHONY. I do not know. The original proposition to print the report did not come from the Committee on Printing; it was ordered by law. This resolution is merely as to the form in which it shall be printed. I think the printing was ordered in some of the bills that the Appropriation Committee had charge of. It is not printed for Congress and it is not distributed by members of Congress.

There being no objection, the Senate resumed the consideration of the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That the Congressional Printer be, and he is hereby, authorized to print the report of Major Powell's expedition in quarto form.

The resolution was concurred in.

MORSE MEMORIAL ADDRESSES.

Mr. ANTHONY. I ask the Senate to proceed to the consideration of the resolution of the House of Representatives to print five thousand copies of the memorial services on the occasion of the death of the late Professor Samuel F. B. Morse.

The Senate proceeded to consider the following resolution:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed five thousand copies of the memorial services which were held in the House of Representatives April 16, 1872, in commemoration and honor of the late Samuel F. B. Morse, thirty-five hundred of which shall be for the use of the House of Representatives and fifteen hundred for the use of the Senate.

Mr. ANTHONY. I move to amend by reducing the total number to thirty-five hundred, and strike out "and fifteen hundred for the use of the Senate." I do not understand that the Senate desires this document. The resolution was passed by the House a great while ago, and the members of the House are very anxious to have it passed. The Senator from Ohio, I believe, objected, but it has been represented to me that the Senator is very sorry for what he did, and in fact has been troubled with remorse of conscience ever since. It is partly to oblige him that I bring it up.

Mr. SHERMAN. I beg leave to correct that impression. I simply said that if the committee would strike out those copies for distribution by the Senate I had no disposition to refuse the House the courtesy of printing any document they want for themselves. I do not believe in it, and shall vote against it; but I said on the appeal made by a member of the House that I would not stand in the way of there being a reasonable number printed for the use of the House.

The PRESIDING OFFICER. (Mr. FERRY, of Michigan.) The question is on the amendment of the Senator from Rhode Island.

The amendment was agreed to.

The resolution, as amended, was concurred in.

THE COAST SURVEY REPORT.

Mr. ANTHONY. I should ask the Senate to proceed to the consideration of the resolution to print the report of the Superintendent of the Coast Survey, but an objection was made by the Senator from Maine, [Mr. MORRILL,] who is now absent in the service of the Senate engaged in an important conference committee, and therefore I give notice that when he returns I shall claim of him the courtesy of giving me out of his time the opportunity to bring this matter up, which I lay aside on his account now.

AGRICULTURAL REPORTS FOR 1872 AND 1873.

On motion of Mr. ANTHONY, the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed of the annual report of the Commissioner of Agriculture for the year 1872 two hundred and thirty thousand copies, of which fifty thousand shall be for the use of the Senate and one hundred and eighty thousand for the use of the House of Representatives; and that there be printed of the report of the said Commissioner for the year 1873 one hundred and fifty-five thousand copies, of which thirty-five thousand copies shall be for the use of the Senate and one hundred and twenty thousand copies for the use of the House of Representatives.

Mr. ANTHONY. The Committee on Printing have reported this resolution without recommendation. There has been a great difference of opinion in the Senate whether we should print this document or not, and the committee submit the question to the Senate. There is no mode of distributing it through the mails except by paying the postage.

Mr. SARGENT. I suppose that this document is very much desired by a large and useful class of the community, but at the same time there is no economy in the repeal of the franking privilege, as it was called, provided this great amount of printing is to go on in all directions. The only possible chance of making any saving is by restricting the printing; and all the showing that there has been in favor of the Government up to this time from the passage of the law imposing postage upon public Departments and members of Congress has been incidentally in this way; that is to say, that we have been able to reduce the amount of printing at the Government Printing Office. I think it is demonstrated that with the additional cost of clerks to lick stamps, with the additional cost caused by the printing of stamps, and the extra amount of clerks employed to keep the accounts, and in a variety of other contingent expenses arising out of the necessity of stamping documents in the Departments, there has been scarcely any direct saving by the abolishment of the franking privilege. Pretty much the only gain is the \$100 or \$200 for each Senator and member which we have been compelled to pay out of our own pockets to send documents to our constituents and to keep up correspondence upon their affairs. I do not complain of that, because I have very cheerfully borne it up to this time, and am disposed to do so hereafter; but if I and others situated in the same way are to suffer this inconvenience and this loss, I desire that the Government shall gain something by it; that the Treasury shall gain something by it. The only gain has been by reducing the amount of printing at the public printing office.

Now, this resolution raises the question very fairly indeed. It proposes a most enormous amount of printing, of a valuable public document I admit, but nevertheless a most enormous amount of printing. If we pass this resolution in this form, and authorize these hundreds of thousands of volumes to be printed for this object, I do not see how we can strike down the amount of printing for surveys of the public lands, how we can strike down the amount for Mr. Raymond's mining statistics or books in reference to commercial relations or the foreign relations of the United States—books which are valuable to other classes of the community than the farmers; and if we cannot, we are launched upon the tide which brings back the old amount of printing; and all the benefits derived from the abolition of the franking privilege pass away.

I for one cannot assent to this indirect reversal of the policy of Congress in abolishing the franking privilege. I am not in favor of repealing the law which abolished the franking privilege, at any rate at present. I should like to see it tried through a couple of Congresses and see what the effect is; but we do not give it its full effect if, leaving the law as it is, we order this enormous amount of printing.

Mr. THURMAN. I am opposed to reviving the franking privilege; not that I ever considered it my privilege; I considered it a burden on me; I considered it the privilege of the people. I voted, however, to abolish it, and I shall vote against restoring it, simply for the reason that I had seen it so much abused and the prevention of the abuse seemed so nearly impossible that it was better to have no frank-

ing privilege at all. If members of the Senate and the House had confined themselves strictly to the law, and never used or permitted their names to be used in franking matter that was not embraced within the law, that law would have remained on the statute-book to-day. But I saw with my own eyes—and I make no charge against any political party, for I have no doubt abuses existed in both—I saw the corridors and committee rooms of this Capitol filled with clerks writing the names of members of Congress who were many hundreds of miles away, franking matter not one word of which was entitled to be franked under the law, and sending off many tons of such matter all over the country; and I resolved from that moment that, come what would, I never would agree to the existence of the franking privilege; and therefore at the first opportunity I got I voted to abolish it, and I shall steadily for one oppose its restoration.

But, Mr. President, when that law was abolished it was supposed that the printing of public documents for distribution would either cease or at least that a distribution of them by members of Congress would cease, and that if they were to be printed for distribution some general law would provide how they might be obtained by the people, to whom application for them should be made, and the terms upon which they should be printed. My colleague has again and again called the attention of the Senate to the law of Great Britain upon this subject, and advocated something of that kind as the law of this country; and I must say for one that I am so far a convert to the proposition he made that I do insist that if we are to go on printing public documents for distribution, some general law shall be provided by which the people may know to whom to apply for them, and by which the proper Department that distributes them may furnish them at a cost that shall be provided by law. As it is now we have neither franking privilege nor such a distribution as we ought to have. Members of Congress have the burden of applications for documents just as they formerly had, while we have not the power to send them which we formerly had at the expense of the country.

Under these circumstances, I had hoped that there would be no resolution proposing the printing of any large number of any document until some law was devised which should provide for their distribution. The idea of my colleague was that these documents should be distributed by some proper Department to any person who would send to that Department the cost of the document and the cost of transportation. That is the English rule, as I understand, and I do not know that any better rule than that could be adopted here.

Mr. ANTHONY. That is the rule that we reported in a bill at the last session of Congress, but it met so much opposition that we were obliged to withdraw it. Now I agree with the Senator from Ohio in regard to the franking privilege. I voted for its abolition, and I should not vote for its restoration because I believe the people do not demand it now, whatever may be their opinion by and by. But I think it should be said in justice that while the Senator saw in the corridors large stacks of political documents, of partisan documents for distribution, they belonged to all the parties—

Mr. THURMAN. I have already said that I was making no charge against any one party. If the Senator wants me to be more definite, I will say that as his party had about \$100 to our one, or perhaps a thousand to our one, they abused the privilege a great deal more than we did.

Mr. ANTHONY. The proportion which the Senator states would apply better perhaps as to those who read than to those who have money to spend. [Laughter.] We undoubtedly address a much larger constituency who read public documents than the Senator's party does.

Mr. THURMAN. That hardly accounts for the perversion of public sentiment.

Mr. ANTHONY. While I agree in much that has been said about the abuses of the franking privilege, I believe that one of the most legitimate uses that ever was made of it was when from this Capitol on the eve of a presidential election the parties which appealed to the country asking for the suffrages of the people sent out from here the statement of the grounds upon which they asked for them, their own defense and their complaint against the other party. Every party had a committee-room; every party had a clerk of some committee, and the documents were sent through the mails alike by all parties and distributed information, giving to every voter the statements upon which the different parties relied when it claimed his vote. It was not, I apprehend, any violation of the franking law. The writing of the name was in violation of the law; but the Senator had a right to send a newspaper or his speech through the mail under his frank. It was a violation of the regulations of the Department and a violation of law for any other man to use a member's name or frank; but certainly the Senator had a right to put his name on his speech or on any other man's speech or on any document within a certain weight. That was perfectly legitimate under the old franking law.

Mr. THURMAN. Allow me to interrupt my friend. He never was more mistaken in the world than he is about what the old franking law was. It allowed us to send any matter that was printed by order of Congress or either House thereof. It permitted us to send any speech delivered in Congress. It permitted us to send up to two ounces any letter matter. That was what it permitted us to do; but

it did not permit us to frank anything else; and therefore these mere partisan documents, compilations from newspapers and the like, things that never were ordered to be printed by Congress, speeches that never were delivered in Congress, did not come within that provision unless the matter was within the limit of letter postage.

Mr. ANTHONY. I do not like to dispute with the Senator upon a question of law, although I have been told that the opinion of a lawyer is never of much value unless it is backed by a fee, [Laughter,] which I am sure it is not in this case; but I believe that we had a right to send through the mails anything whatever under two ounces.

Mr. THURMAN. That only shows how erroneous the Senator is this morning. The opinion of a lawyer is best when he has no fee to bias it.

Mr. ANTHONY. Well I have no fee in this case. [Laughter.]

Mr. FRELINGHUYSEN. I hope—

Mr. SHERMAN. I call for the regular order now.

The PRESIDING OFFICER. The morning hour has expired.

Mr. SHERMAN. I do not wish to cut off the Senator from New Jersey if he is about to speak.

The PRESIDING OFFICER. The Senator from New Jersey was recognized by the Chair.

Mr. SHERMAN. I withdraw the call.

Mr. FRELINGHUYSEN. I only want to say one word. I hope that this resolution will pass, and I want to give my reasons briefly. The work has been done; the printing is stereotyped; the work contains valuable information which the people of this country want. We do very little for the agricultural interest of the country; spend less money for them than we do for any other class of society; and the members of the Senate and the House of Representatives will be glad to pay the expense of circulating this report. It is very true, as the two Senators from Ohio suggest, that we ought to have some better system, that we ought perhaps to adopt the English system or something as a substitute for the abolition of the franking privilege; but inasmuch as these reports are ready, as the people want them, as members of the Senate and the House of Representatives are willing to distribute them, I think that we ought to be permitted to have them struck off and given to the people.

Mr. MORRILL, of Vermont. I desire to offer an amendment that it may be pending when this question comes up again. I move to strike out in line 5 all after the word "copies" down to and including the word "Representatives," and to insert at the end of the resolution:

Or so much of each as in the judgment of the Joint Committee on Public Printing will be likely to be required by those who are willing to pay the cost of the same and postage thereon.

Then it will authorize the whole amount to be printed or so many as in the judgment of the Joint Committee on Public Printing will be required by those who are willing to pay for them.

Mr. SHERMAN. I call for the regular order. I have not charge of the bill, but I think we ought to go on with the regular order.

The PRESIDING OFFICER. The morning hour has expired. The unfinished business of Saturday is before the Senate, being the Indian appropriation bill.

Mr. ANTHONY. I rise to a privileged question. I wish to make a personal explanation as my legal capacity has been impugned by the Senator from Ohio, and to state that I have examined the statute and I find that we had a right to send anything under two ounces and any public document of any weight whatever.

Mr. THURMAN. It is correspondence under two ounces, if the Senator will look at it.

Mr. EDMUNDS. The language is "letter or packet."

Mr. WINDOM. Mr. President—

Mr. LEWIS. I rise to a privileged question. I offer the following resolution:

Whereas, the birthday of George Washington having been declared by law to be a national holiday: Therefore,

Resolved, That as a mark of our veneration for his memory and our gratitude for his eminent public service, the Senate do now adjourn.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for that purpose?

Mr. WINDOM. I do not.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes.

Mr. HAMILTON, of Texas. After line 209, in the appropriation for the Apaches of Arizona and New Mexico, I move to insert:

And only in proportion to the number so located on the reservation and refraining from hostilities as compared with the whole number of said tribe.

So that the proviso will read:

Provided, That this appropriation shall be expended only in behalf of those Indians who go and remain upon said reservations and refrain from hostilities, and only in proportion to the number so located, &c.

Mr. WINDOM. I make no resistance to that amendment, and hope the vote may be taken.

The amendment was agreed to.

Mr. STEWART. I move on line 1707 to strike out "fifteen" before "thousand" and insert "thirty-five;" so as to read:

For the general incidental expenses of the Indian service in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, \$35,000.

Mr. WINDOM. A single word in explanation of that amendment. The Department estimated for \$50,000. This is \$15,000 less. The committee did not increase it, as requested by the Department, because of the misapprehension they had that the Senators from Nevada thought the increase was not desirable. They now seem to think it is; and as they are far below the estimates, I make no opposition to the amendment.

The amendment was agreed to.

Mr. BOGY. On page 72 I move to strike out the clause from line 1755 to 1758, as follows:

For this amount, or so much thereof as may be necessary, to defray the expenses of Indian delegations who may visit Washington on business connected with their respective tribes, \$5,000.

I think money could not be appropriated in a more foolish way than in inviting Indians to visit the city of Washington. We were visited a short time ago by the agent of the Navajoes, with some ten or fifteen Navajo Indians with their squaws, visiting all the cities of the United States, expending perhaps \$10,000, either their own money or the public money. If it be their own money, it is a misappropriation of their money; and if it is the money of the people of the United States, it is still a greater misappropriation. These Indians have no business here, and they should not be encouraged to visit the city of Washington at any time. I therefore move to strike out this clause entirely.

Mr. WINDOM. This is a very small amount, and is usual; but let the vote be taken and the sense of the Senate tested whether it shall be stricken out or not. I do not wish to argue it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Missouri to strike out the clause.

The question being put, there were on a division—ayes 22, noes 19.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SARGENT. I wish to say one word on the amendment, and but one word. This is a very small amount—only \$5,000. The use of it is exactly this: Indians of some powerful tribe get chafing against the Government, or for some other reason think they are deprived of their rights; one or two of the chiefs, or three or four, are brought here where the matter can be explained to them, and they can see the power of the Government; they go back contented, and we have no Indian wars. Under this appropriation this can be done two or three times, if occasion arises, and if the occasion does not arise the money is not spent. Therefore, I think we ought to retain this amount in the bill. It is not new. It has been appropriated year after year and used in this way.

Mr. STOCKTON. The question of how far we are to buy our peace with the Indians is becoming a very serious one. I think that almost every Senator is impressed with that. Under treaty stipulations and for various other reasons, among others the argument I have just mentioned, that it is cheaper to buy peace than to fight the Indians, large appropriations are made to the Indians every year; but to propose that we shall absolutely in addition appropriate money to induce Indians to be discontented whenever they want to visit the national capital, and to know, as they well will know as soon as an appropriation is made, that a fund has been appropriated to bring them to Washington, seems to me to be very unnecessary and very much out of place. That the amount is small is certainly no argument in its favor. It might be much smaller, but the principle would be precisely the same. It is obviously an invitation to the Indians to be discontented and come to Washington to present their grievances.

Mr. President, where a tribe of Indians have a grievance sufficient to make it proper that they should send agents to Washington for them, where they cannot be heard through the Government agents who are there, if they cannot furnish sufficient funds to send their delegation, and if when they come here it is ascertained that wrong and injustice have been done to them, that it was proper, that it was wise that they should come, there is no reason in the world why Congress should not make an appropriation to return to them their expenses. But an invitation such as this is to be discontented, an invitation to come to Washington with discontent, is exactly and precisely in my judgment the result of this appropriation.

The question being taken by yeas and nays, resulted yeas 28—nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Cameron, Cooper, Davis, Dennis, Eaton, Gordon, Hager, Hamilton of Maryland, Howe, Johnston, Kelly, Lewis, McCrery, Merrimon, Norwood, Robertson, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stockton, Thurman, Tipton, and Washburn—28.

NAYS—Messrs. Allison, Anthony, Borah, Chandler, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Ingalls, Jones, Mitchell, Morrill of Maine, Patterson, Pratt, Ramsey, Sargent, Scott, Spencer, Stewart, West, Windom, and Wright—24.

ABSENT—Messrs. Boutwell, Brownlow, Carpenter, Clayton, Conkling, Conover, Cragin, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Goldthwaite, Harvey, Hitchcock, Logan, Morrill of Vermont, Morton, Oglesby, Pease, Ransom, and Wadleigh—21.

So the amendment was agreed to.

Mr. BOGY. I wish to state, that I may not be misunderstood, that I have no disposition to consume time uselessly or to embarrass the passage of this bill; but it seems to me that there are appropriations in the bill which should not be in it, and I will therefore move to strike out of this bill appropriations amounting to between three hundred and fifty and four hundred thousand dollars.

Mr. WINDOM. On what page?

Mr. BOGY. From page 67 on to page 72, ending on line 1749. I wish to strike out of this bill all appropriations under the head of "general incidental expenses of the Indian service." I will read only one paragraph, because the same objection applies to every paragraph of the kind:

For the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, and for educational purposes, to be expended under the direction of the Secretary of the Interior, \$65,000.

The same wording is in the clause for the Indians of California, \$60,000; the same over again for Colorado, \$5,000; for Dakota, \$20,000; for Idaho Territory, \$10,000; for Montana Territory, \$20,000; for Nevada, \$15,000—which has been increased I think this morning to a larger sum, \$30,000 or \$35,000; New Mexico, \$40,000; Oregon, \$50,000; Washington Territory, \$25,000; Utah Territory, \$20,000; and Wyoming, \$5,000.

These amounts aggregate some \$350,000 or \$400,000. The Indians found in each of these States and Territories are all amply provided for under their respective heads in this very bill.

Mr. SARGENT. Will the Senator allow me? Does he find one dollar for California?

Mr. BOGY. Yes, sir; \$60,000.

Mr. SARGENT. Not one Indian there is provided for under the clauses carrying out treaty stipulations.

Mr. BOGY. Here are appropriations for the Walla Walla, the Cayuses, and Umatillas, in Washington or in Oregon; the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes, also on the Pacific coast.

Mr. SARGENT. Not one of them in California.

Mr. BOGY. The Tabeguache and Muache Indians are in Utah Territory, the Snake Indians in the same Territory, the Sioux in Dakota, the Yankton in Montana, the Sisseton and Walpeton are in Dakota, and so it goes on.

Mr. SARGENT. There is not one in California, as I said.

Mr. BOGY. There are very few Indians in California indeed, and yet the amount appropriated for California is \$60,000. These items amount to \$350,000, every dollar to be expended under the direction of the Secretary of the Interior. I do not object to this appropriation on personal grounds, because I may not be of the same party with the present Secretary of the Interior. If he belonged to my party, if he were a democrat, no matter who he might be, I say that this mode of appropriating money is improper; it is extravagant. To place under the control of any officer of this Government \$350,000 for the purchase of goods for all these various Indians, without limit or restraint, to use just as he may please, is nothing else than extravagance; and at a time like this, when we are called upon to tax the people, when there is a bill pending in the lower House now to make the revenue of this Government thirty millions more to meet the daily expenses of the Government, we are expending from \$350,000 to \$500,000 in the most wasteful way imaginable. All these Indians, except perhaps those in California, are amply provided for under different heads; they are all enumerated, and these incidental appropriations are the growth of modern times, and should not find a place in an appropriation bill of this kind.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. WINDOM. Mr. President—

Mr. BOGY. I move to postpone the bill indefinitely.

Mr. WINDOM. I raise a question of order. The Senator had concluded his remarks; his time had expired, and I had taken the floor.

The VICE-PRESIDENT. The Senator from Minnesota was recognized.

Mr. WINDOM. I think it is too late to make a motion for indefinite postponement.

Mr. BOGY. I had not yielded the floor. The hammer was knocked down before the last word was out of my mouth.

Mr. WINDOM. The Senator's time had expired and the Chair so announced, and I addressed the Chair.

Mr. BOGY. You got up, but you were out of order; I was on the floor.

The VICE-PRESIDENT. This debate is out of order. The Senator from Minnesota is entitled to the floor.

Mr. WINDOM. The Senator moves to strike out some three or four pages of the bill which have been contained in the Indian appropriation bills ever since I ever knew anything about them. It is essential to carrying out the present Indian policy, and I think that the present is no time to change our Indian policy. We certainly cannot consider that question here in open Senate. It has been considered by the Committee on Indian Affairs of the House of Representatives and by the Committee on Indian Affairs of the Senate, and they have all agreed to this proposition in the bill.

Mr. BOGY. Pardon me, sir. It never has been submitted to the Committee on Indian Affairs of the Senate, never.

Mr. WINDOM. The Committee on Appropriations of the Senate, I should have said; and the Committee on Indian Affairs of the Senate have made no such suggestion as the Senator now submits. It comes from nobody but from the Senator from Missouri. If the Senate is ready to change our entire Indian service upon the motion of a single gentleman, without any consideration by any committee, let them follow his lead and strike out these provisions; if not, let them lay the amendment on the table; and I now make that motion in order to bring the Senate to a vote on the question.

The VICE-PRESIDENT. The Senator from Minnesota moves that the amendment proposed by the Senator from Missouri lie on the table.

Mr. BOGY. I would correct the Senator from Minnesota in one respect.

Mr. WINDOM. Debate is out of order.

The VICE-PRESIDENT. The motion is not debatable. It is moved to lay the amendment on the table.

Mr. BOGY. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 20; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Cameron, Chandler, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Jones, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Ramsey, Sargent, Sherman, Spencer, Wadleigh, Washburn, West, Windom, and Wright—30.

NAYS—Messrs. Alcorn, Bayard, Boggy, Cooper, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Lewis, McCreery, Merrimon, Patterson, Ransom, Sanbury, Schurz, Sprague, Stevenson, and Thurman—20.

ABSENT—Messrs. Brownlow, Carpenter, Clayton, Conkling, Conover, Cragin, Davis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Harvey, Johnston, Kelly, Morton, Norwood, Pease, Pratt, Robertson, Scott, Stewart, Stockton, and Tipton—23.

So the motion was agreed to.

Mr. THURMAN. As far as these appropriations for incidental expenses are concerned, the subject is a new one to me, and I listened with great attention, and instruction too, to the remarks made by the Senator from Missouri, and I am sorry that he was not enabled to conclude them. In order to see whether the Senate is disposed to put so large a sum of money in the absolute discretion of the Secretary of the Interior, I move, in line 1652, page 68 of the bill, to strike out "\$35,000" and insert "\$35,000." I propose to cut down this item to about one-half. If this be adopted, I shall move to cut down other items in the same proportion.

Mr. WINDOM. I move to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Minnesota moves that the amendment lie on the table.

The motion was agreed to.

Mr. THURMAN. I do not think anything can be gained, if I may be permitted to say so—

Mr. MORRILL, of Maine. What is the question before the Senate?

Mr. THURMAN. I am going to make a question.

Mr. MORRILL, of Maine. Then make it first.

Mr. THURMAN. On line 1686, page 69, I move to strike out "\$20,000" and insert "\$10,000" as the amount to be appropriated for the general incidental expenses of the Indian service in Dakota Territory.

I do not wish to occupy any time of the Senate upon this subject. I would only like to hear from those who are better informed upon it. The Senator from Missouri has had special means of acquiring knowledge upon this subject, and I for one would like to have the benefit of his knowledge and information upon it. It does strike me as being an improvident thing and setting a bad precedent to appropriate from three hundred and fifty to five hundred thousand dollars, to be expended, in the discretion of the Secretary of the Interior, by agents who will expend the money thousands of miles away from the seat of Government. That is all I have to say about it.

Mr. MORRILL, of Maine. Just a word or two, Mr. President. We have now entered upon a new system of tactics which I have never known before in the Senate of the United States. Having passed through these two days the amendments and the appropriations in this bill, it is now being subjected to a general assault all along the line, and by gentlemen who confess that they know nothing about it, but invite observations to be informed by somebody other than themselves, and they attack the bill at points that are as well settled in the service of the Indian Department as anything in the bill, just as prominent, just as well settled, just as well understood by anybody who has taken pains to look at the Indian service at all as any part of the bill. And yet my honorable friend from Ohio feels himself justified at this late day in this session, with so many appropriation bills pending, to make a motion which he confesses he is not well informed about, simply to invite somebody to instruct him upon a general branch of the public service.

Mr. President, the Senator from Ohio I think will not complain if I say that is a very extraordinary position to take upon an appropriation bill, inviting a general discussion upon a service that is as well recognized as any service connected with the government of the country in any aspect.

Mr. President, evidently we are to have a series of this sort of amendments upon this bill for purposes other than are connected with the public service.

I move to lay the amendment on the table.

Mr. THURMAN. Does the Senator make that motion after what he has said?

Mr. MORRILL, of Maine. I do, and will continue to make such motions so often as these amendments are made.

Mr. THURMAN. The Senator will be replied to.

Mr. MORRILL, of Maine. The Senator is willing to be replied to.

The VICE-PRESIDENT. The Senator from Maine moves that the amendment of the Senator from Ohio lie on the table.

The motion was agreed to.

Mr. THURMAN. On line 1700, page 70, I move to strike out the word "twenty" and insert the word "ten."

Mr. President, I did not expect the Senator from Maine, after delivering a lecture to me, to move to lay the amendment on the table. I do not feel very much like being lectured this morning, and certainly not without ground for the lecture. I have not occupied in the three days this bill has been under consideration twenty minutes of the time of the Senate all put together, and I am the last man on this floor to whom the Senator ought to attribute any purpose to waste time on this bill. He had no reason whatever for any such an insinuation. Nor, sir, am I subject to reproach, because I confess that there are other Senators here better informed on this subject than I am. It would be a shame to the Committee on Appropriations and to the Indian Committee if they were not better informed on this subject than other Senators. And it is so far from being a matter of reproach that it is a matter of commendation that any Senator shall inquire of other Senators who have made the subject under consideration a special study for that information which is necessary to enable him to vote correctly. And therefore, sir, I say to my friend from Maine there was no occasion for his lecture; it was wholly out of place; and it is not the best way to further and speed the passage of this bill. I did say, and I repeat it, that it strikes me as being an evil thing to put in the discretion of one single man, acting by agents thousands of miles away, the expenditure of between three and four hundred thousand dollars of the people's money, and at a time like this. I said that was a thing that, however much it may have been sanctioned by precedent, it did seem to me the Senate ought to consider and to pause upon. Now, sir, having said all that I wish to say in reply to the Senator, I will yield to the Senator from Missouri.

Mr. BOGY. Mr. President, I will repeat what I said a while ago to avoid any misunderstanding. I have no disposition to delay the passage of this bill; I have no disposition to consume time uselessly. My only object is to draw the attention of the Senate and of the country to this extravagant mode of appropriating the public money, to illustrate the point that I intended to make. We voted in this bill to increase the appropriation for the Indians in New Mexico and Arizona from \$400,000 to \$500,000, and yet there was not a Senator on this floor who could tell within three thousand how many Indians there were in the Territory of Arizona. The Senator from Kansas [Mr. INGALLS] stated, and he stated with great positiveness, that there were thirty-seven hundred. The Senator from Minnesota, [Mr. WINDOM,] from information, given to him I presume by the Commissioner of Indian Affairs who at that moment sat by him, said it was seventy-seven hundred; but there was nothing authentic; it was merely guess-work throughout; and yet we increased that appropriation from \$400,000 to \$500,000. There is \$500,000 voted to those Indians; and here under the head of "incidental expenses" in that Territory we place under the control of the Secretary of the Interior, to be expended just as he may deem proper, this large sum of \$65,000—\$500,000 by specific appropriation and \$65,000 under this head of incidental appropriations.

I repeat it is an extravagant mode of appropriating the public money, and my object now is to draw the attention of the Senate, no matter what may be the result of the motion, and also the attention of the country, that this thing may hereafter be arrested. I do not oppose it from a partisan stand-point at all. I am perfectly satisfied that it is an appropriation of a large sum of money that should be corrected as soon as possible. The subject has never been referred to the Committee on Indian Affairs of the Senate. That committee has had nothing to do with it. I am a member of the committee, and no such subject was investigated by it.

Mr. WINDOM. In order to bring the Senate to a vote, I move to lay the amendment on the table.

The motion was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORRILL, of Maine. I move that the Indian appropriation bill, which has just passed, be printed with the amendments.

The motion was agreed to.

CHANGE OF REFERENCE.

Mr. LOGAN. On the 17th of this month the bill (S. No. 1326) to authorize the purchase of certain improvements in ordnance, and pay for the use of the same, heretofore made, was introduced by the Senator from New Jersey, [Mr. STOCKTON,] who moved its reference to the Committee on Naval Affairs. I subsequently asked its reference to the Committee on Military Affairs, supposing that to be the proper committee. I find on reading the bill, however, that it properly belongs to the Committee on Naval Affairs. I therefore move that the Committee on Military Affairs be discharged from the further con-

sideration of the bill, and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 4669) to provide for the selection of grand and petit jurors in the District of Columbia.

The message also announced that the House had passed the bill (S. No. 1065) for the relief of J. W. Drew, late additional paymaster in the United States Army.

The message further announced that the House had passed a bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a resolution that the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the present session.

AMENDMENTS TO AN APPROPRIATION BILL.

Mr. INGALLS, and Mr. FERRY of Michigan, submitted amendments intended to be proposed to the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of the bill making appropriations for the support of the Military Academy for the year ending June 30, 1876.

The motion was agreed to; and the bill (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30th, 1876, was considered as in Committee of the Whole.

The Committee on Appropriations reported the bill with amendments.

The first amendment was in line 10 to insert the following proviso at the end of the paragraph "for additional pay of officers and pay for instructors, professors, cadets, and musicians:"

Provided, That the President of the United States be authorized to fill any vacancy occurring at said academy by reason of death, or other cause, of any person appointed by him.

The amendment was agreed to.

The next amendment was in line 23, to insert after the word "materials" the words "\$14,500;" in line 24, to insert after the word "and" where it first occurs the word "for;" and in line 26, to insert after the word "men" the words "\$3,000 in all;" so that the clause will read:

For repairs and improvements, timber, planks, boards, joists, wall-strips, laths, shingles, slate, tin, sheet-lead, nails, screws, locks, butts, hinges, glass, paints, oils, turpentine, varnish, stone, brick, lime, cement, plaster, hair, drain-pipe, blasting-powder, fuse, iron, steel, tools, mantels, and other similar materials, \$14,500; and for pay of citizen mechanics and labor employed upon repairs and improvements that cannot be done by enlisted men, \$3,000; in all, \$22,500.

The amendment was agreed to.

Mr. THURMAN. I move to add to the bill the following as an additional section:

That hereafter, until otherwise provided by law, the number of cadets appointed each year shall be one-half of the number authorized to be appointed by now existing law, and no more.

I have always been a friend of the West Point Academy. In the other House, when I was a member there, and in the Senate, I have constantly voted in favor of all appropriation bills to maintain that institution. I think there is not in the military history of the world anything more brilliant or more deserving the thanks of one's country than the record made by the graduates of West Point. I am sincerely, therefore, a friend of that institution, and want to see it maintained, and maintained, so far as I can see, as long as the Republic shall last.

But what is the present condition of affairs? We have by far a greater excess of officers in the Army of the United States in proportion to the rank and file than exists in any other army in the world. I remember listening with great interest to a statement made by the chairman of the Committee on Military Affairs, the Senator from Illinois, [Mr. LOGAN,] a few years since, in which the relative proportion of officers to the rank and file in our Army and in the continental armies of Europe was given with minute exactness, and the number of supernumeraries in our Army was quite surprising to me, and I think to every one who heard the statement of the Senator. Now, it does seem to me that at a time like this, when we ought to be retrenching all we can, steps may be taken which will prevent this accumulation of superfluous or supernumerary officers in the Army. There is no necessity for every year adding fifty, sixty, or more officers to the Army, as we must do if we continue to appoint as many cadets as are now appointed. I do not know exactly how many graduate each year, but I do know that nearly all who graduate immediately go into the Army. They feel themselves bound by honor to serve in the Army and not to resign and go into private life, and I do know that thereby there is a prodigious number of officers to the rank and file of the Army as compared with any other army in the world.

I make this motion, therefore, to amend the bill in perfect good faith. I make it not to consume a moment of time more than is necessary to its due consideration. I hope that it will be considered by the Senate, and I hope that the Senator from Illinois, the chairman of the Committee on Military Affairs, if I can have his attention a moment, will repeat to the Senate the very valuable information he gave us on the subject of the relative number of officers to rank and file in the armies of Europe and in the Army of the United States, to which we listened with so much interest when he stated it to the Senate some years ago.

Mr. MORRILL, of Maine. For fear that I may be tempted to speak beyond the proper time, I move that all debate on amendments to this bill be confined to five minutes.

Mr. THURMAN. Is it in order to make that motion now? The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair thinks it is in order, the rule declaring that "it shall be in order at any time to move a recess; and pending an appropriation bill to move to confine debate on amendments thereto to five minutes."

Mr. THURMAN. I do not object to its consideration, and I move to amend it by adding:

And all amendments offered to the bill shall be germane to its subject-matter.

Mr. MORRILL, of Maine. That is not in order. You cannot amend the rule in that way.

Mr. THURMAN. Why not?

Mr. CONKLING. Because to amend the rule you must give one day's notice in writing.

Mr. MORRILL, of Maine. I raise the question of order on the amendment.

Mr. THURMAN. That was the rule formerly.

Mr. MORRILL, of Maine. I raise the question of order.

The PRESIDING OFFICER. The Chair holds that under the existing rule of the Senate the motion to amend, made by the Senator from Ohio, is not in order.

Mr. THURMAN. I appeal.

The PRESIDING OFFICER. The Senator from Ohio appeals from the decision of the Chair.

Mr. THURMAN. I wish simply to state the grounds of my appeal. That I have a right to do. The ground of objection to the amendment is that one day's notice of it was not given. How could one day's notice of an offer to amend the motion of the Senator from Maine be given when the motion of the Senator from Maine was only made to-day when nobody could foresee that it would be moved? I think that sufficiently shows that any such rule about one day's notice does not apply at all to this. My motion is not to change any existing rule of the Senate. If it were, then it would require one day's notice. One day's notice is necessary of a motion to change an existing rule of the Senate; but my motion is not that. When the Senate has agreed that a Senator may at any moment move to limit debate on an appropriation bill to five minutes, it seems to me it necessarily follows that the rule requiring one day's notice of an amendment cannot apply when that is under consideration.

The PRESIDING OFFICER. The motion of the Senator from Maine was made under an existing rule of the Senate. The decision is not upon the rule, but upon the question whether or not the amendment of the Senator from Ohio is in order. The Chair thinks that it is not in order.

Mr. MORRILL, of Maine. And from that the Senator from Ohio takes an appeal.

The PRESIDING OFFICER. The question then is, Shall the decision of the Chair stand as the judgment of the Senate?

The question being put, the decision of the Chair was sustained.

The PRESIDING OFFICER. The question now recurs on the motion made by the Senator from Maine [Mr. MORRILL] to confine debate upon amendments to the pending bill to five minutes.

The motion was agreed to.

Mr. HAMLIN. I am going to vote for the amendment submitted by the Senator from Ohio. I believe there are educated more military officers than the best interests of the country require. I have been and now am an earnest supporter of that school; I believe in its efficiency, in its necessity. I give to the gallant men who have gone from it all the credit they are entitled to; but upon the simple ground that we are educating vastly more than we want, this is the time when I think restriction may be properly applied. But I want to make a suggestion to the Senator from Ohio for his consideration. The law, if I understand it, now provides that there shall be appointed from each congressional district a cadet once in four years. The amendment, if adopted in its present form, I think, will lead to some embarrassment in its administration. I think if the Senator will add these words to his amendment they will cover the objection which I have:

To be appointed alternately from the several congressional districts.

Mr. THURMAN. I accept that.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. LOGAN. The Senator from Ohio makes an inquiry in reference to the disparity existing between the officers and enlisted men in this country and in foreign armies. I have not before me now the statement which I once had, and therefore cannot repeat what I did on a former occasion accurately, and on that account will not attempt to do it. I was then attempting to get a law passed through Con-

gress reducing the number of officers in the Army. When I failed in that I offered it as an amendment to an appropriation bill here at the last session of Congress on the ground that that appropriation bill suspended recruiting in the Army until the Army should be reduced to twenty-five thousand. I therefore moved an amendment that the officers should be cut off in due proportion as the soldiers of the Army were, and stated what I then remembered, which I could not exactly state now. There are more officers in our Army commanding, according to the number of men, than in any other Army that I have knowledge of.

But in reference to this amendment I believe my attention was called to it by the Senator from Ohio, and without reflection then I did not know but what it could be done on this bill; but my judgment is that it would not be well to do it in this way, and for this reason: each district in the United States is entitled to one representative at West Point, that is, one cadet.

Mr. THURMAN. Once in four years.

Mr. LOGAN. Yes, sir. That appointment is to be made by the member of Congress or recommended by the member of Congress representing that district. Senators have no representation at West Point at all. The President has a right to appoint ten cadets every year, I think, at large.

Mr. BOREMAN. Yes; that is the number.

Mr. LOGAN. The only representation Senators have at West Point is if they can by recommendation of the President get a young man appointed.

Mr. THURMAN. That is not according to law.

Mr. LOGAN. That has nothing to do with law. They may or may not do it; but that depends on circumstances. The Representatives having control of this, my own judgment about it is now, after reflection, that it might possibly, I do not say cause a defeat of the bill, but it might derange its progress in some way. I know when I was a member of the House I was very tenacious as to my right to this appointment. This is the only reason I suggest that it might in that way put the bill in some hazard. I think it would be better if it is desirable—and I do not know but that it is desirable and my impression is in that direction—to do it by a law separate and apart connected with the organization of the Army, which I hope will take place some time soon, though it cannot be done this session. There are reasons I could repeat to the Senate for no attempt having been made at this session. My judgment is it would be better not to append this to the present bill. Without committing myself either way, and for that reason I can vote against the amendment, because I think it is not matured sufficiently and would create confusion, and a great deal of confusion, in reference to the regulation of the appointment under existing law. I think it is not sufficiently matured, and for that reason I shall vote against it.

Mr. MORRILL, of Maine. It turns out about as I expected, that almost from the nature of the case this proposition changes this branch of the public service. It may be that in a certain sense it is a good thing to do; but it is not, as a general proposition, a good thing to do on an appropriation bill, for the reasons that are apparent now and are always apparent, more or less. The Senator from Ohio supposed that the Military Committee, who are presumed to have some information on this subject in common with all of us, would probably approve this. It appears the chairman of that committee does not. My only objection to it is that while on first blush it seems to me that this service might be trimmed down, being perhaps too large, it is not a good thing to venture to do it upon a sudden on an appropriation bill. Every year we have more or less errors that are committed in this way. Therefore, with a view of testing the sense of the Senate, I move to lay the amendment on the table.

Mr. THURMAN. Now, is that fair?

The VICE-PRESIDENT. The Senator from Maine moves that the amendment, as modified, lie on the table.

Mr. THURMAN asked for the yeas and nays, and they were ordered; and being taken, resulted—yeas 28, nays 18; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Conkling, Cragin, Dennis, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hitchcock, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Spencer, Washburn, West, Windom, and Wright—28.

NAYS—Messrs. Boggs, Cooper, Davis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamlin, Johnston, Kelly, McCreery, Merrimon, Saulsbury, Sherman, Stevenson, Stockton, and Thurman—18.

ABSENT—Messrs. Alcorn, Allison, Bayard, Brownlow, Cameron, Carpenter, Chandler, Clayton, Conover, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Hamilton of Texas, Harvey, Howe, Jones, Lewis, Norwood, Ransom, Robertson, Schurz, Scott, Sprague, Stewart, Tipton, and Wadleigh—27.

So the amendment was laid on the table.

Mr. THURMAN. I now offer the same amendment in a different form, so as to obviate the objection that has been made; and upon it I wish to say a word to the Senate.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to insert as an additional section the following:

That hereafter, until otherwise provided by law, the number of cadets appointed each year shall be one-half the number authorized to be appointed by now existing law, and no more; and hereafter there shall be appointed one cadet in each eight years instead of in four years as now provided by law.

Mr. THURMAN. The only practical difficulty there was in the way of the amendment as it stood was that the law now requires

one cadet to be appointed from each congressional district in four years, whereas if you cut down the number one-half, as the amendment proposed, there might be some practical difficulty in executing the law. Now, I propose that instead of a cadet being appointed once in four years from each congressional district, he shall be appointed once in eight years; and that will remove all possible practicable difficulty out of the way. Instead of dividing the congressional districts into four classes as they are now divided by the Secretary of War they will be divided into eight classes, and the law will be executed just as smoothly as it is now.

Mr. President, not one Senator has said that it would not be a wise thing to cut down the number of cadets one-half. That would leave us about forty graduating each year. There are now about eighty or ninety appointed each year. Cut them down one-half and between forty and fifty will be appointed each year, and somewhere about forty will graduate each year. That surely is a sufficient number to add each year to the officers of the Army. Not a Senator has said, therefore, that it would not be a wise thing to cut down one-half. The only objection made was that it might not be practicable to carry it into effect. The amendment as I now offer it removes that difficulty out of the way of carrying it into effect, and the law will be just as simple as it is at present.

Mr. FRELINGHUYSEN. Mr. President, it seems to me that there is no propriety in legislating on so important a subject as this, on an appropriation bill. In fact, it seems to me to be unfair to one co-ordinate branch of the Government. The President has a right to approve or disapprove a bill in reference to so important a subject; and yet if we place it on an appropriation bill he cannot give expression to his opinion without vetoing and defeating the appropriation. For that reason it seems to me to be very improper that this legislation should be upon this bill. If anything is to be done, it ought to be on a bill coming from the Committee on Military Affairs, and be calmly considered and submitted to the President.

But aside from that, I think there is no propriety in comparing our military system with that of other countries and saying that we have here more officers than they have there. It is the glory of our country that we have no standing army, that our people are the army, and all we need is to have efficient officers who can command thousands and hundreds of thousands in time of war. It is said that some eighty are graduated each year. The gentlemen who are there graduated are accomplished men. They seek useful employment in connection with the Government as engineers, and doing this important work in the mean time stand ready, as soon as there is a necessity for them in the field, to take command of our armies. If this measure was up regularly, reported from the Committee on Military Affairs as a bill, I should be opposed to it, but there is certainly no propriety in tacking it on to this bill.

Mr. MORTON. I think that this amendment is entitled to more consideration than it is likely to receive at this time. It is true that we have more officers in this country for the rank and file than in any other country, but that is in precise accordance with our military theory. Our theory is that we shall be prepared for war, not by maintaining a standing army of hundreds of thousands of men, as European powers do, but that we shall be prepared for war by having a competent number of educated officers, who when war shall come will be prepared to instruct our people in the art of war. This being our theory of government, we have a larger number of officers according to the actual force in the field than any other country. If we were to reduce the number of our officers so that they would correspond with the actual number of the rank and file, then we should not be prepared in case of an emergency with the number of educated officers necessary to go into the field at once and to instruct an army.

Believing that this legislation would now be premature and not well considered, I move to lay the amendment on the table.

Mr. THURMAN. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 21; as follows:

YEAS—Messrs. Alcorn, Anthony, Boreman, Boutwell, Chandler, Conkling, Conover, Cragin, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Lewis, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Ramsey, Sargent, Scott, Sherman, Wadleigh, Washburn, West, Windom, and Wright—29.

NAYS—Messrs. Bayard, Boggs, Cooper, Davis, Dennis, Eaton, Goldthwaite, Hager, Hamilton of Maryland, Hamlin, Johnston, Kelly, McCreery, Merrimon, Pratt, Ransom, Saulsbury, Sprague, Stevenson, Stockton, and Thurman—21.

ABSENT—Messrs. Allison, Brownlow, Cameron, Carpenter, Clayton, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Texas, Harvey, Hitchcock, Howe, Ingalls, Jones, Norwood, Patterson, Robertson, Schurz, Spencer, Stewart, and Tipton—23.

So the amendment was laid on the table.

Mr. SAULSBURY. I do not know whether I want to offer an amendment, but I wish to make an inquiry of the chairman. On line 147 I find:

Compensation of Librarian, \$120.

On line 159:

For pay of Librarian's assistant, \$1,000.

Perhaps it may be all right; I am not aware how it is; but it seems to me to be something requiring explanation. To bring up the question, I move to strike out line 159 and on that I wish to make a remark. The compensation of the librarian I find to be fixed in the bill at \$120, and on the line which I have moved to strike out the

compensation of his assistant is fixed at \$1,000. I do not understand why that is so. It may be all right. I simply have offered the amendment for the purpose of having an explanation.

Mr. MORRILL, of Maine. My understanding is that the librarian is detailed from the Army and this \$120 is an additional compensation.

Mr. DAVIS. My recollection of the case is as the chairman says, that the librarian has other duties; in other words, he is an officer of the Army, and this \$120 is additional compensation for taking care of the library.

Mr. SAULSBURY. Then I withdraw the amendment.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. SPRAGUE. On behalf of the Committee on Appropriations, I move to take up the pension appropriation bill.

The motion was agreed to; and the bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876, was considered as in Committee of the Whole.

Mr. MORTON. I desire to offer an amendment to this bill, and it is unnecessary to say that I offer it in good faith. It is not an amendment that is germane to the purpose of the bill; but it is one the importance of which I think will be recognized by every Senator on this floor, and feeling that there may not be an opportunity of presenting it otherwise and securing the action of both Houses, I offer it as an amendment to this bill if it is in order.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. The amendment is to add the following as additional sections:

SEC. — That the two Houses of Congress shall assemble in the Hall of the House of Representatives, at the hour of one o'clock, on the last Wednesday in January next succeeding the meeting of the electors of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; one teller shall be appointed on the part of the Senate, and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes; and said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates; and the votes having been counted, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. If, upon the reading of any such certificate by the tellers, any question shall arise in regard to counting the votes therein certified, the same having been stated by the Presiding Officer, the Senate shall thereupon withdraw, and said question shall be submitted to the body for its decision; and the Speaker of the House of Representatives, shall, in like manner, submit said question to the House of Representatives for its decision; and no electoral vote or votes from any State, to the counting of which objections have been made, shall be rejected except by the affirmative vote of the two Houses. When the two Houses have voted, they shall immediately reassemble, and the Presiding Officer shall then announce the decision of the question submitted. And any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner.

SEC. — That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses acting separately shall decide to be the true and valid return.

SEC. — That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or for the decision of any other question pertinent thereto, each Senator and Representative may speak to such objection or question ten minutes, and not oftener than once: *Provided*, That after such debate has lasted two hours, it shall be in the power of a majority of each House to direct that the main question shall be put without further debate.

SEC. — At such joint meeting of the two Houses, seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators in the body of the Hall upon the right of the Presiding Officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess not beyond the next day at the hour of ten o'clock in the forenoon.

Mr. MORRILL, of Maine. I move that upon this bill the five-minute rule as to amendments be in force.

The motion was agreed to.

Mr. SPRAGUE. I desire to appeal to the Senate to sustain the Committee on Appropriations in the passage of the bill without amending it in this extraordinary manner. I therefore submit a motion to lay the amendment on the table, and ask for the yeas and nays upon the question.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the amendment lie on the table, and on that question asks for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 22; as follows:

YEAS—Messrs. Bayard, Boggs, Boreman, Cooper, Davis, Dennis, Eaton, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of

Texas, Ingalls, Johnston, Kelly, McCreery, Merrimon, Morrill of Maine, Norwood, Pratt, Ransom, Robertson, Saulsbury, Schurz, Sherman, Sprague, Stockton, Thurman, Tipton, and Wright—32.

NAYS—Messrs. Alcorn, Anthony, Boutwell, Conkling, Conover, Cragin, Flanagan, Harvey, Lewis, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Ramsey, Sargent, Spencer, Stewart, West, and Windom—22.

ABSENT—Messrs. Allison, Brownlow, Cameron, Carpenter, Chandler, Clayton, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Hamlin, Hitchcock, Howe, Jones, Scott, Stevenson, Wadleigh, and Washburn—19.

So the motion was agreed to.

The bill was reported to the Senate without amendment.

Mr. MORTON. I desire to strike out from the amendment I offered before a sentence and reoffer it, and I want to precede the offer by one statement. The effect of this proposition is to repeal the twenty-second joint rule as it now stands, so that the presidential vote of a State cannot be rejected simply by one House, but it will require the concurrent vote of the two Houses to do it. As the rule now stands, the next presidential election can be thrown into the House of Representatives, no difference what the vote may be before the people.

I had supposed there was a general concurrence in the necessity of repealing that rule; and therefore I offer the proposition upon this bill, believing that it will not have the effect to detain the bill long by discussion. But whether it does or not, is there a more important question to be considered than this one? I have observed, and observed with some surprise, that our democratic friends, I believe with only one exception, voted to lay this amendment on the table. I had been led to believe that they were as well satisfied as we that it was important to amend that rule. If this is to be a political matter, and if this rule is to be so left that the next election can be thrown into the House of Representatives, let us all understand it, and let those who vote against this amendment take the responsibility for it. Let us have a clear and distinct understanding if this is to be a political matter.

Mr. FRELINGHUYSEN. I voted in favor of laying this amendment on the table, and of course for that vote, as for all other votes that I give, I expect to be responsible; entirely so. The reason of my so voting was this: I never had had an opportunity of seeing the bill now moved as an amendment. I do not think it has ever been before the Senate.

Mr. MORTON. I will state to my friend that this amendment is the bill reported from the Committee on Privileges and Elections some two weeks ago and printed and laid upon the tables of Senators.

Mr. FRELINGHUYSEN. I see that it was reported on the 6th of February—

Mr. MORTON. I would state one thing further to the Senate, that it leaves the twenty-second joint rule so far as details are concerned except reversing the order, so that instead of permitting the vote of one House to throw out the electoral vote of a State, it requires the affirmative vote of both Houses to reject the presidential vote of a State.

Mr. FRELINGHUYSEN. I see that this bill was reported on the 6th of February and laid on our tables; but I do not suppose that many of us indulge in the amusement of reading bills that are laid on our tables, until they are called to our attention in some manner; so that when I voted I never had read this bill which the Senator moves as an amendment; and I certainly think that if it is a matter of so grave importance as my friend from Indiana says—and in that I agree with him—we ought to have an opportunity of reading it and considering it. Now, if there is any factious opposition to some measure of this kind, before the conclusion of the present session it will be very easy for us to place it upon some other appropriation bill after we understand the subject.

Mr. BAYARD. Mr. President, I do not know precisely what is meant by "factious opposition" to a measure of this kind or to any other measure that has been before the Senate.

Mr. FRELINGHUYSEN. If my friend will permit me, I did not say there was any. I said if it should so turn out that there should be any we could meet it.

Mr. BAYARD. I scarcely supposed the honorable Senator from New Jersey could have meant such a thing. The honorable Senator from Indiana seems to have been able to detect in a votelately taken where by a large majority his amendment to the pension appropriation bill was laid upon the table something of party political significance. Mr. President, the reason why I consider that a bill of this kind should not be offered as an amendment to an appropriation bill is in the first place that it is a vicious kind of legislation. It is one that the Senate deliberately in two succeeding sessions of Congress excluded. Indeed at the present session a rule was offered, I think by the honorable Senator who now occupies the chair, [Mr. SARGENT,] which was in the same language precisely as the rule we adopted a year ago and two years ago, that debate on appropriation bills should be limited to five minutes on each amendment offered, that a motion to lay on the table should extend only to the amendment and be decided without debate, and then also that no amendment should be offered which did not touch the subject-matter referred to in the bill. A resolution was offered subsequently by the honorable Senator from Maine [Mr. MORRILL] which the Senate saw fit to adopt, so that the Senate is free, as it is now, to ingraft upon an appropriation bill any subject-matter, however incongruous, however inconsistent, however unfit to be decided under the short rules of debate that are perfectly applicable to money measures.

Mr. President, whenever the Senate shall see fit to bring up and discuss this exceedingly important bill of the honorable Senator from Indiana I shall be very glad to give attention, and, if I can give aid in coming to a correct conclusion, give that also. I appreciate as fully as he does the necessity for a just consideration of this matter, and I abhor as fully as he does tinging such a question as this with party sentiment. But, sir, it would be impossible to discuss this measure, in all its far-reaching significance, under the five-minute rule, and for that reason alone I hope that not only it will not be placed upon this bill as an amendment, but that it will not be permitted to go as an amendment upon any appropriation bill under this rule of limited debate. I recognize its importance most fully. I have some criticisms to make on this bill. I do not consider that it would be productive of the good the honorable Senator suggests; on the contrary, I think I can demonstrate that it will be rather more injurious if possible than the present rule which has existed since 1865. Therefore I trust there will be no attempt, not only upon the present appropriation bill but upon any other, to introduce questions of a political nature; I do not mean of a partisan nature, I mean in the proper sense of the word "political" questions touching the political government of the country, touching as this does a very profound constitutional question both of the power of Congress to deal with the subject and of the effect of the action which they may take.

I hope therefore that this question, if the honorable Senator from Indiana desires it, may be taken up at such time as suits him, but shall be under an untrammelled rule of debate. If not, the result would simply be that we must resort to the motion to indefinitely postpone the whole bill in order to have a proper time for discussion.

Mr. SHERMAN. I was not present in the Senate Chamber when the Senator from Indiana offered this amendment; I came in during the roll-call, and ascertaining that this was a proposition of a legislative character and an amendment to an appropriation bill, I had no hesitation in voting to lay it on the table, and that vote would be defensible, entirely justifiable, and entirely proper, in my judgment, on the simple ground that this is an amendment to an appropriation entirely *dehors* the subject-matter of the bill itself. It is on an entirely different matter. In other words, the House of Representatives propose to appropriate \$30,000,000 to pay the pensions provided by law; and the Senate says, "Well, we will do that if you will change the mode of counting the votes for President; we will pass a bill to carry into effect existing laws if you will change the joint rules of the two Houses." That is the proposition. I cannot defend such a proposition at any time unless under circumstances that would justify almost revolutionary measures. Legislative amendments to appropriation bills are not justifiable except in the clearest case, and I submit to my honorable friend from Indiana that he and I and those who are with us are the last persons to justify a system of tactics which may be resorted to by others. Sir, the law of our Government compels us to appropriate money to carry into effect existing laws, not to obstruct legislation; not by the power of one House to make unreasonable terms and conditions upon the other House. That is always vicious and never justifiable except in extreme cases.

But, sir, to go a little further: I have now read the Senator's bill, and its general scope and purpose, it seems to me, is right; but I think the whole subject-matter of this bill can be passed upon by an amendment of the joint rules of the two Houses without the action of the President or without even the forms of law. The two Houses, in the presence of each other, are called upon to perform a certain ministerial duty, and the joint rule of the two Houses points out the mode and manner in which this shall be done. No one can be more impressed with the defects in the present rule than I. I heartily sympathize with the Senator from Indiana in the necessity of having a change, and a change at the present session of Congress; but that can be done by an amendment to the joint rule.

Mr. MORTON. I will say to my friend that will take just as long; and when I had that proposition up in the simple form of changing a joint rule and it was suggested all around here that it should be in the form of a bill, and I withdrew the amendment in obedience to those suggestions and this bill was reported to meet that view that it ought to be a law and not a joint rule of the two Houses which would authorize the throwing out of a presidential vote.

Mr. SHERMAN. I hope my friend's interruption will not be counted out of my time. Notwithstanding what the Senator has said, there is no doubt that it is entirely within the power of the two Houses to reach the matter by an amendment of their joint rules, which is much easier to pass than a bill, and which is not to be submitted to the President of the United States, who has nothing by the Constitution to do with this ministerial act.

A single phrase which the Senator from Indiana knows how to frame would correct the material thing, that is the defect of the joint rule, by providing that it shall require the concurrent vote of both Houses to exclude from the count the vote of any State; and that is all that is material to be corrected in the rule which he seeks to abrogate. But I would not stand upon a form, and I will say to my honorable friend from Indiana that if he will call up this bill of his after the passage of the present bill, I shall be perfectly willing to vote with him to take it up and pass it; and I do not think there

ought to be or will be any considerable opposition to it. But it seems to me that it is bad for us to set the example of making amendments of this character to appropriation bills, certainly until facts are apparent developing an intention to defeat an important provision by mere factions opposition. I have not seen any such thing yet, and I hope we shall not encourage it by resorting to extraordinary proceedings.

My opinion is that the Senate ought to proceed with the consideration of these money bills and pass them out of the way promptly, quickly. The majority of the Senate ought to take the responsibility of passing such bills as they may deem necessary, and then throw upon the minority the responsibility of resorting to factious opposition or unusual or dangerous expedients. Let us perform our simple duty in the ordinary line of precedents, and I would not invite any exceptional proceedings on the part of the opposition by any example set by ourselves.

Mr. SAULSBURY. In reply to the remark of the Senator from Ohio, I would say that I think he cannot point to any factious opposition made by the members of the democratic party to any appropriation bill whatever that has been before the Senate. We have been at all times willing to take up these bills and discuss them fairly—discuss them under the five-minute rule, which in my judgment, even on appropriation bills, is an improper rule; but nevertheless it has been adopted and we have acquiesced in it; at any rate we have made no factious opposition to anything.

Now, in reference to the Indian appropriation bill, the democratic members of the Senate consumed less time than the republican members, and we have not been disposed to offer any factious opposition to the passage of any of the appropriation bills at any time, nor in reference to the amendment offered by the Senator from Indiana. My objection and my vote against it was not given because of any partisan feeling, for I am not certain that when his bill gets fair before the Senate I may not vote for it. My objection was that it was a very improper amendment to offer to an appropriation bill; that it cannot be properly discussed under the five-minute rule. It does certainly involve very grave considerations. One consideration may be whether this action of the Senate and House of Representatives by the enactment of a law can control the counting of the votes; and that is a very grave question. Other grave considerations arise in regard to the amendment offered by the Senator from Indiana which ought not to be limited to a five-minutes debate. I voted against it as an amendment to an appropriation bill. I am not clear that as a separate and distinct law I should vote against it. My vote, therefore, against the Senator's amendment was not from any partisan feeling, but because I honestly believe that the amendment which he offers involves considerations which ought not to be limited to a debate of five minutes. That was the only ground on which I acted, and I apprehend that was the ground on which all the votes on this side of the House were given against that amendment.

Mr. THURMAN. After what has been said by the Senator from Delaware and my colleague, it might seem superfluous for me to say anything on this subject; but there are reasons why it is proper that I should say a word upon it.

In answer to an expression of surprise by the Senator from Indiana at the vote last taken and his intimation that it was a party vote, I undertake to say that there was nothing further from party than the vote that was cast on his motion. As the Senator now offers the bill, with the last sentence of the first section omitted, according to my understanding of the bill, I am for it; but there are others who think that I have misapprehended the effect of the bill. I think they misapprehend it. This bill has been criticised in some of the public journals as well as in private conversation in such wise that those thinking it a beneficial measure have a duty to perform by explaining it according to their understanding of it, and removing these objections, if they can be removed by argument. Therefore my vote to lay the amendment of the Senator from Indiana on the table was induced by no hostility whatever to his bill; and I say to him now that just as soon as the appropriation bills are out of the way I will vote to take his bill up; and he can ask nothing more than that; but I do protest against putting political measures upon appropriation bills. I shall never forget that the worst bill in my judgment that has passed this Senate since I have been a member of it was after midnight by putting it on an appropriation bill with the five-minutes debate. In that case a bill of fifteen or sixteen sections was fastened as an amendment upon an appropriation bill and put through. It is very true that there was an extended debate upon it, because to get rid of the rule I moved to indefinitely postpone an important appropriation bill—an attitude in which I did not wish to be placed; but I was compelled to be placed in that attitude in order to consider a bill then brought in for the first time in the Senate, consisting of fifteen or sixteen sections, of the most important character.

I am therefore opposed to any general legislation, especially any political legislation, upon appropriation bills. I will not waste the time of the Senate upon appropriation bills. There is no member here who has done so. I do not believe that an amendment has been offered or a remark made about any appropriation bill at this session of the Senate that was not made in perfect good faith and for laudable purposes. There has been no disposition to waste time at all; but when it comes to putting political measures upon appropriation bills the inevitable result must be a motion to postpone the bill in-

definitely, and then enlarged debate. I hope, therefore, that no such thing will be done. It was for that reason alone that I voted to lay the amendment on the table.

Mr. SPRAGUE. I desire to appeal to my friend the Senator from Indiana to withdraw his amendment. There seems to be a general disposition on the part of all who have spoken on the subject to give him an opportunity to bring it to the attention of the Senate as an independent measure, and it seems to me that he would serve the interests which he advocates better in that way than by forcing me to the unpleasant duty of peremptorily enforcing the rules on the amendment.

Mr. MORTON. I desire to say but a single word. I made the remark about the vote being partisan from the fact that our democratic friends voted solidly to lay upon the table and with a few republicans carried it, while twenty-two republicans voted against the motion. We have had a number of party votes or party considerations disposed of here within a few weeks past in about the same way. This measure is important. The next House of Representatives is democratic. I hope that that consideration will not possibly enter into any vote that may be taken upon it; but as the rule stands the election can be thrown into the House of Representatives no difference what the vote may be by the people.

Mr. THURMAN. That cannot be unless there are three candidates.

Mr. MORTON. Yes, sir.

Mr. THURMAN. Unless there be a tie.

Mr. MORTON. The Constitution requires the person elected to have a majority of all the electors appointed, and if by objections to the votes of particular States they are thrown out so that no candidate has a majority of all the electors appointed, the election goes into the House.

Mr. THURMAN. That must be where there is a tie.

Mr. MORTON. No; no tie is required; a majority of all the electors appointed are necessary.

I withdraw the amendment in view of the vote that has been taken, and I shall perhaps take occasion to bring it forward again.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The amendment is withdrawn.

The bill was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan;

A bill (H. R. No. 4434) giving certain authority to the accounting officers of the Treasury in the case of John L. Smith;

A bill (H. R. No. 4149) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States; and

A joint resolution (H. R. No. 160) providing for the restoration of the original Declaration of Independence.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3717) granting a pension to Sarah McAdams;

A bill (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late private Company D, Forty-ninth Regiment Illinois Volunteers;

A bill (H. R. No. 3700) granting a pension to Teter Wolfgang;

A bill (S. No. 769) for the relief of Major J. W. Nichols, paymaster United States Army; and

A bill (S. No. 1065) for the relief of J. W. Drew, late additional paymaster in the United States Army.

NATIONAL CEMETERY AT YORK.

Mr. WEST. I move now that the Senate proceed to the consideration of House bill No. 4529, making appropriations for the service of the Post-Office Department for the ensuing fiscal year.

The motion was agreed to.

Mr. CAMERON. I ask the indulgence of the Senate for a moment to take up the bill (H. R. No. 4681) in relation to a national cemetery at York, Pennsylvania. The objections made the other day have been withdrawn, and there will be no opposition to it now. I trust the Senator from Louisiana will yield.

Mr. WEST. The Senator from Pennsylvania knows that I would extend a courtesy to him as willingly as I would to any Senator on this floor, but under the rule I am constrained to object.

Mr. CAMERON. I understood the Senator would treat me with all the courtesy imaginable, but I want him on this occasion to do a little more. [Laughter.] I only want five minutes of the time of the Senate to pass a bill which I am very anxious should be passed before Congress adjourns. Already time enough has been occupied to have passed it three or four times if I had been listened to. I trust the Senator from Louisiana will allow me five minutes.

The PRESIDING OFFICER. Does the Senator from Louisiana insist on his objection.

Mr. CAMERON. He does not insist.

Mr. WEST. I withdraw the objection to let the Senate vote upon it, but with the simple notification that I must not be appealed to in the same way again.

The bill (H. R. No. 4681) in relation to a national cemetery at York, Pennsylvania, was read.

Mr. WEST. I must insist that the consideration of that bill shall be liable to a call for the regular order.

Mr. SHERMAN. I should like to have an explanation of the bill from the Senator from Pennsylvania.

Mr. CAMERON. There should be no objection to the passage of this bill. The citizens of York have built a fence, built a house, and done everything to inclose the graves of all these people, rebels as well as Union soldiers—

Mr. SHERMAN. I wish simply the Senate to understand it.

Mr. WEST. I rise to inquire if the Senator from Ohio objects to the bill?

Mr. SHERMAN. No, sir; but I wish to state in the nature of an argument that this will lead to innumerable claims. In the little city in which I live there lie the remains of a great many soldiers who were brought home and buried there without head-stones, except what have been furnished by the people of the neighborhood. If the Government is to carry out the principle of making every spot of ground in the United States where dead soldiers are buried subject to the rules which govern national cemeteries established by the War Department, it will involve not only large expense but infinite difficulty. It is not a matter which I know much about, but I know the example once set for York, Pennsylvania, will be followed in many cities where they have set aside within certain inclosures ground for the burial of soldiers. If the precedent is once established of considering those in the nature of national cemetery grounds, it will involve a very large expenditure of money, and it is of very doubtful propriety indeed. I think the dead buried in these private cemeteries had better rest as they are, and the local charity, the local sympathy, the local feeling will undoubtedly erect over their remains proper monuments to their memory.

Mr. CAMERON. "Sufficient unto the day is the evil thereof."

Mr. WEST. I was not aware of the nature of this bill. On the assurance of the Senator from Pennsylvania that it was a bill which would provoke no discussion, I permitted him to offer it to the Senate for a vote. I now call for the regular order.

The PRESIDING OFFICER. The bill will be laid aside.

Mr. CAMERON. I hope that the Senator will allow me to say that this ought not to have provoked any discussion.

POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER. The bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, is before the Senate as in Committee of the Whole; and the amendments reported by the Committee on Appropriations will be acted in their order as they are reached in the reading of the bill.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was in the appropriations for the office of Second Assistant Postmaster-General, in line 35 of section 1, after the words "directed to" to strike out the words "take said weights and require them to be" and insert "have the mails weighed as often as now provided by law by the employees of the Post-Office Department, and have the weights;" in line 39, to strike out the word "the" before "employees" and insert the word "said;" and after "employés" strike out "of the Post-Office Department;" so as to make the clause read:

Office of Second Assistant Postmaster-General:

For inland mail transportation, \$17,548,000; and out of the appropriation for inland mail transportation the Postmaster-General is authorized hereafter to pay the expenses of taking the weights of mails on railroad routes, as provided by the act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874," approved March 3, 1873; and he is hereby directed to have the mails weighed as often as now provided by law by the employees of the Post-Office Department, and have the weights stated verified to him by said employees, under such instructions as he may consider just to the Post-Office Department and the railroad companies.

The amendment was agreed to.

The next amendment was in line 59 of section 1, after the word "hereby," to strike out "authorized" and insert "required;" so as to make the clause read:

For preparing and publishing post-route maps, \$30,000; and out of this appropriation the Postmaster-General is hereby required to pay all the expense of employing clerks, lithographers, experts, and other persons whose services may be necessary in the preparation and publication of said maps.

The amendment was agreed to.

The next amendment was under the head of appropriations for the "office of the Third Assistant Postmaster-General" after the word "postage-stamps," in line 68 of section 1, to insert "including official stamps;" so as to make the clause read:

For the manufacture of adhesive postage-stamps, including official stamps, \$149,764.

The amendment was agreed to.

Mr. WEST. I move to apply the five-minute rule in reference to debate on amendments to this bill.

Mr. THURMAN. If a motion is to be made to strike out—

Mr. WEST. I call for the question on my motion; it is not debatable.

The PRESIDING OFFICER. That is true. The Senator from Ohio will suspend. The Senator from Louisiana moves that the five-minutes rule be applied to the bill under consideration. The motion is not debatable.

Mr. DAVIS. Before that is put—

The PRESIDING OFFICER. The motion is not debatable.

Mr. DAVIS. I can move to indefinitely postpone and debate it.

The PRESIDING OFFICER. The Senator cannot move to indefinitely postpone this motion. The rule requires that this motion shall be decided without debate, and the Chair will put the question, which is upon the motion of the Senator from Louisiana to apply the five-minutes rule to the bill.

The motion was agreed to.

Mr. THURMAN. I rose for the purpose of suggesting that the motion be not agreed to but it is agreed to. Whenever the question arises on the provision in this bill repealing the Pacific Mail subsidy, the Senate will find that that five-minute rule will not work.

Mr. WEST. I understand that.

Mr. THURMAN. The Judiciary Committee have had that subject under consideration for some time, and I know, without intimating the opinion of any member of that committee upon the subject, that it cannot be disposed of under a five-minutes debate.

Mr. DAVIS. Is it the desire of the Senator having the bill in charge that we shall go through with the reading of the bill before amendments are offered, or does he want amendments acted on as the reading progresses?

The PRESIDING OFFICER. The amendments of the Committee on Appropriations will first be acted on and then the others.

Mr. RAMSEY. I submit an amendment from the Committee on Post-Offices and Post-Roads to this bill to be referred to the Committee on Appropriations.

The PRESIDING OFFICER. The proposed amendment will be received and referred.

The reading of the bill was resumed.

The next amendment reported by the Committee on Appropriations was, after the word "shall," in line 97 of section one, to strike out "not;" after the word "in" to strike out "more than" and insert "only;" in line 98, after "District of Columbia," strike out "nor" and insert "and;" and after the word "prices" strike out "exceeding the regular and ordinary rates charged by such newspaper to other advertisers" and insert "satisfactory to the Postmaster-General;" so as to make the clause read:

For advertising, \$100,000: *Provided*, That hereafter the mail lettings for the States of Maryland and Virginia and for the District of Columbia shall be advertised in only one newspaper published in the District of Columbia, and at prices satisfactory to the Postmaster-General; and so much of section 3826 of the Revised Statutes of the United States as refers to the publication of advertisements in newspapers be, and the same is hereby, repealed.

Mr. WEST. On behalf of the committee I desire to perfect that clause by adding after the words "Postmaster-General," in line 101, the following words:

Not exceeding the customary rates paid in the city of Baltimore.

So as not to leave it entirely discretionary with the Postmaster-General to pay any rate, although no doubt the utmost confidence would be felt in his judgment and discretion in that matter, but to adapt the rate to the nearest populous city where large newspapers are published.

Mr. CAMERON. I desire to move an amendment to add a single word. Will it have to be done after this is acted upon?

The PRESIDING OFFICER. After this vote shall be taken on this amendment to the amendment, another amendment to the amendment will be in order.

The amendment to the amendment was agreed to.

Mr. CAMERON. Now, after the words added in the last amendment I move to insert "for ordinary commercial advertisements;" so as to read:

Not exceeding the customary rates paid in the city of Baltimore for ordinary commercial advertisements.

Mr. WEST. I will not object to that.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was continued to the end of the first section.

Mr. WEST. Before the reading of the bill proceeds any further, I desire to ask the attention of the Senate to a statement that I am required to make on behalf of the Committee on Appropriations with reference to a clause in the second section. The clause beginning with line 18 on page 6 of the bill repeals what is known as the secondary contract with the Pacific Mail Steamship Company for its service to China semi-monthly. When this bill was considered in committee I was instructed by the committee to say that they reported back the bill in that respect without amendment and with no recommendation in regard to that particular clause for the reason that the subject-matter of this clause had already been referred to the Committee on the Judiciary, with instructions to report to the Senate whether in their opinion the contract was valid, or whether Congress possessed the power to annul it. I do not see the chairman

of the Committee on the Judiciary here; but if there is any other member of the committee present, I think he will corroborate what I say. So in the consideration of the question it is before the Senate without any recommendation by the Committee on Appropriations.

Mr. THURMAN. A resolution was referred to the Committee on the Judiciary instructing that committee to inquire whether the contract made by the Post-Office Department with the Pacific Mail Steamship Company, of some date in 1872 or 1873, in pursuance of the act of 1872, was still obligatory upon the United States, and if not obligatory whether it was expedient to repeal it. I am not quite sure that I have given the language of the resolution exactly, but that was the effect of it.

That resolution did not pass the Senate, but was referred to the committee without having passed the Senate and therefore contained no instructions. It was merely sent to the committee of course to see whether the committee would recommend its passage in that shape. The committee were of opinion that so far as it related to the expediency of annulling the contract in case it is no longer obligatory upon the United States, or in case the United States has the right to annul it, that question belonged more properly to the Committee on Post-Offices and Post-Roads than to the Committee on the Judiciary, and hence the committee reported a substitute for the resolution to the Senate by which the Committee on the Judiciary was strictly instructed to inquire and report to the Senate whether that contract is obligatory upon the United States or whether the United States has the right to put an end to it without any violation of law. Upon that question thus referred to the Judiciary Committee no decision has been arrived at by that committee. I have been expecting that we would make a report upon it to-day; but for reasons known to the Senators here there was no meeting of that committee to-day.

Mr. MORRILL, of Maine. Will my honorable friend allow me to suggest that the bill be read through and the amendment of the committee acted on, and then we can return to this subject.

Mr. WEST. I suggest to my honorable friend from Maine that we are acting on the bill and if we could take this question now—

Mr. MORRILL, of Maine. What amendment is now pending?

Mr. WEST. No amendment, but I prefaced the reading of this section by the remark I did, and the Senator knows very well that as soon as the Clerk reads the clause, unless it is objected to, it is incorporated in the bill, so that therefore it is really a pending question.

Mr. MORRILL, of Maine. It is open to amendment; and my suggestion is that as there is no amendment proposed by the committee here, we pass on and conclude the bill with such amendments as are proposed by the committee, and then of course the whole text of the bill will be open to amendment.

Mr. WEST. Reserving the point that the Senate does not now in Committee of the Whole adopt that clause—

Mr. MORRILL, of Maine. Certainly.

The PRESIDING OFFICER. At a later period while the Senate is in Committee of the Whole amendments to this provision will be in order.

Mr. MORRILL, of Maine. Certainly; nothing is concluded by simply passing over it.

Mr. THURMAN. I have no privilege one way or the other. The Senator from Louisiana asked me in the absence of the chairman of the Committee on the Judiciary to state the facts in regard to the reference of this question to the committee. That is all I have stated. We have made no report upon it. The only question before us was as to the right of the Government to treat this contract as annulled, and on that we have made no report as yet. Whether this bill had better be postponed until the committee make a report or not is a question for the Senate.

Mr. MERRIMON. I would inquire of the Senator from Ohio if this is the Pacific Mail subsidy about which there has been so much scandal?

Mr. THURMAN. Yes, sir.

Mr. MERRIMON. Then for one I am very anxious to ascertain whether Congress has power to repeal the law providing for it. If it has, I am very sure that I desire to vote for its repeal.

Mr. MORRILL, of Maine. All this is premature; there is really no question before the Senate at the present time. When the reading of the bill is once concluded and the amendments of the committee acted on, all this will be traversed and again come up.

Mr. MERRIMON. At the proper time I will make the point.

The Secretary resumed the reading of the bill.

The next amendment reported by the Committee on Appropriations was to strike out the second clause of section 3, in the following words:

That the certificate authorized to be made by section 13 of the act of June 23, 1874, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875," may be made by any ex-member of Congress or ex-Delegate within nine months after the expiration of his term.

And in lieu thereof to insert:

That provisions of section 13 of the act of June 23, 1874, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," shall apply to ex-members of Congress and ex-Delegates, for the period of nine months after the expiration of their terms as members and Delegates, and postage on public documents mailed by such persons shall be as provided in said section.

Mr. BAYARD. I should like to inquire to what that refers?

Mr. WEST. It gives the outgoing members of Congress and Senators the privilege until the next session of sending their public documents away upon the same terms that they would have if they remained in Congress until that time.

The amendment was agreed to.

Mr. THURMAN. I wish to make an inquiry of the Senator having this bill in charge. If he will turn to page 7, lines 30 and 31 of section 2, he will find these words:

For official postage-stamps for the Post-Office Department, \$986,000.

I wish to inquire whether this appropriation—

Mr. WEST. I ask the Senator to allow the reading of the bill to be concluded.

Mr. THURMAN. I thought we had reached the end.

Mr. WEST. No, there is one more section.

The Secretary resumed and concluded the reading of the bill.

Mr. THURMAN. Now I wish to know if this sum of \$986,000 is for post-office stamps for the Post-Office Department alone?

Mr. WEST. Yes, sir.

Mr. THURMAN. It does not include the other Departments, then?

Mr. WEST. No, sir.

Mr. THURMAN. I should like to have some explanation of it because of my ignorance. I was reproached this morning for inquiring about anything of which I was ignorant. I hope the chairman of the committee will pardon me for making my ignorance the groundwork of an inquiry as to this appropriation.

Mr. WEST. I presume the Senator is aware that Congress has by previous legislation required payment for the transmission of all mail matter, whether official or otherwise, through the mails of the United States. The Postmaster-General cannot send a letter to the postmaster at Baltimore on official business without paying the postage upon it with a stamp printed specially for that purpose. This makes the official business of the Government through the Post-Office Department payable out of the general Treasury instead of as hitherto out of the service of the Post-Office Department itself.

Mr. THURMAN. This, then, is not for the postage-stamps which are sold to the people. It is for the Post-Office Department itself whose correspondence and mail matter, according to this bill, will amount to \$986,000 a year.

Mr. CONKLING. If the Senator will pardon me a moment, I beg to say that it is exactly for that kind of postage on exactly that kind of correspondence for which the Senator pays himself out of his own pocket when it is addressed to him. It is correspondence relating, no doubt, to the public business going to the Postmaster-General, and the Postmaster-General in place of paying it with his own money from his own pocket, as the Senator from Ohio and the rest of us have to do, is to pay it from this million dollars which is to be appropriated from what the Senator from Louisiana calls the general Treasury.

Mr. THURMAN. I do not want the Postmaster-General to pay \$986,000 out of his own pocket. I hope he has that much money; but I think if he was to pay it out of his own pocket, he would be a good deal poorer than he is now. That is not the thing; but it does strike me as a marvelous kind of economy. Here for postage-stamps, for making postage-stamps, is an appropriation of \$986,000.

Mr. WEST. No; not making them.

Mr. THURMAN. Well, it is for stamps; they have to be made, and I should like to know how much of this is to pay for making them?

Mr. WEST. Nothing at all. In a previous part of the bill the Senator will find that some \$35,000 is appropriated for the payment of all the postage-stamps that are printed.

Mr. MORRILL, of Maine. Certainly, we understand that what is true of this particular branch is true of all the other branches of the service, so that really instead of talking about the franking privilege being abolished it is restored to the Departments and all branches of the public service except as to members of Congress. That is what it is.

Mr. THURMAN. That is what I wanted to learn.

Mr. EDMUNDS. It is restored, as somebody said about lying, with a circumstance. It is restored by stamps which it costs the tax-payers a hundred or two hundred thousand dollars a year, taking all the Departments together, to print and engrave, and then a certain other sum for distribution, and so on.

Mr. WEST. The Senator is wrong; \$35,000 is the amount.

Mr. EDMUNDS. I think I understand what I am talking about. The Senator says \$35,000; he is reading the Post-Office report, I take it. Is he not?

Mr. WEST. Yes.

Mr. EDMUNDS. The Post-Office report says it costs \$35,000 to print the Post-Office stamps. I think it does as much as that; but when you add the proper proportion of the salaries of clerks and other people who are employed in the performance of going through this stupendous sham you will get the Post-Office Department alone up to more than \$50,000. When you put all the Departments together and all the clerk hire and incidental expense connected with engraving and printing and distributing these things, which are franks and nothing else, except in the fact that if a man steals one he can use it, which he could not very often do in the case of our franks, it is the franking privilege back again with an added expense to the people of more than a \$100,000 a year. Of course everybody knows that the

Treasury must pay the expense of sending out official documents from the Post-Office Department. Before we passed the law for the repeal of the franking privilege this was paid for, if you call it paying for it, by the Postmaster-General and his assistants named by law writing their names upon the packages that were to be sent, and their being carried in the mails without any additional charge except upon one or two routes perhaps where we paid by weight, but as a general rule without any cost. In a fit of great economy and retrenchment and reform we turned around and said: "No, we will not trust the Postmaster-General to write his name upon the packages that are to go, but he shall employ an engraver, who shall engrave a proper design, then he shall employ a printing establishment, and buy paper" peculiar in fiber for aught I know, "upon which shall be printed this design, and then he shall employ clerks to watch the engraver and the printer and see that they do not steal them, and then he shall employ some more clerks to gather these things together and put them in envelopes and send them all over the country by express or otherwise to everybody that is entitled to official postage," whoever that may be under this law, I do not know—sixty thousand postmasters perhaps or whatever the number may be, and so with every other board. The consequence of this economy and retrenchment and reform is that the people are saddled with one, two, or three hundred thousand dollars of additional tax for nothing at all except to increase the chances of fraud in sending documents out.

When my friend from Ohio who voted for this illustrious contrivance gets ready—as he says he is not now—to retrace his steps, I shall vote with him.

Mr. MORTON. I am somewhat—

Mr. WEST. Let me interrupt the Senator to ask what is the pending question. This debate is going on by common consent.

Mr. EDMUNDS. We are considering the bill as in Committee of the Whole.

The PRESIDING OFFICER. The bill is pending before the Senate as in Committee of the Whole. It is open to amendment.

Mr. MORTON. I am somewhat surprised at this discussion. I think I have understood before that both the Senators were in favor of abolishing the franking privilege. That was done. It was provided then in order to provide for the service of the Departments that they should have stamps of a peculiar kind that each Department could use, and appropriations were made to procure them. In point of fact, this money does not pass; it does not change hands; it is not taken out of the Treasury and the stamps paid for, but it is paid right back into the Treasury. This plan is adopted to avoid the abuse of what was termed the franking privilege, and this appropriation is simply a matter of form to carry out existing laws. If Senators are not satisfied with it, they ought to go for the restoration of that privilege which I think they voted to abolish.

Mr. EDMUNDS. I did not.

Mr. ROBERTSON. I move to strike out on page 7, lines 30 and 31 of section 2, and insert:

That all laws and clauses of laws repealing the franking privilege be, and the same are hereby, repealed.

Mr. WEST. Before that question is put I call for a division of the subject, first to strike out and next to insert.

Mr. THURMAN. That is against our rule.

Mr. WEST. Then I wish to say with reference to the appropriation in this bill of \$986,000 for postage-stamps, which this amendment moves to strike out, that I find myself in the uncomfortable position of reporting a bill and supporting a proposition to appropriate money to carry out a law that was voted for by Senators who are now taking exception to making provision to carry it into effect. That is the fact. In reference to this \$986,000, in place of its being a tax upon the Government it is merely transferring the money from the Treasury into the Post-Office and back to the Treasury; but such are the consequences of the law that Congress has imposed upon the statute-book.

A Senator says that it costs one hundred or two hundred thousand dollars to print these stamps. I think we had some instances this morning where Senators were asking questions; but these are assertions that are unwarranted by the facts. The facts are that it costs \$35,000 per annum, and that amount is appropriated in this bill to pay for the printing of all these stamps throughout all the Departments. Now, if gentlemen wish to bring up the question as to whether it is a good policy or not, that can be tested on the amendment of the Senator from South Carolina; but he ought to know that it is one of those periodical proffers that meet with no success.

Mr. STEVENSON. I differed with the Senator from Ohio in his vote on the abolition of the franking privilege, so called. I thought he was wrong then, and I think so now. I have always believed that the franking privilege was one of the essential elements of representative government; that the people who paid their taxes had a right to receive free of postage all that was said and all that was done in the two branches of Congress. I believed then as I believe now that it is the veriest humbug that ever was invented by a political party for political success. They told us it was an economical measure. There were Senators who then said that when you repealed that privilege you would have a deficiency bill of several millions. That prophecy is now historic. This bill contains a deficiency of \$6,852,700, and that is not half the story. As one of the members of the Committee on Appropriations I say the deficiency is \$8,000,000.

Did any such deficiencies follow when the franking privilege existed? Not at all; and now in this proposition we have not only extravagance, but we have waste. I undertake to say that while here is an item of \$986,000 to furnish stamps to one Department, the same thing is done in regard to many others, and stamps are scattered through all the avenues of the various Departments. I have the authority of a republican Senator—I mean the Senator from Virginia, [Mr. LEWIS,] whom I do not see in my eye now—that official stamps have been used for political purposes. I am opposed to the whole business, and I shall never hear this question agitated and see this extravagance resorted to and the taxes on the people increased, without entering my protest against it. We had better go back to the old-fashioned system of the franking privilege. My friend from Ohio said it had been abused. What institution has not? If he will tell me one I shall be thankful to him. It will not do to say that because it has been abused you must abolish it. No, sir.

I am opposed to this appropriation because I think it is a waste of the public money. You can so restore the franking privilege as to limit it to the distribution of all documents published by Congress. In the post-office bill passed during the last session we attempted to let packages of all sorts be carried through the mail. You can send shoes or you can send pistols or you can send anything else. We have attempted to imitate England on that subject; but England regulates in regard to that matter the carriage by the distance. We have, however, agreed to carry packages, and we carry them from here to Baltimore for the same rate that we carry them from here to San Francisco. There is one of the fruitful causes of this deficiency. If the Post-Office Department is to be a public carrier of all sorts of matter, let us act with some reason and sense and regulate the charge according to the distance for which a package is carried. I am opposed to the whole proposition; I am for limiting the post-office to written and printed matter which legitimately belongs to it, and I am for excluding it from being a common public carrier, but if you make it so, charge according to distance.

Mr. BAYARD. Mr. President, the post-office is created for the public convenience; it performs a public service which is paid for by the people. Therefore as to whether there shall be a discrimination as to distance or not strikes me as being a very small matter because, after all, it is a public expense, and those who send from great distances will find the same convenience as those who send a shorter distance. There is no great importance in that.

But, Mr. President, I wish to call the attention of the Senate to this item of \$986,000 for official postage-stamps for the Post-Office Department. If what the honorable Senator from Louisiana said was so, then there is no use whatever in such an appropriation. It is simply taking money out of one pocket and putting it into another. But on page 4, line 67, we discover that there are \$149,764 appropriated "for the manufacture of adhesive stamps, including official stamps." The cost of the official stamps and the cost of the stamps which we all use in our private correspondence is alleged to be \$149,764. If this be so, the Government pays this money for that as well as of course its stamps for the public from which it receives its revenue. What can be the necessity for appropriating \$986,000 or making any note of it whatever, when the stamps have been already paid for, when they are in the Post-Office Department, and when the Government is simply taking the money out of one pocket and putting it back in the other? It seems to me that lines 30 and 31 on page 7 are entirely superfluous. You have authorized on page 4 the manufacture of these official stamps just as many as the Department needs. Now if you authorize their manufacture and their use, where is the sense, where is the use in any way of appropriating money to another Department or rather which shall be paid by the Post-Office Department into the Treasury Department for the use of these very stamps? There certainly is no restriction upon the amount used. It would be precisely as though you authorized these parties, the officials of the Post-Office Department, to stamp or frank by manual impression their various documents, and then afterward estimated their postage at so much money and appropriated \$986,000 to pay for it.

What is an official postage-stamp? Nothing in the world but a frank of the Government. The franks formerly used by members of Congress were their signs-manual. The stamp used by the Government is its frank. You put the frank on a book or letter or whatever may be the document passed free through the mail. Here you have provided for these Government franks called "official stamps," which are to be put on, which cost some thousands of dollars; I do not know precisely how much because the adhesive postage-stamps and the official stamps are all combined in one item of \$149,764. It seems to me that this bill is filled with the most magnificent figures. There is, as the Senator from Kentucky [Mr. STEVENSON] noted just now, an appropriation for a deficiency of \$6,852,705, and this is on the heels of the proclamation of the Postmaster-General preceding the present that if we would only abolish this terrible franking privilege the Post-Office Department would become a self-sustaining institution. Every year the deficiency has grown greater and greater. So far from the expense of the Department decreasing, it has simply increased, and I must say that I see no use whatever, but on the contrary a possibility of harm, in the presence of this \$986,000 for stamps which have already been paid for by a previous section of the bill.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CONKLING. Mr. President, as I understand the words in the

bill which the Senator from South Carolina moves to strike out, I shall vote to strike them out. I shall so vote, not as a retraction of my vote to abolish the so-called franking privilege, but in harmony and continuation of the spirit and letter of that vote. Why did we abolish the franking privilege? To correct abuses, some said, the statement of which abuses, in my belief, was grossly exaggerated. Because, others said, all mail matter ought to pay its way through the mails, thereby meaning all mail matter external to the Department itself. Others said we shall cease to print books, itself a great cost, and to encumber the mails with them, and with garden-seeds, and cuttings, and so on. Such were the reasons which moved the two Houses of Congress to try the experiment of abolishing the miscalled franking privilege.

I shall not attempt, Mr. President, within five minutes to state the various respects in which these expectations have failed, but I come to this one: What is the significance and motive of this contrivance? It is to give popular advantage to the Post-Office Department; it is to make it in name and in false appearance self-sustaining. How? By carrying on a process and a machine costing, as the Senator from Vermont has explained, a great sum of money, a sum which would have been great in ancient times, all for the purpose as the Senator from Delaware has said of taking money out of one pocket and putting it into the other. It is a scheme of book-keeping by which the accounts of the Post-Office Department are magnified on the credit side to the end that they may contrast favorably with the accounts of other Departments. That is all there is of it. Now, why not say that the Post-Office Department may print its stamps and put on its stamps, and its correspondence being supposed to relate to the machinery of the postal service, that that imposition of stamps shall satisfy the law in that regard? What is the sense of appropriating money out of the general Treasury, as the Senator having charge of the bill was pleased to phrase it, to buy stamps and hire clerks to go through what the Senator from Vermont has related, including those clerks to whom he did not refer, who attempt to lick and paste these stamps in the Post-Office Department? This latter class of clerks might be unavoidable anyway to perform the mechanical work of attaching the stamps, but what is all this for?

Mr. EDMUNDS. Would not an autograph be better still?

Mr. CONKLING. I agree with my honorable friend that an autograph would be better still, just as much as some instrument which is not negotiable by delivery, is a safer thing to transmit than a note payable to bearer or something which passes from hand to hand and which if lost is good in the hands of anybody. If the Postmaster-General had a stamp which would save him the trouble of writing his name, that stamp probably could not be stolen, and ordinary fidelity would guard against the impression which might be stolen; but here I agree with Senators in assuming that the other objection is the broad opportunity of pilfering these stamps.

I abstain from saying anything at this moment about the franking privilege. I voted to abolish it. I confess I have been disappointed in some respects as to the results of its abolition; but this is a question independent of that; and until I have further light, I will not vote to appropriate a greater sum of money in order to carry out a fictitious system, a contrivance of book-keeping, by which one Department is made to appear better in national accounts than the rest, the whole net result being sheer loss to the tax-payers of the country.

Mr. ROBERTSON. I wish to add to the words originally proposed to be inserted, so as to make my proposition more clear and distinct, the following:

And that the franking privilege, as it existed prior to the passage of the act abolishing the same, be, and it is hereby, re-established.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. STOCKTON. Mr. President, I voted to abolish the franking privilege. I have never regretted the vote I cast. I made some observation at the time giving my reasons therefor. I have never seen a reason to change the views I then expressed.

There were two great difficulties in reference to the franking privilege. One was that it had been greatly abused, as the Senator from Ohio [Mr. THURMAN] has explained again to the Senate this morning. Another difficulty was that it was a great incumbrance to the members of Congress, taking their time, which, if valuable at all, was valuable for better purposes than the mere work of a clerk. One of the greatest difficulties and one of my greatest objections to the continuation of the franking privilege, in addition to the way in which it was abused, in addition to the great habit which had grown up among the political parties and partisans of using it for party purposes, was that it was an incumbrance on members of Congress; that it took time which was more important to their constituents, and which they needed if they did their duty here in Congress. There seems to be no sense in employing the time of gentlemen of high character and ability to sit down as clerks and write their names on thousands and thousands of documents and thousands and thousands of speeches. When I came here I subscribed, I recollect very well, for five thousand copies of a speech of some friend that I wished to circulate, and I began to frank them. If you circulate your own speeches and the speeches of your friends in courtesy to them and frank all the public documents that are issued, as I did during the first year I was here, if you can do anything else you must labor night and day. Therefore there is no reason in restoring that

It was no privilege whatever. It was a nuisance, and was occupying the valuable time of public agents unnecessarily. That some proper plan would have been adopted and would have been suggested by the committee to take its place I think no one doubted when we voted to abolish the franking privilege.

If you print and publish at the expense of the county public documents, you must circulate them of course or they are of no value. The person required to do that need not be a member of Congress. You circulated the Congressional Globe by having a stamp put upon it, "free," by law, and the same man who put the envelope on put the stamp on. It need not be franked at all. Why was that never suggested with reference to other documents? Is there any reason whatever why the same party that puts on the envelope, the same party that binds up in a package the book that is to be sent, should not put a stamp on it to show that it is a public document printed by Congress for circulation? There is no necessity of this cumbrous system of stamps, I admit, not a particle; and there is no reason under heaven why all the public documents you print could not be circulated without expense, and why they cannot be identified to a reasonable certainty. The abuse of the system was such that there was no way of lopping it off but by cutting the tree down by its roots, and so I thought at the time.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. HAMILTON, of Maryland. If I understand the amendment of the honorable Senator from South Carolina, it is for the restoration of the franking privilege as it existed prior to its repeal, in all its length and in all its breadth. I voted against the abolition of the franking privilege at the time and was always opposed to its abolition, but at the same time I was in favor of a modification of its very great abuse. I shall vote against its restoration, and therefore I shall vote against the amendment of my honorable friend from South Carolina. I shall vote for any matured modification of a franking-privilege law. I can only illustrate it by stating that all documents should be sent out free, and we should qualify as well as we can the abuses that existed under the old system.

I merely desired to explain, and that is all I desire to do on this occasion, that as I always opposed the abolition of the franking privilege I am against its restoration unless it is restored in a manner by which its original abuses shall be obviated.

Mr. WEST. Mr. President, as I do not believe the Senate is prepared to vote on the question of restoring the franking privilege and as the amendment offered by the Senator from South Carolina only opens the subject to illimitable debate, I think it my duty to move that it be laid on the table.

The VICE-PRESIDENT. The Senator from Louisiana moves that the amendment lie on the table.

Mr. ROBERTSON. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 25; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Cameron, Chandler, Clayton, Conkling, Cragin, Dorsey, Frelinghuysen, Hager, Hamilton of Maryland, Hamlin, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Stockton, Washburn, West, Windom, and Wright—32.

NAYS—Messrs. Alcorn, Bayard, Conover, Cooper, Davis, Dennis, Eaton, Edmunds, Flanagan, Goldthwaite, Gordon, Harvey, Johnston, Kelly, Lewis, McCree, Merrimon, Pease, Ransom, Robertson, Saulsbury, Spencer, Stevenson, Thurman, and Tipton—25.

ABSENT—Messrs. Allison, Boggy, Brownlow, Carpenter, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Hamilton of Texas, Hitchcock, Jones, Norwood, Patterson, Sprague, Stewart, and Wadleigh—16.

So the motion was agreed to.

Mr. THURMAN. I have an amendment to offer to this bill. I offer as an additional section the following:

That the CONGRESSIONAL RECORD shall be carried in the mail free of postage.

That is not a proposition to revive any franking law that ever existed. By law the Congressional Globe, whether bound or unbound, passed free through the mail. There never was any necessity for franking it. The reason why it was made to pass free through the mail was that the people might know what their representatives here were doing. For that public consideration, in order that our constituents might know what we at Washington were doing, it has been the policy of the law to permit the record of our debates to pass free through the mails. I think that a wise policy. I have always voted, wherever I could get the opportunity, of separating this from the question of abolishing the franking privilege, in favor of the debates of Congress passing free through the mails; and last year or the year before that (I think it was at the last session) I moved a similar amendment to the post-office bill, and I believe it received a majority of the votes of the Senate, and was lost perhaps in the committee of conference. I now renew it, and I defend it upon the ground that our constituents not only have a right to know what we do here, but that it is our duty to let them know. There is no reason in my judgment applicable to this proposition that in the slightest degree is involved in the question of the franking privilege, for, I repeat, the debates of Congress formerly passed through under a law which made them free matter in the mail without any frank at all, and it is only that which I wish to see restored.

Mr. EDMUNDS. I move to amend the amendment of the Senator from Ohio by adding thereto the following words:

And that all public documents already printed for the use of either House of Congress may pass free through the mail upon the frank of any member of the present Congress until the first day of December, A. D. 1875.

My motive in moving that amendment is the fact that when we made this reform there was already ordered to be printed a large number of public documents, useful and valuable to the people, intended for distribution. They have accumulated in our committee-rooms; and with the small amount of resources that I personally possess, I should have to go hungry in order to pay the postage upon them all to send them to my constituents. I think the public are entitled to have them, and I, by this amendment, propose that in every State the people shall have these documents which have already been printed and stored up for their use.

Mr. THURMAN. I am willing to accept the amendment of the Senator from Vermont.

The VICE-PRESIDENT. The amendment to the amendment is accepted, and the question is on the amendment as amended.

Mr. MORRILL, of Vermont. I suggest to the Senator from Ohio another amendment: after the words "CONGRESSIONAL RECORD" to insert "or any part thereof."

Mr. THURMAN. I yielded to that amendment, on the suggestion of the Senator from New York, when I offered the amendment before, and I believe it was one of the reasons why in the committee of conference the whole amendment was lost. I would have no objection to it myself, although the result of it was, as I say, that in less than twenty-four hours after it passed the Senate had specimens of the speech of a single member in a fragment of the CONGRESSIONAL RECORD printed so as really to contain but that one speech. I did not see any great harm in that, but on the whole perhaps the antidote had as well go with the poison; and when the speech of my friend from Vermont in favor of high duties is sent abroad in the CONGRESSIONAL RECORD it is a great deal better that some speech on our side showing the fallacy of that kind of reasoning should go along with it.

Mr. MORRILL, of Vermont. I was not speaking so much for myself, but the Senator from Ohio makes so many speeches here that I think it is a pity that they should all be buried in oblivion. [Laughter.] He ought to have an opportunity to send some of them to his constituents, and unless he does send them I fear they will never receive them. Now if we are permitted to send a portion of the RECORD we should not be obliged to send the whole of a copy. A speech might be sent if the amendment which I propose be adopted. As the Senator does not accept it, I move the following amendment:

The CONGRESSIONAL RECORD, or any part thereof, under such regulations as the Postmaster-General shall prescribe.

Mr. THURMAN. I do not accept, but I shall not resist if it is the sense of the Senate.

Mr. WEST. I thought the Senator from Ohio accepted both of the amendments.

Mr. THURMAN. No; I accepted the amendment of the Senator from Vermont, [Mr. EDMUNDS;] but I would like to know what the opinion of the Senate is on this one. I have no objection personally to it, but let us take a vote on it and see what is the sense of the Senate.

The VICE-PRESIDENT. The amendment to the amendment will be reported.

The SECRETARY. It is proposed to amend the proposition so that it will read:

That the CONGRESSIONAL RECORD, or any part thereof, shall be carried through the mail free of postage, under such regulations as the Postmaster-General may prescribe.

Mr. BAYARD. Did I not understand the Senator from Vermont to move "and all other public documents now printed?"

Mr. THURMAN. That has already been accepted. The amendment of the Senator from Vermont [Mr. MORRILL] relates simply to the RECORD, if I understand it.

Mr. MORRILL, of Vermont. It relates to any portion of the matter therein contained.

Mr. THURMAN. "The RECORD or any part thereof."

Mr. MORRILL, of Vermont. It enables speeches to be sent.

Mr. EDMUNDS. Let us hear it read.

The Secretary read as follows:

That the CONGRESSIONAL RECORD, or any portion of the matter therein contained, shall be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe; and that public documents already printed for the use of either House of Congress may pass free through the mail upon the frank of any member of the present Congress until the 1st day of December, A. D. 1875.

The VICE-PRESIDENT. Does the Senator from Ohio accept the amendment of the Senator from Vermont, [Mr. MORRILL?]

Mr. THURMAN. I do not accept it, although I have personally no objection to it. I think, instead of being "any portion of the matter" thereof, it should be "any part thereof," because otherwise it might be printed in some other newspaper and sent free.

Mr. MORRILL, of Vermont. I accept the suggestion, and will say "any part or extracts therefrom."

Mr. THURMAN. Not "extracts." Say "any parts thereof." That will do.

Mr. MORRILL, of Vermont. I accept that suggestion, and will say "any parts thereof."

The VICE-PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. THURMAN. I wish to modify my amendment by inserting what ought to be in after the word "that" where it first occurs, the

words "from and after the passage of this act." I do not know but that the amendment will speak from this time, but appropriation bills usually speak from a future time, and therefore to avoid all question I modify my amendment.

Mr. EDMUNDS. That is right.

Mr. WEST. There is no objection to that.

Mr. OGLESBY. If I understand the object of the amendment to the appropriation bill now under consideration, it is to restore the franking privilege absolutely as to the CONGRESSIONAL RECORD. My understanding is that when the franking privilege was abolished neither the Congressional Globe nor the CONGRESSIONAL RECORD went through the mails free of postage. Everything, from the day the franking privilege was repealed, had paid upon it postage of some value or other. I will not stand in the way obtrusively or petulantly of the wishes of a majority of this House or of the other House if there is an honest desire to restore that privilege. I was not here in times when it was in use. I know but little of its value as a Senator. As a citizen I have had documents and speeches sent to me without postage. I accepted them cheerfully, and if my memory serves me right I accepted them intelligently. It was a law on the statute-book; but from some cause or other it became an odious law. Members of high standing in this body have said repeatedly that the reason the franking privilege was abolished was chiefly that the privilege had been abused. I think there is much force in that, as I thought a year ago there was much force in the justness of that statement.

Now, then, if it is thought wise to restore the franking privilege by reasoning from that view I will silently vote against its restoration. I will not put my opinions here against the maturer judgment and opinion of older and wiser members. I will silently vote against its restoration for two or three reasons. I live in the midst of a people who seemed glad when it was repealed. I have not heard one encouraging voice where I live for its restoration. Nobody has said he desired it to be revived. I have told the people where I live frankly that by the abolition of the franking privilege "Members of Congress cannot send to you Agricultural Reports, CONGRESSIONAL RECORDS, public documents, or speeches of members; it is too burdensome, too expensive; you lose something by it and we lose something by it." My understanding of the tone of public opinion is that they are willing to lose at their end of the swingle-tree if we lose at ours. Whenever they shall say that they want it restored, as it is their privilege and not ours, if I am correctly informed by the intelligent debates to which I have uniformly listened in this body—whenever our people tell us that they want their privilege back, I will vote for it so cheerfully that I shall astonish the whole of them; but until they say they want that privilege back, I will not be so obtrusive as to endeavor to force it upon them. I do not feel that they want it back.

Now, then, shall we send the RECORD free? How many copies shall I have to send free? Will this body give me as many as I ought to have? There are five hundred thousand voters in the State of Illinois; four hundred and fifty thousand of those voters can read, write, cipher, sing, and pray. How am I going to discriminate between those men? Shall I pick out a few of my favorite friends and send them the RECORD free and let the other fellows go without this legislative knowledge, or will this body give me enough to send to all of them? If you do, that will be fair. Then every fellow can have a whack at this thing, [laughter;] but if only a few are to have it and I am to select that few, I do not want to be bothered with the privilege.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. OGLESBY. I shall have to oppose the amendment.

Mr. MORRILL, of Vermont. Mr. President, I have no idea of reviving the franking privilege at this time, nor at any other until the people call for it. I voted in favor of abolishing the franking privilege for the reason that at that time I thought public opinion required it; but the idea that the franking privilege has ever been abused is the merest moonshine. I appeal to every Senator present whether he has ever abused the franking privilege. I am not conscious at any time of ever abusing the franking privilege.

But, Mr. President, this question here is not to revive the franking privilege; it is merely to allow us to send off the lumber that was ordered and accumulated prior to the passage of the law which abolished the franking privilege, and, further than that, to send out the daily proceedings that are recorded in the RECORD free of postage. Most of these volumes will be sent to the public libraries of the country. In addition to that it allows Senators and Members of Congress to send copies of their speeches free of postage. I think that is very far from reviving the franking privilege. All of us know that the burden of sending out documents and of paying postage on letters is a very considerable one. But I do not desire to discuss this measure at length. It seems to me that it is eminently proper that we should at least have the privilege of doing so much, and it costs nothing whatever to the Government. All that the Government have ever gained in the world by this so much vaunted reform is what it has gained out of members of the House and the Senate in paying their postage.

Mr. MORRILL, of Maine. I have steadily opposed every attempt to get back to the use of the franking privilege by members of Congress and everybody else, in obedience to what we all assumed to be the public judgment against the exercise of that privilege, especially

by members of Congress; but the history of legislation on this subject is very curious since the passage of the act abolishing the franking privilege in every Department of the Government, all of it tending one way, tending absolutely to the restoration of the franking privilege, and indicating that at no remote day that thing will be done.

In the first place let us look at what has been done already. The act for the repeal of the franking privilege was approved on the 31st of January, 1873. On the 3d of March, 1873, we passed an amendment to an appropriation bill by which we appropriated \$1,800,000 to the several Departments of this Government in postages; that was the face value in stamps, to be distributed *ad libitum* by the heads of the Departments through the entire branches of the public service represented by those Departments; and it stands so to-day. We appropriated last year, too, \$1,800,000 for these stamps which cost about \$100,000.

Mr. BOUTWELL. May I ask the Senator if the appropriation to the Post-Office Department is not equal to the appropriation for all the other Departments of the Government?

Mr. MORRILL, of Maine. Very nearly or quite, I think.

Mr. BOUTWELL. How is that explained? Is the business of that Department larger than that of all the other Departments?

Mr. MORRILL, of Maine. I think in its active operations in the field of enterprise it is. It has about sixty thousand postmasters, and its agents are innumerable. Before the repeal of the franking privilege it was confined to the heads of Departments and certain Bureaus. What is the result now? What is done with these \$1,800,000 worth of stamps? They are distributed through the Departments to every officer, sub-officer, and sub-agent throughout the entire service of these Departments, thereby giving the franking privilege to each one.

Mr. CRAGIN. Will the Senator allow me to make a suggestion?

Mr. MORRILL, of Maine. Certainly.

Mr. CRAGIN. To a resolution that I introduced in the Senate at the last session of Congress, the heads of Departments replied showing the number of officers to whom official stamps were sent to be used, amounting to about fifty thousand.

Mr. MORRILL, of Maine. That is only in confirmation of what I say, so that since the repeal of the franking privilege as a matter of fact it has come to pass by our subsequent legislation and by the interpretation of the Department that the privilege has really been extended more than 75 per cent. That has been the effect of it.

Mr. CRAGIN. More than a 1,000 per cent.

Mr. MORRILL, of Maine. That has been the effect of it and that is what it is to-day, and Congress has been getting back to it. We send a few Agricultural Reports and we send now the public documents. Take the Globe or the RECORD. Under the postal rates to send the seven volumes of the RECORD of last session would cost nearly five dollars postage, but we send it for ten cents a volume. We think its costs nothing, but your deficiency now is over \$6,000,000 as represented by this bill. Suppose you add to that this \$986,000 for stamps, and then say half a million more for stamps for the other Departments, and that makes the deficiency what? The difference between what you receive for these stamps and what they cost. The cost is about \$100,000; and what do you receive? Nothing; but they represent in your revenues \$1,800,000 at their face value, and they do not go into the deficiency on the face of the bill, but they should go into the deficiency, making your deficiency \$8,000,000. That is one of the marvelous virtues of the abolition of the franking privilege, or not so much of that as of our subsequent legislation on the subject; and the whole of the legislation on the subject has been of that character, getting back by gradual stages.

I am opposed to all that sort of legislation upon this bill; and when we come to the conclusion that we had better restore the franking privilege, let us do it openly and frankly and above board, and until then let us stand by what we did.

One word more in regard to the accumulation of these documents. We knew that fact just as well when we passed the repealing bill as we do now. Let us adopt the English system so strongly recommended by the Committee on Printing, which had that whole subject under consideration last year; let the documents be distributed to the people who want them upon the payment of the cost. Any other principle than that, any gratuitous distribution, is in the nature of the case necessarily limited and partial and unjust.

Mr. FLANAGAN. Mr. President, I raise no issue with my distinguished friend from Maine as to the manner in which I shall vote on this question, because I propose to vote directly in opposition to his views; but that independence that he speaks of I admire and in-dorse. I voted myself for the abolition of the franking privilege under peculiar circumstances, under indeed a protest at the time. It was then announced that it was a republican measure and had been so declared at the Philadelphia convention, and I gave my vote to it believing, however, I was then voting directly against the interest of those whom I have the honor to represent, and against that of the nation at large. I believe so yet, and I believe now that the amendments suggested are at least in the proper direction.

Another thing prompts me to vote for this measure. It has been well said by the distinguished Senator from Vermont [Mr. EDMUNDS] that we have many documents now which cannot be very well disposed of without depleting the pockets of members more deeply than there is a general disposition manifested to do. But I think there is no Sena-

tor here so blind to the wishes of the people as not to know that the people do desire the restoration of the franking privilege, because, though they have been admonished time and again by the refusal of their representatives in Congress to furnish them seeds, documents, and everything that they had been in the habit of receiving for many years, their letters still come, they come from all the granges of the Union, they come from the high and the low, they come from every direction, asking for these things. That admonishes us that they wish them. How are they to get them in the absence of that which is now likely to be accorded them, I hope, when the vote is had on this subject?

There is another thing that does not make this very objectionable to me. It brings us back to the old line of "back pay." I never have objected to that, but boldly stood up and defended it as a just measure at the time, and this is a just measure, and I favor it in all anxiety.

Mr. WRIGHT. I had not intended, Mr. President, to say a word upon any of the proposed amendments to this or any other appropriation bill, desirous as I am that we should have a vote upon them and dispose of these bills. I understand the proposition now before the Senate to be that the RECORD or any part of it, as also all documents heretofore printed by order of Congress, shall go free through the mails. Whether it be advisable to restore the franking privilege is a question upon which we differ. I voted to abolish the franking privilege, and I stand by that vote now, and I shall stand by it until I am satisfied that there is some demand for the restoration of that privilege. I know of no such demand, and I think it would be quite out of place on our part, when there is no demand for its restoration, no change of circumstances now as compared with the time when we abolished the franking privilege, that we should retrace our steps and restore such privilege. But, Mr. President, if prepared to do it I should do it, as the Senator from Maine says, boldly and as a whole, and would not undertake to do it by piecemeal. This is a proposition to restore it in part and as I believe that part which is least important to the people if it be important at all that it should be restored.

One of the complaints against the franking privilege has been that it has been abused in that speeches and anything and everything other than the information furnished by the documents of Congress were sent through the mail. Now adopt this proposed amendment to this bill, and it will be evaded every day. Parts of the RECORD may be sent through the mail and speeches clipped from the RECORD or taken from it can be sent by the thousand or the million throughout the country, and you would have the same complaint that you have had heretofore of the abuse of the franking privilege.

Then again the RECORD is by no means the most important matter that should be sent to the people. Many of our publications, in my judgment, the people desire a great deal more than they do the RECORD. Then again the RECORD itself in being sent through the mail is quite unimportant as compared with most of the matter that we publish and desire to send through the mail.

Therefore I am opposed to this amendment in the first place because there is no demand for the restoration of this privilege either in whole or in part. I am opposed to it because if there be a demand for its restoration, let us give it to the people as an entire and as a whole and do it in a bold, manly way, and say we are prepared to restore the franking privilege and not undertake to do it in part. In other words, I do not believe in having this entering-wedge, having this amendment passed and getting this much done in the way of restoring the franking privilege, and it thereby be claimed that we have done this much and therefore we shall do the rest. Until there is some demand, I think every Senator on this floor of all parties is prepared to say that we shall not restore the franking privilege.

Mr. WEST. In order not to waste any more time on this question, with a view of testing the sense of the Senate whether it is their desire to restore the franking privilege even in the qualified form that the Senator from Vermont proposes, I move to lay the amendment on the table.

Mr. SARGENT and others called for the yeas and nays, which were ordered; and being taken, resulted—yeas 23, nays 34, as follows:

YEAS.—Messrs. Allison, Boreman, Boutwell, Chandler, Davis, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Howe, Ingalls, Mitchell, Morrill of Maine, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Washburn, West, and Wright—23.

NAYS.—Messrs. Alcorn, Bayard, Boggs, Conover, Cooper, Cragin, Dennis, Dorsey, Eaton, Edmunds, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Texas, Johnston, Jones, Kelly, Lewis, McCreery, Merrimon, Morrill of Vermont, Pease, Ransom, Robertson, Saulsbury, Sherman, Sprague, Stevenson, Stewart, Stockton, Thurman, Tipton, and Windom—34.

ABSENT.—Messrs. Anthony, Brownlow, Cameron, Carpenter, Clayton, Conkling, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Harvey, Logan, Norwood, Patterson, Spencer, and Wadleigh—16.

So the motion was not agreed to.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question recurs on the adoption of the amendment.

Mr. MORTON. I voted to lay the amendment on the table because I regard it as deceptive. If I am to have the name of enjoying the franking privilege I want it to be in substance and not merely in form. Now let me call the attention of my friend from Vermont to the phraseology of this amendment:

That from and after the passage of this act the CONGRESSIONAL RECORD or any part thereof shall be carried in the mail free of postage.

Then does my friend understand that, if he makes a speech here and he orders five thousand copies of that speech to be printed and the words "CONGRESSIONAL RECORD" are over the top of it, that makes it the official CONGRESSIONAL RECORD within the meaning of the law? Certainly not. The Attorney-General would certainly decide that that is not the official record. You cannot take a single speech and print it under that name and have it go free by calling it the CONGRESSIONAL RECORD? The CONGRESSIONAL RECORD is an official paper designed for certain purposes and having certain characteristics, and I have no right to mutilate it by striking out everything else but my speech and send that out as the official paper. Most certainly the speech of the Senator, although labeled "CONGRESSIONAL RECORD," would not pass as such. Therefore he could not send his speech free under the amendment.

Mr. MORRILL, of Vermont. If the Senator from Indiana will allow me, I do not know but that his criticism is correct, but it was suggested all about me that speeches would be allowed under the term "parts thereof;" but to obviate any difficulty on that score, I will modify my proposed amendment so as to say "or speeches or reports therein contained."

Mr. MORTON. Then let us see how it would read.

The PRESIDING OFFICER. The Clerk will read the amendment as modified.

Mr. STOCKTON. I have an amendment to offer as a substitute for the amendment of the Senator from Ohio.

Mr. MORTON. Let us hear the pending amendment first.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey will be read.

The SECRETARY. The amendment is to strike out all after the word "That" and insert:

The CONGRESSIONAL RECORD and all other public documents printed by Congress for distribution shall pass free through the mails under regulations to be made by the Postmaster-General.

Mr. STOCKTON. I voted not to lay upon the table the amendment of the Senator from Ohio, and I shall vote for the amendment of the Senator from Ohio if I cannot get something which seems to me to be more proper. My difficulty, as I have always said, was not that the public documents should not be printed and if printed circulated free, but that I did not like the franks. It was not a proper way to circulate them. That is admitted by the suggestion in this proposition that the CONGRESSIONAL RECORD shall go free. If the CONGRESSIONAL RECORD shall go free without any frank of a member of Congress, why in the same proposition may not documents published in the same way under authority of Congress go without the frank of a member?

The amendment offered by the Senator from Vermont, which is now a part of the original proposition, largely extends it. My amendment goes further, and it relates not only to the documents and RECORD of the present Congress, but becomes a permanent law until repealed. So it makes the law that, under regulations such as the Postmaster-General may prescribe to identify the book as being a public document, all documents which we publish for distribution shall go free to the people. If it be correct in reference to the RECORD, it is certainly correct in reference to the Agricultural Report. You can draw no distinction. They are published in the same way, for the same purpose—the purpose of distribution; and I can see no reason why a member of Congress should be required to put his name on the back of either.

It has been said by some gentleman on the other side that when they wish to restore the franking privilege they propose to meet the question boldly. I confess that I do not understand the meaning of such language as that, "to meet it boldly." Do they not meet everything boldly here? Is there anybody here afraid to meet this or any other question? I think not. I am sure Senators did not mean that. I meet it boldly, and have from the beginning, stating that you publish more documents than are necessary; you publish some that are useless; but such documents as the people desire published and that you do publish you ought to send free through the mail, and you ought to send them in some other way than requiring members of Congress to write their names on the envelopes, which is liable to abuse and at the same time an annoyance to members, taking up valuable time.

I trust that I have satisfied the gentlemen of the Senate that if the amendment of the Senator from Ohio is correct, the same principle should make them go so far as the amendment which I have offered as a substitute.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from New Jersey, [Mr. STOCKTON.]

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered.

Several SENATORS. Let the amendment be reported.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey will be read.

The SECRETARY. It is proposed to strike out all after the word "that" and insert in lieu:

The CONGRESSIONAL RECORD, and all other public documents printed by Congress for distribution, shall pass free through the mails, under regulations to be made by the Postmaster-General.

Mr. MORRILL, of Maine. I move to strike out the words "for distribution" because we have not settled that question.

The PRESIDING OFFICER. That would be an amendment in the third degree, and not in order.

Mr. MORRILL, of Maine. I appeal to the Senator from New Jersey whether he is willing to strike out the words "for distribution" as we have not been publishing documents for distribution.

Mr. STOCKTON. I have no objection. If the Senator thinks it better to leave out those words, I submit to his superior judgment. My idea was to exclude those documents which we print for our own use. We publish some documents for the purpose of circulation, such as the Agricultural Report; and the reason for specifying the CONGRESSIONAL RECORD is that it cannot be said that it is printed for distribution, I suppose, in the proper sense, and so that is mentioned by name.

Mr. MORRILL, of Maine. Since the repeal of the franking privilege we have only published a limited number of documents, not for general distribution as before. Now this would seem to revive the idea that we are to continue the publication of documents for general distribution.

Mr. STOCKTON. I accept the suggestion of the Senator.

Mr. EDMUNDS. Let the proposition be read as it now stands.

The PRESIDING OFFICER. The amendment to the amendment, as modified, will be read.

The Secretary read as follows:

That the CONGRESSIONAL RECORD, and all other public documents printed by Congress, shall pass free through the mails, under regulations to be made by the Postmaster-General.

Mr. EDMUNDS. That is a substitute for the amendment proposed by the Senator from Ohio.

The PRESIDING OFFICER. In the nature of an amendment to an amendment.

Mr. EDMUNDS. But it takes the place of the amendment of the Senator from Ohio. That goes a good deal further than the amendment of the Senator from Ohio; and it is proposed by a Senator who, if I understood him, was opposed to the amendment of the Senator from Ohio.

Mr. STOCKTON. The Senator entirely misunderstood me. I voted not to lay it on the table, and I said that if my amendment did not prevail I should vote for the amendment of the Senator from Ohio.

Mr. EDMUNDS. I am obliged to the Senator for the correction. I am very much afraid if this amendment is agreed to, which looks to the future in respect of the distribution (although that word is not now in the amendment to the amendment) of public documents, we shall fail altogether either here or in conference in getting this just measure of sending to the people the documents that have already been printed under pre-existing laws; and therefore in order to test the sense of the Senate upon that, I move to lay this amendment to the amendment upon the table.

The PRESIDING OFFICER. The Senator from Vermont moves to lay the amendment of the Senator from New Jersey on the table.

Mr. ROBERTSON. I rise to make an inquiry. Does not that carry the first amendment with it?

Mr. EDMUNDS. No; it does not. It only takes itself under the present rule.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to lay on the table the amendment of the Senator from New Jersey.

Mr. DAVIS. Now I should like to inquire of the Chair if the amendment of the Senator from New Jersey is laid on the table, does it not take the amendment of the Senator from Ohio with it?

The PRESIDING OFFICER. It does not.

Mr. SARGENT. With deference to the Chair, I appeal from that decision. It may embarrass us very much hereafter. I do not think it carries the bill on the table, but it carries the amendment.

Mr. MORRILL, of Vermont. The motion was only made to apply to the amendment to the amendment.

The PRESIDING OFFICER. Does the Senator from California appeal from the decision of the Chair?

Mr. SARGENT. I do appeal from the decision of the Chair, which I understand to be this: An amendment being pending and then an amendment being offered to that amendment, that a motion carrying to lay the amendment to the amendment on the table does not carry the original amendment on the table. From that decision I appeal.

Mr. WEST. I trust the Senator will withdraw that appeal or at least hear the explanation of the Chair. The Senator is manifestly mistaken, I think.

Mr. EDMUNDS. I know this matter is not debatable, because it occurs on a motion to lay on the table; but by unanimous consent I wish to say one word.

The PRESIDING OFFICER. Is there objection to the Senator from Vermont proceeding? The Chair hears none.

Mr. EDMUNDS. The rule on appropriation bills agreed to for them is that you may move to lay amendments on the table without carrying the bill. Now, an amendment to an amendment is an amendment to the bill; only it is an amendment in the second degree. That is all there is to it. Therefore in my opinion the decision of the Chair was clearly right.

I apologize for taking a single moment to say this much.

Mr. SARGENT. I should like to say a word.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. SARGENT. The effect of laying an amendment to an amend-

ment on the table would be, as the rule says, not to carry the bill with it, but there is nothing in the rule which says that the ordinary parliamentary rule that laying an amendment to an amendment on the table shall carry the amendment with it does not prevail.

Mr. EDMUNDS. I should like to hear the Senator read any such rule.

Mr. SARGENT. The general parliamentary law is when an amendment is laid on the table that everything to which it should be attached shall go the table. Now the rule comes in and says that shall not be the effect upon the bill; the bill still may stand after laying an amendment to an amendment on the table, but it carries the amendment to the table.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SARGENT. I think this is an important precedent, and I should like to have the yeas and nays upon it.

The yeas and nays were ordered.

Mr. SHERMAN. Is the question of order whether laying an amendment to an amendment on the table carries the original proposition with it?

The PRESIDING OFFICER. The Chair thinks that it does not.

Mr. SHERMAN. I think the Chair is entirely right, because if the Chair is not right it defeats the whole object of this rule.

The question being taken by yeas and nays, resulted—yeas 40, nays 13; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Boggs, Boreman, Boutwell, Conkling, Conover, Edmunds, Flanagan, Frelinghuysen, Hamilton of Texas, Harvey, Hitchcock, Johnston, Kelly, Logan, McCreery, Merrimon, Mitchell, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Ransom, Schurz, Scott, Sherman, Spencer, Sprague, Stewart, Thurman, Tipton, Wadleigh, Washburn, West, Windom, and Wright—40.

NAYS—Messrs. Bayard, Cooper, Davis, Dennis, Hager, Hamilton of Maryland, Lewis, Norwood, Robertson, Sargent, Saulsbury, Stevenson, and Stockton—13.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Chandler, Clayton, Cragin, Dorsey, Eaton, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamlin, Howe, Ingalls, Jones, Morrill of Maine, and Patterson—20.

So the decision of the Chair was sustained.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Vermont [Mr. EDMUNDS] to lay upon the table the amendment of the Senator from New Jersey, [Mr. STOCKTON,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 27; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Conkling, Edmunds, Frelinghuysen, Hager, Hamilton of Maryland, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Sherman, Thurman, Wadleigh, Washburn, West, Windom, and Wright—29.

NAYS—Messrs. Alcorn, Bayard, Boggs, Conover, Cooper, Davis, Dennis, Eaton, Flanagan, Goldthwaite, Gordon, Hamilton of Texas, Harvey, Johnston, Jones, Kelly, McCreery, Norwood, Pease, Ransom, Robertson, Saulsbury, Spencer, Stevenson, Stewart, Stockton, and Tipton—27.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Carpenter, Chandler, Clayton, Cragin, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Hamlin, Lewis, Merrimon, Patterson, and Sprague—17.

So the motion was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Ohio.

Mr. CRAGIN. Let it be read.

The Secretary read as follows:

SEC. —. That from and after the passage of this act the CONGRESSIONAL RECORD, or any part thereof, or speeches or reports therein contained, shall be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe; and that public documents already printed for the use of either House of Congress may pass free through the mail upon the frank of any member of the present House until the 1st day of December, A. D. 1875.

Mr. THURMAN. The words just after "or any part thereof" are not properly in that amendment. The Senator from Vermont [Mr. MORRILL] moved to add the words "or any part thereof" after the words "CONGRESSIONAL RECORD," and his amendment was adopted by a vote of the Senate. It was not accepted by me. After that I understand that he modified his amendment. That he could not do.

Mr. MORRILL, of Vermont. Then I move to add the words, coming in after "parts thereof," "speeches or reports therein contained."

Mr. THURMAN. The Senator now makes that motion?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. THURMAN. I think that amendment had better not prevail. It had better stand as the Senate put it at first, "the CONGRESSIONAL RECORD, or any part thereof;" otherwise it seems to me it may give rise to a good deal of trouble.

Mr. SARGENT. I should like to ask my friend from Ohio if it does not mean just the thing his amendment means without it. It relieves it from a difficulty of construction. I remember remarking that his former amendment would probably not include speeches, but some Senator replied, "O, yes, it will." Now, if it will, this is not necessary; but as there is strong doubt in the minds of many Senators, it seems to me that the explanatory words ought to go in.

Mr. MORRILL, of Vermont. My only purpose was to relieve the amendment from any ambiguity on the part of any Senator. I desire to ask the Senator from Ohio if he does not understand that the amendment would mean precisely what it is without the addition I now propose.

Mr. THURMAN. Personally I should have no objection, for I have

no objection in the world to any Senator's constituents knowing what he has said here. I think they have a right to know it. I think it is for the public interest that they should know it. I think they want to know it. I think therefore that the same reason which has dictated the legislation on this subject for now about fifty years since we first began to publish official reports of the proceedings of Congress, that they should go through the mails free in order that the people might know what their Representatives were doing here, will apply to the case of a single speech, and yet I am not certain but that the amendment of the Senator will be liable to a misunderstanding. However, it is for the Senator to say.

Mr. PEASE. I should like to suggest that it seems to me it would cover the whole ground of the Senator from Ohio if his amendment were amended so as to read "any reprint thereof."

The PRESIDING OFFICER. The Secretary will report the pending amendment to the amendment.

The SECRETARY. After the word "thereof" it is proposed to insert the words "or speeches or reports therein contained."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Ohio, as amended.

Mr. SARGENT. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 40, nays 21; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Boggy, Clayton, Conover, Cooper, Cragin, Davis, Dennis, Dorsey, Eaton, Edmunds, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hamilton of Texas, Harvey, Ingalls, Johnston, Jones, Kelly, Lewis, Merrimon, Mitchell, Morrill of Vermont, Morton, Norwood, Pease, Ransom, Robertson, Sanfords, Sherman, Spencer, Stevenson, Stockton, Thurman, Tipton, and Windom—40.

NAYS—Messrs. Anthony, Boutwell, Chandler, Conkling, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Howe, McCreery, Morrill of Maine, Oglesby, Pratt, Ramsey, Sargent, Schurz, Scott, Wadleigh, Washburn, West, and Wright—21.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Carpenter, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Logan, Patterson, Sprague, and Stewart—12.

So the amendment was agreed to.

Mr. SHERMAN. I desire to offer two or three amendments which I believe will all be acceptable to the Committee on Appropriations. These amendments are all in harmony with the bill and I have no doubt will receive their approbation. At the end of section 4 I move to insert—

And the accounts passed upon by said Auditor shall on and after the 1st day of July, 1875, be supervised by the First Comptroller of the Treasury in the same manner and to the same extent as the accounts passed upon by the other Auditors are supervised by the Comptrollers of the Treasury; and the Secretary of the Treasury shall transfer from the office of said Auditor to the office of the First Comptroller sufficient clerical force to carry this provision into execution. On and after that day all moneys received for or connected with postal services shall be paid into the Treasury of the United States and shall be disbursed in the same mode and manner as other expenditures for the public service.

In connection with the same amendment, I move to strike out "sixth" in line 1; so as to read:

That hereafter the Auditor of the Treasury for the Post-Office Department.

That is his legal name.

The PRESIDING OFFICER. That modification will be made, if there be no objection. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

Mr. SHERMAN. The amendment is reported by the Committee on Civil Service and Retrenchment, and is intended simply to subject the auditing of accounts by the Sixth Auditor to the same supervision as other accounts.

The amendment was agreed to.

Mr. SHERMAN. I offer an additional section to the bill which I think will meet with the assent of every one:

SECTION —. That the Postmaster-General shall cause full inquiry and investigation to be made into all branches of the expenditure of the Post-Office Department, with a view to reduce such expenditures as nearly as practicable to the postal receipts; and with that purpose he shall report to the first session of the next Congress such a rate of compensation for postmasters and other employees of that Department as will reduce such compensation to a rate not exceeding that paid for equal service in private employment, and to limit the number of clerks and employees, and to reduce the number of free-delivery cities and the compensation of postal carriers and transportation companies; and that he also report a rate of postage on printed matter and packages approaching the actual cost of their transportation and delivery, together with such practical measures as will in his opinion tend to make the Post-Office Department self-sustaining.

Mr. BOUTWELL. I suggest to the Senator from Ohio to leave out the words "approaching the cost." I do not know any reason why we should carry packages at an approach to the cost.

Mr. SHERMAN. We do not now get one-fourth of the cost of carrying printed matter.

Mr. BOUTWELL. That is approaching the cost.

Mr. SHERMAN. Well, strike out that word. I will not stand upon words.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. WEST. There is a scope about this amendment that certainly ought to require the consideration of the Senate. It ought to have been offered, so that we could have had some opportunity to know what it means. It is a general and large instruction to the Postmaster-General to so adjust his expenditures as to meet his receipts, and then stipulates the direction in which he shall do it.

Mr. SHERMAN. Not at all. It is a mere investigation which we direct the Postmaster-General, with ample opportunities, to make. It does not adopt anything. Everything has to be reported to the

next session of Congress. I desire, as I am up, to say a word in regard to this amendment.

There has been a continuous, growing complaint about the constant enlargement of the deficiency in the postal service. It is manifest that at the late period of the session when the post-office bill comes to us we have no opportunity to discuss a proposed reform. I believe the Postmaster-General is seriously in earnest in a desire to bring about, if possible, all the reforms practicable in the Post-Office Department. This section simply instructs him and supports him in the effort to make this investigation. It is not binding or final upon any one. It points out the general scope and line of the investigation he will make, and he is to report at the next session of Congress, when the Committee on Post-Offices and Post-Roads will have this information laid before them, and they can then adopt such of these reforms as may be deemed wise and proper.

The reforms stated here are suggested in very general terms; first in the rate of payment made to postmasters, which is in many cases excessive and perhaps in some cases is under the proper rates. It also directs his attention to the extension of the free postal delivery system, now extended to small towns comparatively. It also directs his attention to other branches of the postal service where undoubtedly large expenditures are incurred, and where the expenditures have been largely increased.

It may not amount to anything; it may be like many investigations instituted by committees of Congress; but as it costs nothing, as it is in the right direction, why not agree to it? The Postmaster-General I believe will look to these reforms; but at all events, I think it is but right for us to direct him to do so. I believe it will result in good, and it certainly can do no harm.

Mr. FRELINGHUYSEN. I see no objection to the amendment except this: I think so much as expresses to the Postmaster-General the idea that the Post-Office Department ought to be self-sustaining is an error, because it may lead the Postmaster-General to refuse to afford facilities to new settlements, which is a matter of the first importance, and which tends to settle the country, increases our tax receipts, and benefits the country in its finances. I would be in favor of the amendment with that idea expurgated.

Mr. MORTON. I do not believe that the post-office system can be adjusted successfully upon the idea of making it self-sustaining. I think the Postmaster-General has authority now to do all that he is authorized by this section to do. He has the right to make all these suggestions in his next report and present them for our consideration without this authority. Therefore I can see no necessity for the section.

Mr. SHERMAN. All I desire to say is that if the Postmaster-General cannot report to us such amendments as will make the Post-Office Department self-sustaining, this does not require him to do so, except so far as is practicable.

In regard to the power of the Postmaster-General to report to the President, there is no question now about that; but this amendment calls upon the Postmaster-General to report directly to Congress, and under this section he no doubt will feel it his duty as a public officer to give to the subject a more critical and thorough examination than he would do without such a provision of law. There can be no harm in it, because as a matter of course if Congress does not approve his suggestions of reform, they will fall to the ground; but they will give to us facts and material upon which we can act at the next session of Congress. I can see no objection to it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to; there being on a division—yeas 26, nays 12.

Mr. SHERMAN. I have one more amendment. It was demonstrated by the Senator from New York and other Senators that the appropriation for stamps for the Post-Office Department is a mere fiction. I move to strike out lines 30 and 31 of section 2, on page 7, which is only increasing the deficiency to that amount; I will move to insert the amount in another place.

The PRESIDING OFFICER. The amendment is to strike out lines 30 and 31 of section 2 on page 7, as follows:

For official postage-stamps for the Post-Office Department, \$986,000.

Mr. WEST. The object of the Senator as he asserts it is to move to insert those lines and that sum of money in another portion of the bill, but we cannot exactly understand whether he can succeed in inserting them after he has once succeeded in striking them out; and there is no object to my mind, having investigated the expenditures of the Department this entire winter, in the proposition of the Senator, because it does not show any more clearly what the deficiency of the post-office service is than leaving the lines to stand. It is estimated for as a deficiency, and if the Senator's proposition is to show the total expenditures of the Post-Office Department by including everything in the deficiency, he should go back to the legislative, executive, and judicial bill and take out the salary of the Postmaster-General and the \$500,000 there appropriated for the support of the office here. He should also take the \$500,000 that was appropriated for postage for the other Departments and take the \$537,000 that is appropriated here for the China mail service and the other service, if that is his object; and that according to my judgment is the proper way to draw a post-office bill, to have every dollar in it that the Post-Office expends, and then you may see what your revenues are

and what your deficiencies are; but under the present system of book-keeping in the Department this will only disarrange the system without benefit at all. That is my opinion after having scrutinized the expenditures of the Department as a member of a sub-committee on those expenditures pretty much the entire session.

Mr. SHERMAN. It is perfectly manifest that this will disarrange nothing. It simply abolishes a fiction. The Post-Office Department to be self-sustaining would have to receive as much as it paid out. Nobody expects that. We ought at least to be informed of what is the deficiency. We are told that deficiency is \$6,852,000, but we know that is not the deficiency, because just before that there is an appropriation for the expenses of the postal service itself, that is its own postage, and that is a part of the deficiency. The Senator from New York stated it properly. It is a mere fiction. We ought not to be misled or deceived in matters of account. These \$986,000 ought to be added to the deficiency, and there is no use in keeping up a separate account for this appropriation in the Treasury Department. It is a part of the deficiency and ought to be so entered. I propose therefore to reserve, instead of \$6,852,000, \$7,838,000 in the deficiency clause as a matter of account so that the bill will show the precise character of the transaction.

Mr. WEST. The Senator's motion is to strike out first. That I object to.

Mr. MORTON. I do not see the propriety of this motion. This provision simply carries out the existing requirements of law. The act which abolished the franking privilege declared that thenceforth all official correspondence of whatever nature and all other mailable matter "sent from or addressed to any officer of the Government or persons now authorized to frank such matter shall be chargeable with the same rates of postage as may be lawfully imposed upon like matter sent by or addressed to any other person." The law requires each Department now to pay its postage, and it must have an appropriation to do that just as it must for every other expense. It is true the money is paid back into the Treasury, but it must have an appropriation to do it just as for any other expense incurred in the Department. Therefore this provision is necessary to carry out that requirement of the law.

Why put it into the deficiency? Is it a deficiency? The deficiency consists simply of that amount which the receipts of the Post-Office Department falls short of its expenditures, and there is no propriety in adding this to the deficiency now. In so far as the whole receipts of the Post-Office Department come short of its expenditures, there is a deficiency. The deficiency does not depend upon this at all, but this provision is required by the law which says that each Department must pay its own postage, and it cannot do it unless it has an appropriation for that purpose.

Mr. SHERMAN. The answer to that is that by a subsequent law we have provided for official stamps; in other words, we have authorized them to frank their matter and have furnished them a mode of doing it. Instead of writing by hand, they paste on a stamp, so that this simply avoids the fiction that is now created by the use of official stamps.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. WEST. I ask for a division, and call the attention of the Senate to the fact that if the motion of the Senator from Ohio prevails, the Post-Office Department, from the 1st day of July, will be powerless to send out a single document on official business from its headquarters. That is the result and the absolute result of the Senator's motion.

Mr. SHERMAN. This very bill provides for the printing of those stamps, provides for paying for them, delivers them to the Postmaster-General, and declares that those stamps should pass the matter free. What is the use of keeping in this item merely to conceal the amount of postal deficiency? We ought to be brave enough to know exactly what it costs and how much the deficiency is. This is a mere act of covering up \$968,000. This Department is furnished with official stamps; they are printed, and the whole expenditure is paid out of previous appropriations. What is the use of concealing nearly a million dollars of expenditure for the Post-Office Department under a separate account in the Treasury?

Mr. WEST. What is the use of concealing any of them?

Mr. SHERMAN. I would not conceal any.

Mr. WEST. The Senator talks about being brave enough. If anybody is able to read, he is brave enough to understand what this bill means. The Senator talks about concealing things. Why does he not put every dollar that is expended for the Post-Office Department in the deficiency? Why does he not put the Postmaster-General's salary and the \$500,000 that is spent here to maintain the establishment, and the \$500,000 that is appropriated to the other Departments, and the \$500,000 that is appropriated to carry the China mail? Why does he not put all that in too?

Mr. SHERMAN. I will tell the reason: because those other appropriations made are of money which is paid out of the Treasury.

Mr. WEST. This money is to come out of the Treasury, and it goes to pay the expenses of the Post-Office Department.

Mr. SHERMAN. I say that this money is not paid out at all; not a dollar of it.

Mr. WEST. The Senator is mistaken: it is paid out.

Mr. SHERMAN. It cannot be paid. To whom is it paid?

Mr. WEST. Paid to the men who carry the the mail. The \$384,000 is paid to the men who carry the mail in lieu of other money that would be taken out of the Treasury.

Mr. SHERMAN. Do we not know that the whole of it is merely in postage-stamps printed for the Post-Office Department and sent to the different postmasters and stuck on letters? Unless these official stamps are money, they are not paid out of the Treasury. It is a mere mode of keeping an account.

Mr. WEST. I will explain to the Senator, because if his statement were correct, he would be perfectly justified in what he does.

The \$983,000 are drawn out of the Treasury by the Postmaster-General. Nine hundred and eighty-six thousand dollars are paid for transportation of the mails. That is the way; and when I used the expression it was taking it out of one pocket and putting it into the other, I merely meant that the Postmaster-General paid it out instead of the Treasury. The Senator misunderstands the proposition entirely. It is money taken from the Treasury, put into the Post-Office Department, and paid to the mail contractors.

Mr. SHERMAN. So it is, but it is money taken out of a deficiency of postal receipts. That is precisely what I say. I desire to add it to the aggregate of the deficiency. It is money paid out of the Treasury of the United States from other sources of income, not from the postal receipts. It is not received by the Post-Office Department, but is money taken out of the Treasury of the United States from money not otherwise appropriated.

Mr. MORTON. It is all taken out of the Treasury.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to; there being on a division—ayes 29, noes 10.

Mr. RAMSEY. The Committee on Post-Offices and Post-Roads have a few amendments to offer.

Mr. SHERMAN. It will be necessary in the next line to insert an increased amount; I suppose the Clerk has that memorandum.

Mr. FRELINGHUYSEN. I suggest whether there should not be a provision in the amendment that the autograph of the Postmaster-General would be all that is required, and so save \$35,000 that is paid for stamps.

Mr. SHERMAN. It would be cheaper, but I do not offer such an amendment.

Mr. RAMSEY. I offer the following as an additional section:

That section 8 of the act approved June 23, 1874, "making appropriations for the service of the Post-Office Department, and for other purposes, for the fiscal year ending June 30, 1875," be, and is hereby, amended as follows: Insert the words "twelve ounces" in lieu of the words "four pounds."

I will simply say in explanation of this amendment that it has been well considered by the committee and unanimously agreed to. A very liberal piece of legislation in the act of 1874 allowed samples of merchandise, and indeed all the items usually described as third-class matter, to go in the mail.

The act of 1874, section 8, says:

That all mailable matter of the third class referred to in section 133 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, may weigh not exceeding four pounds for each package thereof.

Previous to this enactment this kind of matter was confined, excepting in one or two exceptional cases, to twelve ounces—three-fourths of a pound. That was found sufficiently liberal to accommodate all the various interests concerned in this matter. Congress enlarged it to four pounds, under which this kind of abuse is now rapidly growing up. Recently there came from the city of New York six hundred pounds of merchandise, sent on as samples of merchandise to Tucson, in Arizona, in four-pound packages, at eight cents a pound. That was evidently an abuse of the law, unquestionably contrary to the intention of Congress in its enactment.

Mr. EDMUNDS. What was the net result in point of profit?

Mr. RAMSEY. Not very large, I imagine.

Mr. EDMUNDS. How much did we pay for carrying it?

Mr. RAMSEY. I cannot tell that, but the ordinary charge upon express matter passing over that route would be more than a dollar a pound.

Mr. EDMUNDS. But my inquiry of the Senator from Minnesota was to know what it cost the Post-Office Department to carry that for the price which it received.

Mr. RAMSEY. It costs them more in all probability.

Mr. EDMUNDS. Does the Senator know that?

Mr. RAMSEY. It was grouped with other matter—letters and newspapers.

Mr. SCOTT. Permit me to ask the Senator whether there has not been recently a report on this subject from the Second Assistant Postmaster-General, stating that this matter could be carried without any additional expense to the Post-Office Department?

Mr. RAMSEY. There was a written communication, which, in my great desire to get before Congress at once, on Friday last I had ordered to be printed; but it has not been returned from the printing-office. I am sorry it is not here. The Postmaster-General says the abuses of this kind are not yet very great, but they promise to be so in the future.

Mr. WEST. Does the Postmaster-General recommend what the Senator proposes?

Mr. RAMSEY. No; but the Postmaster-General does recommend that the increase of this kind of postage should be from eight to sixteen cents; from one cent for two ounces to a cent an ounce.

Mr. MORRILL, of Vermont. Why not propose that?

Mr. RAMSEY. Because in the judgment of the committee this is the best remedy, to return to the old law, long tried and approved.

Mr. EDMUNDS. I wish to ask the Senator from Minnesota a question about this for information. I wish to know whether, on this route where these packages were carried, we pay by the pound for carrying the mail?

Mr. RAMSEY. No; it is a stage line.

Mr. EDMUNDS. If we do not pay by the pound, then I wish to ask him whether we have not received more money for carrying these things than it cost us to carry them?

Mr. RAMSEY. Possibly so; but that was over thousands of miles of distance.

Mr. LOGAN. I know nothing of my own knowledge in reference to this matter; but on conversing with a gentleman in the Post-Office Department who has had more to do with it than anybody else, he seemed to think that it would be detrimental to the interests of the Post-Office Department to change this law; and not only that, but he said that the only advantage which could grow from it would be to express companies. I have had it stated to me by those persons who know, that the Post-Office Department get more money out of this carrying of packages than anything else except letter postage. That has been stated to me by a gentleman in the Post-Office Department who has control of this very matter.

Mr. RAMSEY. Undoubtedly the Government might make something out of it in transporting over railroad lines, but the great difficulty is when you pass off these upon the smaller lines, the sulky lines, and the horseback lines; it is impossible for them to carry this merchandise. If the example that I have cited is followed up, if you go into it so extensively you will break down the remote lines. There were six hundred pounds passing at one time all the way from New York to Tucson. They went down to San Diego by sea and were sent from there over six hundred miles of stage route over the great desert.

Mr. FRELINGHUYSEN. I should like to ask the Senator, as he has looked into this subject, if it would not be a great deprivation to the settlements where there is no express running if we should alter this law and take away from the people this privilege which they have enjoyed. To the western settlements I think that great benefit of the postal system is to develop that part of the country, and consequently I was opposed to the intimation in the amendment of the Senator from Ohio that the Post-Office Department should be made self-sustaining. If this does cost something, it is a great advantage and facility to the people who settle there, and it encourages settlements and thus benefits the country financially.

Mr. RAMSEY. If the Senate would agree to carry our wheat from the West, we should be relieved of a great deal of difficulty.

Mr. FRELINGHUYSEN. That we are expecting to do in a day or two, as soon as the Committee on Transportation reports.

Mr. RAMSEY. Undoubtedly this legislation of 1874 was inconsiderate. There was no occasion to enlarge the package to four pounds; it weighs down the mail and introduces mere merchandise transportation that ought to take other routes. The committee thought the wiser plan was to return to the package of three-fourths of a pound, according to the system which had long prevailed. Previous to the code of 1872 this was the limit of that kind of transportation through the mail. It was the law there re-enacted, and continued so until the act of 1874, with a small exception of bulbs, seeds, &c., that it may be well for the Government to bear whatever loss there may be in transporting the better specimens over the country. They are still retained at the old standard.

Mr. STEVENSON. I should like to ask the Senator from Minnesota a question. How much did it cost the Government to take six hundred pounds of goods from New York to San Francisco?

Mr. RAMSEY. Probably several dollars a pound.

Mr. WEST. The Senator is mistaken. I have the data here.

Mr. RAMSEY. It certainly costs sixty-five dollars a pound from San Diego to Tucson.

Mr. WEST. I will just venture to say here that I have an official report from the War Department, in which the highest rate per pound through the whole territory of the United States on any freight is \$8.96 a hundred, or a little less than nine cents a pound.

Mr. DORSEY. I want to say in reply to the Senator from Vermont and also the Senator from Pennsylvania that the superintendent of the railway mail service said to me that the cost of eight cents a pound was expended upon every five hundred miles that a pound was carried in the railway postal cars, and that on horseback and stage lines the cost would be three or four times that amount.

Mr. EDMUNDS. How does he make that out?

Mr. DORSEY. He makes that out by reckoning the amount of mail that is carried over the stage lines and horseback routes and dividing that by the amount paid for the route.

Mr. EDMUNDS. But is that a fair test, let me ask the Senator?

Mr. DORSEY. I think so.

Mr. EDMUNDS. Take a railroad—

Mr. DORSEY. On a railroad we pay by the pound.

Mr. EDMUNDS. How much do we pay a pound?

Mr. DORSEY. I cannot say how much we pay a pound.

Mr. EDMUNDS. Do we pay eight cents a pound for five hundred miles?

Mr. DORSEY. We pay fifty dollars a mile as a minimum price, and I do not know how much. In some cases \$800 or \$900 a mile is a maximum price.

Mr. EDMUNDS. Per pound?

Mr. DORSEY. No, sir; per mile of railroad per annum.

Mr. EDMUNDS. But I am asking the Senator over those routes on which we pay by the pound, as he says, or by weight—

Mr. DORSEY. There are no routes on which we pay by the pound.

Mr. EDMUNDS. I understood the Senator to say that we paid by weight over some.

Mr. DORSEY. Not at all.

Mr. LOGAN. I talked with the superintendent of mail service myself on the subject, and I ask the Senator whether on any of the mail-routes that are traveled by coaches the Government pays by the pound at all?

Mr. DORSEY. Not at all.

Mr. EDMUNDS. We pay nobody by the pound.

Mr. LOGAN. Of course not; the contract for carrying the mail is by the week or month or the year, so much for carrying the mail; that is, everything that passes through the mail. The Senator from Arkansas says that passing over the distance of five hundred miles the cost is so much per pound.

Mr. DORSEY. The average.

Mr. LOGAN. Now I ask the Senator if it is not the fact that the packages spoken of do not average five hundred miles, but average three hundred miles?

Mr. DORSEY. I have not inquired into that.

Mr. LOGAN. I have; and the packages transported through the mails do not anywhere average five hundred miles. Hence the statement of the gentleman cuts no figure in the case, but the average is three hundred miles.

Mr. RAMSEY. Does the Senator say that they will only transport this kind of merchandise through the mails over the long lines?

Mr. LOGAN. No, sir. I will explain that to the Senator.

Mr. DORSEY. I believe I have the floor.

The VICE-PRESIDENT. The Senator from Arkansas has the floor.

Mr. DORSEY. The fact is that this law did not go into operation until the 1st of last July, and soon after that the large dry-goods merchants of New York, Boston, and other places began to advertise that they would send merchandise of all kinds, coats, hats, hardware, and every conceivable thing, through the mail at the price of eight cents a pound. When the Senator from Illinois says that the average transportation of this merchandise is only three hundred miles, he has ascertained a fact that I was not before aware of. My impression is that that is not true. My impression is that the merchandise transmitted through the mails is sent to the remote Territories and remote States of the interior where the rates of express are very high. For instance, take the case cited by the chairman of our committee where six hundred pounds of merchandise were sent, not to the people of Arizona, but sent to a merchant at Tucson in Arizona from the city of New York, first sent to San Francisco, then down the coast to San Diego, and then across the country five hundred and fifty miles to Tucson. From San Diego to Tucson the rate of expressage is sixty-five cents a pound. This matter was transmitted more than four thousand miles by the United States to a merchant doing business in Tucson. You can go into Montana, Idaho, Oregon, Washington Territory, all the remote places, and find, not the people bringing in this stuff, but merchants and traders bringing it in through the United States mail. If we are going to make a freight company of the Post-Office Department, I think the deficiency next year will be a great deal more than \$6,000,000.

Mr. SCOTT. Mr. President, I have been trying to ascertain the true question that we have presented by this amendment; and it seems that under the existing law packages may be carried in the mails not exceeding four pounds in weight. It seems that the subject of the cost of carrying these to the Government has been under consideration in the Post-Office Department, and that there is a report upon the question which the chairman of the committee informs us has not yet been printed and we have it not before us.

Mr. RAMSEY. It is in the printing-office now.

Mr. SCOTT. This is a question in which the people of the country are very much interested on the one side, and I am inclined to think the express companies are very much interested in it upon the other. Unless this law has operated disastrously to the Government, we ought not to deprive the people of the benefit which they have received from having their packages carried through the mails; and if there is a report upon this important subject that has been sent in, we ought to have the benefit of it. I understand the result of the examination is that this regulation does not operate disastrously to the Government. It may operate disastrously to the express companies; but it is not our business to take care of them particularly; it is to take care of the Government and of the interests of the people, and I am inclined very much to think that this amendment offered by the chairman of the Committee on Post-Offices and Post-Roads is a little premature in the absence of that information which we are entitled to have officially from the Post-Office Department. If this regulation does not at present operate injuriously,

I do not think we ought to change it; and until we may have that information before us in the form of the printed report, I am not willing to vote for the amendment offered by the chairman of the Committee on Post-Offices and Post-Roads.

Mr. LOGAN. I desire to say one word in answer to the remarks of the Senator from Arkansas about the long distance to Tucson over the country that the six hundred pounds he speaks of were carried. There is a distinction that ought to be observed. The Senator speaks of a long reach, if we may use that term, to show that the Government cannot make money in carrying six hundred pounds in four-pound packages to Tucson from New York. There is one exceptional case upon which he expects the Senate to add this amendment to the bill because of that long reach, as it is termed in the language of the Post-Office Department. But take the number of packages sent to San Francisco, Tucson, or any other place in the United States, and then take the short reaches or short runs and average the whole, and the average of all the runs over all the roads in the United States where packages are carried is not three hundred miles. Further than that, the Government makes money on the short runs, and they are more numerous than the long runs. There is where the money is made, and a great deal of it. Taking all the runs together, the long runs and the short runs, there is more profit to the Post-Office Department in these packages than there is in any mail matter that passes through the mails of the United States save the letter mail only.

Mr. DORSEY. I wish to inquire whether the Senator believes that people sending for these short runs, as he calls them, four-pound packages will send them a distance where an express company will take them for less than eight cents a pound? I should like to know to what part of the country the express companies will not carry for less than eight cents a pound three hundred miles?

Mr. LOGAN. I know nothing about express companies, and do not care anything about them. I know that this is a benefit to the people and that the Post-Office Department makes a profit out of it. That is all there is in it. I know another thing. I have not read the report that the Senator from Minnesota refers to, that has been sent to the printer, but I think I know pretty much what is in it. I have conversed with the gentleman who draughted it, and my judgment is that the Post-Office Department, who have examined this question thoroughly, ought to know as much about it as this committee; and the Post-Office Department ask for no reduction on these four-pound packages. They insist on retaining the law as it is and ask for no such thing. If it was a disadvantage to the Government, an expense to the Government, they would be the first ones to ask to have it changed; but it is not.

I can cite the Senator instances where there is great benefit derived. Take the different forts in various parts of the country on the frontier where the poor soldier has to send for a pair of shoes or a hat, and he has to do it frequently between the time that the issues are made, for they are allowed only so many issues per annum. The Post-Office Department carries these packages to the soldiers all over the country cheaper than they can have them carried by the express companies. I have received numerous letters in reference to this very question from men situated in that way over the country and on the frontier in favor of this very system.

Mr. WEST. I think there has been sufficient time taken up in debate on this question, and sufficient of the sentiment of the Senate developed to warrant me in moving to lay the amendment upon the table.

Mr. THURMAN. I have nothing to say in the way of debate—

Mr. WEST. I have moved to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Louisiana moves to lay the amendment on the table.

Mr. THURMAN. I understand that; but I was about to make a motion which I have a right to make. I move that the Senate adjourn, (at five o'clock and thirty minutes p. m.)

The VICE-PRESIDENT. It is moved that the Senate do now adjourn.

The motion was not agreed to.

The VICE-PRESIDENT. The Senator from Louisiana moves that the amendment lie on the table.

The question being put, there were on a division—ayes 26, noes 29.

Mr. SCOTT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WEST. If I can get the attention of the Senate for a few moments—

Mr. HAMILTON, of Maryland. Is debate in order?

The VICE-PRESIDENT. The question is not debatable.

The question being taken by yeas and nays, resulted—yeas 27, nays 33; as follows:

YEAS—Messrs. Alcorn, Anthony, Cameron, Clayton, Davis, Edmunds, Flanagan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Scott, Sherman, Spencer, Sprague, Tipton, Wadleigh, Washburn, West, and Wright—27.

NAYS—Messrs. Bayard, Boggs, Boutwell, Chandler, Conkling, Conover, Cooper, Cragin, Dennis, Dorsey, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Johnston, McCreery, Merrimon, Mitchell, Morton, Norwood, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Stevenson, Stockton, Thurman, and Windom—33.

ABSENT—Messrs. Allison, Boreman, Brownlow, Carpenter, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Jones, Kelly, Patterson, Sargent, and Stewart—13.

So the Senate refused to lay the amendment on the table.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Minnesota, [Mr. RAMSEY.]

Mr. WEST. If I can get the attention of the Senate a few minutes, I would like to explain the question. I doubt if many members of the Senate or of Congress are cognizant of the fact that this provision for carrying freight throughout the mails was established at the last session of Congress. At all events it attracted the attention of the Committee on Appropriations instantly on their assembling at the commencement of this session with a view to its abatement, because there did seem an inconsistency in carrying beans at eight cents a pound and intelligence at ninety-six cents. But we have discovered the fact that it contributes very materially to the accommodation of the people and that it is no detriment or extravagance to the Post-Office Department. Because a few mail contractors out in the remote regions of this country, who are obliged to carry six hundred pounds of mail on one day, or a few express companies with a profitable business in our more immediate vicinity, appeal to a committee here, that is not a basis for depriving the people of what is to them a great advantage and which the people all sustain. The people throughout the country have not appealed to Congress that this thing might be repealed, nor has the Postmaster-General. The Postmaster-General favors its continuance in his report. He says it is but an experiment, and I think until we have some discontent expressed against it in other quarters, it ought to stand. I really believe it is that kind of an experiment that probably we might eventually find occasion to repeal, but so far as it goes it is only a benefit, no expense, and is not complained of either by the people or by the Postmaster-General, and I do not think it ought to be changed.

Mr. THURMAN. Mr. President, this is a very interesting question in itself. In one phase it is an inquiry where, under the power to establish post-offices and post-roads, we get the authority to do the business of common carriers. That is one phase of it which I merely throw out for people to think of, but it is an important and interesting question. There are other questions that will arise on this bill. One of them in the bill is of more importance yet. I allude to what is known as the Pacific Mail question.

There is in the bill a provision repealing the act and annulling the contract for the transportation of the Pacific mail. I have my own views as to the power of Congress, the right of Congress, to declare that contract annulled. I do not think it very probable that that will be gainsaid, but upon the question of the expediency of annulling it much may be said on both sides, and for one I wish to hear all that can be said.

Again, we are given to understand that a question will arise here in reference to the telegraph companies, that under what was once called the vagrant clause of the Constitution, the commercial clause, an attempt will be made to amend this bill so as to regulate the tariffs of telegraph companies. I do not know whether any such thing is in contemplation or not, but if it is, there is another great question. Unless we are prepared to deal with interests that involve millions, that involve fortunes of not only thousands but of tens or hundreds of thousands of people in this country, without debate, without information, at a late hour in the night, then I say that we ought now to adjourn and let these matters come up to-morrow and be dealt with in a considerate manner and with full information.

I appeal to the Senate that there has been no attempt to waste time on this bill, and I think I can safely say there will be no such attempt; but in view of the interests involved I do say it is the duty of the Senate to people whose whole fortunes are involved and are at stake in what we do that there shall be at least fair and deliberate consideration on all questions which arise before us. I move that the Senate adjourn.

The question being put, there were on a division—ayes 23, noes 30. So the Senate refused to adjourn.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota, [Mr. RAMSEY.]

The question being put, there were on a division—ayes 27, noes 23.

Mr. PEASE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. On this question I am paired with the Senator from Missouri, [Mr. SCHURZ.] If he were present he would vote "yea," and I should vote "nay." I am under relief, however, if there lacks a quorum, to vote as I please.

Mr. LOGAN. On this question I am paired with the Senator from Minnesota, [Mr. RAMSEY.] I would vote against the amendment, and he would vote for it.

The question being taken by yeas and nays, resulted—yeas 21, nays 34.

YEAS—Messrs. Bayard, Conkling, Conover, Davis, Dorsey, Eaton, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Hamlin, Johnston, Kelly, McCreery, Merrimon, Norwood, Pratt, Saulsbury, Stevenson, Stockton, Thurman, and Wadleigh—21.

NAYS—Messrs. Alcorn, Allison, Anthony, Boutwell, Cameron, Clayton, Cooper, Cragin, Dennis, Flanagan, Frelinghuysen, Hager, Harvey, Hitchcock, Howe, Ingalls, Lewis, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Robertson, Sargent, Scott, Sherman, Spencer, Sprague, Tipton, Washburn, West, Windom, and Wright—34.

ABSENT—Messrs. Boggs, Boreman, Brownlow, Carpenter, Chandler, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Gordon, Jones, Logan, Patterson, Ramsey, Ransom, Schurz, and Stewart—13.

So the amendment was rejected.

Mr. ALCORN. I move to insert as an additional section the following:

Sec. — That garden seeds distributed by the Commissioner of Agriculture or by any member of Congress receiving seeds for distribution from said Department, together with Agricultural Reports emanating from that Bureau and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge.

I have but a word to say on this amendment. It has been decided by the Senate, I believe, that public documents already printed shall pass through the mails free, and also that the CONGRESSIONAL RECORD shall pass free. If it is proper to send public documents of the character already passed upon by the Senate free, and my judgment is that it is, I think we shall not go amiss if we permit the people of the country to have the distribution of garden seeds which are at the Agricultural Department, which have been collected at very considerable expense, and remain over unless the members of Congress shall see proper to pay the postage upon them for transmission to their constituents.

A good deal has been said here with regard to facing the question broadly and squarely. I have not seen from the time the franking privilege was repealed up to the present time the evidence of that boldness and that courage of which Senators boast. The very first thing we did after we had repealed the franking privilege was to dodge, in a way that did not meet the approbation of the judgment of some Senators at least, the direct question, and by an evasion to bestow the franking privilege upon the various Departments of the Government, bestowing it, too, in a way that was very expensive and in a way that imposed no checks at all in favor of the Government, but in truth and in fact exposed the Government to impositions that had not before that time existed.

The Agricultural Bureau has a certain amount of stamps issued to it at each session of Congress, but it is a fact that that number of stamps issued to the Agricultural Department, as I am informed by the Commissioner, is not sufficient to distribute the seeds that flow into his Department for distribution. If a member of Congress desires seeds distributed to his constituents he must address a polite note to the Commissioner of Agriculture and ask him to send them, for the reason that a member of Congress himself is not permitted to do so without paying the expense. The Agricultural Department, however, under this bold front that the Senate presents upon this question, can stick on a lot of stamps voted by Congress and transmit the seeds for distribution free.

Now, Mr. President, I think the farmers of the country, the agricultural classes of the country, are entitled to have a distribution of these seeds. If not, I think we had better abolish the institution called the Agricultural Department, which becomes nothing else than a simple ornamentation to the city of Washington unless we put it to some practical purpose. There can be no practical purpose unless we distribute among the planters, the agriculturists of the country, whatever information may be collected here and whatever seeds may be collected here for distribution.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. ALCORN. I appeal in behalf of the agriculturists of the country that this amendment which I have offered may prevail.

Mr. MORRILL, of Maine. This is a very common, familiar subject. The tariff upon seeds is very small any way. I do not think it is burdensome at all. I hope it will not be the sense of the Senate to adopt this amendment. I will not make a motion to lay it on the table, for I think it can hardly be the sense of the Senate to agree to it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Mississippi, [Mr. ALCORN.]

The amendment was agreed to; there being on a division—ayes 24, noes 21.

Mr. HAMLIN. I am directed by the Committee on Post-Offices and Post-Roads to submit the following amendment:

At the end of line 10 of section 1 on page 1, insert:
And the salary of the postmaster of the city of New York is hereby fixed at \$8,000 per annum.

Mr. WEST. Was that referred to a committee?

Mr. CONKLING. Certainly, and reported.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maine, [Mr. HAMLIN.]

The amendment was agreed to.

Mr. DORSEY. I submit the following amendment to be inserted at the end of the bill, which I ask may be read by the Secretary.

The Secretary read as follows:

Sec. — That every telegraph company maintaining telegraph lines among the several States, and extending into or through another State or States, for the transmission of correspondence by telegraph communications, for hire, shall receive all telegrams at any office thereof from any other telegraph company directed to any other office on the line of the receiving company, and transmit the same at its regular tariff rates established between such, and no company shall give any preference to any one connecting company over any other.

Sec. — That every such telegraph company shall limit its business among the several States and with foreign countries to the transmission of such telegrams only as may be delivered to it for that purpose; and it shall not be directly or indirectly interested in the collection, purchase, or sale of commercial or other news, to be transmitted by itself; and every such company shall, from time to time, establish a tariff of charges, which shall be the same for the like service and without discrimination for the transmission of official telegrams to newspapers; also for dispatches to the press or commercial news associations whenever such telegrams and dispatches are among the several States or with foreign countries, and such a tariff of charges shall be exposed in some public place in its principal offices; and no charge except according to the tariff of charges so fixed shall be demanded or

received by such company in respect to such business. It shall also establish a tariff of charges for all other telegrams among the States or with foreign nations, which shall be uniform to all for similar service and without discrimination.

Sec. — That all lines of telegraph are hereby established as post-roads, and all persons shall have the right to correspond by telegraph in the manner herein prescribed, and all such telegrams shall be privileged communications in law to the same extent that sealed letters now are; and the contents thereof shall not be divulged by any agent or officer of a telegraphic company except for the purpose of justice by order of a court of competent jurisdiction. All telegrams, excepting governmental dispatches, shall be transmitted in the order in which they are received, except telegrams directed by the sender to be transmitted between the hours of six o'clock in the afternoon and six o'clock in the forenoon.

Sec. — That every person who shall willfully violate any of the provisions of this act, or willfully destroy, postpone, or delay the delivery of, or unlawfully divulge or permit to be seen by any other than the person to whom the same is addressed any telegram, or any part thereof, or give any duplicate or copy thereof to any other person, or who shall injure or destroy any property of any telegraphic company whose lines extend from one State into another, or shall willfully interfere with the operation, repair, or use of any line of telegraph, or any part thereof, shall be deemed guilty of a misdemeanor, and upon complaint to a United States commissioner or judge of a United States court, in behalf of the United States, shall be held for trial therefor, and upon conviction in the district or circuit court of the United States for the district where such offense shall have been committed, or where such person shall reside, may be fined not exceeding \$1,000 or imprisoned for a term not exceeding two years, either or both, at the discretion of the court.

Mr. JOHNSTON. I rise to a question of order. That amendment I do not believe can be received on this bill. It is legislation, and besides that it has never been submitted to the Committee on Appropriations nor recommended by the Committee on Post-Offices and Post-Roads as an amendment to this bill.

Mr. DORSEY. I will say that a majority of the Committee on Post-Offices and Post-Roads instructed me to recommend this as an amendment to the appropriation bill. I did not see the Senator from Virginia in his seat at the time, but a majority of the committee authorized me to report it.

Mr. CONKLING. A majority of the committee consulted here on the floor?

Mr. DORSEY. In the committee and on the floor.

Mr. WEST. I venture to say that is immaterial. The Senator has a right to move the proposition individually. It is in order under our rules.

Mr. JOHNSTON. The amendment does not provide for any appropriation.

The VICE-PRESIDENT. Does the Senator from Virginia raise any point of order?

Mr. JOHNSTON. Yes, sir.

The VICE-PRESIDENT. The Chair is of opinion that as it contains no appropriation and has been recommended by a committee, this amendment is in order.

Mr. JOHNSTON. Do I understand that this amendment has been recommended by the Committee on Post-Offices and Post-Roads?

The VICE-PRESIDENT. It is so stated by the Senator from Arkansas.

Mr. JOHNSTON. I am a member of that committee, and never heard anything of the sort.

Mr. CONKLING. I beg to be allowed to make a suggestion to the Chair. I did not understand the Senator from Arkansas to state that this had been, as the rule and the law requires, recommended by the Post-Office Committee. On the contrary, I understood him to say that in looking for members of the committee he did not see the Senator from Virginia in his seat, and therefore did not consult him, which implied that members of the committee had been consulted on the floor, and that that was the action of the committee upon which the Senator was relying. I ventured myself then to inquire whether it was in committee or on the floor, and I understood the Senator to say that they were consulted a part of them in the committee-room and part of them on the floor.

Now, the Senator from Virginia having made this point of order, I venture to suggest to the Chair that the parliamentary law is, the rule is, and the ruling of the Senate has been, and in one case so recent that I think Senators have not forgotten it, that to be the report of a committee a proposition must have been acted upon by the committee as a committee at a meeting of the committee; and the late colleague of the Vice-President, Mr. Sumner, carried the rule a great deal further than that, and insisted that the action must be in the room of the committee, at the place where the committee customarily meets, of which I now say nothing. It is not enough that informal consultation has taken place on the floor and that a Senator can count up more than half of the Senators who, if they were in committee-room, would belong to the committee and who individually gave their assent.

Mr. President, I wish to make one other observation. We are now acting under the five-minute rule, and certainly the Senator from Ohio farthest from me [Mr. THURMAN] might have added weight to the remarks he made a few moments ago if he had included in his statement the fact that it is proposed now to enter upon a subject of this sort under a debate of five minutes, confined as to each Senator to a single observation. If this point of order be well taken, I hope the Chair will consider the more seriously owing to the fact that we are brought, if we are to be brought, to discuss this large subject under a five-minute rule, and at this hour of night, so late in the session.

Mr. HAMLIN. I do not rise for the purpose of discussing the question which the Senator from New York has presented. I do not think it arises on this occasion. It is true this bill has been reported from the Committee on Post-Offices and Post-Roads and that it has been

very fully considered there at several meetings. It is the report of the committee. It contains no appropriation whatever, and the Senator from Arkansas can offer it upon his own individual responsibility without being so requested by any committee; and then if there be any force in the argument that the bill has received the affirmative support of a committee it comes in just as well and with just as much force as though the committee had in its room directed it to be reported as an amendment to this bill.

Mr. FLANAGAN. Mr. President—

Mr. CONKLING. Before the Senator proceeds will he allow me to ask one question of the Senator from Maine?

Mr. FLANAGAN. I fear I may forget what I wish to say by that time.

Mr. CONKLING. I wish to ask my friend from Maine what he meant by a remark he made, that we may understand it.

Mr. FLANAGAN. Very well.

Mr. CONKLING. I simply wanted to inquire whether the Senator from Maine meant that the Post-Office Committee had acted on this as an independent bill, or had acted on it favorably as an amendment to this bill. I did not understand his statement.

Mr. HAMLIN. As an independent bill, as the records of the body show, and the Senator from Arkansas can offer that as an amendment here, if it contains no appropriation.

Mr. CONKLING. That is another question.

Mr. FLANAGAN. In justification of the Senator who offered this amendment, as a member of the Committee on Post-Offices and Post-Roads I can say that we had this subject under discussion for a considerable period, and I myself was consulted before the amendment was reported. The Senator from Arkansas came to me sitting here and asked me if I had any objection, and I told him I had not. But the point I wish to submit is this, and remarkable it is that my distinguished friend from New York should forget it on this occasion, for I have never known him to forget anything here previously, that it has been but a few minutes since—I should like to have his attention; I want to see whether he is acting consistently or not—it has been but a few minutes since my friend came to me and asked me if I had any objection as one of the Committee on Post-Offices and Post-Roads to an amendment being offered.

Mr. CONKLING. Was any point of order made?

Mr. FLANAGAN. That was done here, and I want to know by way of consistency if that may suit well in his case but not in this?

Mr. CONKLING. If the Senator will allow me to reply, as I believe no point of order was made upon it, as the Senator now instructs me I shall be a little careful of what I come to him to say privately at his desk.

Mr. FLANAGAN. I can speak publicly, because I was addressed in my chair just as I was in the other case, and I am showing if this is a matter of consistency, whether there is any here or not. I was approached by both friends and gave my consent willingly, expecting no point of order; and if there is a point of order sustained in one instance there should be in the other.

Mr. SAULSBURY. I am a member of the Committee on Post-Offices and Post-Roads. I have not had the pleasure of meeting that committee at its last two or three meetings for any extended time. Therefore whatever has been done in committee I was not present and was not cognizant of. I was not consulted in reference to offering this measure as an independent proposition. In fact I was not aware it had been reported from the committee. That arises perhaps from the fact that I had another committee which had the same hour to meet as the Committee on Post-Offices and Post-Roads.

Mr. SCOTT. I raise a point of order, for the purpose of correcting what I think is a misapprehension. I understand the Chair to have already decided the point of order that this amendment is in order. The debate is progressing for the purpose of ascertaining the action of the Post-Office Committee and not on the merits of the amendment.

Mr. SAULSBURY. The honorable Senator does me honor to call attention to that fact while I am discussing the question, after several other gentlemen have spoken whose remarks were in the same line.

Mr. CONKLING. The Senator from Pennsylvania is mistaken in fact.

Mr. SAULSBURY. I state the fact as an independent proposition. I can well conceive that members of the committee might agree that the report should be made as an independent proposition and submit that question to the Senate when they would not be willing that it should come in as a measure to be appended to an appropriation bill.

Mr. DORSEY. Will the Senator from Delaware yield to me?

Mr. SAULSBURY. Certainly.

Mr. DORSEY. I did say that I moved this amendment as coming from the Committee on Post-Offices and Post-Roads, and I think the Senator from Maine will remember that I had his permission. While I had the permission of a majority of the committee I offered it on my own responsibility and not on that of the committee.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas, [Mr. DORSEY.]

Mr. MERRIMON. I am a member of the Committee on Post-Offices and Post-Roads, but I was not consulted about moving this amendment to the post-office appropriation bill. I was in the committee at the time the majority of the committee agreed to report the bill to

the Senate, but the minority voted against it, and I was of that minority. I will say now that I believe there is an evil that ought to be corrected if Congress has power to do it. Whether Congress has the power to do it, and how if it has the power to do it that power shall be exercised, is a very grave question that, it seems to me, ought not to be determined in a very thin Senate. I shall therefore, although I would be glad to join in remedying this evil in some way or other, be compelled to vote against the amendment if it shall be held to be in order, for the reason that we have not time to give the measure that consideration which it deserves.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas.

Mr. THURMAN. If the Senator having charge of this bill intends to move to lay this amendment on the table, I am willing to give way to let him make that motion.

Mr. WEST. I thank you, sir, for the privilege; but I do not propose to do it.

Mr. THURMAN. Then I move the indefinite postponement of the bill, Mr. President. I do not propose to be limited to five minutes on a question like this.

The VICE-PRESIDENT. The Senator from Ohio moves the indefinite postponement of the bill.

Mr. THURMAN. Now, Mr. President, what is it that we are asked to do?

Mr. NORWOOD. Will the Senator from Ohio yield for a motion to adjourn?

Mr. THURMAN. Yes, sir.

Mr. NORWOOD, (at six o'clock and twenty-one minutes p. m.) I move that the Senate do now adjourn.

The question being put a division was called for, and the yeas were 26.

Mr. MORRILL, of Maine. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOWE, (when his name was called.) On this question of adjourning I am paired with the Senator from Missouri, [Mr. SCHURZ.] If present he would vote "yea," and I should vote "nay."

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If present he would vote "nay," and I should vote "yea."

Mr. SCOTT. I was requested to announce that the Senator from Massachusetts [Mr. WASHBURN] and the Senator from Georgia [Mr. GORDON] were paired with each other.

The roll-call was concluded.

Mr. DAVIS. I am paired with the Senator from Kansas, [Mr. INGALLS.] If he were here he would vote "nay," and I should vote "yea."

The result was announced—yeas 22, nays 26; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggs, Conover, Cooper, Dennis, Eaton, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Norwood, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Tipton—22.

NAYS—Messrs. Allison, Boutwell, Cameron, Clayton, Cragin, Dorsey, Edmunds, Flanagan, Frelinghuysen, Harvey, Hitchcock, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pease, Sargent, Scott, Spencer, Stewart, Wadleigh, West, Windom, and Wright—26.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Carpenter, Chandler, Conkling, Davis, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Gordon, Hamlin, Howe, Ingalls, Jones, Lewis, Patterson, Pratt, Ramsey, Ransom, Robertson, Schurz, Sherman, and Washburn—25.

So the Senate refused to adjourn.

Mr. THURMAN. Mr. President, I had no intimation until within the last half hour that an amendment of this kind would be offered. I am opposed to this amendment in its totality and in its detail. I have no more personal interest in it than any citizen of this Republic. I do not own, I never have owned one dollar in the stock of a telegraph company; and although I have no doubt there are citizens of Ohio who do own stock in such companies, I know not the name of any such citizen. I am therefore as indifferent in this matter as any man could well be. But I see in this proposition the assertion of a power that makes this Government supreme over every dollar's worth of property in the United States. I see in it the assertion of a power by Congress to mold and change and alter at the will of Congress, the charters granted by States, and upon which and on the faith of which millions upon millions of dollars have been invested by our citizens. I see in it one of the most dangerous strides of centralization and consolidation that has yet been taken in Congress, and I see in it an evidence of that spirit which threatens to confiscate everything with which some people in the country may not be satisfied or against which a clamor may be raised.

If I were to go into the details of this measure as I caught them when the amendment was read at the Clerk's desk, I might point out some of the very strange things contained in it; but I do not now wish to occupy the time of the Senate by a lengthy argument upon a subject so grave and important as this. I do not wish to speak—

Mr. MORRILL, of Maine. Allow me a suggestion.

Mr. THURMAN. Will the Senator let me finish? I do not wish to speak upon so great a question without due preparation. I do not wish to waste any time of the Senate either at this late period of the session or this late hour of the day by the extended discussion that must arise upon this measure if I persisted in the motion that I made but a little while ago. I therefore give notice that if the motion I

now make shall not prevail, to lay the amendment on the table, then I will renew the motion to postpone the bill indefinitely, and we will see whether or not this subject can be voted into a law without any just consideration at all.

The VICE-PRESIDENT. The motion to postpone indefinitely is withdrawn.

Mr. MORRILL, of Maine. It is most apparent that this proposition must lead to lengthy debate. It is equally apparent I think to any one who will examine it that it presents various points which are worthy of very serious consideration. And I doubt exceedingly whether there is any very considerable portion of the members of the Senate who feel themselves competent to act upon so grave a question as is presented in this measure. Glancing at it I see some features in it which commend themselves to me. There are other features which I do not think I could vote for under any circumstances. I do not know how it affects other minds, but as a general proposition there is nothing more pernicious in our legislation than to undertake to ingraft great public policies and public measures upon appropriation bills which necessarily come before us at such times and under such circumstances that it is impossible to give them that consideration which would commend them to the public at large. Therefore, Mr. President, I feel justified under all the circumstances in moving that the amendment lie on the table.

The VICE-PRESIDENT. The Senator from Maine moves that the amendment lie on the table.

Mr. DORSEY. I call for the yeas and nays.

The yeas and nays were not ordered.

The motion to lay on the table was agreed to.

Mr. BAYARD. I know nothing of the legal merits of the clause of the bill which proposes to repeal the subsidy granted to the Pacific Mail Steamship Company; indeed I never read this clause until to-day. I believe the subject has been committed to the Judiciary Committee of this body, and it has made no report. I am perfectly aware of much that is scandalous and wrong that has appeared in testimony taken by the other House of Congress in connection with the original grant of the subsidy. I have never voted for a subsidy since I came into Congress, and unless my views materially change on that subject I never shall. At the same time I believe that by insisting upon the most scrupulous good faith on the part of the Government, I serve it and serve it well. I am not prepared to say that I can give my assent to the repeal of the act granting the subsidy, which will destroy a large corporate association, which must diminish the value of its property, and possibly ruin the fortune of most of those who are concerned in it, unless I know that there is good cause and legal ground for the proposed action of Congress. I cannot speak of my own knowledge of the fact, but I am informed that the stock of this corporate company has changed hands almost wholly since this subsidy was granted. It has, unfortunately for those concerned in the property, been too much the object of speculation and stock-gambling; but I am informed that the stock has changed hands and that the men who own the stock now did not own it at the time the subsidy was procured. If the men who owned it then and were *participes criminis* in obtaining this grant of subsidy through fraud and improper influence on members of Congress were still the owners, there would be a very natural equity that they should suffer; but let any man take the case of a friend who has acquired this stock innocently in the market through ignorance, as we here were all ignorant of the fraud by which it is alleged the subsidy was obtained, and then ask himself whether he should suffer for having embarked his capital under the faith of a law of this Government, which is suddenly, without warning to him, to be repealed? I confess that I am staggered by it. I would desire to know more of it before my vote should be given for it.

I have said very openly that I am no believer in the system of maintaining private enterprise by public subsidy. I think it a false system. But where the Congress has embarked in it, there is a plighted faith that it seems to me we should scrutinize our action very closely before we in any way depart from. I do not know what action the committee who have had this matter in charge propose, or whether they are prepared to recommend any. I should feel myself greatly relieved to be enlightened by such a report; but as it now stands, I cannot vote for this bill until I know better than I now know that I am not infringing that great necessity of every government, the preservation of its good faith to its citizens.

Mr. WEST. During the progress of the reading of this bill I stated to the Senate the action that was had on it by the Committee on Appropriations, that the committee directed me to report the bill back with that clause retained in it and without any expression of opinion of their own as to whether it should be retained or as to whether it should be expunged, for the reason that the question had been submitted to another committee who had more properly jurisdiction of it than the Committee on Appropriations, it being entirely a legal question; but there is no question now before the Senate.

Without indicating how I shall vote on the question, but with a view of giving this company the opportunity to be heard through the expression of opinion from a more proper committee, I move to strike out the clause relating to the Pacific Mail Company with a view of getting a vote of the Senate whether they will hear from a more appropriate committee than the Committee on Appropriations.

[Mr. MORTON addressed the Senate. His remarks will appear in the Appendix.]

Mr. EDMUNDS. Mr. President, reference has been made to the legal part of this subject having been committed to the Committee on the Judiciary, which has not reported. I think it due to the Senate to say that I have endeavored to have, I believe, three meetings upon the subject. We did have one, and had the subject under consideration; but we did not come to any formal decision upon it. I have tried to have two meetings since for the purpose of disposing of it, but through unfortunate circumstances, for which nobody in particular is to blame, I have been unable to get the committee together.

The question, as the Senator from Indiana has stated, may depend upon how this contract was procured; but that is not, as we understand the order of the Senate directing us to inquire, one topic upon which we are to proceed. We are directed merely to report whether the contract is legally binding. Of course it might involve an inquiry into the question whether it was procured by fraud. But the topic which we understood the Senate to desire our opinion on was upon the papers as they stood, supposing the act and the contract of 1872 to have been lawful and lawfully obtained, and whether from any circumstance that has since transpired in the contract not being fulfilled in respect of the time within which by the statute and the contract the vessels were to be furnished the United States are now under any obligation to proceed. If they are not under any legal obligation to proceed, then the question whether they ought to proceed or not might depend upon moral and other considerations, not depending necessarily on considerations of legal proof, and might depend on every Senator's judgment as to what public honor and good faith might require, and we might consider what the probabilities are about the fraudulent part of the affair, without being obliged to resort to strict legal evidence. If, on the other hand, the committee should be of opinion, and the Senate should, that this contract is now legally binding upon the Government in respect of its formality and in respect of its coincidence with the statute, then the question which the Senator has discussed would arise, whether it had been obtained by fraud. That the Senate will know just as much about when we report as they do now, for the reason that we do not propose to go into that question, and indeed have no means, as everybody knows, of making that investigation. On the other part of the question I trust we shall be prepared to report very soon; but under the circumstances I do not think it fit for me as one member of the committee to express any opinion or to vote upon this question at this moment either way.

Mr. MORRILL, of Maine. I desire to make an observation as to the considerations which controlled the Committee on Appropriations in its action. We made no recommendation whatever. The repealing clause having come from the House of Representatives adopted, and being aware that the House of Representatives had examined this question, the committee thought that perhaps a presumption obtained in favor of the action of the House, and so acted in part upon that presumption, but were controlled chiefly from the fact that it was within the knowledge of the committee that this subject in some of its relations, if not its chief relations, and as we understood in its chief relations, had been submitted to the legal organ of the Senate and was there under consideration.

Putting these two things together the Committee on Appropriations came to the conclusion that if they had the ability to examine it, they had been anticipated in any necessity for its examination, and that they might therefore properly report the same back to the Senate without any recommendation in regard to it for the action of the Senate under advisement of its legal organ, as we supposed by the time this bill would be called up for action the Senate would be advised. And as the organ of the committee I communicated the disposition of the committee to the chairman of the Committee on the Judiciary, since which time of course we have known nothing about the action of his committee, but we did understand from time to time that they would consider the subject.

It seems to me it presents itself in this way: It is a pretty hard proposition for the Senate of the United States to act on this question unadvised; and at the same time it is a very difficult thing to delay any great length of time. If we could consider this bill complete except as to this item, then it might turn out that we might by general consent let it go over until to-morrow when I should have very great hope that the Judiciary Committee might advise as to what their judgment would be; or in the other event we might non-concur with the House and pass the bill without this clause and wait for the action of the Senate Committee on the Judiciary to advise the Senate as to what should be done and thus reach the committee of conference through that action of the Senate.

Mr. THURMAN. How do you know that the House may not agree to the amendment, and so avoid a committee of conference?

Mr. MORRILL, of Maine. That is one of the possibilities; but we have amended the bill in so many particulars that I should hardly think it probable. I should be very glad to find that there was no question calling for a conference on this bill.

Mr. CONKLING. But I think there is a greater objection assuming that there will be a committee of conference than would arise otherwise. When the committee of conference reports, we must vote for the whole bill or against the whole bill on that report, and that

would be a very bad way of getting at this isolated question. It seems to me that the suggestion the Senator made before might be satisfactory to the Senate; that is, to deem the bill complete as to everything else, and let this question stand over and the vote be taken on it to-morrow.

Mr. MORRILL, of Maine. I stated the alternative. I am not stating anything more than a suggestion to the Senate, and that with a view of relieving myself from the embarrassment which I really feel under from the way the Committee on Appropriations reported this back without any judgment of their own.

Mr. FRELINGHUYSEN. I think there is great force in the remarks which have been made by the Senator from Delaware and the Senator from Indiana. I do not remember that I ever voted for a subsidy; I did not for this; but the question which is presented to us is whether the faith of this nation is pledged toward that enterprise, and we ought to look at it free from any prejudice or from any fear of censure.

I do not think that the report of the Committee on the Judiciary will relieve this question, as my friend from Maine seems to think. There is no objection to stating that the legal question submitted is about this: The contract which was made required certain steamers to be furnished by October, 1873; they were not furnished by that time; they were afterward inspected according to the law by officers of the Navy and approved; and they were then sent to perform their duty at San Francisco. One question is: was time of the essence of that contract? The other question is: was the Post-Office Department so far the agent of the United States that their having these vessels inspected and sent to their destination after the time was a waiver of that contract not having been strictly performed in time?

These are the two questions; and my friend will see that even if they are decided in favor of the Government and against the company they are purely technical, and the question still recurs whether the faith of Government is pledged to carry out this enterprise, if not this contract.

Mr. STEVENSON. I do not exactly agree with the Senator from New Jersey in his statement that the report of the Committee on the Judiciary upon this question may not relieve the Senate from difficulty and embarrassment in the consideration of the pending question. If the Postmaster-General had no right to make this contract, or, to state the question more properly, if that officer had no authority to extend the time or to dispense with the specifications of the two new vessels required by the law which authorized him to contract, certainly we are not bound to carry the contract out. No government can be bound by a void contract. I shall express no opinion on what the true construction of that law is. I remember, however, a case which occurred with this Government several years ago, where the Secretary of War gave the acceptances of the Government to certain contractors for Army supplies, and known as "the Floyd acceptances," which passed into the hands of innocent purchasers for value, and upon which, on the question of the power of a Department to bind the Government, the Supreme Court of the United States adjudged that those acceptances were void, although they were given for supplies furnished the Government and were in the hands of innocent purchasers, and by that decision, if I have been correctly informed, innocent purchasers in Boston and elsewhere lost a very large amount of money.

If the Postmaster-General was authorized to dispense with the time at which the law required these vessels to be furnished as not of the essence of the contract, then there would be a great deal in what the honorable Senator from New Jersey [Mr. FRELINGHUYSEN] has said. I will not as a member of the Judiciary Committee express an opinion at this time upon the conditions contained in the act as a limitation upon the power of the Post-Office Department. It is an important question and should be maturely considered. I think the suggestion of the Senator from Maine [Mr. MORRILL] is a wise one, that we had better defer action until this question of the power of the Post-Office Department under the act has been reported upon by the Judiciary Committee.

If we defer action upon this clause of the bill until to-morrow, we shall probably have the report of the Judiciary Committee upon the only question submitted to them, whether time was of the essence of the contract in the law which authorized the contract. If it was, then I deny the authority of the Postmaster-General to waive any of its essential conditions. I am for a stern adherence by all the Departments of the Government to every requirement of law. It is the only safeguard for the disbursement of the money of the people. No Senator would go further than I would at all times to uphold the faith of this Government or to preserve intact its plighted faith in this fulfillment of its legal obligations. I will, however, never consent to authorize any Department of this Government to enter into any contract which the spirit and letter of the law did not authorize, and my sympathy for injured or innocent holders of void obligations, or for contractors under contracts with officers of the Government which the law did authorize to enter into, will never allow me to vote for the ratification of contracts not authorized by law. The Supreme Court has already settled that question, and I think the public safety requires the Senate to adhere to its adjudication. How far the Pacific Mail subsidy contract is within such an objection is a question upon which I withhold all expression of opinion at this time. If the Government is bound through the action of its authorized agent within

the sphere of a clearly delegated authority, let us ratify it in despite of the fraud and bribery by which the law authorizing the contract was passed. If the Post-Office Department had no power to dispense with the requirements of the act authorizing this contract, then the Government is not bound, in despite of whoever may be injured thereby. It is an important question which should be considered by the Senate calmly and considerately in all its bearings, and I hope it will go over until to-morrow.

Mr. FRELINGHUYSEN. I have no objection to adopting the course suggested; but I did not suppose that anybody held that this was a void contract. I supposed that everybody would be of the opinion that we could hold the mail company to the performance of it and that the only question was whether it was a voidable contract.

Mr. SARGENT. I desire to say but a very few words indeed. I think it will be a very great misfortune to the country, for the commerce of the East as well as the West, if by a repeal of this contract the Pacific shall be left in the condition of tending toward a European mill-pond, as the Atlantic now is. Under the former legislation of Congress, which is not novel by any means, for it is simply an imitation of the policy of England and France, there has been an American commerce on the Pacific centering at San Francisco. That commerce has been extremely beneficial to the manufacturers of the East, as well as to us of the West, and perhaps more to the East up to this time than to us of the West. But it has given us a grasp on the Pacific Ocean; it has given us some domain there which we do not have on the Atlantic; and I think it would be an unmixed evil if this policy were reversed and we should lose the advantages which we have gained by the enterprise of American citizens and by the judicious encouragement of the Government.

Now I feel as other Senators I suppose feel, chagrined at the reports, I might say the evidence of corrupt attempts by the predecessors in the management of this company by which the effort was made to influence Congress, and certainly lobbyists were influenced, for passing the subsidy for the semi-monthly service. It has been a source of astonishment and sorrow to me, as I have observed the facts which were developed in the investigation. I condemn them as strongly as any man can; but after all is said and done about that, and after all has been said about the present corporation being the corporation which existed a few years ago, one thing is certain, that the managers of the corporation now are not those who managed it a few years ago, and that the interest of the American people is superior, its demands, its exigencies are greater than even the reprobation we ought to visit upon such conduct as distinguished this company or its representatives a few years ago. Sorrowful as I am that those things did take place, nevertheless I should be even more sorrowful to see this great American enterprise struck down, instead of fine steamships like the City of Peking and the City of Takao that may come into the harbor of San Francisco bearing the American flag, and going out laden with American merchandise, to see British or French steamships with their flag, and giving all the discriminations in favor of foreign commerce and against our own citizens.

I think, sir, that these are very important considerations, and they address themselves to the people of New York, of Philadelphia, of Boston, and of the whole Atlantic sea-coast. These considerations address themselves to the western cities, to Cincinnati, to Saint Louis, which get their teas cheaper now than they ever did before on account of the enterprise of this great American line. This is an American enterprise, and it ought to be sustained. If by any censure whatever Congress can visit its displeasure upon those who thought they could bribe it—whether they did or not I do not know—I should be inclined to let my censure fall there, but not at the expense of imperiling and destroying American interests in the Pacific.

Mr. THURMAN. I think after what has been said that every one must see the propriety, if there are no other amendments to offer to this bill, of agreeing to the suggestion made by the chairman of the Committee on Appropriations. The Judiciary Committee can meet to-morrow and make a report on the sole question referred to it by twelve o'clock, when this bill will come up again, and then the Senate can act advisedly. For one I am not aware of any amendment to be proposed to the bill. So far as I am concerned, speaking for myself alone and not knowing what other Senators may have discovered in the bill, I am perfectly content to agree to the proposition suggested by the Senator from Maine.

Now, before we come to a conclusion let me state to the Senate what the question will be on which the Judiciary Committee will report, if it meet to-morrow before the meeting of the Senate. In the first place, it can make no report on the question whether this subsidy was obtained by fraud. Let that be distinctly understood. It can make no report on that question, for not one particle of evidence upon that subject has been referred to that committee. The evidence upon that subject is not yet all taken in the House of Representatives, and no part of that which has been taken has been transmitted to the Senate or laid on our table or in any manner laid before the Committee on the Judiciary. Consequently we can pass no judgment whatsoever upon that question whether the subsidy was obtained by fraud, and much less therefore pass upon the legal question whether it is competent for the Government itself to set up that its legislation was the result of bribery and corruption. That, therefore, is out of the question.

In the next place, there is no question but that the contract made

by the Postmaster-General was a perfectly valid contract. I say there is no question in the mind I think of any good lawyer; but perhaps I ought not to make so broad a statement as that, for the Solicitor-General of the United States has given an opinion that the contract made by the Postmaster-General exacted conditions beyond the requirements of the statute, in which I think Mr. Solicitor-General made the greatest blunder of his life.

Now what are the facts? Let me briefly state. In 1872 Congress passed what is called the subsidy act, that is for an additional monthly mail service across the Pacific Ocean at the rate of \$500,000 per annum for ten years from the 1st of October, 1873, the service to be performed in iron vessels built of American material and of such a tonnage, and inspected by a board of naval officers and accepted upon their report by the Postmaster-General. I think no statute could be more specific. I think in the very clearest terms it required the service for the whole ten years to be performed in vessels such as were described in the act. In strict pursuance of that statute the Postmaster-General advertised for bids, for the statute required that, and never mentioned the Pacific Mail Steamship Company at all. The Pacific Company became the bidder, and the bid was awarded to it at the full amount specified in the act, half a million a year for ten years; and the contract was executed in strict pursuance of the act.

Before the 1st of October, 1873, it became apparent that the two ships necessary to perform that service and which were being built in the East would not be constructed in time, would not be ready by the 1st of October. Under those circumstances the Postmaster-General called upon the Attorney-General for an opinion whether the contract would be at an end, whether he could annul the contract on the 1st day of October, or whether he would be bound to accept the vessels if they passed the inspection of the naval board. The Solicitor-General gave an opinion that the contract would remain obligatory; that the Postmaster-General would have no right to annul it because of the failure to commence the service on the day named in the act, and the Attorney-General concurred in that opinion, or gave the same opinion for different reasons, and thereupon, the vessels having passed the inspection, the Postmaster-General accepted them and reported to Congress in December, 1873, his action upon the subject.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The Senator's time has expired.

Mr. THURMAN. I hope I may be allowed to go on for two minutes longer.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. THURMAN. Then the Postmaster-General having called the attention of Congress to the subject, a committee of this body, the Post-Office Committee, and another committee of the House of Representatives reported that the contract remained binding on the Government. Now the question is simply this: This company could not recover if the United States were suable in any court upon that contract, because it failed to perform the condition precedent, unless what took place afterward was a waiver by the Government of that performance; and that raises the question, first, had the Postmaster-General any power to waive performance; secondly, if he had not, is the non-action by Congress after the report of the facts made to it to be construed into a waiver and thereby to annul our right to set that contract aside or to declare it to be forfeited?

Now, I believe I have briefly stated, and I hope to the comprehension of every Senator, what are the real questions. We can report upon them by to-morrow at twelve o'clock, I am quite sure, if our chairman will call us together.

Mr. EDMUNDS. Which he has already done.

Mr. THURMAN. And then it will be a question for the Senate to say, first, whether or not the performance of the condition precedent has been legally waived by the Government by competent authority, and secondly, if that question be answered in the negative, then whether the equities of the case are such that the Government ought not to insist on its right to annul the contract.

Mr. WEST. I am somewhat apprehensive that a further debate on this question may imperil the passage of this bill to-night, which I feel it my imperative duty to press. In conferring with the chairman of the committee, the Senator from Maine, he was not aware that I had made a motion to strike out the clause relating to this contract from the bill in order to bring the question within the jurisdiction of the appropriate committee, the Judiciary Committee, by twelve o'clock to-morrow. Were I to accept of the proposition from the Senator from Maine, it very likely might imperil the passage of this bill, whereas we can consider the subject entirely on its own merits, irrespective of the bill; and therefore I call the attention of the Senate to the fact that there is a pending motion made by myself for that purpose to strike out the clause from the bill, and I am in hopes we can get a vote upon it.

Mr. HAMILTON, of Maryland, (at seven o'clock and seventeen minutes p. m.) I move that the Senate adjourn.

Mr. CONKLING. I ask the Senator to withdraw the motion for a moment if he will.

Mr. HAMILTON, of Maryland. Yes, sir.

Mr. CONKLING. The Senator from Maryland moves that the Senate adjourn. Now, without any understanding, I am afraid his motive will fail; and therefore by his permission I should like to

make any inquiry. Does any Senator wish to amend the bill or change it in any respect?

Mr. MERRIMON. It is my purpose to get in another amendment if I can do it. It will take but a moment.

Mr. CONKLING. Will it not suit the convenience of the Senator from North Carolina to offer his amendment now to the effect that we may complete the bill except in this one particular?

Mr. MERRIMON. I am not sure that it is competent, but if it is I wish to get it in. When the war broke out the Government was in arrears to many contractors in the South—

Mr. WEST. I must object to the Senator discussing an amendment until he offers it. There is no such amendment pending.

Mr. MERRIMON. I will send the amendment which I wish to offer to the Chair. I propose to insert the following:

To pay arrearages due to mail contractors for conveying the United States mail before the 1st of June, 1861, \$372,000; and all laws and clauses of laws forbidding payment of the same are hereby repealed.

Mr. WEST. I raise the point of order that this is not in order under the thirtieth rule.

Mr. MERRIMON. I was in hopes there would not be any objection to it.

Mr. CONKLING. Has any committee reported it?

Mr. MERRIMON. If the Government ever intends to pay these men, they need the money now.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. CONKLING. I think I have the floor. I would like to inquire whether any other Senator has an amendment he wishes to offer to the bill. [A pause.] If no Senator has an amendment, then if we are not to vote to-night, of course it concerns the convenience of everybody—

Mr. BAYARD. That is subject in some degree to the report of the Committee on the Judiciary in regard to this section.

Mr. CONKLING. I think not; the Senator misapprehends me. I mean any amendment relating to other parts of the bill. I assume that there is no Senator who wishes to offer an amendment, and if the proposition made by the Senator from Maine can prevail and we consider the bill finished as to subjects other than this, I take it the committee will not resist a motion to adjourn and let it go over until twelve o'clock to-morrow.

Mr. MORTON. I desire to make one suggestion. Although we may consider the bill finished except as to this matter to be referred to the Judiciary Committee and await their report to-morrow, that in effect will be to extend this bill all over to-morrow and perhaps next day. I think we can hardly afford to do that. I want to know whether the chairman of the committee will consent to an adjournment now, leaving this bill unfinished?

Mr. CONKLING. Let me make a suggestion to the Senator from Indiana. Would there be any objection to concurring in the motion to strike out made by the Senator from Louisiana and allowing the bill to pass to-night, then entering a motion to reconsider at once the vote on this motion to strike out? That saves the point of the Senator from Indiana; the bill is passed except as to this item; and then if the Senate votes to reconsider, it will express its opinion upon that. That will be the sense of the Senate in that regard.

Mr. MORTON. I will agree to that.

Mr. CONKLING. Is there any objection to that, coming at the same thing in another form and avoiding the objection of the Senator from Indiana that we might go at large all over the bill in other respects to-morrow?

Mr. HAMILTON, of Maryland. Does that restrict us in any degree in respect to this particular question?

Mr. CONKLING. Not in the slightest degree, as I understand. Let me state the proposition so that all Senators will understand it. It is that we allow this section to be in form stricken out now, and then pass the bill, and immediately enter a motion to reconsider the vote, that motion to be taken up to-morrow at twelve o'clock or at the end of the morning hour. That motion to reconsider brings up everything touching this subject; but the rest of the bill will be disposed of, and thus the objection of the Senator from Indiana would be obviated that some Senators might propose to go all over the bill and spread it over to-morrow.

Mr. HAMILTON, of Maryland. The trouble would be that some person might the moment the Senate meets or ten minutes afterward move to lay on the table the motion to reconsider and settle the question at once. There is a restraining power in that particular phase of the case.

Mr. CONKLING. Does the Senator from Maryland suppose that if we were by unanimous consent to make the arrangement suggested, any Senator would move to lay it on the table or that if he would, a majority of the Senate would vote with him?

Mr. HAMILTON, of Maryland. I do not know.

Mr. CONKLING. Does any trouble occur to the Senator from Connecticut, as I see he is interested?

Mr. EATON. No, sir.

Mr. CONKLING. Then I do not see why we cannot do it.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Louisiana to strike out the clause.

Mr. ROBERTSON. If we consent to this proposition of the Sena-

tor from New York, we are all by implication to consider ourselves as having voted to strike out this clause.

Mr. CONKLING. Not at all. This is allowed without dissent to pass in form. Then the motion to reconsider is entered. To-morrow at twelve o'clock that motion is taken up, and that opens the whole subject. No Senator is committed at all. It is merely a mode of closing the door as to the rest of the bill, and leaving this subject wide open.

Mr. THURMAN. Allow me to make a suggestion to the Senator from New York. It would not shut the door upon anything but this subject, except by agreement. Then by agreement we can agree that no other amendment to the bill shall be considered.

Mr. CONKLING. I have no objection to that, but some Senator suggested that that would leave it open to somebody to come in and go all over the bill.

Mr. THURMAN. No; it all stands in honorable agreement.

Mr. CONKLING. I agree with the Senator from Ohio. We want nothing but a mere agreement that the bill is disposed of in every regard except this, this to be taken up at twelve o'clock to-morrow and fairly considered under the five-minute rule which prevails, and the vote taken.

Several SENATORS. That is it.

Mr. STEWART. I understand that that is agreed to.

Mr. HAMILTON, of Maryland. That is agreed to.

The PRESIDING OFFICER. Let the Chair understand the agreement so as to state it to the Senate. The agreement is that the bill shall be considered concluded as to all matters except this paragraph from the eighteenth to the twenty-seventh line of section 2 as to the Pacific Mail Steamship Company; that the bill, for the purpose of completing the action of the Senate on that paragraph, shall be taken up to-morrow at twelve o'clock, to be disposed of; and that no other amendment shall be in order. ["Yes!" "Yes!"]

Mr. WEST. I presume that that proposition will be followed by a motion to adjourn. Some Senators will understand when I call for the yeas and nays on that motion to adjourn, why I do it. I shall be compelled in charge of this bill to resist anything that carries it over until to-morrow, merely from a sense of duty which they will understand.

Mr. FLANAGAN. Before the motion to adjourn is made, I wish to call the attention of the Senate to Senate bill No. 736, on which a motion was presented for reconsideration some two or three weeks since. I want to give notice now that I shall appeal to the Senate, if I live, to-morrow directly after the morning business to take up and dispose of that question, which will require but two or three minutes. I shall earnestly urge it to-morrow.

Mr. HAMILTON, of Maryland. I move now that the Senate adjourn.

Mr. DORSEY. I want to say that in view of the statement made by the Senator from Louisiana, I shall not agree to what is alleged and seems to be a unanimous agreement, but to-morrow I shall have one or two amendments to offer to this bill. If you see fit to proceed to-night, I shall offer them to-night.

The PRESIDING OFFICER. In the opinion of the Chair, if the agreement is binding on any Senator, it is on the Senator from Arkansas, because it was stated from the chair in his presence without objection.

Mr. DORSEY. I objected, but the Chair did not hear me.

The PRESIDING OFFICER. Did the Senator object at that time?

Mr. DORSEY. I objected at that time.

Mr. CONKLING. Does the Senator from Arkansas say that he rose in his place and audibly objected when the Chair stated the agreement to the Senate?

Mr. DORSEY. I endeavored to object, but I could not catch the ear of the Chair for the reason that half a dozen others were talking at the same time. The moment I could, I did so.

Mr. CONKLING. I can only say in confirmation of what the Chair has said that as I was a little interested in this I looked all about and I saw no Senator and heard no Senator object when the Chair announced it.

Mr. EDMUNDS. I rise to order. It is impossible for me now to know what the Senator from New York is saying, for I cannot hear him in the noise that prevails.

Mr. HAMILTON, of Maryland. What has become of my motion?

The PRESIDING OFFICER. The Senator from Maryland gave way, as the Chair understood, to hear a remark made by the Senator from Arkansas. The Senator from Arkansas stated in making that remark that he had not been a party to the agreement by which the bill was disposed of, and that being somewhat interesting the Chair was still deferring action upon the motion of the Senator from Maryland in order that that might be settled.

Mr. MORTON. I want to make an inquiry of the Senator from Maryland. The five-minute rule would not apply in its terms to a motion to reconsider. Is there a unanimous understanding that it shall apply?

Mr. CONKLING. I want to suggest to my honorable friend that he has forgotten the agreement. The motion to reconsider is obviated. The bill is concluded except as to this one section, and that leaves it under the rule exactly where it is, there being no motion to reconsider.

Mr. EDMUNDS. To which the Senator from Arkansas objects.

Mr. HAMILTON, of Maryland. Now I insist on my motion.

Mr. DORSEY. I withdraw my objection.

Mr. CONKLING. Then may I ask a question of the Chair? Am I right now in understanding that this bill is deemed completed and the amendments made in Committee of the Whole concurred in in the Senate, and everything done except what relates to this subject, and that that is open to be taken up at twelve o'clock to-morrow?

The PRESIDING OFFICER. The Chair understands that to be ordered by unanimous consent; and now the Senator from Maryland moves that the Senate adjourn.

Mr. EDMUNDS. I decline to agree to anything being "ordered" by the Senate "by unanimous consent."

The PRESIDING OFFICER. It is agreed to by unanimous consent. Now the Senator from Maryland moves that the Senate adjourn.

The motion was agreed to; and (at seven o'clock and twenty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 22, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order during the morning hour is the calling of the States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference. The morning hour now begins at ten minutes past eleven o'clock.

REGISTERED-LETTER SYSTEM.

Mr. PACKER introduced a bill (H. R. No. 4821) to provide for the better organization of the registered-letter system; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CLAIMS FOR REFUNDING TAXES.

Mr. KELLEY introduced a bill (H. R. No. 4822) limiting the time for filing claims for refunding taxes illegally assessed and collected; which was read a first and second time.

Mr. RANDALL called for the reading of the bill; and it was read. The bill was referred to the Committee on Ways and Means, and ordered to be printed.

CENTRAL RAILROAD AND BANKING COMPANY OF GEORGIA.

Mr. SLOAN introduced a bill (H. R. No. 4823) for the relief of the Central Railroad and Banking Company of Georgia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM HALL.

Mr. BANNING introduced a bill (H. R. No. 4824) for the relief of William Hall; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MEETINGS OF CONGRESS.

Mr. BANNING also introduced a bill (H. R. No. 4825) to fix the time for regular meetings of Congress; which was read a first and second time.

Mr. RANDALL called for the reading of the bill; and it was read. Mr. BANNING. I move the reference of the bill to the Committee on Ways and Means.

Mr. STORM and Mr. RANDALL. It should go to the Judiciary Committee.

The question being taken on referring the bill to the Committee on Ways and Means, there were—ayes 30, noes 26; no quorum voting.

Mr. BANNING. I assent to the reference of the bill to the Committee on the Judiciary.

The bill was accordingly referred to the Committee on the Judiciary, and ordered to be printed.

W. W. WAGNER.

Mr. NUNN introduced a bill (H. R. No. 4826) for the relief of W. W. Wagner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM MORRISON.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 4827) appropriating \$30,000 to William Morrison, of Lexington, Missouri, for destruction of a foundry by military order; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PURCHASE OF CHEROKEE LANDS.

Mr. LOWE introduced a bill (H. R. No. 4828) to enable persons entitled thereto to purchase certain lands, in pursuance of the seventeenth

article of the treaty of July 19, 1866, between the United States and the Cherokee Nation of Indians; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LOWE also presented a joint resolution of the Legislature of Kansas, praying for such legislation as may enable persons entitled thereto to purchase certain lands, under the seventeenth article of the treaty of July 19, 1866, between the United States and the Cherokee Indians; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLOW SPRINGS DISTILLING COMPANY, OMAHA, NEBRASKA.

Mr. CROUNSE introduced a bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company of Omaha, Nebraska; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

APPROVAL OF BILLS, UTAH TERRITORY.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 4830) relating to the approval of bills in the Territory of Utah; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISAPPROVAL OF A TERRITORIAL ACT.

Mr. ARMSTRONG introduced a bill (H. R. No. 4831) to disapprove and annul a certain act of the territorial Legislature of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DAKOTA AND BLACK HILL RAILROAD COMPANY.

Mr. ARMSTRONG also introduced a bill (H. R. No. 4832) to incorporate the Dakota and Black Hill Railroad Company; which was read a first and second time.

Pending the reading of the bill the morning hour expired, and the bill went over.

LOUISIANA AFFAIRS.

Mr. G. F. HOAR. I ask unanimous consent that the testimony taken by the Louisiana committee on both visits be printed for the use of the House.

There was no objection, and the motion was agreed to.

ADMISSION TO THE FLOOR.

Mr. DURHAM. I rise to a privileged question, and ask for the reading of the one hundred and thirty-fourth rule. I also ask that that rule be enforced in this House.

The Clerk read as follows:

134. No persons except members of the Senate, their secretaries, heads of Departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress—March 15, 1867—shall be admitted within the Hall of the House of Representatives—March 19, 1860—or any of the rooms upon the same floor or leading into the same—March 2, 1865; provided that ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House; and no persons except those herein specified shall at any time be admitted to the floor of the House.—March 15, 1867.

Mr. WILLARD, of Vermont. Does not that apply also to the area and rear of this Hall.

The SPEAKER. It does; and it is made the special duty of the Doorkeeper to enforce this rule, and his attention is called to it by this reading.

Mr. DURHAM. It is utterly impossible to hear because of the noise and confusion back of the seats. I ask the rule be enforced.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WHEELER. Mr. Speaker, I am directed by the Committee on Appropriations to report back a bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, with several amendments, and to move that the bill and amendments be referred to the Committee of the Whole on the state of the Union, made the special order for Thursday next after the reading of the Journal, and that the bill and amendments be printed.

The motion was agreed to.

Mr. WHEELER. I now turn the bill over to the Committee on Commerce.

Mr. RANDALL. The understanding is that all points of order are reserved.

Mr. SAWYER. I move that the Committee of the Whole on the state of the Union be discharged from the further consideration of the river and harbor appropriation bill and amendments reported from the Committee on Appropriations, and that the bill as proposed to be amended be passed.

Mr. RANDALL. I ask for the reading of the bill and amendments.

The SPEAKER. The gentleman from Wisconsin, [Mr. SAWYER,] from the Committee on Commerce, moves that the rules be suspended and the Committee of the Whole on the state of the Union be discharged from the further consideration of the river and harbor appropriation bill and the amendments reported from the Committee on Appropriations thereto, and that the bill as it is proposed to be amended be passed.

Mr. COX. I hope the House will not follow any such bad precedent of last year.

Mr. POTTER. What is the gross amount of appropriations in the bill?

Mr. SAWYER. Six million dollars.

Mr. RANDALL. Let the bill be read.

Mr. COX. We ought not to vote these appropriations without some understanding of their necessity.

Mr. RANDALL. Let the bill and amendments be read, so we may know what we are voting on.

The bill and amendments were read.

The question recurred on seconding the motion to suspend the rules.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. SAWYER and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 158, noes not counted.

Mr. RANDALL. I do not ask for a further count, as 158 is a majority of the whole House.

So the motion to suspend the rules was seconded.

Mr. BECK. I demand the yeas and nays on the suspension of the rules. If we pass this bill under a suspension of the rules, why should we not pass all other bills in the same way?

The House divided; and there were—ayes 37, noes 150.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. COX. Is it in order to take up the other appropriation bills and move them as an amendment and pass them all in the same way?

The SPEAKER. The motion to suspend the rules is not amendable.

The question was taken; and it was decided in the affirmative—yeas 207, nays 45, not voting 35; as follows:

YEAS—Messrs. Adams, Albert, Albright, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barnum, Barrere, Barry, Bass, Begole, Bell, Berry, Biery, Blount, Bradley, Bromberg, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Rodrick R. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, r., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Crooke, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Eldredge, Farwell, Field, Foster, Freeman, Frye, Garfield, Giddings, Gooch, Gunckel, Gunter, Hagans, Eugene Hale, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Knapp, Lamison, Lamport, Lansing, Lawrence, Lawson, Leach, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Mills, Monroe, Moore, Morey, Myers, Negley, Nesmith, Niblack, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Milton Saylor, Schell, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Shields, Sheldon, Sherwood, Sloan, Sloss, Smart, A. Herr Smith, H. Boardman Smith, William A. Smith, Snyder, Sprague, Stanard, Standiford, Starkweather, Charles A. Stevens, St. John, Stone, Strait, Strawbridge, Swann, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tyner, Vance, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Woodworth, John D. Young, and Pierce M. B. Young—207.

NAYS—Messrs. Beck, Bland, Bowen, Bright, Brown, Burchard, Caldwell, John B. Clark, jr., Clymer, Comingo, Cox, Crittenden, Crossland, Crounse, Danford, Davis, DeWitt, Durham, Finck, Fort, Hamilton, Havens, Holman, Howe, Kasson, Killinger, Lamar, Loughbridge, Magee, McLean, Milliken, Neal, Hosea W. Parker, William R. Roberts, Lazarus D. Shoemaker, John Q. Smith, Southard, Spear, Storm, Stowell, Whitthorne, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, and Wolfe—45.

NOT VOTING—Messrs. Archer, Buckner, Chittenden, Clinton L. Cobb, Cotton, Creamer, Eden, Glover, Robert S. Hale, John T. Harris, Hendee, Kendall, Lewis, Luttrell, Marshall, Mitchell, Morrison, Niles, James H. Platt, jr., Potter, Randall, Ransier, Read, Robbins, James C. Robinson, Henry J. Scudder, Small, George L. Smith, J. Ambler Smith, Alexander H. Stephens, Charles R. Thomas, Tremain, Whitehouse, William Williams, and Wood—35.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

REMISSION OF TAXES.

Mr. WALDRON. I move that the rules be suspended to allow me to report from the Committee on Ways and Means and the House to pass a bill to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan.

The bill was read. It authorizes the Secretary of the Treasury to settle and release any claims for tax on circulation of evidences of indebtedness issued by any mining, manufacturing, or other corporation, except banks and bankers in the sixth collection district of Michigan, by such corporations paying the tax without the penalty that shall have accrued thereon since November 1, 1873; and declares that the provisions of section 3412 of the Revised Statutes of the United States shall not be construed either in pending cases or otherwise in such district to apply to such evidences of indebtedness issued prior to the passage of this act, but said section shall be construed as applying to such evidences of indebtedness issued after the passage hereof.

Mr. WALDRON. This is recommended by the Committee on Ways and Means and also by the Secretary of the Treasury. I ask consent to have the letter of the Secretary of the Treasury read.

There was no objection, and the Clerk read the following letter:

TREASURY DEPARTMENT,
Washington, D. C., February 20, 1875.

Sir: Referring to your letter of the 13th instant, relative to the proposed bill (H. R. 3530) for the relief of certain corporations and individuals in the sixth collection district of Michigan, I herewith inclose the draught of a substitute for that bill altered in some respects from that transmitted by you.

I am clearly of opinion that the bill as thus amended should become a law.

I am, very respectfully,

B. H. BRISTOW,
Secretary.

Hon. J. A. HUBBELL,
House of Representatives.

The motion to suspend the rules was seconded, ayes 95, noes not counted.

The rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. No. 4533) was passed.

SALE OF TIMBER LANDS.

Mr. BRADLEY. I move that the rules be suspended and that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4149) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States, and that it be passed with amendments.

The SPEAKER. While the gentleman from Michigan has the floor for the purpose he has intimated, the Chair will recognize some requests for unanimous consent.

J. W. DREW.

Mr. NESMITH. I ask that by unanimous consent the bill (S. No. 1065) for the relief of J. W. Drew, late additional paymaster in the United States Army, be taken from the Speaker's table and passed.

The bill was read. It authorizes and directs the proper accounting officers of the Treasury of the United States to allow to John W. Drew, late additional paymaster in the United States Army, in the statement of his accounts for the months of November and December, 1868, the sum of \$20,319.88 for disbursements made on vouchers lost in transmission, provided that said accounting officers shall be satisfied that said disbursements were made; and in determining the same secondary evidence may be received.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. NESMITH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HAWLEY, of Connecticut. I ask unanimous consent to offer the following resolution:

Resolved, That when the bill making appropriations for sundry civil expenses shall be under consideration it shall be in order to consider the following amendment:

The President is hereby authorized to detail or appoint as assistants to the Chief Signal Officer eight officers who while so serving shall have the rank and pay of captains mounted, and eight who shall have the rank and pay of first lieutenants mounted; and the enlisted men of the signal service shall receive pay and allowances at the rates formerly fixed for enlisted men of the Signal Corps of the Army of similar grades.

Mr. RANDALL. I think there should be some explanation of this.

Mr. HALE, of Maine. It increases the force, and I object to the consideration of the resolution.

Mr. O'NEILL also objected.

Mr. HAWLEY, of Connecticut. I move that the rules be suspended and the resolution adopted.

The SPEAKER. If there be objection, the gentleman from Connecticut will have to withdraw his resolution. The motion really pending is that of the gentleman from Michigan [Mr. BRADLEY] to suspend the rules and pass the House bill No. 4149.

Mr. O'NEILL. I withdraw my objection.

The SPEAKER. The Chair understood the gentleman from Maine [Mr. HALE] also to object.

Mr. HALE. Does it add to the force?

Mr. BUTLER, of Massachusetts. It does not.

Mr. O'NEILL. I withdraw my objection, on the condition that I be allowed to offer an amendment to the gentleman's proposition.

The SPEAKER. The gentleman from Pennsylvania need not make it a condition that he be allowed to do that which the rules would permit him to do.

Mr. HAWLEY, of Connecticut. All I want is to have the privilege of offering this as an amendment.

The SPEAKER. The Chair will again put the question. Is there objection to agreeing to the resolution?

There being no objection, the resolution was agreed to.

SALE OF TIMBER LANDS.

The SPEAKER. The gentleman from Michigan [Mr. BRADLEY] has the floor to move to suspend the rules and pass the House bill No. 4149.

Mr. BRADLEY. I send to the desk the bill, with the amendments.

The SPEAKER. The Chair is informed that the amendments have to be inserted in several places. The bill should be sent up in such a condition that the House may have a correct apprehension of what it is voting on, and that it may vote on the bill as one proposition.

Meanwhile, until it is so prepared the Chair will recognize the gentleman from Maine [Mr. FRYE] for a motion to suspend the rules.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

Mr. FRYE. I move that the rules be suspended and that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 3513) to enable the Central Branch Union Pacific Railroad Company to submit its claim against the United States under existing laws to the decision of the Supreme Court, and that the same be passed.

The Clerk read the bill, as follows:

Whereas the Central Branch Union Pacific Railroad Company, under and by virtue of the acts of Congress commonly called the Union Pacific Railroad acts, approved respectively July 1, 1862, July 2, 1864, and July 3, 1866, claim the right to enter on the public lands of the United States, and extend their railroad from its present terminus to a junction with the Main Trunk Union Pacific Railroad at or near the one hundredth meridian of longitude, and for that purpose to take earth, stone, and timber from the public lands adjacent thereto; and that they will be entitled to grants of lands and issues of bonds from time to time as the road is built, and as is provided in said acts in regard to other roads built under the same; and whereas doubts have arisen as to the true construction of said acts, and the rights and claims of the Central Branch Union Pacific Railroad Company under the same: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the said claims made by said Central Branch Union Pacific Railroad Company under said acts against the Government of the United States be referred to the Court of Claims, to be by them heard, adjudicated, and determined. For this purpose original jurisdiction is hereby conferred upon said court, with authority to hear and determine the questions of law and fact arising out of said claims of said Central Branch Union Pacific Railroad Company, to state its findings of law and fact, and to give the true construction of the said acts, and determine the obligations of the Government of the United States in relation thereto, and also to enter judgment upon the same in the manner prescribed by the law and the rules and practice of said court; which findings and judgment shall be binding upon the said company, and also upon the Government of the United States, and the executive officers of the same. In case the decision of the Court of Claims shall be in favor of the said railroad company, the Attorney-General shall appeal to the Supreme Court of the United States for such findings and judgment, in the same manner as appeals are taken in other cases from said Court of Claims to said Supreme Court, or under such regulations as the said Supreme Court may direct; and a like appeal may be taken by said company in case the judgment or decree of the Court of Claims is adverse to said company. Said Central Branch Union Pacific Railroad Company may prepare a bill setting forth their rights and privileges and claims under said acts, and present the same to said Court of Claims for adjudication as aforesaid; a copy of which bill shall be delivered to the Attorney-General of the United States, who is hereby directed to appear and represent the rights of the United States in the premises. Either party shall be allowed to take evidence according to the rules and practice of said Court of Claims, and each of the said courts is requested to give the precedence to said cause upon their respective calendars.

SEC. 2. That in case the final judgment of said courts shall decide the right of said railroad company to extend their road as aforesaid, then the time for finishing said road mentioned in the said acts shall be extended for a period equal to the time consumed in the adjudication of said claims, computing the same from the date of final decision already rendered by the Department of Justice.

Mr. RANDALL. I suggest to the gentleman that he modify his motion so as to make it one for the consideration of the bill at this time. He would not, certainly, urge the passage of a bill of this magnitude without consideration. This bill went last year, upon a point of order, to the Committee of the Whole on the state of the Union.

Mr. WILSON, of Indiana. It involves \$8,000,000.

Mr. WILLARD, of Vermont. It involves a large land grant in addition to the subsidy.

Mr. FRYE. No, sir; it is only a proposition to send the claims of this company to the Supreme Court of the United States for decision.

Mr. RANDALL. I ask for the yeas and nays on the suspension of the rules.

The SPEAKER. The first question is upon seconding the motion to suspend the rules.

Mr. RANDALL. I beg pardon of the Chair; that is right.

Mr. WILSON, of Indiana. Is it in order now to move that the House adjourn?

The SPEAKER. One motion that the House adjourn is in order.

Mr. WILSON, of Indiana. I make that motion.

The question was put, and the House refused to adjourn.

Upon seconding the motion to suspend the rules tellers were ordered; and Mr. FRYE and Mr. W. R. ROBERTS were appointed.

The House divided; and the tellers reported ayes 13, noes not counted.

So the motion to suspend the rules was not seconded.

SALE OF TIMBER LANDS.

Mr. BRADLEY. I move to suspend the rules and pass the bill (H. R. No. 4149) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That surveyed public lands of the United States within the States of California and Oregon and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person, corporation, or association of persons, and in all other Territories of the United States not exceeding forty acres to any one person, corporation, or association of persons at the minimum price of \$2.50 per acre: *Provided*, That nothing herein contained shall defeat or impair any *bona fide* claim under any law of the United States, or authorize the sale of any mining claim or the improvements of any *bona fide* settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the

United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July 26, 1866, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

Sec. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber; that it is uninhabited, contains no mining or other improvements (except for ditch or canal purposes, where any such do exist) save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit and not for sale; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of *bona fide* purchasers, shall be null and void.

Sec. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice in some conspicuous place of such application, embracing a description of the land by legal subdivision, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May 10, 1872, the applicant may be permitted to enter said tract; and on the transmission to the General Land Office of the papers and testimony in the case a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

Mr. HAWLEY, of Illinois. This seems to be a very important bill, and I hope the gentleman from Michigan will be permitted to give some information to the House in regard to it.

The SPEAKER. The gentleman from Michigan stated when he first made his motion that he was instructed by the Committee on the Public Lands to report the bill.

Mr. BRADLEY. I can send up the report to be read if gentlemen wish to hear it, or I will explain it in a minute if the House will listen to me.

This bill provides for the sale of lands in lots of forty acres in the Territories of the United States to any one person or association of persons; and in California, Oregon, and Washington Territory, it fixes the amount at one hundred and sixty acres. It relates only to land which is valuable for timber.

Mr. HAWLEY, of Illinois. Let me ask the gentleman if this is the same bill which was considered by the Committee on the Public Lands during the last Congress.

Mr. BRADLEY. Yes; it is the same one.

Mr. HAWLEY, of Illinois. It is then substantially the same bill which passed the last Congress.

Mr. BRADLEY. Yes, sir.

The motion to suspend the rules was seconded.

The question was then put on suspending the rules; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. KELLOGG. I move so to suspend the rules that when the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes, is considered, it shall be in order to move as an amendment thereto the bill which has passed this House for the reorganization of the Treasury Department.

Mr. SENNER. I object. We should reorganize all the Departments or none; that is the way to do it.

The question was taken on seconding the motion to suspend the rules; and on a division there were ayes 97, noes not counted.

So the motion was seconded.

The question was then taken on suspending the rules and agreeing to the motion; and on a division there were ayes 105, noes not counted.

So (two-thirds voting in favor thereof) the rules were suspended and the motion was agreed to.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DURHAM. I offer the following resolutions:

Resolved, That the consideration of the bill (H. R. No. 4322) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, be made the special order of this House, to the exclusion of all other business immediately after the reading of the Journal on Wednesday next.

Resolved, That the bill (H. R. No. 4323) authorizing the Secretary of the Treasury to purchase certain property for the use of the United States may be considered in the House as in Committee of the Whole on Wednesday next immediately after the consideration of the bill (H. R. No. 4322.)

Mr. RANDALL. I hope the gentleman will submit the question separately on those resolutions.

Mr. DURHAM. I have no objection to doing that.

Mr. GARFIELD. I hope the House will not make anything a special order to the exclusion of the appropriation bills. We have been driven out for two weeks already.

Mr. RANDALL. I understand the gentleman from Kentucky [Mr. DURHAM] is willing to have the resolutions voted on separately.

Mr. DURHAM. One of these bills will be required to go to the Committee of the Whole unless it is taken out by order of the House.

Mr. G. F. HOAR. If the gentleman will modify his motion so as to have the bill now considered in the House I will go for it.

Mr. DURHAM. The bill is not perfected yet; there are some amendments to it which ought to be considered.

Mr. GARFIELD. Let them be considered when the bill is considered.

Mr. DURHAM. Very well. I will move to suspend the rules so as to proceed with the consideration of the bill at this time.

SELECTION OF JURORS IN THE DISTRICT OF COLUMBIA.

Mr. DAWES. I ask the gentleman from Kentucky [Mr. DURHAM] to yield to me to ask unanimous consent of the House to concur in some Senate amendments to a bill which it is very important shall be passed to-day.

Mr. DURHAM. If the House will agree to that, I will yield.

Mr. BUTLER, of Massachusetts. I call for the regular order.

The SPEAKER. The gentleman from Kentucky [Mr. DURHAM] yields to the gentleman from Massachusetts [Mr. DAWES] to submit a proposition to the House.

Mr. DAWES. I ask the House to concur in the Senate amendments to the jury bill for the District of Columbia, being House bill No. 4669 to provide for the selection of grand and petit jurors in the District of Columbia.

The SPEAKER. The amendments will be read.

Mr. DAWES. There are but two amendments; one is to strike out the words "who shall be able to read and write in the English language" and the other is a slight amendment.

Mr. RANDALL. I would like to ask the gentleman a question in connection with this subject. Has not the time expired that would make this bill of any force or effect against the person whom it was intended to reach; in other words, William S. King?

Mr. DAWES. The time has not yet expired; it is very close at hand. The bill has come back from the Senate, and I have been struggling every day since to get it up.

Mr. RANDALL. I know; I commend the gentleman for that. But I want to know the fact when the time does expire.

Mr. DAWES. I would not want to say exactly when the time does expire.

Mr. RANDALL. Does the gentleman know?

Mr. DAWES. I do not think it has expired yet; I could tell if I were in my committee-room, but I cannot tell here.

Mr. MAYNARD. Does the gentleman mean to say that this bill is a piece of artillery aimed at a particular person?

Mr. BUTLER, of Massachusetts. I object to anything and everything that looks like legislation of the whole Congress to kill one man.

Mr. RANDALL. It depends upon whether the man is a culprit or not.

Mr. BUTLER, of Massachusetts. I do not care who he is.

Mr. DAWES. Then I move to so suspend the rules as to concur in the Senate amendments to that bill.

The motion was seconded; and the rules were then suspended and the amendments were concurred in, two-thirds voting in favor thereof.

HEAD-STONES FOR SOLDIERS' GRAVES, WOODLAWN CEMETERY, NEW YORK.

Mr. SMITH, of New York. I ask the gentleman from Kentucky [Mr. DURHAM] to yield to me to offer a resolution which I think will not meet with serious opposition.

Mr. DURHAM. If it does not take too much time I will yield.

Mr. SMITH, of New York. I submit the following resolution:

Resolved, That the rules be so suspended as that it shall be in order in Committee of the Whole to consider an amendment to the sundry civil appropriation bill providing for head-stones at the graves of Union and confederate soldiers in Woodlawn Cemetery, New York, and for the proper care of said graves.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended and the resolution adopted.

PAY OF CONTESTANTS.

Mr. PIKE. I submit the following resolution:

Resolved, That the rules be so far suspended that it may be in order at the time the deficiency appropriation bill is before the Committee of the Whole House to move an amendment thereto to pay the expenditures in whole or in part of such parties to contested-election cases as the Committee on Elections may recommend; and that the rules be so far suspended that the Committee on Appropriations may insert the same in said bill if they determine so to do.

Mr. GARFIELD. That is a change of a law which was made after deliberate consideration and judgment.

Mr. PIKE. It is only asking the Committee on Appropriations to consider the matter.

Mr. G. F. HOAR. It will bring up a lot of old claims.

Mr. HALE of Maine. I object to it.

The SPEAKER. Objection being made, the resolution is not before the House, the gentleman from Kentucky [Mr. DURHAM] being entitled to the floor.

RANCHO PANOCHO GRANDE TRACT, CALIFORNIA.

Mr. BUTLER, of Massachusetts. I offer the following resolution:

Resolved, That when the sundry civil appropriation bill shall be under consideration of the Committee of the Whole, it shall be in order to report from the Committee on the Judiciary an amendment thereto providing an appropriation of money to enable the Commissioner of the General Land Office to institute and prosecute suits to recover certain lands, and the rents and profits thereof, known as the Rancho Panocho Grande tract, in California, as provided in resolution No. 142, passed by the House of Representatives on the 26th day of January, 1875.

Mr. GARFIELD. I object to that resolution.

Mr. BUTLER, of Massachusetts. Then I ask that the rules be suspended.

The SPEAKER. The gentleman from Kentucky [Mr. DURHAM] is entitled to the floor on a motion to suspend the rules.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DURHAM. I would like to accommodate all gentlemen, but I cannot do so. I must now insist upon my motion to so suspend the rules as to bring before the House for consideration at this time House bill No. 4322, amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

Mr. RAINEY. I hope the gentleman will not press that motion, or if he does that it will be voted down.

The question was upon seconding the motion to suspend the rules.

Tellers were ordered; and Mr. DURHAM, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported that there were—ayes 94, noes 52.

So the motion to suspend the rules was seconded.

The SPEAKER. The question is now on agreeing to the motion to suspend the rules and bring the bill before the House at once for consideration.

Mr. HALE, of Maine. For how long?

The SPEAKER. The motion does not fix any limit.

Mr. POLAND and others. It will take the whole day.

Mr. SENER. Let it be limited to one hour.

Mr. DURHAM. I will agree to that.

The SPEAKER. The motion cannot be modified now, because it has been seconded.

The question being taken on agreeing to the motion to suspend the rules, there were—ayes 75, noes 71.

Mr. DURHAM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MAYNARD. Before we proceed to vote, I hope I may be allowed to make a brief statement.

Several members objected.

Mr. HAWLEY, of Connecticut. Would it be in order now to limit the debate to one hour?

The SPEAKER. A motion to suspend the rules cannot be amended.

The question was taken; and there were—yeas 126, nays 101, not voting 60; as follows:

YEAS—Messrs. Adams, Albert, Archer, Ashe, Atkins, Banning, Barnum, Barre, Beck, Bell, Blount, Bright, Brown, Buffinton, Bundy, Burleigh, Burleigh, Cain, Caldwell, Caulfield, John B. Clark, Jr., Freeman Clarke, Clymer, Stephen A. Cobb, Cook, Corwin, Cox, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Danford, Davis, Dobbins, Donnan, Durham, Eames, Eldredge, Farwell, Field, Fort, Foster, Garfield, Glover, Hagans, Hamilton, Benjamin W. Harris, Henry R. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, George F. Hoar, Howe, Hubbell, Hunter, Hunton, Hyde, Hynes, Kelley, Lamar, Lamson, Lamport, Loughridge, Lynch, Magee, Maynard, McCrary, James W. McDill, McKee, Merriam, Milliken, Monroe, Morrison, Neal, Nesmith, Niblack, Niles, Nunn, O'Neill, Orr, Orth, Packer, Pelham, Pendleton, Perry, Phelps, Pierce, Potter, Randall, Rapier, Richmond, Ellis H. Roberts, William R. Roberts, James W. Robinson, Rusk, Milton Saylor, Schell, Sener, Sherwood, Lazarus D. Shoemaker, H. Boardman Smith, J. Ambler Smith, William A. Smith, Southard, Sprague, Standiford, Charles A. Stevens, Storm, Stowell, Wallace, Walls, Marcus L. Ward, Whitehead, Whiteley, Whitthorne, Charles W. Willard, John M. S. Williams, William B. Williams, James Wilson, Wood, Woodworth, John D. Young, and Pierce M. B. Young—126.

NAYS—Messrs. Albright, Arthur, Barber, Bass, Begole, Berry, Biery, Bland, Bowen, Buckner, Benjamin F. Butler, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Clements, Coburn, Comingo, Conger, Cotton, Darrall, DeWitt, Duell, Dunnell, Frye, Giddings, Gooch, Gunckel, Gunter, Eugene Hale, Hancock, Harmer, John T. Harris, Hatcher, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Holman, Houghton, Killinger, Knapp, Lawrence, Lawson, Lewis, Lofland, Lowe, Martin, Alexander S. McDill, MacDougall, McLean, McNulta, Mills, Moore, Myers, Negley, O'Brien, Packard, Page, Parsons, Phillips, Thomas C. Platt, Poland, Pratt, Rainey, Ross, Henry B. Saylor, Shanks, Sheats, Sloan, Sloss, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Speer, Stanard, St. John, Stone, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Vance, Waddell, Waldron, Jasper D. Ward, Wells, George Willard, Charles G. Williams, Willie, Jeremiah M. Wilson, and Wolfe—101.

NOT VOTING—Messrs. Averill, Barry, Bradley, Bromberg, Burrows, Chittenden, Amos Clark, Jr., Clayton, Clinton L. Cobb, Creamer, Curtis, Dawes, Eden, Finck, Freeman, Robert S. Hale, Hendee, Hoskins, Hurlbut, Kasson, Kellogg, Kendall, Laning, Leach, Lowndes, Luttrell, Marshall, Mitchell, Morey, Hosea W. Parker, Isaac C. Parker, Pike, James H. Platt, Jr., Ransier, Ray, Read, Robbins, James C. Robinson, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheldon, Small, Snyder, Starkweather, Alexander H. Ste-

phens, Swann, Taylor, Charles R. Thomas, Thornburgh, Tremain, Wheeler, White, Whitehouse, Wilber, William Williams, and Ephraim K. Wilson—60.

So (two-thirds not voting in favor thereof) the motion was not agreed to.

During the roll-call, the following announcements were made:

Mr. VANCE. My colleague, Mr. ROBBINS, is detained at his residence by sickness. If present he would vote "no."

Mr. LAWSON. My colleague, Mr. TREMAIN, is absent from the House to-day on account of severe illness.

The result of the vote was announced as above stated.

CHINESE IMMIGRATION.

Mr. MYERS. I move to suspend the rules so as to enable the Committee on Foreign Affairs to report and the House to pass the bill (H. R. No. 4747) supplementary to the acts in relation to immigration.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States, is free and voluntary, as provided by section 2162 of the revised code, title "immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in said section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States for lewd and immoral purposes; and if there be such contract or agreement, the said consul-general or consul shall not deliver the required permit or certificate.

SEC. 2. That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding \$2,000, and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

SEC. 3. That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import or cause any importation of women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding \$5,000.

SEC. 4. That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of any cooly or other person brought into the United States in violation of section 2153 of the Revised Statutes, or of any other section of the laws prohibiting the cooly trade, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding \$500, and imprisoned for a term not exceeding one year.

SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution." Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the action of the said inspector shall be found to be in accordance with this section and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of \$500 for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law.

The motion to suspend the rules, being seconded, was then agreed to, (two-thirds voting in the affirmative;) and under the operation thereof the bill was passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE, of Maine. I am directed by the Committee on Appropriations to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the rules be so suspended that the following matters shall be in order as parts of the sundry civil appropriation bill for the next fiscal year, namely: Clauses authorizing the Secretary of the Treasury to accept the gift of sites for life-saving stations; regulating the printing of the national currency; limiting the time within which claims for property lost in the military service shall be presented; directing the Secretary of War to report to Congress as to the sale of arsenal property, with an estimate as to the probable amount to be derived from such sale; authorizing the purchase of certain sites for military posts; providing

for the care and control of Government property in Washington; for regulating travel over the Washington Aqueduct bridge; directing the sale of the old Philadelphia navy yard; authorizing the purchase of the Stevens battery; relating to clerical force employed in publication of official war records; changing the limit of the cost of certain public buildings and regulating estimates and cost of public buildings hereafter; regulating the survey of certain private land claims; also a section providing for certain tests in American iron and steel; and a section enabling the Government to exhibit in its several departments in the national exposition of 1876.

Mr. RANDALL. I should like to have that section and clause read in regard to printing bank-notes.

The Clerk read as follows:

Regulating the printing of the national currency.

Mr. RANDALL. I should like to know whether the whole subject will be open to amendment?

Mr. HALE, of Maine. I drew it in that way so it should be open to all amendments. I made the clause general, leaving it open to the action of the House. It ties up nobody.

There was a second; and the rules were suspended and the resolution adopted.

Mr. HOUGHTON obtained the floor.

SIXTEENTH AND SEVENTEENTH JOINT RULES.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring.) That the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the present session.

JOHN L. SMITH.

Mr. KASSON, by unanimous consent, moved to take up and pass a bill (H. R. No. 4434) giving certain authority to the accounting officers of the Treasury in the case of John L. Smith.

The bill, which was read, authorizes the proper accounting officers of the Treasury in the settlement of the accounts of John L. Smith, late Indian agent to the Ottos, now deceased, to consider and adjust the same upon the best evidence accessible to them, allowing such credits as may seem just and equitable, and with the concurrence of the Secretary of the Interior.

Mr. KASSON. I have a letter here from the Comptroller recommending the passage of the bill, but I do not suppose there is any necessity for taking up time with its reading.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KASSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALCOHOLIC AND FERMENTED LIQUOR TRAFFIC.

Mr. POLAND. I ask unanimous consent to report back from the Committee on the Judiciary a bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic and fermented liquor traffic, with amendments.

The first section of the bill provides that there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, neither of whom shall be the holder of any office of profit or trust in the general or a State government; that the said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed one year; that it shall be their duty to investigate the alcoholic and fermented liquor traffic and manufacture, having special reference to revenue and taxation, distinguishing as far as possible in the conclusions they arrive at between the effects produced by the use of distilled or spirituous liquors, as distinguished from the use of fermented or malt liquors, in their economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States, and the effect produced by such legislation upon the consumption of distilled or spirituous liquors and of fermented or malt liquors, and also to ascertain whether the evil of drunkenness has been decreased or increased thereby; whether the use of opium as a stimulant substituted for alcoholic drinks has become more general in consequence of such legislation, and whether public morals have been improved thereby; that it shall also be the duty of said commissioners to gather information and take testimony as to whether the evil of drunkenness exists to the same extent or more so in other civilized countries, and whether those foreign nations that are considered the most temperate in the use of stimulants are so through prohibitory laws, and also to what degree prohibitory legislation has affected the consumption and manufacture of malt and spirituous liquors in the country.

The second section provides that the said commissioners, all of whom shall not be advocates of prohibitory legislation or total abstinence in relation to alcoholic or fermented liquors, shall serve without salary; that they shall be authorized to employ a secretary at a reasonable compensation, not to exceed \$2,000 per year, which, with the necessary expenses incidental to said investigation, of both the secretary and commissioners, not exceeding \$10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers

to be approved by the Secretary of the Treasury; and that for this purpose the sum of \$10,000 is hereby appropriated; and that it shall be the further duty of said commissioners to report the result of their investigation and the expenses attending the same to the President, to be by him transmitted to Congress.

Mr. POLAND. Now read the amendments.

The Clerk read as follows:

Amend first section by striking out "one year" and inserting "two years."

Strike out second section and insert the following:

SEC. 2. The said commissioners shall not all be advocates of prohibitory legislation or total abstinence in relation to alcoholic or fermented liquors; they may employ a secretary, but no salary shall be paid to said commissioners or secretary, nor shall any money be paid from the Treasury for expenses incurred in making said investigation. Said commissioners shall report the result of their investigation to the President, to be by him transmitted to Congress.

Mr. ELDRIDGE. I object. It will add a million dollars to our expenses before we get through with it. It proposes to put into the hands of the Federal Government the entire subject of temperance.

Mr. BUCKNER. I object.

Mr. POLAND. I move a suspension of the rules.

The SPEAKER. There is a motion pending to suspend the rules, made by the gentleman from California, [Mr. HOUGHTON,] and the proposition of the gentleman from Vermont being objected to, it is not before the House.

DECLARATION OF INDEPENDENCE.

Mr. KELLEY, by unanimous consent, introduced a joint resolution (H. R. No. 160) providing for the restoration of the original Declaration of Independence; which was read a first and second time.

The joint resolution, which was read, provides that a commission, consisting of the Secretary of the Interior, Secretary of the Smithsonian Institution, and the Librarian of Congress, be empowered to have resort to such means as will most effectually restore the writing of the original manuscript of the Declaration of Independence, with the signatures appended thereto, now in the United States Patent Office, and the expense attending the same shall be paid out of the contingent fund of the Interior Department.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. COBURN. I ask unanimous consent that Thursday evening may be assigned to reports from the Committee on Military Affairs, no other business to be transacted.

Mr. RANDALL. Subject to points of order.

The SPEAKER. Of course all points of order are reserved. This assignment would not waive any points of order in regard to any matter containing an appropriation of money.

Mr. LOWE. Does that include reports of the committee now on the Calendar in Committee of the Whole?

Mr. SENER. I object, and call for the regular order.

Mr. COBURN. I move that the rules be suspended and the order made.

The SPEAKER. The gentleman from California [Mr. HOUGHTON] has been holding the floor for a motion to suspend the rules.

TEXAS PACIFIC RAILROAD COMPANY.

Mr. HOUGHTON. I offer the following resolution:

Resolved, That the rules be suspended so as to allow the Committee on the Pacific Railroad to report on Wednesday evening next, at the hour of half past seven o'clock, the bill of the House No. 4547, amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872; and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866, for consideration in the House; the vote upon the passage of the bill to be taken on Thursday morning next immediately after the reading of the Journal.

Mr. WILLARD, of Vermont. Is not this what is generally known as the Tom Scott subsidy bill?

Mr. HOUGHTON. I ask leave to say one word to the House in explanation.

Mr. MERRIAM. I move to adjourn.

Mr. HOUGHTON. I desire to say, Mr. Speaker—

Mr. STORM. I object to debate.

On the question of seconding the motion to suspend the rules tellers were ordered; and Mr. HOUGHTON and Mr. STORM were appointed.

The House divided; and the tellers reported—ayes 118, noes 62.

So the motion was seconded.

The question recurred on suspending the rules and agreeing to the resolution.

Mr. KASSON, Mr. HAWLEY of Connecticut, and Mr. MERRIAM called for the yeas and nays.

The yeas and nays were ordered.

Mr. KILLINGER. I ask that the resolution may be reported again, as I think a good many members voted under misapprehension.

The resolution was again read.

The question was taken; and there were—yeas 117, nays 126, not voting 44; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barry, Beck, Begole, Bell, Berry, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Cain, Caldwell, Carpenter, Cessna, John B. Clark, jr., Comingo, Crittenden, Crooke, Crossland, Crutchfield, Darrall, DeWitt, Dobbins, Dunnell, Durham, Eldredge, Freeman, Giddings, Glover, Gunter, Hagans, Hancock, Harmer, Henry R. Harris, Harrison, Hatcher, Havens, John W. Hazelton, Hereford, Herndon, Houghton, Hubbell, Hunton, Hynes, Kelley, Killinger, Lamar, Lamson, Leach, Lewis, Lofland, Lowndes, Maynard, Alexander S. McDill, McKee, McLean, Mills, Moore, Morey, Myers, Negley, Nesmith, Nile, Nunn, O'Brien, O'Neill, Perry, Phillips, Rainey, Richmond, Bask, Milton Saylor, Schell, Isaac W. Scudder, Sheets, Sheldon, Sloan, Sloss, A. Herr Smith, George L. Smith, J. Ambler Smith, William A. Smith, Stanard, Standiford, St. John, Stone, Stowell, Strait, Strawbridge, Swann, Sypher, Taylor, Christopher Y. Thomas, Thompson, Vance, Waddell, Wallace, Walls, Marcus L. Ward, Wells, White, Whitehead, John M. S. Williams, Willie, Ephraim K. Wilson, Woodworth, John D. Young, and Pierce M. B. Young—117.

NAYS—Messrs. Albright, Barber, Barnum, Bass, Biery, Bland, Blount, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Caulfield, Amos Clark, jr., Freeman Clarke, Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cox, Crounse, Danford, Davis, Dawes, Donnan, Eames, Farwell, Finck, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Hamilton, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Holman, Hoskins, Howe, Hunter, Hyde, Kasson, Kellogg, Lampert, Lansing, Lawrence, Lawson, Loughbridge, Lowe, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, MacDougall, McNulta, Merriam, Milliken, Monroe, Morrison, Neal, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Phelps, Pierce, Pike, Thomas C. Platt, Potter, Pratt, Randall, Ray, Read, Ellis H. Roberts, William R. Roberts, James W. Robinson, Sawyer, Henry B. Saylor, John G. Schumaker, Sener, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Smart, H. Boardman Smith, John Q. Smith, Snyder, Southard, Speer, Sprague, Starkweather, Charles A. Stevens, Storm, Thornburgh, Todd, Townsend, Tyner, Waldron, Jasper D. Ward, Wheeler, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Wood—126.

NOT VOTING—Messrs. Barrere, Benjamin F. Butler, Cason, Chittenden, Clayton, Clinton L. Cobb, Cotton, Creamer, Curtis, Duell, Eden, Field, Robert S. Hale, John T. Harris, Hathorn, Hays, Hendee, Hurlbut, Kendall, Knapp, Mitchell, Niblack, Isaac C. Parker, Parsons, Pelham, Pendleton, James H. Platt, jr., Poland, Ransier, Rapier, Robbins, James C. Robinson, Ross, Scofield, Henry J. Scudder, Small, Alexander H. Stephens, Charles R. Thomas, Tremain, Whitehouse, Whiteley, Wilber, William Williams, and Wolfe—44.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the call of the roll the following announcements were made:

Mr. NIBLACK. Mr. ROBINSON, of Illinois, is detained from the House by sickness. On this question, on which one vote pairs two, I am paired with that gentleman and with Mr. HARRIS of Virginia.

Mr. CLAYTON. I am paired on this question with Mr. ROBINSON, of Illinois. He would vote "ay," and I would vote "no."

The result of the vote was then announced as above recorded.

CLAIMS ALLOWED BY COMMISSIONERS OF CLAIMS.

The SPEAKER. The pending motion is that of the gentleman from Vermont [Mr. POLAND] to suspend the rules and pass the bill (S. No. 161) with amendments. Pending that, the gentleman from Ohio, [Mr. LAWRENCE], chairman of the Committee on War Claims, desires to report and have passed now a bill making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress approved March 3, 1871. It is a lengthy bill and contains no legislation whatever, except appropriating for the payment of the awards of the commissioners.

Mr. GARFIELD. What is the title?

Mr. LAWRENCE. Seven hundred and forty-eight thousand two hundred and ninety-six dollars and thirty-nine cents.

Mr. GARFIELD. How does that correspond with the amount last year?

Mr. LAWRENCE. It is larger by about \$100,000.

Mr. RANDALL. I suggest that the gentleman from Ohio [Mr. LAWRENCE] have five minutes to explain the bill. That will give more information to the House than the reading of it.

Mr. NEGLEY. I object.

ALCOHOLIC LIQUOR TRAFFIC.

The SPEAKER. The question is on the motion of the gentleman from Vermont [Mr. POLAND] to pass the bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic, with amendments.

The bill and amendments were again read.

Mr. SPEER. I desire to ask the gentleman from Vermont whether three gentlemen cannot go on and make this examination and report themselves without being appointed by the President?

Mr. ELDREDGE. It is because it is sought to establish a department in the Government to take charge of this; and it will not end with that, either.

Mr. POLAND. I will answer the question; the gentleman from Wisconsin need not answer it. The temperance people of this country desire something that shall be of some authority that they can go before the country with, and they have to pay all the expense themselves.

Mr. ELDREDGE. No; they will come here for their pay, and they will get it, too.

Mr. SPEER. Who is to determine whether the commissioners appointed are temperance men or not?

Mr. POLAND. The man that appoints them, of course.

Mr. SPEER. That is the President of the United States.

Mr. POLAND. Yes, sir; and he is a very good judge.

Upon seconding the motion to suspend the rules the Chair ordered tellers; and Mr. POLAND and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported—ayes 82, noes 65.

So the motion was seconded.

The question was on the motion to suspend the rules.

Mr. ELDREDGE. Upon that motion I ask for the yeas and nays. The yeas and nays were ordered; 37 members voting therefor.

The question was taken; and there were—yeas 133, nays 83, not voting 71; as follows:

YEAS—Messrs. Albert, Albright, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Crooke, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Benjamin W. Harris, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Hoskins, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lampert, Lansing, Lawrence, Lawson, Loughbridge, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Moore, Nile, Nunn, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pendleton, Phelps, Thomas C. Platt, Poland, Potter, Pratt, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Sessions, Shanks, Sheets, Sherwood, Sloan, Smart, George L. Smith, John Q. Smith, Sprague, Starkweather, Charles A. Stevens, St. John, Strait, Strawbridge, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tyner, Vance, Wallace, Wheeler, White, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—133.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Barber, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, Canfield, John B. Clark, jr., Clymer, Cook, Crossland, Crounse, Davis, DeWitt, Durham, Eldredge, Finck, Freeman, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, Harrison, Hereford, Herndon, E. Rockwood Hoar, Holman, Hubbell, Hunton, Lamar, Lofland, Magee, Marshall, McLean, McNulta, Milliken, Mills, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Pierce, Randall, Read, John G. Schumaker, Sener, Lazarus D. Shoemaker, Sloss, A. Herr Smith, William A. Smith, Snyder, Southard, Speer, Alexander H. Stephens, Stone, Storm, Swann, Sypher, Waddell, Waldron, Jasper D. Ward, Wells, Whitehead, Whitthorne, Charles W. Willard, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—83.

NOT VOTING—Messrs. Adams, Averill, Banning, Buckner, Burrows, Benjamin F. Butler, Amos Clark, jr., Clinton L. Cobb, Comingo, Corwin, Cotton, Cox, Creamer, Crittenden, Eden, Farwell, Eugene Hale, Robert S. Hale, Hancock, Harmer, John T. Harris, Hatcher, Hathorn, Hays, Hendee, Houghton, Howe, Hurlbut, Kendall, Knapp, Lamson, Leach, Lewis, Lowe, Luttrell, McCrary, Mitchell, Morey, Myers, Negley, Nesmith, O'Neill, Page, Pelham, Phillips, Pike, James H. Platt, jr., Ransier, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, Henry J. Scudder, Isaac W. Scudder, Sheldon, Small, H. Boardman Smith, J. Ambler Smith, Stanard, Standiford, Stowell, Charles R. Thomas, Thornburgh, Tremain, Walls, Marcus L. Ward, Whitehouse, Wilber, William Williams, and Ephraim K. Wilson—71.

So (two-thirds not voting in favor thereof) the rules were not suspended.

BUSINESS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. COBURN. I ask unanimous consent that Thursday evening next be assigned to the Committee on Military Affairs to make reports.

The SPEAKER. Is there objection to that proposition?

Mr. ALBRIGHT. I hope there will be no objection; two hours were reserved for the chairman of the committee and myself because we were absent at the South by order of the House.

Mr. LOWE. I hope that the order will embrace bills upon the Calendar.

The SPEAKER. Waiving all points of order?

Mr. LOWE. Yes, sir.

Several MEMBERS. O, no; that will not do.

The SPEAKER. Is there objection to that proposition.

Mr. RANDALL. O, yes; the chairman of the committee had better keep to his original proposition.

The SPEAKER. Is there objection, then, to allowing the Committee on Military Affairs Thursday evening next to report bills subject to points of order? The Chair hears no objection, and the order is made.

CLAIMS AGAINST THE UNITED STATES.

Mr. SHANKS. I move that the rules be suspended and the following resolution passed:

Resolved, That the Committee on the Judiciary is hereby instructed to report a bill to the House for its consideration providing for local jurisdiction in the United States courts of all claims against the United States held by any citizen thereof and prohibiting the filing or introduction of such claim before Congress; and said committee is hereby authorized to report at any time; and it shall further be in order for said committee to move said bill as an amendment to any appropriation bill.

Mr. GARFIELD. I hope that resolution will not be adopted.

The question was put on seconding the motion to suspend the rules, and no quorum voted.

Tellers were ordered; and Mr. SHANKS and Mr. COX were appointed.

Mr. SPEER. I ask the gentleman from Indiana to omit the last part of that resolution.

Mr. SHANKS. I will modify it by omitting that part of the resolution.

The SPEAKER. Then if there be no further objection no further count will be had, and the resolution will be regarded as adopted.

Mr. G. F. HOAR. I call for a further count.

The SPEAKER. Then the tellers must resume their places.

Mr. SHANKS. I do not care to make any amendment in the resolution unless it will do some good.

The House divided; and the tellers reported that there were—ayes 102, noes 49.

So the motion was seconded.

The question was upon suspending the rules and adopting the resolution.

Tellers were ordered; and Mr. SHANKS and Mr. GARFIELD were appointed.

The House divided; and the tellers reported that there were—ayes 79, noes 74.

So (two-thirds not voting in favor thereof) the rules were not suspended.

SALE OF CADET RIFLES.

Mr. G. F. HOAR, by unanimous consent, introduced a bill (H. R. No. 4834) to authorize the sale of cadet rifles; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOUTHERN CLAIMS.

Mr. LAWRENCE. I move to suspend the rules and pass two bills from the Committee on War Claims, as follows:

A bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871; and

A bill (H. R. No. 4731) making appropriations for the payment of claims reported to Congress under section 2 of the act of Congress approved June 16, 1874, by the Secretary of the Treasury, and for other purposes.

The SPEAKER. The Chair understands that the first bill, No. 4692, contains no legislation; but the second bill, No. 4731, contains independent legislation, which the Clerk will read.

The Clerk read as follows:

SEC. 2. That the claims of subjects or citizens of a foreign state against the United States may be referred to the Court of Claims by the Secretary of State, with the concurrence of the foreign government presenting them; and the Court of Claims shall then have jurisdiction to hear and determine the same in accordance with the principles of international law, or in pursuance of any treaty stipulation or agreement between the United States and such foreign state. Claims may be prosecuted in the name of the claimant by petition in the nature of a petition of right. All cases shall proceed according to the rules and practice of the Court of Claims. Either party shall have the right of appeal from the final judgment of said court. Judgments, if against the United States for damages in money, shall be satisfied in like manner as other judgments of said court, unless otherwise provided by treaty or other stipulation between the United States and the government presenting the claim. Claims accruing after the passage of this act shall be subject to the same limitations and other provisions as other claims.

SEC. 3. That after the 1st day of January, 1876, no claim against the United States shall be presented to, audited, allowed, or paid by any Department or officer of the United States unless the same shall have been filed in the proper Department or with the proper officer within six years after the claimant had the legal capacity and right to so file or present such claim. Nothing herein shall limit the time for filing any claim where, by existing law, the time is fixed for filing such claim.

Mr. LAWRENCE. I desire to state that the two sections just read have been agreed to by the Committee on War Claims.

Mr. CONGER. I would like to ask what is the amount of appropriations in these bills?

Mr. NEGLEY. I move that the House adjourn.

Mr. CONGER. I ask that the amount of appropriation in each bill be stated, or else that the bills be read.

Mr. NEGLEY. I object to any debate.

Mr. CESSNA. I ask the gentleman from Ohio, [Mr. LAWRENCE,] in the light of the example this will be to future Congresses, to divide his motion, and have a vote taken on each bill separately?

Mr. LAWRENCE. I will state the amount of claims allowed—

Mr. NEGLEY. I insist upon my motion to adjourn, and object to any debate.

Mr. GARFIELD. I desire to remind gentlemen that to-night has been set apart for the consideration of the tax bill for the District of Columbia.

Mr. DAWES. I would like to have the House go into Committee of the Whole on the tariff bill.

Mr. COTTON. I move that the House now take a recess until half past seven o'clock. This evening has been set apart for the consideration of the tax bill for the District of Columbia.

The SPEAKER. The question is upon the motion to adjourn.

Mr. NEGLEY. I will withdraw that motion for the purpose of allowing the gentleman from Massachusetts [Mr. DAWES] to move to go into Committee of the Whole upon the tariff bill.

The SPEAKER. If the motion to adjourn is withdrawn, the question will recur upon the motion to suspend the rules submitted by the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. NEGLEY. Then I will not withdraw my motion.

The question was taken upon the motion to adjourn, and it was not agreed to; upon a division ayes 44, noes not counted.

Mr. CESSNA. I move that the House now take a recess until half past seven o'clock.

The SPEAKER. That motion is not in order pending the motion to suspend the rules.

Mr. CONGER. Is it in order to ask for the reading of the bill?

The SPEAKER. The motion is to suspend the rules, among them the one which allows the bill to be read.

Mr. LAWRENCE. I am willing to have a separate vote taken on each bill, and I will give any explanation that may be desired.

Mr. NEGLEY. I object to debate.

The SPEAKER. The question is upon the motion to suspend the

rules and pass House bill 4692, making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871.

Mr. THOMPSON. If in order, I ask for the reading of the bill.

The SPEAKER. That is a right under the rules, and the gentleman moves to suspend that rule as well as all others.

Tellers were ordered; and Mr. LAWRENCE and Mr. COX were appointed.

The House divided; and the tellers reported—ayes 137, noes 15.

So the motion to suspend the rules was seconded.

The question being then taken on agreeing to the motion, it was agreed to, two-thirds voting in favor thereof; and the bill (H. R. No. 4692) was accordingly passed.

The SPEAKER. The question now recurs on the motion to suspend the rules and pass the bill (H. R. No. 4731) making appropriations for the payment of claims reported to Congress under section 2 of the act of Congress approved June 16, 1874, by the Secretary of the Treasury, and for other purposes.

Mr. G. F. HOAR. I wish to ask the gentleman from Ohio [Mr. LAWRENCE] whether this bill will allow the Secretary of State, without coming to Congress, to refer a claim of any foreign government or any citizen of a foreign government against the United States.

Mr. LAWRENCE. It will.

Mr. G. F. HOAR. Then a claim growing out of a war, involving possibly millions of dollars—like the Alabama claims—might be referred by the Secretary of State without any action of Congress.

Mr. LAWRENCE. The President has recommended the establishment of a circuit court for this purpose; but we concluded to confer this jurisdiction upon the Court of Claims. Every foreign government—

Mr. NEGLEY and others objected to debate.

Mr. KELLOGG. I hope the gentleman from Ohio [Mr. LAWRENCE] will allow an amendment striking out the second and third sections.

Mr. ATKINS. I move that the House adjourn.

The motion was not agreed to.

Mr. COX. I call for the reading of the bill.

The SPEAKER. The motion is, in part, to deprive the gentleman of his right under the rules to have the bill read.

The question being taken on seconding the motion to suspend the rules it was not agreed to, there being ayes 22, noes not counted.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, announced that the Senate had concurred in the resolution of the House authorizing the printing in quarto form of the report of Major Powell's expedition.

The message also announced that the Senate had passed bills of the following titles, with amendments; in which the concurrence of the House was requested:

An act (H. R. No. 3821) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1876, and for other purposes; and

An act (H. R. No. 4441) making appropriations for the support of the Military Academy for the year ending June 30, 1876.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 4676) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876.

The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 1297) to provide for the republication of the first volume of the Patent Office Gazette.

The message also announced that the Senate had passed, with amendments, (in which the concurrence of the House was requested,) the resolution for printing five thousand extra copies of the memorial services held in the House of Representatives, April 16, 1872, on the occasion of the death of the late Samuel F. B. Morse.

MEMORIAL SERVICES OF S. F. B. MORSE.

Mr. DONNAN. I ask unanimous consent that the Senate amendments to the resolution of the House for printing five thousand copies of the memorial services held in the House of Representatives April 16, 1872, in commemoration and honor of the late Samuel F. B. Morse, be taken from the Speaker's table and concurred in. The amendments simply strike out the provision for supplying the Senate with copies, and reduce the aggregate number to thirty-five hundred, all of which are to be for the use of the House.

There being no objection, the amendments were concurred in.

QUARTERMASTER'S DEPARTMENT.

Mr. ALBRIGHT. I move to suspend the rules and pass a bill (H. R. No. 4835) in relation to the Quartermaster's Department, fixing its status, reducing its numbers, and regulating appointments and promotions therein. This bill reduces the force in that Department, and will save money to the Government.

The bill was read. It provides that the Quartermaster's Department of the Army shall hereafter consist of the Quartermaster-General, with the rank, pay, and emoluments of a brigadier-general; four assistant quartermasters-general, with the rank, pay, and emolu-

ments of colonels of cavalry; eight deputy quartermasters-general, with the rank, pay, and emoluments of lieutenant-colonels of cavalry; fourteen quartermasters, with the rank, pay, and emoluments of majors of cavalry; and thirteen assistant quartermasters, with the rank, pay, and emoluments of captains of cavalry.

Section 2 provides that no more appointments shall be made in the grade of military store-keepers in the Quartermaster's Department, and that this grade shall cease to exist as soon as the same becomes vacant by death, resignation, or otherwise of the present incumbents.

Section 3 provides that no officer now in the service shall be reduced in rank or deprived of his commission by reason of any provision of this act.

Section 4 enacts that no officer shall be promoted or appointed in the Quartermaster's Department in excess of the organization prescribed by this act; and that so much of section 6 of the act approved March 3, 1869, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," as applies to the Quartermaster's Department be repealed.

CLAIMS OF MAIL CONTRACTORS.

Mr. VANCE. I ask unanimous consent for the adoption of the following resolution:

Resolved, That when the deficiency appropriation bill is under consideration it shall be in order to offer an amendment to the same, authorizing and directing the Secretary of the Treasury to pay the amounts found due to mail contractors on or before the 31st of May, 1861.

Mr. GARFIELD. I object.

QUARTERMASTER'S DEPARTMENT.

The House resumed the consideration of the motion of Mr. ALBRIGHT, to suspend the rules and pass the bill in regard to the Quartermaster's Department.

Mr. RANDALL. I hope that my colleague [Mr. ALBRIGHT] will be allowed to make some explanation of this bill.

Mr. ALBRIGHT. If the House will permit me, I shall be glad to do so. Under the law of 1866 the number of officers in the Quartermaster's Department was ninety-two. Since then a restriction has been placed on that Department and others in not allowing promotion. This proposes to open promotion in that Department, fixing the number at fifty-seven. The number is now sixty-four; so that it will not only reduce the number of officers in the Quartermaster's Department, but entirely do away with the military store-keepers.

Mr. RANDALL. What about the pay?

Mr. ALBRIGHT. There will be a considerable reduction of pay in the aggregate.

Mr. FORT. Promotion has been opened in the other staff corps.

Mr. ALBRIGHT. It has.

Mr. GARFIELD. Does it create any disturbance in the present rank of officers?

Mr. ALBRIGHT. Not at all.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3700) granting a pension to Teter Wolfgang;

An act (H. R. No. 3708) granting a pension to Eunice Wilson, mother of John C. Wilson, late private Company D, Forty-ninth Regiment Illinois Volunteers;

An act (H. R. No. 3717) granting a pension to Sarah McAdams;

An act (S. No. 760) for the relief of Major J. W. Nichols, paymaster United States Army; and

An act (S. No. 1035) for the relief of J. W. Drew, late additional paymaster in the United States Army.

MAIL CONTRACTORS BEFORE 1861.

Mr. VANCE. I move to suspend the rules and pass the following resolution:

The Clerk read as follows:

That when the deficiency appropriation bill is under consideration it shall be in order to offer an amendment to the same authorizing and directing the Secretary of the Treasury to pay the amounts found due to mail contractors on or before the 31st of May, 1861.

The question recurred on seconding the motion.

Mr. VANCE demanded tellers.

Tellers were ordered; and Mr. VANCE and Mr. BASS were appointed.

The House divided; and the tellers reported—ayes 87, noes 79.

So the motion was seconded.

The SPEAKER. The tellers will retain their places and count the vote on the suspension of the rules.

The House divided; and the tellers reported—ayes 85, noes 62.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

DISTRICT OF COLUMBIA BUSINESS.

Mr. COTTON. I move the House take a recess until seven and a half o'clock this evening.

Mr. GARFIELD. I wish to ask a parliamentary question: whether the power to suspend the rules will belong to the evening session?

The SPEAKER. It was not given for that purpose, but given

wholly to the District of Columbia business, and suspension of the rules will not be in order.

Mr. RANDALL. All points of order were reserved for to-night.

The SPEAKER. The session of the House this evening is for business of the District of Columbia wholly.

Mr. RANDALL. I wish to suggest that when that was agreed to I specially reserved all points of order on all the bills that committee might introduce.

The SPEAKER. The Chair remembers that very well; but it was not necessary to reserve points of order, as the suspension of the rules by the House took away from the gentleman that right.

Mr. COTTON. The District tax bill is in the House for consideration.

The SPEAKER. During the evening session the Chair will be occupied by Mr. G. F. HOAR as Speaker *pro tempore*.

Mr. HARRISON. I rise to a privileged question.

The SPEAKER. It is not so highly privileged as the motion the gentleman from Iowa makes to take a recess.

CHINESE IMMIGRATION.

Mr. COX. I wish to correct the Chinese immigration bill according to an understanding I have had with the gentleman from Pennsylvania, [Mr. MYERS.] It is a verbal correction which unless made will bring the bill back, I fear, from the Senate.

The SPEAKER. In what particular does the gentleman propose to correct it?

Mr. COX. I have sent it up to the Clerk's desk to be read.

The SPEAKER. The gentleman from New York states that it is the understanding of the Committee on Foreign Affairs a correction should be made to the Chinese immigration bill passed by this House this morning under a suspension of the rules.

Mr. MYERS. The understanding is that the gentleman from New York should move his correction. I am willing to accept it as a part of my motion.

The SPEAKER. Does the gentleman from Pennsylvania mean his suspension of the rules to include the correction of the gentleman from New York?

Mr. MYERS. Certainly.

Mr. COX. If anybody objects, I will withdraw it. It is simply to make a verbal correction.

The Clerk read as follows:

In line 4 of section 5, after the word "political," insert "growing out of or the result of such political offenses."

Mr. MYERS. It is only to perfect the bill.

The SPEAKER. Is there objection to that correction being made in the bill passed this morning?

Mr. MYERS. It has the unanimous sanction of the Committee on Foreign Affairs.

There was no objection, and it was ordered accordingly.

MEMPHIS, CLARKSVILLE AND LOUISVILLE RAILROAD.

The SPEAKER. The Chair will detain the House to submit the following from the Committee on Enrolled Bills.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring), That the Committee on Enrolled Bills be authorized in the enrollment of House bill No. 1938 to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," to change the word "Linville" to "Louisville" in the ninth line of the Senate substitute therefor; so the line will read "the Memphis, Clarksville and Louisville."

The resolution was unanimously adopted.

Mr. MAYNARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

By unanimous consent, papers in the following cases were withdrawn from the files of the House; no adverse reports having been made:

By Mr. DANFORD: In the case of Abraham Palmer.

By Mr. LOUGHRIDGE: In the case of Bird L. Fletcher.

And then, on motion of Mr. COTTON, (at four o'clock and twenty-five minutes p.m.) the House took a recess till seven o'clock and thirty minutes p.m.

EVENING SESSION.

The recess having expired, the House reassembled at seven o'clock and thirty minutes p.m.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. G. F. HOAR.) The House is in session this evening specially to consider business reported by the Committee on the District of Columbia. The bill under consideration when the House was last considering business reported by the Committee for the District was the bill (H. R. No. 4728) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876.

SOUTHERN MARYLAND RAILROAD.

Mr. THOMPSON. Before the House resumes the consideration of that bill I ask leave to report and to have passed a bill authorizing

the Southern Maryland Railroad to extend into the District of Columbia.

Mr. LOUGHRIDGE. I object. I understood no business was to be considered this evening except what was reported from the Committee on the District.

Mr. THOMPSON. I report this bill by direction of the committee.

This is a bill authorizing this railroad company to extend its line of railroad from the southern boundary of the District into the District of Columbia so as to connect with other railroads passing through the District. It guards most thoroughly the interests of the property-holders. This is a railroad now extending from the District of Columbia to Point Comfort or the junction of Chesapeake Bay and the Potomac River. The State of Maryland of course can give it no right to extend into the District of Columbia and the object of this bill is to enable it to connect within the District with those railroads that are running to Baltimore. All it grants is the right of way from the boundary line of the District to a point on the Potomac River, probably from three to five miles, running through the property of private individuals and not coming within the city of Washington at all. The bill guards the rights of property-holders so that no injury can be done to any one. The mode of condemnation is specifically pointed out, and the safeguards are as rigid as in the case of any railroad ever organized.

Mr. ARCHER. May I ask the gentleman whether or not this road touches the property of the Insane Asylum?

Mr. THOMPSON. It does not; and there is a provision in the bill that it shall not touch any property owned by the Government.

Mr. W. R. ROBERTS. This seems to me to be too important a bill to be acted upon with so thin a House.

The SPEAKER *pro tempore*. It can only be reported now by unanimous consent.

Mr. THOMPSON. I withdraw the bill for the present until the tax bill shall be disposed of.

TAX BILL FOR THE DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore*. The regular order is the bill reported by the Committee on the District last week, the bill (H. R. No. 4728) for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876. The pending question is on the amendment offered by the gentleman from New Hampshire, [Mr. SMALL,] which the Clerk will again read.

The Clerk read as follows:

Insert at the end of the first section the following:
Personal property for the purposes of taxation shall include goods, chattels, and effects wherever they are; money at interest, and other debts due to the persons to be taxed more than they owe interest for; public stocks and securities; stocks in moneyed and other dividend-paying corporations.

Mr. COTTON. I oppose the amendment. I do not think we should undertake to enumerate personal property as is done in this amendment. If we do we should omit a great deal. I think it better to let the matter remain as it is in the bill. The amendment undertakes to define what shall be personal property and taxed as such. By adopting that definition we would omit many things, as would be found out when the law began to be applied.

The question being taken on the amendment, it was not agreed to.

Mr. COTTON. I move *pro forma* to strike out the three last words of the section, for the purpose of presenting to the House a more detailed statement, which we have received from the commissioners of the District, of the expenses which go to make up the sum of one million and odd dollars of "general expenses of the District." It is too long to be read now. I desire to have it published where it can be conveniently referred to. The statement is furnished by the comptroller of the District. I ask that it may be printed in the RECORD as a part of my remarks.

There was no objection and it was so ordered.

The statement is as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA, Washington, D. C., February 18, 1875.

Sir: Agreeably with your request we send you herewith a detailed statement of the items included in the general fund in our estimate of expenditures for the fiscal year ending June 30, 1876, with a copy of statement of aggregate of the estimates for the same year. We will thank you to show the inclosed to General CHAPMAN as an answer, in part, to a letter received from him this morning.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,

Commissioners District of Columbia.

Hon. A. R. COTTON, Chairman Sub-Committee, &c.

Aggregate of estimates for the District of Columbia for the fiscal year ending June 30, 1876, based upon reports of heads of bureaus.

Interest on the bonded debt.....	\$617,554
Special improvements.....	400,000
Gas for streets and public buildings.....	144,000
Metropolitan police.....	136,423
School teachers, payment of.....	265,000
Expenses of public schools.....	118,000
Interest on 3.65 bonds.....	365,000
General fund.....	1,074,893
Total.....	3,120,800

The following is a detailed statement of the items comprised under the head of general fund:

Detailed statement of the items comprised under heading of general fund in estimate for fiscal year ending June 30, 1876, based upon reports of heads of bureaus.

Washington asylum, supplies, &c.....	\$32,417 50
Georgetown almshouse, supplies, &c.....	2,439 40
Reform School, support of inmates.....	14,000 00
Board of health, District proportion.....	32,320 00
Fire department, salaries and contingencies.....	84,683 00
Salaries of officers and employees of the District of Columbia other than fire department, Metropolitan police, and school-teachers, as follows:	
Commissioners' office.....	\$20,760 00
Auditor's office.....	6,720 00
Attorney's office.....	5,040 00
Comptroller's office.....	11,120 00
Collector's office.....	12,630 00
Superintendent of assessment and taxes.....	15,050 00
Board of audit.....	51,465 00
Coroner's office.....	1,666 00
Deputy comptroller, in charge of assessments.....	6,160 00
Commissioners of sinking fund.....	3,700 00
Treasurer's office.....	3,900 00
Engineer's department, including surveyors, overseers, clerks, levelers, rodmen, laborers, &c.....	115,800 26
Sealers of weights and measures.....	400 00
Harbor-master.....	100 00
Water department.....	7,120 00
Markets, Washington and Georgetown.....	8,424 00
Garbage collectors.....	15,552 00
Washington asylum.....	3,870 00
Georgetown almshouse.....	500 00
Payment of physicians and apothecaries.....	8,000 00

Total payment for salaries..... 298,040 26

General advertising.....	25,300 00
Sweeping streets, per estimate of engineer.....	80,000 00
Support of insane paupers.....	5,826 00
Repairs to wood pavements, per estimate of engineer District of Columbia.....	63,298 93
Repairs to concrete pavements, per estimate of engineer District of Columbia.....	45,918 60
Repairs to county roads and bridges, per estimate of engineer District of Columbia.....	6,667 00
Repairs to pumps, per estimate of engineer District of Columbia.....	9,975 00
Cleaning alleys, per estimate of engineer District of Columbia.....	29,000 00
Cleaning sewer-traps, per estimate of engineer District of Columbia.....	7,200 00
Removal of ashes, per estimate of engineer District of Columbia.....	10,200 00
Expenses parking commission, per estimate of engineer District of Columbia.....	12,000 00
Gas-lamps and repairs, per estimate of engineer District of Columbia.....	1,930 00
Extension of sewers, laterals, and connections, per estimate of engineer District of Columbia.....	83,334 00
Erecting 500 new street lamps, per estimate of engineer District of Columbia.....	10,000 00
Purchasing machinery for repairs of concrete pavements, per estimate of engineer.....	30,000 00

Rent of public buildings:

Schools.....	\$13,880 00
Station-houses.....	2,340 00
Morrison building.....	3,600 00
Total.....	19,820 00

Repairs of buildings:

School buildings.....	\$25,500 00
Markets.....	3,000 00
Station-houses.....	3,700 00
Engine-houses, Washington and Georgetown asylum, and Columbia buildings.....	4,200 00
Commissioners' office, contingent expenses.....	36,400 00
Auditor's office, contingent expenses.....	3,400 00
Comptroller's office, contingent expenses.....	1,320 00
Collector's office, contingent expenses.....	1,038 00
Water department, including repairs to water mains, labor, and materials for same, &c.....	94,000 00
Surveyor's office.....	608 04
Board of audit, contingent expenses.....	5,240 00
Attorney's office expenses.....	1,062 50
Judicial expenses.....	846 40
Superintendent assessment of and taxes.....	5,460 00
Coroner's office.....	500 00
Deputy comptroller in charge of special assessments.....	1,055 00
Treasurer's office.....	190 00
Relief and transportation of paupers.....	930 00
Fuel account, including gas for offices.....	4,200 00
Markets, cleaning, labor, carts, &c.....	2,400 00
Insurance, public buildings.....	1,843 37
Commissioners' sinking fund.....	1,200 00
Engineer department proper.....	5,838 00

Total general District fund..... 1,074,823 00

* This amount is capable of being reduced \$30,000 if the duties now performed by the board of audit are assigned to the commissioners.

FITZHUGH COYLE,
Comptroller District of Columbia.

Mr. RANDALL. I move to amend the first section by adding the proviso which I send to the desk to be read.

The Clerk read as follows:

Provided, That not more than seventy-five cents on each hundred dollars shall be levied and collected on the cash value of lands in the county of Washington.

Mr. RANDALL. Mr. Speaker, this policy, I believe, is adopted in almost all of the cities—I know that it is in my city—to make a distinction between what I may term city property and the suburban property known as rural property. In support of the position taken in the amendment I desire to read a statement of the assessments and taxation on lands in the county of Washington for the years 1864 and 1874, as shown by the books of the collector of taxes. The

assessment in 1864 of rural property was \$2,002,433. The rate of taxation in 1864 was forty cents per hundred dollars of valuation. I find that in 1874 the assessment was \$9,621,300. The tax was \$2 per \$100. Increase of valuation nearly 500 per cent. in ten years. Increase of taxation 500 per cent. in ten years.

I will take as an instance a piece of property which I am informed and believe is a fair criterion of all the rest of the rural property in this particular:

Illustration of the case of one owner of lands in the county of Washington which is applicable to the others.

Year.	Acres.	Assessment.	Valuation.	Tax.	Paid.
1864.....	40½	\$150 per acre.	\$6,075 00	40c. per \$100	\$24 30
1874.....	40½	\$150 per acre. Improvement...	30,308 00 3,500 00		
			33,808 00	2 per 100.	\$676 16

Increase of taxes twenty-eight fold in ten years.

This property is one of the most eligible in the District, and only a mile and a half from the Post-Office on the Seventh-street road, by the horse-cars. It was rented for \$1,200 per annum, and vacated because the rent was too high.

The taxes are \$676 16
Insurance 55 00

Without wear and tear 731 16

The county of Washington is composed mainly of farming lands, which have to compete with those of Maryland, where taxation is low. There is no redundant population in this city to require suburban residences as in the great commercial and manufacturing cities, and therefore these lands are necessarily devoted to agriculture even to the very boundary of the city.

Mr. W. R. ROBERTS. Does the gentleman refer to improved or unimproved property?

Mr. RANDALL. I am speaking of the unimproved lands, the rural lands. If you compel the improved lands to pay a tax of \$1.50 on the \$100 valuation, then you ought to make the unimproved lands pay about half as much, or 75 cents on \$100 valuation.

Mr. O'BRIEN. Where will you draw the line of distinction?

Mr. RANDALL. It is very well drawn already. It divides the rural property and the rural residences from the city.

Mr. CHIPMAN. Allow me to suggest that rural property includes all that lies outside of the cities of Washington and Georgetown, being outside of the city limits.

Mr. RANDALL. There are farming lands lying outside of the city limits. It is proposed to tax these farming lands at the same rate as the best property on Pennsylvania avenue, though they are denied streets, water, gas, and only enjoy schools and police on the most limited scale.

The object of this enormous and unjust tax is to make the country pay toll for the speculators in the city who have inflated prices. The assessments of these farming lands for 1864 and 1874 show how arbitrary and excessive were the last valuations to extort revenue. All former tax bills discriminated between city and country property, as is the practice elsewhere.

Mr. Speaker, the tax on these lands ought not equitably to exceed fifty cents on each hundred dollars valuation; but the amendment I have offered proposes seventy-five cents, or one-half the rate named for the city.

[Here the hammer fell.]

Mr. WILLARD, of Vermont. I offer the following amendment, to come in after the amendment offered by the gentleman from Pennsylvania, [Mr. RANDALL:]

Insert after the word "dollars" in the first section the words "on real property outside of the cities, severally, of Washington and Georgetown, and \$2 on each \$100 on real property within such cities, and \$2 upon personal property within the District of Columbia."

If the House will allow me, I will say that the object of that amendment is to increase the rate of taxation. The bill now provides that there shall be a tax of \$1.50 upon each \$100 worth of real and personal property. This amendment provides that there shall be \$1.50 on the real property outside of the cities and \$2 on each \$100 worth within the city limits, and \$2 on each \$100 of personal property, wherever situated. I understand that persons who are really residents of the city have residences outside of the city; and although all their business is done in the city, which is the place where they make their money, yet by chance their residence is outside of the city limits and therefore the tax upon their property is much smaller than it would otherwise be. It seems proper, therefore, to make the distinction in the tax between real and personal property, which is made in this amendment, outside of the city limits.

I agree with the gentleman from Pennsylvania that there should be some distinction made between the tax upon real and personal property outside of the city and that within the city; I submit, however, that he makes the distinction too great. It is said that a

tax of \$1.50 on \$100 valuation of property outside of the city and \$2 within the city would raise not less than \$2,000,000, probably more than one-half of the estimated expenses of the District for the coming year; but, as I said the other day, we shall appropriate this year in the sundry civil appropriation bill for the support of the various charities in this District so as to do more than meet the fair share on the part of the General Government in defraying the expenses of the District. A large portion of these expenses are not occasioned by reason of the fact that this is the capital of the nation. I agree that so far as the streets and avenues of the city are concerned the Government should pay its fair proportion of the cost of their improvement. But the expense of schools for instance in this District, the expense of police, of the board of health, and the hundred other kinds of expenses than those for streets, are expenses incident to the city as such, and should be borne by the city as such.

Neither do I agree that because the Government owns large amounts of valuable property here—what would be large amounts of property if it was estimated at the rate that property in the city elsewhere than in the Capitol grounds would be estimated for building purposes—therefore we ought to pay largely the expenses; because as has been suggested in former Congresses, and as it is very pertinent to suggest here, if the Capitol and other public buildings were not here it is obvious enough that real estate would be worth very much less in the city than it is to-day. Therefore it is for the benefit of the people who are here that these public buildings are in this city; that is, it increases very largely the value of their real estate. There is no reason then why they should not pay very many of the expenses incident even to the location of the public buildings here.

They cannot turn around and say to the people of the United States, "You have located your Capitol and other public buildings here, and therefore you should be at all this charge"—not by any means. But they can reasonably enough say that if we require wider streets here, a better class of pavements, and a more expensive city government, because of the public buildings here, then we should bear a portion of that expense ourselves.

I have regarded my proposition as perhaps a fair compromise between those who have thought that the whole expense or nearly the whole of it should be borne by the people of the city and the District, and those who think all or nearly all the expense should be borne by the General Government. It will raise perhaps \$1,800,000, which is a little more than one-half of the estimated expenses of the District government for the coming fiscal year.

[Here the hammer fell.]

Mr. RANDALL. I would prefer to withdraw my amendment for the present, until the House shall determine the rate of taxation that they will fix, whether it shall be one and a half or two dollars per hundred of valuation. When that is done I will then move an amendment to make a distinction between city property and rural property.

Mr. WILLARD, of Vermont. If the gentleman from Pennsylvania [Mr. RANDALL] withdraws his amendment, then I will offer mine as an original proposition.

Mr. SMITH, of Ohio. I move to amend the amendment so as to make the rate of taxation in the cities of Washington and Georgetown two and a half dollars per hundred. I have before me the report of the auditor of the State of Ohio, submitted to the Legislature of that State a few weeks ago. In it he gives a table of the assessments of forty-five of the principal cities and towns of Ohio, and the rate of taxation in those cities and towns.

The total valuation of property in Ohio is made on its real value in money. That value is sworn to in the first place by the assessors of the State. In the second place the valuation goes before the county or city board of equalization, composed of certain officers, and they are sworn to put the real value in money on all the real estate and all the personal property of the State of Ohio. It then goes before the State board of equalization, and they are likewise sworn to put the real value in money on all the property. Therefore there is every precaution taken to get at the actual value in money of all the property of Ohio.

Now, in the table before me there is a statement of the valuations of forty-five cities and towns, all the cities and a number of the large towns in Ohio. The total valuation of the property in those cities and towns is in round numbers \$448,000,000. The average rate of taxation is 25.433 mills per \$100, a little over 2½ per cent. on all the town property of the State of Ohio, ascertained by every precaution which the constitution and the law can afford in order to get at its true valuation in money. I have endeavored to find out the rate of taxation in the State of Indiana by examining the report of the auditor of that State.

Mr. LOUGHRIDGE. Does the gentleman say that in Ohio the rate of taxation on town property is 2½ per cent.?

Mr. SMITH, of Ohio. On all the property of the towns, real and personal.

Mr. LOUGHRIDGE. To say nothing of the State tax?

Mr. SMITH, of Ohio. I speak of the cities' and large towns of Ohio.

Mr. LOUGHRIDGE. You do not include the State taxes?

Mr. SMITH, of Ohio. I include all the taxes except special assessments for improvements, &c. I refer to the incorporated towns and cities, Cincinnati, Cleveland, Columbus, Lima—

Mr. LAWRENCE. And Bellefontaine.

Mr. SMITH, of Ohio. Yes, and Bellefontaine. The auditor of the State of Indiana says that a large portion of the taxes in the towns of that State are not returned to the State auditor, the local taxes of every description pertaining particularly to the municipal corporation. But, notwithstanding he has not those taxes in many instances, the average is there over 2 per cent. And I am told by gentlemen here who live in New England that the rate of taxation there is at least $2\frac{1}{2}$ or 3 per cent. in that part of the country.

[Here the hammer fell.]

Mr. COTTON. Mr. Speaker, I think that the tax in the country should be at least $\frac{1}{2}$ of 1 per cent. less than the tax in the cities. If the tax in the cities be made 2 per cent., then the tax should be at least as low as $1\frac{1}{2}$ per cent. in the country. As to personal property, the tax upon that should perhaps be uniform. Personal property is regarded in law as following the person. A man may live in the country, may have his property assessed there, and yet may operate with his money or other personal property in the city. I think, therefore, that the proposition to make the tax on personal property in the country the same as in the cities is correct. But in regard to the taxation on real property, I believe there should be a discrimination made between city property and country property. I may give it as my opinion here, outside of the committee-room, that the tax should be about 2 per cent. in the cities and $1\frac{1}{2}$ per cent. in the country. I do not think that the city tax should be higher than 2 per cent., although that is not a very high tax. We pay much more than that all through the West, in some cases 4 and 5 per cent. on the value of the property. But there is already standing against the people of this District, or against most of them, a 3 per cent. tax unpaid; and they ask us to-night to put in this bill an amendment to extend for some months at least the time for paying that old tax, because they are still burdened with that, and now here is a new tax to follow. In view of the taxes now standing against the people in various ways in this District, I think 2 per cent. is as high as we should go upon property in the cities.

I have here a memorial from the people in the country setting forth why they should not be taxed as high as those in the cities. I think they give very good reasons—reasons which we discussed in Committee of the Whole when this bill was under consideration. They urge that the large debt of the District has been contracted mainly for the benefit of the city, in improving the streets, &c., and that the people in the city should be willing to pay a pretty good tax, as their property has been greatly advanced in value by these improvements. They urge also that the expenses for police, for gas, and for the fire department inure peculiarly to the benefit of the city, and it is certainly unjust to tax people in the country to maintain these departments, in the benefits of which they have no share. As it may be desirable to refer to this memorial hereafter, either in this House or in the Senate, I take the liberty to incorporate it as a part of my remarks.

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, citizens and tax-payers of the county of Washington outside of the cities of the District of Columbia, respectfully represent to your honorable bodies that the provision in the Morrill bill which proposes to tax the property of the county in future equally with the property of the two cities would do great injustice to and impose great hardship on the tax-payers of the county. To prove this a few facts are here submitted for the consideration of Congress:

First. The county had no debt whatever until the board of public works imposed one on it by the four-million loan; and the share of the many millions of expenditures incurred by the said board in this District which legally and justly belongs to the county to pay scarcely exceeds \$100,000, not nearly proportional to its population or property; while in addition to this proportional excess of the cities' liabilities for the debts of the late District government, the old city debts previously incurred amount to several million dollars.

Second. There are many expenditures peculiar to the cities, as for gas, water, paving, sewers, &c., always requiring a much higher rate of taxation therein than in the country.

Third. Nearly all the improved property of the cities is highly productive, realizing generally from 10 per cent. upward per annum upon its valuation, whereas there is very little property in the county which will rent for half that rate, most of it for not more than 3 per cent., and the land generally for not more than 2 per cent. on its assessed value. Two per cent. yearly taxation on the assessment of the lands of the county would utterly ruin all the agricultural and gardening interests of this District.

Fourth. There is an extraordinary amount of exempted property in the county, reaching to several million dollars, and this mostly for the benefit of the cities and of the country at large, and of no special benefit to the county. To enumerate only a part of the property now exempted from taxation, we mention the valuable real estate of the four colleges and universities within its limits, the immense Soldiers' Home property, and that of the Insane Asylum.

Fifth. The actual expenditures yearly for the benefit of the county at the present time amount to less than one dollar on the hundred dollars of our taxable property. And if the United States Government should pay a proper share of the county expenses in lieu of a taxation of Government property located within our limits, and remove unjust exemptions, our yearly expenses would be less than seventy-five cents on the one hundred dollars of our taxable real estate. Seventy-five cents on the dollar was the most ever imposed upon the county prior to the establishment of the District government for general taxation.

We therefore respectfully but earnestly urge your honorable bodies to reduce the maximum rate of taxation in the county to seventy-five cents on the hundred dollars, or set us apart and allow us to pay only our own proper expenses. Besides, we ask you in simple justice to entirely exempt us from taxation for the next fiscal year, as an offset to the excessive tax of 2 per cent. imposed on us the present year, for more than one-half of which we receive no benefit in return.

We also petition your honorable bodies to provide for the appointment of a commission, to be composed equally of citizens of the county and of the cities of the District, to ascertain and settle definitely the past and present financial relations and accounts between the county and the cities, according to justice and laws relating thereto.

Samuel G. Arnold, Frederick E. Foster, Thomas M. Exley, Lyman S. Emery, Geo. W. Mitchel, Daniel Breed, M. D., J. Sullivan Brown, James W. Buker, Wm. C. Lipscomb, jr., and others.

Mr. CHIPMAN. It is time, Mr. Speaker, that Congress and the country knew the exact condition of affairs in the District of Columbia, and appreciated the legal and moral obligations resting both upon the country and the District. I shall not probably, except in running debate, again ask the attention of the House upon our local needs and rights, and it seems not improbable that the District will never again be granted a hearing on this floor. I feel therefore that my duty requires me once more to bring the attention of the House to our wants.

DISTRICT INDEBTEDNESS.

There is nothing so important to us as that Congress should know precisely the state of the District indebtedness. I believe I can make this clear.

I lay down this proposition, and believe it to be sound in law and maintainable before the highest judicial tribunal of the country, that the debt of the District of Columbia is not and cannot, upon the basis of past legislation and past liabilities, be greater than \$10,000,000. I propose to prove this by incontestable evidence.

The late District government rested on an organic act which no power but that of Congress could contravene. Section 14 of that act provided—

That no debt by which the aggregate debt of the District shall exceed 5 per cent. of the assessed property of the District shall be contracted, unless the law authorizing the same shall at the general election have been submitted to the people and have received a majority of the votes cast for members of the Legislative Assembly at such election.

When the improvement of the District was inaugurated by the four-million loan act of July 10, 1871, its legality was questioned, on the ground that it exceeded the aggregate debt allowed, and ought to be submitted to the people. It was submitted and ratified, and afterward, May 8, 1872, confirmed by act of Congress. But to relieve all doubt as to the meaning of the organic act, Congress provided by that act—

That the debt of the District of Columbia, including the debts of the late corporation, shall at no time exceed the sum of \$10,000,000, unless an increase over said amount shall have been previously authorized by act of Congress.

Here were two plain restrictions. As to the first, it is sufficient to say that the people never authorized any loan other than the four-million loan; as to the second, Congress never enlarged the maximum debt, nor did the Legislative Assembly ever exceed the \$10,000,000. Whatever liabilities there may now exist, they are not the liabilities of the District, unless authorized by the District Legislature within their legal power to authorize them, or unless Congress previously enlarged the maximum limit. This was never done, and cannot be now done retroactively.

BONDED DEBT OF THE DISTRICT.

The bonded debt of the District authorized by the Legislative Assembly, (see report commissioners, page 7, Executive Document, part 6, second session Forty-third Congress,) is \$5,524,600.00; late corporation of Georgetown, \$260,189.21; late corporation of Washington, \$3,099,151.22; making total \$8,883,940.43.

The acts authorizing this debt may be seen by reference to commissioners' report, page 271. This I assert to be the exact funded legal debt of the District of Columbia. (Report, pages 7, 131, 272.)

SEWER TAX.

What further debt or liability is chargeable to the District of Columbia? It may be said that the act of June 26, 1873, "creating drainage and sewerage sections," under which \$2,120,000 of sewer certificates were authorized and issued by the board of public works, make a liability of the District. Of these there were redeemed by the District, through the collector of taxes and the sinking-fund commissioners, \$1,056,850, which the board of audit hold cannot be funded and cannot be restored to the District. There have been filed and are outstanding, including interest, \$1,112,942.29. This might be added to our funded debt and still be within the ten-million limitation, but it was held by eminent counsel as not a debt of the District, but was a lien on property, against which the holder could proceed; besides, our people always contended that the act was illegal, and Congress so determined and repealed it by act of June 20, 1874.

ASSESSMENT CERTIFICATES.

On same day, June 26, 1873, the Legislative Assembly authorized the board of public works to issue certificates of indebtedness for work done and "chargeable to private property benefited thereby." Under this act \$2,000,000 were issued. It was objected by citizens to this as to the former act that it was not within the legal power of the Legislative Assembly, as it increased the debt beyond the limit. But learned counsel advised that it was competent for the Legislative Assembly to do this, as it did not create a District liability, the assessments being pledged to pay the certificates. In fact, the assessments were largely in excess of the \$2,000,000, and are rapidly paying the certificates, and will leave an excess to go toward paying the general debt of \$1,614,054.37. I cannot stop to read the opinion given as to these two acts; it was by Messrs. Caleb Cushing, Jeremiah S. Black, W. E. Chandler, and Walter S. Cox, and will be found at length in Report No. 453, Senate, volume 1, first session Forty-third Congress, page 468. These are substantially all the liabilities incurred by the board of public works with which the District of Columbia was by any pretense legally connected, except such as I will now notice. As to the sewer tax, it was declared illegal by repealing the act; as to the assessment certificates, there are ample funds to pay them from

that special fund, and this leaves our debt as I have stated it, \$8,883,940.43.

OTHER DISTRICT LIABILITIES.

Among the claims which the board of audit was directed to audit by act of June 20, 1874, were claims evidenced by the certificate of the auditor and certified by the comptroller of the District. These only amounted to \$1,897.06. Still another class were claims of class five, arising under oral or written contracts made by or on behalf of the District of Columbia. These claims amount to \$482,569.70, of which there have been allowed \$82,547.43; disallowed, \$96,319. There will probably be in all allowed about \$250,000. Another class, (seventh,) damages to real estate, which, growing out of the action of the board, I will group in the list of District liabilities, of which there are in all \$468,686.07; allowed, \$84,689.57. There may be still further allowed the balance, \$383,996.50. Another class, (eighth,) for sewer tax paid by owners of property, amounts to \$557,683.52. But this was under the act of the Legislative Assembly afterward repealed by Congress, and is no part of the debt of the District.

Excluding the illegal sewer tax and the certificates of assessment, which are no part of the District debt, and adding all the other claims, many of which were contracted by the board of public works upon doubtful legislative authority, and we have to be added to the funded debt—

Claims class three.....	\$1,897 06
Claims class five.....	250,000 00
Claims class seven.....	468,686 07
Add funded debt.....	8,883,943 43

Total funded and floating debt of the District of Columbia..... 9,604,526 55

The actual legal debt of the District ends here. Any other statement of it is forced and unwarranted.

CERTIFICATE OF ASSESSMENT INDEBTEDNESS.

But it is urged that as the Legislative Assembly authorized the certificates of assessment (commonly called greenbacks) the District must provide for them. Grant this. The provision and the only necessary provision is already made for their payment. The receipts from special assessments are pledged to pay them. This account will stand thus:

Due from private property special assessments.....	\$3,176,454 37
Outstanding certificates of assessment, (greenbacks).....	1,552,400 00

Balance due the District on account of special assessments.....	1,624,054 37
Add other assets—Chesapeake and Ohio Canal bonds.....	75,000 00
Washington and Alexandria Railroad bonds.....	59,000 00

We have total assets of District to apply to debt..... 1,758,054 37

SEWER-TAX INDEBTEDNESS.

It is also urged that because our Legislature authorized the sewer-tax bonds to issue, therefore the District must provide for them. It would seem idle to contest this, for Congress declared the act illegal, and repealed it. But it may be added, and still our assets will pay it and leave a small balance. Thus:

Sewer-tax certificates, including interest, (class one).....	\$1,112,942 29
Sewer tax paid by property owners, (class seven).....	557,686 52

Total.....	1,670,628 81
Assets already shown.....	1,758,054 37
Balance to be applied to our funded debt.....	77,425 56

I have charged the District with everything which by any pretense is justly or in my opinion legally chargeable to it; and allowing credit for assets, we have the debt about nine and a half millions.

In this I include, but do not concede, nearly \$2,000,000 sewer tax, which has no warrant of law and which I do not believe it competent for Congress to compel the people to pay; and I have included the certificates of assessment, which are chargeable to and payable by individual property-holders.

LIABILITIES OF THE UNITED STATES.

I come now to the more important question who are liable for the remaining indebtedness, for we have reached but a part. I claim that the United States are legally and morally liable. Who created these liabilities? The board of public works. Under what authority? Let us see.

I have shown negatively that they derived no authority from the District Legislature or the people; and as to the District, any liability created without such authority is void.

After the board had exhausted the \$4,000,000 loan, the proceeds of special assessments, and temporary aid given by the Legislative Assembly, they still found themselves in the presence of an unsolved problem of improvements. They obtained authority from the Legislative Assembly, by acts of August 10, 1871, and May 23, 1873, to assess one-third of the cost of improvements against private property benefited as provided by the organic act; but the Legislature could not and did not attempt to provide for the other two-thirds. Our general fund was exhausted and our limit of \$10,000,000 debt reached and our taxes up to the maximum of 2 per cent., which was barely sufficient to pay the current expenses of government and the interest on our debt. The Legislature, therefore, could, not if they would, incur a liability for this two-thirds cost.

Here is the dividing line between these liabilities. The Legislature had started this general fund from which the two-thirds of the cost should be paid by the \$4,000,000 loan act, but they provided dis-

tinctly, (section 2, act July 10, 1871,) "that in no case shall the board of public works enter into any contract for any work which shall exceed the estimate" on which the loan act was based. Besides the organic act, section 37 stood as a protection to the District, and still stands:

The said board shall have no power to make contracts to bind said District to the payment of any sums of money, except in pursuance of appropriation made by law, and not until such appropriations shall have been made.

The act of Congress of May 8, 1871, said:

The debt of the District of Columbia * * shall at no time exceed the sum of \$10,000,000, unless an increase * * shall have been previously authorized by act of Congress.

And the same act also said:

The aggregate amount of taxes in any one year, excepting such additional assessments as may be made for improvements specially authorized by law, shall not exceed 2 per cent. on the assessed cash valuation of property in said city.

The bars were put up in every direction, and they have never been taken down so far as the District is concerned.

The District stands upon the statute law, and disclaims all liability in violation of it. (See report of Joint Investigating Committee, page 7.)

Now, who were this board? They were the agents of the United States; they were paid by them; appointed by them; to them they reported, and to them alone were they answerable. Who can gainsay this?

The organic act, section 37, gave to this board entire control of all the streets, avenues, and alleys in the District. They were Government officers in every sense, and have been so held to be by the courts. This is important, and I do not want any doubt indulged as to my proposition. The supreme court of this District decided, after a full argument, this exact question in *Barnes vs. The United States*, and other cases.

I read enough to show the decision:

Barnes sued the District of Columbia for damages arising from an injury by falling down an embankment in one of the streets excavated by the board of public works. In commenting upon the control over the streets given by the organic act to the board of public works, the court say:

After entire control of any subject or matter is given to one person or to a board, what kind of control can be implied, by way of reversion or remainder in the District, to some other person or body.

It is said the board of public works is a constituent part of the District government as last organized; and therefore, on any omission of duty by any constituent part of such government, whereby damage has been occasioned to third persons, an action may be maintained by such persons against the District government. This position is rather specious than sound.

Congress saw fit to create the board of public works as well as the board of health in the same act; but this does not satisfy the separate duties or functions of each. The truth is, each is a distinct part of the agency of the United States for the government of the District, and duties and responsibilities must be determined accordingly.

The members of the board of public works are appointed by the President, confirmed by the Senate, paid by the United States; and being thus appointed, to them is committed the control and repair of the streets. It would be as much a trespass to interfere with their prescribed duties as with those of any other agents of the United States.

But it is proposed to hold this government responsible for the negligence of the board of public works created by Congress, * * over which the people of this District have no more control than the people of a neighboring State. This is running the doctrine of imputed sins so far into the ground that I am unwilling to follow it.—*Opinion of Mr. Justice Olin.*

Here is the precise question decided. How can an action be maintained against this District for a liability created by your agents over whom we had no more control than the people of the State of Maryland had?

The District Legislature could aid the board by appropriations, but it could in no way interfere with its control of the streets; it could create a debt or make appropriations within certain limits to provide funds for this board, but it could not prevent the board from paving all the streets with most costly material or do any other thing. Congress alone could control this. Where, then, did authority come from, and to whom did the board look in improving streets with authority only to levy tax for one-third the cost upon the property benefited? I will let the joint investigating committee of last Congress answer. They say:

Your committee are unable to see but one way in which the board could have expected to pay this large debt: that is by receiving aid from Congress, as it must have occurred to them that the resources of the District could not be taxed sufficiently to pay them. Page 14.

It is not my duty to defend the board or to state their theory of action; they have done their work, and are content to abide the verdict of history as to its wisdom and its value. I am speaking for the people of the District, to show that they did not do this thing. They did their share and will pay their share, but they will not and cannot do more.

But did this board reckon without its host? Had they a right to look to Congress? Was their action unprecedented?

Upon this point I cite from the opinion of Hon. C. Cushing, pages 475, 476 of report of Joint Investigating Committee. It states the whole case. I hope members will read it entire. I can only summarize it.

The question was submitted to Mr. Cushing whether the board

could go on increasing liabilities in the face of the act of January 8, 1873, prohibiting it unless appropriations were previously made.

Mr. Cushing held that the act of March 3, 1873, repealed this restriction, and left the matter to come up as deficiencies. He showed how impossible it would be for the board to delay work devolved upon them by paving half a street and leaving the other half unpaved, or half laying a sewer, and the like. He discussed the double relation of agent of the District and agent of the United States conferred upon the board, and advised that it was competent for it to do the very thing which ultimately brought disaster and created the very liabilities I now insist are not ours, but yours. I refer to this to show that this board were not acting beyond the color of authority.

I need not remind the House that Mr. Cushing enjoys the reputation of both a statesman and good lawyer. Few men in this country have had so wide a range of experience in public affairs. He states the theory on which the board acted. Whether it is sound in law or not is your affair, not mine. The action of Congress would indicate that it is sound. Congress continued to appropriate money from time to time, and when the crash came and the board was destroyed, Congress appropriated over a million more, and provided for funding all the liabilities of the District and the board.

In this act of June 20, 1874, I find legislative interpretation, as I claim, of my proposition. The act makes a distinction between District debt and board of public works liabilities. The theory of the report of the committee and the bill is that the United States are liable, and a guarantee is pledged to pay the bonds. The committee avoid, and the act avoids, deciding this question; but there can be no doubt of the meaning of both. You may call them District of Columbia bonds or Alaska bonds; they remain the bonds of the United States, given to discharge a liability of the United States, a liability which had no sanction of our Legislative Assembly, and cannot now be declared our obligations without violating every congressional safeguard thrown around our property and our citizens.

In this matter the board of public works stood in the exact relation that General Babcock or the Supervising Architect, Mr. Mullett, stood in conducting recent public work. Congress could with the same legal right impose a tax on our property to pay one of Mr. Mullett's deficiencies or General Babcock's excess of expenditures on a public square, if he ever makes any, as to tax us for work done around the public buildings and squares by the board of public works without our authority. The acts of the board as the agents of the United States were public acts, and the United States cannot escape the consequences. How can we be taxed directly, to the exclusion of all the rest of the United States, to pay the debt of the United States?

I submit that it cannot be done, and this opinion is the law laid down by your Judiciary Committee at the last session in the report submitted by Judge POLAND, (see Report No. 627, second session Forty-third Congress,) and is, as I understand it, the exact theory of the report and bill submitted by the joint committee appointed under the act of June 20, 1874. (See report No. 479, second session Forty-third Congress.)

But, Mr. Speaker, I do not want to protract the argument on this point. I think it established. We come to the practical question, what is to be done about it? How much of this liability must the United States assume? I say the United States should at least assume the entire 3.65 loan, as a matter of law, of equity, and of necessity. These views I will notice briefly. I have already noticed the legal argument.

THE LAW OF THE CASE.

First. Of the classes of claims authorized by the act of June 20 to be funded, the act expressly designates as liabilities of the board the first, second, fourth, sixth, and eighth classes. These include the sewer tax, which Congress declared illegal, and other claims that find no warrant of authority in any legislative enactment of the District. They are:

First class, claims against the board of public works, evidenced by sewer certificates, under act of Legislature, afterward repealed by Congress	\$1,113,942 29
Second class, claims against the board of public works, evidenced by certificate of their auditor	4,484,144 52
Fourth class, claims for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, of board of public works	2,896,537 78
Sixth class, claims for private property taken by board of public works from the streets and alleys	463,004 85
Eighth class, claims for sewer tax paid by persons; same as class first	557,688 52
	9,514,407 96

It is not possible to make an exact division of the District and Government liabilities; but no just division of the expenditures of the last three years, upon the theory I have advanced of the Government liability for all acts of the board not authorized by the Legislative Assembly can be made which will not require the United States to pay at least \$10,000,000.

This may not be an agreeable view to Congress, but it is the true view, and must be taken sooner or later. It is your work; your agents did it; you stood by and encouraged it. It will not do to turn now and cast the burden upon the oppressed people of this District.

THE EQUITY OF THE CASE.

Second. As a matter of equity I say the United States should not only assume these 3.65 bonds, but should pay one-half of the expenses of this District since the capital was located here. There never has been a

time since the permanent establishment of the capital that any fair apportionment of local expenses would not require the United States to pay at least one-half.

In a speech last winter (CONGRESSIONAL RECORD, Appendix, p. 113) I endeavored to carefully define the legal and equitable relations of the District with the National Government, and to trace the history of both in this regard. I think I demonstrated that the United States should pay at least one-half of the cost of the local government, and I based that belief on principle and upon recognized precedent. I cannot now repeat the argument, but I believe a careful perusal of it and of the facts upon which it rests will convince any unprejudiced mind.

I cite the argument there elaborated, and particularly the following:

Report of Senator Southard, February 2, 1835, to the Senate.
Report of Senator Brown, May 15, 1858, to the Senate.

Report of the House Committee on the District of Columbia, No. 72, second session Forty-second Congress, May 13, 1872.

Report of Judiciary Committee of the House, No. 627, first session Forty-third Congress, 1874.

Report of the Joint Committee of Senate and House, No. 479, second session Forty-third Congress, December 7, 1874.

This proposition assumed, what is the state of the account? I could present an approximate table showing within a hundred thousand dollars the amount due from the United States. It would show the expenditures of all kinds made by local and General Government for purposes which may be regarded on common account. It would bring the United States in debt to the District of Columbia not far from \$15,000,000.

But I will not pursue this in detail. We have got to that point in the District where Congress must repudiate a part of the debt or assume it, for we cannot pay it; and Congress must make up its mind further to provide for a large proportion of the cost of local government, for we cannot pay it all; and in this view it may not be material to strike a balance-sheet. You can get a certain revenue from our property, but it is limited and the balance must come from the Treasury.

I state this frankly, and to those who take a proper pride in the capital and are disposed to accept the duty devolved upon you by the Constitution, it cannot be disagreeable. In any event it is best for us all that the exact truth be known.

THE NECESSITY OF THE CASE.

This leads me to present, finally, the argument of necessity. There is a point beyond which a people sometimes cannot go and cannot be driven. The citizens of this District have arrived at that point now. They can and will pay a reasonable tax upon their property; but they cannot and will not do more. You may seize and confiscate, or you may become possessed of their property by sale under the marshal's hammer; but you cannot enforce a tax large enough to support this District government in all its branches and provide for the payment of all the liabilities existing here.

If our property were assessed to-day, excluding the usual exempt class, the cash value would not reach \$75,000,000. It has been inflated to ninety odd millions; but times are changed; real property is greatly depressed, and has scarcely any sale.

Aside from real estate we have but little property or business from which revenue can be derived, and, compared with most other cities, really nothing. All attempts heretofore to assess personal estate have been delusive and disappointing, and have scarcely paid the cost of collection.

Assuming that our real property could be justly assessed to \$90,000,000, we have a basis of calculation which is the most favorable.

The commissioners for the District estimate the necessary expenses for the ensuing year, (see Miscellaneous Documents, No. 40, House of Representatives, second session Forty-third Congress,) \$2,755,800. This is exclusive of the interest on the 3.65 bonds and exclusive of a sinking fund to retire the whole debt. Add these two items, and we have (estimated) \$750,000; total revenue required, \$3,505,800.

To raise this by tax upon our property would require us to pay four dollars on every hundred, and this cannot be paid by our people under the circumstances.

The extraordinary tax of 3 per cent. levied by act of June 20, 1874, when the commissioners made their report to Congress, (page 53.) was delinquent to the amount of	\$1,607,216 04
And on the prior levy of 2 per cent. under the Legislature, (estimated)	500,000 00
On other levies	150,000 00

Making a total of delinquent tax	2,257,216 04
To this must be added special taxes against private property, still uncollected	3,176,454 37

Which makes still to be paid by our citizens, and which hangs over all the property, the sum of

5,433,670 41

The most of this must be provided for while we are paying our next year's tax, which, I submit, it is not possible for us to do.

But in this connection it is due our citizens that Congress should know what extraordinary sums have been paid by them in furtherance of improvements and to maintain our local government in the past three years. We have actually paid in money since the 1st of June, 1871, when the new government began, exclusive of the debt bonded and floating, over \$5,000,000; which, added to the delinquent tax and special assessments unpaid, \$5,433,670.41, makes the total of \$10,433,670.41; add to this the amount of the liabilities funded, float-

ing, and unpaid, \$18,427,360.24, and we have \$28,861,030.15, which is equal to nearly one-third of the entire taxable real estate of the District.

May I not conclude the argument here? Can any member look this subject squarely in the face and vote to cast upon this people the entire burden of government in this District? If there is, I warn him to provide liberally for the officers of the law, for upon them will devolve the disagreeable duty of dispossessing half the resident population of this capital. In this course of cruelty there is but one measure of refinement necessary. Make the non-payment of tax cause for imprisonment; we will at least secure shelter at public expense.

A GRAVE RESPONSIBILITY SOMEWHERE.

I have pursued this question, Mr. Speaker, as far as I propose to do. I know there are those on this floor who assert that the United States should do nothing more toward sustaining local government here than in any other city of the Union; who say you should do nothing to support the schools, when one-third of the pupils are children of non-residents, who are the public servants of the United States and obliged to live here, but contribute little or nothing to taxes; who say you should not help the fire department, when here the United States have more valuable treasures exposed in inflammable buildings than the whole population besides; who say that the police department should not be aided, when your own lives and property, and that of thousands compelled to come here and transact business depend on the efficiency of this corps; who say that the health department should not be assisted, when but for its efficient work of last year and the help you gave Congress would have been driven out of the capital to escape the scourge of small-pox; who say that you should not pay anything toward lighting the streets, when it would be next to impossible to transact the public business and would be unsafe to venture beyond your houses but for this public convenience; who say you should not help pave, sewer, and otherwise improve and adorn the city, when you have laid off a capital here upon a plan which implied and brought with it the pledge that you would do these things at your own expense, and unless you do them they must be undone and your city cease to be possible as your capital. It is to those, and such as those, who believe all these monstrous errors, that I present the District of Columbia naked and prostrate and almost hopeless.

I have laid our burden at your feet and I declare to you, not defiantly, but earnestly, that we will not, because we cannot, take it up unless you assist us. I have striven for four years to impress upon Congress the necessity for some intelligent and declared purpose toward this District, and my only hope now is that between the despotism set up last session and the anarchy we seem drifting to, Congress will soon wake up to the fact that here at the nation's center; here where we should have a model government; here where by common consent and with a common pride a generous and liberal policy should govern; here of all the broad domain of the United States is the most vacillating, the most uncertain, the most ignorant, and the most unpatriotic course pursued.

I have not uttered since I have had the honor of being among you one word of partisan appeal, for I have felt that while I was sent here upon the nomination of one of the great parties of the country, it was to serve interests purely local and in behalf of which there should be no party dispute; but it is a disappointing reflection that that party with which most of my constituents are in sympathy, however much it may have done to beautify this city, has destroyed the only government we had and has not given us a better one; that while in spasms of good feeling it has appropriated generously, it has, under cover of this duty performed, wholly overlooked the greater one of providing here a wise, an efficient, a model government. There is a grave responsibility somewhere, and I hope there may yet be patriotism and national pride enough to perform it.

While you are agonizing over States which are provided by the Constitution with machinery to operate themselves, I beg of you not to forget the heart of the nation, that cannot even pulsate without you will let it. I beg of you do not longer draggle this "child of the Union" at the heels of Neglect; I beg of you do not forget that this entire community, as large as some of your States, is practically existing under a despotism, which, if it chose to avail itself of the power you have given it and were not composed of men every way to be trusted, as our present commissioners can be, might oppress this people to a point that would bring personal disgrace upon every one of you and indelibly tarnish the very name of American liberty.

I declare my deliberate opinion to be that there is not within the range of my knowledge of Christian nations a spot so badly governed as this one, where Congress alone has absolute and exclusive legislative control. Taking the government of the District of Columbia as an example of the wisdom of Congress, this nation could not exist twenty-four hours, if it were not for the reserved rights of the States which secure to them good government.

It is impossible, Mr. Speaker, for me to say more or do more than I have done to arouse Congress to a sense of duty toward the capital of this great nation. In common with the citizens of this District, I have urged the local needs; I have urged the national view; I have worked in season and out of season, and must we now only sit down in utter despair and wait the final consummation of our ruin?

Mr. RANDALL. In the early part of this session I commented upon that portion of the President's message relating to the debt of

this District. At that time I stated that the President's declaration as to the amount of the debt of this District, to wit, about \$15,000,000, in his message was an error. I stated then that I believed the debt of this District was more than \$20,000,000; and now, in reply to the gentleman from the District, I propose to show that the aggregate debt of the District is \$22,486,484.11.

Mr. CHIPMAN. Let me ask the gentleman when he speaks of the debt of the District does he mean—

Mr. RANDALL. The gentleman will see exactly what I mean if he will listen. The following is a statement of the debt of the District on the 1st December, 1874:

Statement of District debt December 1, 1874.

Amount of bonded debt (exclusive assessment certificates) authorized.....	\$10,027,640 43
Less bonds dormant in hands of commissioners, and sinking fund.....	1,143,700 00
Total.....	\$8,883,940 43
Past or now accruing debt, converted or convertible in 3.65 bonds:	
Board of audit certificates, already passed.....	6,858,727 18
Board of audit unadjusted claims, estimated by board of audit at.....	3,147,787 43
Engineer's estimate (see the lieutenant's report) for term commencing December 1, 1874:	
Completion of old contracts now in operation.....	1,721,270 11
Completion of old contracts held under advisement.....	184,408 84
Total present and accruing issue of 3.65 bonds.....	11,912,193 61
Amount due to Government on adjustment of account, with District, under law of June 20, 1874, (General Nature, No. 89:)	
Appropriations.....	1,300,000 00
Prepaid on account of interest for District debt.....	\$237,132 72
Apparently not drawn on contractors' laborers account.....	24,381 57
	261,514 29
Net due under terms of appropriation.....	1,038,485 71
Eight per cent. special assessment certificates.....	1,523,400 00
Credit special assessment certificates in hands of commissioners of sinking fund.....	\$595,535 64
Prospective assessment certificates.....	300,000 00
	895,535 64
Net deficiency on special assessment certificates.....	626,864 36
Claims for damages, &c., reopened by late act.....	100,000 00
	22,561,484 11
Assets:	
Chesapeake and Ohio Canal bonds with sinking-fund commissioners.....	75,000 00
Net total.....	22,486,484 11
Washington and Alexandria Railroad bonds, \$59,000, are in litigation, bring no income; in fact, the District paid last year under a decree of the court \$19,160 for similar bonds guaranteed by Washington City.	

And I wish now to show that even this is not the entire burden. There are the following additional burdens upon the real estate of the District, as per official reports:

Uncollected taxes before 1873.....	\$150,000 00
Uncollected taxes for fiscal year 1873-74.....	500,000 00
Uncollected taxes for fiscal year 1874-75.....	1,607,216 04
Total.....	2,257,216 04

I wish to have these statements stand side by side in the RECORD.

[Here the hammer fell.]

Mr. WILSON, of Indiana. I move to strike out the last word, and yield my time to the gentleman from Pennsylvania [Mr. RANDALL] if he desires it.

Mr. RANDALL. It has been shown by other parties that the debt is more than \$26,000,000. I want to see the commissioners continued and the board of audit continued for perhaps twelve months. I believe it is the only avenue out of the distress which has been heaped upon the property-holders of this city by the gross mismanagement of the board of public works. And I believe that whenever that shall have been sifted to the bottom, when Mr. Magruder's accounts, which have been most outrageously, if not dishonestly kept, shall have been examined, it will be shown that property here is burdened with more than \$25,000,000 of debt upon an assessment of real estate less than \$100,000,000. I stand here, one at least, ready to give all the help I can to these people here from the Federal Government. But I want first to be assured that the money which we give will be honestly expended, and for the purposes for which it is appropriated. [Applause in the galleries.]

The SPEAKER *pro tempore*. If any further manifestation of applause is made, the galleries will be instantly cleared.

Mr. CHIPMAN. I have only a word to add. I am obliged to the galleries for this applause, for I understand it to be in response to the sentiment of the gentleman from Pennsylvania, that he is going to help this District all he can.

Mr. RANDALL. Property here will all be made almost valueless if we do not extend such aid.

Mr. CHIPMAN. Now, with regard to the assault on the *personnel* of this government, I shall not attempt any defense. The administration of those officers is a part of the history of the past, and their acts will answer for themselves in the future.

Mr. RANDALL. The gentleman will observe that I spoke of them as public officers.

Mr. CHIPMAN. Speaking of them as public officers—speaking of this board of public works and the individual members of it—I say it ought to be remembered that in this Congress they have each and all been investigated over and over again; and no committee of this House or the Senate ever found one act of corruption on the part of a single member of that board or that government. After so many investigations I should think that gentlemen would not be hasty in charging fraud and corruption upon that board.

Now the gentleman strikes the right key when he says that this District is in great distress. I do not regard that as the fault of the people of this District. They were generous in giving their authority—

Mr. WILSON, of Indiana. Whose fault was it? Will the gentleman please tell us?

Mr. CHIPMAN. It was the fault of Congress.

Mr. WILSON, of Indiana. Was it Congress that did these things from which the people are suffering, or was it these men whom the gentleman has been eulogizing on this floor?

Mr. CHIPMAN. I will be perfectly frank with the gentleman. I have never concealed anything from the House or from the people of the District. The fault lies right here. It lies partly at the door of the gentleman himself. After perhaps five months, certainly three months, of patient investigation, he came in here and submitted—what? A proposition which turned this community over, bound hand and foot to a despotism, a power ten times as absolute as the board of public works.

Mr. WILSON, of Indiana. What "despotism" does the gentleman allude to?

Mr. CHIPMAN. I refer to the despotism of the board of commissioners. So far as regards the *personnel* of that board—so long as the positions are filled by the gentlemen who now occupy them—I have no doubt that the duties will be performed faithfully. But I believe that the act of June 20, 1874, confers greater power upon this board of commissioners than was ever conferred upon any officers in our District government. You have deprived the people of any power to control their own affairs.

Mr. SMITH, of Ohio. Has that board of commissioners added anything to the burdens of the city?

Mr. CHIPMAN. No; and I do not know that they ever will. I am speaking now of the frame of government which you have given us, which is certainly a pure despotism.

Mr. WILSON, of Indiana. Who was it but the governor and the board of public works that appointed all this army of officers to eat out the substance of the people of this District?

Mr. CHIPMAN. This "army of officers" was a necessary result of the system of improvements. It was impossible to expend \$15,000,000 here in two years without an "army of officers" and employes.

Mr. RANDALL. Allow me one question: Who made all these contracts without any meeting of the board of public works?

Mr. CHIPMAN. Why, sir, the board of public works made those contracts precisely as less than a quorum of this House often does business.

Mr. Speaker, on that point I desire to say this only. It is idle and a waste of time to defend what is in the past. All we desire of Congress is that it shall do its duty. Congress stood by here and saw this work go on. The people gave their assent to a part of it, but they did not give their assent to all of it. Learned counsel for the board of public works (and their opinion is in the report the gentleman from Indiana submitted to the House)—they gave it as their opinion as counsel of the board of public works that that board was violating no law when it anticipated the improvements by incurring a debt for the other two-thirds about which I spoke a moment ago. Mr. Cushing was one of those gentlemen; Mr. Jeremiah S. Black was another; Mr. W. E. Chandler another; Mr. Walter S. Cox, of this city, another; and there was another gentleman whose name does not occur to me just now.

Mr. W. R. ROBERTS. Were they not paid for their opinion?

Mr. CHIPMAN. I am sure I do not know. Attorneys are in the habit of being paid for their services.

Mr. O'BRIEN. Was not the first fault with Congress in delegating to another the power which under the Constitution belonged to it alone?

Mr. CHIPMAN. That is possible. It is true Congress has never exercised any intelligent control over this District. It is not doing it now. The gentleman from Indiana and his committee asked Congress to appoint a committee, and Congress did it; but that committee has reported no bill to become a law at this session.

I have no wish to detain the House on this subject. All we want is that you will lay a fair tax on our people and pay the rest yourself, as in justice you ought to do.

Mr. MERRIAM. The gentleman withdraws the amendment, and I renew it.

Mr. Speaker, no representative of the people can have stood in this Congress for the last two or four years without having come to the conclusion that the citizens of the District of Columbia have lacked the pluck and courage, the self-reliance and self-support which characterize the Anglo-Saxon race outside of this District. I have never been able to understand why the people outside of this District in

the rural part of the country should be taxed to support the people of this District in luxury while they themselves are not willing to do a fair proportion of the work of self-support.

The Delegate of this District, whom I admire because he always defends well every good or bad cause in this District, although this is the first time I ever heard him, says there are despots here. We in the city of New York have had despots, and from the year 1860 to the year 1870 were taxed at an average for the ten years of \$2.31 $\frac{1}{10}$; that was before the ring despots had sway; and since the ring was broken, (which saddled us with a debt larger in proportion than the citizens of this District are saddled with to-day,) we have been obliged to come up like men and meet it. And we are now taxed over 3 per cent. upon our real estate upon an assessment that is higher than any assessment ever made in the District of Columbia.

I wish to say to the people of this District that they must cease to rely on Uncle Samuel. They must themselves go to work and pay their taxes and get out of debt if they wish prosperity and happiness.

The Delegate has told us there are no manufactories in this District, and hence the people here cannot be expected to support themselves. Why, sir, there is no population in any manufacturing district in the United States where the same ratio of men are paid so much as the people in this District are paid; and it is a sure pay, because it comes out of the Treasury of the United States. More than one-tenth of the people here receive pay from the Treasury of the United States, and larger pay, too, than is paid by any manufacturers in the world.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. PLATT, of New York. I will take the floor and yield five minutes to my colleague.

Mr. COTTON. Let us have a vote.

Mr. MERRIAM. I withdraw the amendment which my colleague renews, and he yields his time to me.

Mr. THOMPSON. I will take the floor and let the gentleman have my time.

The SPEAKER *pro tempore*. The gentleman has been heard in opposition, and his time has expired. The gentleman from Iowa objects to the withdrawal of the amendment.

Mr. MERRIAM. I ask to have three minutes.

Mr. O'BRIEN. I object; and will give the gentleman two minutes.

Mr. ELDREDGE. I rise for the purpose of opposing the amendment.

The SPEAKER *pro tempore*. Debate is exhausted.

Mr. COTTON. I call for a vote.

The question recurred on the amendment originally moved by Mr. SMITH, of Ohio, to the amendment of Mr. WILLARD, of Vermont; and it was rejected.

Mr. ELDREDGE. I move *pro forma* to strike out the last word of the amendment.

Mr. Speaker, I feel, I suppose, as every gentleman has felt who has ever served upon the District Committee, the thankless task imposed when called upon to defend or advocate anything pertaining to the interest of the people of the District of Columbia. Not by any procurement, or desire of mine I have happened to be on the District of Columbia Committee for the last four years, and I think I am somewhat familiar and acquainted with its affairs and interests; I think I understand something of the situation and condition of the people here, and certainly something in regard to their business and property.

Now, Mr. Speaker, the question before the House is how much should this people and property be taxed. Situated as they are, in the condition in which they are placed, circumscribed just as everything here now is, what taxation ought to be imposed upon them. That is the real question and the only one now to be considered. The District of Columbia is absolutely under the control of Congress. Every interest and every right of the people of the enjoyment of their lives, persons, and property are absolutely in our hands and liable to be disposed of almost entirely as we see fit. They cannot do anything affecting or relating to the government of the District or any municipality therein without the consent and authority of Congress. They have no right to make or improve a street, an avenue, or an alley; they cannot even put up or repair a lamp-post, build a sewer, or a sidewalk, or do any the smallest municipal act without Congress shall authorize it to be done.

When I came first to Congress the people here had a municipal government—they were permitted in some measure to govern themselves and control their own local affairs. But Congress in its wisdom or unwisdom stepped in and changed all these things. It made a new government for them and placed all their principal governmental affairs in the hands of men appointed by the Federal power. It left the people scarcely the form of local, much less self-government. Not satisfied with that government, the sole work and creation of the law of Congress, it intervened again and took away every vestige and pretense of a people's government, and placed them and all they are and have or can expect to have in the hands and control of non-resident appointees of the Federal Government. And let me say, on my own behalf, all these changes were made without any act or vote of mine and against my judgment. But whatever the people of the District are now suffering or enjoying in the way of government, whatever burdens now weigh upon or oppress them, whatever wrongs have been committed or whatever good things may have been done, whatever of taxes or assessments may have been piled up

against the District, and whether or not they have been wisely and judiciously expended or recklessly and wantonly wasted, all, *all* has been done or permitted by the laws and authority and under the government imposed upon this people by Congress—and Congress or the Federal Government is solely responsible for it.

Now, the question raised is only the question of how much more taxes these people shall pay. Congress by its law of last session imposed a tax of 3 per cent. upon the then assessed valuation of real estate. The District authorities, by permission of Congress, imposed previously during the same twelve months, upon the same assessment, 2 per cent.; making 5 per cent. in one year. There is, I am informed, more than \$1,300,000 of this 3 per cent. tax now unpaid and delinquent; and more than \$300,000 of previous levies also delinquent, making in the District more than \$2,000,000 of unpaid and delinquent taxes now outstanding and remaining a lien upon the real estate, upon the houses and homes of this people. And all this, too, in addition to a large sum of special or improvement assessments upon particular properties now advertised for sale for non-payment. This is a hasty and only a partial statement of their condition.

Now, sir, as statesmen, impartial and unprejudiced legislators, looking to the interests as well as the condition of this people whose destiny is in our hands, we should endeavor to adjust this tax and levy upon them no more than they can justly bear. The gentleman from Ohio [Mr. SMITH] says that the people of his State are taxed at the rate of \$3.50 or little more on the \$100. I cannot believe the assessment is at its full valuation if that be the case, or that it is as high a rate as property is assessed in the District. I do not believe there is a State in this Union whose people are obliged to pay \$3.50 on each \$100 of its actual cash value, unless indeed it may be the poor tax-cursed, crushed, and ruined States of the South, and I doubt if many of them are taxed to that extent.

Mr. SYPHER. I desire to say to the gentleman that taxation in Louisiana is 14½ mills on the \$100.

Mr. ELDREDGE. I do not want to hear from the gentleman from Louisiana. That people have suffered enough from *his sort*.

And now the question is, what amount of taxes can and ought the people of this District to pay, considering the amount paid during the last year and the amount now delinquent and still to be paid of the previous assessments? Let it be remembered that we are not appropriating any money by this bill; we are not providing for any particular fund or the payment of any particular debt, improvement, or other thing, but devising means to raise money for the Treasury of the United States by a tax upon the people and property of the District of Columbia.

Under our law as it now exists the money raised by such taxes will go into the United States Treasury. And for what purpose? Not to enable these people to govern themselves and manage their own affairs, but to furnish money for the United States to govern, manage, and control the affairs and people of the District. This measure has no relation to the late board of public works or to what they did or what they did not do. They must be judged (as I have no doubt they are willing) by what they have accomplished, and stand or fall by what they have created.

The gentleman from Pennsylvania [Mr. RANDALL] told us he stood ready to give all the help he could to these people from the Federal Government. But he said:

I want to be first assured that the money which we give will be honestly expended and for the purposes for which it is appropriated.

I have said whatever money we shall raise by this proposed taxation must, according to law, be covered into the Treasury of the United States. What other assurance does the gentleman want that the money will be honestly expended and for legitimate purposes? It can only be drawn by the authorities we shall authorize or appoint. And if it be not honestly and legitimately used it will be only the fault of Congress.

Whatever money we raise by this bill will be, as the people and their affairs and the affairs of the whole District are, in the absolute power and control of Congress. It will be used and disbursed just as Congress shall say; the people can have nothing to say about it; it will be a forced contribution from the people to help the United States pay the expense of ruling and governing them. It may be used to crush and destroy the people, to further oppress and burden them. It may be applied to that, or it may be wholly diverted from the District and used for other purposes.

The right and power of self-government have been taken away from this people altogether. They are hereafter to be forced to pay taxes without any voice in raising them or anything to do with the moneys so collected. It will be emphatically the old exaction against which our fathers rebelled of "taxation without representation." It ought to be enough to satisfy the most inveterate haters of the District that this people are made to pay the expense of Congress "lording it over them." There is nowhere in any country or in any land a more complete despotism than the government and power which Congress has set up in the District of Columbia. The committee, recognizing the power of Congress to tax the people here, considered the subject only in the light of what would be a proper and just tax, and they came to the conclusion that \$1.50 on the \$100 was all they

ought to be required to pay; and my own opinion is that it is all they can pay without greatly distressing them. A much greater rate of taxation will be a virtual confiscation of much of the real estate of the District.

Mr. SPEER obtained the floor and yielded to the gentleman from New York, [Mr. MERRIAM.]

Mr. MERRIAM. I have nearly finished what I wish to say. We have in the city of New York Government buildings, post-offices, custom-houses, assay offices belonging to the Government of the United States. And yet we do not ask the United States to educate our children; we do not ask the United States to pave our streets; we do not ask the United States to buy and pay for our court-houses. But here in the District of Columbia the Government of the United States is expected to do everything for the people here, and we outside of the District in the country are to be taxed to pay for it.

Mr. CHIPMAN. Allow me to interrupt the gentleman a moment. Do you know how much the United States has appropriated here for the expenses of the District since the Government was founded here?

Mr. MERRIAM. Immense sums are found in every appropriation bill.

Mr. CHIPMAN. It is about \$4,500,000, against which the people of the District have expended over \$26,000,000.

Mr. MERRIAM. For what purpose have they expended over \$26,000,000?

Mr. CHIPMAN. For protecting the Government of the United States in its residence here in Washington.

Mr. MERRIAM. Ah, they have; how?

Mr. CHIPMAN. Giving you a fire department, giving you police, giving your children schools. Over one-third of the children in our public schools to-day are the children of persons who have no more interest in this District government than has the gentleman from New York. Many members of Congress, I am glad to say it, avail themselves of our public schools. I ask pardon of the gentleman for interrupting him.

Mr. MERRIAM. Then I am to understand that the citizens of this District expect the Government to educate their children. It is evident to any one who has been here in these halls that whatever can be wrung out of the Government of the United States is wrung by the citizens of this District. We owned half of the court-house here, and last year we made an appropriation to buy the balance of it, and we paid for it. Yet it is used by the people of this District to-day as it was before. I understand that it is proposed we shall buy the old jail here. I am only surprised that the Government of the United States have not been called upon to buy their front yards, and I suppose the time is not far distant when we will be asked to buy their back yards, because whatever we own they do not pay taxes on, and they can use it as well after we have bought it as before.

The debt of this District to-day, I think, if footed up correctly, would be found to be over \$26,000,000. Now, it is very evident to impartial minds that the people of the District cannot pay the whole interest on that debt. We are obligated to pay a portion of it, but what I desire is that the citizens of this District shall come up like honest, bold, brave men, and not shirk from paying at least a fair proportion of it.

[Here the hammer fell.]

Mr. COTTON. I must insist upon moving the previous question very speedily.

Mr. FORT. I desire to offer a substitute for this first section.

The Clerk read the proposed substitute, as follows:

That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, there shall be levied upon all real and personal property within the limits of the city of Washington, \$2 on each \$100 of the cash value thereof, and within the limits of the city of Georgetown, \$1.50 on each \$100 of the cash value thereof; and within said District outside of said cities \$1 on each \$100 of the cash value thereof, excepting the property of the United States and such other property as is hereinafter exempted from taxation.

Mr. FORT. It occurs to me that the taxes should be graded. Those residing in the city of Washington should pay a much larger tax than those residing in the city of Georgetown, and those residing in the city of Georgetown should pay a greater tax than the farming community outside of the two cities. In my judgment \$1 on \$100 of the cash value of farm property is all the tax that ought to be paid on farm property. The people residing in this city enjoy more of the benefits and pleasures of these splendid improvements than those living in the country. The greater burden of taxation should be borne by the people living within the limits of the cities of Washington and Georgetown.

I have nothing to say in reply to my friend from this District [Mr. CHIPMAN] in his claim that the United States ought to pay most of the expenses of the Government, because a few members of Congress temporarily resident here happen to send their children to the public schools. For my part I have not been able to learn of a single member of Congress who has sent his children to a public school here in Washington. There may be one or two who do, but I am not advised of a single instance.

Mr. CHIPMAN. If the gentleman will allow me—

Mr. FORT. May be there are some members who have done so; I have no doubt some of them have sent a scholar to school a short time while they were here attending upon the session of Congress. But in my opinion they have been requested by the school authori-

ties to send their children to school in order to thus be able to make some claim on Congress to appropriate liberally for the support of their schools. Members of Congress do not reside here; they have no right to send their children to school here. They should pay the tuition of their children as other non-residents do.

Mr. RANDALL. Does the gentleman know any member of Congress who sends his children to the public schools in this District?

Mr. FORT. I have said that I do not know of any one. Not a single instance do I know of; I do not send to the public school myself. I never thought of doing so without paying tuition as other people do.

Mr. RANDALL. I do not believe there is one. I have children, and I do not send them to the public schools here.

Mr. O'BRIEN. If there are some members who send their children to the public schools here, does the gentleman from Illinois [Mr. FORT] say that they have sent them there in the way of accepting a bribe? That is a very light charge to make against gentlemen.

Mr. FORT. I do not make that charge. I have said I know of no such case; and I cannot understand why a member of Congress should think of sending his children to school here free.

Mr. O'BRIEN. It is a very poor argument.

Mr. CHIPMAN. Will the gentleman allow me to say that I do not speak particularly with reference to members of Congress. There may be very few of them who do this; but the point I make is—

Mr. FORT. I cannot yield to the gentleman any longer.

Mr. CHIPMAN. I want the gentleman to answer my point, which is this—

Mr. FORT. I do not object to any children going to school whether they belong to members of Congress or to anybody else; but members of Congress can pay the tuition of their children.

Mr. CHIPMAN. Nor do we.

Mr. FORT. But I do say that members of Congress can afford to pay for the tuition of their children. It is humiliating to hear the gentleman get up here and claim that we must not levy much tax upon the people of this District, but that the United States should pay most of the expenses for the reason that the children of a few members of Congress may occasionally go to school in this city. Sir, I scout any such idea. I do not believe that such a consideration should have any influence. I do not believe that you should tax the people of the United States outside of this District in order to pay for the tuition of the children of any member of Congress while he is temporarily residing here. There is something strange about this argument. There are a great many members of Congress who seem to have their permanent residences here, at least they seem to be very much interested in having the United States pay all the expenses of this District.

For my part I am willing that the Government should make liberal appropriation to pay a portion of the expenses of this District, but I likewise think that the people who live here or own property ought to pay something toward it. They ought to pay a tax on their personal property as the other people of this country do. The expenses of this District fall very heavily upon the people of my district, and I want the people residing here to pay a part of their own expenses.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I rise to oppose the amendment.

Mr. FORT. Mr. Speaker, has my time expired?

The SPEAKER *pro tempore*. It has.

Mr. FORT. I submit that the gentleman representing the District occupied more of my time than I did.

Mr. CHIPMAN. I do not object to the gentleman occupying all night, but he misstates this point entirely.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. BUTLER] is entitled to the floor. Does he yield to the gentleman representing the District?

Mr. BUTLER, of Massachusetts. No, sir; I say in advance that I do not yield to anybody, and I hope I shall not be interrupted with any request of that kind.

Mr. Speaker, as I cannot vote on this question—as I am a tax-payer in this District and hence prohibited by the rules of the House from voting on this question—I want to call attention to some views upon this matter of taxation. All the people of the United States are interested in having the city of Washington made that which it ought to be—such a capital as is worthy of a great nation. This cannot be done simply by appropriations by Congress. If men of means, of culture, of taste, will not come here and make this city their home for at least a portion of the year, you will not have a beautiful city.

Now, what is the effect of imposing taxes larger than those of any other city in the Union upon the prosperity and growth of this city? Will men build or buy residences here? Will they, unless forced to come here by their profession or their business, make a home in this city and take any stake in its affairs?

Now, I declare in all solemnity that if I had known my property here would be subjected to a tax of 3 per cent. I should not have thought it best to make any investment here, although in the future I may be called here by my professional business. And the same consideration would operate upon other men.

A MEMBER. One and a half per cent., not 3 per cent., is the rate proposed.

Mr. BUTLER, of Massachusetts. Three per cent. is the rate now being levied; I do not know what you are going to do upon this bill.

Taxes in Massachusetts are \$1.80 on the \$100, where the United States have no interest. Why should the people here, where there is no business to support taxation except the business of the Government, be called on to pay so large a rate of taxation?

This city, owing to these improvements which have run up this debt, has now become in winter one of the pleasantest cities in the whole Union. The streets are passable at all times; its climate is delightful; and happily in point of health it is by reason of the work which has been done in the way of drainage, &c., improving year by year. Men are coming here now to build residences and making it a winter home. Why should we undertake, by putting on a large taxation, to drive them away? For such must be the inevitable effect.

One word further, and I will trouble the House no more on this question. The United States, it is said, do not pay taxes anywhere else on their custom-houses, their post-offices, and other public buildings. Why do they not? Because the States have no power of taxation as against the United States, and because custom-houses and other public buildings are an advantage to the locality where they are situated, so that the locality should bear as it does the burdens of taxation. But here there is an entirely different condition of things. All that is here is for the benefit of the whole people of the United States, and I do not believe there are any among the people of the country who will grudge the amount necessary to improve properly the public buildings and grounds here or to beautify this city.

I think the United States should bear a fair proportion of the taxation here, and while this is so, the taxes ought to be lower here than anywhere else, because fortunately the District of Columbia has not what my State has—a tax on account of a very large war debt, although we furnished besides a reasonable proportion of soldiers to the war.

[Here the hammer fell.]

Mr. MERRIAM. I am glad that we have been informed why the tax here should be small—that rich men may come here and be happy!

Mr. NIBLACK. I move to amend the amendment of the gentleman from Illinois [Mr. FORT] so as to make the tax \$2.25 on \$100. I am not disposed to unite in this general crusade against the late District government. That branch of the case has already been discussed quite exhaustively, and it is one with which I am not so familiar as are many other gentlemen.

Toward the gentlemen who had charge of the late District government I never entertained personally any ill-will, and I do not desire to say anything now that might do injustice to any one connected with that government. But I have no hesitation in saying I came to the conclusion before that District government had been in existence a year that it must lead, as afterward proved, to signal and most disastrous failure. I presume the gentlemen in charge of the government carried out the inspirations infused into or plans laid down for them by some high power in the Government, or other controlling influence scarcely less potent. Whether that inspiration came from Congress or the Executive, or arose from some supposed party necessity, I do not undertake to say, because I am not sufficiently informed on the subject to speak advisedly. But, sir, it was evident to me before the first year expired, as I have said, that there must be a financial crash in this District and that the General Government would be called upon sooner or later to make up the large deficiency which would result from the non-collection of taxes assessed in different forms upon the people and property here.

In this connection I will remark that there is but one alternative left, as the gentleman from Wisconsin [Mr. ELDRIDGE] has well said. The Government must contribute whatever is fair and right as its proportion of the expenses of the District and toward the payment of the debt now resting upon the property of the District, and then we must tax the people all they can reasonably bear, that the property of the District may contribute its just share.

What I sought the floor more particularly, however, to say, and I know the Chair will not exactly concur with me in all I may say on this presentation of the subject but it is nevertheless my duty to say it, is that the failure of this District government is due in a very great measure to that extraordinary infliction which we placed upon the people of this District some years ago by making the District the experimental garden for indiscriminate, vagabond, uneducated, carpet-bag, and non-taxpaying suffrage, white and black. No government can exist based upon any such suffrage as existed at the time this late government was established. No stable government can exist in certain Southern States because that same element of suffrage predominates there. It failed as all similar governments must fail. It failed as the government of Louisiana has failed. It failed as the governments of other Southern States have failed in a greater or less degree. It will always fail everywhere unless restrained by the Government or some other equally potent and extraneous influence. If not so restrained, total wreck must follow. Despair as a specter must enter every household.

[Here the hammer fell.]

Mr. SMITH, of Ohio, obtained the floor.

Mr. COTTON. I must call the previous question after the gentleman from Ohio has finished his remarks.

Mr. LOUGHRIDGE. I rise to a parliamentary inquiry. There are

some gentlemen who have made three or four speeches, and there are other gentlemen who desire to be heard but have not yet had an opportunity to get the floor. Is it in order for a member to speak who has already occupied the floor, while gentlemen are seeking the floor who have not had a chance?

The SPEAKER, *pro tempore*. Technically, of course, the debate proceeds on each amendment with one speech for and one speech against it. The Chair will endeavor in all cases to recognize gentlemen who have not spoken.

Mr. SMITH, of Ohio. I believe I have the floor.

Mr. Speaker, there was a good deal in the speech of the gentleman from Wisconsin [Mr. ELDREDGE] in which I concur. I understand the gentleman from Massachusetts [Mr. G. F. HOAR] who is in the chair, as well as the gentleman from Wisconsin [Mr. ELDREDGE], holds that Congress under the Constitution of the United States has exclusive jurisdiction over this District and cannot delegate that jurisdiction upon anybody else. It makes little difference how this debt was incurred, whether according to law or not. There is a large debt hanging over the people of this District. What for? For extensive and valuable improvements. By the expenditure of this money the people have made, whether lawfully or not, this city of Washington one of the most beautiful on the continent; and the question we have to consider is how much taxes we shall impose on the people here. We have authority to say whatever we please, as I understand it. Now I have submitted a table made up from sworn statements of officers in Ohio that the principal towns and cities of that State are now paying taxes of more than $2\frac{1}{2}$ per cent.

I believe the cities of the United States are paying a tax of more than $2\frac{1}{2}$ per cent. And why should not the people of the city of Washington pay as much tax as the people of the cities in other portions of the country?

The gentleman from Massachusetts [Mr. BUTLER] says they should not do this; and why? He wants people of wealth, of culture, of refinement to come here to live, and he wants to tax all the balance of the people of the United States to relieve these people when they come here to live in order to build up here a capital. That is the argument of the gentleman from Massachusetts, and with that argument I take issue.

What, sir, are the poor people, the laboring people, the manufacturing people of this country to be taxed for the benefit of the rich people and the people of culture? That is the philosophy of the argument of the gentleman from Massachusetts. We are to tax everybody else for the benefit of culture and wealthy people. The man who is worth a million or two millions of dollars must be induced by low taxation to come to the city of Washington, and we must make the taxes of the city of Washington lower by imposing higher tax on everybody else in the United States.

Is it desirable that we should build up a great capital like Paris or Vienna, to be supported by the labor and toil of the people of every other part of the country? If you do, the result will be you will have the most useless population in this splendid capital of yours that there is in the world. Our true policy is to have our people producers of wealth, and not to have any portion of the population living upon the wealth that is taken from the pockets and the brains and the labor of other people. I have no desire to have a great, splendid, idle, profligate capital here at the city of Washington. I have more interest in the people who are working in the manufacturing shops of the East and the commercial towns of the West than I have in this elegantly dressed, gay, fashionable population that swarms in the streets of this city. I trust we will do nothing to add to this idle population of the city of Washington. I believe they are now the best dressed, the best fed, and best housed people on this continent in proportion to their numbers.

[Here the hammer fell.]

Mr. E. R. HOAR. Mr. Speaker, a joint committee of the two branches of Congress was chosen at the last session to frame a form of government for the District of Columbia. Their duty also was to determine the proportion, as well as they could, which the United States ought to pay of the expenses of the District government. That committee devoted many weeks to a most laborious and careful investigation, and, consisting, one-half of it, of each of the political parties, arrived at a resolution in which they were entirely unanimous. The plan of that form of government which they devised, and which now is hanging in the Senate and may not be reached in the House at the present session—though I hope it may—was this: That as Congress had conferred on it by the Constitution exclusive power of legislation over the District of Columbia in the same clause which gave it jurisdiction over forts, arsenals, and the like, it was right, as we had laid out a capital here on a scale of magnificence which no sane people of the means and numbers of the people of Washington city ever would have adopted themselves—as we had laid out this capital for national purposes, with these enormous streets, with these numerous squares, and these public buildings, it was the duty of Congress to legislate for and govern this District and provide for it as they would for West Point or any other national property that was under their control. At the same time that, as there was a population assembled here brought here solely by the fact that this was the national capital, for there is neither trade nor manufactures nor any means of getting a living in this town except what the National Government brings with it, it was fair that its people should

pay for the benefits of government about the same sum that on an average well-governed cities through the country paid. And after an examination made with the greatest care, and getting the rate that was paid in the various cities and towns through the country and comparing the rates of valuation in those cities, the committee came to the unanimous conclusion to recommend to Congress that the rate of 2 per cent. should be for a beginning and as an experiment a fair rate for this District. We consider that they need a great deal of money at present, and therefore should pay as much as they can fairly bear. And we considered also that they had been severely taxed, even oppressively taxed, during the past year.

We examined the question as to different rates of taxation for different parts of the District, and we came to the conclusion that there should not be such a difference. We could see that Georgetown or the county does not get the same benefit as the city from the street-lamps, pavements, &c. On the other hand, that is always discounted on the value of property, and if you assess it upon an even and fair valuation, then each man pays his share. We therefore advised the House to adopt the rate of 2 per cent. If we find it oppressive, if we find it too heavy, it can be modified. If we find the people could bear more and that that is not enough to furnish their share of the expenses, we can raise it.

But the amount of time of the investigation of your committee I am sure was as great as it is possible for the House to exercise in this one evening.

Mr. RANDALL. I would ask the gentleman whether the committee reached a result as to the true proportion of taxes to be paid by the people of the District and by the Government?

Mr. E. R. HOAR. The committee thought the United States should appropriate for this District whatever sum they thought desirable to be expended upon the capital of the nation. But it was impossible to make a proportion, because a large share of the expenses we have to pay is for objects which the citizens alone would not have an interest in. The taxation of the citizens should be for the schools, for water, lights, sidewalks, police, and courts; they should pay what would be a fair contribution for good government, compared to what is paid by other citizens of the country, and then Congress should appropriate such sums in addition as they see fit, without making any proportion.

Mr. RANDALL. You reached no relative percentage?

Mr. E. R. HOAR. We came to the conclusion that it was impossible to reach a relative percentage, because Congress had power to require these greater things to be done which the citizens of the District could not do.

Mr. LOUGHRIDGE. I recognize the fact that if we get along very far with this bill to-night we must go along more rapidly than we have done.

The SPEAKER *pro tempore*. The Chair will state in reply to the gentleman from Iowa [Mr. LOUGHRIDGE] and the gentleman who has charge of the bill [Mr. COTTON] that the Chair does not understand that this House is considering this bill by sections at this time. The Chair understands that the bill has been amended in some of the later sections. The gentleman in charge of the bill can call the previous question when he obtains the floor for that purpose on any particular amendment, or on all the pending amendments, or on the whole bill.

Mr. COTTON. Permit me to correct the Chair. The bill on the Clerk's desk is a substitute reported by the Committee on the District of Columbia, and the amendments were put on in the committee and not in the House.

The SPEAKER *pro tempore*. The Chair derives his information upon that point from the Clerk.

Mr. COTTON. The first section only has been amended in the House. I shall certainly move the previous question after ten minutes more for debate.

Mr. RANDALL. The previous question on what?

Mr. COTTON. On the bill and amendments.

Mr. RANDALL. I hope not.

Mr. GARFIELD. I rise to a parliamentary inquiry. It seems to me that it is very important to understand the ruling of the Chair. According to that ruling, and I believe he is right, the gentleman in charge of this bill can call the previous question on the whole bill, or on all the amendments, or on any one amendment pending to the bill. If gentlemen understand that by and by the previous question is to be called on the bill, they will see the importance, if they have any amendments to offer to other portions of the bill, of putting them in pretty soon.

Mr. LOUGHRIDGE. I understand the question now under consideration to be the rate or percentage of taxation that is to be put on the property of this District. I do not stand here to claim that the people of this District ought to be taxed any higher than the people of other cities and towns. But I do say that in my opinion the people of this District ought not to complain if they are called upon to pay as high a tax as the people of other towns and cities, not so favored as this city is, are obliged to pay for their own support.

The gentleman from Ohio on my right [Mr. SMITH] said, as I understood him, that in the State of Ohio in all their towns and incorporated cities they paid a tax of about $2\frac{1}{2}$ per cent. on the entire cash value of their property.

Mr. FRYE. Allow me one question.

Mr. LOUGHRIDGE. I cannot yield, for I have only five minutes. The people of Iowa pay from 3 to 5 per cent. on their assessments. The assessment is not the full value of the property, but a little over one-half of the value. I hold in my hand a report of the auditor of the State of Iowa, and I find by that report that the rate of taxation there is from 3 to 6 per cent. In the county of Polk, represented by my colleague on my left, [Mr. KASSON,] the tax last year was 55 mills; and of that 2 per cent. was for schools. In the county of Marshall, represented by my colleague, [Mr. WILSON,] the tax last year was 47 mills—nearly 5 per cent. Now, it seems to me it does not lie in the mouths of the people of this District to ask that the people of Ohio and Iowa should pay the surplus of taxes that they should pay, until they themselves pay the same that the people of those States pay.

Mr. KELLOGG. Have not the people of this District paid 5 per cent. for the last two or three years?

Mr. LOUGHRIDGE. I do not know as to that. I am talking about what this bill proposes. I understand the commissioners of the District are of the opinion that the rate of taxation should be 2 per cent. I think that is a reasonable rate of taxation and I am satisfied with it, and I think the House should fix the rate at 2 per cent.

Let me say one word further. My colleague [Mr. COTTON] proposes to call the previous question on this bill. Let me make this suggestion: we propose in this bill to tax personal property; but the bill is so imperfect that under it you cannot collect one-tenth of the personal tax which it proposes to levy. The bill must be amended; and the gentleman from Indiana [Mr. WILSON] has an amendment upon this subject. I only ask my friend from Iowa [Mr. COTTON] not to call the previous question on the entire bill. I will say that in my opinion 2 per cent. is a fair and reasonable tax for the people of this District.

Mr. WILSON, of Indiana. Before proceeding to discuss the amendment I am about to offer, I will merely say that but for the fact that I recognize the very great importance of the passage of this bill, I should be very glad to reply to some remarks of a personal nature made by the Delegate representing this District [Mr. CHIPMAN] as regards myself. But I forbear to enter upon that line of discussion. I wish to say simply a word with reference to the tax that ought to be imposed on this District under existing circumstances. There is one feature of the case which I have not yet heard alluded to in this discussion.

At the last session of Congress a tax of 3 per cent. was imposed upon the people of this District. I had something to do with the framing of the bill which imposed that tax. It seemed to be absolutely necessary to impose it; for even with that taxation of 3 per cent. Congress was required to appropriate \$1,300,000 to enable the District to get along in the difficulties with which it was surrounded. But now, Mr. Speaker, in fixing the tax to be imposed upon property in this District, it should be borne in mind that the improvements which have been made here have been enormously expensive; that special assessments of the most grievous character have already been imposed upon the people. I agree with my friend from Pennsylvania [Mr. RANDALL] in the opinion that when we shall have gotten to the bottom of this debt (if we ever shall get there) it will be found to be somewhere between twenty-two and twenty-five million dollars. No effort to whitewash this thing or cover it up (come from whatever source that effort may) will avail. Figures and facts hereafter will prove such to be the aggregate of the debt.

Now, in the creation of this debt, enormous special assessments have been levied upon the people in this District. Those assessments they are being compelled to pay; and this in my judgment is a matter of exceeding importance to be taken into consideration in fixing the rate of tax that we shall now levy. I believe that under the circumstances an imposition of 2 per cent. is as far as we ought to go.

Mr. SMITH, of Ohio. Have not the improvements for which these assessments are made increased the value of the property?

Mr. WILSON, of Indiana. That may be; but the people have to get the money some way or other to pay the tax, and that is the difficulty. When they have to pay these special assessments in addition to a tax of 2 per cent., it seems to me it is all they are now able to bear.

But, Mr. Speaker, it was with reference to another matter that I sought the floor. I rose to offer an amendment which I have sent to the Clerk's desk and in connection with it I ask to have a letter read. I offer my amendment as an additional section.

Mr. COTTON. Then it had better be reserved to come in at the end of the bill.

The SPEAKER *pro tempore*. It will be regarded as pending, to be taken up at the appropriate time.

Mr. WILSON, of Indiana. I desire to have it read now so that the attention of the House may be directed to it.

The Clerk read as follows:

Add as a new section the following:
SEC. — That the commissioners of the District of Columbia shall cause to be made a register of all bonds, sewer certificates, and other obligations of every kind of the city of Washington, the city of Georgetown, or the District of Columbia whatsoever, heretofore paid or redeemed by said commissioners or which may hereafter be paid or redeemed; and at a time appointed by them shall in the presence of the First and Second Comptrollers and the Second Auditor of the Treasury, whose duty it shall be to attend, destroy said certificates or other obligations by

burning the same until they are entirely consumed. And the commissioners of the sinking fund of said District in like manner shall cause a register to be made of all such bonds, certificates, or obligations heretofore paid or redeemed by them, or which may hereafter be paid or redeemed by them; and at a time to be by them appointed shall in the presence of said Comptrollers and Auditor, whose duty it shall be to attend, destroy said bonds, certificates, obligations or evidences of indebtedness by causing the same to be burned until they are entirely destroyed. And the parties herein specified shall make and sign a certificate to said register that the said bonds, certificates, or other obligations or evidences of indebtedness specified in such register were in their presence destroyed as required by the provisions in this section.

Mr. WILSON, of Indiana. I ask the Clerk to read the letter I send to the desk.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., February 8, 1875.

SIR: The commissioners of the District have redeemed \$470,000 of sewer certificates and \$1,102,000 of the thirty-year Washington funding loan bonds issued under the act of the Legislative Assembly of the District approved June 20, 1872, entitled "An act to fund unsettled liabilities of the city of Washington and providing for the issuing of bonds, and levying and collecting taxes to pay the same;" of the latter \$450,000 are in the hands of the commissioners, and \$652,000 are in the hands of the commissioners of the sinking fund. The commissioners have also redeemed \$12,000 of the District permanent improvement bonds issued under the act of June 23, 1873, entitled "An act in addition to an act making appropriations for improvements and repairs in the District of Columbia, and providing for the payment thereof, approved July 10, 1871." They desire authority from Congress to cancel all the above-named securities in their hands, and will be obliged if you will give the matter your personal attention and secure the necessary legislation in the premises.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,

Commissioners District of Columbia.

Hon. J. M. WILSON,
House of Representatives United States.

Mr. THOMPSON obtained the floor.

Mr. COTTON. Before the gentleman from Pennsylvania [Mr. THOMPSON] proceeds, I wish to state that I propose to move the previous question as soon as I get the opportunity upon the amendments to the first section, as that is the most important section, fixing the rate of taxation.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Iowa, [Mr. COTTON,] in order that he may not be misled, that though he is at liberty to move the previous question on amendments pending to the first section, yet after the previous question has exhausted itself upon those amendments, other amendments may be moved; so that nothing would be gained by that course, except to have the particular amendments pending disposed of.

Mr. WILLARD, of Vermont. I desire to state that I have modified somewhat the phraseology of the amendment I heretofore sent up.

Mr. THOMPSON. I offer the following amendment as a new section:

SEC. — That so much of the act entitled "An act for the government of the District of Columbia," approved June 20, 1874, as repealed the thirty-fourth section of the act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, be, and the same is hereby, repealed. And the commissioners, or their successors in office, for the District of Columbia are hereby authorized and directed to cause an election to be held for a Delegate from said District to the House of Representatives, as heretofore provided by said section of said act by the acts of the Legislative Assembly of said District. And the registration of voters of the year 1872 shall stand as the registration of voters for the said election, subject to such changes and corrections as may be made by the late board of registration of said District, who are hereby required to act for the purpose of making such changes and corrections for six days prior to the said election between the hours of twelve m. and eight p. m. of each day; the said board to conform to such regulations as were in force immediately prior to the 20th of June, 1874: *Provided*, That the election of said Delegate to the Forty-fourth Congress shall be held on the 1st day of June next, and thereafter at such time as members of Congress from the States are now or may hereafter be required to be elected.

Mr. WILLARD, of Vermont. I make the point of order on that amendment that it is not germane to the bill. It provides for an election of a Delegate in the District of Columbia.

Mr. RANDALL. That certainly is not germane.

Mr. GARFIELD. This is a tax bill; and that is an amendment providing for an election.

The SPEAKER *pro tempore*. The Chair sustains the point of order. Mr. COTTON. I desire to offer an amendment to come in at the end of the bill. It embraces in it a proposition recommended by the commissioners of the District. We intended to report it in a separate bill, but as it relates to penalties I move it now as an amendment to this bill.

The Clerk read as follows:

That all property, real and personal, held in any manner for public-school purposes by the trustees of public schools, or by any one of the late boards of trustees of public schools, shall be, and is hereby, vested in the District of Columbia.

SEC. 2. That all proper regulations for the construction of buildings and maintenance of fire limits in said District heretofore adopted by the late city corporations, or either of them, or by the late board of public works or by the successors to their functions, the commissioners of said District, or which may hereafter be adopted by said commissioners or their successors in the executive department of said District, shall be enforced by the courts, or in cases where summary proceedings are necessary, by the Metropolitan police of said District on order of the police court of said District, made on information filed in said court in the name of said District by the attorney of said District; and all penalties under said building regulations shall be recovered in said police court as fines are for violation of municipal laws and ordinances to the use of said District.

SEC. 3. That for the better performance of the duties imposed by law upon the chief of the Metropolitan police in regard to the execution and return of process of the police court, and the collection and payment of the fines, penalties, forfeitures, and costs imposed or taxed by said court on judgment in favor of the District of Columbia, the board of police is hereby authorized and directed to detail a mem-

ber of the Metropolitan police for special attention to said duties; said member of the police shall be detailed and his detail shall be revoked on the written request of the executive department of the District. Before entering upon his duties he shall give bond to the District of Columbia for their faithful performance in the sum of \$1,000, with sureties to be approved by the District commissioners. He shall daily pay over to the treasurer of said District, on special deposit, all moneys collected or received by him during the preceding day on the judgment of said court in favor of said District, with a detailed statement, taking from said treasurer duplicate receipts therefor, one of which he shall file forthwith in the office of the District attorney. The salaries, compensation, and incidental expenses of the police court shall be paid out of said special deposit, and at the end of each month the surplus remaining shall be passed into the District treasury to the credit of the judicial fund: *Provided*, That no expenses of the police court other than those expressly authorized by law shall be paid without a previous certificate from the judge of said court that they are necessary.

Mr. RANDALL. I make the point of order that that amendment is not germane to this bill. This is a tax bill; and that amendment relates to penalties.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and rules the amendment out.

Mr. CHIPMAN. I wish to move some amendments from the Committee for the District of Columbia, which we deem to be of importance.

Mr. RANDALL. I understood the Speaker to decide that amendments are in order to the entire bill and must be received before the previous question can be moved. How many amendments will that allow to be pending at once to this bill? If they are to be considered in their order I will be able to understand it.

The SPEAKER *pro tempore*. The Chair considers the amendments as pending to different parts of the bill.

Mr. COTTON. Let all the amendments be considered as pending without being read, and then let the previous question be seconded.

Mr. CHIPMAN. I agree to that.

The amendments offered by Mr. CHIPMAN and pending to the several sections are as follows:

Amendments to section 2:

That the salary of the surveyor for the District of Columbia shall hereafter be \$1,440 per annum, and the present incumbent shall be paid for his services since the 20th of June, 1874, at that rate.

That hereafter the salary of the assistant attorney for the District of Columbia shall be \$2,000 per annum.

That the said commissioners or their successors in office shall allow and pay to the treasurer of the sinking-fund commissioners the sum of \$1,500 per annum, and to each member of said commission the sum of \$1,000 per annum: *Provided*, That where a member of said commission is the treasurer thereof he shall receive but \$1,500 per annum.

Amendments to section 3:

Provided, That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to pay from any moneys collected under this act the amount by them found to be due to the employees of the late board of public works and the District of Columbia; and that the board of audit for said District and said commissioners be, and they are hereby, authorized and directed to withhold the moneys or certificates of indebtedness due to any contractor from said District Government or the board of public works, or so much thereof as may be necessary, to secure the payment in full of any employees to whom said contractors may be indebted.

That the attorney for the District of Columbia be, and he is hereby, directed to prepare and report to the next Congress a compilation of the statute law applicable exclusively to the District of Columbia, arranged under appropriate titles and chapters, (excluding ordinances of the corporations of Washington, Georgetown, and the levy court and the acts of Congress,) and the commissioners for the District are authorized to pay the sum of \$2,000 to defray the expenses of said compilation.

That the fourth section of the act entitled "An act for the government of the District of Columbia, and for other purposes," approved by striking out "March" and inserting "June."

Amendment to section 11:

Strike out "\$500" and insert "\$750" in line 4.

Amendment to section 14:

That the commissioners for the District of Columbia, or their successors in office, shall without delay cause the assessment to be completed for all special improvements in the District of Columbia done by the late board of public works or by said commissioners; and the said commissioners shall proceed to levy the tax therefor as provided by law.

Amendment to section 14:

That the board of audit for the District of Columbia be, and they are hereby, directed to receive and audit the claim of William Bowen for abating certain nuisances under a contract with the board of health of said District for filling lots Nos. 37, 38, 39, 42, and 43, in square No. 545, and lots 1, 6, and 7, in square No. 849, and parts of lots Nos. 1 and 42 in square north of square No. 833, and lots 11 and 12 in square No. 996, all in the city of Washington: *Provided*, That said board of health shall be, and they are hereby, prohibited from incurring any liability not previously authorized by act of Congress.

Mr. MERRIAM. I move in section 5, line 22, after the word "within," to insert "five years" instead of "one year;" so it will read:

Immediately after the close of the sale, upon payment of the purchase-money, he shall issue to the purchaser a certificate of sale; and if the property shall not be redeemed by the owner thereof within five years from the day of sale, by payment of the amount for which it was sold at such sale, and 15 per cent. per annum thereon, a deed thereof shall be given by the commissioners of the District, or their successors in office, to the purchaser at the tax sale, or the assignee of such certificate, which deed shall be admitted and held to be a good and perfect title in fee simple to any property bought at any sale herein authorized.

Mr. Speaker, the transformation from chivalry to shovelry in this District was so rapid as to turn many a man in moderate circumstances out of his home. The opening of streets far beyond the borders of the city where speculators had bought wild lands caused assessments to be made upon property owned by men of small means they could not bear. These men who had been a life-time accumulating money enough to buy a home have been turned out after they had, as they thought, secured a home for themselves and family for life. If they are allowed on the present tax bill only one year for redemption, there is no hope for them.

There is not a city in the world where after sales of property for taxes only twelve months are allowed to redeem the property in.

Sickness, insanity, and a thousand misfortunes may prevent worthy and willing men from meeting tax assignments promptly. Do not let us be cruel and unjust. A capitalist with \$100,000 could come here and buy property at these tax sales on which, under any circumstances, he would get 15 per cent. per annum; and if one year only is allowed for redemption, in ninety cases out of a hundred he would be found owner of the property. Now, it must be apparent to every gentleman here that that would be a great injustice to a man of ordinary means. I therefore offer this amendment, hoping it will be adopted in the interest of the poor man, that he may have a fair opportunity to save his life's work.

Mr. COTTON. I now move the previous question on the bill and pending amendments. I am still willing, however, in order to perfect the bill, to admit any brief amendment to any portion of the bill and have it pending.

Mr. ELDREDGE. I have been waiting to understand the precise course which the gentleman from Iowa [Mr. COTTON] was wishing to pursue, as I have an amendment authorized by the committee itself which I desire to offer as an additional section.

I wish to do so at the proper time and to make some remarks on it when I do offer it.

Mr. COTTON. There will be no objection to my colleague making those remarks now.

Mr. RANDALL. I would suggest to the gentleman from Iowa that he merely call the previous question on the first section and amendments.

Mr. ELDREDGE. I send to the desk the amendment which I desire to offer as an additional section.

The Clerk read as follows:

Add as an additional section the following:

Be it further enacted, That the board of audit be required on or before the 31st day of March, 1875, to finish the examination and settlement of accounts of the treasurer and auditor of the board of public works in the manner heretofore required by law, and as far as practicable they shall on or before said day conclude all other duties heretofore required of them, and thereafter all the duties and powers previously devolved on said board except examination and settlement of the accounts of the treasurer and auditor of the board of public works shall be imposed upon the commissioners and accounting officers of the District. Within ten days after said 31st day of March said board of audit shall submit a full and final report to the President, and on the 1st day of December, 1875, said commissioners shall report to the President all other proceedings thereunder, and both of said reports shall by the President be transmitted to Congress at its next session.

Mr. COTTON. I am requested to limit the call for the previous question to the amendments to the first section, these being of so much importance.

Mr. RANDALL. The first section and the amendments pending thereto.

Mr. ELDREDGE. If the previous question is only to operate on the first section and the amendments pending to the first section, I have no objection.

The SPEAKER *pro tempore*. The Chair will put the question in that way.

The question being put, the previous question was seconded on the first section and the pending amendments.

Mr. RANDALL. Now let us have the section read.

The SPEAKER. The Clerk will read the section and the amendments in their order.

The Clerk read as follows:

That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, there shall be levied, upon all real and personal property in said District, excepting only that hereinafter stated, a tax of \$1.50 on each \$100.

Mr. RANDALL. Now let the Clerk read the words which have been added to the section by the amendment already adopted.

The Clerk read as follows:

But the assessment and taxes levied shall not be held to apply to any property, real or personal, held or owned by the United States.

Mr. COTTON. That has been agreed to. Now read the pending amendments.

The SPEAKER. The first amendment pending is that of the gentleman from Vermont, [Mr. WILLARD,] which the Clerk will read.

The Clerk read as follows:

Strike out after the word "all," in line 5, down to and including the word "dollars," in line 8, and insert in lieu thereof the following:

Personal property in said District, excepting only that hereinafter stated and upon all real estate within the cities of Washington and Georgetown, a tax of \$2 on each \$100 of valuation; and upon all other real property in said District a tax of \$1.50 on each \$100 of valuation.

Mr. SMITH, of Ohio. I rise to make a parliamentary inquiry. I want to know if gentlemen who own property in the District are entitled to vote on this amendment.

Several MEMBERS called for the regular order.

The SPEAKER *pro tempore*. The gentleman from Ohio raises the objection that members who hold property in the District are not entitled to vote on this amendment. The objection will be ruled upon when such members so vote.

The question was taken upon the amendment of Mr. WILLARD, of Vermont, and upon a division there were—ayes 41, noes 31; no quorum voting.

Mr. RANDALL. I call for tellers on that amendment.

Tellers were ordered; and Mr. WILLARD, of Vermont, and Mr. RANDALL were appointed.

Mr. RANDALL. I understand that those who are in favor of two dollars tax vote "ay," and those in favor of a dollar and a half tax vote "no."

The House again divided; and the tellers reported that there were—ayes 47, noes 61; no quorum voting.

Mr. WILLARD, of Vermont. I call for the yeas and nays. We may as well take the yeas and nays, and that will disclose whether there is a quorum present or not.

Mr. GARFIELD. In order to save the trouble that may come from a tangle upon this bill, I suggest that we consider the previous question as pending on the bill and amendments, and then adjourn, and it will come up to-morrow as unfinished business.

Mr. RANDALL. O, no.

Mr. GARFIELD. How will the gentleman go on with the bill?

Mr. RANDALL. By calling the previous question on the first section, which is the vital one of the bill, and the amendments pending to that section.

Mr. GARFIELD. What does the gentleman propose to do with this House at this time of night on this first section to which so many amendments are pending?

Mr. RANDALL. We might take a recess until half past ten o'clock to-morrow morning.

The SPEAKER *pro tempore*. The Chair is of opinion that no business can now be done except a call of the House or an adjournment, and that the call for the yeas and nays on the amendment is not now in order.

Mr. THOMPSON. I move that the House now adjourn.

Mr. COTTON. I move that the House take a recess until ten o'clock to-morrow.

Mr. RANDALL. I suggest to the gentleman that during the six days when the rules can be suspended he can get a two-thirds vote to fix some other time for the consideration of this bill.

Mr. CHIPMAN. I desire to inquire if all the amendments which have been sent to the Clerk's desk will be considered as pending and will be printed in the RECORD?

The SPEAKER *pro tempore*. They will be printed in the RECORD and will be considered as pending, those that have been read from the Clerk's desk.

Mr. COTTON. I will make a proposition to take a recess till to-morrow morning at ten o'clock.

Many MEMBERS. O, no.

The question was taken on the motion to adjourn; and it was not agreed to—upon a division ayes 49, noes 53.

Mr. COTTON. I now ask the House to consent that the previous question be considered as ordered on the bill and amendments.

The SPEAKER *pro tempore*. The House having found itself without a quorum, no motion is in order except a motion to adjourn and a motion for a call of the House.

Mr. O'BRIEN. The motion to adjourn having been voted down, I move a call of the House.

Mr. BUTLER, of Massachusetts. Is it not the duty of the Chair to order a call of the House when it is shown there is no quorum present?

Mr. RANDALL. O, no.

Mr. BUTLER, of Massachusetts. One motion to adjourn has been lost, and no other motion to adjourn can be made until some business has intervened.

The SPEAKER *pro tempore*. The submitting the motion for a call of the House is business.

Mr. STARKWEATHER. I desire to make a parliamentary inquiry. Is it in order by unanimous consent to take a recess until to-morrow morning at ten o'clock? That would avoid a waste of time by having a call of the House now.

The SPEAKER *pro tempore*. That would be in order.

Mr. O'BRIEN. I object, and the motive of my objection is very plain. It would be as impossible to have a quorum here to-morrow morning at ten o'clock as it is to have a quorum here now.

Mr. THOMPSON. I renew my motion to adjourn.

The question was taken on the motion to adjourn; and upon division there were—ayes 62, noes 50.

Before the result of this vote was announced,

Mr. COTTON. I call for the yeas and nays on the motion to adjourn. It looks to me as if there was a quorum here, if gentlemen would all vote.

The yeas and nays were ordered.

The question was taken, and there were—ayes 64, nays 57, not voting 166; as follows:

YEAS—Messrs. Adams, Albert, Atkins, Barber, Bland, Blount, Bowen, Bright, Bromberg, Burchard, Burleigh, Cain, Caldwell, Caulfield, Corwin, Crittenden, Danford, Durham, Finck, Giddings, Glover, Gunter, Hathorn, Havens, Gerry W. Hazelton, Hereford, E. Rockwood Hoar, Houghton, Huxton, Kellogg, Lawrence, Lawson, Loughbridge, Milliken, Moore, Morrison, Neal, Niblack, O'Brien, Packer, Hosea W. Parker, Thomas C. Platt, Poland, Randall, William R. Roberts, Ross, Rusk, Sawyer, Schell, Scofield, Sener, Sessions, John Q. Smith, Snyder, Southard, Todd, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, and Willie—64.

NAYS—Messrs. Archer, Ashe, Barnum, Barrere, Biery, Bradley, Bundy, Benjamin F. Butler, Cason, Amos Clark, Jr., Clayton, Conger, Cook, Cotton, Donnan, Dunnell, Eldredge, Field, Fort, Frye, Gooch, Harner, Benjamin W. Harris, Harrison, Hatcher, Joseph R. Hawley, John W. Hazelton, Hodges, Hunter, Kasson, Leach, Maynard, Merriam, Myers, Orr, Isaac C. Parker, Parsons, Pelham, Pike, Rainey, Henry B. Saylor, John G. Schumaker, Sheets, Sherwood, Sloan, A. Herr Smith, George L. Smith, J. Ambler Smith, Sprague, Starkweather, Charles A.

Stevens, St. John, Sypher, Thompson, Waddell, James Wilson, and Jeremiah M. Wilson—57.

NOT VOTING—Messrs. Albright, Arthur, Averill, Banning, Barry, Bass, Beck, Begole, Bell, Berry, Brown, Buckner, Bufington, Burrows, Roderick R. Butler, Cannon, Carpenter, Cessna, Chittenden, John B. Clark, Jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Cox, Creamer, Crooke, Crossland, Crouse, Crutchfield, Curtis, Darvall, Davis, Dawes, De Witt, Dobbins, Duell, Eames, Eden, Farwell, Foster, Freeman, Garfield, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry K. Harris, John T. Harris, John B. Hawley, Hays, Hendee, Herndon, George F. Hoar, Holman, Hoskins, Howe, Hubbell, Hurlbut, Hyde, Hynes, Kelley, Kendall, Killinger, Knapp, Lamar, Lamison, Lampert, Lansing, Lewis, Lofland, Lowe, Lowndes, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McLean, McNulta, Mills, Mitchell, Monroe, Morey, Negley, Nesmith, Niles, Nunn, O'Neill, Orth, Packard, Page, Pendleton, Perry, Phelps, Phillips, Pierce, James H. Platt, Jr., Potter, Pratt, Ransier, Rapier, Ray, Read, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Shanks, Sheldon, Lazarus D. Shoemaker, Sloss, Small, Smart, H. Boardman Smith, William A. Smith, Speer, Stanard, Standiford, Alexander H. Stephens, Stone, Storm, Stowell, Strait, Strawbridge, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whitehouse, Whiteley, Wilber, John M. S. Williams, William Williams, Ephraim K. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—166.

So the motion to adjourn was agreed to.

During the roll-call the following announcements were made:

Mr. CONGER. My colleague, Mr. WALDRON, is detained at his room by sickness in his family.

Mr. PLATT, of New York. My colleague, Mr. TREMAIN, is very sick at his hotel.

Mr. MERRIAM. My colleague, Mr. HALE, of New York, is confined to his bed by sickness, and my colleague, Mr. WHEELER, is obliged to remain with him to take care of him.

The result of the vote was announced as above stated; and accordingly (at ten o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARMSTRONG: Memorial of citizens of Kansas, praying Congress to disapprove an act of the Legislature of Dakota making invalid conveyances of homesteads unless the wife joins in said conveyance, to the Committee on the Judiciary.

Also, petitions of 3,000 citizens of the Northwestern States and Territories, asking that the Black Hills of Dakota be opened to settlement, to the Committee on Indian Affairs.

By Mr. ATKINS: The remonstrance of the Tobacco Board of Trade of Clarksville, Tennessee, against the proposed increase of tax on tobacco, to the Committee on Ways and Means.

By Mr. BIERY: The petition of 154 employes of Pencoyd Iron-Works, Montgomery County, Pennsylvania, for Government aid to the Southern Pacific Railroad; to the Committee on the Pacific Railroad.

By Mr. BLAINE: Resolutions of the Legislature of Kansas, thanking Congress for its prompt and timely action in making an appropriation to relieve the immediate necessities of the destitute people of the western frontier.

By Mr. CLYMER: The petition of newspaper proprietors, county officials, and other citizens of Berks County, Pennsylvania, asking that the national credit be extended to aid the completion of the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of the select and common councils of Reading, Pennsylvania, of similar import, to the same committee.

By Mr. COBB, of Kansas: The petition of 541 citizens of Kansas, for restrictive legislation in regard to the manufacture, importation, and sale of intoxicating liquors; to the Committee on the Judiciary.

Also, resolutions of the Legislature of Kansas, for the payment by Government of unpaid claims of the Pottawatomie Indians, to the Committee on Indian Affairs.

By Mr. COBURN: The petition of citizens of Clay and Putnam Counties, Indiana, for a post-route from Poland to Reelsville, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. COX: The petition of Angel Francis Luini, for relief, to the Committee on Claims.

By Mr. DANFORD: The petition of Henry Körner, for relief, to the Committee on Education and Labor.

By Mr. HANCOCK: The petition of merchants and others, of Brownsville, Texas, for the repeal of the tax on leaf-tobacco, to the Committee on Ways and Means.

By Mr. HARRIS, of Virginia: The petition of Alexander Donnan, administrator of David Dunlap, deceased, to be compensated for tobacco captured by the United States, to the Committee on War Claims.

Also, the petition of Pickerell & Brooks, to be paid net proceeds of one hundred and twenty-four boxes captured manufactured tobacco, to the same committee.

By Mr. HARRISON: The petition of sundry citizens of Tennessee, that a pension be granted to Alfred M. Tinsley, to the Committee on Invalid Pensions.

By Mr. HAVENS: The remonstrance of tobacco manufacturers and dealers of Springfield, Missouri, against the proposed increase of tax upon tobacco, to the Committee on Ways and Means.

By Mr. HERNDON: Resolutions of the Legislature of Texas, urging upon Congress the early and favorable consideration of the claims of survivors of the war with Mexico, to the Committee on Invalid Pensions.

By Mr. G. F. HOAR: The petition of Patrick Rigney, of Worcester, Massachusetts, for a pension, to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of John I. Shipman, for an appropriation to elevate the walls on the west side of the Chain Bridge, above Georgetown, to the Committee on Appropriations.

By Mr. KELLEY: The petition of citizens of Philadelphia, artisans and workers in iron, for extension of the national credit to complete a great southern railroad line to the Pacific, to the Committee on the Pacific Railroad.

By Mr. LOWE: The petition of citizens of Johnson County, Kansas, in reference to the sale of the Black Bob Indian lands, to the Committee on Indian Affairs.

By Mr. LUTTRELL: The petition of C. Cadwell and others, in relation to public lands in the State of California, to the Committee on the Public Lands.

Also, remonstrances of merchants, bankers, and others of New York City, against annulling contract with the Pacific Mail Steamship Company, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Shasta County, California, in relation to the improvement of the Sacramento River, to the Committee on Commerce.

By Mr. McDILL, of Iowa: The petition of several hundred citizens of Shelby County, Iowa, praying for the levying of a duty of 20 cents per bushel on foreign flax and \$20 per ton on jute butts, and remonstrating against the repeal of duty on pig-lead and flaxseed, to the Committee on Ways and Means.

By Mr. NUNN: The petition of W. W. Wagner, of Tennessee, for relief, to the Committee on War Claims.

By Mr. PLATT, of New York: The petition of the Farmers' Club of Ithaca, New York, for the establishment of a signal station at Cornell University, to the Committee on Appropriations.

By Mr. RICHMOND: Remonstrances of the Board of Trade and of bankers, merchants, and others, of the city of New York, against annulling the contract with the Pacific Mail Steamship Company for semi-monthly mail service to China and Japan, to the Committee on the Post-Office and Post-Roads.

By Mr. W. R. ROBERTS: The petition of citizens of Northeast Maryland, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SHEATS: A paper to establish a post-route from Hartsell, or Falkville, Morgan County, Alabama, to Tusculumbia, to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH, of Virginia: Resolutions of the General Assembly of Virginia, opposing the proposed increase of tax on tobacco, to the Committee on Ways and Means.

By Mr. SOUTHARD: The petition of Calvin James and others, of Symmes Creek, Muskingum County, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. STANARD: Memorial of merchants, ship-owners, and shippers of Saint Louis, Missouri, in relation to the United States marine-hospital service, and praying that marine-hospital relief be continued to indigent boatmen, to the Committee on Commerce.

Also, the petition of 111 American merchant seamen of the port of Saint Louis, of similar import, to the same committee.

By Mr. STONE: Resolutions of the General Assembly of the State of Missouri, in regard to the improvement of the mouth of the Mississippi River, to the same committee.

IN SENATE.

TUESDAY, February 23, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of the Navy, communicating, in compliance with a resolution of the Senate of February 3, 1875, a copy of the contract made with Vinnie Ream for a statue of Admiral Farragut, together with a copy of the award made by the majority of the commission authorized to select a suitable and skillful sculptor for such statue; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4149) for the sale of timber lands in the States

of California and Oregon and in the Territories of the United States—to the Committee on Public Lands.

The bill (H. R. No. 4434) giving certain authority to the accounting officers of the Treasury in the case of John L. Smith—to the Committee on Claims.

The bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes—to the Committee on Commerce.

The bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan—to the Committee on Finance.

The joint resolution (H. R. No. 159) referring the claim of Marcus Radich to the Court of Claims—to the Committee on Claims.

The joint resolution (H. R. No. 160) providing for the restoration of the original Declaration of Independence—to the Committee on the Library.

SUSPENSION OF SIXTEENTH AND SEVENTEENTH JOINT RULES.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That the sixteenth and seventeenth joint rules of the two Houses be suspended for the residue of the present session.

The resolution was considered by unanimous consent, and agreed to.

REPORT ON MINING STATISTICS.

The Senate proceeded to consider its amendment to the resolution of the House of Representatives for the printing of the report of R. W. Raymond on mining statistics, with accompanying engravings, disagreed to by the House.

On motion of Mr. ANTHONY, it was

Ordered, That the Senate insist on its amendment disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. FERRY, of Michigan, presented a petition of citizens of Antrim County, Michigan, praying the establishment of a mail-route from Central Lake post-office to Marcelona, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Croton, Michigan, praying Congress to grant to each Union soldier \$200 in legal-tender notes instead of one hundred and sixty acres of land; which was referred to the Committee on Military Affairs.

Mr. SPENCER. I present a memorial of the republican members of the General Assembly of Alabama, first showing the changes made by the Alabama Legislature in the penal code of the State, by which a system of involuntary servitude and peonage for African citizens is sought to be inaugurated; second, the political legislation of the State, by means of which republican voters to the amount of ninety-three thousand are practically disfranchised of representation, and how democrats propose to take away republican representation, by means of which they would alter our republican constitution and substitute an organic act favorable to a practical nullification of the constitutional amendments; and, third, asking Congress to empower the President to suspend the writ of *habeas corpus* in certain contingencies in order to preserve the public peace in the Southern States. I ask that this memorial be printed and referred to the Committee on Privileges and Elections.

Mr. BAYARD. This is a very long paper. I do not know about printing a matter of this kind.

The VICE-PRESIDENT. If there be objection, the question of printing the memorial will go to the Committee on Printing.

Mr. BAYARD. I merely ask is it proper to print a paper of this kind?

Mr. SPENCER. I hope the paper will be printed. It is a memorial signed by the republican members of the Legislature, and showing what our democratic friends are doing. It is not so lengthy.

Mr. BAYARD. If it is not very long, I have no objection.

The VICE-PRESIDENT. The Chair hears no objection, and the order to print will be made.

Mr. BAYARD subsequently said: As a matter of morning business just now, the Senator from Alabama [Mr. SPENCER] presented a memorial and asked that it be printed, which is not customary. I asked if it was a long paper. He said, no, quite a short one; and therefore I withdrew any objection, and instead of its being referred to the Committee on Printing, as it should have been, I had no objection to its being printed as the Senator requested. Upon examination of the paper now I find that it is a very formidable document in size, and therefore suggest that it should be sent to the Committee on Printing. I ask that the leave given to print, without consideration, may be reconsidered, and that the motion to print be referred to the Committee on Printing.

Mr. SPENCER. I wish to state to the Senator from Delaware that I do not care about the accompanying documents being printed with the memorial. If the memorial be printed, which is not long, the accompanying documents I do not care about being printed.

Mr. BAYARD. Will the Senator state the number of pages?

Mr. SPENCER. I cannot state the number of pages, perhaps ten or twelve pages of writing.

Mr. BAYARD. It is a very small matter; let it go to the Committee on Printing, and let that committee report upon it.

The VICE-PRESIDENT. The Senator from Delaware moves—

Mr. SPENCER. I hope that will not be done. It has already been referred to the Committee on Privileges and Elections, and I want the subject to be brought before that committee as soon as possible.

Mr. BAYARD. Then let the memorial alone be printed without the accompanying papers.

Mr. SPENCER. All I ask is that the memorial be printed.

The VICE-PRESIDENT. If there be no objection, the memorial alone will be printed, without the accompanying documents.

Mr. SCOTT. I present a memorial of bankers, merchants, and others of the city of Philadelphia, interested in the trade with China and Japan, and representing that the interests of all engaged in this trade would suffer irreparable injury by the discontinuance of the semi-monthly mail service between San Francisco and China and Japan, and remonstrating against any legislation which would result in the discontinuance of that service. As that subject is now before the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. SCHURZ presented a resolution of the Legislature of Missouri, in favor of granting a pension to all soldiers of the Mexican war; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of citizens of Ohio, praying for the passage of the bill now pending before Congress providing for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented a memorial of citizens of Muskingum County, Ohio, remonstrating against the restoration of the duties on tea and coffee and praying the repeal of the act of 1872 reducing the duties on certain imports 10 per cent; which was referred to the Committee on Finance.

Mr. CAMERON presented a memorial of bankers, merchants, and others of the city of Philadelphia, remonstrating against the withdrawal of the semi-monthly mail between San Francisco and China and Japan; which was ordered to lie on the table.

Mr. BOGY presented a memorial of citizens of Ozark Iron-Works, county of Phelps, Missouri, remonstrating against the restoration of the duties on tea and coffee and praying the repeal of the act of 1872 reducing the duties on certain imports 10 per cent; which was referred to the Committee on Finance.

He also presented a concurrent resolution of the Legislature of Missouri, asking an appropriation for the improvement of the mouth of the Mississippi River in accordance with the plan submitted by J. B. Eads; which was referred to the Select Committee on Transportation Routes to the Sea-board.

Mr. GORDON presented two memorials of citizens of Georgia, remonstrating against the restoration of the duties on tea and coffee and praying the repeal of the act of 1872 reducing the duties on certain imports 10 per cent; which were referred to the Committee on Finance.

Mr. ALCORN presented a memorial of John W. Robinson, of Hinds County, Mississippi, asking compensation for certain goods, wares, and merchandise taken and destroyed by the United States forces at Jackson, Mississippi, during the war of the rebellion; or that his claim be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3272) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered in a small-pox hospital, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of officers of the Masonic Lodge of Georgetown, South Carolina, praying compensation for the destruction of the Masonic hall in that town by United States troops in 1865, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Patrick Sullivan, late lieutenant Nineteenth Regiment Wisconsin Volunteers, praying compensation for services rendered in recruiting men for the Army in 1862, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1078) for the relief of S. K. Thompson, late second lieutenant in the Twenty-fifth United States Infantry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McCREERY. The Committee on Foreign Relations have had under consideration the memorial of Christine H. Stevens and Thomas S. Rhett, administrators of the estate of Walter H. Stevens, deceased, asking payment for six thousand tons of coal taken possession of by Mexican troops at Vera Cruz, Mexico, in July, 1867, and have directed me to report that, taking for granted every statement made in this report as true, the committee is unanimously of the opinion that

it makes no obligation on the part of the Federal Government. Hence they have directed me to make an adverse report and ask to be discharged from the further consideration of the subject.

The VICE-PRESIDENT. The Chair hears no objection and the committee will be discharged from the further consideration of the memorial.

Mr. WINDOM, from the Committee on Public Lands, to whom was referred the bill (S. No. 1325) authorizing the Wisconsin Central Railroad Company to straighten the line of their road, reported it with amendments.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, to report it with amendments; and I would like to say to the Senate that the committee have made very few amendments, and we would like to take the bill up immediately after the conclusion of the post-office bill.

Mr. MORTON. There cannot be any consent to that.

Mr. SCOTT, from the Committee on Finance, to whom was referred a petition of citizens of Baltimore, Maryland, praying relief on account of losses sustained by reason of the failure of the Baltimore Branch of the Freedman's Savings and Trust Company Bank, in which they had large deposits of money, reported a bill (S. No. 1349) amending the charter of the Freedman's Savings and Trust Company, and for other purposes; which was read and passed to a second reading.

TERMINATION OF TREATIES.

Mr. CAMERON. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 19) authorizing the President to terminate certain treaties, to report it back without amendment and ask to take it up for consideration at this time. It will occupy but a moment, I presume.

There being no objection, the joint resolution (S. R. No. 19) authorizing the President to terminate certain treaties was considered as in Committee of the Whole. It provides that in all treaties now existing or which may hereafter be concluded between the United States and any foreign power, in which it is provided that any favor, exemption, privilege, or immunity which either of the contracting parties shall have already granted, or may at any time after the conclusion of such treaty grant to any other power, shall immediately become common to, and be enjoyed by, the other contracting party, and which treaty, or any article of which, by its terms may be terminated by a prescribed notice given by either of the contracting parties to the other, the President of the United States is authorized, whenever, in his opinion, the interests of the United States shall require the termination of any of said treaties, or of any article thereof, to give notice for the termination of such treaty, or of such article thereof, to the government of the other contracting party, in accordance with the provisions which may be contained in such treaty relative to the time and manner of giving such notice; and from and after the expiration of the time fixed by such notice the obligations of such treaty, or of such article, shall be held to be terminated and no longer binding on either of the parties thereto.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRELINGHUYSEN subsequently said: By the approval of the chairman of the Committee on Foreign Relations, I wish to enter a motion to reconsider the vote by which Senate joint resolution No. 19 was passed a few moments ago.

The VICE-PRESIDENT. The Senator from New Jersey enters a motion to reconsider the vote by which the joint resolution was passed.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3341) to equalize the bounties of soldiers who served in the late war for the Union, to report the same back without amendment; and I ask for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HOWE. I am afraid that will lead to debate; and I am very anxious to have a little time this morning to take up a bill reported from the Library Committee, for which I have waited a good many weeks, not patiently but impatiently.

The VICE-PRESIDENT. The Senator from Wisconsin objects.

Mr. LOGAN. I wish to give notice that I shall in every morning hour ask the Senate to take this bill up. It will not in my judgment cause very much discussion, for the reason that I have facts and figures here to show that the character of the bill is such that it ought to pass.

BILLS INTRODUCED.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1344) to authorize the construction of a bridge across the Rio Grande at or near Brownsville, Texas; which

was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1345) for the relief of William Hall; which was read twice by its title.

Mr. WRIGHT. I introduce this bill by request. I have had no time to examine it, and of course do not commit myself to its provisions. I move that it be referred to the Committee on Patents and be printed.

The motion was agreed to.

Mr. TIPTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1346) for the relief of N. S. Reneau and Adolph Bouchard; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1347) to establish certain post-roads in the State of Missouri; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. WADLEIGH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1348) to authorize the Commissioner of Patents to sign the certificate of extension of letters-patent No. 28470, granted to Frederick T. Grant May 29, 1860, upon a sliver-machine; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

REPORT OF GENERAL CUSTER'S EXPEDITION.

Mr. WASHBURN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to furnish to the Senate the report of the late expedition to the Black Hills under the command of General Custer, United States Army.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4747) supplementary to the acts in relation to immigration;

A bill (H. R. No. 4835) in relation to the Quartermaster's Department, fixing its status, reducing its numbers, and regulating appointments and promotions therein.

The message also announced that the House had passed a resolution authorizing the Committee on Enrolled Bills in the enrollment of the bill (H. R. No. 1938) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes," to change the word "Linnville" to "Louisville" in the ninth line of the Senate substitute thereof, so that the line will read "the Memphis, Clarksville and Louisville."

ORDER OF BUSINESS.

Mr. LEWIS. Is the morning business through?

Mr. SHERMAN. What committee is entitled to this morning hour?

The VICE-PRESIDENT. The Committee on the Library is entitled to the rest of the morning hour.

Mr. LEWIS. Are we through with the morning business?

The VICE-PRESIDENT. The morning business is through, and now by the order of the Senate the Committee on the Library is entitled to the rest of the morning hour.

Mr. LEWIS. I move that the Senate proceed to the consideration of House bill No. 4727 explanatory of the act passed June 20, 1874. I will just say one word. I do not intend to discuss this bill, and I do not think there will be any debate upon it—

Mr. HOWE. Allow me to say to the Senator from Virginia that the morning business does not end but the morning hour does. The whole morning is appropriated. The bill which I ask to have the Senate consider this morning is one that I have been waiting for weeks to bring forward.

Mr. LEWIS. I thought the Chair had announced that the morning business was through. If the Senator rises for morning business of course I give way to him.

The VICE-PRESIDENT. By an order of the Senate after the regular morning business is through the committees are called in their order and have the rest of the morning hour, and the Committee on the Library is entitled to the rest of this morning hour.

LIBRARY OF CONGRESS.

Mr. HOWE. I move that the Senate proceed to the consideration of Senate bill No. 1250.

The motion was agreed to; and the bill (S. No. 1250) making further provision for the accommodation of the Library of Congress was read the second time, and considered as in Committee of the Whole.

The bill provides that a new fire-proof building be erected for the Library of Congress and copyright records of the United States, to be located in the center of Government reservations Nos. 15 and 16, (known as Judiciary Square,) in the city of Washington, to which shall be removed, on its completion, the books, records, and all other materials of the Library, except such portion, not less than fifty thousand volumes, as shall be designated by the Joint Committee on the Library to remain in the Capitol. The Library building thus provided for is to be designed, and its erection superintended, by a com-

mission consisting of the Supervising Architect of the Treasury, the chairman of the Joint Committee on the Library on the part of the Senate and House respectively, the chairman of the Senate Committee on Public Buildings and Grounds, and the Librarian of Congress.

The sum of \$250,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to commence the erection of the Library building herein provided for.

Mr. ANTHONY. Before the bill is proceeded with I wish to state that I believe every committee that has asked for it has had some extension of time. The morning closed yesterday when we were discussing some matters from the Committee on Printing, which ought to be decided one way or the other. While I will not interfere with my friend from Wisconsin, partly because I do not want to and partly because I know I cannot, I hope that before we go back to recall the committees, the Committee on Printing may have the same privilege that other committees have had.

Mr. EDMUNDS. This report from the Committee on the Library was not made with the concurrence of all the members of the committee. Some of the members of that committee, of whom I am one, do not think that the Library ought to be removed to Judiciary Square; certainly not at this present time. A building there would involve very heavy expense, and would remove the body of the Library from the Capitol, where I for one think it ought to be. I hope, therefore, with all deference to my friend from Wisconsin, that the Senate will not consent to send this Library out of this building down to Judiciary Square. I offer to amend the bill by striking out all after the enacting clause and inserting what I send to the Chair.

The Secretary read the matter to be inserted, as follows:

That the members of the joint standing committee of the two Houses of Congress on the Library and the Committee of the Senate on Public Buildings and Grounds are hereby authorized to cause the western front of the Capitol, or such part thereof as they may deem expedient, excepting the wings, to be extended so far as they shall deem necessary and expedient, not exceeding thirty-four feet, in order to the proper accommodation of the Library of Congress; and the sum of \$500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated for the purpose aforesaid, to be paid on vouchers approved by the architect of the Capitol extension, under such regulations as shall be established from time to time by the chairman of the Committee on Public Buildings and Grounds of the Senate and the chairman of the Joint Committee on the Library.

Mr. EDMUNDS. I think perhaps I do not do wrong in stating that if the Senate should be unwilling to move the Library to Judiciary Square and put up a large building there for it at the present time, and should be willing to do something which is absolutely necessary for the present accommodation of the Library, this amendment will not be unsatisfactory to my friend from Wisconsin, although he belongs to a majority of the Library Committee who believe that the true thing to do is to commence the erection of an edifice which will occupy the whole of Judiciary Square. I do not mean by that that the walls would; but the affair would involve taking off the courthouse or city hall or whatever is there, and erecting a fine building in that place. But others of us believe that the Library ought not to be taken away from the Capitol itself or its immediate vicinity, from the Capitol itself I think, so long as it is possible (and that will be a good many years) to keep it here by a moderate extension of the western front where the Library is now situated, which moderate extension in the opinion of a good many persons would not only provide for the Library for several years but would also be an addition to the appearance of the building itself, combining therefore two advantages to be derived from one expenditure. I hope that the amendment which I have offered will be adopted.

Mr. CLAYTON. I should like to ask the Senator from Vermont, before he takes his seat, whether the proposed extension that he provides for in his amendment is represented by the ground-plan now in the Chamber. I see on that the segment of a circle on each side of the central pediment fronting to the westward. Is it intended to include those circular extensions?

Mr. EDMUNDS. It is intended to give authority to the persons named in this amendment, acting under such architectural advice as they can get, leaving the wings as they are, complete and finished, to do whatever is necessary and best to enlarge the library-room. It may include those curves and segments, or it may not. That plan is the suggestion of an architect as one way of doing it.

Mr. CLAYTON. I should be willing for one to vote for the extension of the western central portion of the building; but I doubt very much whether, upon the information simply conveyed by that ground-plan, I should be willing to vote for the circular extensions to the right and left of the central portion, because I doubt very much what the architectural effect would be on the building.

Mr. EDMUNDS. That is a matter which this amendment does not comprise by inclusion, nor does it exclude it. In other words, the commission created is to extend the central portion in such way as will be best adapted to the Library and best for the building combined. This plan is not a new one which we have agreed upon as being precisely the thing to be done, but is one suggestion made by an architect as to the way of doing it; that is all.

Mr. HOWE. If the Senate care enough about this question to listen a little while to it, I think I can make them understand the alternatives presented to us. The Senator from Vermont has correctly said that you must have additional provision for the accommodation of your Library. You already have a collection, or had at the commencement of this year, of some two hundred and seventy-four thousand volumes, to say nothing about fifty or sixty thousand pamphlets, and

you have over fifty thousand volumes lying on the floor, no shelf to put them upon, and your accumulations are increasing from thirty thousand to forty thousand volumes annually through the deposits of the Smithsonian Institute, the operations of the copyright, and your very limited purchases. One of three things, therefore, is inevitable: You must stop buying and sell; or you must have more space; or you must let your books, a part of the present accumulation, go to destruction.

I agree entirely with the Senator from Vermont that it would be desirable to have the Library kept here if possible; but it is the judgment I think of the whole committee that that is impossible except for a brief term. I think it is the judgment of the committee, and it is the judgment of everybody, that you cannot without spoiling this Capitol provide for the accommodation of the Library within it beyond a few years; that if your Library continues to grow, the question of accommodating it outside of the building is only a question of time.

Several plans for extending it have been presented and discussed. If you can extend the western front thirty-four feet, the outside limit suggested by the amendment moved by the Senator from Vermont, and can add those wings to it which you see on the ground-plan, you can accommodate there for ten or fifteen years the ordinary accumulations of the Library. That may be worth your while. If such is the judgment of the Senate, I acquiesce as an individual. But I want the Senate to consider two things in that connection; first, that when you have outgrown that space, the space itself will not be useless, but all you expend in shelving it will be very nearly useless. The space itself will not be useless, because you need it for legislative purposes. I want you to consider this other thing, that you are very likely to need that for legislative purposes even before the wants of your Library will actually require you to go outside of the building. But these are questions which every one can calculate just as well as the committee can or as I can.

I believe it is the opinion of almost everybody—it is very decidedly the opinion of the Committee on Public Buildings and Grounds, it is decidedly the opinion of such architects as we have consulted, that beyond thirty-four feet you cannot go without decided injury to the architectural effect of the building itself; and I do believe that there is no Senator on this floor who would be willing to impair the effect of this building for the sake of furnishing a Library. We cannot afford that; it comes too near being a complete building, a perfect building. It is not quite perfect. A slight extension of the west front and a considerable extension of the east front, to realize the design you have in that elevation, which is now exhibited on the floor, will undoubtedly improve the effect of the building. I am one of those individuals who believe that if you would realize that idea on this east front you would have the most magnificent front, façade, or whatever it is proper to call it, to be found on earth. I do not believe there is a building that will present such a view as that would. That, however, is the east front, the design for which the Senator from Vermont sitting farthest from me [Mr. MORRILL] is more familiar with than I am. The designs for completing the approaches to the west front I think will not only warrant an extension of that front, but demand an extension of that front. The last conclusion of the architects we consulted was that the exact thing would be about twenty-four feet, but they were of opinion that it might go beyond that, even as high as thirty-four feet without injury. I have but very little confidence in my own judgment, but I should think myself, owing to the surface there, that thirty-four feet would not have an injurious effect, and would furnish accommodation for the Library for some considerable time.

So, then, you have these alternatives. I think you had better start with the conclusion that within fifteen years at the outside you must begin to prepare for your Library outside of this building. Whether you will want the additional space that you can get by this extension within fifteen years for legislative purposes is a question for you to consider. Within that time you must begin to make provision outside. When you do begin to make that provision outside, you sacrifice clearly the whole cost of the shelving for this building. I want you to consider this other thing, that whether the Library goes outside of the building next year or fifteen years hence, the whole Library never will go outside. A working library of some sixty or eighty thousand volumes will be kept in the present room for the reference of Congress during their current work. When a thorough investigation of a subject is desirable, no Senator, no lawyer sends for a few books to be brought in; he sends for the books on that subject to be carried to his room, and there he considers the question; and he can just as well order them from a building outside of this Capitol as from one inside. The disadvantage of having the great body of the Library outside, therefore, although something, is not insuperable, and is one that must be encountered some time or other.

Mr. SHERMAN. I had the honor of serving upon the Committee on the Library of the Senate two or three years ago, and it was then the unanimous opinion of the committee that it was impracticable to put all the books that gradually accumulate under the law as it now stands in this Capitol by any probable change that would be authorized by Congress. I think that was the concurrent opinion of my friend from Wisconsin, my friend from Maine, and myself, who then composed the committee; but that for a congressional library, for all the purposes needed by Congress or the Supreme Court, the present

space allotted to the Congressional Library was amply sufficient, say for two or three hundred thousand volumes, and that is a greater library than is needed for the actual working of the legislative and judicial branches of the Government. It is not advisable to crowd into this building all the books that are accumulated under the copyright law. Under those circumstances, having come to this conclusion after very careful examination, after the fullest examination possible, after consulting the very capable Librarian of Congress and architects skilled in their science, it was deemed advisable and I think the committee recommended that a separate building, to be the National Library, if you please, of which the Congressional Library would be a part, but subsidiary to that, should be erected, and that in this National Library should be collected all the books that may come here under the copyright law and all the books that are gathered from foreign countries and that may be purchased by Congress for the use of the National Library. For such purpose we thought it was necessary to construct a building especially adapted to that end, a building of the form and shape and architectural proportions necessary to make a complete library, something like the British Museum or the great library in Paris. That was the conclusion of the committee, and I am of that opinion still. I think Congress might as well make up its mind that it is utterly impossible to collect in this building all the materials, documents, and books that will in time, and no very short period of time, be collected under our copyright law.

I am therefore opposed to any proposition which seeks to enlarge or change the form of this building with a view to make it a library building; but I believe the time will shortly come, probably within ten or fifteen years, when some such plan as that proposed by the Senator from Vermont [Mr. EDMUNDS] will be adopted by Congress to enlarge this building for the uses of the courts and for the uses of Congress, and in the next five, ten, or fifteen years no doubt enlargements will be made, probably by the extension of the central building east and west, so as to give the judicial and legislative departments additional room and facilities. To that we must address ourselves, and that very soon; but that we must soon look to the foundation of the National Library I have not a particle of doubt.

If the time was opportune I would be willing to vote for the proposition reported by the Committee on the Library now. I believe that Judiciary Square, being about central in this city, being easy of access to Congress, accessible to all the Departments, accessible to the Executive and all branches of the Government, a National Library or Congressional Library, if you call it so, might be built in that square, and that a portion of it, one-third of it perhaps, might be devoted to this purpose and the other portion of it to the Patent Office and the Interior Department.

I therefore would be willing to vote for the proposition reported by the Committee on the Library if the time was opportune; but, Mr. President, now I will not vote for any proposition to authorize the building or the commencement of a public library, especially one that would involve a large expenditure of the public money. We are not in a condition to do it. I know very well that the present library is crowded. What by? Not by documents that we need; not by documents that we refer to; but by documents that are sent in there under the copyright law, which requires two copies of every book, pamphlet, magazine, or publication of any kind to be sent to the Library, and the accumulation of these publications, although right enough in itself, is not of any proper use to us now for legislative purposes or to the courts for judicial purposes. But they ought to be collected and retained as permanent archives of the National Government.

Mr. HOWE. Will my friend allow me a suggestion? We get the current literature of the day, the whole publications of this country under the operations of that copyright law.

Mr. SHERMAN. Yes; and some of them are useful for the information of Congress, but the great mass of them are not. My friend will admit that the great mass of those publications are not necessarily indispensable for the Library of Congress.

Mr. HOWE. For statesmen they are not, but for a National Library they are.

Mr. SHERMAN. Then I say they ought to be separated, and those documents intended for the use of Congress and the courts ought to be collected in this building and be ready of access, and the highest estimate any one puts on the number of those documents would not be over two hundred thousand. Indeed, I believe the present Librarian thinks sixty or seventy thousand volumes would cover all that are usually called for, and the rest ought to be placed in some less expensive building, in some locality easy of access, where they may be preserved and kept in places where the cost would not be in proportion to the value of the documents two to one.

In my judgment it is premature to introduce this subject now. We ought not to act upon it now. Let it go over to the next Congress, and Congress will direct itself no doubt to the establishment of a National Library, and separate if possible the Congressional from the National Library. At present I shall not vote for either the amendment or the original bill, and I hope the Senator from Wisconsin will let the matter go over to the next Congress when he will be here, and perhaps the time may be more favorable for the erection of a public building. In the present condition of affairs, when we are called upon to levy heavy taxes on the people, when we have hard times upon

us, I will not vote to commence any public building which is likely to cost millions of dollars.

Mr. MORRILL, of Vermont. Mr. President, it is undoubtedly true that the Library will crowd out Congress, as General Meigs said, or Congress will crowd out the Library unless we provide further room for it. It is indispensable that further room should at once be supplied to the Library. But when it is proposed to move the Library down to Judiciary Square, I think there are many objections which will occur to every Senator.

In the first place we do not desire to build up a library here to be merely a circulating library for this city. We desire to have it maintained as a Congressional Library.

Then, again, Judiciary Square will be wanted within a year or two for the accommodation of the General Post-Office. The present Post-Office building that we have is hardly of sufficient magnitude for the city post-office. The business of the Department at the present time is very uncomfortably crowded, and the room there is very much wanted for the Interior Department, for the Pension Bureau, the Commissioner of Education, and various other Bureaus that now have buildings for their accommodation rented outside, and which are very insecure against fire, especially so far as the papers of the Pension Bureau are concerned. This square should therefore be reserved for use at no remote day for a General Post-Office building.

If I could have the ear of the Senate long enough to argue this case in relation to a separate and independent building, I should be much in favor of such a building; and I would place it contiguous to this Capitol on the squares upon the east side of the present Capitol grounds which may be now purchased at a very low rate as compared with the price they will be sure to cost some few years hence, and we shall ere long need all of the first tier of adjacent squares, say half of them, for a public library, and the other half for a national museum of natural history or for the Supreme Court and other courts of the United States. There is no doubt but that the Government of the United States would make at least \$100,000 a year by purchasing these squares at the present time. It would be greatly to our advantage to secure them now. I do not offer an amendment to that effect, although I consider that would be far the wisest course for Congress to pursue, and such a course as every Senator would pursue in the conduct of his own affairs.

Then it is obvious that we should have a working library here in the present library-rooms for Congress, and we should have a larger library so near that it would be accessible by members of Congress, and could also be connected by a gallery for passage to and from and by a pneumatic tube so that any books in it could be promptly obtained in a few minutes at any time.

But, Mr. President, the proposition of my colleague is to enlarge the western front of this building. So far as I am concerned, I would not enlarge it to the extent of holding a single volume if it were to mutilate the present plan of this building, and I utterly repudiate the idea that the center of this building can be extended on either side to any great extent without most destructive effects to the architectural appearance of the building. It is now in its facade on either side, east or west, one of the grandest buildings in the world. If you extend out the center so as to put the building in the form of a Greek cross, you make it an ecclesiastical building, more or less in the form of a cathedral, and no longer a Government building, of the present simple, classic grandeur; you would also make it by any such extension so that as you approach it obliquely upon one side or the other you would largely diminish its apparent magnitude. Its dimensions would be apparently lessened by one-half the moment you extend the center, so that you cannot see the whole front facades as you approach the building from the west or east.

Mr. LOGAN. I do not want to interrupt the gentleman, but I believe the morning hour has expired.

The VICE-PRESIDENT. The morning hour has expired.

Mr. LOGAN. I am glad to listen to him, because his remarks are instructive; but I shall persist in calling for the regular order.

Mr. MORRILL, of Vermont. I do not want to take more than three minutes more time.

Mr. LOGAN. You can do that to-morrow. I should have no objection but that I was crowded out this morning because it was supposed debate would occur on my proposition. Inasmuch as no debate occurs on this, I think we had better proceed to the regular business.

Mr. MORRILL, of Vermont. I merely ask for about three minutes more to say what I have to say. I do not wish to occupy more time hereafter. I have only had about five minutes.

The VICE-PRESIDENT. Is there objection to the Senator from Vermont proceeding? The Chair hears none.

Mr. MORRILL, of Vermont. I merely desire to say that the central building is composed of sand-stone and must be replaced at some time with marble to correspond with the wings. The expense of making some addition, and I should be glad if it could be a little less than thirty-four feet, will not be any very great addition to the cost of replacing the center with marble instead of sand-stone. Therefore it is an opportune time at the present moment, if this central portion is ever to be replaced with marble, as I presume no one doubts, that it shall be done now. Every one will recognize that in the central front of this building there is a conspicuous poverty in finish as compared with the wings. There ought to be a pediment in the center to break the sky-line, and it should be supported perhaps by a

double row of columns in order to give greater dignity to the west front and main approach to the building. Senators will see on the plan proposed by Mr. Olmstead of a terrace, where the center has been brought out forty feet, that it does really injure the appearance and symmetry of the building somewhat; but it is the conviction of the old architect of the Capitol (Mr. Walter) that it might be brought out to the extent of about thirty-four feet without material injury. Other artists and experts think a less distance would be better. That this extension ought to be made now, and before the improvements contemplated for the front grounds are completed and the terraces and the stairways approaching the Capitol are constructed, is manifestly obvious to every one. Therefore the proposition presented as an amendment to bring out the center, if it is to be ever acted upon, should be acted upon at the present time. I take it we do not intend to leave these grounds plowed up and left unfinished like a common hog-yard for any further term of time. We should at least take as good care of the Capitol of the nation as we do of the post-offices in the principal cities of the country.

Now, if the Senators will notice the terrace that is to be somewhat enlarged here, they will see that there will be room, as it is proposed they shall be constructed, for fifty-six vaults that will be fifty feet in length and ten feet wide, where a large amount of documents and comparatively useless lumber, yet which it is essential to preserve, can be stowed away; for instance the duplicate copies of copyright books could be packed away there and be perfectly safe from damp and fire, and a large amount of documents that are now lumbering up the Treasury Department, filling their corridors there, can be packed away here and be entirely safe. Let me say that these vaults will be constructed at an expense of only \$15,000 more than it would cost to build up this terrace solid, and will afford room for the accommodation (so it is asserted by Mr. Olmstead) of four or five hundred thousand volumes, and save an expense for this purpose of perhaps three to four hundred thousand dollars.

I trust, Mr. President, that if we cannot have a building adjacent and very near to the Capitol, where it will not interfere at all with this building, but would be a grand ornament to the exterior grounds, we shall consent that the improvement on the front may now be made, where we shall then have accommodations for the Library at least for ten or a dozen years or perhaps fifteen years. I hope the amendment will prove acceptable to the Senate.

The PRESIDING OFFICER. (Mr. SARGENT in the chair.) The morning hour has expired and the unfinished business of yesterday comes up.

Mr. WEST. I insist on the regular order.

Mr. FLANAGAN. I gave notice yesterday evening that this morning I should move to lay aside the pending order with a view to take up the question of the reconsideration of the bill changing the boundaries of the eastern and western judicial districts of Texas. I appeal to the Senate to aid me upon this occasion; vote it up or down. I ask the disposition of the question. I have been waiting very patiently for weeks, and I desire now final action on this subject.

The PRESIDING OFFICER. The Senate hears the request of the Senator from Texas. Is there objection?

Mr. WEST. I should like to inquire of the Senator whether his proposition is going to provoke discussion at all?

Mr. FLANAGAN. I hope not. I think there is a necessity for it, to say the least.

Mr. LOGAN. Allow me to say to the Senator from Texas that three different times I have tried to get up a bill and have been put aside every time. Now, until I have an opportunity to get that bill considered, I shall object to every minute's delay after the morning hour, and I call for the regular order.

Mr. FLANAGAN. I will do the Senator a kindness if I can. I appeal to him—

Mr. LOGAN. I am perfectly implacable. I call for the regular order.

Mr. FLANAGAN. I withdraw any appeal I make to the Senator. I make it to the Senate.

The PRESIDING OFFICER. The Senator from Illinois objects.

Mr. FLANAGAN. I ask if one objection is sufficient to put me off the floor? I gave notice yesterday, and I appeal to the Senate. If the Senate votes me down, very well.

The PRESIDING OFFICER. It is the opinion of the Chair that the Senator from Texas has not yielded the floor.

Mr. FLANAGAN. I desire to call up—

The PRESIDING OFFICER. In reply to the question of the Senator from Texas, it is the opinion of the Chair that a motion to lay aside all prior orders and proceed to the consideration of the subject mentioned by the Senator from Texas would be in order.

Mr. FLANAGAN. I make that motion to lay aside the pending business and proceed to the consideration of the motion to reconsider the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas and to fix the times and places of holding courts in the same.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. EDMUNDS. Pending that I ask leave to make a report from the Judiciary Committee on the topic that we were commanded to report upon about the Pacific Mail, and I ask to make it at this moment, because I am obliged to go into the Supreme Court,

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. EDMUNDS. I shall have to read the report myself, inasmuch as it is in my writing.

The Committee on the Judiciary, which was directed by the resolution of the Senate adopted on the 13th instant to inquire and report whether the United States or any Department of the Government is legally bound to now carry into effect any contract made pursuant to the act of June 1, 1872, respecting additional mail service between San Francisco, China, and Japan, respectfully report:

That under the act of Congress of February 17, 1865, a contract was made between the Postmaster-General and the Pacific Mail Steamship Company for the mail service therein provided for, at the price of \$500,000 per annum, which contract is still in operation and unexpired.

On the 1st day of June, 1872, in the act making appropriation for the postal service for the year ending June 30, 1873, there was enacted the following provisions:

"Sec. 3. That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated for the year ending June 30, 1873, out of any money in the Treasury not otherwise appropriated, namely:

"For steamship service between San Francisco, Japan, and China, \$500,000. And the Postmaster-General is hereby authorized to contract with the lowest bidder, within three months after the passage of this act, after sixty days' public notice, for a term of ten years from and after the 1st day of October, 1873, for the conveyance of an additional monthly mail on the said route, at a compensation not to exceed the rate per voyage now paid under the existing contracts, and upon the same conditions and limitations as prescribed by existing acts of Congress in reference thereto, and the respective contracts made in pursuance thereof; and the contractors under the provisions of this section shall be required to carry the United States mails during the existence of their contracts, without additional charge, on all the steamers they may run upon said line, or any part of it, or any branch or extension thereof: *Provided*, That all steamships hereafter accepted for said service shall be of not less than four thousand tons register each, and shall be built of iron, and with their engines and machinery shall be wholly of American construction, and shall be so constructed as to be readily adapted to the armed naval service of the United States in case of war, and before acceptance the officers by whom they are inspected shall report to the Secretary of the Navy and the Postmaster-General whether this condition has been complied with: *Provided*, That in all cases the officers of the ships employed in the service herein provided for shall be citizens of the United States, and that persons of foreign birth, who have according to law declared their intention to become citizens of the United States, may be employed as though they were citizens within the meaning of this section, or of any act or acts specified in the act of June 28, 1864. And the Government of the United States shall have the right in case of war to take for the use of the United States any of the steamers of said line, and in such case pay a reasonable compensation therefor: *Provided*, The price paid shall in no case exceed the original cost of the vessel so taken, and this provision shall extend to and be applicable to the steamers of the Brazilian line hereinafter provided for."

Pursuant to this provision, advertisement was made and the Pacific Mail Steamship Company being the lowest bidder, a contract was made with it by the Postmaster-General, according to its requirements.

The advertisement prepared by the steamship company and the contract entered into will be found in the papers accompanying a letter from the Postmaster-General to the chairman of the committee, dated February 17, 1873, and herewith returned; pages 3 advertisement, 5 proposal, and 16 contract.

In order to provide for the performance of this contract on the part of the United States, the act of March 3, 1873, (volume 17, page 559,) appropriated the sum of money necessary to make the agreed payments from the date at which the steamship company was to furnish the stipulated ships and begin the carrying of the mails under the contract, namely, October 1, 1873, to the closing of the fiscal year ending June 30, 1874, being \$365,000.

The steamship company did not furnish the ships and did not begin the service required by the act of June 1, 1872, and the contract and their appropriation lapsed.

Since that time no appropriation has been made and no action on the subject has been taken by Congress, although one or two committees of each House reported on the subject against annulling the contract.

It appears, however, that on the 8th of July, 1874, the company notified the Postmaster-General that two ships, the Takao and Peking, were ready for inspection under the contract, (referred to as of August 23, 1873, on account of a clause in the section—see letter of Postmaster-General, page 39,) and on the 8th of August, 1874, the ships having been inspected, &c. at New York, and being then there, and not at San Francisco, the Postmaster-General, under advice of the Solicitor-General and Attorney-General, accepted the vessels.

Leaving out of view all questions respecting the means by which and the influences under which the act of June 1, 1872, and the contract may have been procured, and in respect to which no evidence is before us, and upon which we express no opinion, the question is whether the United States are bound in law to go on with the execution of the contract, notwithstanding the fact that the ships were not tendered for the service until nearly a year after the time required by the act of Congress and by the contract.

We are of opinion that this question must be answered in the negative.

First. We think that in respect of executory contracts for the delivery or using movable things, or for service to be performed, the law is clear that the party claiming the benefit of the contract must tender performance not only in the manner but within the time stipulated; and failing to do this, his right to demand performance ceases altogether.

The result is that the Postmaster-General was, when the ships were tendered on the 8th of August, 1874, under no obligation to receive them or to take any steps upon the subject.

Second. We are of opinion that the Postmaster-General had no lawful power or authority to accept the vessels under the circumstances or to bind the United States in the premises.

The measure of the power of the executive officers of the Government is to be found in the acts of Congress, which declare what they are to do and how and when they are to do it. (Floyd Acceptances, 7 Wallace, 667.)

To hold that an executive officer of the Government, authorized by law to enter into a particular contract, may enter into another and different one or dispense with performance of the one lawfully made, would be not only against the rules of law, but dangerous in the extreme to public interests.

The time at our disposal does not allow us to go into extensive reasoning or citation of authorities upon the subject.

GEO. F. EDMUNDS.
MATT. H. CARPENTER.
GEO. G. WRIGHT.
A. G. THURMAN.
J. W. STEVENSON.

The PRESIDING OFFICER. The report will lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4692)

making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 4669) to provide for the selection of grand and petit jurors in the District of Columbia;

A bill (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876; and

A joint resolution (H. R. No. 51) in relation to civil-service examinations.

ORDER OF BUSINESS.

Mr. HOWE. I am going to move to postpone the further consideration of the pending bill.

The PRESIDING OFFICER. A motion is now pending made by the Senator from Texas to postpone the present and all prior orders and proceed to the consideration of the subject stated by the Chair before the report of the Senator from Vermont was made.

Mr. ANTHONY. I hope certainly at some time, and very soon, the Senator from Texas will have an opportunity, as I think he ought to have an opportunity, to consider the motion to reconsider. It ought not to stand in the way to prevent the passage of the bill. I cannot vote to lay aside the appropriation bill without the consent of the Senator having charge of it, but at the earliest time consistent with the public business I shall cheerfully vote to give the Senator from Texas an opportunity.

Mr. FLANAGAN. The convenient season will never come.

Mr. ANTHONY. We must pass the appropriation bills first.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas to lay aside the pending and all prior orders and proceed to the consideration of the motion stated by him.

Mr. FLANAGAN. I will withdraw the motion now, but renew it directly after the disposition of the appropriation bill.

POST-OFFICE APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes.

The PRESIDING OFFICER. The pending question is whether the Senate will concur in the action of the Committee of the Whole striking out that portion of the bill contained between lines 18 and 27 of section 2, which will be reported by the Secretary.

Mr. THURMAN. I did not understand that that was stricken out.

The PRESIDING OFFICER. The motion was made by the Senator from Louisiana [Mr. WEST] to strike out the clause, and by unanimous consent it was agreed that that motion should prevail and the bill be reported to the Senate otherwise completed but with that question being open.

Mr. THURMAN. That was not my understanding. My understanding was that the bill was still in committee with the understanding that all questions were disposed of but one.

The PRESIDING OFFICER. The question was raised by the Senator from South Carolina [Mr. ROBERTSON] that "that would put every Senator in the attitude of having voted to strike it out," and the reply was made by the Senator from New York [Mr. CONKLING] that that would not be the effect because it was a mere formal motion, and on that understanding the action was taken to which the Chair refers. By reference to the RECORD the Senator will see it.

Mr. THURMAN. I do not raise any question with the Chair, but my understanding was not that. I thought we were still in committee.

The PRESIDING OFFICER. No; by understanding, the bill was reported to the Senate. The question in effect is now before the Senate whether they concur with the Committee of the Whole in striking out this clause.

Mr. HOWE. Is a motion to postpone this bill for an hour in order?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. HOWE. I submit that motion.

The PRESIDING OFFICER. The Senator from Wisconsin moves to postpone the consideration of the post-office appropriation bill for one hour, which will be till twenty minutes past one o'clock.

Mr. HOWE. I want to excuse myself for making the motion. I have been waiting here for weeks to ask the attention of the Senate to the consideration of the bill which they have considered for the space of twenty-five minutes this morning. You are making appropriations and have been making them day after day here for all sorts of purposes. You have \$100,000 worth of books going to ruin every day because you will not make the appropriation which is required for their preservation. I do not own the books. I can as well see them go to ruin as any member on this floor. Hitherto, committees when they had less than an hour during the morning hour to consider their business, by the courtesy of the Senate by unanimous consent have had the hour made up to them. I have asked no courtesy and no right until this morning. When twenty-five minutes had been expended a peremptory demand was made to proceed to the order of the day. Now the Senate will proceed to the order of the day, I have no sort of doubt. I want to be discharged from the

obligation of moving in this matter hereafter. I want a vote of the Senate acquitting me of all responsibility. By unanimous consent thirty-five minutes might be given to this committee, but that unanimous consent cannot be had. The Senator from Illinois gives notice that it shall not be had now or any time. He thinks he has been harshly used. His committee long since had its hour in the Senate without objection. The Library Committee asks for nothing that committee has not had, for nothing that every committee has not had standing prior to this on your list of committees. I know we ask what we stand no chance of getting. One thing we can get; we can get a vote of the Senate upon this motion to postpone for thirty-five minutes.

Mr. MORRILL, of Vermont. I hope the request of the Senator from Wisconsin will be granted. Other committees have had their hour. The Library Committee certainly presents an exigency that ought to receive the consideration of the Senate, and I hope the hour will be given to them.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin to lay aside the post-office appropriation bill for one hour.

Mr. HOWE. Thirty-five minutes, I will say.

Mr. MORRILL, of Maine. I hope my honorable friend will not insist upon that. There will be an opportunity for him soon. If the Senate should think it advisable to pass this bill, on which there is now but a single question left, then the Army appropriation bill will not occupy more than half an hour, I think, and that will leave a few days in which the only question will be the order of business. That is to say, there will be no appropriation bills for the next two or three days to trouble the Senate as to the order of business. I hope that we shall not be interrupted in closing this question; and then I hope it will be the good pleasure of the Senate to allow us to pass the Army appropriation bill, and then the members of the Committee on Appropriations can attend to conference committees and give a clear course to the Senate for two or three days, or perhaps longer, for such business as they may think proper to consider. If my honorable friend thinks that will answer his purpose, I certainly will co-operate with him at any time in getting a vote on his bill.

Mr. HOWE. My friend from Maine will see that that does not answer my purpose at all, because that does not give a moment's time to the consideration of this measure. He says that after the pending bill has passed and the Army bill has passed, then the Senate will be at liberty to do something else. I suspected that before.

Mr. MORRILL, of Maine. And my honorable friend suspects they are not at liberty to do anything else as long as there are appropriation bills.

Mr. HOWE. I know that; but I know the other thing, too, that the Senate is at liberty to refuse to do this just at this moment, and all I ask is that the Senate will do one or the other.

Mr. MORRILL, of Maine. My suggestion was that my honorable friend should not invite them to do it under these circumstances.

Mr. HOWE. I cannot withdraw the invitation; it has gone out.

Mr. WEST. In order to ascertain what the Senate is disposed to do and to bring them to an absolute vote, I move to lay the motion of the Senator from Wisconsin on the table.

The PRESIDING OFFICER. The Senator from Louisiana moves to lay on the table the motion of the Senator from Wisconsin.

The motion was agreed to; there being on a division—ayes 22, noes 21.

Mr. THURMAN. I wish to call the attention of the Senate to the fact that they have just overruled a precedent they very foolishly established the other day. I am very glad to know the fact, and I want it entered on the record. This motion to lay on the table was ruled out of order the other day, but now I see the Senate has got sensible again and adopted the correct course of proceeding.

Mr. HAMLIN. It is out of order now.

Mr. MORTON. I call for the regular order, the post-office appropriation bill.

The PRESIDING OFFICER. In response to what was stated by the Senator from Ohio [Mr. THURMAN] the Chair will state that on reference to the RECORD and the JOURNAL he finds this to be the condition of the question on the post-office appropriation bill: All the amendments made in Committee of the Whole were concurred in with one exception, the bill having been reported to the Senate with the understanding that the motion made by the Senator from Louisiana to strike out from the eighteenth to the twenty-seventh line of the second section should be pending in the Senate; and that is the question now before the Senate. The question is on concurring in the amendment striking out the clause.

Mr. MORTON. What is the clause to be stricken out?

The PRESIDING OFFICER. The motion is to strike out from line 18 to line 27 of section 2, which the Clerk will report.

The Secretary read the words proposed to be stricken out, as follows:

That so much of an act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1873," approved June 1, 1872, as relates to and authorizes a contract to be made by the Postmaster-General with the Pacific Mail Steamship Company for steamship service between San Francisco, Japan, and China, is hereby repealed, and any such contract made by the Postmaster-General in pursuance of said act is hereby annulled.

Mr. THURMAN. I wish merely to say that I shall vote against

striking out that provision in the House bill. I do so, although I am aware that there are certain considerations which may influence Senators in voting to strike it out. After a careful consideration of the legal question, I came to the conclusion that that contract is no longer obligatory upon the Government; that we have a perfect right to treat it as forfeited by the steamship company, and therefore to refuse to execute the contract. Believing that, the question presents itself to my mind in this light, that by waiving that forfeiture we in effect make a new contract for eight years and three-quarters.

When this subsidy was granted I opposed it. I voted against it and spoke against it for reasons satisfactory to me, and I have opposed every such subsidy since I have been a member of the Senate and all railroad subsidies; and in doing so I have conformed to the oft-expressed wishes and opinions of the people of my State and the solemnly expressed opinion of the Legislature of the State. I do not feel at liberty now, when the Government is freed from this contract, to give it vitality, and thereby in effect create a new subsidy. If there is any question upon which the people of Ohio are perfectly unanimous or as near so as any community can be, it is on the question of granting subsidies by Congress in bonds, in lands, or in money; and the resolutions of the conventions of the two parties speak the same sentiment upon this question, and the resolutions of the Legislature were never party resolutions, but passed I believe almost or quite unanimously. Under such circumstances I feel myself instructed to vote against subsidies, and being freed, as I think we are, from the obligations of this contract, I must vote against anything which would commit the Government to its execution, I shall therefore vote against striking out the provision in the House bill.

Mr. HAGER. Mr. President, according to the report made by the Judiciary Committee this morning, I presume that the Government of the United States is under no obligation to perform the conditions of this contract that has been made with the Pacific Mail Steamship Company; and the proposition now before us on this amendment is whether or no we will repeal so much of the act as authorized this contract to be entered into. The legal question we have to a certain extent got rid of by the report of the committee. Yesterday it was a question whether we could impair the obligation of a contract, not by virtue of any power contained in the Constitution, but inasmuch as it was prohibited to the States we might infer that the Government of the United States would not of itself do that which was prohibited in the Constitution to the States. At all events it would be bad faith for the Government to repudiate a legal contract that had already been entered into, whether it could or could not be enforced. If it should do so, there would be of course claims against the Government to compensate the parties who held the contract, who had been deprived of the benefits of it by legislation. But, as I have stated, we have got rid of that question upon the report of the Judiciary Committee, if we receive that as a rule for our action here.

According to that report, the Government is under no binding obligation to pay this additional money to this company. It then leaves the subsidy as it was anterior to the passage of the act of 1872, and that is, if I understand correctly, \$500,000 per annum. The act of 1872 was intended to give them \$500,000 additional, which would make the subsidy in its entirety \$1,000,000. If this last act should be repealed, they will still have their original \$500,000 subsidy.

Now, in a commercial point of view it may be a matter of great importance to this country that we should invite the commerce of the Pacific to our coast at the port of San Francisco. It is a question between us and Europe to a certain extent whether we are to control that trade or any portion of it, or whether it is to go by other channels through the Red Sea and through the Suez Canal so-called, from Asia to New York. That is one line, and this from China to San Francisco is another. It does behoove us, in my opinion, to cultivate the most intimate commercial relations with Asia and to encourage trade from that continent to ours on the Pacific Coast rather than to allow it to fall into the other channel by the way of the Red Sea and thence to New York. That is a consideration which addresses itself to us, and in that respect we must all take an interest in the question that is presented here. Other lines have been established between China and San Francisco. An English line of steamers was put upon that route, but I believe they were bought up by the Pacific Mail Steamship Company; at least there is now but one line running and that is the Pacific Mail.

In regard to myself, while I never as a principle of legislation have favored subsidies on the part of Congress either for railroad purposes or steamship purposes, on this question I am specifically instructed by the Legislature of the State of California by a resolution which passed at the last session of the Legislature to vote against any subsidy for the Pacific Mail Steamship Company. I feel bound to obey those instructions, although in so doing I may be acting against the commercial advantages of our coast.

Senators may be at a loss to determine why the Legislature of my State should pass a resolution of that kind instructing her Senators to vote against a subsidy to this company. I will explain it. The vessels of the company, in running down the coast of California between San Francisco and Mexico in recent years, have touched at the way ports, and they come in competition with home lines of steamers. They reduced freights and fares below a living profit; in other words, they made use of the subsidy of the Government to run off all local lines by what our people considered an unhealthy opposition and what

had the appearance of a determination to monopolize the trade of our coast by crowding out all competition with a view to making exorbitant charges. Our people were of the opinion Government aid should not be granted for such purposes.

Again, they have been in the habit of bringing a class of immigrants to our shores in despite of our laws, in violation of the laws of the State of California—lewd women and coolies. When the State of California passed penal laws prohibiting this kind of immigration, the company resisted and contested them through the courts, and in despite of these laws they are yet bringing that class of immigrants to our shores. These things have irritated the people of the State of California, and perhaps under these influences that resolution instructing her Senators was passed, but it is not directed against the enterprise, not against the commercial question, not that we are unwilling to establish commercial relations with China.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TIPTON. Will the Senate permit me to take the floor and yield my time to the Senator from California?

The PRESIDING OFFICER. In the opinion of the Chair a Senator cannot transfer his time under the rule.

Mr. HAGER. I do not desire to infringe the rules, and will not speak more than two minutes.

The PRESIDING OFFICER. The Senator may ask unanimous consent.

Mr. HAGER. I do.

The PRESIDING OFFICER. The Senator from California desires to be heard two minutes longer by the Senate. Is there objection? The Chair hears none.

Mr. HAGER. Mr. President, I do not wish to trespass upon the time of the Senate. I merely wish to state one thing, and I do so because I am a resident of San Francisco, and it is a question that particularly interests us. Under the instructions I should feel bound to vote against anything like a subsidy; but there are other matters connected with this question. The Pacific Mail Steamship Company, as I have information, publicly stated in the press of San Francisco, now have sold out all their property in San Francisco, their wharves, their warehouses and lands, to the extent of about \$500,000 recently, and they have been transferred to other parties, to men connected with the Southern Pacific Railroad, and it is stated in the papers of San Francisco that the company, its franchises, and its property, will soon be transferred entirely over to the Southern Pacific and Central Pacific Railroad Companies of that State. That is a matter of grave importance, which also to a certain extent enters into the considerations of the pending proposition. Those railroad companies control all the avenues of transportation in the State of California. It has purchased and controls all the railroads; it controls all the water communication; it owns all the steamers; it has bought every railroad in the State, so that the whole people of that country are dependent entirely upon that corporation. If they do get possession of this steamship line, they will control the carrying trade between San Francisco and China, and by water via Panama to New York also. I state this for the information of the Senate.

I would not object under the circumstances that an English line should be established, if it was for the purpose of creating competition and benefiting commerce. I would prefer that we should have competition even with England than to have a monopoly which would be so oppressive and so overshadowing as that of the Central Pacific Railroad in that State with its new acquisition of the Pacific Mail Steamship Company. But, as I said before, while I am very reluctant to do anything that would interfere with the commerce of that coast, and particularly with that of San Francisco and California, under the instructions of the same Legislature that elected me I shall vote against everything that looks like a subsidy to that company. This is a matter of duty, at least so I understand it, under the instructions of the Legislature of my State.

Mr. SAULSBURY. I shall vote against striking out that provision of the bill which repeals the subsidy to the Pacific Mail Steamship Company. Originally I was opposed to the granting of that subsidy and voted against it, and I think spoke against it. Nevertheless as it was a law of the land which gave this subsidy to the company, if a contract was made under it which was a valid subsisting contract, I should not feel at liberty to repudiate it. I would not vote now to violate the contract with the company, provided there had been nothing on the part of the company to show an attempt to obtain that contract by fraud. But the Judiciary Committee or a majority of that committee have reported that there is no valid contract existing to-day between the Government and this steamship company. Therefore to vote for striking out that provision would be to re-enact a subsidy in favor of the company.

To all subsidies I am now and ever have been opposed, and I therefore cannot vote for striking out this clause, however meritorious the present owners of the company may be; and I understand it has not the same directors at least that it had when it obtained the subsidy. The same men do not now control the management of the company; but however worthy they may be as gentlemen, however great the advantages to our commerce may be from the lines of the company, I cannot vote and will not vote for any subsidy for any company if I know it; I therefore cannot vote to strike out the clause in the House bill which repeals the subsidy.

There are other considerations which it is unnecessary for me to refer

to. With my general principles I could not vote for it under any circumstances, but there are other considerations which it strikes me ought to have some weight on the decision of this question. It is notorious that there was an attempt at least on the part of the then controlling managers of the company to obtain this subsidy by means of the bribery of the national Legislature. I do not say that they were successful in that effort; but there is evidence sufficient to warrant the conclusion that there was an attempt to do that. I think that even if there was a valid existing contract, in view of the fact that there was an attempt to obtain the legislation in favor of this subsidy by means of corrupting the national Legislature, we ought in justice to the character of the two Houses of Congress and in order to teach a lesson to men who approach the national Legislature with bribes in their hands, at least to put our seal of condemnation upon them.

I shall, therefore, for all these considerations, vote against striking out that clause of the bill which repeals the subsidy.

Mr. BOUTWELL. Mr. President, this question gives us an opportunity to consider the general policy of the country in regard to special subsidies. Several years since my attention was called to the matter, and I then reached a conclusion which, as it appears to me, experience has justified; and that is that subsidies to special lines for the purpose of promoting the commerce of the country are open to suspicion as to the manner by which they are obtained, and in the end fail to produce the results we seek. That our commerce, and especially our foreign commerce, needs the supporting hand of the Government is beyond question; but if we enter upon a policy designed to advance and extend the commercial power of the country, it should be by a general policy, under general laws, the advantages of which should be open to all persons in the country upon precisely the same terms. If this single subsidy, including the original grant made in the last decade, had been applied directly to the promotion of the foreign commerce of the country, we should have increased that commerce to the extent of half a million tons over what it now is, and under such circumstances that nobody could have complained of the manner by which the subsidy was obtained, and everybody in the country I think would have been benefited by the results secured.

I, for one, finding that there is, as by the judgment of the Judiciary Committee it appears there is, a legal way for the country to escape from a portion of this subsidy, readily accept it.

Mr. CRAGIN. Mr. President, the law which formed the foundation on which this contract was made was passed in 1872, being an amendment to the Post-Office Appropriation bill offered in the Senate, I think, and first adopted here. In that law the Pacific Mail Company is not named, but the Postmaster-General was authorized to issue proposals for a semi-monthly mail and to accept the lowest bid and award the contract accordingly. The Pacific Mail Company was the lowest bidder, and the contract according to the law was made with that company. The Pacific Mail Company has performed up to this day the service contemplated in that contract, and performed it to the acceptance of the Post-Office Department. I understand there is no controversy upon that point.

Another point is that the Pacific Mail Company has received nothing under this contract for the service performed except the sea postages on the mail matter which it has carried.

Mr. THURMAN. Will the Senator allow me to interrupt him? The Pacific Mail Company has never performed any service under this contract. The Pacific Mail Company has carried the mails in wooden ships and has had the sea postages for them, which is under another authority given to the Postmaster-General. Since we have been sitting here we have a telegram that one of these iron vessels has sailed from San Francisco, which is the first attempt at performing this contract.

Mr. CRAGIN. I was not saying that they had performed the contract in the ships that were required by the contract, but that they have carried the mail semi-monthly is beyond doubt and beyond controversy, and that they have carried it to the acceptance of the Post-Office Department is beyond controversy. That it was not carried in the iron ships provided for was due to the fact that neither this company nor any other company could possibly provide those ships in the time specified in the contract. They carried the mail in other ships and went to work to build and provide themselves with the iron vessels as fast and as soon as possible.

Since the passage of the act of 1872 the Pacific Mail Steamship Company has expended over \$7,000,000 in building new vessels, and has now seven iron steamships upon this line equal to those built in any other country in the world. The Senator from Ohio says that we have had a telegram that one of these iron ships has just sailed from San Francisco. That is true notwithstanding a New York paper said that this ship in going around to California had been nearly ruined—shaken to pieces. The truth is that the Peking arrived at San Francisco, went into the dock on Monday, and on the Thursday following sailed on its voyage to China, having received slight repairs, after a voyage of fifteen thousand miles, whereas no new steamship ever built in Europe came to the port of New York, a distance of three thousand miles, without undergoing greater repairs than were necessary in this case.

Mr. President, I only rose to make the point that the service contemplated by this contract has been performed, and the fact that it was not performed in the ships required by the contract was simply

because it was impossible to provide those ships. This company has at an expense of \$7,000,000 provided the ships; two of them have been accepted by the Post-Office Department after having been inspected by naval officers, as coming within the provision of the law that they should be such ships as could be serviceable in time of war. Three other iron ships are on the stocks being built by this company, and it is a question now for us, it is a question for me whether by my vote I will strike down the American flag from twenty-eight steamships now carrying that flag in the Pacific Ocean, or whether I will so vote as to keep that flag upon those ships and to add to that line the three ships now being built by John Roach, the benefactor of this country, a man who is trying to revive American ship-building. For one, standing here conscious of my integrity upon this subject, and believing that every other Senator on this floor is in the same position, I shall vote as my judgment and my conscience dictate upon this question.

Mr. STEVENSON. I desire to say a single word in support of the report of the Judiciary Committee. I do not agree with the Senator from New Hampshire that this is a question which presents to us any consideration about the encouragement of ship-building or sympathy with Mr. Roach. It is purely a question of law. We live under a Government of delegated power, and that power is defined by law, constitutional and statutory. The Postmaster-General is only one of the agents of this Government, and acts under his delegated authority as such. The law prescribes the extent of his authority, and whenever he exceeds the authority conferred by law his act is null and void. Every individual who deals with any Department of this Government is bound to take notice of the law, which is a limitation upon the power of this contracting party for the Government of the United States.

When, therefore, the Postmaster-General undertook to enter into a contract for the carrying of this mail for the period of ten years, beginning on the 1st of October, 1873, the law specifically defined the extent of his power to contract. That power was limited by certain requirements and conditions specified therein. One of those conditions was that these mails were to be carried by vessels of certain dimensions and capacities, to be inspected in a certain way, and to commence their service from San Francisco on the 1st of October, 1873. They failed in that condition. The Postmaster-General had no power, in my judgment, to dispense with that condition. If he could dispense with it for nine months and could dispense with a tender of those vessels at the point specified in the law and receive them elsewhere, he could have dispensed with it for the entire term of ten years.

Aside from this view, this is one of the most important questions that the Senate can be called upon to consider. It is the question of limiting every agent of the Government to the law as it is written as the only source of his authority and the conditions and limitations upon his power. Whenever you confer upon a public officer, whether the head of a Department or a subordinate, the discretion to dispense with the requirements of the law, then you have no safeguard.

I have nothing, however, to say as to how this subsidy was obtained. That question was not confided to the committee. I have no question presented to me as to the equities of these parties here; but I say as a simple matter of law Senators should adhere to it, and not allow their sympathies, not allow their faith in what they believe to be the hardship of this particular case, to dispense with the principle of holding officers of this Government responsible to the power conferred and confined by law. That is our only safeguard, and I hope the Senate will adhere to it.

Mr. SCOTT. I have never looked at the record to see, and without looking I do not remember how I voted when this subsidy was before Congress in 1872. I have always favored the policy of encouraging and building up our commerce. It is just as probable that I voted for it as that I voted against it. I voted as I believed to be right at the time. But this proposition brings us to view this subject as it is now presented in three lights:

First. The effect that this repeal is to have upon our commerce;

Second. The power of our executive officers in making contracts under the laws of Congress; and

Third. It cannot be disguised the question of the purity of congressional legislation is dragged into this business.

So far as the question of extending and sustaining commerce is concerned, it is idle for me to think of going into a discussion of that question under the five-minute rule. I should vote for everything that my duty will permit me to sustain for the purpose of building up and extending our commerce. I am under instruction from the Legislature of Pennsylvania, given in May, 1874, "to oppose any cancellation of the contract entered into by the Postmaster-General for the carrying of the mails to China and Japan, if it be shown there has been due diligence used in the construction of the required ships." So far as that question is concerned, it would seem that the Postmaster-General accepted the ships and they have been approved; but the Judiciary Committee this morning report that the Postmaster-General in doing that exceeded his authority; that the law did not permit him to accept those ships; and for several reasons they say that his acceptance of them is void. Under the law, as they state it, no question of due diligence enters into it, and since the instructions referred to were given other and very grave considerations have entered into the case.

The question is presented whether we ought to repeal this contract, either because of its illegality or because of the cloud which has been thrown upon this whole business by the investigation into the passage of the law under which it was made. If under that law the advertisements had brought another bidder to the Postmaster-General and another company had received and made this contract, no clamor of a newspaper press, particularly of that part of the press which is itself shown to have been a large participant in this company's corruption fund, could drive me to do any injustice to a party who had in good faith entered into such contract. But when we find the same company which made an exhibition—I think I do not use too strong terms to say—of business idiocy in squandering \$750,000 upon the despicable class of "bummers" that surround all political capitals, the professional lobbyists, newspaper reporters, and proprietors who talk about corruption in the public men of the nation, and then illustrate their own purity and disgrace their profession by running their hands up to their shoulders into every corruption fund they can get hold of—I say when we find this company is yet the contractor, and is now claiming the benefit of the contract, ought we, because the management has been changed, to be deterred from repealing this law? If it be necessary to support our commerce to make a new contract, let us at least take it out of the hands of that company which instrumentally has been the means of spreading odium over Congress, when Congress itself is shown, so far as the investigations have gone, to have been almost without exception among its members guiltless of participating in this corruption fund. Honesty must be inculcated upon commerce as well as upon Congress.

Under the report of the Judiciary Committee that this contract is not authorized by law, that the Government is not bound to carry it out, I shall vote to retain this provision in the bill, even although to my regret other parties may incidentally suffer as a consequence. I know we have the power to repeal it even if there were no cause, but, as I have already said, no clamor would drive me into taking the position of that celebrated politician in New York who because he had the power exercised it, and then asked the innocent sufferers, "What are you going to do about it?" I cannot vote, therefore, to maintain this contract, because it is in the hands of the parties who by their crime and folly have been instrumental in raising this clamor, and because that contract is not authorized by the law, according to the report of the Judiciary Committee. I think it is a fair case for the exercise of our power to repeal it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRELINGHUYSEN. I did not sign the report of the Committee on the Judiciary, and perhaps it is proper that I should very briefly give my reasons for not coming to the conclusions that the majority of the committee arrived at. I do so with great deference to their opinion. The act of 1865 authorized the Postmaster-General to make a contract with the lowest bidder to carry the mail from San Francisco to Japan and China in American sea-going vessels of not less than three thousand tons burden. The act of 1872 authorized the Postmaster-General to make a contract for the additional monthly transportation of the mail on the same conditions and limitations and rates as provided in the act of 1865. The primary object of the contract was the additional monthly transportation of the mails. Now, if the Postmaster-General had made his contract strictly according to the law and contracted that the mails should be carried in vessels of three thousand tons burden, the law would have been fulfilled. And if the company had possessed vessels enough to enable them to carry the mails semi-monthly, that was all that would have been required of them, and there would have been no need of other vessels. But the act, looking to the fact that the additional service would require more vessels, provided that any "steamships hereafter accepted" shall be of four thousand tons burden and be adapted to the naval service of the United States. The act fixes no time at which those new steamers are to be furnished. The only time mentioned in the statute is the time that the monthly transportation of the mail is to commence, which is in October, 1873. The Postmaster-General, however, made a contract more exacting than required to do by the statute, and provided in the contract that this new monthly transportation of the mails should be carried in steamers of four thousand tons burden and that the steamers must be ready by the 1st of October, 1873. My opinion is that if the Postmaster-General had the power, as the agent of this Government, to insert a provision in the contract as to the time the steamers should be ready, he had also, as the agent of the Government, the right to extend the time at which they should be ready, or to waive the condition as to the time by which the steamers should be constructed.

But, Mr. President, take another view of this subject, and admit that the contract is as a majority of the committee hold, only as the law itself required that the new monthly service commencing October, 1873, was to be performed in steamers adapted to the naval service and of four thousand tons burden, and I still insist that the Government of the United States is bound by the contract, although the steamers were not furnished at the time specified by the contract. The Government of the United States has waived the condition that the steamers should be furnished by October, 1873. The primary object of the contract was the transportation of the mails from October, 1873, and the Government accepted that service; it received the benefits of the contract after the date that it is now claimed it became void and not binding. The manner in which the mail should be carried

was a secondary and incidental provision of the contract. It is as though one made a contract with another to have oil transported from his wells to the sea-board in iron tanks, to be furnished on the 1st of October, 1873. The contractor carries the oil in wooden cisterns from the time specified, and does so for months, and subsequently the contractor furnishes the iron tanks, and an agent accepts them. I think that would be a waiver of the want of compliance with the specific condition as to the time the iron tanks were to be furnished.

But not only did the United States accept the service; the Government stood by when it was notorious and well known to it that millions were, after the time specified for the steamers to be ready, being expended in building these ships in order to perform the contract, and the United States did not notify the company that it would hold the contract void for the want of a strict compliance with its terms. Not only that, sir; after October, 1873, when this forfeiture had taken place, if it ever took place, the Government directed that those steamships should be inspected according to the provisions of the law by the officers of the Navy, and they were so inspected and approved. If the steamers had not conformed to the requirements of the law the company would undoubtedly have been induced to go on and make them conform to those requirements. The United States could have compelled the company to do so.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FRELINGHUYSEN. I have but a word or two more to say.

The PRESIDING OFFICER. By unanimous consent the Senator may proceed. The Chair hears no objection.

Mr. FRELINGHUYSEN. After those ships had been inspected the Postmaster-General, acting under the advice of the Attorney-General of the United States to the effect that the contract was still binding, accepted the steamers and sent them to the Pacific where they are performing the service. Again the Committee on Post-Offices and Post-Roads reported to Congress that the contract had not been fulfilled in the point of time the steamers were to be ready, but advised that, notwithstanding that fact, the acceptance of the vessels and that the contract should not be annulled. Congress received their report and took no adverse action on it. The Government of the United States acquiesced. We are told that the agent of the United States cannot bind the United States, but I take it that the Government can bind itself. Congress, by not speaking when the committee spoke to it, by not saying "we hold the contract void," accepting their report virtually agreed to it, and thus Congress itself waived the condition that those vessels should be ready at the day named in the contract. In my opinion that contract under the circumstances would not be held void between individuals, and I cannot so hold where the Government is a party, notwithstanding I am opposed to subsidies.

This is a brief and imperfect statement of the reasons which have prevented my signing the report. I state them with great deference to the opinion of the majority of the committee.

Mr. THURMAN. I have but a word to say. It is true that Congress did not pass an act affirmatively annulling that contract and affirmatively disapproving of those reports made by committees, but it did what was equivalent to that; it refused to make any appropriation for it.

Mr. WEST. I merely wish to remind the Senate now of the circumstances under which I yesterday submitted this proposition to them: "With a view of giving this company the opportunity to be heard through the expression of opinion from a more proper committee," and "getting a vote of the Senate whether they will hear from a more appropriate committee than the Committee on Appropriations." I moved "to strike out the clause relating to the Pacific Mail Company." In the mean time the appropriate committee, the Committee on the Judiciary, having been heard from and the report having been read, I think all that I wanted to accomplish in interposing this temporary delay has succeeded. I therefore desire to withdraw the motion.

The PRESIDING OFFICER. The motion of the Senator from Louisiana to strike out the paragraph is withdrawn.

Mr. SPRAGUE. I submit the same motion which has just been withdrawn by the Senator from Louisiana, and I call for the yeas and nays on the question.

The PRESIDING OFFICER. The Senator from Rhode Island moves to strike out from lines 18 to 27 inclusive of section 2, being the amendment just withdrawn by the Senator from Louisiana; and upon that question he asks the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENSON. May I ask exactly the question now before the Senate?

The PRESIDING OFFICER. The Clerk will report the amendment.

The SECRETARY. It is moved to strike out the following clause in the second section of the bill:

That so much of an act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1873, approved June 1, 1872, as relates to and authorizes a contract to be made by the Postmaster-General with the Pacific Mail Steamship Company for steamship service between San Francisco, Japan, and China, is hereby repealed, and any such contract made by the Postmaster-General in pursuance of said act is hereby annulled.

Mr. SPRAGUE. I shall take some occasion other than now, as I am not prepared, to give my views in reference to this question. I am not now prepared to do so but will seek an early opportunity.

Mr. HAGER. I merely desire to say what I did not state before, that I would have voted for striking this paragraph out and leaving the subsidy to remain had it not been for the report of the Committee on the Judiciary this morning against the validity of the subsidy contract. On the question now to strike it out I wish to state what is now the condition of this company to the public. My inclinations would favor this line of steamships as an opposition line and in behalf of commerce between San Francisco and New York. It has been for some time past, and perhaps is yet, an opposition line to the overland route by railroad. A few years back an arrangement was made between the Pacific Mail Steamship Company and the railroad company, by which they agreed upon a tariff for freight and also for passengers for their mutual advantage, so that during the existence of that contract it was not in fact a competing line. If this steamship company have now sold out, as it is reported, all their franchises and property to the railroad or some members of that company, it is no longer a competing line, and our people on the Pacific Coast will not take the same interest in it that they would otherwise have taken if it was in fact an opposition line, and to that extent a relief to the people. As a competing line it did afford some relief against the oppressions that exist there against the monopoly of the railroad company; but if this steamship line goes under their control and management, our people will be beyond any relief so far as I am able to penetrate in the future; because there is no power there that can compete against the railroad company if they also own or control this line of steamships, and thus control commerce and passenger travel between San Francisco and Asia and via Panama to the Atlantic States.

Mr. FRELINGHUYSEN. I simply wish to say one word. I am opposed to subsidies; I believe that they cripple private capitalists and do more injury than good to the nation; but I shall vote against repealing this contract, because I deem that the faith of the United States is pledged.

Mr. MORTON. Having voted against this subsidy and having done all in my power to prevent the grant, I dare to do what I think is right about it now that the contract has been made. The law did not require the Postmaster-General to contract for the building of new ships at all. The law authorized him to contract with this or any other company for this new monthly service, using old ships, provided they were three thousand tons burden and American built, but the Postmaster-General in the exercise of this discretion—

Mr. WRIGHT. Will the Senator from Indiana allow me to interrupt him?

Mr. MORTON. Of course, if it is not to be taken out of my time. The PRESIDING OFFICER. The Senator's time cannot be extended except by unanimous consent.

Mr. WRIGHT. It is in the line of the Senator's argument. In what part of the law does the Senator find that the company was not bound to furnish the class of ships provided for in the act of 1872?

Mr. MORTON. I have the act here, but I will not take the time to read it. I say the law did not require the Postmaster-General to stipulate for the building of new ships, but it provided that new ships hereafter received into the service should not be less than four thousand tons burden, but it did not require a new ship. The Postmaster-General, however, in the exercise of his discretion, did contract for the building of new ships of not less than four thousand tons burden to be put into the service as early as October, 1873. That stipulation was discretionary upon his part. It might have been left out and the law complied with, but he put it in. The ships were not furnished on the 1st of October, 1873. They could not be built in that time, and he ought to have known it, and the company ought to have known it. But they were furnished a year afterward. The Postmaster-General, under the advice of the Attorney-General, waived the time and accepted the ships. They were inspected by the Navy Department as required by law and on that inspection accepted, and after that accepted by two committees of Congress; and now the position of the Judiciary Committee is that because they were not furnished by the 1st of October, 1873, the contract was forfeited. This goes upon the ground that the Postmaster-General could not waive the time. If he exercised a discretionary power in fixing that time in the contract, and was not required to do so by the law, then he had equal discretionary power to waive the time and fix it a year later. Can anybody deny that as a proposition of law? It seems to me not; and that is the whole of this question, as I understand, so far as the forfeiture is concerned. He was not required to make that stipulation; it was discretionary with him; and if he did make it, it was discretionary with him to waive the time for six months, or twelve months, or even for two years. He did waive the time under the advice of the highest law officer of this Government. Two committees of Congress said that he had a right to waive the time. The company went on and constructed their ships at great expense. Now we are required to say that the simple failure to furnish the ships by the 1st of October, 1873, forfeited the contract and the Postmaster-General had no right to condone the forfeiture, had no right to waive the time, as a mere proposition of law. I do not agree with the majority of the Judiciary Committee. Of course I dissent from the opinion of that committee with great respect, but according to the principles of law as I understand them it was but a technical failure. The time was not of the essence of the contract, and as the stipulation was discretionary with the Postmaster-General in the first place, it was equally discretionary with him to waive that time and give them a year

more. Therefore I cannot vote to repeal the contract because it was forfeited for that reason.

THE PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island to strike out the clause which has been read.

Mr. McCREERY. Mr. President, it is immaterial, I suppose, whether I say anything or not; but with or without the report from the Judiciary Committee I should have had no difficulty whatever in making up my mind as to how I should cast my vote on this subject. I believe that this subsidy was procured by bribery and fraud, and that is a sufficient ground for me to place my vote in favor of its repeal. Other Senators may cast their own votes upon whatever grounds they choose; but as for my single self I make no defense and no apology for bribery and fraud, no matter in what shape or in what form they may show themselves. From the sneak-thief who adroitly purloins your handkerchief, rising through all the grades of grand and petit larceny to the lobby organized on a capital of half a million to plunder the Treasury, I condemn them all. Editors who have shared the spoils may justify and applaud, as Government and people are sweeping with headlong speed to bankruptcy and to ruin; but how long will it be before these pretended guardians of the public morals and the public welfare are called upon to record the overthrow and the utter prostration of our national, State, and municipal credit? If we stop where we are, can the wisest statesmanship avert that catastrophe?

If Congress makes an attempt to investigate one of these nefarious transactions and places one of the ringleaders on the stand, he talks sentimentally about his peculiar situation, the delicacy of his motives, his serious apprehensions that an answer to the question would involve an impropriety and inflict an incurable wound upon his honor; and after all this rignarole he coolly flaunts his defiance in the face of the committee. For this offense, which should place him for the remainder of his life beyond the pale of civilized society, rumor says he is confined for a few days in elegantly furnished apartments, where curtains of lace soften the sunlight, and where the satiated appetite is tempted by the rarest and costliest dishes.

Labor is the foundation of wealth. For every dollar that is squandered here somebody works, and the representatives of the States and the people should never cease in their efforts until these corrupting influences are expelled in disgrace from the Capitol.

Mr. MORRILL, of Vermont. I shall vote in accordance with the proposition as it comes to us from the House, simply because the company I do not think fulfilled their contract in time, and because some members of the company notoriously were ready to bribe if they could find anybody to bribe; but I do not understand that they succeeded in any instance except with one democratic member of the House.

The question being taken by yeas and nays, resulted—yeas 11, nays 52; as follows:

YEAS—Messrs. Cameron, Conover, Cragin, Flanagan, Frelinghuysen, Mitchell, Morton, Patterson, Pease, Sargent, and Sprague—11.

NAYS—Messrs. Alcorn, Allison, Anthony, Bayard, Boggy, Boreman, Boutwell, Carpenter, Chandler, Clayton, Conkling, Cooper, Davis, Dennis, Eaton, Edmunds, Ferry of Michigan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Johnston, Kelly, Logan, McCreery, Merriam, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Scott, Sherman, Spencer, Stevenson, Stewart, Thurman, Tipton, Wadleigh, Washburn, West, Windom, and Wright—52.

ABSENT—Messrs. Brownlow, Dorsey, Fenton, Ferry of Connecticut, Gilbert Hamlin, Howe, Jones, Lewis, and Stockton—10.

So the motion to strike out did not prevail.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. DAVIS. I wish to say a word on the passage of this bill. I shall deal with round figures.

Mr. President, this bill appropriates about thirty-seven and a half millions of public money. Last year the appropriation was about thirty-five and a half millions, making \$2,000,000 more the present year than last. Until 1853 I think the Post-Office Department was self-sustaining; in other words, it was not an expense to the public treasury. The deficiencies of this year as I make them are between eight and nine million dollars. This shows that the Post-Office Department each year is growing rapidly, and with its growth the amount of money taken from the public Treasury is growing at the rate of from one to two millions per annum; in other words, the deficiencies are increasing about a million and a half per annum.

The remarks I make now will not be followed by the offer of any amendment, because it was last night understood that we should not move further amendments; but I hope to call the attention of those who have the disposition of the money for the next year to the importance of effecting a saving in some way so as to avoid this continual increase of the burden imposed on the Treasury by our postal system. On line 11, page 1, we find—

For pay of clerks in post-offices, \$3,500,000.

That is a great deal more than the corresponding item was last year. That compensation does not include any clerks employed in Washington at the main office. They are provided for in another bill. This \$3,500,000 is for clerical service outside of Washington. I venture to say that there is hardly a large office in the country that has not got perhaps one-third more clerks than are necessary; and the fact that

here is \$3,500,000 appropriated to pay clerks outside of this city in the different post-offices shows that conclusively.

As to advertisements, I find on page 5, line 92, that this year we appropriate \$100,000. Last year the amount was \$80,000, and I believe that was a full average of any previous year. I find in the Postmaster-General's report that three papers of the District of Columbia were paid last year, between October and December, for advertising mail contracts for the States of Maryland and Virginia, about \$7,500 each, making an aggregate of \$22,500, when if the same advertising had been done in Baltimore or Richmond the amount would have been about \$4,000; so that we paid about \$19,000 to the papers here more than we should have paid elsewhere for the same service.

It is plain to me, Mr. President, that the Post-Office Department is growing rapidly perhaps in importance, but certainly in cost. I believe the present Postmaster-General is trying to effect reforms, and I hope that by another year he will be able to reduce the expenditures very materially. I am told that in the mail contracts let since he has been in office there are perhaps \$2,000,000 saved in a single letting for the Western States.

Mr. WEST. It has been customary ordinarily in proceeding to the consideration of an appropriation bill to make some explanation of its provisions and the scale of its expenditures. Yesterday my attention was distracted at the moment when the Senate commenced the consideration of this question. The Senator from West Virginia takes occasion just at the close of the bill to comment generally upon the increased expenditure of the Post-Office Department. I have no doubt that he deprecates it as well as any other Senator or any member of Congress; but there is something more to be done besides deprecating expenditures when criticism is indulged in with regard to them. The Senator should have been prepared to point out an unjustifiable expenditure and to have advocated retrenchment with reference to that expenditure; and I will say—and he will not contradict me—that he, in connection with two other members of the committee, have been engaged all winter probing the expenditure of the Department, and neither in committee nor in the Senate does he propose any restriction or curtailment of them. He had the opportunity to do it, and I hope that in future he will put his professions into something like practice.

Mr. DAVIS. I had no idea that the Senator who has this bill in charge was going to call me to account for what I said. I think I stated that I believed the present Postmaster-General was in the line of economy and probably would by another year cut off some expenses and save a great deal of money to the Treasury. But the Senator says that I have pointed out no evil. I thought I said that a few papers in this city, the Chronicle, the Republican, and the Star, had been paid within the present fiscal year nearly \$23,000 for advertising mail contracts in the States of Maryland and Virginia, which advertising if it had been done in those respective States would have cost about \$4,000. I thought that was specific enough, and the Senator does not reply to it, and I take it he admits the fact.

Mr. WEST. Just one word in regard to that. The incoming Postmaster-General, as the Senator very well knows, did that in compliance with the law. He was compelled to do it; and this bill repeals the objectionable feature of that law.

The bill was passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4747) supplementary to the acts in relation to immigration, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, was read twice by its title, and referred to the Committee on Claims.

QUARTERMASTER'S DEPARTMENT.

The bill (H. R. No. 4835) in relation to the Quartermaster's Department, fixing its status, reducing its numbers, and regulating appointments and promotions therein, was read twice by its title.

Mr. LOGAN. I ask the Senate to put that bill on its passage. There are not more than five or ten lines in it. It is satisfactory to everybody.

There being no objection, the bill was considered as in Committee of the Whole. It provides that the Quartermaster's Department of the Army shall hereafter consist of the Quartermaster-General, with the rank, pay, and emoluments of a brigadier-general; four assistant quartermasters-general, with the rank, pay, and emoluments of colonels of cavalry; eight deputy quartermasters-general, with the rank, pay, and emoluments of lieutenant-colonels of cavalry; fourteen quartermasters, with the rank, pay, and emoluments of majors of cavalry; and thirteen assistant quartermasters, with the rank, pay, and emoluments of captains of cavalry.

No more appointments are to be made in the grade of military store-keepers in the Quartermaster's Department, and this grade is to cease to exist as soon as the same becomes vacant by death, resignation, or otherwise of the present incumbents.

No officer now in the service is to be reduced in rank or deprived of his commission by reason of any provision herein.

No officer is to be promoted or appointed in the Quartermaster's

Department in excess of the organization prescribed by the act; and that so much of section 6 of the act approved March 3, 1869, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," as applies to the Quartermaster's Department is repealed.

Mr. CONKLING. Making no objection to the bill, which I have no information to warrant me in doing, I ask my honorable friend if he will state to those of us who know as little as I do the changes it makes in the existing law?

Mr. LOGAN. I will. The Quartermaster's Department consists now, taking the numbers on the statute-book, of one brigadier-general, six colonels, ten lieutenant-colonels, fourteen majors, and thirty captains. This reduces it, because there are vacancies, to four colonels and eight lieutenant-colonels, leaving off two in each of these ranks. There are actually five colonels now, and this bill makes the regular number four when a vacancy shall occur. The reduction in the Quartermaster's Department as it exists now on the register is in these two grades. I suggested the provision, and it has been passed through the House of Representatives.

Mr. CONKLING. Will the Senator also state what difference it makes, if any, present or prospective, to those now in the service?

Mr. LOGAN. It makes no difference whatever to those that are in the Quartermaster's Department now.

Mr. MORRILL, of Maine. Does it touch the question of rank?

Mr. LOGAN. Not at all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MERRIMON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARVEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAYARD, Mr. ALCORN, and Mr. JOHNSTON submitted amendments intended to be proposed by them to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SCOTT and Mr. SHERMAN, from the Committee on Finance, reported amendments intended to be proposed to the bill (H. R. No. 4729) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1196) making appropriations for the improvement of the military wagon-road from Scottsburg, Oregon, to Camp Stewart, Oregon, reported it without amendment.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be indefinitely postponed; which was agreed to:

A bill (S. No. 11) to establish a branch mint of the United States at Chicago, in the State of Illinois;

A bill (S. No. 1132) to establish a branch mint of the United States at Omaha, in the State of Nebraska;

A bill (S. No. 1150) to establish a mint for the coinage of gold and silver at Indianapolis, in the State of Indiana;

A bill (S. No. 1298) to establish a mint for the coinage of gold and silver at Chicago, in the State of Illinois; and

A bill (S. No. 1300) to establish a mint of the United States at Saint Louis, Missouri.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom were referred the following petitions, memorials, and resolutions, asked to be discharged from their further consideration; which was agreed to:

A petition of H. D. Calvin, T. Lyle Dickey, and others, citizens of Chicago, Illinois, praying for the establishment of a branch mint in that city;

A petition of citizens of Nebraska, praying for the establishment of a branch mint at Omaha, in that State;

A petition of citizens of Nebraska, praying for the establishment of a mint for coinage at Omaha, in that State;

A petition of citizens of Illinois, praying the establishment of a mint at Chicago, Illinois;

A memorial of the Board of Trade of Saint Louis, Missouri, in favor of the establishment of a branch mint in that city;

A memorial of the Union Merchants' Exchange of Saint Louis, Missouri, asking for the establishment of a branch mint in that city;

A resolution of a public meeting of citizens of Chicago, Illinois, held at the Palmer House in that city, recommending the establishment of a mint at Chicago;

A resolution of the Legislature of Nebraska, in favor of the establishment of a branch mint at Omaha, in that State;

A resolution of the Legislature of Missouri, in favor of the establishment of a branch mint at Saint Louis, in that State; and

A resolution of the Board of Trade of Chicago, Illinois, in favor of the passage of a bill for the establishment of a branch mint in that city.

Mr. MORRILL, of Vermont, from the Committee on Finance, submitted a written report on the above bills, petitions, memorials, and resolutions in relation to establishment of branch mints; which was ordered to be printed, accompanied by the following resolution:

Resolved, That as it appears expedient to establish a branch mint for the coinage of silver, the President of the United States be requested to institute inquiries as to the proper place for the establishment of a branch mint at some point in the Western States or in the Mississippi Valley, taking into account all questions of economy and facilities of distribution, and report upon the same at the commencement of the next session of Congress.

TEXAS JUDICIAL DISTRICTS.

Mr. ALLISON. I move now that the Senate proceed to the consideration of the Army appropriation bill.

Mr. FLANAGAN. Mr. President—

Mr. SARGENT. I trust the Senator will accord an opportunity to the Senator from Texas to be heard.

Mr. ALLISON. After the Army bill is taken up, I will consent that it be laid aside informally.

Mr. FLANAGAN. Very well.

The VICE-PRESIDENT. The Senator from Iowa moves that the Senate proceed to the consideration of the Army appropriation bill.

The motion was agreed to.

Mr. FLANAGAN. Now I ask that the Senate take up the motion to reconsider the vote on the passage of the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas; and to fix the times and places of holding courts in the same. It is a meritorious bill, one that I think the citizens of Texas feel a great interest in, and I hope it may have consideration.

Mr. ALLISON. I understand it will take no time.

Mr. FLANAGAN. I understand—

Mr. DAVIS. I suppose it will be subject to a call for the regular order.

Mr. ALLISON. I cannot give way if it will occupy time.

The VICE-PRESIDENT. It is understood that the bill if taken up is subject to a call for the regular order.

Mr. SARGENT. Subject to a reasonable call.

Mr. FLANAGAN. I hope justice may be done. I do not want technicalities.

The VICE-PRESIDENT. The question is on the motion of the Senator from Texas to take up the motion to reconsider.

The motion was agreed to.

The VICE-PRESIDENT. The question now is on the motion to reconsider the vote passing Senate bill No. 736.

Mr. FLANAGAN. This bill was passed some weeks since and my colleague entered a motion to reconsider. It is a meritorious bill, and I now simply by way of saving time, which seems to be a very grand consideration with the Senate and I appreciate it, move to lay his motion to reconsider on the table.

Mr. HAMILTON, of Texas. Is that debatable?

The VICE-PRESIDENT. The motion to lay on the table is not debatable.

Mr. HAMILTON, of Texas. I submit to the Senate that—

The VICE-PRESIDENT. It is moved that the motion to reconsider be laid on the table.

Mr. FLANAGAN. Five minutes seems to be the rule, and I will allow my colleague five minutes if that will do.

The VICE-PRESIDENT. The Senator withdraws his motion to lay on the table.

Mr. HAMILTON, of Texas. Mr. President, I was not in the Chamber when this bill passed. It was in the hands of the Judiciary Committee and reported, I believe, on the very last day of the last session of Congress, but it escaped my attention altogether and I had forgotten that it was on the Calendar. I happened to be out on the morning the Judiciary Committee had the floor and the bill passed without objection. I entered a motion to reconsider, and it has been hanging for two or three weeks. I did not care so far as I was concerned whether the bill was reconsidered or not provided it slept there. That is the truth of it. It is an iniquitous bill, not asked for by anybody in the State of Texas that I know of, except the officers of the court in one of the judicial districts in the State. The bill was concocted by the marshal of that district, I think, and under his management and auspices, with the co-operation of my colleague, it was passed. When it was pending last spring, nearly a year ago, I was invited to go before the Judiciary Committee in regard to it, and I went to the committee-room one morning and met there my colleague and, I believe, the marshal of the district and one of the Representatives in the other end of the Capitol, who had been making a statement to the committee in regard to it. The chairman said to me— "he is not in his seat now; he would recollect it if he were here—" "There is a proposition to compromise this matter, a substitute is spoken of; do you know anything about it?" I said, "No, sir; I have not seen it, and I do not know what it is." "Well," he said, "perhaps it may suit you; if it does not, and this bill is to be considered,

I will let you know and you can come before the committee, and your friends in the House who want to come before the committee will have an opportunity when you advise them." I never heard anything more about the bill in that committee. From the remarks made by the chairman of the committee I took it for granted the committee would report adversely. He so hinted to me, in fact, and I did not go before the committee, and my friends in the House complained to me for not giving them notice after they found that this bill was reported.

The judicial districts of the State, as they stand now, divide the territory unequally to be sure. While the eastern district has the smallest portion of territory and the smallest population, it has the largest amount of business. It embraces all the sea-coast towns, all the large commercial towns in the State except one. The courts at Galveston, Texas, both the district court and the circuit court, sit a greater number of days I think (and my colleague admitted it to me the other day) than all the other courts in the State put together. The marshal of that district receives fees much in excess of those of the marshal of the western district. I understand from his friends here that he says he gets the full \$6,000 a year. I do not know how that may be, but I am sure the marshal of the other district does not get so much.

The diagonal line across the map which I have in my hands and that Senators can see [exhibiting a map] embraces substantially what is in the eastern district of Texas, and the proposition now is to take into it that portion of the State [indicating] embracing all the well-settled counties in the State except about thirty; and the little strip between the two lines [indicating] is to be annexed to the western district of Texas. They do not comprise a population, all told, of more than two hundred and fifty thousand people, whereas in the eastern district as proposed by this bill a million of people will be embraced with all the large towns in the State and fifteen-sixteenths of the railroads of the State. The western district is left with a little over one hundred miles of railroad, without any means of transportation except by private conveyance over a great portion of the district, with the judge required to go from his residence in the city of Austin overland through the greater portion of the distance a wilderness country, four hundred and fifty miles, to Brownsville to hold court, or else he must go by the city of New Orleans and take water there, which is fifteen hundred miles. He has written here to his friends in the other House, if this bill is passed, to ask an appropriation to pay his mileage from his residence twice a year to the city of Brownsville to hold his court.

Here are thirty or forty counties laid off. They look on the map like a portion of the State of Texas; they are a portion of the State of Texas so far as territory is concerned; but there are no inhabitants in them; the counties are not organized, and a large number of the counties that are organized outside of this line, constituting half the territory of the State, have not a population of five hundred souls in a county on the average; a great many of them have but two hundred, some one hundred and fifty, some one hundred, and so on. They are cattle ranches scattered over an immense extent of country; and the marshal of that district when he goes out to serve process, or to get witnesses, or arrest parties will have to take them by stage or by private conveyance, and it will cost him twelve and a half cents in specie a mile to travel, and he gets out of the Treasury six and one fourth cents a mile.

My colleague, I think, will own that this has not been asked for by a solitary individual in the State except the parties I have named. If there is any petition from anybody I have not been able to see it. I have a number of letters from persons who live in the vicinity of where these new courts are proposed to be holden, and they protest against it. It is proposed to hold a session of the court at Jefferson twice a year, and at Dallas twice a year; and there are about eight or ten counties around Jefferson, and I am told by a good lawyer in the other end of the Capitol, who practices at the Tyler court, that there never has been but one case originated at the town of Jefferson. The argument here is that this is a commercial point on a navigable stream, and that there is a great deal of admiralty business there; but he says there never has been but one case from that town. It is in a sickly locality, right on the lakes surrounding the raft of the Red River. The bayou is dry more than half the year; the town is perishing away; it has not half the inhabitants it had two years ago, and will be deserted, I think, after a while.

The court now sits at Tyler; and it is a central position in eastern Texas, not more than one hundred and fifty miles from any portion of that part of the State. Now, it is proposed to take the people down from almost the town of Tyler to Galveston, a distance of three hundred miles, to do their business, while a very few persons will go to the town of Jefferson, and a very few more to the town of Dallas.

The truth is this bill is intended to accommodate one or two neighborhoods and a few individuals, to the great detriment of nearly all the people of the State. I hope it will be reconsidered and sent to the committee again. I want to go before the committee, and I want the gentlemen of the other House to go before the committee; they are lawyers who practice in those courts; and if they do not satisfy the committee that it is a very improper bill to pass, I shall be greatly mistaken. If we cannot convince the committee of that fact, then I want them to provide for abolishing what remains of the western district. It is not worth keeping together. It will not pay the officers of the court; it will work the judge to death.

But that is not the worst feature of the bill. It was drawn up by some one who evidently did not know anything about or care anything about the interests of the country. Here are two large counties and a vast extent of territory lying up high on the line between Mexico and Texas not embraced in either district. The county of El Paso and the county of Presidio, and all the country that lies between there and the organized portion of the State, are absolutely left out of doors. Smuggling across there from Mexico into the United States can be practiced to an enormous extent, and nobody can be touched. You cannot bring any of them before the court. It has always been considered by the United States and by the State of Texas to be very important to have El Paso and all that section on the Rio Grande under the jurisdiction of the courts of the State and of the United States.

Sixty-five counties, with an aggregate population of 43,761 souls, all told, compose the western district under this bill. Against that they have got solid a portion of the State that was settled the earliest, the oldest and best portion of the State, settled compactly and making a district compact in form embracing a million of population. The mere statement of the condition of the thing appeals, I think, so strongly to the justice of the Senate that I hope the bill will be reconsidered and sent back to the committee.

Mr. THURMAN. Mr. President, I do not know that I was at the meeting of the Judiciary Committee when this bill was finally considered, nor do I think I was in the Senate when it passed; but since the motion to reconsider was made I have devoted some little attention to it. My attention has been called to it, and nothing is clearer to my mind than that the vote ought to be reconsidered and that the bill ought to be defeated. I think it is totally wrong. I think it is unjust to the people of Texas and I think it is unjust to the Government. It will increase the expenses of the people in Texas unfairly for all the business in the Federal courts there, and increase the expense to the Government. I hope, therefore, that the vote by which the bill passed will be reconsidered, and the bill be recommitted to the Committee on the Judiciary or be defeated.

Mr. FLANAGAN. The distinguished Senator from Ohio uses the word "totally" very frequently and very handsomely; but he does not understand this bill. He is lecturing me and my constituents in this way, that, and the other. I am very much obliged to him for his care, but I totally repudiate the idea.

Now a word in answer to my colleague. He says that there are few persons wanting this excepting perhaps A, B, and C. Now within the last two or three days I received that petition, [unfolding a paper of great length with many signatures.] How many hundred names there are there I do not know; but they are gentlemen well known to my colleague. They say unanswerably and unmistakably that they do desire it. That is but two or three days old.

He speaks of the members of the other House. Why, sir, I would leave this matter to them in the thousandth part of a minute and be gratified to get rid of his motion and get the bill into their hands, and then I would have justice and the bill would carry without a doubt. It asks for no appropriation. As to the judge who presides at Austin, he is on the way from Galveston directly to the Rio Grande at Brownsville—three hundred miles, and not four hundred miles, as my colleague said. This equalizes it and saves money. Now when men are indicted or are summoned to go to the various district courts, they have hundreds of miles to travel. Hereafter the judges will travel to them and they are willing to do it, or not unwilling by any means. It is a meritorious bill; it is a money-saving proposition, all things considered. Time is important to the Senate, and I move now again to lay the motion to reconsider on the table, and I ask for the yeas and nays.

Mr. HAMILTON, of Texas. I ask my colleague where that petition comes from?

Mr. THURMAN. Mr. President, I demand the regular order.

The VICE-PRESIDENT. The Senator from Ohio demands the regular order, which is the Army appropriation bill.

Mr. FLANAGAN. The petition is from Jefferson.

Mr. HAMILTON, of Texas. That is what I supposed.

The VICE-PRESIDENT. The Army appropriation bill is before the Senate, and will be read.

Mr. MORTON. Was not the regular order laid aside until this matter could be disposed of? We are ready to vote now. The Army bill is under the control of the Senator from Iowa, is it not?

Mr. ALLISON. If this matter does not take up too much time I will not object to disposing of it.

Mr. FLANAGAN. No time will be taken. I am ready for the vote.

Mr. THURMAN. I demanded the regular order because the Senator from Texas moved to lay the motion to reconsider on the table, thereby cutting off all reply to what he had said. I therefore insist on my call for the regular order.

Mr. FLANAGAN. I move to postpone the regular order so that this matter may be disposed of.

Mr. ALLISON. I hope that will not be done.

Mr. FLANAGAN. I had the permission of the Senator—

Mr. ALLISON. I do not object; but I do not want the regular order postponed.

Mr. FLANAGAN. I have no disposition to postpone it; but I simply want a vote on the reconsideration. I move to lay on the table the motion for reconsideration.

Mr. MORRILL, of Vermont. I understand the Senator asks to postpone the regular order temporarily in order that the vote may be reached on his proposition. I really think it is of sufficient importance to call upon us to vote on it one way or the other.

The VICE-PRESIDENT. The Senator from Texas moves that the Army appropriation bill be postponed for the purpose of taking the vote on the reconsideration of Senate bill No. 736, or upon laying the motions to reconsider on the table.

The motion to postpone was agreed to.

The VICE-PRESIDENT. The Senator from Texas now moves that the motion to reconsider the vote by which Senate bill No. 736 was passed be laid on the table.

Mr. FLANAGAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 19; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Chandler, Clayton, Conkling, Cragin, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Ingalls, Kelly, Morrill of Maine, Morrill of Vermont, Morton, Pease, Ramsey, Sargent, Scott, Stewart, West, and Windom—24.

NAYS—Messrs. Allison, Bayard, Cooper, Davis, Dennis, Eaton, Hamilton of Maryland, Hamilton of Texas, Johnston, McCreery, Merrimon, Norwood, Pratt, Saulsbury, Schurz, Stevenson, Stockton, Thurman, and Tipton—19.

ABSENT—Messrs. Alcorn, Boggs, Brownlow, Cameron, Carpenter, Conover, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hager, Harvey, Hitchcock, Howe, Jones, Lewis, Logan, Mitchell, Oglesby, Patterson, Ransom, Robertson, Sherman, Spencer, Sprague, Wadleigh, Washburn, and Wright—30.

So the motion to lay on the table was agreed to.

BILLS INTRODUCED.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1350) to remove a restriction upon the right of Representatives-elect to receive their pay during the recess of Congress; which was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1351) for the relief of Mrs. Caroline Clark, of Ferdinandina, Florida, for property destroyed by United States gun-boats in 1862; which was read twice by its title, and referred to the Committee on Claims.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3820) making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Secretary will read the bill, and the amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment reported from the Committee on Appropriations was in line 41, after the word "engineers," to strike out the word "and;" and after the word "scouts," in line 42, to insert "and Indian prisoners;" and in the same line to strike out "12,000" and insert "84,330;" so that the clause will read:

For subsistence of regular troops, engineers, and Indian scouts, and Indian prisoners, \$2,484,330, not exceeding \$3,000 of which may be used for subsisting Indians visiting military posts.

The amendment was agreed to.

Mr. BAYARD. The bills which have been laid on our tables do not appear to contain the amendments which the Clerk reads.

The PRESIDING OFFICER. The amendments have not been printed. The bill was reported from the committee this morning.

The next amendment was in line 45, to strike out the word "remaining" before the word "sum;" so as to read:

Provided, That \$300,000 of the sum thus appropriated may be applied by the Commissary-General of Subsistence, &c.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was in line 74, to insert before the word "fourth" the word "August;" so as to read:

For incidental expenses, to wit, under the acts of March 2, 1819, and August 4, 1854.

The amendment was agreed to.

The next amendment was in line 94, after the word "shoeing;" to insert the words "the horses of;" so as to read:

And for shoeing the horses of the corps named.

The amendment was agreed to.

The next amendment was in line 143, to strike out the words "and next fiscal year" and insert in lieu thereof "fiscal year, nor thereafter;" so as to read:

That the foregoing restriction shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, &c.

The amendment was agreed to.

Mr. ALLISON. I move to strike out the last proviso in this paragraph, beginning in line 149, in these words:

And provided further, That hereafter when troops or officers change stations their families shall receive transportation over land-grant and subsidized railroads which receive no payments from the United States.

Mr. LOGAN. I desire to ask the Senator his object in having that paragraph stricken out.

Mr. ALLISON. This last proviso requires the railway companies or the Government to transport the families of troops or officers. I know of no law which authorizes or directs such transportation. These land-grant railroads are obliged to transport troops and munitions of war, but they are not required to transport the families of officers or troops. Under this provision the Government itself would be obliged to pay for the transportation of the families, and it would require an increase of the appropriation for the purpose of transportation.

Mr. LOGAN. I will only say that I have not considered the question at all, but it occurs to me that it is a very proper provision in the bill. Very frequently troops are ordered to be removed without delay to a great distance, having families, as many soldiers and many officers have, and sometimes you find the line officers, especially of low rank, without sufficient means to pay the traveling expenses of their families. I have known that to occur very frequently, and certainly it is so with soldiers having families; and when they are transported, as they are sometimes, from the West to the East or South, it is a great inconvenience. I think the Government ought to provide some means for transporting the families of line officers and troops. Hearing that provision in the bill read, I thought it was very properly inserted; but, however, it seems there is some objection to it.

Mr. ALLISON. It might be a very good proposition as an independent one, but the Senator from Illinois will see that it would be very difficult for us to estimate the cost of the transportation of the families of soldiers without having some data that we have not now and cannot obtain.

Mr. LOGAN. I do not suppose there are any data that could be obtained at present. I do not suppose you can get any from the War Department at this time. It strikes me it is a very proper provision. I agree with the Senator, however, that you could not impose this upon the land-grant railroads any more than any other railroads. I am of opinion that they are only bound for the transportation of munitions of war and troops. I have no objection to it as an independent proposition. It strikes me there is nothing very wrong in it.

Mr. ALLISON. I hope the proviso will be stricken out.

Mr. BAYARD. I regret to delay the Senate for an instant, but the fact that we have this bill before us to be passed upon without the amendments being in print renders it difficult to understand it. Do I understand the amendment of the committee to be to strike out from line 149 to line 152 on page 7 the provision that the families of troops or officers shall receive transportation over land-grant railroads, and to exclude the subsidized railroads from carrying troops or officers and their families? Has the committee made yet any explanation why the subsidized railroad should be exempted from this partial method of making return to the Government of Government dues?

Mr. ALLISON. I will say to the Senator from Delaware that the provision relating to transportation over land-grant railroads applies to troops and munitions of war. It does not occur to the committee that the families of soldiers or officers are either troops or munitions of war. If there was any law requiring these land-grant railroads thus to transport, of course the provision would be a proper one.

Mr. BAYARD. It strikes me that any way by which the Government shall obtain some return from these subsidized roads, not unlawful, should be adopted. The debt of the subsidized roads to the Treasury of the United States is very far in excess of what it should be, we all know. Therefore, if this proposed amendment is to diminish the small return from these roads to the Government of the United States for its outlay, I should be opposed to it and I think it should not be adopted.

Mr. WEST. There is truth in what the Senator from Delaware says, if this profit or advantage would inure to the Government; but when troops and munitions of war are moved the Government never moves the families of officers and soldiers. Consequently to adhere to this provision is an equivalent to a gratuity to these families at the expense of the land-grant railroads. It does not benefit the Government at all. It does not benefit anybody but the families, and the companies have to pay the expense. When officers or troops are moved, the officer is not obliged to take his wife with him. He is not allowed to take his wife with him at Government expense. He is allowed to take one or two or three servants, according to his rank. There are certain camp women, known as laundresses, two of which always go with each company, but no family of an officer is ever allowed to travel with him at Government expense. In this instance it would make these land-grant railroads do for these families what the Government does not do under other circumstances.

Mr. SCOTT. The Senator from Louisiana states that if this provision were retained it would give to the families of officers or troops transportation at the expense of the subsidized or land-grant railroads. Now if there be not a provision which makes it the duty of the land-grant and subsidized railroads now to carry these families, then the effect of this provision is a legislative enactment giving this privilege to officers with families at the expense of the Government. It would be, if you permitted it to stand. If the duty is already imposed on the railroads, it does impose as a legislative provision to give transportation to officers and troops and their families at the expense of the Government.

Mr. WEST. Not at all; it says the land-grant railroads shall carry them for nothing.

Mr. SCOTT. It does not provide that they shall receive free transportation; simply that they shall receive transportation over these roads.

Mr. WEST. Then the section is all the worse.

Mr. SCOTT. I say it is all the worse.

Mr. ALLISON. The effect of this proviso is to allow these families to pass over these railroads either at the expense of the Government or at the expense of the railroads. Now, if there is no provision by which they shall go at the expense of the railway the Government of course will be required to pay these expenses and we ought to increase the appropriation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] to strike out the proviso.

The amendment was agreed to.

The reading of the bill was continued. The next amendment reported by the Committee on Appropriations was in line 159, to increase the appropriation for hire of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores, offices, and of grounds for camps and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, from \$1,400,000 to \$1,500,000.

Mr. DAVIS. The appropriation for this purpose last year was \$1,400,000. The present bill as it passed the House appropriated only \$1,400,000, and the committee recommend to increase this appropriation \$100,000. I hardly think it ought to be done. It is a very large amount, and I call the attention of the Senate to the fact. I should like to hear an explanation in regard to it.

Mr. ALLISON. The Quartermaster-General reports that the amount appropriated last year is insufficient to comfortably house and care for all the troops on our frontiers, and that an additional \$100,000 at least will be required to provide for the comfort of our soldiers at frontier posts. During the last year the Quartermaster-General has kept strictly within the amount appropriated. He says very great complaint has come to him from every quarter of the West. The amount estimated for this year was \$1,900,000. The committee thought under the circumstances it would be wise to add \$100,000 to the appropriation. It is for the Senate to decide whether that shall be done.

Mr. DAVIS. This is \$100,000 increase, and I think probably we ought to get along without it. It is well known that everything that is used for the Army, as well as generally through the country, can be purchased at less amounts now than some years ago. Labor is less, and it occurs to me that \$1,400,000 ought to be adhered to, and that we ought not to advance this appropriation \$100,000. It is that much more than we have heretofore got along with. The Army is decreasing instead of increasing, and I see no reason for increasing the amount \$100,000.

The PRESIDING OFFICER. The question is on the amendment. The question being put, there were on a division—ayes 17, noes 16; no quorum voting.

Mr. SHERMAN. There is a quorum present.

The PRESIDING OFFICER. Evidently there is a quorum present.

Mr. SHERMAN. Put the question again.

The PRESIDING OFFICER. Upon suggestion the Chair will again put the question.

Mr. BOUTWELL. Let the Clerk report the amendment.

The SECRETARY. It is proposed, in line 159, to strike out "\$1,400,000" and insert "\$1,500,000;" so as to make the clause read:

For hire of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores, offices, and of grounds for camps and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, \$1,500,000.

Mr. BAYARD. Mr. President, these appropriations should be always ample and sufficient. That is required by a sound sense of economy. These appropriations are based upon estimates from the Departments sent to the committee of the other House, by whom the bill is framed and the amounts entered for proper expenditures; but when the bill has passed the House it is not, as I am informed, referred to the Committee on Military Affairs, the members of which committee have not seen this bill at all in print until they see it now without the amendments proposed by the Committee on Appropriations.

There has been in my hearing no reason given why the sum of \$100,000 should be added for this class of expenditures, all of which are thoroughly well understood by the Department, have been passed upon by the Department, have been passed upon by the committee of the lower House and by the House itself; and why they are now increased and this extra sum of \$100,000 added no explanation has yet been given. We all know that at the present session of Congress there is an alleged deficit in the revenues of the country and that increased taxation is proposed to meet that deficit. If the deficit does exist, if the sinking fund and the proper debts of the country cannot be paid, I am willing to vote for an increase of taxation, but I shall not do so until some attempt has been made to diminish the expenditures of the country. In every bill that we have had brought us here thus far, so far from there being a diminution there has been an increase in the appropriations.

It may be that to the minds of some gentlemen this item of \$100,000

is a mere bagatelle; but, as was well and forcibly said by the honorable Senator from Kentucky who sits on my right, [Mr. McCREERY,] every dollar of money that passes to the Treasury is the result of some man's labor. Here is \$100,000 proposed to be added to the public expenditure in excess of the estimate by the Department, in excess of the recommendations of the committee of the lower House, in excess of the amount voted by the lower House, and with nothing apparently to recommend it but the purpose of a more liberal expenditure.

One fact I believe is admitted to be a certainty, that however great your appropriations, your expenditures will always keep pace with them; that no excess of appropriation is ever allowed to remain unexpended. Therefore it seems to me it will be an unauthorized and extravagant use of money if we permit \$100,000 to be added to the public debt by this appropriation. If there be reasons why it should be added, I think they should be stated specifically. The amendment is in contradiction of the estimate of that Department from which the other House obtained the estimate.

Mr. BOGY. We are called upon here to vote for an appropriation of millions of dollars and not one word of information accompanies the bill presented to us for our votes. I came here but a short time ago and am a very inexperienced man in this body; but I think I am learning a little every day. I think I am learning slowly, but I can begin to understand how the expenditure of this nation has grown within my day and within my recollection from \$30,000,000 to \$300,000,000. I begin to see through it. I defy any Senator on this floor to vote intelligently on this bill. He cannot do it. He must take the bill as presented to him. There is no information; no report. I understand that this bill has not been submitted even to the Committee on Military Affairs. It comes alone from the Committee on Appropriations, and we are called upon in this case for an augmentation of a hundred thousand dollars in a single item, without one word of explanation why this increased amount should be voted for. I will read as a curiosity the very clause which it is proposed to amend and on which I am now addressing the Senate:

For hire of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores, offices, and of grounds for camps and summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables; and for repairing public buildings at established posts, \$1,400,000.

Supposing it had been \$250,000, \$3,000,000, or any other sum, could any Senator here vote intelligently? Would he know that he was voting for an amount sufficient reasonably to accomplish the purpose? You can put any amount you choose under this verbiage. I am not finding fault with the committee; I am not finding fault with the party in power; but it does seem to me that this mode of appropriation has no limit. The reason why the expenses of this nation have increased within my recollection, although perhaps I am one of the youngest members on this floor, from \$30,000,000 to \$300,000,000 is the wild, extravagant way of appropriating the public money.

Here it is proposed to appropriate \$1,400,000 in this one item. Suppose the bill had said \$400,000 or \$200,000, Senators would not know any better. You cannot tell whether the amount asked for is the amount required to accomplish the object or not. It does seem to me that a bill of this kind ought to have been referred to the Committee on Military Affairs in order to have all these items scrutinized.

Mr. MORRILL, of Maine. Does my honorable friend suppose that the Committee on Appropriations have only appropriated this money with the information that pertains to him alone?

Mr. BOGY. No, sir; I have no information on the subject, and yet I am called upon to give a vote.

Mr. MORRILL, of Maine. If my honorable friend will allow me, I will tell him that there is no mystery about this; that there is nothing in the dark about it.

Mr. BOGY. I do not charge anything of that kind.

Mr. MORRILL, of Maine. I will refer my honorable friend to the sources where he can inform himself accurately whether this is a just appropriation or not, whether it will meet the public expenditures, leave a surplus or be extravagant, or whether it is exactly within what is found by experience to be the necessities of the service. The Army since my honorable friend can recollect, and a great while longer, has been an establishment in this country. It works within certain principles and certain rules. When we have thirty thousand men, we know about how much it will take to support them in times of peace. Of course how much it will cost for transportation and the like will depend upon circumstances, whether it is peace or war; but all the estimates are made based upon actual experience of what it costs from year to year. That is the basis of each estimate. How do we test that to find whether we want more or less? We take every item of expenditure, every item of appropriation in this bill and compare the actual expenditure with that estimate. Take this particular item. The estimate now for this year is so much. We find by examination of the actual expenditure that there is a deficiency of about \$150,000 to be made up this year on this item because we did not appropriate enough last year by that much. That leads us, therefore, to believe that unless the system is wrong, or working wrong in some way, we had better increase this item \$100,000 than to put it in a deficiency bill next year.

If my honorable friend will excuse me for interrupting him so much, I will direct his attention to the methods by which, if the Committee do their duty, they can state to the Senate with as much accuracy

and certainty as the public service will allow anybody to do, about what we can afford to appropriate.

Mr. BOGY. This proves the system to be very vicious. The argument of my friend from Maine amounts to this: That because last year the sum of \$1,400,000 was appropriated and was not sufficient by from one hundred to one hundred and fifty thousand dollars, hence this year we must increase it by the amount of the deficit of last year. That may be correct in one way, but it amounts simply to this: Here are twenty-five or thirty million dollars, appropriated for the Army, and a bill can be drawn in five lines, "Gentlemen of the Army, expend this money in the best way that you think proper for the public good, within the line of your duty," and there is really nothing else in this bill. I do not say so with a view of finding fault with the Army or in criticism of the Army, or even of finding fault with the Committee on Appropriations. It may be that there is no remedy, and if there be no remedy then these expenses will go on increasing until they will overwhelm this nation.

Mr. MORRILL, of Maine. Does my honorable friend mean to say to the Senate that the expenses of the Army have been increasing comparatively?

Mr. BOGY. They have got up to twenty-five or twenty-eight million dollars, I think.

Mr. MORRILL, of Maine. When were they less?

Mr. BOGY. They were less when our Army was less. I will not be precise on that point.

Mr. MORRILL, of Maine. When was the Army less?

Mr. BOGY. Before the war.

Mr. MORRILL, of Maine. At what period before the war?

Mr. BOGY. For a long time. The Army has been increased from six thousand up to twenty-five thousand.

Mr. MORRILL, of Maine. Take 1860. That was before the war. Was the expense more or less?

Mr. BOGY. Before the war commenced, perhaps in proportion the expense might be as great. I am not prepared to say.

Mr. MORRILL, of Maine. My honorable friend was never a more mistaken man in the world than he is on this point. The expenses of this Army to-day are less than they were in 1860.

Mr. BOGY. I think my friend is mistaken. The expenses were not from twenty-five to thirty millions then.

Mr. MORRILL, of Maine. My honorable friend is greatly mistaken in supposing that the expenses of the Army or Navy of the United States, comparatively, are greater now than they have been in the last twenty years.

Mr. BOGY. My friend uses a word which qualifies all his argument, "comparatively."

Mr. MORRILL, of Maine. Of course you can only speak of it comparatively.

Mr. BOGY. I am not finding fault, but I do say that there is no limit. As an illustration, here I am called upon to vote on this amendment. My responsibility on this subject is no less than that of any other Senator on this floor. Why should I vote for this increase? Because the committee thinks it is right? The committee may be right. I have great regard for the committee, great regard for the Senator from Maine, great respect for his judgment. No doubt they are disposed to economize, but there is something wanting somewhere when we are called upon to vote for an increase or a decrease without knowing that we should do one or the other. Upon that subject I am unable to vote, and I repeat I know as much about it as any other Senator on this floor because I take it for granted no one understands the subject at all. My friend from Maine said "comparatively." Of course that qualifies the whole thing. I have no fault to find, but there is some information that we need which is lacking somewhere, and it is a farce to require us to vote on a subject that we are not informed about at all.

Mr. ALLISON. I move to limit debate to five minutes on amendments to this bill.

The PRESIDING OFFICER. The Senator from Iowa moves to apply the five-minute rule to amendments on the pending bill.

The motion was agreed to.

Mr. ALLISON. Mr. President, the Senator from Missouri seems to think that the Committee on Appropriations ought to visit personally all these barracks and cantonments and summer resorts and winter resorts for the troops of the United States, and because we have not done so he informs us that we have no information upon this subject. If he will turn to the Book of Estimates, he will see that the Quartermaster-General of the Army has estimated for this purpose \$1,900,000 for the present year, whereas the appropriation as proposed by the committee is \$1,500,000 only. The Quartermaster-General of the Army stated to the Committee on Appropriations that the amount appropriated last year was insufficient for the comfortable care of the troops on the frontier posts.

Mr. BOGY. That is the whole argument.

Mr. ALLISON. Some things must be taken on faith. The whole of this expenditure is under the control and direction of the Quartermaster-General of the Army. Unless Senators make statements to the contrary, we are bound to presume that this money will be faithfully expended in the direction indicated by the appropriation. I have never heard anything against the integrity or the ability of the Quartermaster-General of the Army with reference to these expenses. He says to the committee that this additional sum is required. Of

course the committee did not enter into all the details of this expenditure. It was impossible for them to do so. The committee, as the Senate, must take this additional demand upon the faith of the officers of the Army. If they cannot be believed, if they make these expenditures in an extravagant way, then I see no reason why we should appropriate \$1,000,000, or \$500,000, any more than a million and a half.

They say this sum is necessary for the purpose of taking care of the troops comfortably in the field. That is all the explanation that can be given.

Mr. LOGAN. I should like to submit an inquiry to the Senator, and I do not do it for the purpose of trying to arrive at any of the facts which have not been communicated to the committee. What I would like to know illustrates, I think, the difficulty we all labor under in reference to this proposition. As I understand, there was \$1,400,000 appropriated at the last session of Congress for quarters for officers and for the purpose of fixing quarters for the soldiers. Am I correct?

Mr. ALLISON. Yes, sir.

Mr. LOGAN. Now the proposition is to make the appropriation \$1,500,000. The quarters that were prepared last winter under that appropriation of \$1,400,000 for the troops will certainly not have to be re-established. I want to know if this item is for making new quarters for troops or is it for repairing the old quarters?

Mr. ALLISON. I will answer the Senator as well as I can. It is for the hire of quarters where no quarters are furnished by the Government. It is for the repair of quarters where the quarters now existing need repair. It is for the establishment of new quarters where new quarters are needed.

Mr. LOGAN. The point is this: If the quarters are established one year and it cost \$1,400,000 to erect them, it certainly will not take \$1,500,000 the next year to repair them.

Mr. ALLISON. I will say to the chairman of the Committee on Military Affairs that if he opposes this provision and states to the Senate that it is not necessary, I for one will not urge it further.

Mr. LOGAN. No, sir, I will not state any such thing, and I will tell the Senator the reason. There has never been referred to the Military Committee for two years a single appropriation bill connected with the Army for that committee to examine it or make inquiries about it. For that reason I will not say whether this item is right or not. If the Committee on Appropriations would allow the Military Committee to examine these questions we would find out something about them; but we are not permitted to do it.

I am not going to oppose the appropriation, but I think I understand its meaning. An appropriation bill that provides for quarters for officers and quarters for soldiers at the same time, without an estimate, is certainly a mistake. The estimates should estimate so much for officers' quarters and so much for soldiers' quarters, because if the officers remain the same number the same amount of money will have to be expended in providing quarters every year; but the soldiers' quarters are very different. When the quarters have been established and made, you then only require money for the reparation of those quarters. That is the difference. If these quarters were sufficient last year for the soldiers, unless these soldiers have all been removed to new quarters, it will not require any such expenditure now. That is the difficulty to be got over.

Mr. WEST. It is not the first occasion that I have heard my friend from Illinois complain that a military appropriation bill does not come under the cognizance of the Military Committee except by consent. I think the Senator is familiar with the practice of acting upon appropriation bills. It is always competent for the Committee on Military Affairs having the bill printed and laid before them, either individually or as a committee, to scrutinize any contemplated appropriation; but as an evidence that the committee did not do it, and as an evidence that the Senator himself has not done it, he has entirely misconstrued the appropriation that is now before the Senate. There is nothing in this clause that provides for permanent quarters at all. On the contrary we have by previous legislation restricted the Quartermaster's Department to the expenditure of money for permanent posts so that not over \$10,000 can be spent in any one quarter. This is for temporary quarters, for quarters of troops moving and fluctuating through the field, "for summer cantonments, and for temporary frontier stations; for the construction of temporary huts and stables," and the Senator knows very well that if he takes an entire corps and goes into camp, or if he takes a subdivision of that army and goes into camp he is obliged to incur some expense; and this is for that purpose. It is not for the purpose of creating permanent posts and scarcely for using money for the repair of permanent improvements. It is solely for the fluctuating movements of the Army in the field. If the Senator will look at the appropriation bill, he will so discover.

Mr. LOGAN. As to the Senator's statement about my not having read this appropriation bill, I admit it, and I do not think any other Senator has read it. It was only reported to the Senate this morning. I have had no time to read it; I never saw it before, and I could not be expected to read it, and I should like to know how it is possible for a committee to examine a bill that they never have had presented to them and know nothing about. I do not think the Senator need make a statement of that kind for the purpose of saying that I do not understand the bill. I do not say that I understand

the bill, but I do say that I understand the expense of quarters either for officers or soldiers. I have made quarters; I have expended money for quarters; I acted as quartermaster in the Army many years ago, and I know something about this thing. I do state it here as a fact that when you put the whole amount of money in a bill for the repairing of quarters and the establishing of quarters and at the same time put in the words "establishment or rental of officers' quarters," there are no data upon which you can form any opinion. I say that and the committee know it. I know if you separate the amount of money for the rental of officers' and the amount of money for the repair of soldiers' quarters, it is easy then to make a calculation as to the amount it would take; but when you put them together no man can do it.

I did not get up for the purpose of opposing this appropriation, but I got up merely to ask the question if \$1,400,000 established the quarters last year, will it take \$1,500,000 to repair them this year? If you have changed your troops to different localities where you have to establish new quarters, that is a different proposition, and if you have it would be well enough for the Quartermaster's Department to notify the committee as to how many new quarters it is necessary to build, and how much it will take.

The PRESIDING OFFICER. The Senator's time on the pending amendment has expired.

Mr. LOGAN. I am very glad of it. [Laughter.]

Mr. ALLISON. I ask for a vote on the amendment.

Mr. SARGENT. By the thirty-fourth rule of the Senate there are various committees which are required to be appointed, and those committees are appointed, and among them is a Committee on Appropriations. I understand the practice of the Senate to be that appropriation bills coming from the House of Representatives are referred directly to the Appropriation Committee, and are ordered to be printed, and it is the duty of that committee to pass upon the appropriation bills and report them to the Senate. I find nowhere in the rules a requirement that this committee shall refer these bills to any other committee, or that they can evade the duty of considering the bills and making their report upon them.

These bills, especially at the short session, come over to us at the very close of the session. The examination which the Committee on Appropriations gives is as thorough as is possible in the time, and we always welcome light from any source, and I know that we should treat with respect any recommendation that might be made by the Military Committee. The Army appropriation bill came over a few days ago and we took it up for the first time this morning and passed upon it, and had no suggestions from the Military Committee. I am not aware that under the rules we could refer it to them, and if there is any other practice than that which I have stated, I should be glad to know it as a member of the Committee on Appropriations.

Mr. LOGAN. I did not say it was necessary to refer your bills to the Military Committee. I only said if they were submitted to us we could give some information about them; but we cannot without. I will say, however, for the benefit of the Senator that at one session of Congress a member of the Military Committee was a member of the Committee on Appropriations, and in that way the Military Committee did give consideration to appropriation bills for the Army. That was changed, however, and since that I have never seen an appropriation bill until it was laid upon my table; but I am not complaining. I made no complaint; I only made that remark to show that we cannot possibly know anything about these bills.

Mr. SARGENT. I did not understand the Senator as complaining; and I simply stated what I thought to be the rule and duty of the Committee on Appropriations under the circumstances. I think myself it would be a useful addition to the Committee on Appropriations hereafter to have upon it a member of the Military Committee; and if I am to serve in this capacity again, I certainly will welcome such a member with great pleasure. We have one member of the Naval Committee and one from most of the other committees.

Mr. LOGAN. But none from the Military Committee.

Mr. SAULSBURY. Of course I know nothing about these estimates personally; and having listened to this debate I am not satisfied that any increase is necessary in this item. It is stated that the Department says the appropriation of last year was not sufficient. That may be true; but that may have arisen from the fact that there was not an economical expenditure of the money. Still, even if that were true and if there had been an economical expenditure of the money, yet as far as I am concerned I have no information that the same exigency will exist this year.

In the present condition of our finances we ought to use all proper economy. We are threatened with additional taxation. There is an apprehension of a deficit in the revenues of the country, and unless there be clear evidence that this amount is absolutely necessary we ought not to vote it. I apprehend that these Departments act very much as individuals do with their own money. Sometimes when we have plenty of money, we are more lavish in our expenditures than is prudent. I apprehend if the Departments are cut down to the line of economy, they will bring themselves within that line. I shall vote against this increase because I do not know that it is necessary.

The VICE-PRESIDENT. The question is on the amendment.

The question being put, there were on a division—ayes 19, noes 20.

Mr. PATTERSON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 24; as follows.

YEAS—Messrs. Allison, Boreman, Boutwell, Cameron, Clayton, Cragin, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Hitchcock, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Petterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, and Wright—26.

NAYS—Messrs. Bayard, Boggs, Cooper, Davis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Howe, Johnston, Kelly, Logan, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Stockton, Thurman, Tipton, and Washburn—24.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Carpenter, Chandler, Conkling, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hamlin, Jones, Lewis, Oglesby, Spencer, Sprague, Stevenson, Stewart, Wadleigh, West, and Windom—23.

So the amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out from lines 167 to 169 the following proviso to the appropriation for "purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department:"

Provided, That no part of this sum shall be paid for the use of any patent process for the preservation of cloth from moth or mildew.

Mr. CAMERON. I think we ought not to strike out that proviso. I have an impression, without any proof, that great wrong has been done to the Government by its use of patent-rights for preventing the destruction of clothing by moths. It would be better for us to wait awhile and get along without the use of this patent for another year at all events. There is plenty of clothing at the arsenals now for use, as much as will be needed probably for a year or two years, and the more you have there the more of this patent-right article for preventing destruction by moths will be called for.

To my mind it is wrong to appropriate money to be used by any officer of the Government, either civil or military or naval, without some responsibility. As I understand, large sums are drawn to be put into the hands of a patentee who sometimes controls the judgment of the officers without reflection on the part of those officers. I think we had better let the proviso stand. It was put into the bill by the House of Representatives at the suggestion of a member of Congress from a certain district in Philadelphia who understands this subject very well. I trust we shall leave the bill just as it came from the House in this respect. I do not like these patent-right monopolies in any way. There is very often some rat under the floor.

Mr. ALLISON. I have no doubt that what the Senator from Pennsylvania says in reference to the supply of clothing on hand is substantially true; but if it were not, and there was any necessity for clothing, I have no doubt our Pennsylvania friends would be ready to manufacture all the clothing and supplies needed for the Army in that direction. It seems hardly worth while for Congress to legislate against the use of any good invention. Therefore the committee thought it was hardly necessary to restrict the Quartermaster-General from the use of any proper invention if he could find such a one.

Mr. CAMERON. I agree with the Senator from Iowa in his premises, but the conclusions he would bring us to are not right. We ought to retain anything that is good, but we have no evidence that this thing is good.

Mr. ALLISON. I do not know what particular thing the Senator refers to, but this proviso prohibits the use of any patent-right.

Mr. CAMERON. I mean a patent-right to be used especially in the different arsenals of the country to protect clothing from destruction by moths. I am against all patent-rights which are not perfectly understood by this country.

Mr. ALLISON. I would suggest to my friend that if there is any particular worthless patent process we might prohibit its use; but I do not know what particular process he refers to.

Mr. CAMERON. The one now in use.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Appropriations striking out the proviso.

Mr. WEST. It is not understood, and I ask for a division.

Mr. HAMILTON, of Maryland. If this matter is not understood I trust the Senator from Pennsylvania will make us understand it. I hope he will occupy at least five minutes in giving us some idea in respect to this amendment. The proposition put in by the House of Representatives must mean something. There must have been some appropriation of money before this period of time to those persons who have these patent processes for whatever purpose they may be intended; and the House have determined to stop it. There must be some object in view in that. If not, the proviso would not be here. Some motive prompted it, and I trust that before the honorable Senator undertakes to say that this body shall vote upon it without any knowledge on the subject at all, he will explain the reason why we should concur with the members of the committee upon this proposition.

Mr. WEST. Whom did the Senator ask an explanation from?

Mr. HAMILTON, of Maryland. Anybody.

Mr. WEST. The facts are these: There has been a large amount appropriated in previous years, a special appropriation, to apply to a particular patent preparation. I do not remember what it was; but there was always a specific appropriation for it. This year it is omitted entirely, and there is no appropriation for that purpose or for

that concern; but the House of Representatives in the expectation of checking that preparation has absolutely prevented the Quartermaster-General of the Army from resorting to any means to protect cloth, &c., from mildew. That is all there is of it. It is not intended to appropriate any money for anybody; but if the Quartermaster-General chooses to use some patent process to a limited extent he has the opportunity here, but there is no special appropriation; and in excluding this thing that was objectionable the House has excluded everything. That is the explanation of our motion to strike out the proviso.

Mr. CAMERON. I think the Senator from Louisiana is a little in error. The Quartermaster-General has always had a right to protect the clothes and all other property under his control. Very recently some people have invented what they call a moth-destroyer, something which will prevent moths from interfering with cloth. Everybody who knows anything about wool at all knows that every year it decreases in its strength and in its tenacity. Sometimes the officers of the Government buy too much cloth for the year, and of course it becomes weakened and injured. Then comes in some speculator who says, "I will stop all that injury; give me a sum of money which is a trifle," but it turns out in the aggregate to be a very large amount, and then he says he has prevented the cloth from being destroyed. But, sir, the moths were created when the world was instituted, and the moth is to be found everywhere. Everything earthly is perishable, and every day and every year it becomes less substantial than it was when it started. So it is with cloth, not only woolen cloth, but cotton cloth; and so of man and of animals and of everything else. A man might just as well get a patent-right to save you, Mr. President, from dying. He might make you believe, in your anxiety to live for a while, that it would preserve you; but a little while would prove that it could not help you at all. You will live as long as God intended you should, and then you will die and so will all the rest of us. These patent-rights to preserve things from decay are like many other "weak inventions" of mankind. I do not want the Government to be fleeced by any of these needy people who go about and live by their wits.

Only this morning some of us were afraid to vote in a certain way because the world might make some charge against us. I will not say we were afraid to vote, but I will say that I was myself afraid to vote because the world would charge me with doing that which was wrong, that I was voting to sustain something that had been tainted; but after a while I got over that, and I voted, as of course everybody else here did, according to my judgment; but I am willing to confess I was a little weak-kneed in the morning. So it is with the people who come here with the recommendations of the Army or Navy. They are called skilled people and bring their recommendations, and we are afraid to go against those recommendations. I do not know what this patent costs, but I will venture to say that what the Government has paid for the last two or three years for this patent-right in Philadelphia has been more than all the cloth which was there would have cost; and that is the way it is all over the country. We ought to investigate this case and we ought to stop that which we believe is wrong. The proviso was inserted in the other House on motion of a gentleman perfectly conversant with the subject. I have great faith in what he recommends, and besides I have considerable information myself on the subject.

Mr. THURMAN. If I understand the question before the Senate, it is whether the proviso on page 8 shall be stricken out. If I understood the Senator from Louisiana, he said that if that were stricken out it would be impossible for the Department to use any money to protect the clothing. He thought it was in virtue of this proviso that money could be paid for this purpose. If that was his idea, I submit to him that he was mistaken.

Mr. WEST. I contended that if that proviso remained in the bill, the Army could not use any kind of process whatever, however meritorious it might be, to preserve clothing. While I am up, if the Senator will allow me, I will refer to two bills of previous years in which we appropriated some \$250,000 for a certain patent process, all of which is thrown out now.

Mr. THURMAN. I understand the committee propose to strike out this proviso, but I do not think that if it remained in it would prevent the Department from using the process; it would only prevent them from paying any royalty for the use of that process; that is, they might employ the person who used that process, but they could not pay a royalty. That I suppose to be the idea. If the committee want it stricken out, I have no objection to striking it out. I do not know that it will make much difference. I remember reading a very humorous speech on this subject, delivered by a member of the House of Representatives at the last session, in which it was said that some \$200,000 had been wasted by the use of some process that was absolutely injurious to the cloth and did more harm than good. I do not know how that matter is.

Mr. LOGAN. I regard this as having a little more importance perhaps than some Senators seem to do. I think the House of Representatives in the proviso inserted here is right, and I think the amendment of the committee is certainly wrong, and I will give my reasons for this opinion.

Two years ago, I believe, or perhaps three years ago, the Senate and House of Representatives appropriated \$200,000 in the Army appropriation bill to be used for the purpose of purchasing a patent

process or paying the royalty on a patent process for some bug-destructive medicine. It passed here over the heads of some of us. Last year you appropriated in the Army appropriation bill I think \$37,000 for the same purpose. I never could see the reason for it myself. Now the House provides that no part of this appropriation shall be paid for the use of any patent process for the preservation of cloth from moth or mildew. The meaning of that evidently is that no money shall be used for the purpose of paying a high price for that medicine by way of royalty on account of its being patented than would otherwise be charged; and that I think is clearly right, because if you will read the preceding part of this clause, it appropriates money—

For the purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking the same.

There the House uses language that gives the Quartermaster-General authority to preserve the cloth by the use of any kind of preparation that is necessary, and the House only excludes the idea that he shall pay a royalty for a patent process that we have been paying nearly \$300,000 for which I look upon as being—I will not say without any reason whatever—but I do say as being a very strange thing. I wish the clause to stand as it is in the House bill, because the language "for preserving and repacking" clothing gives the Quartermaster-General the right to use whatever material is necessary for the preservation of the cloth, subject to the restriction that no part of the money shall be paid for patent processes; that is, for royalty on any medicine. I think the House is clearly right. For that reason I am opposed to the amendment of the committee.

Mr. MORRILL, of Maine. The opinion of the committee was based upon this state of facts: that the appropriation, if it was made without the proviso, would leave the Quartermaster-General to exercise his discretion about the methods of preservation. It is not liable to the objection which my honorable friend from Illinois supposes that it is, an appropriation for the use of a certain patent. He might or might not use that; but if this proviso is stricken out, then it is left to the Quartermaster-General to exercise his discretion as to the best methods of preservation.

Mr. LOGAN. The Senator will remember that I have always persistently in the Senate opposed the Government paying for patent-rights. The Senator knows that.

Mr. MORRILL, of Maine. Yes, sir.

Mr. LOGAN. I act upon a principle in that respect, so far as I am concerned. I am opposed to it because there is no reason or right or law in making the Government pay for the use of patents.

Mr. MORRILL, of Maine. Supposing my honorable friend should find that the employment of a patented article, including the royalty upon it, was cheaper than any other article in the market and much more efficacious, would he wish to exclude the Government from the purchase of that?

Mr. LOGAN. The Government is not excluded from doing that by the House bill, in my judgment. It is only excluded from paying for a patent process. That is, as I understand the construction of the law, it would be excluded from paying for the royalty that is required from men who have a patent process, which I think is certainly correct.

There is another reason. I have known for many years of the preservation of clothing in the Army, but until this proposition was placed in the appropriation bills to pay for a patent process I never knew of any trouble whatever in preserving clothing in the Army any more than preserving it anywhere else. There never has been any trouble about the preservation of clothing in the Army any more than about the preservation of it in a store. My judgment about it is, and I did not want to say it before, that the proposition was gotten into the appropriation bills on recommendations probably from the Army without due consideration—that is as mild a term as I can use—that is, without due consideration from those recommending it belonging to the Army. I do not know that such was the case, but I am apprehensive that it was.

Mr. ALLISON. I desire to occupy only one moment. I think the Senator from Illinois is mistaken when he construes the language in line 163 to authorize the use of any patent process. The language in that paragraph is precisely the language used last year in the appropriation bill.

Mr. LOGAN. For "preserving" clothing.

Mr. ALLISON. Then there was added to it an item of \$30,000 for the preservation of clothing and equipage from moth and mildew. So that the language quoted by him does not authorize preservation, as I understand. Now, I think I understand the objection made by the Senator from Pennsylvania as well as the Senator from Illinois. They object, as I understand, to the use of a particular patent.

Mr. LOGAN. No, sir; I do not object to the use of a particular patent. I do not know what patent they use, but I object to the Government paying for any patent, I do not care what it is, whether medicine or anything else.

Mr. ALLISON. This proviso is that no part of this money shall be paid for the use of any patent process for the preservation of cloth from moth or mildew. That is to say, no patent process, however useful, shall be used by the officers of the Government unless it is used without compensation to the owner. Is not that the effect of this proviso? It seemed to the committee unjust to say that no invention, however useful, should be used by the Quartermaster-General

for the purpose of preserving cloth. I care nothing about the proviso. If the Senate think that we ought to prohibit the use of patent processes for this purpose, very well, but I think we ought not to do it.

Mr. LOGAN. I think the Army got along well enough for a long time in preserving clothing without this patent process.

Mr. CAMERON. The Senator from Iowa is certainly not well informed on this subject or he would not take the ground he does. There is no process that ever has been heard of which will preserve anything from destruction; but latterly, some three years ago, somebody had address enough to make some of the officers of the Government believe that he could preserve cloth from being destroyed. We have paid already I think some \$300,000.

Mr. LOGAN. About that sum of money.

Mr. ALLISON. There is no such appropriation in this bill.

Mr. CAMERON. No; but we have been appropriating for that purpose every year for three or four years past. It is wrong. It is a trick upon the Government. With it you cannot save anything from moths a bit more than a good housekeeper always knows how to protect her woollens and her furs. A little camphor and a little black pepper or something of that kind will save all the cloth and the furs of any household. These people got something together by which they made the officers of the Government think they could save a large amount of clothing which had purchased in the war beyond the amount required. They have been trying to preserve that thing which was decaying in the natural course. At all events, there can be no harm done by leaving the bill as the House of Representatives passed it in this respect.

Mr. WEST. There has been in use by the Army of the United States for several years past a certain patent process for preserving the clothing and the tents and the wagon-covers from moth and mildew. That has been found objectionable, and the House of Representatives has not on this occasion appropriated any money for that purpose here. It was \$200,000 two years ago; \$35,000 last year; and now the House of Representatives and the Committee on Appropriations in the House say "you shall not use that patent process any more." But some member in the House comes forward and says "not only you shall not use that process, but you shall not use any other process." So that if there is a patent process better than camphor or better than tobacco and the Army are using it, they are debarred from using it now, and this objectionable process carries down every other process with it.

The Senator from Pennsylvania talks about what a good housewife does. The amount of it is that if the Army are debarred from using any patent process—I do not know to what extent they want to use it; I do not know that they do want to use it—but if they are debarred from that, they are obliged to resort to the old preventive of camphor and tobacco, under the use of which we lost so largely from moth; and then there is nothing to make your tent-covers or your wagon-covers impregnable to water. So in striking at what may be considered an objectionable process, which is effectually struck at by striking out the appropriation for it which has hitherto been made, you propose to strike down every other process, no matter of how much use it might be.

Mr. EDMUNDS. The little experience that I have had in law affairs leads me to believe that nine patents out of ten for chemical combinations or combinations of natural substances that produce a given result, as a pill or a compound, when they are brought to the test of judicial investigation, turn out to be utterly void. A patent is got through, and then somebody else uses something that the patentee says is an infringement, and he tries the case and gets beaten because it does not fall within the law of patents. For any man who discovers that spirits of turpentine and camphor put together will kill moths to say that nobody else shall put spirits of turpentine and camphor together to kill moths—of course I state a very broad case that is perfectly easy of answer—would not be allowable. So I do not think the United States will suffer any great danger or detriment if we say that the Quartermaster-General shall get on without paying royalties. The simple way, the old plan of getting at moths that every housewife in Washington and everywhere else where there are moths knows about, and which no man has a right to patent, whether he has patented it or not, will be sufficient to preserve these cloths.

There are a good many things necessary to make a valid patent to entitle a man to exclude other people from using his process; and if it has been in common use to use a particular set of things or any part of a combination of things to kill moths, the fact that a man goes to the Patent Office and goes through and gets a patent for that does not prevent other people from doing exactly as they did before. Therefore I do not think we run any great risk in saying to the Quartermaster-General of the Army, "You shall pay nothing for inventions for the coming year in taking care of your cloths. I do not think there is any risk about it at all."

The VICE-PRESIDENT. The question is on the amendment of the Committee on Appropriations to strike out the proviso.

The amendment was rejected.

Mr. THURMAN. I wish to make an inquiry of the Senator who has this bill in charge, whether he wishes amendments to be offered as the reading of the bill goes on or wishes them withheld until all the amendments the committee desire to offer shall have been acted upon?

Mr. ALLISON. I suggest to the Senator from Ohio, as we have but two or three more amendments, that we go on with the committee amendments first.

The Secretary continued the reading of the bill. The next amendment reported by the Committee on Appropriations was in line 209, to increase from \$75,000 to \$100,000 the appropriation "for manufacture of metallic ammunition for small-arms."

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment was to insert at the end of line 214 the following clause:

For dismounting guns and removing the armaments from forts being repaired or modified, including carriages returned to arsenals for alterations and repairs, and overhauling and removing obsolete or surplus stores at permanent forts, and for repairing, preserving, overhauling, and painting the armaments in sea-coast forts, and for payment of labor and enlisted men detailed on extra duty, \$20,000.

The amendment was agreed to.

The next amendment was in line 230, to strike out "\$100,000" and insert "\$200,000;" so as to make the clause read:

For manufacture, at national armories, of the new model breech-loading musket and carbine, adopted for the military service on recommendation of the board of officers convened under act of June 6, 1872, \$200,000.

Mr. DAVIS. The amount now in the bill is \$100,000 as it passed the House, and the same amount was appropriated last year. The committee recommend an increase to \$200,000. It appears to me to be a very large amount now, and a very large increase—100 per cent. I think the increase ought not to be made.

Mr. ALLISON. I will say with reference to this amendment that although only \$100,000 was appropriated last year, there was in fact used for this purpose in all nearly \$500,000. The Department estimated for this year \$300,000 and say they cannot get on well without at least an addition of \$100,000 to the appropriation in the House bill. Each \$100,000 will manufacture about fifty-five hundred stand of arms.

Mr. HAMLIN. Where did they get the additional \$400,000 last year?

Mr. ALLISON. They received \$100,000 from a standing appropriation, and the remainder was received from overlapping appropriations of sums due to the several States on account of the appropriation of 1868.

Mr. SHERMAN. I thought we had cut off the overlapping of appropriations and got rid of that altogether.

Mr. ALLISON. There is an appropriation under the law of 1808 of \$200,000 annually for the purpose of supplying the militia of the States with arms. At the beginning of each year that sum is credited to the several States.

Mr. SHERMAN. That is a permanent appropriation.

Mr. ALLISON. That is a permanent appropriation and is already provided for by our law. They took from the several amounts credited to the States on account of this permanent appropriation the sum of about \$300,000, which had accumulated from year to year, and that sum is now exhausted. So that if we appropriate the additional \$100,000 asked for here we shall only have at the end of the next fiscal year about fifty-five hundred stand of the new arms. It is a question for the Senate to decide whether or not we shall have any accumulation of this new class of arms adopted by the board of officers in 1872. The committee thought it was important that we should have a surplus of at least seven or eight thousand stand of arms of this character; and hence they recommend the increase of \$100,000, the Ordnance Department asking an appropriation of \$300,000.

Mr. DAVIS. I understood the Senator who has charge of this bill to say that while the bill of last year appropriated \$100,000 there was \$500,000 spent for the purpose of manufacturing new arms. That is rather a strange proceeding, I should think. It is very singular that while \$100,000 was appropriated by Congress, and the appropriation bills limit all appropriations to a specific purpose, there should have been \$500,000 spent. I rather think the Senator must be mistaken, though he has information, I take it. We understand that probably \$300,000 will do for this purpose this year. I cannot understand how money appropriated by law can be changed in its direction without authority of Congress; for instance, if the States are entitled to \$200,000 worth of arms, that much belongs to the States, and ought not to be taken from them and appropriated here.

Mr. ALLISON. Of this \$200,000 permanent appropriation the States may take the new arm or they may take an old arm in lieu. If they take the old, of course a sufficient amount of the new arms will be manufactured and placed in the armory to make up the value of the old arms distributed to the States. That is all there is of that. There is no taking of one appropriation for a purpose different from that intended. If any of the States require the new arm, of course the new arm is delivered to the State. I am told that in the case of New Jersey last year about one thousand stand of these new arms were delivered to the State of New Jersey because they required the new arm. There are some of the States which prefer to take the old Springfield musket because the cost is so much less and they can secure a much larger number, and when they do the amount to the credit of that State is used in the manufacture of the new arm and the new arm is placed in the arsenal. That is all there is of that. There is no diversion of any appropriation for the purpose.

Mr. SHERMAN. The statute which authorizes a permanent appro-

priation for the arming of militia of the United States is found in the revised code and it is as follows:

The annual sum of \$200,000 is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and equipments for the whole body of the militia, either by purchase or manufacture, by and on account of the United States.

The provision of law in relation to militia provides for the distribution of the arms, and it seems to me it would be an evasion of this law to expend \$200,000 for the manufacture of good arms and then not distribute those arms among the States, the purpose of the law being to provide the militia with new arms and equipments from time to time to the extent of \$200,000 a year. This permanent appropriation which is a part of the established policy of the Government it seems to me would be broken up, departed from, if you take the arms made for them under an appropriation for their benefit especially confined to the militia of the States and use them for the Army of the United States and give the militia old arms probably which are not good for anything.

Mr. ALLISON. These arms are distributed on the requisitions of the governors of the several States. The governor of a State might make a requisition for two thousand stand of old Springfield muskets, if you please, the cost of which is five dollars each, and they are delivered to that State, the cost of course being to the credit of the State. The Ordnance Department use that money in the remanufacture of this better class of arms. That is all there is in it.

Mr. SHERMAN. In other words the proper officers of the Department use the money that we appropriate for the militia of the States to make arms for the Army of the United States and use the old arms that belong to the Army of the United States for the benefit of the militia.

Mr. ALLISON. If they prefer it. In the case of New Jersey last year the State of New Jersey received one thousand stand of new arms, the very best arms made by the United States, costing eighteen dollars a piece. Why? Because they wanted the best arms. But the governor of the State of Ohio instead of wanting one thousand of these best arms, might want three thousand of the Springfield musket, a class of arms costing less money. Why should the Government of the United States direct that the governor of Ohio shall not take the class of arms that he desires for the arming of his militia?

Mr. SHERMAN. It seems to me it is very easy to answer that by saying the law does not authorize it.

Mr. ALLISON. I do not understand the law to say that the United States shall distribute to the militia of the States any particular arm.

Mr. SHERMAN. The law provides that \$200,000 shall be expended for the making of arms each year.

Mr. MORRILL, of Maine. The law is that we shall provide the militia of the States with arms to the amount of \$200,000 a year. We can make them or purchase them.

Mr. SHERMAN. This money can only be expended legally for the purpose of providing arms and equipments for the whole body of the militia.

Mr. MORRILL, of Maine. That is what they do.

Mr. SHERMAN. Now the idea of taking this \$200,000 set apart as a fund to maintain the militia organization, to supply arms for the Army of the United States and give to the militia the old arms, does not comply with the law.

Mr. ALLISON. But there is an accumulation of arms always in the armories; and when the governor of a State makes a requisition they go to the armory and fill that requisition whether it be for the old Springfield musket or the improved breech-loading musket or the specially improved arm that is now in use in the Army of the United States. When the governor of Ohio asks for a thousand muskets, they cannot ask the governor to wait until they manufacture those muskets. They are delivered from those on hand when the requisition comes. It seems to me as plain as a pikestaff.

Mr. DAVIS. It occurs to me that if the \$200,000 appropriated for the militia of the States were used for that purpose that would make with the \$100,000 appropriated last year \$300,000; and that ought to be sufficient now and ought not to be increased to \$400,000.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 18, noes 20.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Bontwell, Cameron, Chandler, Clayton, Conkling, Conover, Cragin, Edmunds, Ferry of Michigan, Flanagan, Hamlin, Harvey, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Ramsey, Sargent, Scott, Sherman, Sprague, Wadleigh, Washburn, West, and Windom—33.

NAYS—Messrs. Alcorn, Bayard, Boggy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, and Thurman—21.

ABSENT—Messrs. Brownlow, Carpenter, Dorsey, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Hitchcock, Jones, Lewis, Oglesby, Pease, Robertson, Schurz, Spencer, Stewart, Stockton, Tipton, and Wright—19.

So the amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. I offer the following amendment from the Committee on Appropriations. On line 34, after the word "marshals," to insert:

District attorneys and clerks of the courts.

So as to read:

Provided, That hereafter only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States, and their deputies, &c.

Mr. SAULSBURY. I am not in favor of that amendment, and I had intended to move to strike out of line 34 the exception now there of "marshals of the United States and their deputies." The proviso limits the allowance for travel to all persons employed in the service of the Government to actual traveling expenses; but there is an exception made in the case of marshals and their deputies, and it is further proposed by the amendment to extend the exception to clerks of the courts and district attorneys. I can see no good reason for making this exception in favor of marshals and their deputies. You limit the Supervising Architect by the provisions of this bill and all public officers of the country to the actual traveling expenses incurred; and yet in the case of marshals you make an exception and grant them a greater allowance. I can see no reason for it. If there is any necessity for it I shall not oppose it, but I see none.

Mr. THURMAN. This subject was before the Judiciary Committee of the Senate on a bill that came from the House, and was there fully considered. The bill, as amended by the Judiciary Committee of the Senate, was reported to the Senate and passed. The House disagreed to the amendment made by the Senate and asked for a committee of conference, and a committee of conference was appointed, and that committee agreed upon a report which was made, and I suppose has been accepted.

Mr. EDMUNDS. It has passed both Houses.

Mr. THURMAN. And is now the law. We endeavored to fix these fees at what seemed to be reasonable. There was considerable difference between the Senate and the House, but the House conferees in the end yielded substantially to what was done by the Senate. Now if this proviso be passed just as it is, it in effect repeals the bill which we have lately passed. There were such representations made to us of hardship that would result to some of the officers if the law stood as it is contained in this proviso, and also as to difficulties in settling accounts at the Treasury, that we thought it necessary to legislate upon the subject. This proviso is precisely the same proviso that was in the Army appropriation bill last year and which necessitated the legislation which has already passed the Senate. Now the amendment offered by the Senator from Iowa is to make this proviso conform to the law which has already passed at this session. Under these circumstances I think my friend from Delaware will see that it is best not to oppose the amendment.

Mr. MORTON. It strikes me that this whole proviso is very sweeping. It applies to civil as well as military officers. It is a very sweeping and general provision to go into a military appropriation bill, and very much of it has no business in this bill clearly. We cannot tell what we are voting upon when we vote for this proviso, even with this exception that it is proposed to make. It occurs to me that the whole proviso is very dangerous.

Mr. THURMAN. I will say to the Senator from Indiana that, as I understand, the law before we passed the bill this year was precisely the same with this proviso; and although that was contained in a proviso to an appropriation bill, yet it was in its nature permanent legislation. It was a permanent law, and there really was no necessity whatever for repeating it this year in this appropriation bill. I think I am right in that. But whether that is so or not, this proviso as it now stands is in direct conflict with a bill that has passed both Houses at the present session, and the amendment offered by the Senator from Iowa is simply to make it conform to the bill which we have passed.

Mr. ALLISON. I will say to the Senator from Ohio that this proviso was put upon the Army bill last year just as it has been upon this bill, except that it only applied to the appropriation of last year. Now this proviso has inserted in the thirty-second line the word "hereafter," so that it becomes now under this bill a permanent law with reference to the question of traveling expenses and applies of course to all the Departments of the Government, civil and military.

Mr. MORRILL, of Maine. I ask the Senator from Ohio how he understands that the law will stand on this subject? I understand him to say that this proviso repeals this act which has just become a law.

Mr. THURMAN. It would repeal it if it were not amended.

Mr. MORRILL, of Maine. Then that being repealed the provision of the act of last year having no force except for that year, what would be the state of the law on the subject of marshals, clerks of courts, and district attorneys?

Mr. THURMAN. The proviso in the appropriation bill of last year in my judgment was a permanent law. I do not think it requires any word "hereafter" to make it a permanent law. But assuming that it was not, if this proviso should pass just as it is, it would repeal by implication the law which we have already passed at this session and this proviso in *hac verba* would be the law.

Mr. MORRILL, of Maine. That was my understanding of it; and the effect would be to restore this class of officers to the law of 1853 fixing their fees. This class of officers would then be remitted to the act of 1853.

Mr. EDMUNDS. As modified by the legislation of this session.

Mr. MORRILL, of Maine. As modified by the legislation of this session; by this proviso, does the Senator mean?

Mr. EDMUNDS. No; by the independent act that we have passed touching this subject.

Mr. MORRILL, of Maine. But the Senator from Ohio is of opinion that this will supersede that.

Mr. EDMUNDS. So it will if we pass it into the law, but with this amendment it remits the marshals, district attorneys, and clerks to the act of 1853, the fee-bill for judicial officers, as modified and construed by the act we have already passed at this session.

Mr. MORRILL, of Maine. But that act being repealed by this proviso, provided it goes into effect, then it is not modified in any sense.

Mr. EDMUNDS. No, it is repealed.

Mr. MORRILL, of Maine. The motion simply is not to strike out this proviso but to amend it; to extend its operation to other classes of officers. I want to know what the effect of it will be if this proviso passes, whether we shall remit these classes of officers to the operation of the law of 1853 which allows constructive travel.

Mr. EDMUNDS. If this proviso passes as it stands in the printed bill as it came from the House of Representatives, then we shall not remit these classes of officers, marshals, &c., to the act of 1853, but we shall take them out of it, as the military bill of last year did also, and we shall provide that the fee-bill of 1853, providing for judicial officers, will not act upon them at all, and yet a large part of their fees intentionally was to be obtained by travel and expenses that they did and incurred in the execution of writs and processes and in going to and from courts. It was thought that the act of last year was not intended to touch the judicial officers of the United States, because they were not paid a salary. Marshals are not paid a salary; clerks are not; district attorneys are not, except in a mere nominal sense of \$200; but military officers have their pay under the Army laws. They are employed in the service of the United States all the time, and for nothing else. In respect of them the House of Representatives last year, and the Senate agreed to it, provided that when they traveled under necessary and proper lawful orders they should only be paid for their travel their actual and necessary expenses. That was right, because their compensation the law had provided for amply before. When you come to marshals, district attorneys, and clerks of the courts, a part of their compensation by the scheme of the law from the foundation of the Government to this time has been the fees and allowances that they were to get for doing particular duties. Among those are the duties of the marshals to travel to serve process. They are allowed certain sums per mile. If a district attorney has to go fifty miles to attend before a commissioner of the United States at the hearing of a man brought up for a crime, he is allowed a certain number of cents per mile for doing that service. So with clerks when they have to travel from the place of their abode to the place of holding court, and so on.

The accounting officers of the Treasury hold that this language in the military bill of last year was so broad that it covered these judicial personages whom I have named. The effect of it was to destroy in substance the largest part of the compensation which these persons received for performing public duties. In view of that circumstance both Houses have passed at this session an act which declares that last year's law in these same words as they stand in the print here should not be construed to apply to this class of officers, as it ought not to have been considered to apply to them, and declares that they shall stand upon the act of 1853—that was the substance of it—with an addition which the Committee of this body on the Judiciary recommended and which was agreed to by both Houses, that no allowance for constructive travel shall be made, but that we shall only pay for the travel they actually perform under the provisions of the act of 1853. Now, then, in order to leave the law as we have adjusted it at this session, it is necessary, if this proviso is to stand at all, that this exception should be made in respect to marshals, district attorneys, and clerks.

Mr. MORRILL, of Maine. But then if this act goes into effect it will not leave it as the bill which has passed as an independent law provides.

Mr. EDMUNDS. Yes, it will, if you put in this exception.

Mr. MORRILL, of Maine. If the Senator will excuse me, I think not.

Mr. EDMUNDS. Why?

Mr. MORRILL, of Maine. Because this bill repeals your act.

Mr. EDMUNDS. This is a proviso in this present bill which as it stands in the print, excepting the words "except marshals of the United States and their deputies," stands exactly as the law did last year, which was found to operate unjustly and beyond the scope that was supposed to have been intended. The House, having that idea in view, in this proviso in respect of actual traveling expenses as distinguished from mileage have excepted from the operation of the proviso, marshals. So far as marshals go, that is all right. That would leave the law in perfect harmony with the way it now stands by the act of this session, because this proviso which limits travel, &c., to actual expenses, excepts marshals from its operation. We only propose now to add to marshals the other judicial officers, district attorneys, and clerks. The proviso then will read: "That hereafter only actual traveling expenses shall be allowed," &c., to people traveling under the authority of the United States, "except marshals, district attorneys, and clerks of the courts of the United States;" so that the proviso does not operate upon that class of persons, and, so

far as I now understand it, it would leave them just where the act of 1853 and the act of this year leave them.

Mr. MORRILL, of Maine. Being the same class of officers that are excepted in the act which has passed as an independent bill?

Mr. EDMUNDS. Being the same class of people provided for, not excepted, because that is an independent bill; and leaving them out of the operation of this proviso of course leaves them to stand on the law as it is now. The law as it is now gives them the payment that the act of 1853 allows to them, limited to actual travel instead of constructive travel.

Mr. MORRILL, of Maine. I will ask the Senator whether if this proviso is stricken out entirely he understands that the whole question of travel is then provided for?

Mr. EDMUNDS. It is not provided for as it respects military officers or anybody else excepting the judicial officers of the United States; that is to say, marshals, district attorneys, and clerks.

Mr. MORRILL, of Maine. That is to say, it will not be provided for if the proviso of 1874 was simply operative upon that bill?

Mr. EDMUNDS. No; if it was only operative on that bill, the thing is at sea again. If that is a continuous provision in the act of last year, it would still operate on military officers.

Mr. CONKLING. The Senator from Vermont has stated, I think with sufficient fullness, the facts about this matter; but as I have been somewhat taken to task by the courts and officers of the courts for a supposed oversight of mine in this regard, I wish to say a word on the history of it.

When the act of last year to which reference is made was pending in the Senate, the Senator from Wisconsin not now in his seat [Mr. CARPENTER] and I made earnest but futile endeavor to attract the attention of the Senate and of the committee having charge of the bill to the fact that the words, as then proposed and enacted, would have exactly the effect which since they have had; and I do not understand why the Senator from Vermont says they ought not to have been construed to include these officers. Certainly it would not lie in my mouth to say that, as I insisted at the time that they did include these officers as the Senator from Wisconsin, much higher authority than I am, also declared at the time that they did include these officers, and we came to that conclusion after an examination with some care.

Mr. EDMUNDS. If the Senator will pardon me, I will state to him why I said that. I was not in the Senate when this event occurred, and I only looked to the statute, having no knowledge of what took place in the Senate, and reading the statute I had the impression that it ought not to have been construed to include any other than the people provided for by the bill.

Mr. CONKLING. The Senator may have read it more advisedly than we did, but it was the opinion of the Senator from Wisconsin, and it was mine also although that did not add weight to his, that the words would include marshals and district attorneys. The effect was to leave these men substantially without compensation; and so true was that, that deputies refused and I think were justified in refusing to go for nothing to serve process running wherever anybody might choose to send process. That was the attitude in which we found ourselves at the beginning of this session. To cure that, the bill referred to by the Senator from Vermont was enacted into law in both Houses, and it excepted from the operation of this proviso these three classes of officers. Now, the amendment pending proposes to harmonize this provision with that independent act so that the proviso will still operate as it was intended to operate and will reach all persons except these three classes now provided for by the exemption; and when that exemption is incorporated in the bill, then this bill having become a law will be harmonized with the other bill which has already become a law.

It seems to me that it is too manifest upon its merits, too plain in its effects, to permit Senators to doubt either what it means or the propriety of the amendment proposed.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa, [Mr. ALLISON.]

The amendment was agreed to.

Mr. WEST. I offer an amendment to insert at the end of the one hundred and sixty-sixth line the following:

Provided further, That the expenditures on account of regular supplies, incidental expenses, barracks and quarters, cavalry and artillery horses, Army transportation, and clothing and equipage may be made under one general head: *And provided further,* That should the expenditure be made in this manner the gross amount appropriated for the Quartermaster's Department shall be reduced in gross amount \$500,000.

There is a proposition to reduce the expenditures under this bill a half million dollars, and in making it I will state that it has come into my hands from the Quartermaster's Department since this bill was considered in the committee, and I offer it with a view of saving that much money. I hope it will prevail.

Mr. THURMAN. I should like some explanation of what is meant by "under one head."

Mr. WEST. I will explain. There are six heads in the bill, six heads in the amendment; regular supplies, \$6,734,000; incidental expenses, \$1,200,000; horses, &c., \$300,000; quarters, &c., \$1,500,000; transportation, \$4,000,000; clothing, \$450,000; amounting to \$12,700,000. Here is a proposition that if these accounts can be kept under one head, 4 per cent. less money will run them. I can only understand it thus. I do not want to take exception to a proposition that is made

from a Department that proposes to save half a million. I think the reasoning is this: that by keeping the accounts under these separate heads certain balances are required to lie in the hands of quartermasters; that is to say, they must have so much money on account of horses, and so much money on account of quarters, and so on; and by keeping them all under one head, if it becomes necessary—it is only a provision that they may do it—they can reduce the surplus balances lying in the hands of the quartermasters. At all events all that thing can be understood as between the two Houses in time. There being here a proposition to save \$500,000, I thought it judicious to offer it, and I think the Senate will find it judicious to accept it.

Mr. THURMAN. That is strange arithmetic to me. I can see one effect of the amendment at once, and that is to make all the appropriations contained in this bill for the Quartermaster's Department, amounting to somewhere about \$12,000,000, one gross sum; and instead of going around about the bush, the Senator had better move to strike out all the items and simply say "for the Quartermaster's Department, \$12,000,000," and then leave it to the Quartermaster-General to expend it as he sees fit; for that is precisely what will be the effect of this amendment if it should be adopted.

But, Mr. President, if half a million can be saved in that way, then it is our business to cut down the appropriation and save that half million. I do not think half a million can be saved by book-keeping. Because a sum is appropriated here for one purpose or another purpose, it does not follow that the Quartermaster-General is bound to expend the whole of that sum. On the contrary, he is bound to expend no more of it than is necessary. He is bound to leave the rest of it in the Treasury of the United States, or, if it should be drawn out to have it covered back into the Treasury at the end of the fiscal year as an unexpended balance. But how it can be that by putting the whole \$12,000,000 at the discretion of the Quartermaster-General to expend it for any purpose to which he sees fit to apply it, half a million can be saved, is a little past my comprehension.

I have had occasion before to object to this wholesale mode of making appropriations. I believe it is contrary to the spirit, if not to the very letter of the Constitution which provides that no money shall be drawn from the Treasury except in accordance with appropriations made by law. I have seen \$18,000,000 appropriated in a naval appropriation bill for purposes covering four or five pages of that bill without one word to show how much was to be applied to one purpose and how much to another. I remember one naval appropriation bill in which the specific appropriations were less than three-quarters of a million and \$18,000,000 were then appropriated in such wise that it would have been precisely the same as if the bill had read in these few words, "for the Navy Department \$18,000,000," and that is precisely what is proposed here, "for the Quartermaster's Department, \$12,000,000."

I hope that this amendment will not prevail. It puts the whole appropriation in the discretion of that officer to use as much of it for one purpose as he shall see fit, as much for another purpose as he shall see fit, and none at all for the other purposes that are named in the bill.

Mr. WEST. That is very much so. It is very much as the Senator says, but if at the same time by lumping your appropriations you can save money, does the Senator insist on specifying them?

Mr. THURMAN. Why does not the Senator say "for the War Department and the support of the Army \$27,000,000"—that is his bill—and leave it to the Secretary of War? Is that the way we are to appropriate money? I take it not.

Mr. WEST. I am for appropriating money so that we can get along with the least amount, and I believe to-day that the best way to make an appropriation for the support either of the Army or the Navy would be to make it in lump and then hold them to a strict criticism of the manner in which they spend it. Having had it suggested to me that this manner of appropriation would save that much money and the suggestion coming from the Department, I have offered the proposition. I do not ask the Senator to vote for it. Here is a proposition to save half a million. If it is not desirable, do not vote for it.

Mr. LOGAN. I do not want to criticize the Department's judgment, but I do say that to appropriate money in that way and talk about saving—no, I will not use the language I was going to use, but "that won't do at all." You never would know how the money was expended; you would never know anything about it, and there would be no possibility of ascertaining how it was expended, and there never would be any unexpended balance of the \$12,000,000, or if there was any it would be very small. [Laughter.] I think the proposition that this will reduce expenses looks very well on its face to enable a man to say he votes for a reduction, but it is no reduction. It means putting books in such a shape that we cannot tell anything about them.

Mr. WEST. Does not every voucher of the Army of the United States have to pass the Auditor and Comptroller?

Mr. LOGAN. Yes, every one does; and did you ever hear of one that did not pass?

Mr. WEST. Plenty.

Mr. LOGAN. Very few. I recollect one that did not. I remember once in one of the Auditors' offices a quartermaster had his account suspended for seven months because he could not account for three balls of candle-wick, and that is the only instance I know of. [Laughter.]

I move to lay the amendment of the Senator from Louisiana on the table.

The motion was agreed to.

Mr. SHERMAN. I desire to offer an amendment which has already passed the House and been favorably acted on by the Military Committee and is recommended by the Department. It involves no money. It is to add as a separate section to the bill:

Sec. — That all issues of arms and other ordnance stores which were made by the War Department to the States and Territories between the 1st day of January, 1861, and the 9th day of April, 1865, under the act of April 23, 1863, and charged to the States and Territories, having been made for the maintenance and preservation of the Union, and properly chargeable to the United States, the Secretary of War is hereby authorized, upon a proper showing by such States of the faithful disposition of said arms and ordnance stores, to credit the several States and Territories with the sum charged to them respectively for arms and other ordnance stores which were issued to them between the aforementioned dates, and charged against their quotas under the law for arming and equipping the militia: *Provided*, That it shall be the duty of the Secretary of War, before making a credit to any of said States and Territories, to investigate and ascertain so nearly as he can the disposition made by each of said States and Territories of said arms and ordnance stores; and, if he shall find that any of said arms or ordnance stores have been sold or otherwise misapplied, to refuse a credit to such State or Territory for so much of said arms and ordnance stores as have been sold or misapplied; and the amount thereof shall remain a charge against said State or Territory, the same as if this act had not been passed.

I think a few words will explain this amendment, and if I do not give the exact facts my friend from Illinois [Mr. LOGAN] will correct me. During the recent war large quantities of arms and ordnance stores were issued mainly to the Western States, and in the hurry and first confusion of the alarm of the war they were charged to what is called the militia fund, the fund of \$200,000 appropriated annually under a permanent law. The result was that many of the States had charged to them several times the amount of their share of arms and ordnance stores. All these arms were really used in the service of the United States and were the arms with which the first volunteers especially entered the service of the United States, and were not properly chargeable to what is called the militia fund. The Chief of Ordnance has called attention to the settlement of these accounts for several years, and I will read a short extract from a report of General Dyer in which he refers to this matter:

Large sums of money were charged against some of the States for arms, &c., furnished by this Department during the war, and other States, equally populous, had no charges made against them during the same period; and it seems to me highly probable that errors occurred in keeping the account with the States which do great injustice to some of them, but which this Bureau has no authority to correct. The principal, if not all, of the issues which were made to the States during the war, were made to them for the maintenance of the Government and the preservation of the Union, and should have been charged, as arms and other stores issued to volunteers, to the United States, and not to the States. If the errors can be corrected they should be. In my opinion it would be fairer and juster to the States to credit them with all issues made to them during the war, and charged on their quotas for arming and equipping the militia, than to let the accounts stand as they now are on the books of this office. Some of the States are now charged with a greater sum than their annual quotas will amount to in half a century, and under a proper decision of the War Department no issues can be made to States which are charged with arms and other stores in excess of their quotas. I respectfully suggest that it may be proper to invite legislation on this subject.

My attention is called to this matter by a letter from the executive authority of the State of Ohio, by which it appears that Ohio in this way is erroneously charged with arms and ordnance stores which it will take her over ten years to exhaust, and every one of these guns and all the ordnance stores were consumed in the service of the United States. The State of Nebraska is charged with arms and ordnance that it would take her fifty years to exhaust. The States of Indiana and Illinois, and other States which responded quickly and hurriedly to the call made for troops in the earlier periods of war, were armed with these guns, which were furnished to them from the militia fund. This has been overlooked. This measure stands before us as a bill passed by the House of Representatives, recommended by the Committee on Military Affairs of the Senate, and recommended by the Department. There can be no doubt that these accounts ought to be restated.

Mr. MORTON. This is a very plain question. The arms were issued at the beginning of the war and a number of States were charged on the books of the Government as if they were sent to the State for the militia, when in truth they were sent and placed in the hands of volunteers who went into the service of the United States and not into the hands of the militia. Of course, it is unjust to those States and we want the account restated. That is all.

Mr. WEST. I ask the opinion of the Senator from Ohio whether it increases the appropriation?

Mr. SHERMAN. Not a dollar. It is only a question of accounts with the several States.

The amendment was agreed to.

Mr. HARVEY. I offer an amendment to the bill on page 4, line 67; after the word "dollars" I propose to insert:

Provided, That of this amount a sum not to exceed \$50,000 may be expended before the beginning of the year for the purchase of such supplies as it may be found to the advantage of the Government to purchase immediately.

This is the clause to which I offer the proviso:

For regular supplies of the Quartermaster's Department, to wit: For the regular supplies of the Quartermaster's Department, consisting of stoves for heating and cooking; of fuel for officers, enlisted men, guards, hospitals, store-houses, and offices; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department, at the several posts and stations and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers'

bedding; and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing of division and department orders and reports, \$4,250,000.

Mr. ALLISON. I do not know that there is any special objection to that amendment. Perhaps the phraseology might be changed. A similar amendment is to be found on page 3 as applied to the Subsistence Department. But I do not know that the Quartermaster-General or any officer of the Quartermaster-General's Department has suggested this amendment. It seems to me if they wanted it they would have made their wish known to the committee.

Mr. HARVEY. I will state that I consulted the acting quartermaster and the Secretary of War and they both approve this amendment.

Mr. COOPER. Let the amendment be reported.

The Secretary again read the amendment.

Mr. BAYARD. Has the Senator from Kansas who offered this amendment explained its object?

The VICE-PRESIDENT. The Senator from Kansas has made a statement of the case.

Mr. HARVEY. I will state that this amendment comes in at the conclusion of the paragraph which provides for the purchase of regular supplies for the Quartermaster's Department. It is as the Senator from Iowa states similar to the one at the conclusion of the paragraph making appropriations to be applied by the Commissary-General of Subsistence, except that this amendment provides for a much less sum. The object of my amendment I will state.

In large portions of the western country, in different States and Territories, supplies such as fuel, wood, &c., can be purchased at much more favorable rates now than they can be next summer or at any time in the future, and this would furnish employment to people who are now without work and who want to furnish the fuel from their farms. I hope there will be no objection to the amendment. I have consulted the Secretary of War and the Quartermaster-General, and they are in favor of it.

The amendment was agreed to.

Mr. RAMSEY. In line 141, before the words "provided further," I move to insert:

And when the right shall be so determined in the case of any company, no suit or proceedings shall be necessary afterward to entitle any company in like cases to receive such compensation.

This has reference to land-grant roads; and the principle having been settled, it is to prevent other companies being involved in the expense of litigation. I presume there will be no objection to it.

Mr. THURMAN. Let the Clerk report the amendment.

The Secretary read the amendment.

Mr. EDMUNDS. What does that mean?

Mr. RAMSEY. It means, if the principle has once been determined, that other companies situated as that company which has been in litigation, there is no occasion to drive it into litigation at great expense. That is all.

Mr. THURMAN. I ask the attention of the Senate to these provisos in this bill, for they look to me very much like encouraging suits against the United States and no small amount of litigation. The first proviso to the section begins on page 6, and is in these words:

Provided, That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroad should be—

Now comes the quotation—

"a public highway for the use of the Government of the United States free from toll or other charge"

There the quotation ends—

or upon any other conditions for the use of such road for such transportation; nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States.

So far this provision was contained substantially in the Army bill of last year but restricted to the appropriations made by that bill. This was also in the Army bill last year:

But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same if found entitled thereto by virtue of the laws in force prior to the passage of this act.

So far this was substantially, as I have said, in the Army bill last year, but restricted to the appropriations in that bill and not as now proposed as a part of the permanent law of the land. Then follows what was not in the Army bill last year:

Provided further, That the foregoing restriction shall not apply, for the current and next fiscal years, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with: *And provided further*, That hereafter, when troops or officers change stations, their families shall receive transportation over land-grant and subsidized railroads which receive no payments from the United States.

Mr. SCOTT. That last proviso has been stricken out.

Mr. THURMAN. Very well. I did not notice that; but it is immaterial. Now let us see what these provisos are: First, that there shall be no payment hereafter for transportation of property or troops of the United States, or any military officer of the United States, when on duty and under military orders, over any railroad to

which a grant of public land has been made on condition that the railroad shall be "a public highway for the use of the Government of the United States, free from toll or other charge, or upon any other conditions for the use of such road, for such transportation." Let us apply that to the existing legislation on the subject. By the act of 1862 incorporating the Pacific Railroads, the Union Pacific, Central Pacific, and the branches, it is provided—

That the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government, whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid, (at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service;) and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid.

I suppose the object of this second proviso is to except those railroads from the operation of what is previously contained in the section. As the law stood in last year's bill, it plainly embraced the Pacific railroads, the Union, the Central, the Kansas Pacific, the Sioux City branch, and all of them. This second proviso says:

That the foregoing restriction shall not apply for the current fiscal year nor thereafter—

Why should you say "for the current fiscal year nor thereafter," instead of saying "shall not apply at all"—

to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with.

I can conceive of no other reason for this second proviso than to take the Pacific railroads out of the operation of this first proviso. Very well. Then I would like to know from the Senator who has this bill in charge what railroads are left for the first proviso to operate upon. After he has thus taken out the Union Pacific, the Central Pacific, the Kansas branch, the Sioux City, and all the branches of Pacific railroads, I want to know what roads are left for this first proviso to operate upon. If there are none left, then there is no necessity for the first proviso. If there are others left, then I ask the Senator to explain why it is that there should be a discrimination between one set of railroads and another, such as is made.

But that is not all. Here is a provision that no transportation shall be paid where the condition is that such railroad shall be "a public highway for the use of the Government of the United States free from toll or other charge." When the amendment of the Northern Pacific Railroad charter was under consideration in 1870, when that company asked a large additional grant to be made to them and additional facilities to be conferred upon them, I moved in the Senate, as one of the conditions upon which additional privileges and additional grants should be made, that the company should forever carry the troops and munitions of war of the United States free of charge. It was answered that there was already a provision in the charter that the road should be "a public highway for the use of the Government of the United States free from toll or other charge." But there is such a provision in regard to other railroads, and what construction has been put upon it? Not the construction that the company is bound at its expense to carry the troops and munitions of war, but simply that the Government in a case of necessity may take the road and use its own cars; that is, the Government may procure cars and run them over the road and pay nothing for the use of the road.

Mr. BAYARD. As a highway.

Mr. THURMAN. Use it as a highway. That is then a provision that really is worth scarcely anything at all. If that is the true interpretation, which I do not say it is by any manner of means, then this provision is of no use whatsoever or this provision is wrong, one or the other. It must be so. If the real, the true interpretation of the provision is that the company is not bound, in its own cars and at its own expense, to transport troops and munitions of war, but that our right is simply to put our own cars on the road and transport over it without any charge to the road our troops and munitions of war, then we have no right to impose upon such a company the burden of carrying our troops and munitions of war without charge.

I see my five minutes are out.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from Minnesota, [Mr. RAMSEY.]

Mr. CONKLING. I would like to hear the amendment reported.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to insert before the words "provided further" in line 141 of the bill as printed with the amendments, the following:

And when the right shall be so determined in case of any company no suit or proceeding shall be necessary thereafter to entitle any company in like cases to receive such compensation.

Mr. CONKLING. I suggest to the Senator that the word "there" does not belong; "shall be necessary afterward."

Mr. President, this amendment, as I think, does express a purpose, except that the word "there" preceding "afterward" is a mistake no doubt. With that word stricken out it seems to me that the purpose of

the amendment is clearly declared; and if I understand that purpose aright, I shall vote for it and I would be glad to know from any Senator who disapproves the amendment whether I am right in the understanding which I will state. The provision as it now stands commits to the Court of Claims the persons upon whom it operates to get from that court a judgment which shall amount to a certificate that they are entitled to the measure of compensation that they are to receive. It will first of all occur to everybody that that is a very good provision for lawyers. That it is going to breed a large crop of legal proceedings is pretty clear; but it would be very aggravating if when a party in interest has gone to the Court of Claims and obtained an adjudication, he must keep going every six months or every year to the Court of Claims to have this adjudicated and adjudicated again. It would be almost equally hard, there being two parties similarly situated, or three, one of which goes to the Court of Claims and gets every principle and every ingredient in the case adjudicated, if the others also were compelled to duplicate that proceeding and go one after another into the court and get the same adjudication.

Mr. THURMAN. My friend will allow me a question?

Mr. CONKLING. Certainly.

Mr. THURMAN. The proposition is, if a decision is made in favor of the company that shall bind the Government in respect to all other companies in like condition, I understand. But now suppose the decision, instead of being against the Government is in favor of the Government; is the Senator willing that all other companies shall be bound by that decision too?

Mr. CONKLING. I shall have no objection to that. I see no objection to that; but this amendment has no relation to that, I suggest to the Senator. The adjudication in that regard, with or without this amendment, would be the same. The effect of this amendment is merely to say that if one corporation, with or without agreement, shall contribute to the expenses and that their load of expenses shall abide the result of suit, if one company goes forward and incurs the expense and trouble of getting the Court of Claims to adjudicate in a given case, that adjudication shall apply as well in other like cases as in the case in which technically it was rendered. Without such a provision a judgment binds no one except parties and privies. Here stand in a line three or four other persons having precisely the same right ordinarily of proceeding in court. One would stipulate that the other cases should abide the event and one pioneer case would be tried to settle the right of all. I understand the purpose of this amendment to be substantially that, that one party in interest obtaining an adjudication that in a like case shall be the rule of law and the rule of action between the Government and the parties. If the amendment means that, I see no objection to it. If it means anything more than that, it can be modified.

Mr. MORTON. I ask the Senator whether it would not be the duty of the Government, where a case was settled, to apply the rule adopted in the Court of Claims to the other companies independent of this provision, if it was shown to the Department that it was precisely similar; and if it was not precisely similar, if the Department would not be convinced of it, then the adoption of this amendment would not make any difference anyhow.

Mr. CONKLING. I am inclined to think the question of the Senator from Indiana is well founded, and yet the Senator will see it would be loading upon an administrative officer rather an unfair responsibility without anything burdening him to work by a line laid down by the court in a particular case, to expect him to do it. He might very well say, "Why, technically this means that all those who are to receive anything must come here with a certificate from the Court of Claims; I shall not move; I am not called upon to investigate this thing. When they come with a certified record from the Court of Claims, I will act upon that. The law summoned me to obey no other behest, and I await for that." The adoption of this amendment would have precisely the effect, as I understand it, which the Senator from Indiana ascribes, in moral effect and intentment, to the section without it, namely, to advise the administrative or executive officer that when he finds a case in which A has obtained a judgment in the Court of Claims and B has just such a case, without putting B to the expense of going to the Court of Claims he is to govern himself accordingly.

Mr. EDMUNDS. That leaves it to the discretion of the Department.

Mr. CONKLING. Not at all.

Mr. SCOTT. I have looked at this amendment, and I think it requires a further modification before it can be adopted. The present provision authorizes companies to go into the Court of Claims for the purpose of having their right to compensation determined. The amendment proposes to add the following:

And when the right shall be so determined in the case of any company, no suit or proceeding shall be necessary afterward to entitle any company in like cases to receive such compensation.

Mr. CONKLING. "In like case."

Mr. SCOTT. "In like case." Now, under that provision an adjudication in the Court of Claims will be conclusive upon the executive officers. If either party should be dissatisfied and take the case to the Supreme Court, as they may, they would be going on making settlements upon the basis of the adjudication in the Court of Claims when that ruling may be reversed. This amendment should be so far modified as not to require this to be applied until there shall be a final determination in the court of last resort.

Mr. CONKLING. That is the word I would suggest, "finally" before "determined."

Mr. SCOTT. Very well.

The PRESIDING OFFICER. The Senator will state his modification.

Mr. SCOTT. Before the word "determined" insert "finally," and after "determined" the words "in the court of last resort;" so as to read:

Shall be so finally determined in the court of last resort in the case of any company, &c.

Mr. STEWART. I do not believe anybody knows what this proviso means. I do not believe anybody ever can tell what it means. I do not know what it means.

Mr. RAMSEY. The Senator is not speaking of my amendment.

Mr. STEWART. I am speaking of the whole section. I do not know what any of these provisos mean with regard to the Central Pacific, the Union Pacific, and the branches of the Pacific road. The Judiciary Committee prepared an amendment which was adopted by the Senate in regard to this matter last year. If there is further legislation necessary on that subject, the Committee on the Judiciary ought to examine it. We ought not to jump in the dark and interfere with vested rights or do anything not examined by that committee in regard to the construction of law. But this language, I think, is so thoroughly ambiguous that it will simply be a trap for somebody. The first proviso reads:

That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which, in whole or in part, was constructed by the aid of a grant of public land on the condition that such railroad should be "a public highway for the use of the Government of the United States free from toll or other charge."

If that clause in the charter makes it obligatory upon the companies to carry the Government troops free, if that be the construction of it, then this provision ought to go to the Judiciary Committee in order to be inquired into. If it goes to that extent, that part of it would be all very well; but the charters ought to be examined to see if that be the case, and the thing ought to be prohibited. Then the next clause here is certainly a most ambiguous thing to put into a law:

Constructed by the aid of a grant of public land, on the condition that such railroad should be "a public highway for the use of the Government of the United States free from toll or other charge" or upon any other conditions for the use of such road for such transportation.

Suppose the other condition should be that they should pay so much or should not pay higher than a certain rate. This proviso says they shall not pay at all. The very condition in the charter may be a certain rate of payment. Then this will be clearly a violation of good faith. Suppose there should be a land grant (I do not know of any) upon the condition that the Government shall have the use of the road for one-fourth what the public pays. Now this amendment would say, "You cannot pay that one-fourth." It is loosely drawn, and you do not know what it does mean. I say this kind of legislation, without being examined by the Judiciary Committee, is dangerous. I do not know what roads it applies to. I do not know what it is meant for. That is the reason I am opposed to it. I think at all events this ought to be stricken out or go to the committee to have somebody examine it and see what it does mean. There are some lawyers on that committee no doubt who will know what it does mean.

Mr. ALLISON. I will say to the Senator it is the law now, as he will see if he examines the statutes.

Mr. STEWART. So much the worse. Why repeat it?

Mr. THURMAN. It is in last year's appropriation bill.

Mr. ALLISON. The exact language is in last year's appropriation bill. It is operating now.

Mr. STEWART. Is the clause of the first proviso, "or upon any other conditions for the use of such road for such transportation," in the act of last year?

Mr. ALLISON. Yes, sir.

Mr. STEWART. That shows that it ought to have gone to the Judiciary Committee. I do not believe the Committee on the Judiciary would have recommended it.

Mr. ALLISON. I thought the Senator said the Judiciary Committee recommended it?

Mr. STEWART. Not this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEWART. I had not got to the most absurd part of this thing.

Mr. ALCORN. If I have an opportunity, I will vote to strike out this proviso for the reason that there is no condition, as I understand the recitation here, in the acts granting land which requires the railroads to transport the troops of the Government of the United States. If there be in any of the grants of land a condition that the railroad company shall transport the troops of the United States over the road when built free of charge, I will observe that condition and am ready to enforce it. But here is a provision—

That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which, in whole or in part, was constructed by the aid of a grant of public land on the condition that such railroad should be—

What?

should be "a public highway for the use of the Government of the United States free from toll or other charge."

I am willing to assert the right of the Government in such cases to the use of a road, to assert that it is a public highway, that it is subject to the use of the Government as a public highway, and that over it it can transport its troops and its property free from charge; but I am not willing here to say that the railroad shall do what it has not undertaken to do, what its charter does not bind it to do; and no court under heaven will ever decide that railroads are required to comply with a condition that they have not undertaken to perform in their charter without compensation. There is a railroad. It is a public highway. The Government of the United States can take it and use its own rolling-stock if it sees proper to put it upon it, and can transport its troops and property over that road; but what you say here the road shall do is something the railroad has not undertaken to do or perform. Congress cannot require that that railroad shall do and perform that which they have not undertaken to do and have not by implication bound themselves to do.

I take the bill as I see it on its face. I know very little about railroads; but I know the law of the case, if I know anything, is not sufficient to bind the roads to the contract and to the conditions that you here undertake to require them to perform. I state that as a legal proposition.

Mr. WRIGHT. The question is on the amendment offered by the Senator from Minnesota?

The PRESIDING OFFICER. It is.

Mr. RAMSEY. As modified.

The PRESIDING OFFICER. The modification is accepted.

Mr. WRIGHT. Which is to add the language proposed by the Senator from Minnesota between the word "act" and "provided" in line 141. The language immediately preceding is—

But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same if found entitled thereto by virtue of the laws in force prior to the passage of this act.

Then comes the proviso, in substance that where an action has been brought in the Court of Claims and an adjudication had thereon, as it is now modified, a final adjudication in the court of last resort, it shall not be necessary for another railroad in like cases to bring actions, but they can recover in virtue of or by force of the adjudication in the other cases. In other words, I understand the principle contained in this amendment is that the adjudication in the one case shall be conclusive as against the Government in all other like cases. It seems to me that that is certainly the most extraordinary doctrine in a statute. Whatever may be the circumstances under which the first suit is brought and adjudicated, whether the Government be fully prepared for such adjudication or not, whether it was well attended to or not, whatever may be the circumstances under which the judgment was rendered, whether the testimony was prepared well or not, or whether it was well presented or not, then the Government is to be concluded in all like cases as to other companies in their situations.

Mr. EDMUNDS. And leave it to an executive officer to determine.

Mr. WRIGHT. And to leave it to an executive officer, as the Senator from Vermont suggests, to determine whether they are like cases or not. This officer determines that it is a like case and makes the allowance; and where is the security of the Government as to that determination? I think you have never found any such rule as this applied in the courts of the country. Why do you incorporate into an appropriation bill a doctrine which it seems to me is most extraordinary? No man can tell where he can have this determined so far as these allowances are concerned. Where there may be but \$500 or \$1,000 involved without reparation on the part of the Government, an executive officer determines that it is a like case, and there comes up, not \$1,000, but \$10,000 or \$1,000,000 or more; and if he says it is a like case, that decides the whole question and the Government is bound. I should be surprised if the Senate would put this amendment in this bill.

Mr. BOGY. It seems to me that the proviso from line 126 down to line 149 ought not to be adopted. We cannot in this way modify the rights of these railroads, whatever those rights may be. If indeed any of these railroads have no right to charge, that matter is fixed by law. If they are allowed to make a charge by charter, that is also a right. I therefore believe that the entire proviso should be stricken out; the first part particularly, because it does say in so many words that no railroad which has received a subsidy in land shall charge for transportation, although it may be in so many words in the charter that it may charge. It says no railroad having received a subsidy shall charge for such transportation, no matter whether the right was given in the charter to charge or not.

Again, by a law passed a short time ago some of the railroads have a right to charge one-half and get the amount of money for it and the other half goes to their credit. Now, without going into this thing in five minutes, which cannot be done, it does seem to me the whole clause should be stricken out and let these railroads stand on their rights as now fixed by law and fixed by charter. You cannot modify these rights by legislation. The view taken by the Senator from Mississippi [Mr. ALCOCK] is entirely correct. These conditions do not obligate these railroads to transport the troops and munitions of war. The condition was that the road itself should be at the use of the Government, not the means of transportation over the road.

No court in the world would construe it differently. The Senator from Mississippi is perfectly right about that. That has been the received construction. Therefore it seems to me we are attempting to legislate on a subject not exactly germane to this bill and which will be a nullity if it conflicts with the present law. You cannot change the rights of these parties, whatever those rights may be. They are fixed by charter and fixed by law, and nothing in this bill can change any of those rights. Therefore, if in order, I move to strike out from line 126 down to line 149.

Mr. MORTON. I do not agree in the construction of the language quoted in this clause with the Senator from Mississippi or the Senator from Missouri. That was not the intention when the clause was put into various railroad grants. The idea of these Senators is that the Government of the United States has a right to use the track free, but must furnish its own machinery, must furnish its own transportation upon the railroad track. That was not the idea when that clause was originally inserted in the railroad acts. The framers of those various acts understood just as we understand now that railroad companies furnish their own transportation, have their own locomotives and cars, and that the United States do not keep locomotives and cars to run upon different railroads that they may have occasion to use. Therefore the idea that that language means that the Government may use the tracks but must furnish its own transportation or rolling-stock, it seems to me cannot bear examination for a moment. When these land grants were first made containing these conditions that the Government should have a right to transport arms and munitions free of charge, giving lands that in some cases were sufficient to build the entire road, the idea was that the company were to take their own locomotives and rolling-stock and transport troops free of charge. I know the other construction has been claimed, but I never gave it a moment's consideration.

I do not understand this whole proviso, and I would like to know what it means. I thought when I first read it that it was plain enough. The first branch says—

That no money—

No money at any price—

shall hereafter be paid to any railroad company for the transportation of any property, &c., over any railroad which, in whole or in part, was constructed by the aid of a grant of public land on the condition that such railroad should be "a public highway for the use of the Government of the United States free from toll or other charge."

Upon such a road no money is to be paid; and no money is to be paid further—

or upon any other conditions for the use of such road for such transportation.

What does that mean? What are the "other conditions" which are referred to? They are not conditions for cheap transportation, for half fare, low rates, or uniform charges, because it begins by saying "that no money shall hereafter be paid." Therefore the other conditions must be that the road shall be absolutely free to the United States. Now when you come to apply that to the concluding part of the proviso it becomes absurd:

That the foregoing restriction shall not apply, for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with.

After the next fiscal year this restriction shall apply to a road, that the Government is to be charged no more than individuals, but the restriction is that no money is to be paid. That is the beginning of it, that the Government is to pay no money; but this restriction is not to apply to a road where the Government is to pay no more than individuals until the year after next, and then after next year it is to pay no money according to the original restriction, so that it makes it absurd. It strikes me the whole thing is rather clumsy.

Mr. ALLISON. I think very likely the Senator from Indiana is right in reference to the operation of this clause. The clause down to "Provided further," in line 139, is precisely the language of the law of last year, except that that provision only applied to the appropriations of that year, and this provision is now made permanent. The language "or upon any other conditions for the use of such road for such transportation," was inserted in the bill last year, I take it, to cover the point made by the Senator from Ohio; that is, that no money should be paid to any of the Pacific Railroads for transportation, because there was a condition placed upon those railroads with reference to the transportation, but not the particular condition contained in the land-grant roads. That was a sort of *omnium gatherum* provision, which was to take in every railway that had received subsidies from the United States. When the Senate came to consider the proviso beginning on line 139, they found that the law provided that certain railway companies were permitted to charge the Government of the United States the same rates for Government transportation that they charged other transporters. Now, manifestly it would be unjust to say that that class of railways should transport Government troops and supplies for nothing, because that was not the agreement. Therefore this latter proviso was inserted with a view to exempt that class of railways from the provision contained in the first proviso. That is all there is of it.

Mr. MORTON. What I call my friend's attention to is this: that the restriction which is to be found on lines 126, 127, and 128, "that no money shall hereafter be paid," is in terms applied to a railroad com-

pany: after you pass to line 144, at the end of two years from this time, where the only restriction was that it should not charge more to the Government than it charged to individuals; and the Government is prohibited by the first restriction from paying it at all.

Mr. ALLISON. I would say that perhaps in line 140, where the words "foregoing restriction" occur, the latter should be "restrictions;" and I think it ought to be strictly "that the foregoing restrictions shall not apply to the current fiscal year nor thereafter to such railways," &c.

Mr. MORTON. But is applicable thereafter, and the "foregoing restriction" is that "no money shall be paid." It seems to me it makes it absurd as applicable to that second class.

Mr. ALLISON. That is to say, the foregoing restrictions shall not apply to the current fiscal year nor thereafter to this class of railways; that is, there shall be no restriction upon this class of railways. I think that is the meaning of it.

Mr. INGALLS. Strike out of the sentence the words "for the current and next fiscal years."

Mr. ALLISON. That is stricken out already by an amendment. The language now is—

That the foregoing restriction shall not apply for the current fiscal year nor thereafter to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation.

It seems to me that is plain enough. Now, with reference to the policy of this provision, I think it is perfectly clear. The United States up to last year paid these land-grant railways for the transportation of troops and material of war. They did so during the whole period of the war. They refused at first to do so, but the railways refused to transport Government material. I remember perfectly well, and so do many other Senators, the long contest with the Illinois Central Railway Company. The Illinois Central Railway Company said to the Government, "You may take our road, but we cannot afford to transport the troops and supplies necessary to be transported by us during the war." Finally a compromise was made, by which the Government paid the Illinois Central Railway Company 66½ per cent. of the amount paid to it by others for transportation.

Mr. EDMUNDS. Contrary to the charter.

Mr. ALLISON. I do not say whether it was contrary to or in accordance with the charter. The Government did so pay that company a large sum of money. Congress last year inserted the provision that this money should no longer be paid, and that these companies should go to the Court of Claims and settle their rights, whatever they might be.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMAN. I move to strike out the last word of the amendment.

The PRESIDING OFFICER. The Senator is entitled to five minutes on the new amendment.

Mr. THURMAN. Now I ask the attention of the Senator from Indiana. The Senator from Indiana assumes that there are railroad charters or acts granting subsidies to railroads in which there are provisions that the railroad company shall carry the troops and munitions of war of the United States free of charge. I have to say to him that if there is any such railroad grant or railroad charter, I have never seen or heard of it. The grant made by the Government to aid Ohio and Indiana in the construction of their canals contained exactly that provision; but in any railroad grant or railroad charter or railroad subsidy bill I have never seen such a provision.

Mr. MORTON. The grant to the Illinois Central is an instance.

Mr. THURMAN. No, sir. Now I will show the Senator he is mistaken. On the 20th of April, 1870, when the resolution respecting the Northern Pacific Railroad was under consideration, I moved this amendment:

Mr. THURMAN. I move this amendment to come in at the end of the resolution: "And the rights and privileges hereby conferred upon said company, and the grants of land hereby made to it, are conferred and made upon this condition: that said company, its successors and assigns, shall forever transport over said road and its branches, free from any toll or charge, all the troops, produce, stores, and munitions of war that may belong to the United States."

There was a distinct proposition. In opposition to that Mr. Howard, of Michigan, the chairman of the Pacific Railroad Committee, said as follows:

Mr. HOWARD. In reply to the honorable Senator I beg only to read the eleventh section of the charter, which says:

"And be it further enacted, That said Northern Pacific Railroad, or any part thereof, shall be a post-route and a military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation."

Showing that charges were to be made for Government transportation, but enabling Congress to regulate the tariff. Then he said:

Is not that reasonable and sufficient?

Mr. THURMAN. Is that enough? I say that was not enough in the original bill. The very passage read by the Senator shows that the company is to have the right to charge. I say that it ought never to be allowed to charge anything for this Government service.

Mr. HOWARD—

Now I call the attention of my friend from Indiana—

Mr. HOWARD. So has the Illinois Central, and we paid that company five or eight million dollars during the war for the transportation of troops. So has the Union Pacific and the California Pacific road. We are paying them annually liberal charges for the transportation of all sorts of military supplies and troops. So

with the Eastern Division through Kansas, and the same clause is in all our railroad charters, I believe without exception, the Government standing in no better relation in respect to transportation than an individual stands, with this exception, that Congress may regulate the rate of charges on all these roads.

That was the statement made by that very well-informed Senator, the chairman of the Pacific Railroad Committee. After a long debate, in which I insisted and others insisted that as we were conferring new privileges and making large additional grants to the Northern Pacific Railroad, we ought to impose this additional condition, the question at last came to a vote; and let us see how the vote was. I am very glad to say that the Senator from Indiana was with me on that vote. Those who voted for my amendment were twelve, and twelve only:

Messrs. Ames, Bayard, Boreman, Cameron, Casserly, Harlan, McCreery, Morton, Pratt, Saulsbury, Willey, and Yates—12.

Those who voted in the negative were:

Messrs. Anthony, Brownlow, Chandler, Cole, Corbett, Cragin, Fenton, Flanagan, Fowler, Hamlin, Harris, Howard, Howe, Kellogg, McDonald, Morrill of Maine, Morrill of Vermont, Norton, Nye, Osborn, Patterson, Pomeroy, Ramsey, Revels, Rice, Robertson, Sawyer, Scott, Spencer, Stewart, Sumner, Thayer, Trumbull, Williams, and Wilson—35.—*Congressional Globe*, part 4, 2d session 41st Congress, 1869-70, pages 2345, 2347, 2363.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMAN. Now I move to strike out the last word in the last amendment in order that I may finish what I have to say, and then I shall not trouble the Senate any more.

I read that to show that, according to that statement—and I believe it to be true—we have never required what should have been required; we never have required one of these railroad companies, to whom we have made these immense grants, to carry the munitions of war and troops of the United States.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. Has his attention been called to the fourth section of the act of the 20th of September, 1850, granting lands to the State of Illinois and several other States in aid of railroads, among them the Illinois Central, which declares—

That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid and no other; and the said railroad and branches shall be and remain a public highway for the use of the Government of the United States free from toll or other charge upon the transportation of any property or troops of the United States?

Mr. MORTON. I thought I was not mistaken about that.

Mr. THURMAN. That comes to the exact question here. That provision was that the road should be a public highway free from toll for what? The interpretation put upon it was not that the company was bound to perform the service, not that the company was bound to furnish the cars, and servants of the company to manage them, and carry the troops, but on the contrary it was that it simply authorized the Government to take possession of the road so far as was necessary for its own transportation, and run its own cars upon it.

Mr. EDMUNDS. Who put that construction upon it?

Mr. THURMAN. The Government put it on it, and, as Mr. Howard truly said, paid the Illinois Central \$3,000,000 for transporting troops and munitions of war during "the late unpleasantness."

Mr. STEWART. The question came up here and was discussed by Judge Trumbull at great length, and the Senate decided it.

Mr. THURMAN. Certainly. The second proviso in this bill effectually nullifies the first one and makes the whole thing nugatory. There being the second proviso saying wherever the provision in the law is that the company shall carry the property or troops of the United States at the same rate charged individuals, then this provision shall not apply, and every company being precisely in that category described in the second proviso, the second proviso kills the first one stone dead, except that it opens the doors of the Court of Claims to the Lord only knows how many suits and the Government to ever so much litigation.

I withdraw my motion to strike out that word; I do not know what the word was.

Mr. INGALLS. I understood the Senator from Ohio to say that no grant of land had been made to a railroad company upon the condition that the company should transport the troops and munitions of war free of charge.

Mr. THURMAN. I said I had never seen such a one, and the chairman of the Committee on Pacific Railroads, (Mr. Howard,) who was an exceedingly well informed man, said, as I read in the hearing of the Senate, that there was no such case.

Mr. INGALLS. I beg to call the attention of the Senator to chapter 270 of the laws of 1866, and I read from section 3, which says:

That the grant of lands hereby made is upon condition that said company, after the construction of its road, shall keep it in repair and use, and shall at all times transport troops, munitions of war, supplies, and public stores upon its road for the Government of the United States free from all cost or charge therefor to the Government when required to do so by any Department thereof.

Mr. THURMAN. What road is that? I am very glad to find one such law.

Mr. INGALLS. This is "an act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific Railway and Telegraph, from Fort Riley, Kansas, to Fort Smith, Arkansas." That road is now in operation.

Mr. THURMAN. That is the only one the Senator will find.

Mr. MORTON. That statute declares that the company shall transport free of charge, which means of course with her own rolling machinery.

Mr. THURMAN. That is only a little bit of a road.

Mr. BOGY. I wish to make an inquiry. Is my motion in order that I made awhile ago as an amendment to the motion of the Senator from Minnesota to strike out from line 126 down to line 149?

The PRESIDING OFFICER. The motion is in order, but the question must first be put on the amendment proposed by the Senator from Minnesota to perfect the proviso proposed to be stricken out. The Chair will entertain the motion of the Senator from Missouri, but the motion of the Senator from Minnesota has priority.

Mr. HOWE. I want to make a suggestion, not to take any part in this debate. The Senator from Kansas has called our attention to the conditions named in a charter granted in 1866. That was after there had been several protracted discussions in the Senate as to what was the true interpretation of the conditions employed in the earlier grants, which conditions were that the roads should be a public highway for the use of the Government, conditions which made a charge upon the roadway and not upon the company.

Mr. EDMUNDS. As was claimed.

Mr. HOWE. As was claimed, and as was decided by repeated votes in both Houses. To avoid that construction it seems that in subsequent grants, I do not know in how many, different language was employed with a view of making the charge upon the company instead of the roadway. Undoubtedly, I think that the language employed in the charter just read by the Senator from Kansas does make a charge upon the company.

Now the question I want to put is whether roads or companies having such grants as the Senator from Kansas has referred to will be concluded by the language employed in this section? This language says that no money shall be paid for transportation over roads where the Government has a charge upon the track; but there are other roads, it seems, where the companies are bound to convey property free. It seems to me those are excluded.

Mr. ALLISON. No: "or upon any other conditions."

Mr. HOWE. Then if they are included at all it is by the force of that last clause.

Mr. ALLISON. Yes, sir.

Mr. HOWE. And that would include all railways. Then if you had made a grant of land to a company or to a State coupled with no condition in the world except that the road should be completed in ten years—nothing said about carrying troops—

Mr. ALLISON. The language is, "conditions for the use of such road."

Mr. BOUTWELL. The condition on which the grant was made.

Mr. HOWE. There is a condition, but if you mean to make these the operative words to hold the company which is expressly charged with the duty of carrying, it seems to me it will include all others.

Mr. RAMSEY. Does the Senator recognize the distinction between these simple land-grant roads and that Southern Kansas road which had not only land grant but the bonds of the Government?

Mr. EDMUNDS. My impression is that the amendment proposed by the Senator from Missouri, [Mr. BOGY,] when it comes to be in order, is the true one to adopt until this subject can be looked into, and that is to strike out the whole of this proviso from line 126 to line 149. The Senator from Wisconsin has very aptly put the case on the words in lines 132 and 133, that if there were any conditions upon which a road was to be built no money is to be paid; and then he says that if the condition is that it shall be limited to a certain time, that is a condition, and of course it would not be just to say you would not pay money to such a corporation. On the other hand, there are some of these roads in whose charters or grants there are provisions that the aid we have given to them is a part of a general contract, one of the terms of which is that the interest shall be kept up—that is my construction of it; people differ about that, but I suppose I am right in that construction; another of the terms of which nobody disputes is that 5 per cent. of the net earnings shall be actually paid into the Treasury in order to secure a sinking fund for meeting the obligations of the United States in the way of bonds.

If the Senate cares enough about protecting the interest of the United States to examine this question, I think the motion of the Senator from Missouri, when it comes to be in order, ought to prevail, to strike out this whole proviso in order to have time to examine the question and to make such a provision as will secure the interests of the United States. Now, I maintain for one that if we have advanced money in aid of any particular railroad in paying interest upon its bonds or our bonds given in its aid, that company has no right, although it may be entitled to transportation pay like any other road with whom we have no relations at all, to ask us to pay it for transportation a certain sum of money so long as it owes a certain other sum of money which we have paid for interest upon its bonds. That is what I think. Other Senators may think otherwise.

Mr. SCOTT. That is already provided for in the act of 1873.

Mr. EDMUNDS. That is provided for in the act of 1873, but this act of 1875 is a later act than the act of 1873; and if we in this act of 1875, this Army appropriation bill, provide for payment of moneys for transportation affirmatively, without any reference to the former acts, then the Executive Departments and the paying officers will be pressed by these railway companies to pay them, by force of this act,

as the latest expression of congressional will instead of the act of 1873, and a pretty plausible argument might be made perhaps in support of that idea. It might be argued that we had receded from the position that we took in 1873, had by this act authorized the payment of money to railroad companies that were owing us all the time. Now for one I do not wish to do that.

If it be true that any railway company owes the United States for interest paid or owes the United States on the 5 per cent. which ought to have been paid into the Treasury on net earnings, then I think we are bound to the tax-payers by the highest possible obligations not to pay money to such a company until their engagements are made good. It is a case of set-off. So I think we ought to strike out this whole proviso in order that a clause may be framed which will put us on our just rights, whatever they may be thought to be.

When you come to the amendment proposed by the Senator from Minnesota to add to the clause as it now stands, that to my mind is very objectionable indeed. It leaves to the executive officer, who may not be a lawyer, who may not be instructed by the Attorney-General, and to him through his clerks, he being unable to attend to everything, to decide that money shall be paid because it is in conformity to some previous decision in another case, when if it were left to a court no such decision would be made. In other words, you invest the executive officers of the Government with a judicial discretion in paying money out of the Treasury which in the end ought not to be paid. I think, therefore, that the amendment of the Senator from Minnesota ought not to be agreed to, and that the proposal of the Senator from Missouri ought to be, to strike out all this proviso in order that a proper section may be framed.

Mr. RAMSEY. I ask the Senator from Vermont whether at this time it is not the practice of the Departments to receive the adjudications of the courts and act upon them?

Mr. EDMUNDS. I will answer the Senator from Minnesota. Undoubtedly it ought to be the practice of the Executive Departments to obey the law; but when, as has been shown in regard to every one of these railroads, there is some variation of circumstances, some variation of statute and all that sort of thing, it is very unsafe indeed to say that because one case is decided you will allow an Executive Department to determine that that is an authority for doing something else under a different charter—

Mr. RAMSEY. But the cases must be identical.

Mr. EDMUNDS. That is not what the amendment says.

Mr. ALLISON. I think there is some force in the statement made by the Senator from Vermont. The committee followed the language of the existing statute until we reached the last proviso, and it having passed through the scrutiny of the Senator from Vermont and every gentleman on the Judiciary Committee, or at least through the Senate last year, we did not scrutinize the language again.

Mr. EDMUNDS. Not our scrutiny.

Mr. ALLISON. I think there is, as I said, force in his suggestion, and therefore I shall move to lay the amendment of the Senator from Minnesota on the table; and that being done I shall consent to strike out the entire proviso from line 126 to line 149, so that the matter may be perfected in the conference committee.

The PRESIDING OFFICER. The Senator from Iowa moves to lay on the table the amendment of the Senator from Minnesota.

Mr. RAMSEY. I suggest that this matter can be perfected by a committee of conference.

The PRESIDING OFFICER. Debate is not in order.

Mr. RAMSEY. I was only going to ask the Senator from Iowa to withdraw his motion and allow this amendment to be accepted and have the whole matter go to a committee of conference.

Mr. ALLISON. I would not like to do that. I insist on my motion.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Senator from Iowa moves to lay on the table the amendment of the Senator from Minnesota.

The motion was agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Missouri [Mr. BOGY] to strike out the proviso.

Mr. HAGER. I find that there are two copies of this bill, and some Senators are uncertain what the motion is. If I understand it, it is to strike out after the word "provided," on line 126 in the last printed bill, down to the end of that paragraph. I am not disposed to strike out, and I see no reason for striking out this portion of it—

That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which, in whole or in part, was constructed by the aid of a grant of public land on the condition that such railroad should be "a public highway for the use of the Government of the United States free from toll or other charge."

I see no reason for striking that out; on the contrary, I see great reason why it should remain. Why should we pay for that transportation if there is an existing law that it shall be exempt?

Mr. EDMUNDS. The Senator from California I am sure misunderstands me, so far as his remarks apply to what I have said. I do not propose to strike it out in the view of not having a provision in.

Mr. ALLISON. Nor do I.

Mr. EDMUNDS. But in order to cover the whole subject and have a suitable provision, which we cannot do at this moment.

Mr. HAGER. I have read this long provision over several times, and I agree with the Senator from Nevada that it is incompre-

hensible. The subsequent paragraphs are incomprehensible to me. Neither can I understand what is the meaning of the committee in the bill as reported from line 126 on page 6 down to the end of that paragraph. There are reservations and exceptions to the provision which throw so much obscurity and doubt over it that I am inclined to think that the whole provision would be destroyed by the clauses that follow:

Provided further, That the foregoing restriction shall not apply for the current fiscal year, nor thereafter—

It shall not apply to this year nor thereafter—

to roads where the sole condition of transportation is that the company shall not charge the Government higher rates, &c.

Then there is another provision:

And provided further, That hereafter when troops or officers change stations their families shall receive transportation over land-grant and subsidized railroads which receive no payments from the United States.

I do not understand that.

Mr. ALLISON. That is out now.

Mr. HAGER. It ought to be out. I will move, in order to get at this thing specifically, to strike out all after the words "United States," in line 136, to the end of the section. That will leave in the only substantial part there is. That will leave it to read from the word "provided" down to "United States" without any "ifs" and "ands" or reservations or exceptions, and then it will be a matter for the courts to determine what the rights of the respective parties are. I think it is not proper for us to invite litigation and invite prosecutions against the Government of the United States in a matter where we have the right to declare the terms on which a railroad shall carry freight, &c.; and yet that is the purport of this bill. We absolutely invite companies to go before the Court of Claims to prosecute for the very things that we except and reserve and say are reserved by the law. If a road is by the terms of the law "a public highway for the use of the Government of the United States free from toll or other charge," why should we say "provided nothing herein contained shall prevent" them from bringing a suit to recover that which we say is declared by law to be exempt from charge? That is incomprehensible to me. Therefore I make this motion to strike out beginning with the word "but" in line 136, to the end of the paragraph. That will leave the exception without the provisions, which look to me as if they were intended rather for the benefit of the companies than of the Government of the United States.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MORRILL, of Maine. Did the Senator make a motion?

The PRESIDING OFFICER. The Senator from California has moved to strike out a part of the paragraph.

Mr. MORRILL, of Maine. Which part?

Mr. HAGER. I move to strike out from line 136 after the words "United States" to the end of the paragraph.

Mr. MORRILL, of Maine. I have not been in the Senate while this discussion was going on, but I did pay some attention to these provisions in the committee. My understanding of them is that they run with the historic facts of legislation by Congress. First, it is provided that as to that class of roads which agreed to do free the business of the Government that they shall have no compensation and forbids the Government paying compensation. As regards the next class of roads, it provides that they shall charge the Government no more than they charge individuals. I think that is eminently fit. As to the third class it is undoubtedly in excess of any provision of any statute in regard to transportation or any obligation the roads have to do transportation for the Government. That relates to the imposition of carrying the families of officers or troops.

Mr. MORTON. That is stricken out.

Mr. MORRILL, of Maine. As to the rest of it, I think it is in strict conformity with the history of legislation on this subject, and I see no reason why it should not be adopted.

Now, can we not have a vote?

The PRESIDING OFFICER. The question is on the amendment of the Senator from California to the amendment of the Senator from Missouri, proposing to strike out a portion of the paragraph.

The amendment to the amendment was rejected; there being on a division—ayes 4, noes 36.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri [Mr. BOGY] to strike out the proviso from "provided" in line 126.

The amendment was agreed to.

Mr. EDMUNDS. I rise to a parliamentary inquiry. I wish to ask the Chair what was stricken out by the last vote? The Chair stated that it was the proviso.

The PRESIDING OFFICER. There were two provisos stricken out.

Mr. EDMUNDS. I merely wished to understand it so that there may be no mistake.

Mr. ALLISON. All is stricken out from line 126 to line 149.

Mr. EDMUNDS. That is right.

The bill was reported to the Senate as amended.

Mr. HAGER. I understood the Senator from Vermont that when the clause was stricken out, it was to be in part restored—that part which I tried to preserve. As it now stands, it is legislation in favor of these railroads and it is putting ourselves in a position not to call

on them to observe the condition of their subsidy that they should be a public highway for the Government of the United States free from toll or other charge. Inasmuch as that is stricken out, it will amount to legislation to a certain extent that we do not favor that proposition, but on the contrary we are disposed to waive that condition and still pay to these railroads for transportation that ought to be exempt. I wish to call the attention of the Senate to that view of the case.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ADMISSION OF COLORADO.

Mr. HITCHCOCK. I move to proceed to the consideration of House bill No. 435, being a bill to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. EDMUNDS. I wish to say that the gentlemen who have charge of the leading business of the Senate by bringing forward this bill put it out of my power to move to take up the civil-rights bill, as I had wished to do. I only rise to say that it is overpowering force, not my wishes, that prevents me making a motion to take up the civil-rights bill now.

Mr. SARGENT. I do not think with so thin a Senate we ought to fix on the order of business for to-morrow, and for that reason I move that the Senate do now adjourn.

Mr. HITCHCOCK. On that motion I demand the yeas and nays.

Mr. CAMERON. Mr. President, I want to appeal to the Senator from California. Two days ago the Senator from California prevented me by an objection from carrying a bill which—

Mr. EDMUNDS. You cannot pass that now.

Mr. CAMERON. Yes, I can. Just give me a moment. I want to take up that bill for the purpose of providing head-stones for the dead soldiers in the cemetery at York.

Mr. ALLISON. I think that ought to be done.

Mr. CAMERON. I think it ought to be done, as the Senator from Iowa says. I am sure the Senator from California will give way.

Mr. SARGENT. If I had any idea that my friend could pass the bill I would most certainly do so.

Mr. CAMERON. Of course the bill will pass if I have time.

Mr. SARGENT. I insist on the motion to adjourn.

The PRESIDING OFFICER. The Senator from California insists on the motion to adjourn.

Mr. CAMERON. I think not.

Mr. HITCHCOCK. I ask for the yeas and nays.

Mr. CAMERON. I think there is a mistake about it.

The PRESIDING OFFICER. The question is not debatable.

Mr. CAMERON. I am not going to debate it, but only to state a single fact.

The PRESIDING OFFICER. The Senator from California insists on the motion, and it is not debatable.

Mr. CAMERON. Well, Mr. President, I am not debating it. [Laughter.] Debate means an argument. I have only asked the Senator from California—

["Question."]

The PRESIDING OFFICER. The question is called for, and the Chair must put the question on the motion to adjourn. The yeas and nays are demanded.

Mr. EDMUNDS. I suggest that we divide; perhaps nobody wishes to adjourn.

Mr. HITCHCOCK. No. I desire for a particular reason the yeas and nays on this question.

The yeas and nays were ordered and taken.

Mr. BAYARD. I desire to say that the Senator from Missouri [Mr. SCHURZ] and the Senator in the chair [Mr. FERRY, of Michigan] are paired. If he were present the Senator from Missouri would vote "yea," and the Senator from Michigan "nay."

Mr. OGLESBY. The Senator from New Hampshire [Mr. WADLEIGH] said to me before going out that he was paired with some Senator—I have forgotten who it was, [laughter;] and asked me if I would explain it when the thing came up.

The PRESIDING OFFICER. The Chair accepts the explanation. [Laughter.]

The result was announced—yeas 23, nays 27; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Davis, Dennis, Eaton, Flanagan, Goldthwaite, Hager, Hamilton of Maryland, Johnston, McCreery, Merrimon, Norwood, Ransom, Sargent, Saulsbury, Scott, Sprague, Stevenson, Stockton, Thurman, and Tipton—23.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Clayton, Conkling, Cragin, Edmunds, Frelinghuysen, Hitchcock, Howe, Ingalls, Kelly, Lewis, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Ramsey, Spencer, Stewart, Windom, and Wright—27.

ABSENT—Messrs. Brownlow, Carpenter, Chandler, Conover, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Gordon, Hamilton of Texas, Hamlin, Harvey, Jones, Patterson, Pease, Pratt, Robertson, Schurz, Sherman, Wadleigh, Washburn, and West—23.

So the motion to adjourn was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion

of the Senator from Nebraska that the Senate proceed to the consideration of the bill for the admission of Colorado.

The motion was agreed to.

Mr. BOGY. Now I move that the Senate adjourn.

The question being put, there were on a division—ayes 21, noes 25.

Mr. HAMILTON, of Maryland. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. HITCHCOCK. (when the roll-call was concluded.) I see that there is little more than a bare quorum now present. If it be in order now, by unanimous consent, I will move that the Senate adjourn.

Mr. EDMUNDS. Nothing is in order until the vote is announced.

Mr. HITCHCOCK. By unanimous consent, I suppose—"No!"

The result was announced—yeas 21, nays 25; as follows:

YEAS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Tipton—21.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Cameron, Clayton, Conkling, Conover, Cragin, Edmunds, Flanagan, Frelinghuysen, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Ramsey, Stewart, Windom, and Wright—25.

ABSENT—Messrs. Brownlow, Carpenter, Chandler, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Hager, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Jones, Lewis, Patterson, Pease, Pratt, Robertson, Sargent, Schurz, Scott, Sherman, Spencer, Wadleigh, Washburn, and West—27.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The Secretary will read the bill at length.

Mr. MORTON. Has the bill been taken up?

The PRESIDING OFFICER. The bill has been taken up, and will be read.

Mr. INGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and (at six o'clock and forty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 23, 1875.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

EXHIBITION OF WORKS OF ART IN THE CAPITOL.

Mr. MONROE. I ask unanimous consent to submit a resolution. I have talked with all the gentlemen interested in the matter, and I believe it gives general satisfaction.

The resolution was read, as follows:

Resolved. That it shall be in order when the sundry civil appropriation bill is under consideration in the Committee of the Whole to offer an amendment to said bill providing that no work of art, the property of a private individual, shall be exhibited in the Capitol without permission from the Joint Committee on the Library, given in writing, and making it the duty of the architect of the Capitol to carry this provision into effect.

Mr. KASSON. That is right; and I want to call attention to the fact that the present law on this subject is constantly violated.

There being no objection, the resolution was considered and adopted.

PUBLIC BUILDING AT JERSEY CITY.

Mr. SCUDDER, of New Jersey. I ask unanimous consent to have put on its passage now a bill which simply authorizes the condemnation of land for a site for a public building; it contains no appropriation whatever.

The bill (H. R. No. 4458) relating to a site for a public building at Jersey City, in the State of New Jersey, was read.

Mr. WILLARD, of Vermont. Has that bill been considered by any committee?

Mr. LOUGHRIDGE. I object to the consideration of the bill now.

ORDER OF BUSINESS.

Mr. LAWRENCE. I ask consent to report from the Committee on War Claims a bill making appropriations to pay claims allowed in the Departments. There is no legislation in it.

AFFAIRS IN LOUISIANA.

Mr. G. F. HOAR. I rise to make a privileged report, to be printed and recommitted.

Mr. RANDALL. I rise to call the regular order, unless the gentleman from Massachusetts [Mr. G. F. HOAR] says that this report is not to come back.

The SPEAKER. The committee is authorized to report at any time.

Mr. RANDALL. But I desire to reserve the point which I reserved in regard to the report of the Alabama committee.

Mr. G. F. HOAR. This report is merely presented for printing and recommitment.

Mr. RANDALL. That is all right if it is not to be brought back on a motion to reconsider.

Mr. G. F. HOAR. I hope I may be permitted to make a statement which will occupy but a moment. I am authorized by the committee

to report two resolutions for printing and recommitment. I am also authorized, when they come back from the printer, to call them up and have them put upon their passage.

Mr. RANDALL. I deny the right of the gentleman to do that under the conditions of the case.

Mr. G. F. HOAR. I am also authorized by the committee to submit to the House the views of various members of the committee—the views of the particular individuals who sign them. I desire that the two resolutions may be read, and that all the statements of views may be printed, and the whole matter recommitted.

Mr. RANDALL. Not to come back?

Mr. G. F. HOAR. Not to come back of course on a motion to reconsider. I also ask that they may all be printed in the RECORD. The committee have a right to report at any time.

Mr. RANDALL. I propose to contest the right of the gentleman to bring this matter up again under the right to report at any time.

Mr. DONNAN. I object to the printing of these matters in the RECORD.

Mr. RANDALL. If the committee still have the right to report at any time after the presentation of this report and its recommitment, of course we must submit; but I deny that right; and I do not want to give the committee any additional right.

Mr. FOSTER. In connection with this subject, I submit the views of the majority of the committee. I ask that they be printed and recommitted.

Mr. G. F. HOAR. I will inquire of the Chair whether the majority of the House have not the right to order these papers printed in the RECORD? I have at any rate the right to call for their reading, which would necessitate their printing in that way.

The SPEAKER. They can be printed in the RECORD if the gentleman insists on their being read, as he has the right to do.

Mr. DONNAN. I object to their being printed in the RECORD. They will no doubt come to us in documentary form.

The SPEAKER. The Clerk will read the resolutions.

Mr. RANDALL. I think we have got "the cart before the horse." Is the report submitted by the gentleman from Massachusetts [Mr. G. F. HOAR] the majority report or the minority report?

Mr. G. F. HOAR. It is the report of the committee.

The SPEAKER. The gentleman from Massachusetts is authorized by the committee to make this report.

Mr. RANDALL. The question is whether it is a majority or a minority report as made by the gentleman from Massachusetts.

Mr. G. F. HOAR. If the gentleman from Pennsylvania had done me the honor to listen to me when I addressed the House—

Mr. RANDALL. You are mistaken; I listened to everything you said.

Mr. G. F. HOAR. It seems to me the gentleman from Pennsylvania is transgressing the rules of the House.

Mr. RANDALL. In what respect?

Mr. G. F. HOAR. In interrupting my statement.

The SPEAKER. The gentleman from Pennsylvania will hear the gentleman from Massachusetts.

Mr. G. F. HOAR. The two resolutions I reported I am directed to report by the committee and to ask they be printed and recommitted. The views I report are the views of various members of the committee who signed their views. The committee authorized them to be communicated to the House, but they do not bind as an expression of opinion anybody but the particular gentlemen who signed them. This particular paper is signed by the gentleman from New York, [Mr. WHEELER,] the gentleman from Maine, [Mr. FRYE,] and myself. The gentleman from Ohio [Mr. FOSTER] also proposes to submit another paper signed by others.

Mr. RANDALL. How many others?

Mr. G. F. HOAR. A paper containing their views.

Mr. HALE, of Maine. Is there any resolution submitted by any other members of the committee?

The SPEAKER. The Chair understands the question. All that is submitted for the action of the House comes as the recommendation of the committee. The different views in the report contain that which the House is not asked to act on at all. That on which action is asked will now be read by the Clerk.

Mr. RANDALL. Mr. Speaker, the House has to act on the resolutions, and to do so intelligently it ought to know what are the views of the majority of the committee.

The SPEAKER. They unite in recommending this report. The majority of the committee unite in recommending the reporting of these resolutions.

Mr. RANDALL. I wish to say that I did not mean to interrupt the gentleman from Massachusetts and I do not think he has a right to reflect upon me. I do not think there is any one in this House more uniform in courtesy toward other members than myself.

Mr. G. F. HOAR. There is no gentleman in this House who has a more thoroughly courteous nature than the gentleman from Pennsylvania.

Mr. RANDALL. I do not want to rest under any imputation like that made by the gentleman a moment ago.

Mr. G. F. HOAR. The gentleman interrupted a statement I was making to the Chair by an audible personal address to me out of order, and I answered a little impatiently, which I am sorry for.

Mr. RANDALL. My only object was to have the gentleman point out which is the majority report of the committee.

The SPEAKER. The Clerk will read that on which action is asked by the committee.

The Clerk read as follows:

FEBRUARY 23, 1875.

The special committee to which was referred so much of the President's message as relates to the condition of the South report the following resolutions. They further submit the views of the various members of the committee. For the committee.

GEO. F. HOAR, *Chairman*.

Whereas both branches of the Legislature of Louisiana have requested the special committee of this House to investigate the circumstances attending the election and returns thereof, in that State, for the year 1874; and whereas said committee have unanimously reported that the returning board of that State in canvassing and compiling said returns and promulgating the result wrongfully applied an erroneous rule of law, by reason whereof persons were awarded seats in the house of representatives to which they were not entitled and persons entitled to seats were deprived of them.

Resolved, That it is recommended to the House of Representatives to take immediate steps to remedy such injustice and place all persons rightfully entitled to them in their seats.

Resolved, That William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State.

Mr. POTTER. I wish to add one word. The fact is as stated by the chairman of the committee that the committee authorized its chairman to report to the House two resolutions. The first of those resolutions I believe all the members of the committee concurred in. The second resolution the three gentlemen alluded to by the chairman of the committee, together with the gentleman from Ohio, [Mr. FOSTER,] concurred in.

The report made by the chairman of the committee is a report to the committee by three gentlemen—himself, the gentleman from New York, [Mr. WHEELER,] and the gentleman from Maine, [Mr. FRYE,] and the report presented by the gentleman from Ohio [Mr. FOSTER] presents the views of the other four members of the committee. That is, of the majority of the committee, the committee consisting of seven members.

Mr. MARSHALL. Mr. Speaker, as a member of the committee I wish merely to say now before this passes from the attention of the House this morning that while I have united in the presentation of the views which have just been submitted by the gentleman from Ohio, I desire also for myself to present some additional views to be printed and recommitted. But I do not have them here this morning, and I wish to state as the reason for not being able to present them now that the evidence, that taken by the sub-committee which first visited New Orleans and that taken by the other members of the committee more recently, has not been printed. Some of it has not been written out. A portion was taken by a short-hand reporter residing in Saint Louis; the other reporter being unwell and not able to perform the duty assigned him. That portion of the evidence I believe was taken to Saint Louis and I understand has not yet reached the city of Washington. I have been unable therefore as yet to get at the language I desired to use in presenting my individual views, and I shall in a day or two ask of the House the privilege of presenting my own individual views in addition to those presented by the gentleman from Ohio [Mr. FOSTER] in which I join with him. I shall do so I think within a day or two. I suppose it might be understood this morning that I would have the right.

Mr. G. F. HOAR. I hope that right will be accorded to the gentleman.

The SPEAKER. The Chair hears no objection.

Mr. G. F. HOAR. I now ask for the reading of the entire report. But I desire to say that in order to save the time of the House, if the gentleman from Iowa [Mr. DONNAN] withdraws his objection to its being printed in the RECORD, I will not ask for the reading of it in the House.

Mr. DONNAN. I desire to say one word to explain why I object to this being printed in the RECORD. We seem to be reaching a time when almost everybody seeks to have almost everything printed in the daily RECORD. We print this report as a document and some ten thousand extra copies of it. The only excuse for having it printed in the RECORD that I can conceive is that it may meet the eyes of every member to-morrow morning. Now, it can be printed and be before us just as well in a documentary form to-morrow morning. And we will thus save encumbering the RECORD unnecessarily.

One of the most important matters, it seems to me, which this Congress or the next Congress can consider is how we can decrease the bulk of the CONGRESSIONAL RECORD. In the last session of this Congress it reached a bulk of no fewer than seven volumes; and now you are so encumbering it that it comes to us each morning with forty, sixty, or eighty pages, and it has even been in excess of that one morning last week.

As a document the usual number of copies of this report can be printed and laid on each member's desk to-morrow morning. There is therefore no necessity for publishing it in the daily RECORD, and no necessity for the gentleman from Massachusetts delaying the action of the House by insisting on the reading of the whole report that he may have it go into the RECORD.

Mr. G. F. HOAR. I appreciate the force of the gentleman's argument. But I have stated on my responsibility as a member of this House that I think all the views which have been submitted by the different gentlemen on the committee on both sides are so important, and I believe they are so regarded by the House, that this report ought to go into the record of the proceedings of the House.

Mr. HAWLEY, of Connecticut. Right.

Mr. G. F. HOAR. And I desire to inquire of the Chair whether it is not my right to ask for the reading of the report?

The SPEAKER. Undoubtedly.

Mr. G. F. HOAR. Then I have to ask the gentleman from Iowa if he will require the House to sit here for an hour to listen to that report?

Mr. DAWES. I concur with my colleague [Mr. G. F. HOAR] as to the importance of having the report printed in a permanent form in the CONGRESSIONAL RECORD, where it can be readily consulted. But I suggest that this is not a report which my colleague desires to have read. It is the views of minorities, except the report submitted by the gentleman from Ohio, [Mr. FOSTER,] It is therefore admitted *ex gratia*, and can be admitted on any terms the House may choose to fix. No member I think can insist on having the views of any minority printed in the RECORD.

Mr. G. F. HOAR. In answer to my colleague, I desire to say that the committee authorized these various reports to be made as approved of by particular members of the committee.

Mr. DAWES. That may give it a different status.

Mr. DONNAN. I desire to say a word. Inasmuch as the gentleman from Massachusetts has declared that upon his responsibility as a member of this House he will delay the action of the House a sufficient time to have this entire report read, and inasmuch as I think I have shown the House that we may just as well have this report on our desks to-morrow morning for the consideration of every member in the form of a document, saving its going into the RECORD and being multiplied in bound volumes, I propose not to have the responsibility resting upon my shoulders of delaying the action of the House when it is so near the close of the session and public business is pressing us so much.

But, inasmuch as the gentleman assumes that responsibility and insists here upon the floor that he will delay the progress of business of the House this entire day, if it shall require it, in order to have the report read and thereby go into the RECORD, I will withdraw my objection.

The SPEAKER. No further objections being made, the reports will be severally printed for the use of the House; also printed in the RECORD, and recommitted to the committee.

The following is the report submitted by Mr. FOSTER:

The undersigned, a majority of the Committee on the state of the South, respectfully report:

That they cannot agree to the report made to the committee by Messrs. HOAR, WHEELER, and FRYE.

The laws inimical to the colored people of Louisiana referred to in their report have been repealed for years. Except during the schism of Governor Warmoth, in 1872, the republican party has long had control of the machinery of the State.

The late registration shows an excess of the colored over the white voters, giving 90,781 colored to 76,823. In the absence of any direct evidence that the late election was not free and fair, the assumption by the minority that enough colored voters must therefore have been prevented from voting at the late election by the recollection of the Colfax and Coushatta killings and by other riots, which occurred years before, to have changed the result of the election throughout the State, is an assumption so violent—when it is recollected that both those parishes elected a full Kellogg ticket by republican majorities—as not to be received, if any other cause for the vote of the State can be found.

Such causes exist and are obvious. Among them are:

First. The registration was incorrect, and exceeded the true colored vote.

The registration was wholly in the hands of the Kellogg officials, with whom a republican committee, with United States Marshal Packard at their head, co-operated. In only three parishes did the republican supervisors of registration make any complaint of unfair or insufficient registration. On the other hand, very great complaint was made by the conservatives, who specified, with proof, fifty-two hundred cases of conceded false registration in New Orleans alone; and those conservatives who had been co-operating in joint party committee to secure a fair registration gave up the effort in despair.

The census of 1870 (the correctness of which is not impeached) showed 87,076 whites and 86,913 colored males over twenty-one years of age. All the statistics and evidence before us indicated no change in this proportion in favor of the colored voters. Yet the registration of colored voters exceeded by 4,000 the total number of colored adult males returned by the census, while the registration of white voters was 10,000 less.

Second. The whole number of voters registered was 167,604. Of these 146,523 voted. This is a larger proportion of registered voters than usually vote in any of the Northern States. In an agricultural State, sparsely settled, where long journeys had often to be made to reach the polls, it is unreasonable to suppose that a greater proportion of the registered blacks would have voluntarily turned out to sustain a government under which the prosperity of the State and their wages and the value of their shares of production had steadily declined than usually vote at elections.

Third. Eighteen hundred and seventy-four was a year of political change, in which the vote throughout all the States was seriously affected against the republican party—a change resulting largely from the financial distress of the people, and which should, therefore, naturally have been even greater in Louisiana than elsewhere.

Fourth. It became the interest of the conservatives, at least at the late election, not to intimidate, but to acquire by every fair means the colored vote.

Parties who were alleged to have threatened blacks even with refusal of employment, were subject to prompt arrest. It was known that pretexts would be sought to deprive the conservatives of the result if they prevailed in the election. It was therefore their interest to avoid giving any such pretexts. Accordingly they determined everywhere to co-operate with and conciliate the blacks. They voted down the propositions or suggestions which were made in the early part of the campaign for refusal to employ those colored voters who would not co-operate with them, and generally sought, by combining with colored voters, to carry the election.

Local combinations against the Kellogg candidates were made in many parishes by men of all parties and colors. In several parishes a Union ticket of colored conservative voters was voted for and elected. An intelligent colored witness testified that he "desired better government," and to that end "was willing to swallow the white men if the white men would swallow the colored." These cautions and feelings naturally united to swell the conservative vote in such localities exactly as indicated by the returns.

Fifth. The entire want of any direct evidence to show any general intimidation of the colored voters.

Of course in so large a State it would be impossible there should be no instances of refusal to employ nor of intimidation. Such occur in every State. But the evidence certainly indicates no general intimidation of colored voters, and that such intimidation as did exist in the State was rather in the interest of the republicans than of the conservatives. The United States marshals, whose chief was chairman of the republican State committee, armed in some cases by blank warrants, and aided by Federal troops, made constant arrests before election, but not afterward. The oversight of the elections and of the returns was in the hands of Governor Kellogg's officials. Their count and return did show 29 majority of members of the lower house elected by the conservatives without any protest whatever, except in three parishes, although it was their province and duty to protest in any case where violence or intimidation or fraud existed.

Indeed, the direct evidence as to the election of 1874, as well as the circumstances, clearly indicate a peaceable and fair election. In fact, after the visit of the first committee and the revisit of the special committee, the Kellogg party, with all their machinery for collecting evidence, were unable to produce in the entire State more than half a dozen persons to testify to anything impeaching the freedom and fairness of the late elections who were not office-holders or connected with office-holders.

Against such facts it seems to us idle to assume that the disturbances so vividly pictured by the minority could have kept up throughout this State such a feeling of intimidation as would justify the assumption that but for that feeling the State would have gone republican. All experience shows that the result of the election of 1874 in Louisiana, as returned to the returning board, was natural and to be only accounted for by the reasons we have given.

We hold, therefore, that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

To the resolutions reported to the House from the committee, as to the action of the returning board, we are all agreed.

We understand the committee to be unanimous in finding the fact that the action of the returning board has defeated the will of the people as expressed by them at the polls on the 3d of November, 1874. The people then elected to the lower house of their Legislature a majority of conservative members; a portion of the conservative members thus elected were refused their certificates. This is an act of great injustice to the individuals, of gravest danger to the State and free government, and ought to be immediately corrected by any power competent to correct it.

The resolution recommending the recognition of Governor Kellogg is based upon general information and not upon evidence. On this point no testimony was taken, either by the committee or any part of it. Kellogg may or may not have been elected in 1872, but there is no evidence to show the fact, or if there be, it has been neither sought nor found by this committee. Messrs. FOSTER and PHELPS think that the popular belief, taking both conservative and radical circles, inclines on the whole to justify Kellogg and Penn's claims; and that as Kellogg is and has been the acting governor of Louisiana for the past two years, to deny his right and install another in his place, after this lapse of time, might involve much mischief to the legal and political interests of the State.

To avoid the mischief and confusion of change, a majority of the citizens of Louisiana seem willing to accept as a compromise Kellogg's recognition and the restoration to the conservatives of the control of the lower house.

For these reasons Messrs. FOSTER and PHELPS do not wish to oppose the recommendation that the administration of Governor Kellogg be recognized; neither, in view of the fact that they know nothing of the merits of the case as judged by competent evidence, do they wish to be understood as urging it. They only wish to record their agreement with those of their associates who believe that such a compromise might, by making a termination of the uncertainty in Louisiana, be on the whole less intolerable than the present distress.

But to any resolution recognizing Kellogg Messrs. POTTER and MARSHALL are utterly opposed. They find nothing to justify the belief that Kellogg was elected. That he seized the government by the aid of Federal troops, through a void and fraudulent order which prevented the counting and return of the votes, should be a standing presumption against him. When the people, outraged by the abuses of his government, had successfully regained the office he had usurped, he was again reelected by Federal power. By the forms of legislation with which he had intrenched himself, he once more sought to nullify the choice of the people at the late election, and to that end called on the Federal troops to break up the meeting of a legislature.

For Congress to recognize usurpation so gross and so oppressive is, they think, to establish a precedent by which, under pretexts that can readily be found, any State government may be overthrown, the will of the people nullified, fraud and violence made permanent, and republican forms perverted to destroy liberty.

In their judgment all that is needed in Louisiana is to withdraw the Federal troops and leave the people of that State to govern themselves.

CHARLES FOSTER.
WILLIAM WALTER PHELPS.
CLARKSON N. POTTER.
SAMUEL MARSHALL.

The following was submitted by Mr. G. F. HOAR:

The special committee to whom was referred so much of the President's message as relates to the condition of the South report the following resolutions. They further submit the views of the various members of the committee.

For the committee:

GEORGE F. HOAR,
Chairman.

Whereas both branches of the Legislature of Louisiana have requested the special committee of this House to investigate the circumstances attending the election and returns thereof in that State for the year 1874; and whereas said committee have unanimously reported that the returning board of that State, in canvassing and compiling said returns and promulgating the result, wrongfully applied an erroneous rule of law, by reason whereof persons were awarded seats in the house of representatives of Louisiana to which they were not entitled and persons entitled to seats were deprived of them:

Resolved, That it is recommended to the house of representatives of Louisiana to take immediate steps to remedy said injustice and to place the persons rightfully entitled in their seats.

Resolved, That William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State.

The undersigned, a portion of the special committee to whom was referred so much of the President's message as relates to the condition of the South, respectfully report:

The matters embraced in the reference to the committee are of the most serious and important character. In several of the Southern States a condition of affairs is said to exist which not only impairs the welfare of those States, but greatly endangers the peace and safety of the whole country. It seemed specially important to investigate and report to the House the state of things in Louisiana, as all parties there are agreed, for different reasons, in demanding the immediate interposition of Congress to redress grievances of which they bitterly complain.

One party in Louisiana assert that there is a conspiracy in that State, large in numbers and strength, though a minority of the legal voters, to take possession by force and fraud of the State government; to drive out of the State all white men who will not join in their schemes or refrain from any active resistance; to deprive the negro of the political and legal rights conferred on him by the fourteenth and fifteenth amendments, and in some mode hereafter to be more fully made manifest to reduce him to such a condition of political and personal dependence upon the whites that the will of the latter shall be the law which determines his personal rights and fixes the price and condition of his labor. It is further charged that in the execution of this purpose vast numbers of murders have been committed; that the enforcement of the law has ceased over large districts; and that by terror, violence, and fraud the holding of fair and peaceable elections and fairly ascertaining the result has been rendered impossible.

The other party, denying these charges, claim that the State of Louisiana has fallen into the control of the negro population, under the lead of a few white persons, mostly adventurers from other States, who have possessed themselves of the State and local offices, which they have administered corruptly and wastefully for their personal gain, wasting the public revenues until taxes have become an intolerable burden and the commerce of the State almost destroyed; that the people of the State have twice fairly elected other officers; but that the popular will has been frustrated by fraud, which would have been ineffective but for the forcible interference of the National Government. They claim that whatever violence has been used on their side is but the natural action of freemen endeavoring to assert their political rights, or at least is to be pardoned to men smarting under a sense of wrong and tyranny.

Both sides agree that the party who do not now hold the State government of Louisiana are physically the strongest. It is only the National Government that keeps in place for an hour the governor, the Legislature, a large portion of the local officers (and perhaps the judiciary) of Louisiana. Their opponents are prepared and able to take possession of the State government at once, whenever the National Government will not interfere. It is further claimed that a condition not unlike that of Louisiana exists in several other Southern States.

In our judgment this condition of things is fraught with the gravest peril to the whole country. That the people of any State should be unwilling or unable to determine by peaceful and legal means the result of their elections, and that the President should be compelled to interpose the military force of the Government to prevent civil war, is itself a terrible misfortune. But the evil goes much further. Upon the elections in Louisiana, as in other States, depends the right to their seat of Senators and Representatives who are to aid in making laws for the whole country, and the choice of presidential electors, upon whose vote may depend the title to office of the President of the United States himself.

No party in the United States will like to submit to a result decided by the votes of electors chosen by such means. Each party will be likely to credit charges of fraud and violence made against its opponent, and to discredit like charges made against its own side. There is, in our judgment, the greatest danger that these elements may enter into the next national election to so great an extent that it may leave the real expression of the will of the people in doubt. In such case an appeal to force, like that which has been made in Louisiana, must result in civil war, spreading throughout the entire country.

That this result is desired and expected by some persons who are largely responsible for the troubles in Louisiana, we have great reason to believe. We append an article published in the New Orleans Bulletin of February 6, 1875, which exhibits the purposes of the contributors of that journal, and, we fear, faithfully reflects the views of many men who are active and influential in the State of Louisiana.

The committee have had access to the reports made and evidence taken by various committees of one or the other of the two Houses of Congress since the close of the war, and have taken into consideration well known and uncontested facts in the recent history of the country. A sub-committee visited the State of Louisiana, where they took oral and documentary evidence, reporting their conclusions in writing. Afterward the whole committee determined to proceed to Louisiana to make fuller investigation, which purpose they have executed, a quorum being in attendance during their entire stay. In discharging their delicate and responsible duties they have been deeply impressed with the importance of the questions which they had to consider to the people of Louisiana and to the whole country, and have endeavored to approach them without partisan bias.

The question with which the American people have to deal will be best understood not by fixing the attention upon the details of particular acts of outrage on the one side, or of special and extraordinary exertions of national power to prevent them on the other, both calculated to stir deeply the feelings of large masses of the people, but by a dispassionate consideration of the indisputable facts of history.

The people of the States which engaged in the rebellion were composed in large part of two classes—a dominant race of slave-holders and those who approved and sustained slavery, and a subject race of slaves.

Each of these classes possessed the virtues and the faults which might be expected from its condition. The dominant class were unsurpassed among the nations of the earth in courage, spirit, hospitality, and generosity to their equals. They were apt to command and apt to succeed. Constantly on the look-out for the dangers which attended the presence in their community of a large servile class, they acquired the habit of acting in concert in all matters which concerned their class interests. They were able politicians. With the love and habit of truth which becomes brave men in all common concerns, they were subtle and skillful diplomats when diplomacy was needed to accomplish any political end. Their whole society could unite as one man in attempting to create an impression which it was their interest to give, and to stifle all expressions of dissent. On the other hand, they were domineering, impetuous, impatient of restraint, unwilling to submit to any government which they did not themselves control, easily roused to fierce anger, and when so roused, both as individuals and as masses, cruel and without scruple. They never had learned to respect human rights, as such, or to tolerate the free expression of opinions which differed from their own, or to see dignity in manhood beyond their own class. It was such a people that engaged in the rebellion, and such a people who were required to live under a new order of things to which they had been led not by change of character or opinion, but by mere force of arms.

They had submitted to the national authority, not because they would, but because they must. They had abandoned the doctrine of State sovereignty which they had claimed made their duty to their States paramount to that due to the nation in case of conflict, not because they would, but because they must. They had submitted to the constitutional amendments which rendered their former slaves their equals in all political rights, not because they would, but because they must. The passions which led to the war, the passions which the war excited, were left untamed and unchecked, except so far as their exhibition was restrained by the arm of power.

On the other hand, the negro was, in his ordinary condition, gentle, patient, docile, affectionate, and grateful. His confidence was easily won. The fear of the whites and habit of submission had been implanted in him by ages of slavery. The virtues of frugality, of honesty, of respect for justice either in private or public concerns, had never been exhibited toward him by his superiors, and he was not likely to be an example of them in himself, or to be very exacting in demanding them in those whom he regarded as his friends.

It was to these two classes, varying in numbers, in the various Southern States, just about equal in the State of Louisiana, that the experiment of republican government was intrusted on their readmission to the Union at the close of the war.

To these were added a small number of persons who had, in the exercise of their undoubted privilege as American citizens, moved into the South from other States. The whole spirit and policy of American institutions has been to encourage immigration in the fullest and freest manner. In all our States the native of foreign countries is not only welcomed and attracted by all possible inducements to take up his residence, but he is in a brief time clothed with citizenship and awarded quite his full share of political influence and consideration. But the citizen from the North who moved into the South was quite commonly opposed in opinion to the old residents on public questions. This opposition made him the natural ally, and his superior education made him the leader of the colored population. It was only to be expected, unless the nature of man were in this case to be thoroughly changed, that he should be regarded by the native white citizen of the South with distrust and dislike, especially as he came into their State for the purpose of engaging in politics, or held high State or national office without the consent of the white inhabitants.

A still greater difficulty attended the problem. In every northern State the people had founded their institutions upon the theory that universal suffrage and universal education are inseparable. In some form of statement this axiom is declared in the constitution or laws of all of them. It has become a maxim too trite and familiar for repetition. No considerable number of American citizens of northern birth could be found who would not agree that their own institutions would have proved a disgraceful and disastrous failure but for the common school. Yet the representatives of these same States, while imposing by national authority universal suffrage upon communities to all whose previous opinions and habits it was totally alien, made no provision for securing to the freedmen the defense of education. Of the number of males over twenty-one in the State of Louisiana in 1870, there were by the census, white 87,066, colored 87,121; total, 174,187. Of the whole colored population over twenty-one there were 157,049 who could not read and write. If half these were females, we have of colored voters who are reported as illiterate 78,524 out of 87,121.

These masses of illiterate voters must of necessity to a very large extent be instruments in the hands of others, who can influence their passions or excite their fears.

This condition has not improved since 1870. There is reason to believe that the illiteracy of the colored people is diminishing and that of the whites increasing; but the whole condition is not much, if any, improved. The total number of children in Louisiana between six and twenty-one years in 1874 is estimated by the State superintendent of schools at 280,357. The number of children enrolled in the public schools in 1874 is 74,309. The report of the State superintendent at the beginning of the last year shows an improvement in the educational condition of the State over the two or three previous years, but yet exhibits a sad array of facts. In some parishes there are no public schools; in others there are scarcely any. The enrollment above reported is a mere shell in many parishes, indicating an attendance of only a few weeks at school.

With these elements a great part of the political history of Louisiana for the past ten years might have been predicted by the most ordinary intelligence. Some of the occurrences which we are constrained to report are of a nature so cruel and barbarous as to excite astonishment in any people making the least pretense to civilization. But bloodshed, lawlessness, attempts by minorities to gain political power by force, delusions inflaming great bodies of people, unrelenting hatred of opponents, and the use of these as instruments by designing and unprincipled leaders—all these things were almost inevitable. We find them existing to an extent which has almost overthrown republican government in one State, and if not checked are a dangerous menace to the peace of the whole country.

On the other hand, the interference of national authority, even where that was imperatively required by the Constitution and laws of the United States, and the expression of public sentiment at the North, did not tend toward a cure of the trouble. Our institutions and all the habits of our people are founded upon the principle of local self-government. The institutions of this country imply, for their successful and harmonious working, that in every village throughout the whole country any twelve men placed upon a jury by lot will decide all causes, civil and criminal, according to the law and the fact; and that every small local organization, ward, township, or parish, will elect local officers who will honestly and truly declare the result of all popular elections so far as their jurisdiction extends, and the whole body of members returned to any Legislative Assembly will honestly and fairly determine the right of every person claiming membership therein, as the question arises in each individual case. Whenever this presumption fails to be true, so far local self-government fails. In such cases the Constitution furnishes machinery by which the National Government may interfere for the protection of the rights of the people. But this machinery has been seldom used; it is clumsy and difficult of management, and always tends to excite and alarm the whole people.

Whenever there is interposition of the National Government, either to guarantee republican government menaced in any State, to repress civil disorder on application of the State authority, to secure freedom of election, or the rights declared by the constitutional amendments, the political party in power in the National Government is, of course, properly held responsible. The party in opposition makes these exertions of power the especial points of its attack, and are disposed to deny or distort the occurrences that give rise to them.

The party in opposition is tempted to make the cause of those who are encountering the administration its own. Whether arrayed under the same party name or not, it looks for their votes in aiding it to displace its political opponents. It is thus naturally led to excuse or to deny all the facts on which the administration rests its justification for its extraordinary exercise of power. The supporters of the administration, on the other hand, are tempted to extenuate or overlook whatever may be wrong in the conduct of the State governments administered by their own political friends. So that the public sentiment of the rest of the country stimulates and aggravates the evil which it has so deep an interest to cure.

The committee have taken much evidence as to the opinion and purposes of the people of Louisiana, the history and conduct of her State administration, the acts of the local and State officials whose duty it was to conduct the late election and ascertain and declare the result, and upon the crimes and outrages which are said to have interfered with the freedom and fairness of the election. A great deal of this testimony is conflicting. We are aided in determining the probability of the story on each side by a recurrence to the previous history of the State.

After the war closed the whites of Louisiana were permitted to elect a Legislature, which sat during the years 1865, 1866, and 1867. They enacted a series of laws which must have been designed to restore the negro to a State of practical servitude. Statute of 1865, chapter 10, provides that under penalty of fine or imprisonment no person shall carry fire-arms on to the premises or plantation of any citizen without the consent of the owner, thus depriving the great mass of the colored laborers of the State of the right to keep and bear arms, always zealously prized and guarded by his white employers.

Statute 1865, chapter 11, punishes by fine and imprisonment the entering upon any plantation without the permission of the owner, thus preventing any person from seeking any intercourse with the negro for the purpose of giving political or other information except such as his master should approve.

Statute 1865, chapter 12, authorizes any justice of the peace, on complaint that any person is a vagrant, on summary process to require such person to give bond for his good behavior and future industry for the period of one year. On failing to give such bond, the justice shall issue his warrant to the sheriff to hire out such person for the term of twelve months, under such regulations as may be made by the municipal authorities: *Provided, That if the accused be a person who has abandoned his employer before his contract expired, the preference shall be given to such employer*

of hiring the accused. Thus putting it into the power of any local magistrate, on summary process, to remand the laborer to a condition of practical slavery.

Statute of 1865, chapter 16, enacts that any person who shall persuade or entice away, feed, harbor, or secrete any person who leaves his employer without permission, shall be subject to a fine of not more than \$500 or imprisonment of not more than twelve months, or both. Thus no laborer can leave his employer without leave without becoming an outcast, to whom food and shelter must be denied by all mankind.

Statute of 1865, chapter 20, imposes fine and imprisonment on any person who employs any laborer already under contract to another.

Statutes of 1867 authorized the imposition of a poll-tax for highway purposes to the amount of fifteen dollars. Under this law it would be possible to raise the sum of \$2,612,000 in the State in a single year, which should be divided *per capita* among the males over twenty-one, rich and poor paying the same sum. These laws perished with the overthrow of the government which enacted them, in 1867.

In 1864 a convention was held which framed the constitution of the State. It adjourned subject to the call of its president. In 1866 it was summoned to meet again in New Orleans, to consider some proposed amendments to the constitution, which had gone into effect. It was claimed that by the adoption of the constitution its functions were exhausted, and that its future assembling could have no official character. If this were true it would seem to have been harmless.

Its members were unarmed and unprepared for resistance. This body was set upon in the hall where it assembled by a mob consisting of citizens and policemen of New Orleans. In the language of the report of the congressional committee of the House of 1866, who fully investigated the whole transaction, "There has been no occasion in our national history when a riot has occurred so destitute of justifiable cause, resulting in a massacre so inhuman and fiendlike. The massacre was begun and finished at midday. An intention to disperse and slaughter the members of the convention and those persons, white and black, who were present and friendly to its purposes, was mercilessly carried into full effect." The police were active on the side of the rioters. Two hundred and sixty persons were killed. The report proceeds:

"The committee examined seventy-four persons as to the facts of violence and bloodshed upon that day. It is in evidence that men who were in the hall, terrified by the merciless attacks of the armed police, sought safety by jumping from the windows, a distance of twenty feet, to the ground, and as they jumped were shot by police or citizens. Some, disfigured by wounds, fought their way down stairs to the street, to be shot or beaten to death on the pavement. Colored persons at distant points in the city, peaceably pursuing their lawful business, were attacked by the police, shot, and cruelly beaten. Men of character and position, some of whom were members and some spectators of the convention, escaped from the hall covered with wounds and blood, and were preserved almost by miracle from death. Scores of colored citizens bear frightful scars more numerous than many soldiers of a dozen well-fought fields can show, proofs of fearful danger and strange escape. Men were shot while waving handkerchiefs in token of surrender and submission. White men and black, with arms uplifted praying for life, were answered by shot and blow from knife and club; the bodies of some were 'pounded to a jelly'; a colored man was dragged from under a street-crossing and killed at a blow; men concealed in outhouses and among piles of lumber were eagerly sought for and slaughtered or maimed without remorse; the dead bodies upon the street were violated by shot, kick, and stab; the face of a man 'just breathing his last' was gashed by a knife or razor in the hands of a woman; an old, gray-haired man, peaceably walking the street at a distance from the institute, was shot through the head; negroes were taken out of their houses and shot; a policeman riding in a buggy deliberately fired his revolver from the carriage into a crowd of colored men; a colored man two miles away from the convention hall was taken from his shop by the police, at about four o'clock on the afternoon of the riot, and shot and wounded in side, hip, and back. One man was wounded by fourteen blows, shots, and stabs; the body of another received seven pistol balls. After the slaughter had measurably ceased, carts, wagons, and drays, driven through the streets, gathered the dead, the dying, and the wounded in 'promiscuous loads,' a policeman, in some cases, riding in the wagon, seated upon the living men beneath him. The wounded men, taken at first to the station-house or lock-up, were all afterward carried to the hospital. While at the station-houses, until friends found them with medical aid, they were left to suffer; when at the hospital they were attended to with care and skill. But this was done at no cost to the city or to the State."

Without asking permission, so far as the committee learned, those wounded men were carried to the hospital under the care of the Freedmen's Bureau, and shelter, surgical treatment, and food were furnished at the cost of the United States.

In the year 1868, the year of the presidential election, occurred six bloody and terrible massacres: the Bossier Parish massacre, the Saint Landry massacre, the Orleans, the Caddo, the Jefferson, and the Saint Bernard. The following summary of testimony will be found in Mr. Poland's report, Forty-second Congress, second session, report No. 22, pages 21, 22.

The testimony shows that over two thousand persons were killed, wounded, and otherwise injured in that State within a few weeks prior to the presidential election; that half the State was overrun by violence; midnight raids, secret murders, and open riot kept the people in constant terror until the republicans surrendered all claims, and then the election was carried by the democracy. The parish of Orleans contained 29,910 voters, 15,020 black. In the spring of 1868 that parish gave 13,973 republican votes; in the fall of 1868 it gave Grant 1,178, a falling off of 12,795 votes. Riots prevailed for weeks, sweeping the city of New Orleans and filling it with scenes of blood, and Ku-Klux notices were scattered through the city warning the colored men not to vote. In Caddo there were 2,987 republicans. In the spring of 1868 they carried the parish. In the fall they gave Grant 1 vote. Here also were bloody riots. But the most remarkable case is that of Saint Landry, a planting parish on the river Teche. Here the republicans had a registered majority of 1,071 votes. In the spring of 1868 they carried the parish by 678. In the fall they gave Grant no vote—not one—while the democrats cast 4,787, the full vote of the parish, for Seymour and Blair.

Here occurred one of the bloodiest riots on record, in which the Ku-Klux killed and wounded over two hundred republicans, hunting and chasing them for two days and nights through fields and swamps. Thirteen captives were taken from the jail and shot. A pile of twenty-five dead bodies were found half buried in the woods. Having conquered the republicans, killed and driven off the white leaders, the Ku-Klux captured the masses, marked them with badges of red flannel, enrolled them in clubs, led them to the polls, made them vote the democratic ticket, and then gave them certificates of the fact.

In the year 1873 occurred the transaction known as the Colfax massacre, to which the committee directed special attention. They had before them all the evidence on the trial of Cruikshank and others in the circuit court of the United States for conspiracy and murder, and the charge of the judge. They also called the district attorney and Mr. Marr, the counsel who defended the prisoners, who made full statements of the case as they claimed it to be. It seems to us there is no doubt as to the truth of the following narrative: In March, 1873, Nash and Cagaburt claimed to be judge and sheriff of Grant Parish under commissions from Governor Warmoth. After Governor Kellogg succeeded Warmoth their friends applied to him to renew their commissions. He refused, and commissioned Shaw as sheriff, and Register as judge. They went to the court-house, which they found locked, and Shaw and the other parish officers entered it through the window. Six days after, hearing rumors of an armed invasion of the town to retake the court-house, Shaw deputized, in writing, from fifteen to eighteen men, mostly negroes, to assist as his posse in holding the court-house and keeping the peace. The next day,

April 1, a company of from nine to fifteen mounted men, headed by one Hudnet, came into Colfax, some of them armed with guns; and on the same day one or two other small armed squads also came into town. This day no collision occurred.

April 2, a small body of armed white men rode into the town, and were met by a body of armed men, mostly colored, and exchanged shots, but no one was hurt.

These proceedings alarmed the colored people, and many of them, with their women and children, came to Colfax for refuge, perhaps a majority of the men being armed.

April 5, a band of armed whites went to the house of Jesse M. Kinney, a colored man, three miles from Colfax, and found him quietly engaged in making a fence. They shot him through the head and killed him. This seems to have been an unprovoked, wanton, and deliberate murder. This aroused the terror of the colored people. Rumors were also spread of threats made by them against the whites.

April 7, the court was opened and adjourned. The alarm somewhat subsided, and many colored people returned to their homes, the others maintaining their possession of the court-house, the whites maintaining an armed organization outside the town.

April 12 the colored men threw up a small earth-work near the court-house.

Easter Sunday, April 13, a large body of whites rode into the town and demanded of the colored men that they should give up their arms and yield possession of the court-house. This demand not being yielded to, thirty minutes were given them to remove their women and children. The negroes took refuge behind their earth-work, from which they were driven by an enflaming fire from a cannon which the whites had. Part of them fled for refuge to the court-house, which was a one-story brick building, which had formerly been a stable. The rest, leaving their arms, fled down the river to a strip of woods, where they were pursued, and many of them overtaken and shot to death.

About sixty or seventy got into the court-house. After some ineffectual firing on each side the roof of the building was set fire to. When the roof was burning over their heads the negroes held out the sleeve of a shirt and the leaf of a book as flags of truce. They were ordered to drop their arms. A number of them rushed out unarmed from the blazing building, were met by a volley, and a number killed and wounded, others were captured. Fifteen of the blacks crept under the floor of the burning building, but were all captured. The number taken prisoners was about thirty-seven. They were kept till dark, when they were led out two by two, each with a rank of mounted whites behind them, being told that they were to be taken a short distance and set at liberty. When all the ranks had been formed the word was given, and the negroes were all shot. A few who were wounded, but not mortally, escaped by feigning death.

The bodies remained unburied till the next Tuesday, when they were buried by a deputy marshal from New Orleans. Fifty-nine dead bodies were found. They showed pistol-shot wounds—the great majority of them in the head, and most of them in the back of the head.

Two white men only were killed in this whole transaction, Hodnet, the leader, and one Harris. It is pretended, and this pretense is used to give some palliation for the crime, that these men were bearing a flag of truce from the besiegers, and were shot from within the court-house. But among all the witnesses examined there was but one who pretended to have seen any flag of truce in their hands; he was twelve to fifteen hundred feet off across the river. His evidence hardly bears that construction as will be seen by referring to it. On the other hand, Hodnet was killed by a bullet which entered the back of his neck, and Harris by one that entered at the side. To believe this claim would require us to find that the negroes who, so far in the fight had been unable to harm a single one of their adversaries pent up in the building to which they had fled for refuge, with the roof blazing over their heads, compelled to choose between death by fire and the tender mercies of the foe, fired on the men who were bringing them offers of quarter, and that they were carrying the flag backward. No; this deed was without palliation or justification; it was deliberate, barbarous, cold-blooded murder. It must stand, like the massacre of Glencoe or of Saint Bartholomew, a foul blot on the page of history.

Spread over all these years are a large number of murders and other acts of violence done for political ends. In reply to an inquiry of the committee, General Sheridan, who is gathering careful statistics of the number of persons killed and wounded in Louisiana up to February 8, 1875, since 1866, on account of their political opinions, reports the number so far ascertained to be as follows:

Killed.....	2,141
Wounded.....	2,115
Total.....	4,256

Much evidence was taken by the committee from persons of both political parties in regard to this matter. Lists of homicides in different parishes were produced before the committee by persons familiar with the localities. On one side it was denied that these grew to any great extent out of politics. On the other, statements were made which would tend to show that the murders reported to General Sheridan fell far short of the truth.

But the statements on both sides left it beyond dispute that murders were events of the most ordinary occurrence, so as hardly to make an impression on the memory of intelligent men in whose neighborhood they occurred; and this not only in cities, but in rural communities; that there existed throughout a great part of the State an intense degree of political heat and hatred; that as a rule homicide, murder, and assault with intent to kill went without legal punishment; that the white men generally went armed. Under all the circumstances we do not doubt the substantial truth of General Sheridan's statement.

We have recapitulated these events which took place before the campaign of 1874, not because we desire to keep alive their painful and odious memory, but because it is absolutely necessary to do so to interpret the events of that campaign. In determining whether the negro voter was intimidated in 1874 to an extent which seriously affected the result of the election, we cannot agree with those who think no evidence should be weighed but that of matters since September of that year, and who deem it of no consequence that two thousand political murders had been committed and the murderers were at large. In determining whether the Coushatta and other like deeds were the outbreaks of freemen smarting under a sense of oppression and were enacted for the purpose of establishing a minority in power by the strong hand, it is of some consequence to know whether the same men did the same thing before the matters of which they complain as invasions of their own rights took place. In deciding whether their assertions are true, that they desire that the negro shall enjoy all his constitutional rights to freedom, to the suffrage, to equality before the law, it is important to know whether they tried to wrest them from him on the last occasion when they had undisputed legislative sway.

We now come to the events of 1874. The campaign was inaugurated by the formation of a party designed to divide the people of Louisiana on the line of race. Its convention at Baton Rouge begins its address, "We, the white men of Louisiana." This party assumed various names in various localities, almost always indicating a purpose to make the race issue distinct.

Agreements were entered into in various parishes, signed by hundreds of planters, to employ no laborer who did not vote their ticket. Handbills like the following were circulated in French and English:

"*Louisianais: Pour sauver votre patrie, il faut renvoyer les nègres. (Par la faim, animal le plus féroce est dompté.)*"

"*Louisianians: To save your country, do not employ the negro. Wild beasts can only be tamed by hunger.*"

After the White League rising of September 14, 1874, an account of which is given hereafter, risings took place in many parishes. The Kellogg officers were

driven from power and compelled to fly for their lives. After the re-establishment of the Kellogg government, in some cases the officers were not permitted to resume their functions.

The speeches at public meetings and leading articles in the press urged the people to deeds of violence. We submit a collection of extracts taken from many leading and influential journals published in various parts of the State. We have not space to make extracts from them in this report. They are enough of themselves to establish its conclusions as to the purposes and conduct of the leaders of the white men's party in the campaign of 1874.

It is impossible to state in the space which this report can properly cover the details of the deeds of lawless violence which were proved before the committee. In many parishes the legal officers were driven out by force. Republicans were murdered or compelled to fly for their lives. Whatever the pretext, the real offense was their political opinions.

Ruford Blunt, State senator, an eminent and influential colored preacher in the Baptist Church, whose efforts to establish schools in the parish are highly spoken of in the report of the State superintendent of education, was compelled to promise to give up all politics, and afterward to fly for his life.

Allen Greene, a State senator, a native of Georgia, who had lived in the State for many years, had established in the parish of Lincoln a tannery and shoe manufactory. Hides and bark were produced in abundance in the neighborhood. Mr. Greene had furnished machinery which required the employment of skilled labor, and had introduced about eighty workmen from New England, to whom he paid an average of thirty dollars per month, making a pay-roll of \$2,500 per month to be expended in the town. In May, 1874, Mr. Greene was required to resign his office, with threats against his life. His workmen were so disturbed by the condition of things that they refused to remain, and a new body who had been engaged in Massachusetts, hearing of the rising of September 14, refused to keep their engagements. Thus the people of the parish of Lincoln prefer to send their hides half way across the continent, have them tanned and manufactured into boots and shoes in Massachusetts by workmen to whom the flour, sugar, rice, and cotton are in like manner conveyed, and then brought back to Louisiana in the form of boots and shoes, and to pay tribute to the manufacturer in Massachusetts, to the carrier and commission merchant, rather than to allow manufactures to be carried on in their own State by men who may be allowed the free expression of their political opinions.

The story of Judge Myers.

H. C. Myers resides in the parish of Natchitoches, about five hundred miles above the city of New Orleans, on Red River; has lived there eighteen years. His wife and their six children were born there. For several years he was register of the United States land office for the northwestern district of Louisiana; was elected parish judge in 1870 and 1872, which position he held until February, 1874, when he was appointed judge of the seventeenth judicial district of that State, comprising the parishes of Natchitoches, Sabine, De Soto, and Red River. He appears to be a man of good education, of culture, of refined speech and manners; and your committee fail to see that any charges of mal or misfeasance in office was at all sustained. Early in the spring of 1874 there were nursed and assiduously cultivated in that parish fierce and clamorous political antagonisms. The White League was organized; the removal of all republican office-holders determined upon; and, as has been well said of another locality, "the air was full of assassination." In May notices were posted in conspicuous places, as follows:

"K. K. K.

"Boulet, Myers, and all other radicals in this parish. Your fate is sealed. Nothing but your blood will appease us. The people of Natchitoches, Sabine, Winn, De Soto, Rapides, Red River, Bienville, Claiborne, Jackson, and Caddo are ready at a moment's notice, and will exterminate all radicals."

About this time Judge Myers was warned that his life would be forfeited if he remained another day at his home. His wife, two of his children, and his aged father were sick, one of the children and the father hopelessly, so says the judge, "Quite sick, my little child dying, my aged father, at the other end of the town, also dying, I kissed my little baby, placed it in the care of its weary mother and the Almighty; I left my home, not daring even to visit my father."

The judge and Judge Boncet fled in the night-time by circuitous paths, without even a change of clothing, lest it might lead to suspicion, and finally arrived at New Orleans. From that day to now he has never ventured to his home and dares not do so. In less than a week after he left the babe died, and the father too. "And," says the wife in her testimony, "I was left alone with my sick and dying children. None of my neighbors came to my assistance. My child died. I sent to the tomb-builder to make its little tomb, and he being a democrat refused to do it." From the testimony of the judge and his wife, and incidentally of others, your committee are compelled to believe this a true story.

We were anxious to obtain the facts in the terrible tragedy of Coushatta, and were able to do so from several witnesses, but principally from Mr. Twitchell, a brother of one of the victims, and from Mr. Abney, a merchant of that town, whose reluctant admissions, under a rigid cross-examination, satisfied us was the chief conspirator. This is the fearful story, proven to our satisfaction.

The Twitchell brothers, from New Hampshire, both young and active men of business, one a man some time married, the other but a short time before his death, with five or six other men from the North with their families, settled in this little town, bringing with them earnestness of purpose, integrity, economy, and habits of industry. The reasonably expected results followed; the hamlet grew into a prosperous and flourishing New England village, with its saw and grist mills, its factory, its stores and store-houses, its pleasant white-painted houses with their lawns and gardens, its churches and school-houses. Business flourished. About twelve hundred colored men were gathered into the village. Their labor was in demand, their wages good, and promptly paid. Their children eagerly availed themselves of the school privileges abundantly afforded. The colored voters finding that these men never betrayed their confidence, but in all things were aiding them, elected them to the several parish offices; and they, thus elected, from a sense of duty, honestly and faithfully administered the same. Everything in the village was prosperous, peaceable, and happy. But there was there a small party of white conservatives, headed by Mr. Abney, who determined to rule, who acknowledged no right to the black man but that of service, who had no feeling toward their white neighbors recognizing in the black a citizen other than intense jealousy and hatred. The usual result followed.

August 25, 1874, these officers were waited upon and ordered to resign; they declined; then they were informed that death alone was the alternative. Knowing that the inexorable decree had gone forth, that nothing, neither service to the town, to the State, to their neighbors, nor the faithful performance of duty, nor virtue, nor integrity, nor prayers of themselves, of wives, of little children could save, they besought their cruel neighbors to send them in safety out of the State, promising never to return. An escort was raised by this man Abney of twenty mounted men, the prisoners taking all their ready money, about \$2,000, placed themselves in the hands of the guards. Abney issued military orders to what he called political clubs, but we believe white-leaguers, along the route, to furnish aid, supplies, &c. The march was commenced, and within thirty miles of their homes these prisoners were all murdered, terribly mutilated, buried, and no father, widow, brother, or son was permitted even to visit their graves until the bodies were decomposed. None of the white men's party have ever sought the murderers; no pursuit has ever been made, no inquiries ever set on foot by them. A man riding one of the horses of one of the dead men has been seen in the parish, but no one arrested his course or asked him about the bloody deed. No republican, white or black, has dared to commence proceedings. Abney was arrested and admitted to

bail in a small sum, and with impunity insults the majesty of outraged law by boldly appearing as a witness before this committee. More, he was introduced by the conservatives to the witness-stand with a flourish of trumpets as a leading merchant of that section of the State. A brief extract from his cross-examination will indicate his connection with the crime.

Mr. FRYE. Was there not one other officer at that time requested to resign?

Mr. ABNEY. Yes.

Mr. FRYE. What was his name?

Mr. ABNEY. Scott.

Mr. FRYE. Was he killed?

Mr. ABNEY. No.

Mr. FRYE. Did he go with your guard?

Mr. ABNEY. No.

Mr. FRYE. Why not?

Mr. ABNEY. I wouldn't let him; I compelled him to remain behind.

Mr. FRYE. Was he a master mason?

Mr. ABNEY. Yes.

Mr. FRYE. Were you a master mason?

Mr. ABNEY. Yes.

Mr. FRYE. Were any others of the persons masons?

Mr. ABNEY. I did not know that they were.

Now, against those murdered men no crime was charged, no dishonesty alleged, no malfeasance of office proved. Abney alone said they had cheated in certain contracts, but your committee gave no credit whatever to his testimony.

Thus by the murderous hands of neighbors, of men who pride themselves upon their position in society, of those who had never received from the victims other than kindness, were these men deliberately slain; and there is practically no law in Louisiana to bring them to punishment.

WHITE LEAGUE.

The White League is an organization which exists in New Orleans, and contains at least from twenty-five hundred to three thousand members, armed, drilled, and officered as a military organization. Organizations bearing the same name extend throughout many parts of the State. It was pretended that this organization in the city was simply as a volunteer police force, the regular police being inefficient; that it has no connection with associations of the same name in other parts of the State, and that these latter are large political clubs without military organization or arms. A brief examination and a brief cross-examination effectually dispelled this pretension. Several of its members and officers were examined before the committee. So far as was shown this organization in no single instance performed police functions. Its organization, equipment, drill, and discipline were wholly military. Its name was not appropriate to a volunteer police, but was appropriate to an association designed to put the whites of the State into power by force. It had cannon. On the 14th of September, 1874, it rose upon and attacked the police of the city, the pretext of the attack being the seizure of arms which it had imported from the North, and having defeated them with considerable slaughter, it took possession of the State-house, overthrew the State government, and installed a new governor in office, and kept him in power until the United States interfered. This rising was planned beforehand. Its commanding officer, Ogden, published an elaborate and pompous report of his military movements, in which he expresses his thanks to his aids and other officers for their important and valuable services before and during the day of action. In other parts of the State organizations under the same name existed, and we have no doubt their purposes and methods were also identical. In one parish their meetings were called by notices, headed "Attention, White League," and signed by an officer in his military capacity. Abney, the leader of the band at Coushatta, when he sent off the republican prisoners under a guard, gave a military order for supplies and guard to the highest officer of a club in another town, on obedience to which, if his story were true, the safety of the lives of the prisoners depended. Yet he professed to have no other power than that of president of an ordinary democratic club addressing the president of a subordinate or branch club of the same organization.

The White League of New Orleans itself was and is a constant menace to the republicans of the whole State. Its commander can in a few hours place bodies of men, armed and drilled, in any of the near parishes, or those on the coast, or into Mississippi, Alabama, or Texas. It doubtless contains many persons of property and influence. It also contains many persons of very different character. It would be desirous and able to overthrow the State government at any time, if not prevented by the power of the United States. They still retain more than one thousand stand of arms, taken from the State on September 14, and never returned.

We cannot doubt that the effect of all these things was to prevent a full, free, and fair election, and to intimidate the colored voters and the white republicans. The very formation of a white man's party was a menace of terrible import to those who remembered Colfax and Bossier and the convention. The press was filled with threats of violence. The agreement to discharge laborers, the suggestion that wild beasts are tamed by hunger, was evidence of the same spirit. The overthrow of the State government by the White League on the 14th of September, the turning out large numbers of parish officials in the country, compelling them to flee for their lives; the fearful lesson of Coushatta, the formation, arming, and drilling of the White League, the natural successors of the Knights of the White Camellia—these things in a community where there is no legal punishment for political murder must, in the nature of things, have filled with terror a people timid and gentle like the colored population of Louisiana, even if we had not taken abundant evidence as to special acts of violence and crime and their effects on particular neighborhoods.

Mr. Moncure, the conservative candidate for State treasurer, claims a majority in the whole State of about 5,000. A far greater number of republicans than enough to overcome this majority must have been prevented from registration or driven by terror from the polls.

In view of these facts, we do not hesitate to find that the election of 1874 was neither full, free, nor fair; that in large portions of the State the usual means of instructing and persuading the people, of organizing and conducting a campaign, could not be carried on by republicans without danger to their lives; and that many more voters than were needed to give the republican party a complete victory were prevented from voting at all or coerced into voting the white man's ticket.

It was to declare the result of such an election that the returning board met at New Orleans in 1874. In expressing our dissent from the view they took of their own powers and duties, and our emphatic disapprobation of their proceedings, we desire to state as emphatically our unwillingness to do them any injustice, and our full appreciation of all the considerations which may tend to palliate their conduct. Several of them have held high position. Governor Wells, the president, had been a large and wealthy planter before the war, had remained loyal through the rebellion, had been true to the flag of his country when driven to the swamps and hunted with dogs. Such a record entitles him to our warmest sympathy and respect.

But we must declare the law and the fact as we find it.

The Louisiana election laws provide the following machinery for elections:

First. A registration of the voters, to be completed ten days before the election, by a supervisor to be appointed in each parish by the governor.

Second. The fixing in each parish suitable polling places by a police jury chosen by the people of the parish.

Third. Three commissioners of elections, appointed by the police juries, to preside at each poll.

Fourth. A returning board of five persons appointed by the governor, to whom the returns from the whole State are made by the local officers, and who are to canvass and compile them and promulgate the result.

Section 44, statute 1872, provides for the organization of the Legislature, as follows:

[Extract.]

"SEC. 44. *Be it further enacted, &c.*, That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of the said clerk and secretary to place the names of the representatives and senators-elect so furnished upon the roll of the house and of the senate, respectively; and those representatives and senators whose names are so placed by the clerk and secretary, respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate. Nothing in this act shall be construed to conflict with article 34 of the constitution of the State."

The authority given to this board is only to canvass and compile the returns, making two copies, and "of one copy of which they are to make public proclamation, declaring the names of all persons voted for, the number of votes for each, and the names of the persons who have been duly and lawfully elected."

Sections 3 and 26 are as follows:

"SEC. 3. *Be it further enacted, &c.*, That in such canvass and compilation the returning officers shall observe the following order: They shall compile first the statements from all polls or voting places at which there shall have been a fair, free, and peaceable registration and election. Whenever, from any poll or voting place, there shall be received the statement of any supervisor of registration or commissioner of election, in form as required by section 26 of this act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, which prevented or tended to prevent a fair, free, and peaceable vote of all qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count, or compile the statement of votes from such poll or voting place until the statements from all other polls or voting places shall have been canvassed and compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll or voting place; and if from the evidence of such statement they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the result of the election, then, and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If, after such examination, the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of the qualified electors thereat from registering and voting to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting place, but shall exclude it from their returns: *Provided*, That any person interested in said election by reason of being a candidate for office shall be allowed a hearing before said returning officers upon making application within the time allowed for the forwarding of the returns of said election."

"SEC. 26. *Be it further enacted, &c.*, That in any parish, precinct, ward, city, or town in which during the time of registration or revision of registration, or on any day of election, there shall be any riot, tumult, acts of violence, intimidation, and disturbance, bribery, or corrupt influences, at any place within said parish, or at or near any poll or voting place, or place of registration or revision of registration, which riot, tumult, acts of violence, intimidation, and disturbance, bribery, or corrupt influences shall prevent, or tend to prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish, precinct, ward, city, or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation, and disturbance, bribery, or corrupt influences occur on the day of election, or of the supervision of registration of the parish, if they occur during the time of registration or revision of registration, to make in duplicate and under oath a clear and full statement of all the facts relating thereto and of the effect produced by such riot, tumult, acts of violence, intimidation, and disturbances, bribery, or corrupt influences in preventing a fair, free, peaceable, and full registration or election, and of the number of qualified voters deterred by such riots, tumult, acts of violence, intimidation, and disturbance, bribery, or corrupt influences from registering or voting, which statement shall also be corroborated under oath by three respectable citizens, qualified electors of the parish. When such statement is made by a commissioner of election or a supervisor of registration, he shall forward it in duplicate to the supervisor of registration of the parish, if in the city of New Orleans to the secretary of state, one copy of which, if made to the supervisor of registration, shall be forwarded by him to the returning officers provided for in section 2 of this act, when he makes the returns of election in his parish. His copy of said statement shall be so annexed to his returns of elections, by paste, wax, or some adhesive substance, that the same can be kept together, and the other copy the supervisor of registration shall deliver to the clerk of the court of his parish for the use of the district attorney."

Upon this statute we are all clearly of opinion that the returning board had no right to do anything except to canvass and compile the returns which were lawfully made to them by the local officers, except in cases where they were accompanied by the certificates of the supervisor or commissioner provided in the third section. In such cases the last sentence of that section shows that it was expected that they would ordinarily exercise the grave and delicate duty of investigating charges of riot, tumult, bribery, or corruption on a hearing of the parties interested in the office. It never could have been meant that this board, of its own notion, sitting in New Orleans, at a distance from the place of voting, and without notice, could decide the right of persons claiming to be elected.

The board took a different view of its powers, and proceeded to throw out the votes from many polls where they found intimidation and violence to have existed. The result was to defeat persons whom, on the returns, they should have declared elected, and to elect persons who should not have been declared elected. In regard to four parishes they declared no result whatever, but referred the matter to the Legislature.

The result of this action was to change the political majority of the persons who, by the constitution and laws of Louisiana are entitled to organize the house of representatives.

The returning board claims that in this proceeding they acted under an honest belief that they were right in their construction of the law, and that they were giving effect to the true will of a majority of the people of Louisiana, and that in their construction they followed the precedent set by the democratic or fusion returning board of 1872. We believe they did follow such a precedent. We have no doubt that they believed they were defending the people of Louisiana against a fraud on their constitutional rights. But there is no more dangerous form of self-delusion than that which induces men in high places of public trust to violate law to redress or prevent what they deem public wrongs.

We are not prepared to declare without further examination how many persons obtained a *prima facie* title to seats in the Legislature through this wrongful action. In some of the cases there were defects either of form or substance in the returns themselves which the board claimed required their rejection without regard to the evidence of intimidation.

But the method adopted to set right this wrong was totally objectionable. When the Legislature assembled on the 4th of January, 1875, the minority of the persons entitled to organize the house repaired to the State-house, prepared to possess themselves of the organization by force. Numbers of persons prominent in the White League were on hand to assist. Even long ladders were provided, in readiness for the entry of accomplices from without, who would, in all probability, after the seizure of the house, have displaced the existing senate, and put in its place the other body claiming to be the rightful senate. When the clerk of the last house began to call the roll, one of the minority moved that Mr. Wiltz be declared speaker, and the motion was declared carried by the person who made it—it was not in fact carried, but was opposed by a majority. Thereupon Mr. Wiltz took the gavel. A motion was made to seat five members from the four vacant parishes, which he declared carried, though it was not carried, but was opposed by a majority. He then declared a Mr. Flood elected sergeant-at-arms, who appointed a number of deputies, who at once appeared with badges on which were printed "assistant sergeant-at-arms." Simultaneously a large number of persons in the crowd in the street outside the State-house exhibited the same badges. There being symptoms of violence and disorder, a committee requested General De Trobriand, a military officer of the United States, to aid in preserving order. He came into the hall, spoke to the persons in the lobby at the desire of Wiltz, and order was restored. Subsequently, at the request of the majority of the persons entitled to organize the body and of the governor of the State, General De Trobriand caused his soldiers to remove the five persons who had been forced into seats as above. Wiltz and his friends then, after protest, withdrew, and the majority remained and organized the house by the choice of Mr. Hahn as speaker, and remains now in session as the house of representatives of Louisiana.

We do not here express a judgment of the lawfulness of the act of the military officer. We believe his interference alone prevented a scene of bloodshed like that which attended the convention of 1866, and the scenes of September 14, 1874. His act was not an interference with an organized legislative body. It was a body which had been declared organized by one man contrary to the truth, and contrary to the protest of a majority of its members. It was in no sense a legislative body, but was an illegal assembly, attempting to thrust out the legal house from its place and to usurp its functions. The fact that it was composed in part of a minority of those entitled to seats did not alter its character, nor did the fact, if it be true, that the five members ought to have been declared entitled to seats by the returning board, alter the character of the proceeding. A contestant is not entitled to seat himself in a legislative body by force, however just may be his claim to his seat. Nor is a minority of such a body entitled to seat him by force against the will of the majority.

The law of Louisiana provides various processes and safeguards for conducting elections and determining who are chosen to the Legislature: First, supervisors to make the registration; second, commissioners to preside and conduct elections, and receive only registered votes, and report it through the supervisors; third, returning board to canvass and compile statements of local officers, with judicial powers in certain cases, where local officers certify there was illegality affecting the result; fourth, those persons who are declared elected by the returning board, and those only who may organize the houses; fifth, the house so organized, who are to take up each contested seat, case by case, and determine as final judges who is entitled to it.

Persons who are not declared elected by the returning board have no more right to force themselves in to take part in organizing that house, a minority of those holding such certificates have no more right to organize it over the majority, or to force others in, merely because they claim that they ought to have been declared elected, than persons who claim that the house did wrong in judging of their cases have a right to force themselves in, or than persons who claim that supervisors defeated their election by wrong-doing in registration, or commissioners did wrong in conducting or certifying the election. The act of each set of officers in the successive steps, right or wrong, is binding until the next tribunal has reversed or corrected its action. When, therefore, the minority of those borne on the secretary's roll undertook to overcome the majority in organizing the house, they were wrong-doers. When the five members were brought in they were brought in not by the house but by wrong-doers overthrowing the will of the house and prepared and able to support their wrong by force. When the military officer removed them he removed at the request of the true majority of the assembly persons who were interfering with their right and duty to organize the same under the constitution and laws of Louisiana. Whether the officer had warrant for his action or not, he was interfering not against but in aid of a legislative body at its own request, and at the request of the governor of the State; and his interference prevented a scene of blood which the previous and recent history of that State warrants us in believing would have been of the most fearful character.

We should be extremely glad if any method we could devise or suggest would correct the wrong that we think has been done in organizing the house of representatives. But this must be accomplished, if at all, by the concerted action of those persons in Louisiana of both parties who sincerely desire peace and order and do not wish their State to suffer, to advance the schemes of designing politicians.

We do not overlook the causes which tend to excite deep feelings of discontent in the white native population of Louisiana. There has been great maladministration; public funds have been wasted, public credit impaired, and taxation is heavy. These facts combine with the general prostration of business through the country and with the diversion of business from New Orleans by reason of the construction of railroads northerly from Texas to create gloom and discontent.

But the ballot, not violence or assassination, is the peaceful remedy for so much of these evils as is due to the State administration. Every national administration, nearly every State and city administration, has been charged by its opponents with like faults. We have not been able to investigate all the charges which have been made against the State administration, although we have received both documentary and oral evidence on the subject. So far as has appeared to us, Governor Kellogg is chargeable with no dishonesty, and has set himself as faithfully as he could to remedy the great evil bequeathed to him by his predecessor.

Charges of corruption are made by the conservatives against republican officials without the slightest discrimination. They assume that the acceptance of office is a badge of fraud. No matter how high the position hitherto occupied socially, how spotless the reputation, the moment of acceptance of office witnesses an entire reverse. The gentleman suddenly becomes a blackguard, the honest man a thief. Four or five cases of alleged defalcation were clearly shown to be a mistake during our session. That there was great wrong and corruption, that much bad legislation was enacted, that grievous monopolies were created during Governor Warmoth's term of office is undeniable. That the democrats purchased him at the earliest possible moment for the purpose of converting to their own use his powers of corruption, his skill and cunning in manipulating the machinery of election, was asserted by some of their own witnesses. That there has been decided improvement under Governor Kellogg all admit.

It is said that large numbers of the white people of Louisiana believe that Governor Kellogg is a usurper, and, acting on that belief, are prepared and able to drive him from power if not prevented by the National Government. This may be true. But it is equally true that as large numbers of the voters of Louisiana believe Kellogg and his associates to have been lawfully elected, and that if McEnery were

established in power he would be a usurper. The difference between the two parties being that the latter do not propose to settle questions of law by bloodshed. It is further said that this is a question which concerns the people of Louisiana alone, and that they should be left to fight out the question among themselves. But this is an erroneous view, both of the rights and duties of the people of the United States under the Constitution. They have an interest in the question whether Senators and Representatives for Louisiana, thrust into their seats by illegal means, shall sit in Congress to make laws for them, and whether electors, gaining their office in like manner, shall turn the scale in the choice of a President of the United States. The President and Congress are bound to recognize, and if need be to support the true government of Louisiana against all usurpers; and the American people will abandon their rights and flinch from the performance of their duties when they leave these questions to be settled either by the mob or the assassin.

We are of opinion that the union of nearly all the blacks in one political party, and of nearly all the whites in another, is a fact deeply to be deplored. Party spirit bears evil fruit in abundance when animosities of race and class do not mingle with it. But we cannot doubt that whether the white republican leaders have sought to foster this discussion on the color line or not, it would long since have disappeared if the leaders of the white people of Louisiana had not hammered and welded together the masses of the colored population by a system of conduct calculated to excite in the highest degree their fears for their freedom or their political and social rights.

The people who would persuade us and to some degree persuade themselves that they are willing to give the negro all his rights under the Constitution seem to lose all their understanding of what justice and equality really mean when the negro is concerned. They think, and very justly, that it is a great evil to mass all the colored votes on one side. It never occurs to them that it is an equal evil to mass all the white votes on the other. On the contrary, their animosity is specially directed against those whites who act with negroes. They have little reprobation for those leaders who advise the whites to band together in an agreement not to employ negro laborers who vote the radical ticket, or for the planters who followed the advice. The life of no man would be safe, as one of their witnesses very frankly admitted, who, when it was time to gather the cotton crop, should advise negroes to refuse to work for planters who are not republicans. The white who kills a negro goes unpunished. A fearful vengeance overtakes the negro who snaps a cap at a white man. In parish after parish the whites turn out public officers whom they dislike by force, and no punishment follows. The assembling of a body of negroes at the command of the sheriff to maintain his lawful authority is followed by the Colfax massacre.

In addition to the testimony taken in public hearings, your committee enjoyed much opportunity of conversing in private with the people of New Orleans and with persons from other parts of Louisiana. The conservatives, as they called themselves, gentlemen of culture and refinement, courteously extended to the committee offers of the elegant hospitality for which their city is famed. They were all deeply excited by the political condition, and made it the constant topic of their discourse. They were unanimous in declaring that the people of their State desired nothing but peace and good government; that they were willing to leave the colored man undisturbed in his new constitutional rights; and that it was their desire and their interests that the laborer and the employer should live together in confidence and amity. They declared that no honest republican would be affected in his social or personal relation by his political opinions. On the other hand, men in great numbers sought private interviews with the republican members of the committee to declare that a reign of terror existed worse than existed during the war; that they did not dare to express openly republican sentiments; that destruction to their business and risk to their lives would result. These men were, some of them, known to members of the committee. They were not politicians, held and desired no office, and were in many cases business men of high standing and character. They urged the committee not to require them to testify, saying they did not dare to risk the consequences.

The American people are now brought face to face with this condition of things. In the State of Louisiana there is a governor in office who owes his seat to the interference of the the national power, which has recognized his title to his office, not by reason of any ascertainment of the facts by legal process, but has based its action solely on the illegal order of a judge. In the same State there is a Legislature, one branch of which derives its authority partly from the same order, the other being organized by a majority who have been established in power by another interference of the National Government, and which majority derives its title, not from any legal ascertainment of the facts, but from the certificates of a returning board which has misconceived and exceeded its legal authority. It is not strange that the republicans of Louisiana should delude themselves by any plausible views of laws which will enable them to occupy the places which they believe the will of a majority of the legal voters of the State, if free from violence and intimidation, would award to them. It is not strange that the democrats of Louisiana should believe the whole State government a usurpation, should give it no credit for its best acts, should seek to embarrass and thwart and resist it to the extent of their power, and should be unwilling to wait for the slow but sure operation of lawful remedies to cure whatever evil really belongs to it.

ELECTION OF 1872.

We were unable to make any direct and thorough investigation of the election of 1872. It is apparent from the facts stated in the report of the Senate committee (Senate Report, third session Forty-second Congress, No. 457) that the action of the officials was so tainted with fraud and illegality that the action of neither of the pretended returning boards or the certificates of the local election officers can be relied on in the least as a basis for making up an opinion as to the true result. Indeed, this is conceded by several of the most intelligent of the conservative witnesses. It would be impossible at this distance of time, and probably at any time, to go behind the returns and ascertain the true expression of the people's will. But our best judgment is that Governor Kellogg was elected. We find that many of the more moderate of his opponents concede his election. There is no argument to show the election of McEnery which is not met by one equally strong in proof of the election of Kellogg. The registration shows a considerable majority of colored voters, and it is not denied that Kellogg received substantially all the colored votes, besides some thousand whites. Taking the democratic returns in 1872 for all the parishes, except four, for which the returns are conceded to be forgeries, and six others from which they threw out the returns for fraud and violence, and get at the true vote in those parishes in any way you can, by comparing the vote with the registration of white and colored voters, or by taking the republican and democratic votes at the election of this year, and it gives Kellogg a majority of several thousand. Besides, Kellogg is now in office. The frauds, which make it impossible to ascertain in any better or more satisfactory mode the true will of the people, were perpetrated by the appointees of Warmoth in the interest of McEnery.

On the other hand, the order of Judge Durell and the so-called canvass made by the returning board in the interest of Kellogg seem to us to have no validity and to be entitled to no respect whatever. We concede and declare, as emphatically as any person can desire, the unsatisfactory character of the methods above adopted for arriving at this conclusion. There is, in our judgment, whatever may be the opinion one may form from the statement of men familiar with the campaign of 1872, or from the registration of white and colored voters, no legal evidence whatever which will warrant the declaration that either Kellogg or McEnery was lawfully elected.

We have devoted much anxious reflection to the question of remedy for these

evils. It is a question in deciding which no person in Louisiana, on either side, has offered us any valuable suggestion. The remedy, in great degree, lies out of the range of our powers. This great movement of the public mind in great States is not to be dealt with as if it were a street riot. You cannot change great currents of public sentiment or the habits of thought and feeling of great bodies of men by act of Congress. In a republic you cannot long or permanently check their manifestation by the exercise of national power. Until the great body of the white people of Louisiana shall learn to obey the law, to submit to the Constitution, to respect labor, to base their institutions on liberty, equality, and justice, they can enjoy neither prosperity nor peace. The history of their State must be made up of exhibitions of tumult, violence, and crime, alternating with extraordinary exertions of national authority to repress them. Between the two everything that makes a people prosperous, happy, or honorable must go to decay. If the whites of Louisiana, with all their superiority of intelligence, spirit, and energy, choose this course, their right to do so is "safe from all enactments human."

The public sentiment of the rest of the country, more potent than any legislation, might stop the whole trouble in a month. If, instead of seeking to gain partisan advantage from evils which are ruining this fair State, the two parties of the North would each resolutely set its face against the evil done by its own side, little would remain for Congress or President. The difficulty of the southern problem would have disappeared long ago if the democratic party of the North had given it to be clearly understood that they would have no political association with men who would commit, tolerate, extenuate, or overlook murder, and the republican party of the North had been unanimous in making it understood with equal emphasis that they would have no affiliation with men who would plunder the public for personal gain.

But to apply such immediate remedies as are in our power is not a matter of expediency but of constitutional duty.

The United States must guarantee a republican form of government to every State. The National Government must determine whom it will recognize and support as the lawful government in any State. Congress must, by appropriate legislation, if necessary, enforce the last three articles of amendment to the Constitution. Every power lodged in Congress or the President must be exerted, if necessary, to secure national elections against violence. Whether these powers should be used when the exigency calls for them is a question which was settled when the people of the United States conferred them.

The first need of Louisiana is to know who should be treated as the lawful governor until the end of the term which will expire in 1876. It has been suggested that there should be a new election under the authority of Congress. This is not desired, so far as we learn, by any considerable number of persons in Louisiana. Its legality is doubtful. The authority of the person chosen would be denied quite as strenuously as that of Governor Kellogg. Without the presence of United States troops we do not believe a fair election could be had. In the presence of troops we believe the democrats would refuse to take part. It would be a great calamity to Louisiana to excite at this time the violence and bitterness which an election contest would kindle. A government so elected would be in substance only a provisional government. The only alternative seems to be to recognize one or the other of the claimants to the office of governor.

Kellogg is now in fact in office. The President has recognized him, and states to Congress that from the best information he can obtain he believes him to have been elected. The Kellogg government is a fact; its legality is sustained by the judicial tribunals of the State; it is in active operation in all its departments. Under it the late State election has been held, and on its certificates must depend, *prima facie*, the right to their seats of the Representatives chosen from Louisiana for the next Congress. The McEnery government exists only on paper. Its recognition would create the most perplexing questions as to the legality of all public proceedings had in Louisiana for two years past. The recognition of Kellogg by the House will give peace and quiet to Louisiana until the next election.

Some of us are inclined further to recommend additional legislation to protect the peaceable citizens of Louisiana in the freedom of elections, and in the rights declared by the constitutional amendment. The law passed at the short session of 1871, designed to suppress the acts known as the Ku-Klux outrages, was adopted with great hesitation, and was denounced in some quarters as dangerous to the liberties of the people. Yet it proved an effective remedy, powerful for good, but harmless for ill, and commanded the general approval of the country.

We feel as deeply as anybody the objection to suspending the writ of *habeas corpus*, even for a limited time, or for special emergencies, or for a limited extent of territory. But when every other legal safeguard is overthrown; when to peaceable, honest, law-abiding men is neither freedom of election, of speech, of the press, of action, or of opinion; when there is no legal redress for injuries or legal punishment for murder, it is but a mockery to leave this writ to be used only as an instrument to enable wrong-doers to escape punishment for their crimes. So much of the statute of 1871 as authorized the suspension of the writ of *habeas corpus* in certain cases has expired by its own limitation. Some of us believe that it will be necessary to re-enact those sections with some modifications, and with careful restriction of time and occasion. We do not include any recommendation on that subject in this report.

On the whole case we are of opinion—

First. That there has been and is on the part of the party calling themselves the white men's party in Louisiana a purpose to take possession by force and fraud of the State government, without regard to the question of who may have the numerical majority at a fair election.

Second. That in the execution of this purpose they have refrained, and will refrain, from the use of no instruments which they think designed to accomplish it, whether those instruments be murder, fraud, civil war, or coercion of laborers by employers.

Third. While there are many men in their party of more moderate views, who do not themselves use or approve these unlawful means, such men desire the accomplishment of the same end, and are powerless to restrain their more violent associates.

Fourth. Three causes have made it easier to unite so large a number of the whites of Louisiana in these purposes, and have rendered more difficult to unite the best men among them in opposition:

The fact that the administration party of Louisiana is made up by massing together almost the whole negro vote with a few whites, largely from other States;

The fact that there has been great maladministration by republican officials;

The belief, honestly entertained by large numbers of the white people of Louisiana, that they have been twice defrauded of the results of elections in which they had been successful.

Fifth. While all these things are great evils, much to be deplored and likely to exasperate any people, the course of the whites themselves has tended to bring them about and to inflame them. The simple and peaceful remedies of obedience to law, argument, decent treatment of their opponents, would, if they had pursued them, have proved effectual long ago.

Sixth. While we believe Governor Kellogg to have received a majority of the votes in 1873, and while we believe there were violence and fraud which frustrated the will of the people in many parishes in 1874, the illegal order of Judge Durell, and the illegal conduct of the returning board in attempting to cure one wrong by another, naturally inflamed the popular discontent and lent plausibility to the complaints.

Seventh. There has been much dishonesty, much corruption, in State and local administration in Louisiana. For this the republicans, especially under Warmoth's rule, are largely responsible, although in numerous instances their opponents have been equally to blame.

Eighth. The effect of all this has been to put an end to the authority of law, and in a large portion of Louisiana to deprive the negro of his freedom of suffrage, and wholly to destroy the value of the methods provided by law for securing fairness in elections or ascertaining their result. This state of things overthrows republican government in Louisiana and seriously menaces it in the whole country.

Ninth. A new election held at this time under national authority is not desirable. It is not wished for by either side, and would inflame and aggravate the evils now existing.

Tenth. It is the duty of Congress to use such powers as are vested in it by the Constitution. It should recognize the lawful governor of Louisiana by express resolution. We think William Pitt Kellogg the choice of a majority of the voters of Louisiana, and that he should be recognized accordingly. It should provide further safeguards for holding elections and ascertaining the result, if any can be devised.

Eleventh. But these remedies are at best temporary and superficial, curing the symptoms, not the disease. Efficient aid to the State to establish public education would have gone far to prevent the evil, and may yet do much to effect a cure. The public sentiment of the rest of the country, without distinction of party, may do much to remove, as it has already unfortunately done much to aggravate, the evil in Louisiana. That people should be made to understand that all the authority lodged in the National Government to preserve republican government and to protect the rights of all its citizens will be kindly but fearlessly and steadily exerted, and that no party in this country will accept the alliance of men who are seeking power by such methods as we have been compelled to describe. Unless this can be done the free institutions of the whole United States will not long survive the destruction of those in the South.

GEORGE F. HOAR.
W. A. WHEELER.
WM. P. FRYE.

ORDER OF BUSINESS.

Mr. DAWES. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the tax and tariff bill.

Mr. COBURN. I rise to make a privileged report.

Mr. RANDALL. I insist upon the regular order.

Mr. COBURN. I desire to make a privileged report from the Committee on Alabama Affairs.

Mr. DAWES. Pending the motion to go into Committee of the Whole I move that all debate upon the pending section of the bill be terminated in fifteen minutes.

Mr. SMITH, of New York. I ask the Chair what is the regular order?

The SPEAKER. If the House shall not go into Committee of the Whole on the tariff bill the regular order will be the consideration of the joint resolution from the Committee on Elections relating to a constitutional amendment.

Mr. COBURN. I desire to make a parliamentary inquiry. It is whether or not that is a subject on which the Committee on Elections are privileged to report at any time, or whether that committee is not confined to reporting upon contested-election cases, and not upon general measures in relation to election laws?

The SPEAKER. The gentleman from New York [Mr. SMITH] states, and the Chair thinks he is correct in that statement, that a resolution was adopted in December last upon motion of the gentleman from Alabama [Mr. WHITE] giving the committee the right to report at any time upon this subject.

Mr. SMITH, of New York. I have just brought from the Clerk's office and laid before the Speaker the resolution of the House authorizing us to report at any time upon this subject. I desire to say a single word further. I think I am authorized to say that the Committee on Elections will not consume over an hour and a half and probably not over an hour and a quarter in the discussion of this measure. While these other measures for the purpose of running the Government are measures of importance, it is of equal or higher importance that we should examine whether we are going to have any government to run.

Mr. RANDALL. We had better get the money for the running of the Government any way.

Mr. SMITH, of New York. There is no measure before the House of equal importance to, and demanding immediate action so much as, the measure we have reported.

The SPEAKER. The Chair will state the exact attitude of the business of the House, so that each gentleman will comprehend his right in the premises. The gentleman from New York [Mr. SMITH] has made his report, but it has not yet been considered, and it is competent to raise upon it the question of consideration. The gentleman from Indiana, [Mr. COBURN,] who rises to report from a committee authorized to report at any time, of course will have to raise that question of consideration before he can submit his report. And pending his attempt to obtain the floor, the gentleman from Massachusetts [Mr. DAWES] moves to suspend the rules that the House may go into Committee of the Whole on the revenue bill. That motion to suspend the rules necessarily takes precedence.

Mr. DAWES. I want the question first put upon the motion to terminate debate.

The SPEAKER. The Chair will submit that question. Gentlemen will observe that the majority of the House can control the business of the House.

Mr. LOUGHRIDGE. If this motion to limit debate upon the sixth section shall be agreed to, will that limitation apply to new sections that may be offered?

The SPEAKER. It will apply to the whole bill.

Mr. LOUGHRIDGE. I desire to offer a new section in relation to the income tax, and I wish the House to understand that that is an important matter and should be debated at some length.

The SPEAKER. The first question is upon the motion to limit debate upon the sixth section of the bill to fifteen minutes.

Mr. SENER. I move to amend that motion so as to allow one hour's debate.

Many MEMBERS. O, no.

Mr. DAWES. I will compromise with the gentleman from Virginia [Mr. SENER] on thirty minutes.

Several MEMBERS. O, no; one hour.

Mr. DAWES. Well, if one hour is the general understanding, I will agree to that.

The question was taken upon limiting debate to one hour; and it was agreed to upon a division—ayes 104, noes 46.

The question was upon the motion to go into Committee of the Whole upon the tax and tariff bill.

AFFAIRS IN ALABAMA.

Mr. COBURN. Before that question is submitted, I ask unanimous consent to make another privileged report from the Committee on Alabama Affairs, a general report, which I ask to have printed and recommitted.

Mr. RANDALL. Not to come back on a motion to reconsider.

Mr. CALDWELL. And to be accompanied by no bill.

Mr. BUCKNER. I ask consent to submit on behalf of the minority their views, and that they be printed with the views of the majority.

No objection was made, and the majority and minority reports were ordered to be printed and recommitted.

Mr. COBURN. In addition to that, I ask that the testimony taken by the committee be also printed.

No objection was made, and it was so ordered.

COMMISSIONER OF CUSTOMS.

Mr. PLATT, of New York, by unanimous consent, introduced a bill (H. R. No. 4836) defining the duties of the Commissioner of Customs; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DONNAN. I desire to submit a privileged report from the Committee on Printing.

The SPEAKER. That requires unanimous consent pending the motion to go into Committee of the Whole on the tax and tariff bill.

Mr. RANDALL. I reserve my right to object until the report is read.

The SPEAKER. The Chair thinks the business of the House gets inextricably tangled by stopping a motion to suspend the rules by every form of report. The Chair will submit the question upon going into Committee of the Whole upon the tax and tariff bill.

The question was taken; and on a division there were—ayes 108, noes 49.

So the motion was agreed to.

BUREAUS OF THE WAR DEPARTMENT.

Pending the House going into Committee of the Whole, The SPEAKER laid before the House a letter from the Secretary of War, transmitting the names of clerks and others employed in the respective Bureaus of the War Department in the year 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

AU SABLE RIVER, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of June 30, 1874, a report upon the survey of the Au Sable River, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

WILLOW SPRINGS DISTILLERY.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to Willow Springs distillery; which was referred to the Committee on Ways and Means, and ordered to be printed.

ISSUE OF PATENTS.

The SPEAKER also laid before the House a letter from the Commissioner of Patents, in relation to the issue of patents under the law for medicines, and other chemical compounds, &c.; which was referred to the Committee on Patents, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDACTIONS.

The SPEAKER also laid before the House sundry communications from the Secretary of the Interior, transmitting claims of various parties for Indian depredations; which were severally referred to the Committee on Indian Affairs, and ordered to be printed.

SALE OF ORDNANCE STORES.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the proceeds of the sales of ordnance stores; which was referred to the Committee on Appropriations, and ordered to be printed.

STEAMER PHILO PARSONS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the outrage on the steamer Philo Parsons; which was referred to the Committee on War Claims, and ordered to be printed.

LANDS AND BUILDINGS ADJOINING JACKSON BARRACKS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the lands and buildings adjoining Jackson barracks now occupied by United States troops; which was referred to the Committee on Military Affairs, and ordered to be printed.

PURCHASE OF A BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to an appropriation for the purchase of a building on or near McLellan Creek; which was referred to the Committee on Appropriations, and ordered to be printed.

HEIRS OF BENJAMIN MOORE.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to House bill No. 3150, for the relief of the heirs of Benjamin Moore for the manufacture of small-arms used by the United States; which was referred to the Committee on Claims, and ordered to be printed.

EXPENDITURES OF THE WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of expenditures in the Bureau of the War Department; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN M'CAULEY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the claim of John McCauley; which was referred to the Committee on Claims, and ordered to be printed.

CONSTRUCTION OF A TELEGRAPH LINE.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the construction of a telegraphic line from Yankton, Dakota, to Fort Sully; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENTS IN MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to improvements in Mississippi River near Fort Madison and Burlington, Iowa; which was referred to the Committee on Appropriations, and ordered to be printed.

RED RIVER OF THE NORTH.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a survey of the Red River of the North; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF THE COLUMBIA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a survey of the Cascades and Dalles of the Columbia River; which was referred to the Committee on Commerce, and ordered to be printed.

PROPERTY IN POSSESSION OF WAR DEPARTMENT.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting inventories of public property in possession of the several Bureaus of the War Department; which was referred to the Committee on Appropriations.

SURVEYS FOR INTERNAL IMPROVEMENTS IN VIRGINIA.

The SPEAKER also laid before the House a communication from the Secretary of War, in relation to the survey of Urbana Creek and Little Wicomico River, Virginia; which was referred to the Committee on Commerce.

Mr. CONGER. Ought not these reports of surveys to be ordered to be printed?

The SPEAKER. If they be ordered to be printed they will not reach the committees this session. The printing office is very much overtaxed; and therefore the Chair has omitted the usual order for printing, presuming that the committees desired to use the documents.

Mr. CONGER. The committee have acted on most of these cases upon special information from the Department.

The SPEAKER. Then there would seem to be still less reason for the printing. The Chair took the hint from the gentleman himself last week.

Mr. CONGER. At that time we were using these documents.

AGRICULTURAL COLLEGES.

The SPEAKER also laid before the House a communication from the Attorney-General, in answer to a resolution of the House of Representatives of January 22, 1875, requesting him to report what measures, if any, should be taken in relation to the fund for the support of the colleges of agriculture and the mechanic arts; which was referred to the Committee on Agriculture.

REFORM SCHOOL, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a communication from the Attorney-General, transmitting additional papers in relation to the action of the Department of Justice to recover certain moneys belonging to the Reform School involved in the bankruptcy of Jay Cooke & Co.; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COTTON CLAIMS.

The SPEAKER also laid before the House a communication from the Attorney-General, in relation to claims for cotton seized during the late war of the rebellion; which was referred to the Committee on War Claims, and ordered to be printed.

WESTERN JUDICIAL DISTRICT OF ARKANSAS.

The SPEAKER also laid before the House a communication from the Attorney-General, in relation to claims arising from expenditures of the marshal's office of the western judicial district of Arkansas; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

MIAMI INDIANS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, submitting a draught of a bill carrying into effect the provisions of an act entitled "An act to abolish the tribal relations of Miami Indians, and for other purposes," approved March 3, 1873; which was referred to the Committee on Indian Affairs.

SPEED STAGNER.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting the claim of Speed Stagner for Indian depredations; which was referred to the Committee on Indian Affairs.

MARCOS ULIBARRI.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Marcos Ulibarri for Indian depredations; which was referred to the Committee on Indian Affairs.

JULIAN ARAGON.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Julian Aragon for Indian depredations; which was referred to the Committee on Indian Affairs.

COAD & BROTHER.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Coad & Brother for Indian depredations; which was referred to the Committee on Indian Affairs.

H. B. MACOMBER.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of H. B. Macomber for Indian depredations; which was referred to the Committee on Indian Affairs.

NECESSITIES OF CHEROKEE NATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from D. W. Bushyhead, treasurer of the Cherokee Nation, setting forth the necessities of those Indians arising from the destruction of their crops; which was referred to the Committee on Appropriations.

M. A. MOSSEAU.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting the claim of M. A. Mosseau, for Indian depredations; which was referred to the Committee on Indian Affairs.

NAVY PENSIONS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting an estimate of a deficiency appropriation for paying Navy pensions during the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

THOMAS J. WOOD.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting the claim of Thomas J. Wood, for Indian depredations; which was referred to the Committee on Indian Affairs.

JOHN RICHARD, JR.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of John Richard, jr., for Indian depredations; which was referred to the Committee on Indian Affairs.

CHARLES H. MCCARTHY.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting the claim of Charles H. McCarthy for Indian depredations; which was referred to the Committee on Indian Affairs.

B. W. WARREN.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting the claim of B. W. Warren for Indian depredations; which was referred to the Committee on Indian Affairs.

SIMON BACA.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting the claim of Simon Baca

for Indian depredations; which was referred to the Committee on Indian Affairs.

W. K. MORRIS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting the claim of W. K. Morris for Indian depredations; which was referred to the Committee on Indian Affairs.

RECEIPTS AND EXPENDITURES OF THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the act of August 26, 1842, an account of the receipts and expenditures of the United States for the fiscal year ending June 30, 1872; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSAL FOR MAIL CONTRACTS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, in compliance with the act of June 8, 1872, information relating to proposals for mail contracts, &c.; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORT ON MINES AND MINING.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of Rossiter W. Raymond, commissioner of mining statistics for the year ending December 31, 1874; which was referred to the Committee on Mines and Mining, and ordered to be printed.

IMPROVEMENT OF HARLEM RIVER.

The SPEAKER also laid before the House a letter from General Humphreys, Chief of Engineers, to the Secretary of War, in compliance with the act of June 23, 1874, submitting a copy of the report of Lieutenant-Colonel John Newton upon a survey for the improvement of Harlem River; which was referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

By unanimous consent, papers were withdrawn in the following cases upon the statement that no adverse report had been made:

By Mr. WILSON, of Iowa: In the case of D. W. Wallingford, from the Committee on War Claims.

By Mr. AVERILL: In the case of G. M. Dodge and J. McDonald, from the Committee on Indian Affairs.

By Mr. RAINEY: In the case of Thomas P. Madden, from the files of the House.

By Mr. GUNTER: The certificate of discharge of James Box, filed with the papers of Mrs. Martha Box, No. 12580.

By Mr. DONNAN: The commission, muster-in roll, and discharge papers in the case of Charles Young, from the files of the House.

CLAIMS.

Mr. LAWRENCE. I ask unanimous consent to print in the RECORD a statement in connection with the bill passed yesterday from the Committee on War Claims.

There was no objection, and it was ordered accordingly.

The statement is as follows:

Mr. LAWRENCE. I present the following statement in relation to the bill (H. R. No. 4692) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of March 3, 1871, which passed the House on the 22d February:

The number of cases in last report of commissioners of claims is twenty-four hundred and seven. Of this number twelve hundred and forty-four are wholly disallowed, and eleven hundred and sixty-three are allowed in whole or in part. The amount allowed by the commissioners is \$740,409.72, and the amount disallowed is \$4,471,995.09.

These allowances are divided among the eleven States of which the commissioners have jurisdiction, as follows:

Alabama.....	\$71,671 82
Arkansas.....	96,501 00
Florida.....	13,475 00
Georgia.....	42,535 86
Louisiana.....	95,737 00
Mississippi.....	143,128 00
North Carolina.....	35,889 57
South Carolina.....	5,930 25
Tennessee.....	87,400 80
Texas.....	1,300 00
Virginia.....	138,145 42
West Virginia.....	8,695 00

Total.....\$750,409 72

The Committee on War Claims reviewed and examined all the cases reported where the allowance exceeded \$2,000, and have made changes in two cases only; in one, being the claim of John and Parmilla R. Rhodes, reducing the allowance \$2,000; and in the other, increasing it \$386.67.

Four cases were added by the committee; one of \$5,165 reported favorably in the first report of the commissioners but suspended for further examination; one reported favorably in second report for \$150, and omitted from bill by error; and two reported disallowed, loyalty of claimants not proven before commissioners, namely, case

of Hon. JAMES C. FREEMAN, a member of this House from Georgia, and case of Joseph Garland, of Alabama. Additional evidence submitted to the committee satisfied it on that point, and these cases, FREEMAN's for \$2,985 and Garland's for \$1,200, are included in the bill.

The amount appropriated by the bill as reported by the committee is \$748,296.39, and is divided among eleven hundred and sixty-seven claimants, the allowance to each being an average of \$641.21, and is distributed as follows among the eleven States:

States.	Number of cases.	Amount.
Alabama.....	142	\$72,871 82
Arkansas.....	153	96,501 00
Florida.....	6	13,475 00
Georgia.....	107	45,520 86
Louisiana.....	14	93,737 00
Mississippi.....	75	143,128 00
North Carolina.....	117	35,889 57
South Carolina.....		5,930 25
Tennessee.....		87,787 47
Texas.....		1,300 00
Virginia.....		143,460 42
West Virginia.....		8,695 00
Total.....		748,296 39

There is one claim in favor of Horace B. and John C. Tebbetts, of Louisiana, for \$34,760, which I did not think fully supported by evidence in all respects, but the committee, after examination, were satisfied with it, and so it is recommended for payment.

TAX AND TARIFF BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. HALE, of Maine, in the chair,) and resumed the consideration of the bill (H. R. No. 4630) to protect the sinking fund and provide for the exigencies of the Government.

The CHAIRMAN. The Clerk will read the pending section.

The Clerk read as follows:

SEC. 6. That the increase of duties provided by this act shall not apply to any goods, wares, or merchandise actually on shipboard and bound to the United States on the 10th day of February, 1875, nor on any such goods, wares, or merchandise on deposit in warehouses or public stores at the date of the passage of this act.

The CHAIRMAN. The pending question is on the amendment moved by the gentleman from Virginia [Mr. HARRIS] to that section; which the Clerk will read.

The Clerk read as follows:

Provided, That it shall be shown, by testimony under oath, to the satisfaction of the Secretary of the Treasury, that such goods, wares, and merchandise were by contract sold to be delivered in future, at a fixed price, which contract was in writing prior to the 10th day of February, 1875.

Mr. EAMES. Mr. Chairman, I hope the amendment of the gentleman from Virginia will not be adopted. The provision contained in section 6 as reported by the Committee on Ways and Means is in my judgment eminently just so far as all these interests are concerned. It will be remembered by the House that this bill was reported on the 10th day of February last, and this was the first information to the country of the changes proposed by the bill. This section as reported provides that all merchandise imported from foreign countries affected by the bill actually on shipboard or in the public stores at the time the bill was reported shall not be subjected to the increased duty.

I desire on behalf of one interest with which I happen to be more familiar with than others to state how this will operate if the amendment of the gentleman from Virginia [Mr. HARRIS] is adopted, or in case section 6 should be stricken from the bill. There is in this country a very large interest engaged in the manufacture of woollens. The establishments engaged in this manufacture number 3,454. There is a capital invested in this industry amounting to \$132,000,000. The wages that are paid are upward of \$40,000,000 annually, and the number of hands employed is over 120,000. These are the figures according to the last census of the United States. This is one of the great interests of the country that are affected by the provisions of this section, and it is of the utmost importance, Mr. Chairman, that the provisions of this section should be preserved in order that these interests may be protected. There is no gentleman upon this floor who has a woolen-mill in his district but knows that this industry is more depressed perhaps than any other great industry in the country. Since the close of the war it has been almost impossible for these mills to run so as to make both ends meet. And especially in the past two years everybody who knows anything about this industry knows it has been depressed to that extent that nearly half the machinery is stopped and half of the laborers heretofore employed thrown out of employment.

Now, in connection with this provision I desire to call the attention of members of this House to this fact. Very many of these mills make contracts in advance for their products. In order to do this it is a matter of necessity on their part that they should estimate at the time these contracts are made what is to be the cost of the material, what is to be the price of the labor, what is to be the cost of everything that enters into the cloth as it comes from the loom. In order to do this if a contract was made by one of these mill operators on the 10th of February, 1875, when this bill was reported and when

its provisions were first known to the country, it is necessary that he should ascertain at that time the cost of the raw material that enters into the product and contract for its purchase. There is used in the manufacture of all the finer woolen goods what is known as the Australian wool, and if a contract is made at a fixed date for the product of a mill for three months in advance, the operator of the mill is obliged on that day to make provision for the purchase of his wool abroad in order to be able to meet the contract.

I hope the provision contained in this section will not be altered at all. It is no more than just, no more than right that he who has made his contracts at the time this bill was reported should be able to avail himself of its provisions so that he may be able to meet his contracts made for the future product of his mill at the stipulated price.

The gentleman from Connecticut [Mr. HAWLEY] reminds me that in reference to this matter I am not speaking merely for an industry simply in my own district, but for this great woolen industry throughout this whole country. It is not an interest limited to the New England States, but these woolen-mills are to be found also in New York, in Pennsylvania, in Ohio, in Indiana, and in all the great Western States which make the great middle belt of our country, and this industry includes, as I have said, a capital of something like \$132,000,000, and gives employment to over 120,000 laborers.

I hope this amendment will not be adopted, and that the section as reported by the committee will stand as part of the bill.

Mr. BANNING. Mr. Chairman, that old saying, "politics makes strange bedfellows," was never better proven than it has been in the debate upon this bill.

First we have the honorable gentleman from Pennsylvania, [Mr. CLYMER,] a democrat, advocating the passage of this bill because it increases the tariff upon iron, steel, and glass, and is therefore a benefit to his immediate constituents; while another leading democrat from Pennsylvania tells us "the ruin that now prevails in Pennsylvania is owing to the high tariff, by which you have overstimulated production until pig-iron and railroad-iron are piled up mountain high, and for which there is no market."

The honest and able republican from Pennsylvania, [Mr. KELLEY,] who has always been in favor of protection to American industry, opposes this bill because it enacts so much unjust and unequal taxation and because it is oppressive upon the whole people; while another distinguished Pennsylvania republican advocates the passage of the bill, and tells us "a revenue bill is necessarily a compromise bill." I think that a good definition of this bill. It is a compromise, and I think about the meanest compromise that was ever presented to Congress to be enacted into a law.

It is a compromise between the Pennsylvania iron interests, the New England cotton and woolen manufacturers, and the importers of foreign goods. The two former get the 10 per cent. additional protection; while the importer pockets the 10 per cent. increased value of all the goods he has on hand and all he has purchased coming over. Add to these the whisky ring that has bought (to be delivered hereafter) the whisky now in bond, and we have the four high contracting parties to this compromise. There are millions in it for these four classes. And this is the protection which has its advocates upon this floor on this afternoon of the nineteenth century; a protection that does not protect, but a protection which enriches the few at the expense of the many—a protection which makes the rich richer and the poor poorer.

The honorable chairman of the Committee on Ways and Means in advocating the right of the importer to have his stock on hand and on shipboard coming over exempt from the increased duties provided for in this bill, said:

Here is a man who buys in a foreign market and puts the ocean between him and the man he bought of so he cannot take it back.

Sir, if this is a good excuse for not increasing the tax upon the goods of the importer on hand, then surely we ought not to increase the tax upon manufactured whisky which has already paid one tax, and especially upon whisky in bond which is held in bond upon a written agreement that it shall pay a tax of 70 cents and taken out of bond within one year. If the Government expects dealers to obey the law and pay the tax, then the Government should keep faith with the dealers and distillers. The contract fixing the amount of tax and manner of payment should be as binding upon the Government as it is upon the manufacturers, and as faithfully performed by the one as by the other.

[Here the hammer fell.]

Mr. TOWNSEND. Mr. Chairman, when this bill was before the House the other day, my bucolic friend from the agricultural regions of Wall street and parts adjacent, where they raise bulls and bears and various other kinds of agricultural cattle, and which agricultural region he so well represents, took occasion to congratulate himself that he had been enabled to buy his suit of garments from one of Queen Victoria's subjects for twenty-one dollars. My friend from Michigan [Mr. FIELD] congratulated himself also that the raw materials of all his garments had been raised by American farmers and the garments bought of American manufacturers—price not stated.

I want to show, in the few moments allotted to me, the difference between the principles of these two gentlemen. My friend from New York [Mr. Cox] in making his purchase threw his money into the laps of the subjects of Queen Victoria, never, perchance, to

return again to us. My agricultural friend from Michigan [Mr. FIELD] gave his money to the citizens of the United States, and instead of handing it to the wool-growers and manufacturers of the British nation, gave it to the wool-growers of Michigan; to the woolen manufacturers of Pennsylvania; to the cotton manufacturers of Massachusetts; to the button-makers of Connecticut, and to the silk manufacturers of New Jersey. When the free-trader has used up his garments, he has nothing to leave to the Republic but a few rags for the paper manufacturer. But when the gentleman from Michigan, a protectionist, has used up his clothes he has an equal amount of fragments and rags to leave to the paper-maker, but in addition to that he has left to the American people the amount of the cost of his garments to go into the circulating medium of the country.

The one gives away the life-blood of American commerce to be used by the subjects of Her Majesty Queen Victoria and leaves his country poorer therefore; the other keeps that life-blood in the country to be used at home by its citizens to assist in the domestic exchanges and to encourage and vivify American industry. The one encourages the pauper labor of foreigners in Her Majesty's dominions; the other gives effectual aid in their labors to the citizens of the Union, the subjects of our good old Uncle Samuel. The actions of my two friends form a practical exhibition of the difference in value to the country between the principles of free trade and protection.

[Here the hammer fell.]

Mr. COX. I hope the gentleman from Pennsylvania will be allowed to go on. I could not get the drift of his argument, and I never could answer that speech in the world.

Mr. SYPHER. The object of the pending bill, as I understand it, is to create an amount of revenue sufficient to meet the deficiency in the revenue receipts. There is no additional amount of money required by the Treasury, according to the statement of the chairman of the Ways and Means Committee, but the falling off of the receipts, caused no doubt by the general depression of the business interest of the country, demands this legislation. There does not seem to be any protective feature in the bill; it is purely and simply a measure for revenue. In view of this character of the measure, I have listened with some surprise and regret at the course of the discussion in this House for several days.

The whisky and tobacco interests have been defended with great vigor, and the champions of these interests have at the same time made fierce attacks upon other interests in other sections of the country. Other gentlemen have availed themselves of this occasion to express their views on the general principles of tariff and free trade, and have exhibited a spirit of sectionalism always to be deprecated in matters of this kind, which is of national concern and importance. New England has been berated and severely criticised on account of the defense of her manufacturing interests by her Representatives on this floor.

It occurs to me that the West and the South may find profit in studying the history of New England and following her example. Forty years ago, when her people were engaged in commerce and ship-building, her Representatives were not required to defend the principles of protective tariff; but when these pursuits became unprofitable her people directed their energies into other channels; and against a rigorous climate and a sterile country, against heavy bills of freight and insurance for raw material, and against a distant market for her manufactured goods, she has built up a magnificent system of manufactures, making her independent of protective legislation and "tariff tinkering."

Let the West and South profit by this example. In the South we have great manufacturing resources. Besides an abundance of raw material, our deposits of coal and iron, emery ore, sulphur, and salt are unsurpassed, and our water-power is equal to that of any other section of the country. Again, a mild and salubrious climate, congenial to the inhabitants of the world, invites capital and skilled labor from every quarter of the globe.

Diversified industry is the solution to the southern question which now vexes the brain of so many of the statesmen of the present day. Let the furnace fires be lighted from Virginia to Missouri; let the clatter of the cotton-mill make music for the people of the cotton States, while Louisiana makes sugar to sweeten your free tea and coffee, or, if your tastes prefer it, the whisky of the gentlemen from Kentucky and Ohio.

The former policy of the South of feeding slaves on cheap western provisions to make more cotton was abolished when the emancipation proclamation was issued. She now desires the development of her great resources, the inauguration of a system of diversified industry, the construction of her levees, the protection of her sugar interests, and the opening of the mouth of the Mississippi River.

Before taking my seat I must notice some remarks made by the gentleman from New York, [Mr. COX,] the Cuban patriot, who represents a free-trade constituency. He has upon other occasions made smart speeches in favor of Cuban liberty and of recognizing the belligerent rights of the Cuban patriots. But in this discussion he advocates and supports the policy of paying that effete Spanish slave-power for sugar \$90,000,000 of American gold annually to crush out all opposition to that insolent despotism. Cuban patriots of the character of the distinguished gentleman from New York ought to be in better business, and lend some of his energy and brilliant wit in sup-

porting the interests of the poor sugar planters of Louisiana, and at the same time the true interests of the whole country.

Now, a word to the gentleman from Indiana [Mr. NIBLACK] who represents the Vincennes district. I regretted to hear him speak unkindly of the sugar interests. He is an amiable man, of "mild temper;" and as our people purchase from his constituents much of their corn, pork, hay, stock, and many other articles, it seems as if the gentleman was endeavoring to destroy the market for the products of his own district. Is not the gentleman trying to "kill the goose that lays the golden egg?"

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

The amendment was withdrawn.

Mr. DURHAM. I renew the amendment for the purpose of saying a few words, although it is utterly impossible for a man to make himself understood upon a question of this sort within five minutes. But I desire to present one view in regard to this matter that has not been presented by any gentleman on this floor.

This bill is based upon the idea that it is necessary for us to raise this thirty-odd million dollars for the purpose of creating what is known as the sinking fund. If the argument of my colleague [Mr. BRICK] and of some other gentlemen on this floor be true, that more than 1 per cent. of our national debt has already been paid to these bondholders, then I suggest that it is unfair to the present population of the United States with its present wealth to impose this additional burden upon them before the debt is due and before it is demanded.

I may illustrate my argument in this way: I think that every man ought to provide for the payment of his debts. But no man is legally bound to pay his debts until they become due. Consequently, if I am worth to-day only \$500, and by the increase of my capital may be worth \$10,000 a year from this time, I would be in a far better condition to pay my debts one year from now than I am now.

In 1860 the wealth of the United States was estimated at \$16,000,000,000, with a population of about twenty-eight millions. After a decade, coming down to 1870, what was the change so far as the population and wealth of the United States were concerned? Our wealth had run up to the enormous sum of \$30,000,000,000, and the population to about forty or forty-two millions. Now, I put the question to this House, that unless it be necessary that this debt should be paid or, in other words, suppose that we were placed back to 1860, how much harder would it have been for a population of twenty-eight millions to pay this debt upon a wealth of \$16,000,000,000 than it is for forty-two millions to pay it upon a wealth of \$30,000,000,000?

Unless there is a pressing demand that this money shall be paid, or, in other words, if we have already paid 1 per cent. to the sinking fund, and are unquestionably not behind in meeting the obligations of the Government to these bondholders, then I believe that at the end of this decade, and before these bonds become due, the population of the United States may be 50,000,000 with a wealth of \$50,000,000,000. Then how much easier it would be to raise this money upon that population and wealth than it is now with the population and wealth which we have at this time.

[Here the hammer fell.]

Mr. LOUGHRIDGE. I desire to say—

Mr. DAWES. I rise to oppose the amendment. I understand the gentleman from Iowa [Mr. LOUGHRIDGE] wishes to offer an amendment.

Mr. LOUGHRIDGE. I desire to oppose the pending amendment. We propose by this bill to raise about \$36,000,000.

Mr. BURCHARD. About \$41,000,000.

Mr. LOUGHRIDGE. As I understand, about \$36,000,000 to be raised from the labor and industry of the country. In the first place, through the tariff section it will come from the tariff upon articles used by the common people of the country. Whisky and tobacco are used by the mass of the people.

Now, I am in favor of striking out this section and compelling the wealthy people of the country to contribute their quota of this additional taxation, by imposing a tax upon incomes. In the years 1868-'69 we raised through the income tax \$34,000,000. That money came from the wealth of the rich—from full hands and full treasuries. But we have voted here to require a tax from empty hands and empty treasuries. I say it would be a disgrace to this Congress to impose this additional taxation upon the labor, the industry of the country, and allow the wealth of the nation to escape.

I understand that the income tax was established in England in 1798, during the wars with Napoleon, and was continued until after the close of that struggle. In 1842 it was re-enacted, and has been continued to the present time. If in a country like England the wealth and luxury of the nation are compelled to contribute their share of taxation, most certainly in this democratic country of ours we can afford to impose such a tax. To burden with taxation the labor, the industry of the country, and allow its wealth to go free, would be an outrage upon justice. Our income tax ought never to have been repealed.

Therefore I think we ought to strike out these sections and re-enact the income tax, so that the rich may contribute their share of these increased burdens which we are compelled to put upon the people.

The CHAIRMAN. The debate upon the pending amendment, which is to strike out the last word, has been exhausted.

The question being taken on the amendment, it was not agreed to.
Mr. STORM. I move to amend by inserting the following as an additional proviso:

And provided further, That on and after the 1st day of July next emery ore shall be placed on the free list, and no further import duties shall be collected on the same.

Mr. DAWES. I rise to a point of order. I submit that this amendment is not germane to the section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STORM. I should like to know on what principle? I suppose it is because the gentleman from Massachusetts [Mr. DAWES] has a mine of emery ore in his district. Will the amendment be in order at any stage of the bill?

Mr. DAWES. It will be in order when we get through this section.

The CHAIRMAN. The Chair will state for the information of members who have amendments to offer in the nature of substitutes for the whole bill or as additional sections, that none of them will be in order till the committee has passed from the consideration of the section now under consideration.

Mr. DAWES. Let us have a vote on section 6.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Virginia [Mr. HARRIS] to add to section 6 the proviso which the Clerk will read.

The Clerk read as follows:

Provided, It shall be shown by testimony under oath to the satisfaction of the Secretary of the Treasury that such goods, wares, and merchandise were by contract sold to be delivered in future at a fixed price, which contract was in writing prior to the 10th day of February, 1875.

The question being taken, the amendment was not agreed to; there were ayes 43, noes not counted.

Mr. KELLOGG. I move to amend by adding to the sixth section the following:

Provided, That nothing in the fifth section of this act shall apply to or affect the duties upon clothing or Australian wools.

Mr. DAWES. I submit that that amendment is out of order.

Mr. KELLOGG. It is not out of order, because this section, as well as the fifth section, applies to woolen goods.

Mr. DAWES. It may be in order; but I hope it will be voted down.

Mr. KELLOGG. I offer this amendment for the benefit of the woolen interest at home as well as the woolen manufacturers. As I stated the other day, the duties are now over 50 per cent.—20 per cent. higher than on any other staple production or class of goods. It actually costs—

Mr. O'NEILL. Why does not the gentleman make the amendment apply to all woolen goods?

Mr. KELLOGG. I cannot permit myself to be interrupted in a five-minutes speech. It actually costs more—

The CHAIRMAN. The Chair has not yet ruled upon the point of order which was raised before the gentleman began to speak. As the amendment relates to section 5, and as the committee is now considering section 6, the Chair rules that the amendment is not in order.

Mr. KELLOGG. The chairman of the Committee on Ways and Means conceded that it was in order, because both sections relate to this duty.

The CHAIRMAN. The Chair is ruling for the Chair, and not for the chairman of the Committee on Ways and Means. The amendment is out of order.

Mr. KELLOGG. I thought that if the chairman of the Committee on Ways and Means conceded the amendment to be in order, the Chair would allow a vote to be taken upon it.

Mr. DAWES. Before gentlemen proceed to offer their separate sections, I desire to submit an amendment to construe a portion of the tariff provisions that passed the other day. In endeavoring to prevent frauds we made the phraseology a little too stringent with reference to bolting-cloths (which heretofore have been free) and also with regard to the pass-books which servant girls may take to savings-banks.

I want to have a section put in that tariff bill so it shall not be construed to apply to them; that is all.

Mr. BECK. I move to amend the section offered by the chairman of the committee.

Mr. DAWES. I offered it for that purpose only, in order to exclude savings-banks pass-books from stamps, and bolting-cloths from the operation of that tariff bill.

The CHAIRMAN. Does the gentleman from Massachusetts offer the amendment as an amendment to section 6, which the committee is now considering?

Mr. DAWES. I supposed that section 6 was passed.

The CHAIRMAN. It is not passed, as no vote has yet been taken on the motion of the gentleman from Illinois [Mr. FORT] to strike it out.

Mr. DAWES. I beg pardon. I thought it had been voted on.

The CHAIRMAN. After that vote has been taken it will be open to an amendment moving a separate section, as the gentleman from Massachusetts has indicated.

The question recurred on Mr. FORT's motion to strike out section 6. The Committee divided; and there were—ayes 30, noes 77.

So the motion was rejected.

Mr. DAWES. I now offer as an additional section the following.
The Clerk read as follows:

SEC. 7. That nothing contained in the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," approved February 8, 1875, shall be construed to impose any duty on bolting-cloths heretofore admitted free of duty, nor to require the use of a stamp upon the receipt-book of a savings-bank or institutions of savings having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company, when money is paid to a depositor on his pass-book.

Mr. BECK. I move to amend that.

Mr. FORT. We ought to have some explanation first of the proposition moved by the gentleman from Massachusetts.

Mr. DAWES. If it is necessary, I will now make an explanation for the reason of the amendment I have offered.

Mr. BECK. Let me offer mine as an amendment to the gentleman's amendment, and then the gentleman can speak to both, as they are in the same line.

Mr. DAWES. Very well.

Mr. BECK. I offer the following amendment to the amendment.

The Clerk read as follows:

SEC. 7. That the first section of the act approved February 8, 1875, entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," be amended by striking out of the proviso at the end of said section the words "in value," and inserting in lieu thereof the words "in quantity;" *And provided further, That said section shall not be so construed as to impose a duty on bolting-cloths, which are hereby restored to the free list.*

Mr. BECK. I move to strike out the latter part of that amendment, as it is included in the amendment of the gentleman from Massachusetts.

Mr. DAWES. Mr. Chairman, I wish to say a word.

Mr. FORT. I should like to know why bolting-cloths should be placed on the free list?

Mr. BECK. They have always been put upon the free list.

Mr. DAWES. They have always been on the free list, and it is not the intention of the committee nor anybody else that I can hear of, excepting in reference to tea and coffee, to place anything now free upon the dutiable list. What may be done in reference to tea and coffee is another thing.

Bolting-cloths are made of silk, and the phraseology of the little tariff bill includes them in the dutiable list and makes them pay 60 cents. The object of my amendment is to make them free as heretofore.

In order to save pass-books of depositors in savings-banks and like institutions from being compelled to use stamps, it is also necessary to change the phraseology of the law. In the alteration made on the subject of check stamps in the little tariff bill, strange enough the Internal Revenue Bureau has construed it so as to make pass-books of depositors in savings-banks liable to be stamped every time. Such was not the intention of anybody. That, however, is the present construction, and this is to remedy it.

Now, sir, my friend from Kentucky [Mr. BECK] wants to amend that amendment in another vital point; that is to say, a piece of silk that has more in quantity though not in value of something else in it shall be cut down 20 per cent. in duty. Take a piece of silk which you can put, the whole of it, in your hand, and put a little bit of cotton or wool in it that does not cost one-hundredth part as much as silk, but which in quantity is a good deal more than the silk; for instance, put a little shoddy in it which in quantity is as much again as of silk, and he wants, because that shoddy is in it, that it shall come in paying 10 per cent. less duty. Now there must be some line of distinction drawn.

[Here the hammer fell.]

Mr. W. R. ROBERTS. Mr. Chairman, I do not rise so much with the view of influencing the action of the House on this bill, as in order to set myself and the constituency I represent on this floor right before the country. I had no intention of addressing the committee upon it at all until within the last few moments. But I am now satisfied that it is a duty I owe, both to myself and my constituency, that I should express my views and theirs.

I believe, sir, in calling things honestly by their honest names. I believe in calling free trade "free trade;" and I believe that trade when it is free is absolutely free without restrictions of all kinds whatsoever. Sir, I have never been in that sense a free-trader. I am not one to-day, and I do not ever expect to be in this sense, a free-trader so long as I live under the flag of my adopted country. I am not a free-trader as free trade is proclaimed on the stump by demagogues, and there is no man in this House to-day who could go before a constituency, an intelligent constituency of this country, and declare that he is in favor of absolute and entire free trade and be elected to a position on this floor.

Why, sir, what would be the result of such a state of things? How would we provide for the vast outlay, some three hundred millions a year, which the country has to meet? How would it be met if we had absolute free trade? By internal taxation; by raising taxes from the industries and the products of the country. And how would we raise them when there would be no industries in the country, and when all would be swept away by this so-called free trade, and our mechanics and laboring men were left to starve and rot in our streets; while the mechanics and laboring men of a competing nation like Great Britain would be flourishing in affluence, in luxury, and wealth at our expense?

I believe in a tariff for revenue, an honest tariff for revenue, which while it protects the industries of this country will at the same time enable the Government to meet its obligations. And when we are told that Great Britain sets us an example of great prosperity because it is in favor of and practices free trade, why those who say so forget that until the last few years Great Britain was one of the first nations on the earth that protected every single article and every single interest of its own manufacturers. Even the farmers, until a late day, were protected by a tax on foreign corn. And if to-day they have free trade it is because they have robbed the nations of their wealth, and that wealth they have brought into their own homes to lend it to their manufacturers at a low rate of interest, starving the masses of their own people in order to have cheap and abundant labor.

Let any man to-day read the history of the working classes of Great Britain honestly and truly, and what conclusion would he come to but that the moneyed aristocracy of that country was oppressing the vast masses of the poor; and they will do the same for our toiling millions if we give them the opportunity.

[Here the hammer fell.]

Mr. FIELD. The remarks of the gentleman are very interesting, and I hope he will be allowed to proceed.

Mr. W. R. ROBERTS. Just one word more. If I went before my constituents after having boasted on this floor like one of my colleagues [Mr. COX] that I went abroad to buy my clothes from foreign tailors they would spurn me, and I would deserve it.

Mr. BECK and Mr. MAYNARD rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BECK. I desire to speak to my amendment.

Mr. MAYNARD. If a further amendment be in order, I will move to amend the amendment of the gentleman from Kentucky by striking out the word "quantity."

The CHAIRMAN. The amendment of the gentleman from Kentucky is in the second degree, and is not amendable.

Mr. MAYNARD. May I be permitted to ask the gentleman to withdraw his amendment that I may renew it?

Mr. BECK. I do not desire to withdraw it. I presume I have the right to be heard on my own amendment.

The CHAIRMAN. The Chair did not understand the gentleman from Kentucky to seek the floor for that purpose, and recognized other gentlemen. The amendment has been spoken to and opposed in five-minutes speeches, and debate on it is exhausted.

Mr. BECK. When the gentleman from Massachusetts [Mr. DAWES] offered the additional section, I offered my amendment at the same time so that he might speak to both and that I might be heard afterward in support of my amendment.

The CHAIRMAN. The gentleman from Kentucky undoubtedly had the floor when he offered his amendment, but the Chair understood him to yield to the gentleman from Massachusetts. But as the gentleman has not spoken on his amendment, the Chair will hear him.

Mr. BECK. I am obliged to the Chair. I approve of the provision of the section offered by the chairman of the Committee on Ways and Means, which provides that bolting-cloths shall be free. They were on the free list, and the construction put upon the little tariff bill by the Treasury Department was not intended either by the House or by the committee, and therefore they ought to be restored to the position they occupied before that construction was given.

I further agree that in savings-banks without capital, carried on simply for the benefit of depositors, we ought to allow those depositors to draw out money with their pass-books; there ought not to be any check-stamp put upon them. To that I agree.

But I must insist that the chairman of the Committee on Ways and Means does not state my position correctly in regard to the striking out of the words "in value" and inserting in their place the words "in quantity" in the first section of that bill as applied to mixed-silk goods. Prior to the passage of that law mixed-silk goods came in at a duty of 50 per cent., while goods strictly of silk paid a duty of 60 per cent. Complaints were made to the committee that frauds were being perpetrated by putting in threads of cotton and of wool and other material, to make what were really silk goods mixed goods, and so to evade the law. Thereupon the Committee on Ways and Means thought, and the House agreed, that we should prevent that evasion, and require 25 per cent. of the materials to be other than silk, in order that the goods might be recognized as mixed goods. That was the meaning of the bill as it passed the House beyond question. When it got to the Senate the silk manufacturers rallied and put in "25 per cent. in value." What was the effect of that? Cotton is worth say 20 cents a pound; raw silk is worth \$5 a pound; and mixed goods containing 75 or 80 per cent. of cotton were raised to 60 per cent. instead of 50 per cent., as heretofore; while goods all cotton are at 35 per cent. *ad valorem*, so that it operated to the exclusion of that class of goods.

[Here the hammer fell.]

Mr. COX. I move to strike out the last word.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky, which is an amendment in the second degree.

Mr. COX. I ask the gentleman to withdraw his amendment and I will renew it.

Mr. BECK. I withdraw the amendment.

Mr. CESSNA. I object. We will never get through in that way. The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky.

Mr. BECK. I ask for a division on it. There is \$5,000,000 of revenue involved.

The question being taken, there were—ayes 56, noes 81.

So the amendment was not agreed to.

Mr. HATHORN. I offer the following amendment.

The Clerk read as follows:

Add to the section these words:

That on all imported natural mineral waters there shall be levied, collected, and paid the following rates of duty, namely:

Mr. DAWES. The gentleman's amendment is not in order in connection with my amendment. I ask that my amendment be first decided.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order on the amendment?

Mr. DAWES. I make the point of order that the amendment is not germane to the pending amendment.

The CHAIRMAN. The point of order is sustained.

Mr. COX. Is it in order to move to strike out the proviso?

The CHAIRMAN. The pending question is on the amendment offered by the gentleman from Massachusetts.

Mr. SENER. I rise to address the Chair upon the pending amendment.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. SENER. Then I move to strike out the last word. I rise at this late period of this discussion, not because I suppose I can enlighten or convince the House by what I shall say. I had no expectation of speaking on this amendment, and would not do so if there was any other way in which I could say what I wish in reference to the feature of this bill increasing the tax on tobacco; but since there will be no such opportunity, I desire to express my opposition to that feature of this bill to which I have alluded. I want to enter here my protest against any increase of the tobacco tax. It may be and is of course a "thrice-told tale;" but it is a fact which is before the House and the country that a larger revenue has been realized from this tax at a low rate than from one at a higher rate, as is proposed by this bill; and especially do I so speak since incomes are not taxed. I feel it my duty as one member of this House, and a Representative in part of the people of Virginia, to express the opposition of the people of that State, expressed individually, expressed collectively, expressed through their boards of trade and by the resolutions of their General Assembly read at your Clerk's desk yesterday against the feature in this tariff bill increasing the tax on tobacco.

It is the duty of the Representatives of the people, I concede, to vote supplies. It is their duty, their bounden duty, whether they come from that section, the South, that I come from, or come from the country north of us, to vote sufficient money to pay the public debt and to carry on this Government; but it is not their duty to put an excessive tax upon one subject of taxation and no tax on another. The theory of our Government is that it rests like the dome of heaven, equally on all and unequally on none. Why put oppressive taxation upon late slaves in the South who raise tobacco, while you leave untaxed those who inhabit the populous cities, who have grown rich in the last fifteen years, and who ought to be willing equally to pay an income tax on their vast interest-bearing subjects, so as to add to the revenues of the Government? Since it is alleged that more revenue is needed, leave tobacco as it is by the present law, though that I believe is too high, and if necessary to raise revenue put back the income tax. I will vote for an amendment to impose an income tax, and I would offer such a proposition myself did I not know that my friend from Iowa [Mr. LOUGHRIDGE] has a carefully drawn amendment looking to that object, which he has given notice of a purpose to offer as soon as he can get the floor.

[Here the hammer fell.]

Mr. DAWES. I oppose the amendment, and ask a vote upon it.

Mr. COX. I desire to oppose the amendment.

Mr. DAWES. I have done it for you.

Mr. COX. I have but one word to say.

Mr. DAWES. Well, I will yield my time to the gentleman.

Mr. COX. I understand, Mr. Chairman, that members on this side of the House when they spoke of free trade have not been understood as meaning absolute free trade. Now, any one who attends the sessions of the House and listens to its proceedings must know that nobody means absolute free trade, regardless of Government restrictions or taxation. The "free-trader" favors restriction so far as revenue is concerned; no more and no less. But, sir, because I gave an illustration in reference to my clothes, I am to be arraigned by somebody or by nobody.

Now, sir, let me say to my friend from Pennsylvania [Mr. TOWNSEND] who spoke so kindly in reply to my remarks on clothing, that all those employed in the United States in the manufacture of textiles—cotton, flax, and linen goods, carpets, woolen, and worsted goods—are 243,731, and the production \$380,913,815; and in articles of wear, including the clothing for all persons, boots and shoes, hats and caps, collars, gloves, &c., number 297,141, and the production \$398,264,118; while the vast consumers of the country amount to 41,000,000 persons, representing every other branch of industry. The people, sir,

are entitled to cheap clothing. I am no demagogue when I advocate that every man, woman, and child in the country shall have cheap clothing; and when I go to Montreal in Canada and find an Irish Fenian tailor there and have my clothes made there at half-price, I am still endeavoring to illustrate the same privilege and liberty of trade. When this is understood in the proper light, how do I by favoring the largest interchange in the interest of the poor and laborious violate the laws of nature, science, morality, the Constitution, or the divine government of the Almighty?

[Here the hammer fell.]

Mr. HATHORN. I move as a substitute for the amendment of the gentleman from Massachusetts [Mr. DAWES] the additional section which I send to the Clerk's desk.

The Clerk read as follows:

That on all imported natural mineral waters there shall be levied, collected, and paid the following rate of duty, namely: for each bottle or jug containing not more than one quart, 3 cents, and in addition thereto, 25 per cent. *ad valorem*; containing more than one quart, 3 cents for each additional quart or fractional part thereof, and in addition thereto, 25 per cent. *ad valorem*; otherwise than in bottles, 30 per cent. *ad valorem*.

Mr. HATHORN. This additional section which I have offered is worthy of the favorable consideration of this House. In my opinion there is no line of business in this country which is so injuriously and unjustly affected by our present tariff laws as the business of the American mineral springs. The general policy of the framers of our tariff laws has been to foster and encourage American manufactures, to enable American industries to compete successfully with their foreign rivals in the markets of this country. But for the last two years this branch of business has been made an exception to this general rule. In respect to this industry there has been a different policy. It would seem to be the purpose of the present laws to drive the American mineral springs from the markets of this country and to give the whole field over to their foreign rivals, the mineral springs of Germany and France. Since 1872 all foreign natural mineral waters have been admitted entirely free of duty to this country, and not only the waters themselves, but also the boxes, bottles, cork, wires; in short, the whole package has been entirely exempt from duty. This policy has been more favorable to the foreign mineral spring than a policy of complete free trade would have been. Under a free-trade policy the springs of this country could compete in price both at home and abroad. But as the tariff now stands the foreign waters not only have all the benefits of a free-trade policy in being admitted entirely free of duty into this country, but also have the provisions of the present protective tariff apply to the American mineral springs; and as they are prevented thereby from being able to compete in price with their foreign rivals, the foreign mineral waters are given under the present tariff almost freedom from competition with their American rivals within the United States. What more could they desire? But if the American mineral springs are to have equal privileges in this country with the springs of Germany and France, a change must be made in the present law, and the section which I have offered adopted and incorporated in this bill.

This section proposes to restore the same rate of duty upon imported natural mineral waters which existed previous to the passage of the act of June 6, 1872. That act placed foreign mineral waters on the free list for the first time since the year 1846. They have now been on the free list since August, 1872. Not only are the waters themselves permitted to be entered free of duty, but also the bottles, corks, wire, boxes; in short, the whole package is entirely exempt from duty.

Since foreign mineral waters were placed upon the free list, which occurred on the 1st of August, 1872, the importations of these waters has very largely increased. For instance, during the two years 1871 and 1872, when duties were levied upon foreign waters, the importation amounted to about 1,000 gallons; but during the years 1873 and 1874, since these waters have been upon the free list, there have been imported over 600,000 gallons. In this manner the mineral springs of Germany and France have been brought into competition with the mineral springs of the United States, underselling them in every city and State of the Union.

The American mineral springs are now unable to put their bottled waters into the market either at home or abroad at prices to compete with their foreign rivals. Why? Solely on account of the present tariff laws of this country. Certainly not on account of the first cost of the water itself, for that is as free by nature in this country as in France or Germany. The cost of placing the waters in the market is the cost of the materials necessary to contain the water, namely: The bottles, corks, wire, boxes, the cost of the necessary labor, of the capital for the necessary buildings, and for conducting the business. All these materials and articles of cost are very much higher in this country than in Germany or France. Why? On account of the present tariff laws. There is a duty on these materials of from 30 to 40 per cent. in gold, and they cannot be supplied to the American mineral springs from the cheaper markets abroad unless these duties are paid, nor can they be obtained in our home markets except at prices much higher on account of the duties. For this reason the American mineral springs are virtually excluded from sale of their waters in foreign markets, and while foreign waters are admitted entirely free in this country, they will soon be driven from their own home markets under the present law. If the springs of

this country were located in Germany, where they could buy in cheaper foreign markets the materials they need, the present tariff laws of the United States would not then prevent them from successfully competing in the markets of this country with the waters of Germany and France; but as they are permanently located here, they cannot compete in price under the present tariff unless the duties upon foreign waters should be restored. The cheap manufacture of German jugs, bottles, &c., and their cheap labor, enable the German waters to be sent here and sold at prices which are ruinous to the business in this country. The cheap prices in foreign countries of all those things which enter into the cost of sending these waters to market enables the foreign waters to undersell the American in this country.

The present law in its operation confers direct benefits and advantages upon foreigners in the sale of their bottle waters in the United States and works corresponding iniquity and injustice to American mineral springs, and offers freedom from competition and protection within the United States not to Americans but to foreigners. The capital invested in this business by our own citizens is considerable. It has at least not escaped taxation.

In Saratoga County there are more than twenty mineral springs owned by various corporations, companies, and individuals, some of which have investments of from \$10,000 to \$1,000,000, and there are numbers in other States. This business has been crippled and injured in the past two years by the unequal competition of the foreign waters which have been introduced into this country as the result of the unfair advantage given to them in the repeal of the customs duties an advantage which they did not possess before since 1846. Justice to them demands that the duty should be restored. Other interests are protected in this country. This business is as emphatically one for protection as any other. Other products of foreign manufacture are subject to heavy duties. There is no reason why this industry should be singled out from all others for destruction. There is capital invested in it and laborers engaged in the business, and also in the manufacture of the bottles, corks, boxes, and other materials used in the business. It is a business which is beneficial to the country and it deserves protection. If placed upon an equal footing by the restoration of the duty, the character and the reputation of the American mineral waters are such that they will have no reason to fear and never will suffer from competition with foreign waters in this country.

Mr. CONGER. I wish to say one or two words in regard to this bill, not perhaps in technical opposition to this amendment of the gentleman from New York, [Mr. HATHORN.] There are some things which should be amended in our tariff law which are not included in this bill. An amendment will be offered, but there will be no opportunity to speak to it, putting gilling-twine, net-twine, on the free list. I wish to take this opportunity to say in advance in regard to that amendment that the twine used by our fishermen all along the coasts of the lakes and on the rivers of this country, all the twine which is valuable for use in the water is made abroad and imported into this country, paying a duty of 6 per centum *ad valorem*.

By the treaty of Washington and the laws following it Canadian fishermen are permitted to bring their catches of fish into the United States free of duty—all the fish which they catch in the lakes and on our northwestern frontier. The Canadian fisherman can get up his outfit of boats and twine at less than half the expense which the American fisherman has to bear, and yet by the treaty of Washington and the laws that followed it the Canadian fisherman can come right into our markets with his fish free of duty and compete with the American fisherman, who has had to pay an extravagant duty on the very material which he uses to capture the fish. When that amendment is offered I trust the House will agree to it, for there is scarcely a single State in the Union that is not interested in having this gilling-twine, which is made in foreign countries and which is not made of good quality in the United States, placed upon the free list. This twine is not used for any other purpose except as gilling or net twine.

[Here the hammer fell.]

The CHAIRMAN. By order of the House all debate upon this bill is closed.

Mr. HATHORN. I will withdraw my amendment for the present.

The CHAIRMAN. The question, then, is upon the additional section offered by the gentleman from Massachusetts, the chairman of the Committee on Ways and Means, [Mr. DAWES.]

The amendment was agreed to.

Mr. LOUGHRIDGE. I offer as additional sections that which I send to the Clerk's desk.

The clerk read as follows:

SEC. — That there shall be levied, collected, and paid annually, upon the annual gains, profits, or income of every person residing in the United States, whether derived from any kind of property, rents, interests, dividends, salaries, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, except as hereinafter mentioned, if such annual gains, profits, or income exceed the sum of \$3,000 and do not exceed the sum of \$10,000, a duty of 3 per cent. upon the amount thereof exceeding \$3,000; and if said income exceeds the sum of \$10,000, a duty of 5 per cent. upon the amount thereof exceeding \$3,000. And upon the annual gains, profits, or income, rents, and dividends accruing upon any property, securities, and stocks owned in the United States by any citizen of the United States residing abroad, except as hereinafter mentioned, and not in the employ of the Government of the United States, there shall be levied, collected, and paid a duty of 5 per cent.: *Provided*, That incomes derived from interest upon notes, bonds, and other securities of the United

States, and also all premiums on gold and coupons, shall be included in estimating incomes under this act: *And provided further*, That the word person in this section shall be construed to include corporations.

SEC. — That all the provisions of law in force on the 30th day of June, 1870, relating to deductions from incomes and relating to the assessment and collection of income tax are hereby revived and declared to be in force.

Mr. SPEER. I wish to inquire of the Chair if the order of the House limiting debate to one hour upon the last section of this bill applies to all the new sections that may be offered?

The CHAIRMAN. It applies to the remainder of the bill; that is a question which has been many times ruled upon.

Mr. ELLIS H. ROBERTS. If the income tax is to be revived, it is necessary to have officers to assess it. I therefore move to amend the amendment of the gentleman from Iowa [Mr. LOUGHRIDGE] by adding the provision which I send to the desk.

Mr. HOSKINS. It is well enough for the House to understand that if the amendment of the gentleman from Iowa prevails it will revive fifteen hundred Government officers to act as assessors, and will involve an additional expense of over a million and a half of dollars.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. ELLIS H. ROBERTS] will be read.

The Clerk read as follows:

That for the purpose of assessing and levying the said income tax the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint an assessor for each collection district in the United States, and each assessor shall divide his district into a convenient number of assessment districts, which may be changed as often as may be deemed necessary, subject to such regulations and limitations as may be imposed by the Commissioner of Internal Revenue, within each of which the Secretary of the Treasury, whenever there shall be a vacancy, shall appoint one or more assistant assessors who shall be a resident of such assessment district; and in case of a vacancy occurring in the office of assessor by reason of death or any other cause, the assistant assessor of the assessment district in which the assessor resided at the time of the vacancy occurring shall act as assessor until an appointment filling the vacancy shall be made. And the pay of these officers shall be as provided for the same officers by the laws of June 30, 1864, and July 13, 1866.

Mr. FORT. Before this amendment is voted on, I wish to offer an amendment to perfect the original section.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. ELLIS H. ROBERTS] is in the nature of an amendment perfecting that of the gentleman of Iowa, [Mr. LOUGHRIDGE.]

Mr. RANDALL. Is the amendment germane?

The CHAIRMAN. The Chair holds that the amendment of the gentleman from New York [Mr. ELLIS H. ROBERTS] is germane to that of the gentleman from Iowa. The latter amendment proposes to impose an income tax; and the proposition of the gentleman from New York is to create officers to enforce the collection of that tax. The Chair holds that the amendment is germane.

The question being taken on the amendment of Mr. ELLIS H. ROBERTS, there were—ayes 60, noes 71; no quorum voting.

Tellers were ordered; and Mr. ELLIS H. ROBERTS and Mr. LOUGHRIDGE were appointed.

Mr. FORT. Before the vote is taken, I would like to have my amendment read. It provides that the collectors shall do this assessment.

A MEMBER. They cannot.

Mr. FORT. Yes, they can; they attend now to the business of assessments.

The committee divided; and the tellers reported—ayes 48, noes 99.

So the amendment of Mr. ELLIS H. ROBERTS was not agreed to.

Mr. FORT. I move to amend the amendment of the gentleman from Iowa [Mr. LOUGHRIDGE] by adding thereto the following:

Provided, That all the duties performed by revenue assessors shall hereafter be performed by collectors of internal revenue, subject to such rules and regulations as may be adopted by the Secretary of the Treasury.

The question being taken on the amendment of Mr. FORT; there were—ayes 43, noes 79; no quorum voting.

Tellers were ordered; and Mr. FORT and Mr. LOUGHRIDGE were appointed.

The committee divided; and the tellers reported—ayes 72, noes 77.

So the amendment was not agreed to.

Mr. YOUNG, of Georgia. I move to amend the amendment of the gentleman from Iowa by adding thereto the following:

Provided, That after the passage of this act no person shall be appointed or employed to collect the revenues of any State or Territory who shall not at the time of appointment be a citizen of said State or Territory.

Mr. DAWES. I raise the question whether that amendment is germane.

Mr. YOUNG, of Georgia. Well, then, I will offer it as a separate section.

Mr. FIELD. I offer the following amendment as a substitute for the amendment of the gentleman from Iowa, [Mr. LOUGHRIDGE:]

SEC. 7. That from and after the passage of this act, in lieu of the duties now imposed in Schedule K, section 2504 of the Revised Statutes, on the articles herein after enumerated, there shall be levied, collected, and paid the following duties and rates of duty, that is to say:

On sawed boards, plank, deals, and other lumber of hemlock, whitewood, sycamore, and basswood, \$2 per thousand feet board measure; all other varieties of sawed lumber, \$4 per thousand feet board measure.

Mr. BURCHARD. I make the point of order that this amendment is not germane to that of the gentleman from Iowa, which relates to the income tax and to internal revenue, while this proposes to amend the tariff laws.

Mr. FIELD. This is offered as a substitute. I propose to raise

revenue from something else and to get it from foreigners and strangers instead of our own people.

The CHAIRMAN. The Chair sustains the point of order. The Committee of the Whole is now considering the subject of the income tax, and all amendments must be germane to that subject.

Mr. BUTLER, of Massachusetts. I offer the following amendment as a proviso to the amendment of the gentleman from Iowa:

Provided, That the tax hereby imposed upon incomes, so far as derived from all stocks or interest in joint-stock companies, all interest paid on mortgages, bonds, notes, or from any form of invested capital, shall be paid to the several collectors of internal revenue respectively by the person who shall pay or be bound or obliged to pay such dividends or interest; and the amount so paid shall be deducted from the interest and dividends payable on such invested capital.

Mr. DAWES. That is an assault upon contracts, which is new.

Mr. BUTLER, of Massachusetts. No, sir, it is very old; and it is not an assault upon contracts.

Several members objected to debate.

The question being taken on the amendment of Mr. BUTLER, of Massachusetts, it was agreed to; there being—ayes 80, noes 66.

The question then recurred on agreeing to the amendment of Mr. LOUGHRIDGE as amended.

Mr. HOSKINS. If this amendment is adopted, it kills the bill.

Several members objected to debate.

The CHAIRMAN. Upon this question the Chair will direct that the vote be taken by tellers. He appoints the gentleman from Massachusetts [Mr. DAWES] and the gentleman from Iowa, [Mr. LOUGHRIDGE.]

Mr. HOSKINS. I desire—

The CHAIRMAN. The committee is about dividing.

Mr. SPEER. This amendment is utterly absurd.

Mr. HOSKINS. The division has not yet taken place; and I have an amendment—

Mr. LOUGHRIDGE. I object to bankers standing around here interrupting the vote.

The CHAIRMAN. The committee is dividing.

The committee divided; and the tellers reported—ayes 114, noes 86.

So the amendment, as amended, was adopted.

Mr. KELLOGG. I move to strike out the enacting clause of the bill.

Mr. COX. Is it in order to move now to add an additional section to the bill?

The CHAIRMAN. The motion to strike out the enacting clause is neither amendable nor debatable.

Mr. COX. I rise to a point of order.

Mr. DAWES. I hope the enacting clause will not be stricken out.

Mr. KELLOGG. No debate is in order. If the gentleman from Massachusetts is heard I want to be heard in reply.

The CHAIRMAN. Nothing is in order but the vote on the motion to strike out the enacting clause.

Mr. FIELD. I wish to submit an amendment.

The CHAIRMAN. An amendment is not in order.

Mr. DAWES. I appeal to the gentleman from Connecticut not to make that motion.

Mr. KELLOGG. I feel it to be my duty to insist upon it.

Mr. DAWES. Let it come from some other quarter.

Mr. SMITH, of Ohio. If this motion is agreed to, what then will be the condition of the bill?

Mr. DAWES. It will leave it like a hen with its head cut off.

Mr. KELLOGG. When the head is cut off we can put another better head on it; and that is my object.

Mr. CONGER. I rise to a point of order.

Mr. SMITH, of Ohio. If the House should disagree to the motion to strike out the enacting clause, what then becomes of the bill?

The CHAIRMAN. If the motion to strike out the enacting clause is carried in committee and on vote in the House should be rejected, then the committee resumes its session and the bill remains in the same condition it was before the motion to strike out the enacting clause was made.

Mr. CONGER. If this motion is not carried will the bill be open to an amendment?

The CHAIRMAN. Certainly.

The committee divided; and there were—ayes 87, noes 98.

Mr. SAYLER, of Ohio, demanded tellers.

Tellers were ordered; and Mr. SAYLER, of Ohio, and Mr. KELLOGG were appointed.

The committee again divided; and the tellers reported—ayes 102, noes 113.

So the motion was rejected.

Mr. COTTON. I move the following as an additional section:

That from and after the passage of this act there shall be levied, collected, and paid on tea and coffee imported from foreign countries the following duties: on each pound of tea 10 cents; and on each pound of coffee 2 cents.

The committee divided; and there were—ayes 33, noes 113.

So the amendment was rejected.

Mr. COTTON. I should like to print some statements in regard to tea and coffee to show that there is not that supply in the country which has been stated.

Mr. FIELD. I object; debate is not in order.

Mr. COX. I move the following as an additional section:

SEC. 8. That the duty shall be changed from the present assessment, *ad valorem*, to a specific rate of not more than 1 cent per pound on all grades and descriptions of steel.

The committee divided; and there were ayes 16, noes not counted. So the amendment was rejected.

Mr. COX. I will postpone this matter till the next session.

Mr. YOUNG, of Georgia. I move the following to come in as an additional section.

The Clerk read as follows:

Provided, That after the passage of this act no person shall be appointed or employed to collect the revenues from the people of any section or territory who shall not at the time of appointment be a citizen of said State or Territory.

The committee divided; and there were—ayes 67, noes 77.

Mr. YOUNG, of Georgia, demanded tellers.

Tellers were ordered; and Mr. YOUNG, of Georgia, and Mr. MONROE were appointed.

The committee again divided; and the tellers reported—ayes 77, noes 72.

So the amendment was agreed to.

Mr. HATHORN. I move the following to come in as an additional section.

The Clerk read as follows:

That on all imported natural mineral waters there shall be levied, collected, and paid the following rate of duty, namely: for each bottle or jug containing not more than one quart 3 cents, and in addition thereto 25 per cent. *ad valorem*; containing more than one quart, 3 cents for each additional quart or fractional part thereof, and in addition thereto 25 per cent. *ad valorem*; otherwise than in bottles, 30 per cent. *ad valorem*.

Mr. SPEER. Is that in order?

The CHAIRMAN. It is an additional section.

The committee divided; and there were—ayes 71, noes 64.

Mr. DAWES demanded tellers.

Mr. STORM. If this is carried we might as well tax the atmosphere!

Mr. DAWES. It opens the door for everything.

Tellers were not ordered.

So the amendment was agreed to.

Mr. SPEER. I make the point of order that the gentleman from New York [Mr. HATHORN] is directly interested in the amendment, and therefore is not entitled to vote. I understand the amendment was carried only by a small vote.

Mr. DAWES. He is not interested in foreign waters.

The CHAIRMAN. The amendment has been carried.

Mr. PHILLIPS. I move the following to come in as an additional section.

The Clerk read as follows:

SEC.—. *And be it further enacted*, That there shall be levied and collected, in addition to the tax at present levied and collected on all national-bank notes issued, $\frac{1}{2}$ half of 1 per cent. per annum, which additional tax on such notes shall be levied and collected together with the tax now levied and collected, and there shall further be levied and collected 1-10 of 1 per cent. on all sales of gold or transfers of gold, gold certificates, or other evidence of such transfer.

Mr. DAWES. This is contraction, and will call in \$300,000,000.

Mr. CESSNA. I ask for a division of the question.

Mr. DAWES. It is better to take it as a whole.

Mr. BUCKNER. I offer as a substitute for the amendment of the gentleman from Kansas [Mr. PHILLIPS] the following.

The Clerk read as follows:

That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities at the rate of one-tenth of 1 per cent. on the amount of the sales thereof; and every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or for the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th days of each month; and the collector shall thereupon assess and collect a tax of one-tenth of 1 per cent. on the gross amount of such sales; and said list or return shall be made in such a manner and form as may be prescribed by the Commissioner of Internal Revenue.

The substitute for the amendment was agreed to.

The question recurred on agreeing to the amendment as amended.

Mr. DAWES. I call for a division. I shall be compelled to call for a division on all these amendments, because the tendency, and I am afraid the purpose, of them is to break the bill down.

The question being taken, there were—ayes 80, noes 59.

Mr. DAWES. I call for tellers. The whole effect—

Several MEMBERS. No debate.

Tellers were ordered; and Mr. DAWES and Mr. BUCKNER were appointed.

The committee again divided; and the tellers reported—ayes 105, noes 58.

So the amendment, as amended, was agreed to.

Mr. DAWES. I move that the committee rise and report the bill.

ENROLLED BILLS SIGNED.

Here the committee informally rose; and, the Speaker having resumed the chair, Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A joint resolution (H. R. No. 51) in relation to civil-service examinations;

An act (H. R. No. 4669) to provide for the selection of grand and petit jurors in the District of Columbia; and

An act (H. R. No. 4677) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1876.

TAX AND TARIFF BILL.

The Committee of the Whole resumed its session.

Mr. DAWES. I insist on my motion.

The CHAIRMAN. What is the gentleman's motion?

Mr. DAWES. That the committee rise and report the bill.

The CHAIRMAN. That motion is not in order while amendments are being offered.

Mr. DAWES. I thought the amendments were all in.

Mr. BASS. I offer the following as an additional section.

The Clerk read as follows:

Gilling-twine, to be used for the manufacture and repair of fishermen's nets, may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe.

Mr. FIELD. There can be no objection to that.

The question being taken, there were ayes 40, noes not counted.

So the amendment was not agreed to.

Mr. PENDLETON. I offer the following as an additional section.

The Clerk read as follows:

SEC.—. That so much of section 15 of the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," approved February 8, 1875, as imposes a stamp tax in words following, to wit: "Bank-check, draft, order, or voucher for the payment of any sum of money whatsoever, drawn upon any bank, banker, or trust company, 2 cents," be, and the same is hereby, repealed, to take effect from and after the 1st day of July, 1875.

Mr. FIELD. There can be no objection to that.

Mr. DAWES. Yes; I suppose from bankers there is no objection to it.

The question being taken on agreeing to the amendment, there were ayes 38, noes not counted.

So the amendment was not agreed to.

Mr. BURLEIGH. I offer the following as an additional section to the bill.

The Clerk read as follows:

And on all cloth, rugs, robes, or blankets, of which hair is a component part, there shall be levied and paid the same amount of tax as on apparently similar goods made either of wool or cotton.

The amendment was not agreed to.

Mr. DAWES. I move to strike out the enacting clause of the bill.

Mr. KELLOGG. The gentleman is wise, but his wisdom is half an hour too late.

The question being taken on Mr. DAWES's motion there were—ayes 95, noes 40.

So the motion to strike out the enacting clause was agreed to.

The committee then rose; and, the Speaker having resumed the chair, Mr. HALE, of Maine, reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. No. 4680) to further protect the sinking fund and to provide for the exigencies of the Government, had struck out the enacting clause of the bill.

Mr. DAWES. I move that the bill be recommitted to the Committee on Ways and Means, with instructions to report the same back in a new form, with whisky hereafter to be made at 90 cents per gallon, with the section on tobacco, as amended, in the bill; with the section on sugar, as amended, in the bill; with the clause restoring the 10 per cent., and with the sixth section of course; and upon that I call the previous question.

Mr. SMITH, of Ohio. Will not the gentleman include in his motion also the income clause?

Mr. BUTLER, of Massachusetts. I rise to a question of order.

Mr. COX. I move to lay the motion of the gentleman from Massachusetts [Mr. DAWES] on the table.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] rises to a point of order. He will state the point of order.

Mr. BUTLER, of Massachusetts. My point of order is this: When the Committee of the Whole struck out the enacting clause of the bill and reported it back to the House, under parliamentary usage, does not the control of the bill pass into the hands of its opponents, instead of going back to the committee that reported it?

The SPEAKER. The control goes into the hands of the member who moved to strike out the enacting clause.

Mr. G. F. HOAR. I rise to make a parliamentary inquiry. I desire to inquire of the Chair whether, if this motion to recommit the bill with instructions be carried, and the bill be thereupon recommitted to the committee, and the instructions obeyed by the committee, and the bill again reported to the House from that committee in obedience to the instructions, the bill must not under the rule go back again to the Committee of the Whole, and all amendments be in order and the bill be in precisely the same parliamentary condition as now?

The SPEAKER. The rule in regard to striking out the enacting clause of the bill is simply as the gentleman has intimated. When the Committee of the Whole strikes out the enacting clause the bill is immediately reported back to the House, and the question then is will the House concur. If the House concurs, of course the bill is dead. If the House non-concurs it is *ipso facto* recommitted. But the rules provide that the bill may be referred either to a select or standing committee; but when reported back from such committee it must of course go to the Committee of the Whole, and will then be open to amendment.

Mr. DAWES. It will be open to amendment; but the instructions

are to report it to the Committee of the Whole in this form and not in the old form.

The SPEAKER. It will be reported in the form ordered by the instructions; but it will be open to amendment in Committee of the Whole.

Mr. COX. Cannot I move to lay the motion of the gentleman from Massachusetts on the table?

The SPEAKER. The rule does not permit that; but the end which the gentleman has in view can be attained without that motion.

Mr. LOUGHRIDGE. The Committee of the Whole put upon this bill a section taxing incomes. If this bill goes back to the committee, will that section be retained?

The SPEAKER. Not under these instructions; but the Committee of the Whole could amend the bill by putting it back again.

Mr. COX. Would it be in order to move to concur in the action of the Committee of the Whole?

The SPEAKER. The motion of the gentleman from Massachusetts must be first submitted. If that motion be voted down and the House concurs in the action of the Committee of the Whole, then the bill is dead; but if the House non-concurs in the action of the Committee of the Whole, then the bill is recommitted to the committee.

Mr. CESSNA. In order that I may vote intelligently, I desire to know from the gentleman from Massachusetts what he proposes to do in regard to the tax on whisky on hand in these instructions? The gentleman proposes to change the tax which was \$1 in the bill to 90 cents. I ask him what he proposes to do on that subject?

Mr. DAWES. I propose, instead of the section in the bill, a tax of 90 cents upon whisky hereafter to be made.

Mr. CESSNA. That releases whisky on hand from taxation?

Mr. DAWES. Yes, sir.

Mr. PHILLIPS. The gentleman from Massachusetts has, I think, learned the temper of the House. The Committee of the Whole has voted on four or five propositions, and they were adopted. Does the gentleman propose to omit part of those amendments? Does he intend to reverse the action of the committee in these instructions?

Mr. BURCHARD. I would like to have the gentleman from Massachusetts explain what he expects to gain. When the bill goes back into Committee of the Whole all these several amendments can be renewed, and two or three days more will be consumed in considering the bill, when there are appropriation bills awaiting action.

Mr. DAWES. If this matter is open to debate, I will answer the gentleman's question.

The SPEAKER. It is not open to debate except by unanimous consent.

Mr. HARRIS, of Virginia. I object, and call for the regular order. The question was on the motion of Mr. DAWES.

Mr. SMITH, of Ohio. Is that motion amendable?

The SPEAKER. It is not.

Mr. DAWES. I have demanded the previous question on the instructions.

Upon seconding the demand for the previous question, tellers were ordered; and Mr. SENER and Mr. MONROE were appointed.

The House divided; and the tellers reported—ayes 104, noes 91.

Mr. GUNCKEL. I call for the yeas and nays.

Mr. GARFIELD. I suggest to the gentleman from Massachusetts [Mr. DAWES] that he withdraw his motion and let the bill be recommitted to the Committee on Ways and Means. He will get out of his trouble sooner in that way than in any other.

Mr. DAWES. I withdraw the call for the previous question, and I also withdraw the motion to recommit with instructions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the concurrent resolution of the House that the sixteenth and seventeenth joint rule of the two Houses be suspended for the residue of the present session.

The message further announced that the Senate had passed without amendment the bill (H. R. No. 4335) in relation to the Quartermaster's Department, fixing its status, reducing its numbers, and regulating appointments and promotions therein.

The message further announced that the Senate had passed the bill (H. R. No. 4529) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes, with amendments; in which he was directed to ask the concurrence of the House of Representatives.

TAX AND TARIFF BILL.

Mr. COX. I move that the House concur in the action of the Committee of the Whole, and on that I call for the yeas and nays.

The SPEAKER. That is the question which the Chair must now submit to the House.

Mr. DAWES. I leave it to the House to take the responsibility of concurring in that motion, which will be the end of this bill.

The SPEAKER. The Chair will state the effect of the motion. If the House concurs in the motion adopted in Committee of the Whole to strike out the enacting clause of the bill, it kills the bill; if the House votes not to concur, it recommits the bill, leaving it precisely where it was when the committee rose.

Mr. CESSNA. With the amendments already adopted in?

The SPEAKER. With the amendments in.

Mr. DAWES. I leave it to the House to say whether they want such a bill as this providing for the necessities of the Treasury. If not, they will vote in favor of concurring in the action of the committee.

The yeas and nays were ordered.

Mr. SMITH, of Ohio. I desire to make a motion.

The SPEAKER. No motion is possible under the rules except the one now pending.

Mr. SMITH, of Ohio. Is not a motion from some one else, similar to that made and withdrawn by the gentleman from Massachusetts, [Mr. DAWES,] in order at this time?

Mr. COX. The yeas and nays have been ordered on the pending question.

The SPEAKER. The Chair thinks the gentleman from Massachusetts [Mr. DAWES] would have the right to call the previous question upon concurring or non-concurring in the action of the Committee of the Whole in striking out the enacting clause of the bill. If he does not call the previous question, the Chair will recognize some other gentleman.

Mr. SPEER. How could there be a previous question upon a motion which the gentleman has withdrawn?

The SPEAKER. The previous question could be ordered upon striking out the enacting clause of the bill. The Chair begs to call the attention of the House to the fact that if this bill shall be recommitted and reported back, in point of time or parliamentary advantage there would be no possible gain to either side, because you would have to begin *de novo* in Committee of the Whole.

Mr. DAWES. I desire to be heard a few moments in explanation of what I have been doing.

Mr. WOOD. Is discussion in order?

Mr. DAWES. I only want to explain.

Mr. WOOD. I object to debate.

Mr. GARFIELD. I hope the gentleman will not object.

Mr. DAWES. I do not desire to discuss the bill; I want to explain what I have been doing.

Mr. WOOD. We know what you have been doing.

Mr. BUCKNER. I object to debate.

Mr. SMITH, of Ohio. I move that this bill be recommitted to the Committee on Ways and Means, with instructions to report a bill taxing incomes and taxing whisky at 85 cents per gallon, and having nothing else in the bill. On that question I call the previous question.

The SPEAKER. The previous question, if ordered, will extend through to the final question upon striking out the enacting clause, in case the motion to recommit with instructions should be voted down.

The previous question was seconded and the main question was ordered.

The question was then taken upon the motion to recommit with instructions; and upon a division—ayes 29, noes 128—it was not agreed to.

The question recurred upon striking out the enacting clause of the bill.

Mr. COX. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 150, not voting 30; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barber, Beck, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Chittenden, John B. Clark, jr., Freeman Clarke, Clayton, Clymer, Comingo, Cook, Cotton, Cox, Crittenden, Crossland, Crutchfield, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, Hereford, Herndon, Holman, Hunton, Kelley Knapp, Lamar, Leach, Loughridge, Luttrell, Magee, Marshall, James W. McDill, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Hosea W. Parker, Perry, Phelps, Pierce, Potter, Randall, Read, William R. Roberts, Henry B. Sayler, Milton Sayler, Schell, Henry J. Scudder, Sener, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Charles A. Stevens, St. John, Stone, Storm, Stowell, Strait, Swann, Christopher Y. Thomas, Vance, Waddell, Walls, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—107.

NAYS—Messrs. Albert, Albright, Averill, Barnum, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crouse, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dummell, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlburt, Hyde, Hynes, Kasson, Kellogg, Killinger, Lamport, Lawrence, Lawson, Lewis, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, MacDougall, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pike, Thomas C. Platt, Poland, Rainey, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Strawbridge, Sypher, Taylor, Thompson, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—150.

NOT VOTING—Messrs. Bland, Roderick R. Butler, Cain, Caulfield, Clinton L. Cobb, Creamer, Eden, Robert S. Hale, Hays, Hendee, Kendall, Lamson, Lansing,

Lofland, McKee, Mitchell, Page, James H. Platt, jr., Pratt, Ransier, Robbins, James C. Robinson, John G. Schumaker, Sloss, Alexander H. Stephens, Charles R. Thomas, Tremain, Jasper D. Ward, Whitehouse, and William Williams—30.

So the House refused to strike out the enacting clause of the bill. During the call of the roll the following announcements were made: Mr. VANCE. I desire to state that my colleague, Mr. ROBBINS, is confined to his room by sickness. If present he would vote "ay" on this question.

Mr. LAWSON. My colleague, Judge TREMAIN, is detained at home by sickness.

Mr. LANSING. When my name was called I voted in the negative. It was out of my mind at the time that upon this question I had paired with my colleague, Mr. WHITEHOUSE. I withdraw my vote, and will state that if my colleague had been here he would have voted "ay," and I would have voted as I did, "no."

Mr. SOUTHARD. I desire to state that my colleague, Mr. LAMISON, is necessarily absent.

The result of the vote was announced as above stated.

The SPEAKER. The House having refused to strike out the enacting clause of the bill, it stands recommitted to the Committee of the Whole House.

The Committee of the Whole resumed its session, Mr. HALE, of Maine, in the chair.

The CHAIRMAN. The House is in Committee of the Whole upon the bill to further protect the sinking fund and to provide for the exigencies of the Government. There is no amendment pending.

Mr. FIELD. I move to amend by inserting the following as an additional section:

SEC. —. That from and after the passage of this act, in lieu of the duties now imposed in Schedule K, section 2504 of the Revised Statutes, on the articles herein-after enumerated, there shall be levied, collected, and paid the following duties and rates of duty, that is to say:

On sawed boards, plank, deals, and other lumber of hemlock, whitewood, sycamore, and basswood, \$2 per thousand feet board measure; all other varieties of sawed lumber, \$4 per thousand feet board measure.

Mr. DAWES. I hope that will not be adopted.

Mr. FIELD. It will yield a million dollars of revenue.

The CHAIRMAN. The gentleman has no right to debate his amendment.

Mr. FIELD. Nor has the gentleman from Massachusetts, [Mr. DAWES.]

The amendment was not agreed to.

Mr. WHITEHEAD. I move to amend by inserting the following as a new section:

SEC. —. That upon all manufactured tobacco the manufacturer thereof shall be entitled to a drawback equal to the amount of duties which shall be shown to have been paid upon imported licorice which has entered into the manufacture of said tobacco, under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, said duties to be ascertained and certified by the collector of internal revenue of the district in which said tobacco is manufactured, and when so ascertained and certified the same shall be allowed and paid as in other cases of drawback of duties on manufactured articles.

The question being taken on the amendment, there were—ayes 62, noes 77.

Mr. WHITEHEAD called for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

Mr. MONROE. I move to amend by adding the following as a new section:

SEC. —. That from and after the passage of this act the special tax paid by retail dealers in liquors shall be \$50 instead of \$25 as now provided by law.

The amendment was not agreed to; there being ayes 20, noes not counted.

Mr. O'BRIEN. I offer the amendment which I send to the desk.

Mr. DAWES. I move that the committee rise and report the bill.

The CHAIRMAN. That motion cannot be entertained so long as any gentleman rises to move an amendment.

The amendment of Mr. O'BRIEN was read, as follows:

SEC. —. That the provisions of this bill shall not be construed to create or to authorize the creation of any new office.

The question being taken on the amendment, there were—ayes 36, noes 68; no quorum voting.

Mr. O'BRIEN. As this is a very important amendment, I must insist on a vote by tellers.

Tellers were ordered; and Mr. O'BRIEN and Mr. MONROE were appointed.

The committee divided; and the tellers reported ayes 27, noes not counted.

So the amendment was not agreed to.

Mr. HOSKINS. I move to amend by inserting the following:

SEC. —. That all the taxes imposed by stamps under and by virtue of Schedule C, of section 170, of the act entitled "An act to provide internal revenue to supply the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, and the several acts amendatory thereof; and so much of section 15 of an act entitled "An act to amend existing customs and internal revenue laws, and for other purposes," approved February 8, 1875, as imposes a stamp tax, in the following words, to wit: "Bank-check, draft, order, or voucher for the payment of any sum of money whatsoever, drawn upon any bank, banker, or trust company, 2 cents," be, and the same is hereby, repealed, to take effect from and after the 1st day of July, 1875.

Mr. DAWES. That will take \$6,000,000 out of the Treasury.

The amendment was not agreed to; there being—ayes 41, noes 91.

Mr. LAWRENCE. I submit an amendment to be inserted as a new section. I will state that I do so with the view of having struck out section 4, which increases the duty on sugar and molasses.

The Clerk read the amendment, as follows:

SEC. —. That section 3339 of the Revised Statutes of the United States be and is so amended as to strike out the words "\$1" where they occur in said section and insert in lieu thereof "\$2."

Mr. LAWRENCE. The effect of this amendment is to double the tax on beer.

The amendment was not agreed to.

Mr. HARRIS, of Virginia. I move to amend by inserting as a new section what I send to the desk.

The Clerk read as follows:

SEC. —. That any manufacturer of tobacco or snuff who shall have given a bond in conformity with the provisions of the internal-revenue law now in force, or which may hereafter be in force, and who shall have otherwise complied with all the provisions of law relating to the manufacture and sale of tobacco and snuff, shall be allowed the privilege, under such rules and regulations and after filing such bonds as the Secretary of the Treasury may prescribe, of transferring to his manufactory licorice and other materials used in the manufacture of tobacco and snuff directly from any vessel in which said articles and materials have been imported from a foreign country or from any bonded warehouse in which the same may be in original and unbroken packages without payment of duties thereon. Every manufacturer of tobacco or snuff, before he shall be entitled to the provisions of this act, shall file with the collector of customs, at the port of entry, or at the port of delivery where the vessel entered, or in which the bonded warehouse is located in which the articles or materials subject to impost duties may be, a bond, with good and sufficient sureties, in double the amount of the duties chargeable thereon and uncollected, truly and faithfully to convey or transfer the same to his factory, giving the State, district, and number of his factory, &c., and that he will remove no portion of such articles or materials from his said factory, but will use and consume the entire amount in the manufacture of articles aforesaid; and on the 1st of January of each and every year, or at the time of concluding business, upon the affidavit of the manufacturer that all the articles and materials transferred to his factory as aforesaid have been, during the year, entirely used and consumed by him in the manufacture of tobacco or snuff as aforesaid, and upon the verification of such affidavit of the manufacturer by the collector of internal revenue of the district where such manufacturer has his place of business from his own personal knowledge and examinations of such manufacturer's stock returns and inventories, the collector of customs as aforesaid is authorized and directed to cancel such bonds.

The question being taken on agreeing to the amendment, there were—ayes 56, noes 61; no quorum voting.

Tellers were ordered; and Mr. HARRIS, of Virginia, and Mr. DAWES were appointed.

The committee divided; and the tellers reported ayes 85, noes not counted.

So the amendment was agreed to.

Mr. POTTER. I offer the following, to come in as an additional section.

The Clerk read as follows:

SEC. —. That section 2504 Revised Statutes, Schedule L, be, and the same is hereby, amended by adding to the concluding paragraph, after the words "screens, hassocks, and rugs," the words "and on hatters' furs and fur skins undressed."

Mr. POTTER. I wish to say a word.

Mr. DAWES. Debate is not in order.

The CHAIRMAN. No further debate is in order.

The amendment was rejected.

Mr. CONGER. I offer the following as an additional section.

The Clerk read as follows:

Gilling-twine, to be used for the manufacture and repair of fishermen's seines and nets, may be withdrawn from bonded warehouses free of duty under such regulations as the Secretary of the Treasury may prescribe.

The committee divided; and there were—ayes 37, noes 47.

Mr. CONGER demanded tellers.

Tellers were ordered; and Mr. CONGER and Mr. G. F. HOAR were appointed.

The committee again divided; and the tellers disagreed as to the count.

The CHAIRMAN. The tellers are discharged; and the Chair appoints in their place Mr. CROOKE and Mr. BARNUM.

The committee again divided; and the tellers reported—ayes 22, noes 39.

So the amendment was rejected.

Mr. KELLOGG. I move the following to come in as an additional section:

SEC. —. Nothing in the fifth section of this act shall apply to or affect the duties upon clothing wools or Australian wools.

The amendment was rejected.

Mr. CONGER. I rise to a point of order. I make the point that when a member of the House demands a further count it is the duty of the Chair to recognize him.

The CHAIRMAN. The Chair did not hear the gentleman from Michigan call for a further count.

Mr. CONGER. I rose in time to be recognized.

The CHAIRMAN. The Chair took the indication from the tellers that no further count was insisted on, and then recognized the gentleman from Connecticut to offer an amendment.

Mr. MYERS. I move the following to come in as an additional section:

That after the passage of this act, in addition to the *ad valorem* duty now imposed by law, the duty on imported silk rain and sun umbrellas and parasols shall be 50 cents each.

The amendment was rejected.

Mr. FIELD. I offer the following.

The Clerk read as follows:

SEC. — That so much of section 2503 of the Revised Statutes as provides that only 90 per cent. of the several duties and rates of duty imposed on certain articles therein enumerated by section 2504 shall be levied, collected, and paid be, and the same is hereby, repealed; and the several duties and rates of duty prescribed in said section 2504 shall be and remain as by that section levied, without abatement of 10 per cent. as provided in section 2503.

Mr. FIELD. I want to explain why I offer that.

The CHAIRMAN. Debate is not in order.

Mr. FIELD. I offer this as a substitute for the whole bill.

Mr. SPEER. Cannot the gentleman from Michigan be heard by unanimous consent?

The CHAIRMAN. The committee cannot give unanimous consent to any prolongation of debate.

The amendment was rejected.

Mr. BANNING. I offer the following to come in as an additional section:

SEC. — That the tax imposed by the first section of this act shall not apply to any spirits belonging to distillers, manufacturers, rectifiers, wholesale dealers, or spirits held in bonded warehouses in stamped packages at the date of the passage of this act, and that the tax on such spirits shall not be increased or changed by this act.

The committee divided; and there were—ayes 46, noes 91.

Mr. BANNING demanded tellers.

Tellers were ordered; and Mr. BANNING and Mr. DAWES were appointed.

The committee again divided; and the tellers reported ayes 41, noes not counted.

So the amendment was rejected.

Mr. CLARK, of Missouri. I offer the following amendment:

SEC. — That hereafter no license shall be required to enable a farmer or planter to sell leaf-tobacco of his own production to any person.

The amendment was rejected.

Mr. STORM. I offer the following to come in as an additional section:

SEC. — That on and after the 1st day of July next emery ore shall be placed on the free list, and no further import duties shall be collected on the same.

The committee divided; and there were ayes 17, noes not counted.

So the amendment was rejected.

Mr. CROSSLAND. I offer the following amendment:

That hides and skins be, and the same are hereby, put on the list of dutiable imports, and that hereafter a duty of 25 per cent. shall be collected on all hides and skins imported.

The amendment was rejected.

Mr. COX. I move the following amendment:

SEC. — That the same drawback on salt now allowed for curing fish shall be applied to salt when used in the packing of pork and other meats.

The amendment was rejected.

Mr. COMINGO. I offer the following as an additional section.

The Clerk read as follows:

That from and after the passage of this act bank-checks shall be stamped as follows, and not otherwise: Each check, draft, order, voucher, or instrument of writing drawn and used, or intended to be used, as evidence of the payment of money by any bank, banker, savings association, or trust company, on account of any deposit therewith or indebtedness thereof, shall be stamped as follows, and not otherwise: To each check, draft, order, voucher, or other instrument, drawn as aforesaid, for the sum of \$100, there shall be affixed a revenue-stamp of the value or amount of 2 cents, and 1 cent additional for every additional \$100 or fractional part thereof.

Mr. YOUNG, of Georgia. I offer as an amendment to the amendment the following:

A commission of 1-10 of 1 per. cent shall be collected on all bills of exchange drawn on foreign bankers except those to which bills of lading are attached.

The amendment and the amendment to the amendment were rejected.

Mr. VANCE. I offer the following amendment.

The CLERK read as follows:

Amend by adding the following:

SEC. — From and after the passage of this act place on the free list salt in bulk or by the package.

The question being taken on the amendment, there were—ayes 25, noes 93; no quorum voting.

Mr. VANCE called for tellers.

Tellers were ordered; and Mr. VANCE and Mr. MONROE were appointed.

The committee again divided; and the tellers reported ayes 21, noes not counted.

So the amendment was not agreed to.

Mr. DAWES. I move that the committee rise and report the bill.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. HALE, of Maine, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4680) further to protect the sinking fund and provide for the exigencies of the Government, and had directed him to report the same to the House with sundry amendments.

Mr. DAWES. I have no disposition to rehearse to the House the reasons which have already been given by other members of the Committee on Ways and Means and by myself why it is necessary to pass some bill that will bring into the Treasury somewhere near the sum of money heretofore found to be necessary to carry on the Gov-

ernment. As I have already said, it is not the desire of any person in the Committee on Ways and Means or elsewhere to bring into the Treasury a larger sum of money than heretofore. The necessities of the Government do not require so large a sum as heretofore, but they do require more than the present revenues of the country give any assurance or promise will be at the command of the Government after Congress shall adjourn. And those on both sides of the House who regard with concern the adjournment of Congress without supplying the just and fair and proper means for carrying on the Government, those who do not desire to throw over the question to an extra session of Congress or to go to the country to face the responsibility and the reproach of having failed to supply the Government of this country with the necessary means for meeting its obligations, those who prefer to keep the faith of the Government as well to its bonded creditors, if I may use the phrase that has been used so frequently in the odious sense, as to other creditors who have demands upon the Government, will I think sympathize with the Committee on Ways and Means in the effort they have been making to present to the House and if possible to carry through a measure that would command a majority in both branches of Congress, and not only become a law but meet the approving judgment of the people, whatever may be their political prejudices; and will say that in this exigency of the Government, brought on by causes over which legislation has no control, the Committee on Ways and Means, not following party lines but with a regard to its obligations to the country without regard to party, has on the whole presented to the country a method of replenishing its Treasury the least objectionable.

As I said when this bill was reported to the House, there was in it that which each member on the Committee on Ways and Means, if called to pass upon it by itself, did not approve; but as a whole the Committee on Ways and Means felt that they were presenting to the country a method of replenishing the Treasury which is the least objectionable and the least injurious to the business of the country. The bill has gone through just such an ordeal in the Committee of the Whole as those who have experience here in the House foresaw awaited it. At no time in the deliberations concerning this bill has it in my mind undergone any peril until after the committee passed the printed text of the bill. If the House would have consented to have taken the bill as the committee left the printed text, amended as it had been, there would have been some expectation, some hope in the minds of those who have made this a study, and have felt the responsibility resting upon them to urge upon the House these measures—some expectation and some chance of the bill becoming a law, although there were in it then features that would not have commanded for themselves the support of a majority of those who reported the bill and would not by itself perhaps have commanded a majority of the House itself.

But I have been too long in my position here not to know, and there is no man in this House but has been long enough in his position here not to know, that all these bills come of concession and concession alone. No tax or tariff bill ever passed Congress which received the sanction of any member of Congress except as a whole. There are features of that law that, taken by themselves, each member of the House would feel called upon to vote against, while as a whole these bills have commanded the support of the House.

The result of the amendments upon this bill, without reflecting on the motive which has actuated any gentleman—and he has a right to have his motives considered to be as upright as those of any other member—nevertheless is such that in its present shape it cannot become a law. I doubt whether there is any member of the House who hears me who believes that in its present shape it can become a law. For one, sir, I am free to say that serious disturbances of business and of peace in this Government would follow an attempt to enforce the provisions of this bill, some of which in theory are not only wise and just, but in theory the most wise and just of all measures of taxation, but yet have been tried in this country and in other countries, and have been found utterly impracticable and impossible to enforce. It is a measure of taxation that abstractly no gentleman can argue against. I allude to the income tax, which I have always believed and to-day believe to be the most just and proper tax that ever was enforced; and yet nothing is more true than that every gentleman who had anything to do with the enforcement of it and almost all gentlemen I have ever heard speak of it are concurrent in the belief that to enforce it fully, to make those best able to pay it pay it and those least able to pay it not to pay more than is their just due has been found in England and in this country an utter impossibility. It has been abandoned there and abandoned here because it is promotive of perjury and demoralization throughout the land. Those who ought to pay pay not, and those who should least pay pay the most.

And now, sir, believing that the necessities of the Government call upon us before we adjourn to pass some revenue measure, I propose to make one more effort in that direction. If I shall fail, as the organ of the Committee on Ways and Means and personally I shall feel that I have discharged my whole duty, and the committee will feel that they have discharged theirs in the premises.

I propose to offer as a substitute for this bill one that shall tax whisky hereafter made 90 cents per gallon; that shall leave the tax on tobacco as it stands in the bill; that shall tax sugar as in the amended bill, and that shall restore the 10 per cent. as in the bill; and I shall also include the last section of the bill as perfected with the